



TEXAS TECH UNIVERSITY™

Faculty Handbook

2012–2013

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Office of the Provost



Introduction

This handbook has been prepared by the Texas Tech University Office of the Provost as a convenient reference for present and prospective faculty members and teaching assistants. Although it contains a number of statements of policy and existing arrangements, it does not purport to cover all the available information. More precise and detailed information may be secured from appropriate 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.

Present and prospective faculty will also find several other university publications helpful in providing information not included herein. The publications are available for reference online or through the department office. Among the publications are the *Undergraduate/Graduate Catalog* and *School of Law Catalog* (available at www.depts.ttu.edu/officialpublications), the *Student Affairs Handbook* (www.ttu.edu/studentaffairs), the *Directory of Standing Councils and Committees* (www.depts.ttu.edu/provost/councilscmtes/), and the campus directory. The Operating

Policy and Procedure Manual provides additional information on a variety of topics and is available in departmental offices and online at www.depts.ttu.edu/opmanual. A number of items within the handbook are followed by a referenced link to the OP Manual, such as OP 32.29.

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.depts.ttu.edu/oppol/) and are referenced in this handbook.

The information contained herein may be changed at any time by action of appropriate segments of the institution. Even though 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

Mission

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 31,600 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, and Waco.

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 did not begin until 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 and Natural Resources and the College of Home Economics became the College of Human Sciences. The Honors College was established in 1998, and the College of Visual and Performing Arts opened in 2002. Media and 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), and Guy Bailey (2008–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 Allied Health, 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 Nursing, Allied Health, and Pharmacy; a Graduate School of Biomedical Sciences; and the Paul L. Foster School of Medicine in El Paso.

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

Organizational Structure

A nine-member Board of Regents governs Texas Tech University, Angelo State University and the Texas Tech University Health Sciences Center. 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 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 and student support 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 Community Engagement 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.

Board of Regents

Officers

Jerry E. Turner, Chair

Mickey L. Long, Vice Chair

Ben W. Lock, Secretary

Christina Martinez, Assistant Secretary to the Board of Regents

Regents

Term Expires January 31, 2013

L. Frederick "Rick" Francis El Paso

John Field Scovell Dallas

Jerry E. Turner Blanco

Term Expires January 31, 2015

John B. Walker Houston

Mickey L. Long Midland

Nancy Neal Lubbock

Term Expires January 31, 2017

Larry K. Anders Dallas

Debbie Montford San Antonio

John Steinmetz Lubbock

Student Regent

Term Expires May 31, 2013

Suzanne Taylor Arlington

Administrative Officers

Date following rank indicates year of appointment to Texas Tech.

Office of the Chancellor

Kent R. Hance, Chancellor, Professor of Law, 2006. B.B.A., Texas Tech, 1965; J.D., Texas, 1968.

Jim Brunjes, Vice Chancellor and Chief Financial Officer, 1991. B.A., Texas A&M, 1969; M.Stat., 1972.

John Huffaker, Vice Chancellor and General Counsel, 2012. B.S., Texas Tech, 1970; J.D., 1974.

John Michael Sanders, Vice Chancellor for Governmental Relations, 1969. B.A., Abilene Christian, 1966; J.D., Texas Tech, 1970.

Kelly Overley, Vice Chancellor for Institutional Advancement, 2003. B.A., Texas Tech, 1992; M.Ed., Texas (El Paso), 1997; Ed.D., 2006.

Michael S. Molina, Vice Chancellor for Facilities Planning and Construction, 2010. B. Arch., Texas Tech, 1991.

Jodey C. Arrington, Vice Chancellor for Research, Commercialization and Federal Relations, 2007. B.S., Texas Tech, 1994; M.A., M.P.A., 1997.

John Opperman, Vice Chancellor for Policy and Planning, 2002. B.A., Texas Tech, 1977; M.P.A., Texas, 1982; Ph.D., 1994.

Russell H. Thomasson, Chief of Staff and Counsel to the Chancellor, 2007. B.B.A., Texas Tech, 1998; J.D., Texas, 2001.

Robert Giovannetti, Associate Vice Chancellor for Communications and Marketing, 2011. B.A., Texas Tech, 1992.

Kay Rhodes, Associate Vice Chancellor and Chief Information Officer, 1980. B.A., Baylor, 1976.

Kim Turner, Chief Audit Executive, 1997. B.B.A., Texas Tech, 1990; M.S., 1990.

Ben W. Lock, Executive Assistant to the Chancellor and Secretary of the Board of Regents, 1996. B.B.A., Texas, 1981; M.B.A., 1984.

Pat Campbell, Advisor to the Board of Regents, 1981. B.S., Texas Tech, 1968; J.D., 1971.

Christina Martinez, Assistant Secretary to the Board of Regents, 1996. B.B.A., Texas Tech, 2001.

Office of the President

Guy Bailey, President, Professor of English, 2008. B.A., Alabama, 1972; M.A., 1974; Ph.D., Tennessee, 1979.

Robert Smith, Provost and Senior Vice President, 2009. B.S., St. John's, 1963; M.S., Michigan, 1964; Ph.D., 1968.

Kyle Clark, Vice President for Administration and Finance and Chief Financial Officer, 2000. B.B.A., Texas Tech, 2004; M.B.A., 2006.

Taylor Eighmy, Vice President for Research, 2009. B.S., Tufts, 1980; M.S., New Hampshire, 1983; Ph.D., 1986.

Juan S. Muñoz, Vice President for Institutional Diversity, Equity, and Community Engagement and Vice Provost for Undergraduate Education, Associate Professor of Curriculum and Instruction, 2004. B.A., California (Santa Barbara), 1990; M.A., California (Los Angeles), 1994; Ph.D., 2000.

Mary Larson Diaz, Associate Vice President for External Relations and Strategic Initiatives, 2009. B.A., Hastings Coll., 1982; M.S., Baker, 1996.

Doug Buchanan, Associate Vice President for Human Resources and Special Assistant to the President, 2011. B.A., Missouri (Kansas City), 1973; M.A., 1976.

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—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. 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.

See additional resources for faculty and staff at www.ttu.edu/facstaff/

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 Senior 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 and the Big 12 Conference, Texas Tech provides intercollegiate athletic programs for men and women. Both 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.

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 track and field. The women's program has grown rapidly since 1974 with teams participating in state, regional, and national competitions. In 1993 the Lady Raider basketball team claimed the school's first NCAA National Championship. The men's program includes football, basketball, cross country, 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.

The 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 and features 29 luxury suites and over 500 outdoor club seats. The addition increased stadium capacity to over 60,000.

Dan Law Field at Griffin Park hosts the university's baseball team and has been voted as one of the best places in the nation to watch a college baseball game. Track 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 Spirit Arena, one of the finest on-campus basketball-volleyball facilities in the nation.

The Texas Tech softball and tennis programs enjoy the Don and Ethel McLeod Tennis Complex and the 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 as the best on-campus course in the nation in 2011 by *Golfweek Magazine*.

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.

During inclement weather, Texas Tech athletes can practice in the spacious Athletic Training Center, located just south of Jones AT&T Stadium. The facility contains over 3 million cubic feet of space, making it the largest full-circle membrane structure in the world for use by people. One of its main features is an artificial turf football field that can be rolled out to a maximum length of 60 yards. Other features include a 250-yard circular track and 10,000 square feet of weight training facilities.

Bookstore

Barnes and Noble at Texas Tech, the official university bookstore, is located in the Student Union Building. As the supplier for all required and recommended textbooks and supplies for students, it offers a large selection of used rental and digital books and will buy back books from students at the end of each semester (prices based on books used for following semester).

The bookstore offers a wide selection of reference and general interest books as well as study guides, exam books, technical books, and bestsellers. In addition, the bookstore carries a variety of Texas Tech apparel and giftware; art, school, and engineering supplies; convenience items; and much more. Services include textbook reservations and special orders. The bookstore also houses a Barnes and Noble Cafe that serves Starbucks coffee.

The bookstore accepts personal checks, major credit cards, and TechExpress. Store hours are 7:30 a.m. to 5 p.m. weekdays.

Contact information: <http://texastech.bncollege.com>, www.facebook.com/barnesandnobletexastech, 806.742.3816.

Broadcasting

KTTZ-FM. Licensed and owned by Texas Tech, KTTZ-FM is a classical music and news station that broadcasts on a frequency of 89.1 at 70,000 watts. A professionally staffed division of the Texas Tech University System, KTTZ-FM operates 24 hours a day, seven days a week, providing service to over 21,000 South Plains listeners within a 75-mile radius of Lubbock. Recognized by the Corporation of Public Broadcasting as a fully operational public radio station, KTTZ-FM offers unique programming from National Public Radio, American Public Media, and Public Radio International networks as well as classical music, jazz, local news, feature stories and support for other fine arts and events. While the station is 60 percent listener supported, the additional funding is supplied by grants, underwriting, and limited financial support from Texas Tech. As of spring 2007, KTTZ-FM also features Lubbock's first digital broadcast radio signal using HD radio technology and adding two additional stations to its existing frequency.

KTTZ-TV. A noncommercial educational television station, KTA 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 the Texas Tech University System.

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.

Much of KTTZ-TV's programming is available for use in the classroom. In addition, the station purchases, produces, or otherwise acquires instructional television series designed as college-credit courses or as informal noncredit courses to broadcast on special schedules as a service to the university, schools, business, and viewers. KTTZ-TV's outreach department offers extensive workshop topics for teachers, parents and caregivers and hosts educational outreach events.

Central Warehouse

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

Central Stores stocks a limited supply of copy paper and 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.

eLearning at Texas Tech

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 (the Teaching, Learning, and Professional Development Center, 806.742.0133)
- 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 eLearning Policy, Planning, and Promotion works with Texas Tech colleges and departmental leaders on the development of new, high demand eLearning degree and certificate proposals. The office is also responsible for compliance activities for Federal and State regulations as well as accreditation activities related to eLearning.

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 the Office of eLearning Policy, Planning, and Promotion. For more information about eLearning, contact Dr. Justin Louder (justin.louder@ttu.edu), 806.742.7227, or visit the eLearning website at www.de.ttu.edu.

TTU Regional Sites

The Office of the Provost coordinates all programs offered at regional sites in El Paso, Fredericksburg, Highland Lakes (Marble Falls), 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 videoconferences, 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 main 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, contact Dr. Valerie Osland Paton (valerie.paton@ttu.edu), 806.742.2184, or see the regional sites website (www.de.ttu.edu/regional).

Equal Employment Opportunity

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 Student Disability Services, 335 West Hall, 806.742.2405.

Hospitality Services

Hospitality Services focuses on unsurpassed service and top quality products to provide the campus the best dining experience possible.

Faculty/staff dining plans are available to make dining on campus quick, easy and convenient. Faculty/staff dining plans can be reviewed online at www.hospitality.ttu.edu. Full meals, grab 'n go choices, mini-markets, food courts, national brands, all-you-care-to-eat options, late-night meals, and a wide variety of snacks are accessible on campus.

All-you-care-to-eat (AYCE) options offer a wide variety of food choices to the campus. The AYCE options in Hulen/Clement and Horn/Knapp offer menu entrées and themed cuisine such as made-to-order sandwiches, pizza, and stir-fry entrées. The Fresh Plate in Bledsoe/Gordon features fresh, handcrafted hamburgers, pizza, Mexican entrees, hot sandwiches, Asian items, comfort foods, a salad bar, a fruit bar and dessert bar.

The Market at Stangel/Murdough offers a wide variety of choices in a food court atmosphere with individually priced menu selections. The Market hosts many options such as Italian style subs, loaded potatoes, Mexican choices, grilled items, chicken entrées, Asian/wok foods, pizza, Italian foods, a full salad bar, and a complete café.

The Sam's Place Mini-Markets are located at the College of Engineering (Sam's Express), Health Sciences Center (Sam's Express), Law School (Sam's Express), Library (Sam's Express), Rawls College of Business (Sam's Express), Murray Hall, Leisure Pool, Sneed Hall, Student Union, Wall/Gates Complex, and Wiggins Hall. These markets feature freshly made hot and cold sandwiches; wraps; pizza; chicken entrées; desserts; and a grab 'n go section of salads, sandwiches, and microwavable entrées.

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, Chick-fil-A®, and Steak Escape®. The Union Plaza is also home to the Union Grill, Center Sweets and the award winning Zi Asian Cuisine featuring Sushi with Gusto®. The Student Union also features the Union Bistro, Smart Choices, Chef's Platter, Cold Corner, and 1923. The newly remodeled Union Bistro is an upscale eatery that offers an assortment of specialty coffees and entrées. Whether it is a gourmet breakfast served until 2 p.m., a made-to-order Boars Head® sub sandwich, or one of the delicious chef-inspired menu creations, the Union Bistro offers a fine taste to everyday campus dining. Smart Choices provides a healthy, fresh alternative to food restaurants, offering a wide selection of garden-fresh salad entrées, fresh fruit and wraps. Cold Corner features authentic Italian gelato by the scoop and fresh fruit smoothies. Named after the founding of

Texas Tech University, 1923 serves upscale sandwiches, hot panini and unique flatbread pizzas. Chef's Platter features a unique variety of menu selections from tacos to wings to homemade mac and cheese.

The Commons brings cutting-edge dining to the southeast corner of campus. The Commons features various food outlets including Einstein Bros® bagels, a Mongolian style grill, made-to-order salads, an Italian concept with a brick oven pizzeria, a grilled cheese line, a 'made-from-scratch' mac and cheese bar and much more.

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.

Information Technology (Computing) Services

The Information Technology (IT) Division (www.infotech.ttu.edu), managed by the Texas Tech University Office of the Chief Information Officer (CIO), provides a wide range of computing resources, services, and support for students, faculty, and staff in support of the university's educational and research mission. Some of the key services provided to the university community are open-access student computing facilities, computing short courses, self-paced/computer-based training modules (www.cbt.ttu.edu), personal web pages, email (TechMail), secure remote network access, Help Desk operations, desktop support, secure wireless networking, videoconference facilities, Texas Tech application support, high performance computing, and IT consulting. As part of the Safe Computing Practices Campaign (www.safecomputing.ttu.edu), the Office of the CIO hosts educational events each semester and provides other educational resources to raise IT security awareness mainly for the Texas Tech community.

Technology Assessment (www.depts.ttu.edu/infotech/techassessment.php) provides timely and objective information and analysis of current and emerging technologies. This area keeps current with technology news and trends and provides customers with the appropriate information necessary to make decisions regarding technology investments. Various levels of assessments of technology and technology-related issues are available, ranging from short briefs to comprehensive studies.

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 and five remote student computing labs located throughout the campus (www.depts.ttu.edu/itts/labs). Some of the IT services provided include computing short courses, university software site licenses, mission critical academic systems (e.g.,

BlackBoard), and lab management consulting. Technology Support also manages university websites, including www.ttu.edu (in partnership with Communications and Marketing). Technology Support provides periodic campus training sessions on efficient lab management strategies and safe computing practices.

IT Help Central (www.ithelpcentral.ttu.edu) provides students, faculty, and staff with friendly IT "front line support" for the multitude of IT services. IT Help Central 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, Help Desk services are also structured to escalate questions, problems, and concerns from the user community to the proper IT staff member. All incidents are tracked online until they are resolved. Faculty, staff, and students may contact IT Help Central at 806.742.HELP or ithelpcentral@ttu.edu.

Telecommunications (www.net.ttu.edu) architects and manages the Texas Tech data and video network, TTUnet, the secure wireless network, and wide-area Internet and Internet2 connections. Telecommunications plans and administers the development, acquisition, repair, maintenance, and delivery of network services. Telecommunications also manages eRaider network authentication account services that provide secure access to various campus resources. The IT Security Team works to continually improve IT security by proactively scanning devices and applications for vulnerabilities. The department is also responsible for the university's electronic mail services and domain name services.

High Performance Computing Center (www.hpcc.ttu.edu) designs and manages several research computing clusters and resources, allowing campus researchers to efficiently leverage IT resources. The center also operates the TechGrid, harnessing idle compute cycles from a grid of participating campus areas and units. The High Performance Computing Center 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 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 University 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 System provides the following IT resources:

- **Communication Services** (www.itscs.ttu.edu) assists those needing a new telephone (office or cellular),

an additional telephone line, or voice mail; provides service for a telephone that is not working; and provides on-campus directory assistance. For any of these needs contact Communications Services at 806.742.2000.

- **Information Systems** (www.texastech.edu/it/infosys) supports the Banner enterprise human resources, student, finance, and financial aid systems
- **Technology Operations and Systems Management (TOSM)** (TOSM) (www.tosm.ttu.edu) staff members are available to answer questions concerning server administration, management, or support. As the University Data Center, TOSM provides data back-up services to the university community, an important component of disaster recovery and business continuity planning. TOSM provides a production grade data center and encourages areas and units to house servers and data. For additional information, contact the data center at 806.742.2900.

Institutional Advancement

The Office of Institutional Advancement 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 and Angelo State University. The objective is to develop and implement a well-coordinated, comprehensive advancement program that maximizes private giving, awareness and good will for Texas Tech. Individuals, corporations, foundations and other organizations are encouraged to assist in building the future of Texas Tech. Leadership for institutional advancement is provided by the Vice Chancellor for Institutional Advancement who reports directly to the Chancellor.

Development officers may be assigned to academic colleges, regions and units to facilitate the work of the Chancellor, Presidents, Provost, Vice Presidents, Deans and faculty in generating private support to fulfill the mission and vision of Texas Tech. Priorities are increasing endowments and raising funds to support students, faculty members and academic, research and athletic programs.

Gifts may include cash, stock, land, in-kind gifts and planned gifts (bequests, annuities, trusts, insurance and other financial instruments). Additionally, the IA office is responsible for gift processing and reporting, gift acknowledgments, alumni and donor records and research. The Texas Tech Foundation, Inc. Board of Directors provides volunteer leadership and input to facilitate institutional advancement programs and assists with fundraising activities and major capital campaigns.

Gifts to the Texas Tech University System can be made online at www.give2tech.com.

Office of International Affairs

Working with and through the colleges, the Office of International Affairs (OIA) coordinates international activities at Texas Tech and is composed of the following units:

- International Cultural Center Operations
- Study Abroad
- International Student and Scholar Services
- International Center for Arid and Semiarid Land Studies
- Administrative Support Services

The OIA advocates and facilitates initiatives that bring an international dimension to the university's roles in teaching, research, and outreach.

The **International Culture Center (ICC)** houses all units of the Office of International Affairs. In addition to offering attractive facilities for all types of meetings, conferences, and special events, the center hosts lectures and art exhibits. The center represents the commitment of Texas Tech to become globally prominent. **Contact information:** Division of Operations, 806.742.2974; ICC Director, Jane Bell, ext. 232; Business Manager, Heather Bradley, ext. 226; Facilities, Christi Felton, ext. 223; www.iaff.ttu.edu (click on "International Cultural Center Operations")

International Student and Scholar Services (ISSS) operates the university's foreign 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. The office also facilitates cross-cultural programming and other extracurricular activities with campus and community-based organizations to enhance mutual understanding. Sponsored Student Programs is also part of ISSS. Priorities are to customize services to sponsoring agencies and students. Services to sponsors include special program design, student placement, monitoring academic studies, developing customized billing procedures, and providing periodic progress reports. An administrative fee of \$250 per semester and \$125 per summer term enrolled is charged for sponsored international students. **Contact information:** ISSS, International Cultural Center, 806.742.3667, www.iaff.ttu.edu (click on "ISSS Office")

The **Study Abroad** division of the Office of International Affairs coordinates all study abroad programs for Texas Tech University. In today's globalized job market, students who participate in a study abroad program or international internship are more marketable and competitive in almost every field. An overseas educational experience equips students with an international

perspective that helps them to function objectively and comfortably in the global marketplace while earning credit towards their degree.

Two international Texas Tech centers—one in Seville, Spain and another in Quedlinburg, Germany—offer students the opportunity to take Texas Tech catalog classes and receive direct Texas Tech credit since the centers serve as satellite campuses. Students may elect a concentrated language program (equivalent of four semesters of Spanish or German) or, at the Seville Center, take other courses that meet general education requirements. Students live with host families and are immersed in the language and culture through excursions and day-to-day experiences.

Other study abroad programs available to Texas Tech students range from two weeks to a full academic year. Many academics departments offer their own faculty-led programs during the summer. Study Abroad advisors assist students with choosing a program that best fits their individual needs and provide guidance during the application and orientation process. All Texas Tech students participating in the study abroad program to earn Texas Tech credit need to consult the Office of International Affairs.

Students participating in any Texas Tech study abroad program are eligible to apply for the Study Abroad Competitive Scholarship, funded by the International Education Fee paid by all Texas Tech students. Students also remain eligible for Texas Tech financial aid to help finance their program. Study Abroad also works with colleges and departments to develop international agreements. **Contact information:** Sandra Crosier, Study Abroad, International Cultural Center, 806.742.2974, www.studyabroad.ttu.edu.

The *International Center for Arid and Semiarid Land Studies (ICASALS)* was created in 1966 to promote the university's special mission—the interdisciplinary study of arid and semiarid environments that encompass about one-third of the earth's land surface. ICASALS promotes and facilitates multidisciplinary initiatives in research, education and regional development programs that address the understanding of the processes caused by both natural phenomena and human presence in arid and semiarid lands.

The mission of ICASALS focuses on water-related issues, one of the overarching strategic priorities of Texas Tech. ICASALS is a contributor and facilitator for international water-related projects involving multidisciplinary project teams highlighting strengths from departments and colleges across campus. Additionally, ICASALS promotes the capabilities and accomplishments of Texas Tech on the international stage and serves as a contracting unit of the university for international sustainable development programs.

ICASALS coordinates two programs offered by the Graduate School: the Master of Science in Arid Land

Studies and the Master of Arts or Master of Science in Interdisciplinary Studies on Arid Land Studies and International Development. These program allow participants to take courses in several departments to satisfy degree requirements.

ICASALS also works closely with "ICASALS Associates"—Texas Tech faculty who provide a broad base of expertise for the numerous and varied functions of the center. ICASALS disseminates information about dry lands in the United States and abroad and publishes a newsletter with international readership. In addition to supporting and facilitating publications resulting from symposia, research, and professional meetings, the center operates an international data exchange and coordinates research and consultations for international scholars, government officials, and students coming to Texas Tech for scholarly purposes. **Contact information:** icasals@ttu.edu, ICASALS, International Cultural Center, 806.742.2974, ext. 226, www.icasals.ttu.edu

Libraries

With a vast library collection and extensive computing and communications resources, Texas Tech University Libraries serve as a vital partner with students and faculty in their research endeavors. The 2.5 million volumes in the Libraries collection support research activity in the humanities, social sciences, and science-technology disciplines. In addition to the Libraries' catalog, patrons also may access materials from the Health Sciences Center library, Vietnam Archive, and the Southwest Collection/Special Collections Library.

The University Library is a Patent and Trademark depository and is one of two regional depositories for U.S. government documents in Texas. The Libraries integrate the latest technologies into their services to support the teaching and research missions of the university. Its website (<http://library.ttu.edu/>) provides access to online resources, including numerous electronic journals and full-text and bibliographic databases covering a wide range of subjects.

As a charter member of the Texas Digital Library (TDL), the Libraries make their digital collections available to Texas higher education students and faculty via the Internet through a consortium of research libraries. The Digital Media Studio (DMS) provides easy access to the latest Macintosh and PC computing equipment, as well as industry-standard design and video editing software. The DMS also offers digital cameras, high-definition digital camcorders, iPods, and thousands of American and international film titles, music, and audio books on DVD, CD, and VHS.

Patrons have access to more than 200 public computers equipped with the full Microsoft Office Suite and Adobe Creative Suite (Photoshop, Illustrator, InDesign,

etc.), AutoCAD, and other project and publishing tools. A document delivery service will obtain materials not owned by the Libraries for students and faculty. The second-floor 3D Animation Lab is open to everyone and offers tutorials and “quick start” guides to 3D art, modeling and animation.

The Libraries’ one credit-hour course (LIB 1100) is offered to convey effective library research methods and strategies for scholastic success. The University Library is open more than 130 hours a week during each semester and is open around the clock during final exam periods.

Mail Services

MailTech. This mail service is located in the Administrative Support Center on Fourth Street, delivers incoming interdepartmental and U.S. mail and processes outgoing mail and commercial carrier shipments. Mail is delivered and picked up at most departments twice a day. Department-initiated special pick-ups 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 on the website, www.physicalplant.ttu.edu/MailTech/. Rental boxes are available through the university ID office.

Copy/Mail at the SUB. Located in the Student Union Building, suite 100, Copy/Mail provides fast color and black/white copies, spiral binding, fax service, lamination, and a Kodak Picture Maker for personal use. Stamps may be purchased for individual use. Other mail services include international mailing, package shipping, and a convenient drop off location for prepaid UPS and FedEx mail. Copy/Mail 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

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 Association 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, Diamond M Fine Art Gallery, Helen DeVitt Jones Auditorium and Sculpture Court, and Lubbock Lake Landmark facilities. A 40-foot mural, created in India ink by Peter Rogers, dominates the lobby. Galleries showcase

permanent 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 2:00 and 3:30 p.m., Wednesday through Friday; 10:30 and 11:30 a.m. and 12:30, 2:00, and 3:30 p.m. on Saturday; and 2:00 and 3:30 p.m. on Sunday.

A Master of Arts in Museum Science, including an optional specialization in heritage management, is offered as an academic component of the museum.

Although the chief source of funding for the museum staff and facilities is legislative appropriation, additional support comes from 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 opening activities for major exhibitions. Volunteers from the community and Texas Tech 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 is a 27-acre museum with seven galleries, 38 pieces of life-size bronze sculpture, and an historical park containing 48 ranch structures that have been moved to the site from locations throughout the Southwest. The structures—a bunkhouse, one-room school house, half-dugout, train, depot, blacksmith shop, barns, windmills, and more—date from the late 1780s to the early 1950s and have been authentically restored. They illustrate the development of the ranching industry in the Southwest. Dedicated on July 4, 1976, the NRHC hosts Ranch Day in the Spring, Heritage Halloween and Candlelight at the Ranch in late Fall, along with exhibits and education-based seminars and programs. Community and student volunteers help with these events. The National Ranching Heritage Center is open to the public free of charge from 10 a.m. to 5 p.m. Tuesday through Saturday. The historical park closes at 4 p.m. The NRHC is closed on all major holidays. For additional information, see www.nrhc.ttu.edu.

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 to the 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, marital or 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 and vocational assessment services to the Texas Tech and Lubbock communities.

Publications

Office of Official Publications. This office oversees publication of the commencement programs and the official bulletin series of the university, which includes both the printed and online versions of the *Undergraduate and Graduate Catalog* and the *School of Law Catalog*. Official Publications also maintains parts of the online class schedules, including the final exam schedule and all course descriptions. The office updates the *Faculty Handbook* annually and publishes the handbook online. Official Publications prepares the university's official academic calendars for publication in the bulletin series and for public viewing on the internet. Copies of information pertaining to areas discussed in both the current catalog and back issues are available from the Official Publications office. Official university calendars and copies of each official publication are available at www.depts.ttu.edu/officialpublications. The office coordinates sale 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 and also participates in the approval process for all new, changed, or deleted courses. The office director serves as a member of the Academic Council.

Office of Communications and Marketing. This office is the primary public information, media relations and marketing headquarters for the university. The office also manages the home page for the university's website, as well as other top level administrative Web pages. A professional staff member is 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. Student Media employs 50-75 students each semester. Student editors of *The Daily Toreador* newspaper and *La Ventana* yearbook have the authority to make all content decisions; consequently, they bear the responsibility for their decisions. Both publications began publishing in 1926 and are two of Texas Tech's oldest traditions.

The Daily Toreador, the university student newspaper, is published Monday through Friday when school is in session, and the university yearbook, *La Ventana*, is published annually. The publications are staffed with paid personnel from the student body. The Student Media Committee, a student-faculty-staff committee, selects the student editors and reviews the annual budgets.

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

Information on purchasing goods and services for university use may be obtained from the departmental website (www.depts.ttu.edu/procurement/purchasingContracting/) or from the Office of Purchasing and Contracting (806.742.3844).

Purchasing and contracting policies are set forth in the university OPs numbered in the 72 series. All purchasing functions, including access to policies, procedures, and the electronic processes can be viewed on the departmental website. The electronic system, TechBuy, handles all purchasing requisitions for the University. The website for Techbuy is <http://techbuy.ttu.edu>. To register staff and faculty members to use the system please access team.texastech.edu. For support with any of the systems or a purchasing question, send an email to techbuy.purchasing@ttu.edu.

Registrar

Student records are maintained in West Hall by the staff of the Office of the Registrar. This office provides student registration information and services, transfer of credit services, official Texas Tech University transcripts, Texas Student Initiative (TSI) compliance service, Athletic Certification, and FERPA compliance. The registrar's office is under the direction of the Senior Associate Vice President for Enrollment Management.

Southwest Collection / Special Collections Library

The Southwest Collection/Special Collections Library research collections include Rare Books, the University Archives, the Archive of Turkish Oral Narrative, and the Southwest Collection.

The Southwest Collection is the regional repository for historical information pertaining to West Texas and the Southwest. It has collected and makes available for research more than 1,800 collections of personal papers and more than 5,000 hours of oral history interviews, noncurrent business and institutional records, as well as a noncirculating library of Texana, Western Americana, maps, periodicals, photographs, newspapers, taped interviews, films, videotapes, and microfilm. The Southwest Collection also houses one of the nation's most important collections on the Literature of Place—the James Sowell Family Collection in Literature, Community, and the Natural World.

All materials may be used by both the university community and the general public for research or reference. The Southwest Collection is located in the Southwest Collection/Special Collections Library Building north of the University Library. Service is provided 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. All hours are subject to change, please call to confirm hours. Inquiries and donations are welcomed. Tours are available.

Contact information: 806.749.3749 or www.swco.ttu.edu.

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. Referred to as the living room of the university, the SUB has as many as 20,000 students, faculty, staff, alumni and guests come through its doors daily.

In 2006 the SUB completed a \$45 million dollar renovation and expansion that has created one of the finest facilities in the United States. The expansion included additional space for the official Barnes and Noble campus bookstore, the Student Organization Involvement Center, 62 registered student organization cubicles, 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, Student Judicial Programs, and West Plaza Courtyard between the SUB and the library. In 2007 the Office of Parent and Family Relations was added along with a game room in the lower west lounge. The renovation encompasses a five-concept food service court, a casual dining area with seating for 600 patrons, eight reflection and study rooms, 25 technologically capable meeting rooms for events, the 968 seat Allen Theatre, the courtyard, and the east entrance ATM hub.

The retail and service corridor on the first floor houses a variety of businesses such as the University ID Office, American State Bank, a University Police sub-station, Sam's Place Mini-market, CopyMail service center, the Union Bistro, and Smart Choices. The Student Union Ticket Booth, located at the Welcome Center on the first floor of the east side, serves as a major outlet for advanced tickets sales for many campus functions as well as being a Select-A-Seat location for events in Lubbock and throughout the region.

The Student Union Building is open from 7 a.m. to 11 p.m. weekdays, 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.

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. 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 academy includes an Executive Council, elected by the full academy member-

ship 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 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. Executive Council members also serve as liaison to the academy's standing committees, the New Membership Committee and the Departmental Excellence in Teaching Award Committee, which are elected by the full academy membership.

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.

For more information about the Teaching Academy, visit the website at www.academy.ttu.edu/, 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 experiential pedagogies; supporting technologies that enhance the teaching and learning process; and promoting the Scholarship of Teaching and Learning (SoTL).

The TLPDC supports Texas Tech 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 developing new community alliances, 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. Known for a welcoming environment, the staff maintains an informal "open door" policy.

Confidential teaching consultations are an important service provided by the TLPDC to faculty members. At the instructor's request, a consultant will observe

classes and gather feedback from students about their learning. The TLPDC also leads the nationally recognized Teaching Effectiveness and Career Enhancement (TEACH) Program for graduate teaching assistants and partners with the Graduate School to provide numerous professional development sessions for graduate students through workshops such as the "So You Want to be a Professor" series. 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 TLPDC provides support for faculty members creating online or hybrid courses. Faculty members planning to teach online should consider investigating the TLPDC Instructional Design services and the hands-on assistance offered in creating online courses in Blackboard. Whether faculty members need informal consultation services or prefer to establish a partnership with TLPDC instructional designers, there are several options available for online course design assistance.

Each semester, the TLPDC sponsors faculty-led sessions focused on the process of teaching and learning. TLPDC staff members also lead a variety of classes to support Blackboard and other supplemental technologies, teaching-oriented topics such as classroom management, evidence-based teaching, and active learning strategies. In the fall, the TLPDC partners with the Teaching Academy to co-sponsor 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, contact Suzanne Tapp (Director), call 806.742.0133, stop by the center in the library, or see the TLPDC website (www.tlpd.ttu.edu/home/index.asp). There is always something good happening at the TLPDC!

Texas Tech Chess Program (TCP)

The Texas Tech Chess Program was developed following the university's commencement of May 2007. Its motto is "Academic Excellence through Chess." The program's mission is to promote chess as a vehicle for enriching education, to serve as a unit for the development of advanced chess education, to support and promote competitive collegiate chess, and to recruit outstanding undergraduate and graduate students to the university.

In collaboration with the university's student chess club, the Texas Tech Chess Program 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 Texas Tech Chess Program resources include chess sets, chess clocks, demonstration boards, chess game analysis programs, and tournament management. Many of these resources are shared with the university's student chess club. The Texas Tech Chess Program also offers chess scholarships to qualified applicants at either the undergraduate or graduate level. In the past two years, the Texas Tech Chess Program has captured one regional, two state, and nine national chess titles. The Texas Tech Chess Program has produced three grandmasters, the highest designation in chess.

Contact Information: 119 Doak, 806.742.7742, www.tcp.ttu.edu, TCP@ttu.edu.

Texas Tech Foundation

Texas Tech Foundation, Inc. is organized exclusively for charitable, educational, or scientific purposes, within the meaning of Section 501 (c) (3) of the Internal Revenue Code of 1986 as amended. The Corporation is organized and shall be operated exclusively to support and promote all colleges, schools, programs, and campuses of the Texas Tech University System; to seek and obtain gifts for such system; and to receive, hold, invest, and administer property of any kind, type, or nature for the benefit of the system. The foundation is governed by a volunteer board of directors and is housed within and administered by the development office on the Texas Tech campus.

Gifts are tax-deductible and are so receipted and acknowledged to the donor, and the donor may designate the use and purpose of the gifts. Gifts to the foundation can be made online at www.give2tech.com.

Texas Tech Police Department

The Texas Tech Police Department is located at 413 Flint Avenue and is operated 24 hours a day, seven days a week. The department provides police services and security for the entire Texas Tech community, an area much larger and more populated than many towns in Texas. The department phone number is 806.742.3931 or, in an emergency on campus, 9-911.

The Texas Tech Police Department employs 52 officers and 39 civilian employees. The officers are licensed by the Texas Commission on Law Enforcement Standards and Education and are fully commissioned.

The Texas Tech Police Department employs Crime Prevention Specialists available to offer presentations on a number of topics, including personal safety, burglary/theft prevention, sexual assault 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/tttd/.

Texas Tech University Agricultural Field Laboratories—Lubbock County

The principal field laboratory units for the College of Agricultural Sciences and Natural Resources are located in northeast Lubbock County (six miles east of New Deal on FM 1729) and on Quaker Avenue just north of 4th street. These field laboratories are heavily utilized in teaching and research programs.

The northeast Lubbock County unit consists of 982 acres of irrigated farm land typical of the soil 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 horse center, a sheep center, a beef cattle center, the Burnett Center for Beef Cattle Research and Instruction, a necropsy unit, and a physiology-metabolism laboratory. The field laboratory facilities are used by students and researchers as integral parts of their studies in the College of Agricultural Sciences and Natural Resources.

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

Also located about two minutes from central campus is the Texas Tech University 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.

Texas Tech University Research Farm—Pantex

The College of Agricultural Sciences and Natural Resources operates an agricultural farm at Pantex, located 12 miles east of Amarillo. This farm consists of 5,822 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.

University Parking Services

All vehicles parked on campus are required to have a valid Texas Tech e-Permit in the commuter lots on weekdays 7:30 a.m. to 5:30 p.m. and in the residence hall parking lots 24 hours, seven days a week.

By using “My Parking Account” on the parking services website (www.parking.ttu.edu), viewers can access and update account information, register motor vehicles, 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 rules and 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 or a car door unlocked, or has a flat tire on campus. Call 742.6277 (MAPP)

To contact University 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.

University Press

Texas Tech University Press, the book publishing office of the university since 1971 and a member of the Association of American University Presses since 1987, advances the knowledge and preservation of research and scholarship by publishing books and journals. The mission of the Press is to disseminate, within its focus areas, the fruits of scholarship in as many formats as will serve the university’s broadest constituency throughout the state, the nation, and the world.

The Press publishes 25 to 30 new titles each year and has approximately 400 titles in print. The Press has lists in American liberty and justice; costume and textile studies; history and culture of Texas and the West, the Great Plains, and modern Southeast Asia during and after the Vietnam War; Jewish studies and literature; Latin American and Latino fiction; natural history and natural science; and sport in the American West. In addition, the Press publishes several scholarly journals, series for young readers, the annual winner of the Walt McDonald First-Book Competition in Poetry, and literary fiction of Texas and the West.

The Press’s editors are available by appointment to meet with faculty and staff to discuss their book projects and determine whether those projects meet the publication criteria of the Press. All book manuscripts considered by Texas Tech University Press must be intensively peer reviewed by top-ranked scholars in their fields, and after they are reviewed positively, they must then be approved for publication by the TTUP Editorial Committee (OP 30.19). For more

information on the submission process, visit the website <http://ttupress.org/authors/submit>.

Contact Information: 806.742.2982, ttup@ttu.edu, ttupress.org

University Student Housing

The Texas Tech residence hall system includes a variety of living options and provides convenient and affordable housing for approximately 7,000 students. Special interest housing (Honors, Freshman Interest Groups, and Learning Communities) provides students with the opportunity to live with others of similar interests. The Carpenter/Wells Complex, which is arranged in three-bedroom townhouses or four-bedroom flats, offers private bedrooms in an apartment setting. Murray Hall and the Boston Hall offer suite-style accommodations to men and women. Most suites include four private bedrooms, a common living area, and shared bathrooms. The Boston Hall includes a limited number of two bedroom suites. Priority for assignment to Boston, Murray and Carpenter/Wells will be given to students of sophomore or above classification. Gordon Hall, a suite-style residence, is designated as the Honors College residence hall.

Ethernet computer connections are provided in each room. Other services include basic cable television service with HBO, newly remodeled limitless laundry rooms, vending machines, and 24/7 residence hall offices.

An experienced and trained staff of Residence Life Coordinators, Graduate Hall Coordinators and Community Advisors manages 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

In support of the Strategic Plan of Texas Tech University, the university requires students with less than 30 post-high school college hours 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 academic catalog and approved by the Board of Regents.

Requests for exemptions from the on-campus housing requirement must be submitted to the office of University Student Housing no later than July 1 for fall or May 1 for summer enrollment and November 1 for spring

enrollment. Because of unforeseen changes in a student's circumstances such as illness or other personal reasons, some petitions are considered after the above dates. Unless it is clearly established that illness or personal reasons were not known prior to the above dates and necessitate a student's living off campus, students should not expect to be relieved of their residence hall contract. Students are encouraged to discuss such developments with the office of University Student Housing in the Wiggins Complex. A list of exemptions can be seen 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 Student Judicial Programs and in accordance with the Code of Student Conduct of Texas Tech University.

Students sign a Residence Hall 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 Residence Hall Contract for the provisions applicable to cancellation of the contract. Authorization for exemption from the on-campus housing requirement 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 update any incorrect information regarding place of residence with the Office of the Registrar.

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. This office coordinates activities of academic deans and directors and informs and advises the President on academic matters. The office is responsible for personnel and budgetary matters in the academic areas, including support areas such as the Libraries; the Teaching, Learning, and Professional Development Center; Teaching Academy; Service Learning; International Affairs; Museum; National Ranching Heritage Center; Official Publications; Operating Policies; Support Operations for Academic Retention; and Academic Scheduling. The Division of Undergraduate Education and the Division of Student Affairs also report 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, preparing the department budget requests, recommending tenure and promotion, recommending merit increases and post-tenure reviews, initiating appointment recommendations, developing the departmental curriculum, and evaluating the performance of the faculty and staff on an annual basis (OP 32.03).

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 academics in the university.

Membership on the Council is composed of the Provost; the Vice Presidents for Research and Administration and Finance; academic deans; deans of the library and law school; presidents of the Faculty Senate and Staff Senate; and the Vice Chancellor for Institutional Advancement. Vice Provost's 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 provides leadership in determining academic policies, procedures, and priorities. The council considers requests for new degree programs and recommends course additions, changes, and deletions.

The Academic Council is composed of the Senior Vice Provost, Vice Provosts, Associate Vice Provosts, the Vice President of the Faculty Senate, an associate dean from each school and college, an associate dean of the Libraries, the Registrar, the directors of Institutional Research and Official Publications, and a representative from the Student Government Association.

Faculty Senate

The Faculty Senate is composed of senators representing the voting faculty of Texas Tech University. The voting faculty consists of all persons under full-time contract who have completed a residence of one year at the university and who are on tenure track, including librarians and archivists who hold appointments that make them eligible for tenure or continuing appointment. Membership of the Faculty Senate includes one senator for each twenty voting faculty members or fraction thereof from each unit, but not fewer than two senators, and nine additional senators at-large; members may not hold positions higher than department chair. The Senate elects a president, vice president, and secretary from its membership to serve a term 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 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 Graduate Dean is responsible for administering the graduate affairs of Texas Tech University.

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 as follows: (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/. The directory should be consulted for the latest and most accurate information on councils and committees because membership, responsibilities, administrative procedures, etc. 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
- Budget Study Committee
- Faculty Status and Welfare Committee
- Committee on Committees
- Study Committee A
- Study Committee B
- Study Committee C

Staff Senate Standing Committees

- Executive
- Bylaws and Constitution Committee
- Communications and Public Relations Committee
- Election Committee
- Grievance Committee
- Nominations Committee

5 Research

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 a comprehensive list of centers and institutes at www.depts.ttu.edu/vpr/researchers/centersinstitutes.php.

Intellectual Property Rights

Statement of Basic Philosophy and Objectives

It is recognized that research and scholarship on the part of members of the faculty, staff, and students of the Texas Tech University System (TTUS) will result in patentable and non-patentable inventions, such as biological and other proprietary materials, plants, manuscripts, computer software, trade secrets, medical treatments, devices, pharmaceuticals and products that

are potentially marketable. It is the policy of the Board of Regents to encourage scholarly activity without regard to potential gains from royalties and other forms of income. In all cases, however, the affected individuals are subject to individual or TTUS obligations under grants, contracts, or research agreements with governmental agencies and sponsors. All TTUS policies will provide adequate recognition and incentives to sponsors, assignees, and creators and will serve the public interest.

General Policy

This intellectual property policy, as adopted, shall apply prospectively to all persons employed by the component faculties of TTUS, to all students of TTUS, and to anyone using TTUS facilities or under the supervision of TTUS personnel. Every employee, faculty member, staff member, or student is expected to be aware of the TTUS policies regarding intellectual property and agrees to accept and abide by them as a condition of employment or enrollment.

It is the intent of this policy to foster the traditional freedoms of the TTUS faculty, staff, and students in matters of publication and invention, through a fair and reasonable balance of the equities among creators, sponsors, and TTUS. 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 Texas Tech.

As a public institution, TTUS 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 creators (authors and inventors), TTUS, and, where applicable, the sponsoring or contracting funding source. The Intellectual Property Rights Policy appears in OP 74.04 and the Regents Rules Chapter 10.

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; and senior members of the Office of the Vice President for Research.

Office of Research Services

This office supports the university's research mission by providing centralized administrative and management services for sponsored projects. Sponsored projects include grants, contracts, and cooperative agreements—from both public and private sectors—that support research, instructional, and engagement/service projects. The office assists with proposal submission, reviews and negotiates grants and contracts, and assists with administration of projects.

6 Faculty Affairs

Academic Year

The academic year for faculty begins the date the faculty reports for duty for the fall semester and concludes the Monday after spring commencement. This is the duty period that faculty members are expected to observe. The first pay period begins on September 1 and the last pay period ends on May 31. Faculty members 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.

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 not submit a grade 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.

"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 Responsibilities. The instructor in a course is responsible for initiating action in cases where there is an admitted act or convincing evidence of academic misconduct. Before taking such action, the instructor should attempt to discuss the matter with the student. If the alleged misconduct involves a final exam, the instructor will withhold the grade until a reasonable attempt can be made to contact the student after the end of the semester.

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 his or her academic dean (and the Graduate Dean in the case of graduate students) and to the Student Judicial Programs office.

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 his or her department chair and/or academic dean) or the academic dean may refer the case to the Student Judicial Programs office 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. 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 Related Materials

Texas Tech University encourages faculty members to publish textbooks and other professional works. Such textbooks may be used by the author or by other

staff 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, Public Law 101-336, was signed into law on July 26, 1990. This far-reaching statute does more than simply add “disability” to the list of protected classes under federal law and is not simply a duplication of The Rehabilitation Act of 1973. It was the institution of Congress to effect sweeping changes in the attitudes and practices of American businesses and state and local government agencies in order to remove barriers to employment and services for persons with disabilities. With the growing number of disabled students on campus, it is important that faculty members be aware of how they are identified, when and how to make reasonable accommodation, the services available to disabled students, and the assistance available to faculty in this process.

Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) require 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 with disabilities or health problems identify themselves to you (privately after class or during your office hours) and indicate to you 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 disabled students are always told to notify their professors, some may be reluctant to do so.

Faculty are not allowed to provide accommodation for a student's disability needs unless the student provides proof of a disability for which the accommodation requested is appropriate. While such proof 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.

The university-approved mechanism for doing so is a Letter of Accommodation (LOA) from Student Disability Services. The LOA on official university letterhead indicates to professors that the student has given proof of his or her disability and that the accommodation noted is considered appropriate and reasonable.

No further proof of disability should be required of the student. Students presenting verification other than the LOA should be referred to Student Disability Services in West Hall, Room 335 for the appropriate identification. 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*.

It is our hope that this system will enable faculty and staff to easily and quickly access those resources necessary to respond effectively to these students' needs, particularly those students whose disabilities are not visible or as familiar as others. Student Disability Services is available to advise and assist faculty members in the accommodation process.

Faculty can train in disability awareness and accommodation procedures for any employees of the university. Student Disability Services also provides a comprehensive faculty guide to working with students with disabilities. Copies are available to any faculty member either electronically or in printed version. They can be reached at 806.742.2405.

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.

An example for a statement in class would be: “I would appreciate hearing from anyone who has a disability that may require some special accommodations. I am sure we can work out whatever arrangements are necessary. Please see me after class or during my office hours.”

Faculty are required to insert the following into each course syllabus:

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.

This is required as part of OP 34.22, "Establishing Reasonable Accommodations for Students with Disabilities" and is the only acceptable statement. Any other syllabus statement should be removed and replaced with the official statement above in order to assist the university with maintaining ADA compliance.

Appointments

Original appointment to the faculty of Texas Tech University is confirmed by use of an official letter 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 letter bears the signature of the Provost or of a designated representative at the time it is sent to the appointee, as well as instructions for completion and disposition of the copies. Notification will be given of subsequent changes in rank or salary (OP 32.17).

Awards and Honors

Awards and honors are available to faculty through selection by the Honors and Awards Council, the Texas Tech Association of Parents, Mortar Board and Omicron Delta Kappa, Faculty Development Committee, Research Council, Alumni Association, the Teaching Academy and deans. Some of these awards are Spencer A. Wells Faculty Award, Hemphill Wells New Professor Excellence in Teaching Award, Barnie 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, Alumni Association New Faculty Award, Excellence in Equity Award, and the Teaching Academy's Departmental Excellence in Teaching Award.

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. Faculty members are expected to maintain the highest standards of professionalism in all interactions with all the constituents of the university. See www.depts.ttu.edu/officialpublications/catalog/_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 urged to participate in commencement ceremonies.

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. (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 posi-

tions 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 70.15 & OP 32.07)

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 70.37)

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 professional 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 for transmittal to the academic dean, to the Provost, and to the office of the President. Routine correspondence (such as request for leave of absence, budgetary matters, etc.) 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.

Days of No Classes

During the days 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, 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 base salary of an appointee is increased by not less than \$8,000, with a discretionary account in the amount of \$20,000 per year. The first four appointments were made in 1967 and were named in honor of Texas Tech's first president, Paul Whitfield Horn.

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

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, 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)

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.

Each employee of the university shall be furnished a copy of this policy and shall be required to abide by the terms of this policy as a condition of employment. (OP 70.31)

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 substance abuse problems. This confidential service is also available for other personal problems such as emotional stress, trauma, divorce, parenting problems and financial problems. The EAP provides concerned assessment 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. Employees who feel they may have problems with drug use are urged to take advantage of this confidential program. 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 workplace 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 performance or of creating an intimidating, hostile, or offensive working or educational environment.

Any faculty member, staff member, or student may pursue a grievance within the procedures outlined in OP 10.09 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. The entire Sexual Harassment Policy appears in OP 10.09.

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 the Operating Budget (Resident Instruction) of the institution. 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:

- 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/ClassSchedule/FinalExams.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. (OP 34.10)

Grade Records

Grade records should be retained for a minimum of four 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 four years is based on reviews that have occurred following student appeals both on and off campus, including grade appeals, charges of racial discrimination and sexual harassment, and appeals to federal agencies.

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.

Grade Replacement

After a course has been retaken at Texas Tech, a student may apply to the Registrar for grade replacement. This policy applies to students enrolled at the university

during spring 1993 through spring 2004 and applies only to those who have not received a baccalaureate degree at the time of the request. First-time freshmen entering in the fall of 2004 or after may not repeat a course more than once without paying a substantial fee. They may not repeat a course for grade replacement in which they have received a C or higher. These students have four W's permitting them to drop a maximum of four courses during their time at Texas Tech. Transfer students entering in the fall of 2004 and after have three W's. The student-initiated drop/add period at the start of the term lies outside these limits in regard to the number of drops.

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 student's transcript. A notation will indicate the original course which is being replaced. The original grade and original cumulative GPA will remain (does not show in Banner transcript). The cumulative (not the adjusted) GPA will be used for honors.

The grade of I is given only when a student's work is satisfactory in quality but, due to reasons beyond his or her control, has not been completed. It is not given instead of an F. Prior to assigning the I, the instructor must fill out a form provided on the Raiderlink portal stating the reasons beyond the student's control for granting the I and the conditions to be met to remove the I. Both the student and faculty member must sign the form. The I may be replaced by an R if the course is repeated, and the appropriate grade will be given for the second registration. The grade of I will revert to an F after one calendar year if the conditions for completing the I as stated on the form have not been met.

An application for grade replacement may be obtained and initiated by the student in the Office of the Registrar after the current semester academic procedures have been completed. The approved form is scanned into student records. Students may apply after the passing grade is received in the replacing course. A student replacing a grade received before fall 1983 should contact the office of the student's academic dean. (OP 34.15)

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 & OP 70.15) See TX Constitution, Art. 16, Sec. 40.

Leaves of Absence

It is a policy of the university to grant leaves of absence 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. There are attendant statutory regulations concerning such leave. The Provost annually makes notification of the number of leaves to be available and procedures for selection of such leaves. The Faculty Development Committee screens applications and makes recommendations to the Provost.

A faculty member on faculty development leave continues to be an active participant of the Teacher Retirement System of Texas or of the Optional Retirement Program. Deposit and membership dues required to be paid to the TRS or to the ORP and any other amounts required or authorized to be deducted from the compensation paid any faculty member will be deducted from the compensation of those faculty members on leave. (OP 32.29)

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)

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. The provisions of this subparagraph 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 03.01.8, 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 individual department. Schedules should be posted and made available to students.

Operating Policies and Procedures

The Texas Tech University Operating Policy and Procedure system 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 signifi-

cant contributions they are capable of making toward improved local, state, and federal government. (OP 32.07)

Post-Tenure Review

In compliance with SB 149, 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.

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 is 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 a self-addressed envelope. Grades may also be reported to email addresses verified as belonging to the student.

Failure to follow this policy could provide a basis for successful litigation in the future. Legal Counsel has advised us that 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, and 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, including university community service. The procedure for merit salary increases is set forth in the prevailing instructions from the Office of the Provost 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 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 information: 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

Summer appointments are based upon summer instructional needs. Summer employment is considered a supplemental appointment and is not guaranteed.

Tenure Policy and Standards

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 Operating Policies and Procedures of the university.

The university may pay or reimburse a travel expense only if the purpose of the travel clearly involves state business and is consistent with the university's legal authority. A Travel Voucher must explain the nature of the official state business conducted and specify the benefit that the university gained from the travel. Travel expenditures are generally paid on a reimbursement basis. Approval, in the form of an official leave, must have the signature of the claimant, financial manager, and the dean of the college involved.

Prior to travel to any of the 49 states, the District of Columbia, U. S. possessions, Mexico, Canada, or any other foreign country, the traveler must obtain approval for the travel from an immediate supervisor by submitting a Travel Application at least two weeks prior to departure. All international travel by state employees or students on university business requires Office of International Affairs (OIA) approval (including Canada and Mexico), even when personal funds are used. International Travel Applications and approval from OIA should be submitted at least thirty (30) days prior to departure.

The university is participating in the Texas State Travel Management Program (www.window.state.tx.us/procurement/prog/stmp/). Certain airline fares, automobile rental agency rates, contract hotel rates, and a credit card company have been contracted by the Texas Comptroller of Public Accounts Office.

Reimbursement of travel expenses may be obtained by completing an online Travel Voucher. The completed voucher, accompanied by the worksheet and required supporting documentation, must be submitted 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 employee's supervi-

sor. Travel applications, transportation requests and travel vouchers must be completed at <https://www.fiscal.ttuhs.edu/travel2/>.

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 employee is entitled to reimbursement of the single rate or one-half of the rate if the room is shared with another employee. All required receipts must indicate that the charges have been paid in full.
- Lodging and meals are limited to the per diem for each locality as published by the U.S. General Services Administration (www.gsa.gov/portal/category/21287). If the city or county is not listed, the per diem is \$77.00 for lodging and \$46.00 for meals. The per diem rates change annually 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 may not be reimbursed using state funds (includes Canada and Mexico). Travelers may claim actual expenses for international meals and lodging costs with itemized receipts, or they may claim per diem. Expenses will be converted to U.S. amounts for reimbursement (http://aoprals.state.gov/content.asp?content_id=184&menu_id=78).
- 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. 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, the maximum that can be claimed is actual mileage.
- Transportation Requests are designed to assist employees who do not have a state travel card to pay for their major transportation costs. Qualifying employees 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 employee will not have to pay that expense.
- The university may advance funds for travel expenses to an employee only if the expenses are incurred during travel that requires an overnight stay outside the employee's designated headquarters.

Additional information, training guides, forms, links, etc., are available on the Travel Services website (www.depts.ttu.edu/procurement/travelservice/index.asp).

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 the Academic Support and Facilities Resources Office. Requests for reservations will be granted according to the priorities of the designated area. (OP 61.02)

Visiting Speakers

The authorization for any and all on-campus speakers shall be under the direction and be the responsibility of the President of the university. Employees, students, and members of the Board of Regents are exempt from this policy.

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. It is the policy of this Board that the facilities of this institution, which were paid for by the taxpayers of Texas from their earnings in our society based on law and order, be not made available to any person or persons who by reason of their prior expressions or past actions would likely use the invitation to advocate (1) lawlessness and disregard for the laws of this country or the state; (2) any change in the laws of this country or state, other than by constitutionally or statutorily prescribed processes; and (3) the violent overthrow of the government of the country or the state. In determining the likely conduct or speech of the proposed speaker, consideration shall be given to his or her past performance.

Arrangements for the payment of professional fees and expenses for speakers must be made through a purchase order in the TechBuy purchasing system. Payment is made through a Check Issuance Request. Forms for requesting approval of speakers may be obtained from the Academic Support and Facilities Resources office. (OP 30.13)

See additional resources for faculty and staff at www.ttu.edu/facstaff/

7 Benefits and Services

Credit Union

Employees of Texas Tech University and Texas Tech Health Sciences Center can become members of the Texas Tech Federal Credit Union (TTFCU). Members can enjoy the many services that TTFCU offers, including free checking with online banking and free bill pay. The credit union also offers new and used vehicle loans, signature loans, mortgage loans, home equity loans and low rate credit cards. Members enjoy the ease of direct deposit, payroll deduction, 24-hour Telephone Teller, Internet banking and over 25,000 free ATMs. There are two full-service branches on campus: 1802 Texas Tech Parkway and 1A098 at the Health Sciences Center. A new branch on 98th Street and Miami will open in early 2013. For more information, visit the website at www.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 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 90 days of employment. Employees are enrolled in HealthSelect, a self-funded managed care plan that offers network and non network benefits. For more details on the premiums and benefits provided refer to www.ers.state.tx.us.

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 maintenance plan is a DMO and provides benefits when the employees utilize the DMO network of dentists. The 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.

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.state.tx.us.

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.state.tx.us.

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 summer enrollment. For more information see www.ers.state.tx.us.

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. 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.state.tx.us.

Other Insurance

Workers' Compensation Insurance (WCI). WCI 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 is the point of contact for all employees. That office will report to the State Office of Risk Management, the agency that administers the program. The Texas Department of Insurance Workers' Compensation Division promulgates rules and regulations governing WCI (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 a vehicle 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 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.

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, LTD and STD, 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 event occurs. For more information refer to www.ers.state.tx.us.

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 \$5,000 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. For more information refer to www.ers.state.tx.us.

Flexible Spending Account – Day Care (FSA-Day 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-Day Care. The maximum contribution for the plan year is the lesser of the employee's income, the spouse's income, or \$5,000 per family (\$2,500 if married but filing separately). FSA-Day 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-Day Care may save more money in taxes than the Child Care Tax Credit; however, it depends on your income. Employees may go to the "Tax Credit Wizard" link on the PayFlex website linked to the ERS website, to get a free tax analysis to see whether the FSA- Day Care or the federal Child Care Tax Credit saves more money.

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.state.tx.us.

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 8 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; 125 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, 11 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 67,000-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 areal 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 generally 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.state.tx.us. Refer to the benefits link at www.depts.ttu.edu/hr/esc/retirementplans.asp for a comparison of the TRS and ORP.

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. For a comparison of ORP and TRS, refer to the benefits link at www.depts.ttu.edu/hr/esc/retirementplans.asp.

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 and the Deferred Compensation Program.

Participation in these programs is voluntary, and employees may elect to participate in either or both programs. These programs are offered as a supplement to the retirement benefits provided by the Teacher Retirement System or the Optional Retirement Program.

For more information on the TSA program, refer to OP 70.09 at the website www.depts.ttu.edu/opmanual and the benefits link on the retirement program website at www.depts.ttu.edu/hr/esc/retirementplans.asp

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

Ticket Privileges

Athletics. Benefits eligible full-time faculty and staff are eligible to receive a 20 percent discount on season tickets (two per sport) in football, baseball, and men's and women's basketball. Interested persons may contact the Athletic Ticket Office at the north end of Jones AT&T Stadium, 806.742.4412.

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 806.742.2270 for information. The Department 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 artists. These are normally open to the public and free of charge. Call 806.742.3826 for further information. To schedule an exhibition group tour, call 806.742.1947 or email landmarkarts@ttu.edu.

8 Emergency Procedures

The Office of Communications and Marketing, TTU Police Department, and Office of Emergency Management maintain the online Emergency Communications Center at www.ttu.edu/emergency. 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 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 SMS and TDD/TTY for the hearing impaired. All members of the Texas Tech community should keep their information updated by going to the website <https://appserv.itts.ttu.edu/EmergencyAlert/> or clicking on the emergency communications 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 9-911 (TDD/TTY equipped).

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 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 by March 15 of each year and are publicized in The Daily Toreador 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 Personnel 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 nontenure 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 finan-

cial 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 alter-

natives 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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11 Appendix I: Operating Policies and Procedures



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 02.08: Operation and Maintenance of Endowment Funds

DATE: April 26, 2012

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) and the Texas Tech University System chief financial officer (CFO).

POLICY/PROCEDURE

1. General

The Board of Regents of the Texas Tech University System (TTUS) recognizes that all great institutions of higher education possess a large endowment and that, 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 primary development priority to be building the endowment of TTU.

2. Definitions of Terms

a. Gift

A gift includes the gratuitous transfer to the institution of cash, cash equivalents such as securities and negotiable instruments, and real or personal property that generates income or that may be sold for cash. A gift may be made by inter vivos transfer or by trust, bequest, pledge, or any legal instrument. (If the “donor” receives any compensation in return for their “gift,” the “gift” must be reduced by the value received by the “donor,” and that portion must be recorded as non-gift income.)

(1) A restricted gift is a gift for which the donor:

- (a) Has specified a particular purpose or use; or
- (b) Has given for the use and benefit of one of the colleges or schools of TTU or a specified unit within TTU that may be “unrestricted” as to the specific use within the unit.

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 TTUS may divert such a gift, whether principal or income generated from the fund, for any purpose unless authorized by law.* **Section 06.02, *Regents’ Rules***

- (2) An unrestricted gift is a gift for which the donor has not specified any particular purpose of use and which is given to TTU for its unrestricted use. The use of an unrestricted gift will be determined by the president.

b. Endowment

An endowment is established with a gift from the private sector that comprises the corpus or principal of the endowment. The corpus is invested and a designated portion of income or the capital gain is used to fund a project or need. The corpus remains intact in perpetuity, thereby continuing to generate funds to be used by the institution. Normally, the gain or loss on the sale of any asset that originally comprised the corpus shall be deemed to be part of the corpus of the endowment. Endowments are divided into the following four categories:

- (1) Permanent Endowments

Permanent endowments are sometimes referred to as "true" or "pure" endowments and are assets designated by the donor to be held in perpetuity. The corpus of these endowments may never be spent and expenditures must be made in accordance with the terms and conditions established by the donor.

- (2) 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 terms and conditions specified by the donor. Until the passage of the specific date or event, term endowments operate in a manner similar to permanent endowments, with expenditures made in accordance with the conditions established by the donor.

- (3) Quasi-endowments

The Board of Regents of the TTUS or the Board of Directors of Texas Tech Foundation, Inc., (TTFI), with formal action, may set aside certain institutional funds to be maintained as endowments. The formal action will specify the use of the assets 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.

- (4) Funds Held in Trust by Other

Some donors may choose to make income from endowments available to the institution but to leave possession of the endowment corpus with a third party. In these cases, the endowment corpus is not recorded as an asset of TTU or TTFI, but is recorded as a gift in the BSR/ADVANCE database. In accordance with generally accepted accounting principles, the existence of the trust must be disclosed in the notes to the financial statements of TTU or TTFI.

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 for academic affairs (PSVPAA) and the VCIA 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; and
- (b) \$1,000,000 for other chairs.

The donor is allowed to name an endowed chair in the college or program of choice. The spendable income is typically used to supplement the chair holder's salary, as well as provide additional income for items such as the purchase of special publications that would compliment the chair holder's work, the hiring of graduate students to assist the chair holder in research projects, and the involvement of post-doctoral students in the particular discipline. Without the prior approval of the president, no more than 50 percent of the spendable income may be used as salary for the individual holding a chair.

(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 PSVPAA and the VCIA 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; and
- (b) \$500,000 for other professorships

The donor is allowed to name an endowed professorship in the college or program of choice. 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 50 percent of the spendable income may be used as salary for the individual holding a professorship.

(3) Endowed Deanship, Department Chair, or Director

The minimum donation to establish an endowed deanship, department chair, or director is \$2,000,000. 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 50 percent of the spendable income may be used as salary for the individual holding an endowed deanship, department chair, or director.

(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 expenses 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 spendable income is used to support professional and leadership development of faculty.

(6) Endowed Early Career Faculty Scholar Fund

The minimum donation to establish an endowed early career faculty scholar fund is \$500,000. The spendable income is used to attract and retain the best, brightest, and most promising early career faculty scholars through an annual award to supplement salary and/or teaching/research expenses of selected faculty. A faculty member can hold the award for a maximum of three years.

b. Student Support

(1) Chancellor's Graduate Fellowship Endowment

The minimum donation to establish a chancellor's graduate fellowship endowment is \$100,000. The spendable income is used to provide stipends to graduate students at TTU.

(2) Presidential Scholarship Endowment

The minimum donation to establish a presidential scholarship endowment is \$100,000. Presidential scholarships are awarded to outstanding entering freshmen on the basis of academic achievement. Academic achievement is measured initially by the ACT or the SAT scores. Current minimums are an ACT score of 31 or an SAT score of 1400 (minimums are subject to change and are published in the university catalog and other scholarship publications). The recipient must be in the top 15 percent of her/his high school graduating class or have an International Baccalaureate (IB) diploma. National Merit finalists automatically qualify.

(3) Honors Scholarship Endowment

The minimum donation to establish an honors scholarship endowment is \$50,000. Honors scholarships are awarded to outstanding entering freshmen on the basis of academic achievement. Academic achievement is measured initially by ACT or SAT scores. Current minimums are an ACT score of 29 or an SAT score of 1300 (minimums are subject to change and are published in the university catalog and other scholarship publications). The recipient must be in the top 15 percent of her/his high school graduating class or have an IB diploma.

(4) University Scholars Scholarship Endowment

The minimum donation to establish a university scholars scholarship endowment is \$35,000. University scholars scholarships are awarded to outstanding entering

freshmen on the basis of academic achievement. Academic achievement is measured initially by ACT or SAT scores. Current minimums are an ACT score of 28 or an SAT score of 1250 (minimums are subject to change and are published in the university catalog and other scholarship publications). The recipient must be in the top 15 percent of her/his high school graduating class or have an IB diploma.

(5) Opportunity Scholarship Endowment

The minimum donation to establish an opportunity scholarship endowment is \$35,000. Opportunity scholarships are awarded to students in financial need and/or to reach out to multicultural, non-traditional community college transfer and first-generation students.

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 or professional journals in a particular area to be designated by the donor.

(2) 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 PSVPAA.

(3) Minimum Level Endowment

The minimum donation to establish a scholarship or other endowment in cases where a higher level does not seem possible is \$10,000. Administrators must assure that endowments are solicited at levels that provide adequate support.

4. Request by Donor to Modify Endowment

Generally, the terms and conditions relative to a completed gift may not be modified by the donor of the gift. 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.

All such requests must be made in writing by the donor and delivered to the Office of Institutional Advancement. These requests will require approval as follows:

- a. If the principal amount of the subject endowment is \$25,000 or less, the president must approve the modification.
- b. If the principal amount of the subject endowment is more than \$25,000, the Board of Regents of the TTUS or the Board of Directors of TTFI must approve the modification. In these instances, the Office of Institutional Advancement will be responsible for preparing and presenting the agenda item to the appropriate governing board.

5. Procedure for Establishment

a. Minimum Endowment Level

- (1) A minimum gift of \$10,000 shall be required to establish any endowment. The gift must be made in compliance with applicable federal and state laws, and, after acceptance by the institution, it must be used as designated by the donor.
- (2) An endowment may not be established in an amount less than \$10,000.

Gifts of less than \$10,000 that are meant to be endowed will be established in a current restricted account where:

- (a) The initial gift must be at least \$3,333 with a pledge to reach \$10,000 in total gifts to the endowment within 3 years of the initial gift; and
- (b) All future gifts and all income and gains will assist in bringing the endowment assets to the minimum endowment funding level.

If, after three years from the date of the gift, the value of the assets has not reached the minimum endowment funding level, the existing assets of the fund shall be transferred to an existing scholarship endowment.

If the original gift was designated for a particular college within TTU, the funds will be transferred into a scholarship endowment designated for that college.

If the original gift was not designated for a particular college within TTU, the funds will be transferred into a scholarship endowment designated for the university as a whole.

b. Endowment Agreements

For all endowments, the TTU contact for the gift should work with the TTFI counsel to complete the appropriate endowment agreement, have it signed by the donor, and forward the agreement to the Office of Institutional Advancement for signature by the appropriate parties.

Approval by the TTUS CFO is required for any agreement requesting investment in any fund other than the Long Term Investment Fund (LTIF) or any deviation from university investment policy regarding LTIF.

6. Administration

a. Endowments Invested in the Short/Intermediate Term Investment Fund (SITIF)

Current restricted accounts established at less than the minimum amount required for an endowment will be invested in the SITIF, and 100 percent of the earnings will be directed to the corpus account until the corpus account reaches the minimum required amount. Upon reaching the minimum for an endowment to be established, the funds will be transferred to the LTIF and will be subject to the spending rules thereof.

For those endowment accounts that the donor specified the funds would remain invested in the SITIF, 90 percent of the earnings will be made available for spending and 10 percent of

the earnings will be directed to the corpus account. The purpose of the reinvestment of 10 percent of the earnings is to hedge against inflationary effects.

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

Unless prohibited by restrictions placed upon a gift by the donor of that gift, all new endowments shall be invested in the LTIF. Spendable income generated by endowments invested in the LTIF will be expended in accordance with Section 09.02, *Regents' Rules*. All endowment funds invested in the LTIF will be subject to an investment management fee of 0.5 percent in accordance with Section 09.02, *Regents' Rules*.

For those endowment accounts that are invested in the LTIF, a portion of the earnings will be made available for spending in accordance with Section 09.02, *Regents' Rules*.

c. Other

Restrictions by the donor on investment by TTU or TTFI outside the mission or current programs of TTU shall not be honored without prior approval by the Board of Regents of the TTUS or the Board of Directors of TTFI.

7. Unrestricted Gifts

a. Real Property

Unrestricted gifts of real property will usually be placed in an endowment, and use of the earnings from the gift, unless restricted by the conditions of the gift, shall be under the direction of the chancellor. However, in the event of special, extenuating, and extraordinary circumstances, the Board of Regents may except the direction of real property into the endowment.

b. Other

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 upon 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.

8. Management and Recording of Endowment Funds

a. General

- (1) Responsibility for the overall management of endowment funds in accordance with terms and conditions of the donor and recording in accordance with generally accepted accounting principles rests with the TTUS CFO.
- (2) Endowment fund manager responsibility will be assigned at the vice president or the dean level. Donors may specify fund managers below this level, subject to approval of the TTUS CFO, the divisional vice president or the PSVPAA, and the VCIA.
- (3) Designation as the manager of an endowment operating fund will be assigned to an individual by the benefiting unit's divisional vice president, the PSVPAA, or dean.

- (4) Unless otherwise specified by the donor, the spendable portion of the endowment income will be credited to a separate endowment operating fund in the current restricted fund group of TTU. The endowment operating fund shall also be credited with earnings on the investment of its cash and/or other assets without regard to any minimal balance limits as may be established.
- (5) Annual budgets will be submitted on each endowment operating fund as directed in the annual instructions for submitting budgets.

b. Procedures for Recording Endowments

- (1) University endowment funds will be recorded in fund number range 28AA-3599. Foundation endowment funds will be recorded in fund number range 44AA-4599. The endowment principal will be recorded in balance sheet account entitled "Permanent Endowment Principal."
- (2) A separate operating fund will be established at the same time as the permanent endowment to receive the endowment spendable income and to provide for the accounting of expenditures in accordance with the donor's terms and conditions.



Texas Tech University

Operating Policy and Procedure

OP 10.07: Emeritus Appointments

DATE: September 6, 2006

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 for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs and the president by March 15. This OP will be reviewed again in 2010.

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 10.09: Sexual Harassment

DATE: August 31, 2011

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish a university policy prohibiting sexual harassment and establishing procedures for processing sexual harassment complaints.

REVIEW: This OP will be reviewed in February of odd-numbered years by the managing director of the Office of Equal Employment Opportunity (EEO), the senior vice provost, and the vice provost for undergraduate education and student affairs with recommended revisions forwarded through administrative channels to the president.

POLICY/PROCEDURE

1. Policy

a. Objective

The objective of the university is to provide a positive and respectful environment in which faculty, staff, and students may pursue their careers and studies with a maximum of productivity. Behavior or conduct that interferes with this goal will not be tolerated.

b. Policy Statement

It is the policy of the university to maintain a work place and a learning environment free of sexual harassment and intimidation. **Sexual harassment is unlawful.**

c. Legal Basis

Harassment of students on the basis of sex is a violation of § 106.31 of Title IX of the Education Amendments of 1972.

Harassment of TTU employees on the basis of sex is a violation of § 703 of Title VII of the Civil Rights Act of 1964, § 39.03 of the Texas Penal Code, as stipulated in House Bill 370 passed in the 71st Legislative Session, and the Texas Commission on Human Rights Act of 1983.

d. Definition

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.

Examples of inappropriate behavior often cited in sexual harassment complaints include, but are not limited to, the following: sexual teasing, jokes, remarks, or questions; sexual looks and gestures; sexual innuendoes or stories; sexual favoritism; pressure for dates or sexual favors; gifts, letters, calls, e-mails, or materials of a sexual nature; unwelcome physical contact (touching, patting, stroking, rubbing); sexually explicit visual material (calendars, posters, cards, software, internet materials); catcalls or whistling in a demeaning manner with sexual overtones; and/or inappropriate comments about dress or physical appearance.

e. Sexual Harassment Prevention Training

Pursuant to state legislation, all new benefits eligible faculty and staff and insurance eligible graduate students must attend non-discrimination training within the first 30 days of employment and receive supplemental training every two years. This training includes Sexual Harassment Prevention Training. Employees are required to sign a statement that verifies attendance to this training. Signed attendance statements will be recorded in the employee's personnel file.

f. Dissemination of Sexual Harassment Information

Employees and students are informed of the sexual harassment policy through new employee orientations, compliance EEO training sessions, the distribution of sexual harassment pamphlets, and the placement of sexual harassment prevention posters at various locations throughout the campus. Information about the Texas Tech sexual harassment policy can also be obtained from the Personnel Office or the Texas Tech System's EEO Office, and can be found in the *Student Handbook* at www.ttu.edu/studenthandbook.

g. Non-retaliation

Retaliation is strictly prohibited against a person who files a complaint of sexual harassment in good faith, opposes a charge or testifies, or assists or participates in an investigative proceeding or hearing.

h. Confidentiality

Confidentiality of both complainant and accused will be honored to such extent as is possible without compromising the university's commitment to investigate allegations of sexual harassment. The willful and unnecessary disclosure of confidential information by anyone, including the alleged victim, regarding a sexual harassment complaint to any person outside of the investigation process may result in appropriate disciplinary measures against the offending party.

2. Complaint Procedures

a. Students

- (1) Sexual harassment complaints must be filed within 180 days after the alleged incident occurs. (Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972)
- (2) Students who believe they are the targets of sexual harassment in the academic environment by faculty, staff, or other students should file their complaint with the Dean of Students Office. If the complaint involves personnel in the Dean of Students Office, the complaint should be filed with the EEO office.
- (3) Students complaining of sexual harassment in their employment capacity should proceed directly to the EEO office as provided in section 2.b of this policy.
- (4) When a signed complaint is filed, an investigation will be conducted by either the Dean of Students Office staff or the EEO office. Investigation of a complaint of sexual harassment will include, but not be limited to, conferring with the complainant, the accused, and the supervisor of the accused, and may involve examination of relevant documentation and interviews with other pertinent individuals. The provost and senior vice president and the senior vice president for enrollment management and student affairs will be notified of the complaint.
- (5) The investigation will be conducted as thoroughly and expeditiously as possible, and the results will be reported to the complainant, the accused, the senior vice president for enrollment management and student affairs, and, if appropriate, the provost and senior vice president. At the conclusion of the investigation, the complainant and the accused will be notified. The written notification will be delivered by hand or certified mail, return receipt requested, or by any other method requested by either party. If sufficient evidence exists to bring an allegation against a student, disciplinary charges will be brought against the student at the conclusion of the investigation.
- (6) In the event a complaint is filed against a member of the administration, the next senior level administrator shall be notified of the complaint by the EEO office. In such an event, that administrator shall also be responsible for any disciplinary or corrective action required as a result of the investigation, and shall be the first level administrator for any appeal filed.
- (7) In the event the charge of sexual harassment is upheld, the accused will be subject to disciplinary action, as determined by the appropriate administrator.
- (8) An appeal by either party will be directed to the appropriate vice president or the provost and senior vice president. Appeals must be made in writing and filed within ten working days of the parties being notified of the finding. The resolution of the appeal will rest with the senior vice president for enrollment management and student affairs, in accordance with the *Student Handbook*, and his/her ruling will be the final ruling on the matter with regard to student discipline.

b. Faculty and Staff

- (1) Sexual harassment complaints must be filed within 180 days after the most recent incident occurs. (Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972)
- (2) Employees who believe they are being sexually harassed but are unsure about filing a formal complaint are encouraged to discuss the situation with a representative of the EEO office.
- (3) When a signed complaint is filed in the EEO office, an investigation will be conducted by that office. The vice president of the appropriate administrative division or the provost and senior vice president will be notified of the complaint.
- (4) Investigation procedures of a complaint are at the discretion of the EEO office. Investigation of a complaint of sexual harassment may include conferring with the complainant, the accused, and the supervisor of the accused, and may involve examination of relevant documentation and interviews with other pertinent individuals.
- (5) The investigation will be conducted as thoroughly and expeditiously as possible. At the conclusion of the investigation, the complainant and the accused will be notified. The written notification will be delivered by hand or certified mail, return receipt requested, or by any other method requested by either party. The outcome of the investigation will be reported to the appropriate university administrator.
- (6) The appropriate university administrator, after reviewing the findings of the EEO office, will proceed toward resolution of the complaint.
- (7) In the event a complaint is filed against a member of the administration, the next senior administrator shall be notified by the EEO office of the complaint. In such events, that administrator shall also be responsible for any disciplinary or corrective action required as a result of the investigation.
- (8) In the event a finding of sexual harassment 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.
- (9) Either party may, within ten working days, choose to appeal in writing the finding of the EEO office or any disciplinary action proposed by the appropriate university administrator through the procedures established for faculty, OP 32.05, sections 3, 4, and 5, and for staff, OP 70.10, sections 2.b.(2) through 2.b.(5).
- (10) Follow-up: If the investigation supported the allegation of sexual harassment, a follow-up will be made by the EEO Office no later than 60 days after an investigation has been completed and the findings have been reported in writing to the appropriate university administrator. The follow-up will involve the following:
 - (a) Contact the appropriate university administrator to determine whether appropriate disciplinary action or other corrective action has been taken, as necessary. Confirmation of appropriate disciplinary or corrective action can also be acknowledged via copy of a PAF, resignation letter, termination documents, etc.

- (b) Contact the complaining party to verify that no further sexual harassment, discourteous conduct, or retaliation by any person has occurred. The complaining party should be asked to describe with sufficient detail any incidents that the complaining party alleges to have occurred after the original allegations were filed.

3. Right to Change Policy

Texas Tech University reserves the right to interpret, amend, or rescind this policy, in whole or in part, at any time.

Attachment: Complaint of Sexual Harassment

**TEXAS TECH UNIVERSITY
COMPLAINT OF SEXUAL HARASSMENT**

Name of Employee/Student: _____

Name of Department/School: _____

1. Provide a clear, concise statement of your complaint:

2. Date(s) of incident(s) _____

3. What are your suggestions for resolving this complaint?

4. Where can you be contacted if additional information is needed concerning your complaint?

Office Phone: _____

Home Phone: _____

Mailing Address: _____

You may attach other relevant information. You may also seek help in the completion of this statement from the Office of Equal Employment Opportunity or the Dean of Students Office.

Student/Staff/Faculty Signature: _____ Date: _____



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 30.13: Visiting Speakers

DATE: September 6, 2006

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 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 May 30.

POLICY/PROCEDURE

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 one 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.

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. Forms for requesting approval of speakers from off-campus may be obtained from the Academic Support and Facilities Resources Office.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 30.18: The Adoption and Sale of Textbooks and Related Materials

DATE: June 28, 2010

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding and a standardized approach for the adoption and sale of textbooks and related materials by the faculty.

REVIEW: This OP will be reviewed in April of even-numbered years by the senior vice provost SVP and the assistant vice president for financial affairs/controller (AVPFAC) with recommended revisions presented for approval to the provost and senior vice president.

POLICY/PROCEDURE

1. The university president appoints the provost and senior vice president as chief academic officer and administrator responsible for developing and maintaining university regulations and procedures regarding the sale of educational materials.
2. Educational materials include any instruments, devices, or published, dittoed, mimeographed, or other multigraphed forms used in the classroom, laboratory, or other instructional setting that are required to be purchased by the students. The pertinent TTU operating policy to ensure understanding and a standardized approach regarding the handling of materials controlled by a copyright is OP 30.22, Guidelines for the Educational Use of Copyrighted Works.
3. All educational materials must be sold to students through an established bookstore or copy shop or as authorized by both the SVP and the AVPFAC and approved by the chief academic officer. If sales of educational materials are made to students through means other than an established bookstore or copy shop, a written request for exception must be prepared and routed through appropriate administrative channels, including authorization by both the SVP and the AVPFAC and approval by the chief academic officer.
4. 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. Such approval must be in writing and is to be secured annually.
5. All educational material to be sold for use in the class or in laboratory work must be approved by the appropriate textbook committee. University departments that provide such instructional material must recover no more than that required to reimburse for costs of producing and using the material.
6. Under no circumstances may money be paid by a student to a teacher or instructor for any

educational materials or services unless otherwise authorized by both the SVP and the AVPFAC and approved by the chief academic officer.

7. A committee appointed by the Faculty Senate will render an advisory opinion or hear any appeal lodged with the chief academic officer by faculty, administrator, or student in which a conflict of interest results from the sale of textbooks or other materials. The opinion of the committee is advisory to the chief academic officer.
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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.

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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

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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

OP 32.01

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
OP 32.01
7/11/12

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.

Attachment A, pg. 2
OP 32.01
7/11/12

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
OP 32.01
7/11/12

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 _____		

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 32.03: 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 32.06: Faculty Responsibility

DATE: September 12, 2006

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 for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs by May 15.

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 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.
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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: June 15, 2007

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 odd-numbered years by the senior vice provost for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs by May 31.

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: September 13, 2006

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 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. Titles

- a. The titles for tenure-eligible appointments to the faculty of Texas Tech University are Horn Professor, professor, associate professor, and assistant professor. Titles for non tenure-eligible appointments to the faculty are 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

Individuals appointed to this rank meet the criteria for associate professors and also 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 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

The term *associate professor* should reflect that the individual so appointed meets the criteria for the assistant professor 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

The term *assistant professor* 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 are expected to perform in the areas of teaching, research or creative activity, and service.

e. 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.

f. 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.

g. 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 PSVPAA.
- (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.

- h. 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 PSVPAA.

- i. 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.

- j. 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 PSVPAA 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 *Personnel Action Form* (PAF) will be used in such cases (see Attachment A).

- k. 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 PAF to the Personnel Department. 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 the Personnel Department of the university.
- 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 (PAF) 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 32.02.
 - d. Appointment to an academic position must be reviewed by the PSVPAA, who considers the recommendation of the dean of the instructional school or college involved. Approval by the PSVPAA of all conditions of employment (including start-up resources) is required.
 - e. Appointment to a research position must be reviewed by the PSVPAA, who considers the recommendation of the instructional school or college involved.
 - f. The PSVPAA approves non tenure-acquiring appointments after considering recommendations from the dean of the college or school involved.
 - g. The initial appointment of a professor or an associate professor with tenure must receive the recommendation of the PSVPAA, 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 PSVPAA 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 PSVPAA shall send a copy of the PAF 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 32.01, Section 6. The appointee is notified of reappointment by means of a *Notice of Budgeted Salary* (NOBS) form (see Attachment B).

4. **Non Tenure-acquiring Reappointments**

In the case of a non tenure-acquiring reappointment, a PAF 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 PSVPAA 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 PSVPAA 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 PSVPAA officially approves the appointment of research personnel or personnel appointments to sponsored projects.

Attachment A: Personnel Action Form (PAF)

Attachment B: Notice of Budgeted Salary (NOBS)

EMPLOYMENT & DEPARTMENT INFORMATION

Page ____ of ____

EMPLOYEE NAME (Last Name, First Name, Middle Name):		DR. ____ MR. ____ MS. ____	SOCIAL SECURITY #:	DATE PAF PREPARED:	COUNTY NAME:
HOME DEPT CODE:	HOME DEPT NAME/ADDRESS/MAIL STOP:		HOME DEPT SUPERVISOR SSN:		
PREPARING DEPT:	CONTACT PERSON:	CONTACT ADDRESS/MAILSTOP:	CONTACT PHONE:		

Texas Tech
Personnel Action Form

STATUS INFORMATION

INDICATE THE APPROPRIATE ACTION(S):		ACTION EFFECTIVE DATE:		EXPLAIN ACTIONS AND/OR GIVE ADDITIONAL COMMENTS. JUSTIFICATION MUST BE ATTACHED TO TRANSFER PRIOR MONTH(S) SALARY EXPENSES			
01 - Initial Appointment (Attach copy of Social Security Card) 02 - Leave With Pay 03 - Leave Without Pay 04 - Return From Leave 05 - Separation from Tech (Attach Lump Sum Certification Form) 06 - Promotion 08 - Demotion 09 - Change Percent FTE 10 - Transfer Within Tech 11 - Other (Please Explain) 13 - Statutory Increase 14 - Merit Increase 15 - Increase to Class Minimum 16 - Salary Exception (See Salary OP 70.14) 17 - Reappointment 21 - Change Account Funding		LAST DAY PAID	SEPARATION REASON				
		LEAVE END DATE	LEAVE REASON				
		LAST DAY WORKED					
NEW POSITION: Y ____ N ____ If yes, attach authorization	REQUISITION NUMBER:	REPLACEMENT FOR: SSN: _____	BENEFITS ELIGIBLE? Yes ____ No ____	FACULTY ONLY: ____ Non-Tenured (N) ____ Tenure Track (P) ____ Tenured (Y)	BASE SALARY:	STATUS:	

PREVIOUS APPOINTMENT DATA

TOTAL FTE:	HOURLY WAGE:	SHIFT: 10%: ____ FLAT: \$ ____	MONTHLY SALARY:		F-T ACADEMIC BASE: (9 Month Base)		F-T ANNUAL BASE (12 Month Base)		
ACCOUNT NUMBER / NAME	OBJ	JOB CLASS CODE / TITLE	POSITION NUMBER	PERCENT EFFORT	BEGIN DATE END DATE	TOTAL AMOUNT FOR PERIOD SPECIFIED	MONTHLY OR HOURLY RATE	EARN TYPE	Budget/Payroll Use
_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	

NEW APPOINTMENT DATA

TOTAL FTE:	HOURLY WAGE:	SHIFT: 10%: ____ FLAT: \$ ____	MONTHLY SALARY:		F-T ACADEMIC BASE: (9 Month Base)		F-T ANNUAL BASE (12 Month Base)		
ACCOUNT NUMBER / NAME	OBJ	JOB CLASS CODE / TITLE	POSITION NUMBER	PERCENT EFFORT	BEGIN DATE END DATE	TOTAL AMOUNT FOR PERIOD SPECIFIED	MONTHLY OR HOURLY RATE	EARN TYPE	Budget _____
_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	
_____	_____	_____	_____	_____	_____	_____	_____	_____	

Optional Department Signatures:

Department Signature _____	Date _____	Dean or Other Administrator _____	Date _____	Personnel / Director Human Resources _____	Date _____
Next Level of Management _____	Date _____	Divisional Vice President / Provost _____	Date _____	President _____	Date _____

**TEXAS TECH UNIVERSITY
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
NOTICE OF BUDGETED SALARY
09/01/2006**

NAME: _____ **SSN:** _____

HOME DEPARTMENT: _____

PRIMARY JOB TITLE: _____

SALARY/MONTH: _____ **TOTAL % EFFORT:** _____

FULL-TIME BASE SALARY

ACADEMIC: _____

ADMIN/P&A/CLASS: _____

FUNDING INFORMATION

MERIT INCREASE: 0.00
STATUTORY INCREASE: 0.00
PAY PLAN INCREASE: 0.00

Numbers shown are for informational purposes only. Validation required.

ACCOUNT NUMBER	OBJ	JOB CLASS	POSITION NUMBER	SUP TYP	BUDGET FTE	PCT EFFORT	APPOINTMENT BEG DATE	APPOINTMENT END DATE	FULL TIME BASE	TOTAL AMT FOR PERIOD SPECIFIED	MONTHLY RATE	EARNING TYPE
0000-00-0000	01	030310	0000001		0.000000	43.1990	06/01/2003	08/15/2003	106,079.00	12,722.00	5088.80	RGS
0000-00-1111	02	030310	0000002		0.800005	80.0006	09/01/2003	05/31/2003	106,019.00	84,816.00	9424.00	RGS
TOTAL SALARY:										97,538.00		

Example

This notice does not constitute an offer or contract of employment for any period of time and it does not modify at-will employment relationships. Continued employment is contingent upon receipt of funds.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 32.18: Academic Workload Calculation

DATE: April 10, 2007

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/Senior Vice President for Academic Affairs with recommended revisions presented to the provost/senior vice president for academic affairs (PSVPAA) 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 PSVPAA 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 PSVPAA.

7. **Equivalencies**

*** In accordance with Section 04.07, *Regents' Rules*, May 11, 2001**

- 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: February 21, 2007

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 recommended revisions forwarded to the provost/senior vice president for academic affairs (PSVPAA) 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 PSVPAA.

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 PSVPAA.

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. 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 PSVPAA 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 PSVPAA. 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 PSVPAA 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 PSVPAA 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 PSVPAA.
 - (5) The PSVPAA 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 PSVPAA’s recommendation or direct another action.
 - (6) The PSVPAA will inform the nominating dean of the president’s decision.



Texas Tech University

Operating Policy and Procedure

OP 32.29: Faculty Development Leaves

DATE: September 15, 2006

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 for academic affairs with recommended revisions presented to the provost/ senior vice president for academic affairs (PSVPAA) by June 15.

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 PSVPAA 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 PSVPAA 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 PSVPAA 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 six 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 of 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 to 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 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/Senior Vice President for Academic Affairs.

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)

- A. _____ The applicant meets the eligibility requirement.
- _____ The proposal is acceptable for review based on the information requested in the application form.
- B. Evaluation of the proposal in terms of the stated goals or purpose (including clarity, completeness, reality, and implication).
- C. 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).
- D. 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 for
Academic Affairs



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: September 15, 2006

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 even-numbered years by the dean of the Graduate School and the senior vice provost for academic affairs with recommended revisions forwarded to the provost/senior vice president for academic affairs (PSVPAA) by March 15.

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 PSVPAA.

5. **Appeals**

a. Faculty and Staff

In unusual circumstances, an appeal can be submitted to a committee consisting of the department chair, managing director of Personnel, deans, and senior vice provost for academic affairs. This committee shall submit its recommendations to the PSVPAA.

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 for academic affairs, 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 for academic affairs, 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.
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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: May 17, 2012

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 director of Academic Support and Facilities Resources and the senior vice provost with recommended revisions presented to the provost and senior vice president (PSVP).

POLICY/PROCEDURE

1. 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 semester.
- 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. Departmental 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.
- e. All faculty members giving final examinations must adhere to the printed scheduled time and room assignment unless granted permission to deviate from the official time by the departmental chairperson, the dean, and the senior vice provost. Faculty members should wait for approval from senior vice provost before announcing an alternate examination procedure to the students.
- f. Examinations, other than **bona fide** make-up examinations, are not to be given during the last week of classes. Courses wherein lab examinations and design studio reviews are 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.
- g. No extracurricular activities of any kind may be scheduled within individual study day and the final examination period without the written permission of the PSVP.

- h. 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.
- 2. As a matter of clarification, the "last week of classes" is defined as the last five class days prior to "individual study day" and the first day of final examinations, or the last two days in the summer session.
- 3. During the two long semesters, an "individual study day" will be scheduled before the first day of final examinations
- 4. A departmental exam, or common exam, covers several sections of the same course taught by different instructors for the purpose of establishing a uniform scale of achievement. Departmental, or common exams, are scheduled though ASFR with the following guidelines:
 - a. Multiple section courses (courses with two or more sections in a semester) may schedule a common final with approval from the department head, dean, and the senior vice provost.
 - b. Multiple sections of a class taught by the same instructor are not eligible to give common examinations unless they are part of a course taught by more than one instructor.
 - c. Common finals for each course scheduled must administer the same common exam to all sections of the course.
 - d. Room accommodations 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.
- 5. Note: 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 chair, and/or dean of the college.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.12: Grading Procedures

DATE: August 24, 2011

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure understanding of grading procedures.

REVIEW: This OP will be reviewed in March of even-numbered years by the senior vice provost with recommended 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 that is to be 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**. 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 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 and is used primarily in thesis and dissertation courses.

The grades of **CR** (credit) and **NC** (no credit) are given in certain instances; e.g., in the College of Education for student teaching.

The grade of **I** is given only when a student's work is satisfactory in quality but, due to reasons beyond her/his control, has not been completed. It is not given in lieu of an **F** or **W** or **PR**. The instructor assigning the grade will stipulate in writing at the time the grade is given the conditions under which the **I** may be removed. The assigned work and a change of grade must be recorded within one calendar year from the date of the **I**. Failure to do so results in an **F** for that course. The **I** may be replaced by an **R** if the course is repeated within one year. The appropriate grade will be given for the second registration. The form for granting an incomplete (**I**) is available online at http://www.depts.ttu.edu/registrar/regdept/collegecontacts/UndergraduateGrade_of_Incomplete_Form.pdf.

Mid-Semester and Semester Grade Reports: At the close of each semester and each summer term, final course grades are available on raiderlink.ttu.edu (MyTech) or as a hard copy. Students who want a hard copy should update their grading address on raiderlink.ttu.edu. Instructors of record

are to post mid-semester grade reports only for freshmen and student athletes. After mid-term grades are posted between the 34th and 40th class days, students can view the grades on Raiderlink (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.

An **NP** is shown on the grade report of the student if the student has not paid all fees by the end of the semester. If the student subsequently pays the delinquent fees, the bursar will notify the registrar, who will then record the academic grade earned.

2. **Dropping a Course**

- a. 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 the grade of **W** regardless of their progress in the class.
- b. First-time Freshmen and Transfer Students Entering Fall 2004 or Thereafter

First-year freshmen entering Texas Tech in the fall of 2004 or thereafter will be allowed only four **Ws** (withdrawals) to be used at any time during their college career to drop a course up to the 45th class day of long semesters and 15th class day of short summer terms. Transfer students will receive three **Ws**. When these **Ws** have been used, the student must complete all courses. The student-initiated **drop-add** period at the start of the term lies outside these regulations. Students who find it necessary to withdraw from the university before the end of the semester will not have to use their **Ws** for withdrawal. If a student who started with four **Ws** does not withdraw from any course during the pursuit of a degree, that student may take one course without paying institutional tuition (as opposed to state tuition) during the last semester of that degree program.

3. It is the aim of the faculty of Texas Tech University to foster a spirit of complete honesty and high standard of integrity. The attempt of students to present as their own any work not honestly performed is regarded by the faculty and administration as a most serious offense and renders the offenders liable to serious consequences, possibly suspension.

"Scholastic dishonesty" includes, but it 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.

- a. "Cheating" includes, but is not limited to:
 - (1) Copying from another student's test paper;
 - (2) Using during a test materials not authorized by the person giving the test;
 - (3) Failing to comply with instructions given by the person administering the test;

- (4) Possession during a test of materials 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.
 - (5) Using, buying, stealing, transporting, or soliciting in whole or in part the contents of an unadministered test, test key, homework solution, or computer program;
 - (6) Collaborating with or seeking aid or receiving assistance from another student or individual during a test or in conjunction with other assignment without authority;
 - (7) Discussing the contents of an examination with another student who will take the examination;
 - (8) 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;
 - (9) Substituting for another person or permitting another person to substitute for oneself to take a course, a test, or any course-related assignment;
 - (10) 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;
 - (11) Falsifying research data, laboratory reports, and/or other academic work offered for credit; and
 - (12) 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.
- b. “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.
 - c. “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.
 - d. “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.
 - e. “Misrepresenting facts” to the university or an agent of the university includes, but is not limited to, providing false grades or resumes; 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.
4. The instructor in a course is responsible for initiating action in each case of dishonesty or plagiarism that occurs in that class. In cases of convincing evidence of or admitted academic dishonesty or plagiarism, an instructor should take appropriate action as described below. 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.
 5. 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*. The student will have the right to appeal the receipt of a failing grade in a course through the established grade appeal procedure, as outlined in OP 34.03, Student Grade Appeals. The student may not appeal a failing grade given for a class assignment.
 6. In cases of flagrant or repeated violations, the instructor may recommend to Student Judicial Programs, through the appropriate chairperson and the academic dean's office, further disciplinary action pursuant to the disciplinary policy and procedure outlined in the Code of Student Conduct. In addition, the academic dean or Student Judicial Programs may initiate disciplinary action for flagrant or repeated violations.
 7. A student referred to Student Judicial Programs for disciplinary action for academic dishonesty is entitled to all substantive and procedural guarantees provided in this Code, including, but not limited to, notice and hearing.
 8. The disciplinary penalty or grade of **F** shall not be implemented until the disciplinary procedure or grade appeal process has been exhausted or until one month after the beginning of the new semester. A student may continue academic class and course work until a final decision is made. A written report of any additional disciplinary action taken by Student Judicial Programs will be sent to the appropriate academic dean's office and to the student. The final result of a grade appeal in such matters should be reported to the instructor by the appropriate academic dean in the manner required by the grade appeals procedure.
 - a. In cases in which a finding of academic dishonesty is sustained, the recommended disciplinary action will be enforced and/or a grade of **F** reported.
 - b. In cases in which a charge of academic dishonesty is not sustained, no disciplinary action will be taken and the student will be entitled to the grade he/she would have received in the absence of a finding of dishonesty. In addition, the student will be allowed to continue the particular course without prejudice.
 9. A written report of any additional disciplinary action taken by Student Judicial Programs will be sent to the appropriate academic dean's office and to the student.

10. Faculty members may not post grades for any examinations, including final examinations, unless the department chairperson grants permission and a substantiated random identification procedure specifically without students' names and/or social security numbers is in place.
11. Law students are subject to disciplinary procedures as described in the *Honor Code for the School of Law*.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.15: Grade Replacement Policy

DATE: October 18, 2007

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 for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs by April 15.

POLICY/PROCEDURE

1. Students Entering Before Fall 2004

- a. After a Texas Tech University course has been retaken at Texas Tech, a student may apply to the registrar for grade replacement. This policy applies to students enrolled at the university between spring 1993 and fall 2004 and applies only to those who have not received a baccalaureate degree at the time of the request.
- 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.

Students wanting to replace a grade received before fall 1983 should contact their academic dean's office.

2. First-time Freshmen and Transfer Students Entering Fall 2004 or Thereafter

First-time freshmen and transfer students who enter 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.

3. **Replacing a Grade**

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.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 34.22: Establishing Reasonable Accommodation for Students with Disabilities

DATE: July 29, 2010

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 April of even-numbered years by the ADA compliance officer for students with recommended revisions forwarded through administrative channels to the senior vice president for enrollment management and student affairs and the senior vice provost.

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.

In accordance with federal regulations, the designated ADA/Section 504 coordinator for faculty and students will be the managing director of Student Disability Services. All concerns or complaints regarding compliance issues will be directed to the ADA/Section 504 coordinator who, in turn, will forward the issue on to the appropriate personnel. Issues regarding faculty compliance will be reviewed by the ADA/Section 504 coordinator and then forwarded to the ADA compliance officer for faculty, which is the senior vice provost. Issues regarding student compliance will be reviewed by the ADA/Section 504 coordinator and then forwarded to the ADA/Section 504 compliance officer for students, which is the associate vice president for student affairs and external relations. All issues regarding facilities equipment and classroom accessibility will be reviewed by the ADA/Section 504 coordinator and then forwarded to the office of Academic Support and Facilities Resources.

2. Faculty Notice

- a. Faculty members are required to announce the following within the first two class periods:

"I would appreciate hearing from anyone who has a disability that may require special accommodations. I am sure we can work out whatever arrangements are necessary. Please see me during my office hours."

- b. Faculty members are required 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, 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. If the student's college grants a course substitution in mathematics, the student must present a copy of the letter from the dean **and** a copy of the *Letter of Accommodation* from Student Disability Services to the Texas Success Initiative (TSI) office. If the student is currently enrolled in Mathematics 0301 or Mathematics 0302, the student will be placed in TSI 0079 for the remainder of the semester with a TSI hold placed on her/his record. The student will be advised into the proper developmental mathematics sequence by the TSI Skills Development Office. Students will advance through the sequence by making a grade of C or better in each course. Student progress toward completing the mathematics developmental sequence may be evaluated at any point by a committee that may include, but is not limited to, the student's instructor, the director or designee from Student Disability Services, the TSI coordinator, and a representative of the Office of the Provost to determine TSI mathematics completion.
6. **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 dean of the college in which the student is enrolled or her/his designee and provide a copy to the Office of the Registrar and Student Financial Aid.

7. **Service Animals**

Service animals are defined as animals that are needed to perform a necessary function on campus that cannot otherwise be performed by a student with a disability. With the exception of seeing eye dogs, all students needing the use of a service animal on campus should be registered with Student Disability Services and submit the necessary documentation. Companion animals needed for the sole purpose of comfort, or anxiety or stress reduction are not allowed in the campus buildings, including classrooms and residence halls. All requests for service animals on campus will be reviewed by the Student Disability Services office on an individual basis.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 36.07: Authorization for Small Classes

DATE: October 23, 2006

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 for academic affairs with recommended revisions presented to the provost/senior vice president for academic affairs (PSVPAA) by May 15.

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 §51.403(d), Education Code, and Section 04.10, Regents' Rules**
2. The PSVPAA 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, as set forth by the Texas Higher Education Coordinating Board, may be authorized to be taught if the course is: ***In accordance with Title 19, Chapter 5, §5.26, Texas Administrative Code**
 - 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 courses 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 PSVPAA before the third class meeting. Only rarely can small classes be allowed.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 60.15: Smoke-free and Tobacco-free Environment

DATE: June 18, 2012

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 recommended 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 20 feet from any 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 under the stands in Jones AT&T Stadium, Dan Law Field, and R. P. Fuller Track. Smoking is allowed in designated areas outside of the United Spirit Arena during events.
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 or 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.



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 21, 2008

PURPOSE: This policy statement establishes the prohibition of the use of university facilities for private purpose.

REVIEW: This Operating Policy and Procedure (OP) will be reviewed in September of even-numbered years by the assistant vice president for procurement services with recommended revisions forwarded to the associate vice president for financial affairs and controller and the vice president for administration and finance by October 15.

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 inventory 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.

5. **Telephones**

Directory Assistance, TEX-AN, WATS, and Direct Dial 1+ and 0+ personal calls are not authorized over official telephone circuits. Procedures for placing personal collect calls and calls to be charged to personal calling cards and to other numbers using an official telephone are described in the information pages of the *University Directory*. 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 official use only. The practice of maintaining a stock of stamps on hand in departments usually is not necessary and is to be discouraged. Stamps purchased with university funds at the Tech Center post office usually should be limited to requirements for a specific mailing. Sale of stamps on hand in a department to an individual for cash is strictly forbidden.

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 Bursar's Office (Room 163, Drane Hall). The cost of the services or materials will be credited to the account 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 assistant vice president for procurement services.
-

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	_____
University Parking Services	2-3811	3161	_____



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 61.02: Use of University Grounds, Facilities, and Amplification Equipment

DATE: August 14, 2012

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 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:

- (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 Academic Support and Facilities Resources (<http://www.depts.ttu.edu/asfr/>). Requestors who wish to use facilities under the direction of the VPAF/CFO (e.g., Student Union, residence halls, Recreation Center, United Spirit 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.sub.ttu.edu>. 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 Academic Support and Facilities Resources; Texas Tech Police; Grounds Maintenance; Athletics; Recreational Sports; University 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.sub.ttu.edu>. 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, Academic Support and Facilities Resources, 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 Academic Support and Facilities Resources (<http://www.depts.ttu.edu/asfr/>). See OP 61.23.

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 Athletic Training Center, 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 Spirit Arena

Space in the United Spirit Arena is reserved through the office of the managing director of the United Spirit Arena. Facilities available for lease within the United Spirit 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 Spirit 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 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).

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).

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 and OP 61.18). 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).

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). 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, Aquatic Center, amphitheater, pavilion, sand volleyball, recreation fields, tennis courts, handball courts, and basketball courts are intended primarily for 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 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).

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.

Alcoholic beverages are not permitted in the ICC or on the grounds without special written permission from the Office of the President or the Office of the Chancellor. Requests for permission must be submitted in writing to the events coordinator of the ICC and will be forwarded for approval.

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 Texas Tech University. 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).

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). 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 University Parking Services. The host organization is responsible for making all parking arrangements. University Parking Services may be reached by phone at 742-3811.

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.sub.ttu.edu>. 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 Academic Support and Facilities Resources 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 Academic Support and Facilities Resources. 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.

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. 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) Jerry S. Rawls College of Business Administration – the western one-half of the courtyard between the Jerry S. Rawls College of Business Administration 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.

8. 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 Academic Support and Facilities Resources.
- (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 Academic Support and Facilities Resources.
- (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.

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



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 63.08: Property Management

DATE: June 1, 2009

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define the scope of property management at Texas Tech University. This OP consolidates in one document the property, purchasing, insurance, and sponsored programs requirements pertaining to real and personal property.

REVIEW: This OP will be reviewed in November of odd-numbered years by the managing director of Physical Plant with recommended revisions forwarded through the associate vice president for operations to the assistant vice president for financial affairs and controller and the chief operating officer and senior vice president for administration and finance by December 15.

POLICY/PROCEDURE

1. Background

As a state-supported educational institution, Texas Tech University 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.

2. Definitions

- a. The comptroller of public accounts 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.
- b. Texas Capital Trust Fund defines real property as land, land improvements, buildings, and building improvements.
- c. The comptroller of public accounts has defined controlled property (\$500 to \$ 4,999.99) as:
 - (1) Data projectors
 - (2) Stereo systems
 - (3) Cameras
 - (4) Video recorders/laserdisc players (TV, VCR, camcorder)
 - (5) Desktop CPUs - not Apple
 - (6) Printers - not portable
 - (7) Desktop CPUs - Apple
 - (8) Portable CPU laptops – not Apple

(9) Portable Apple CPUs/laptops

- d. Property Custodian – the individual responsible for the safekeeping of all property within the department who may be held financially responsible for the loss, damage, or misuse of university property. The custodian must report to the property manager if new equipment has not been tagged within a timely manner (please see section 2 c. for type of equipment that requires tags). This is usually the department head, unless the responsibility has been delegated by the department head to another individual.
- e. Property Manager – the designated university representative to the comptroller of public accounts for all university assets and systems office assets.
- f. Banner Fixed Asset System – the university's internal system used to track assets, balance expenditures, and inventory.
- g. Sponsored Projects – any project funded from a source outside the university (e.g., grants, contracts, etc.)

3. Responsibility

- a. Under the General Services Act as mentioned above, it is the responsibility of the property manager to account to the comptroller of public accounts (CPA) for all personal property.
- b. 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 their department.

The department head and/or custodian shall ensure that the *Temporary Use of Equipment Authorization Form* (Attachment D) is submitted annually at scheduled inventory to the property manager whenever equipment is removed from the department.

If the item is transferred from another institution or agency, the department receiving the item must notify Property Inventory so that the item may be added to the department's inventory.

If the item is fabricated on campus, the department must notify Property Inventory so that the item may be added.

- c. It is the responsibility of Procurement Services to provide the following information to the university property manager at the time of payment for those items defined in section 2. a, b, and e for inclusion in the fixed asset system:
 - Description
 - Manufacturer
 - Cost
 - Date of acquisition
 - Paid accounts
 - Purchase order number
 - Paid voucher number
 - IVs and JVs
 - Custodian

d. Tagging

- (1) It is the responsibility of each department to inform the university property manager when they receive items that meet the definition of personal and controlled property. The property management office will place a numbered inventory label that identifies the equipment as property of Texas Tech University and the state of Texas.
 - (2) Tagging equipment costing less than \$5,000 and that is not controlled (due to its nature) is optional for the individual department.
- e. Coding – it shall be the responsibility of Purchasing to ensure proper coding of all items meeting definitions in section 2.a, b, and e.
- f. Donated equipment (Grants/Contracts) – it shall be the responsibility of the Office of Institutional Advancement to provide the university property manager with the description, manufacturer, value, date of acquisition, and custodian.

4. **Procedures**

a. Fixed Asset System

Maintained by the Property Inventory manager, the following data is included:

- (1) Inventory Tag Number - The number assigned by TTU to the specific item
- (2) Description - Description of the item (e.g., typewriter)
- (3) Model Number - Model of the item (e.g., Selectric III)
- (4) Manufacturer - Manufacturer of the item (e.g., IBM)
- (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 TTU
- (8) Banner R number for Custodian - Code for the department to which the item is assigned
- (9) Building and Room Number - Location of item
- (10) Paid Account(s) - Account number(s) from which item was paid
- (11) Grant/Contract Number - Grant/contract number of paid account (if applicable)
- (12) Custodian - Individual to whom item has been assigned
- (13) Purchase Order Number - Number assigned by the Purchasing Department at time of procurement

- (14) Paid Voucher Number, – or Banner Reference number to paying document
Reports sorted by any of these data elements will be available in Cognos.

b. Fabrication of Equipment

There are times when equipment that is needed for a project is not available, or when the equipment that is needed can be constructed for less than the cost to purchase the equipment. This practice is referred to as "fabrication of equipment."

The account fund 7J0060 should be used when the equipment to be fabricated meets the criteria for capitalization (acquisition cost of \$5,000 per fiscal year or more and a useful life of at least one year). This account fund is not to be used for those projects that do not meet the criteria for capitalization.

Prior approval from the property manager is required for these projects. Complete Attachment H and send this form with the requisition to purchase materials that are to be used for the fabrication of equipment. This applies to all purchases, including procurement card purchases.

c. Deletions

Items may be deleted from the Fixed Asset System only after receiving approval from the state auditor. The process of obtaining that approval starts with the submission of the *Request for Authority to Remove Equipment from Departmental Inventory* form (Attachment A) by the department head, and the *Request to Delete Property Which Cannot be Located as a Result of Theft or Loss* form (Attachment B).

Software shall be deleted from computers before they are transferred or surplussed, unless the license is transferable.

Missing equipment shall be reported to Property Inventory immediately by completing the *Missing or Stolen Property Report* form (Attachment C). Deletion of missing personal property may be requested only after that property is not found for a minimum of two physical inventories and/or two calendar years from the date it was determined that the equipment was missing.

Stolen property must be reported to TTU police within 48 hours from the time the theft is noticed. The *Missing or Stolen Property Report* form also shall be completed and sent to Property Inventory. The request to delete the stolen property shall be sent at the same time as the form.

When there is reasonable cause to believe that state property has been lost, destroyed, or damaged through the negligence or fault of any state official or employee, the loss, destruction, or damage shall be reported immediately to the state auditor and the attorney general, as required by Texas Government Code § 403.271 (b). The attorney general may elect to investigate the matter and, if the investigation discloses that the state has sustained an injury through the fault of a state official or employee, the attorney general shall make written demand upon such state official or employee for reimbursement to the state for the loss so sustained.

If a university vehicle of any type is deleted from inventory, the Vehicle Fleet Management Office (TTU - Physical Plant, MS/Box 43142) will be provided a fully executed copy of Attachment A, *Request for Authority to Remove Equipment from Departmental Inventory*

form. University vehicles being disposed of as surplus property shall also comply with OP 80.04 on Disposal of Motor Vehicles as Surplus Property.

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 university. The department must file a *Request for Authority to Remove Equipment from Departmental Inventory* (Attachment A) for broken, obsolete, or unserviceable equipment, stating that the equipment will be used as a trade-in toward the purchase of new equipment. The amount allowed for the equipment to be used as a trade-in must be shown on the request to have the equipment deleted from inventory.

If a university-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 61.10 on Painting University Vehicles and Equipment, OP 72.15 on Purchasing/Leasing Motor Vehicles, and OP 80.07 on Vehicle Fleet Management Program. The Vehicle Fleet Management Office will be provided a fully executed copy of Attachment A, *Request for Authority to Remove Equipment from Departmental Inventory*.

e. Cannibalization of Equipment

In some instances, the benefits to the university 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 submit the *Request for Authority to Delete Equipment from Departmental Inventory* (Attachment A) to Property Inventory. The equipment should not be dismantled prior to the approval of this request.

f. Changes

Any of the data elements maintained in the Personal Property Inventory System may be changed. All changes shall be submitted in writing to the university property manager for input into the Fixed Asset System.

g. Vehicle Transfers

If a university-owned vehicle of any type is transferred to another department within the university, the transferring department will provide a fully executed copy of the *Request to Transfer Equipment 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 the property manager. Non-approved requests will be returned to the department that originated the request with recommendations for disposal.

h. Donated Vehicles

Motor vehicles donated to the university must comply with all the standards set forth in OP 80.07 on 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. The Office of Institutional Advancement shall provide information outlined in section 3.f to the university property manager.

5. Equipment Purchased from Sponsored Projects Funds

Upon accepting a grant or contract, TTU becomes bound by the sponsor's property management regulations. TTU recognizes that there may be conflicts between sponsor regulations and state law. Determination of applicability is based upon the source of funds used in the purchase of an item.

Obtaining Approval to Purchase Equipment for Federally Sponsored Projects

a. Sources of Information

- (1) Property Inventory will update annually, or as otherwise requested, and provide to the Office of Research Services (ORS) a list of equipment that has been classified as suitable for use on federally sponsored projects. Items that have a life expectancy of less than one year and/or cost less than \$5,000 are excluded from this list.
- (2) ORS will make this list available to principal investigators and other project administrators for review. In addition, ORS will maintain records on each federally sponsored project that can be used to determine whether the purchase of any item of equipment covered by this OP is authorized.

b. Authority to Procure

Before making procurement, principal investigators and other project administrators of federally sponsored projects are required to:

- (1) Have authority to purchase or rent equipment on a project;
- (2) Conduct a search to determine if a suitable item of equipment is already on campus and available for their use;
- (3) Obtain a certificate of non-availability for equipment items costing \$5,000 or more to be purchased for NASA contracts;
- (4) Obtain a certificate of non-availability for automatic data processing equipment (ADPE) items costing \$1,500 or more to be purchased for DOD contracts; and
- (5) Obtain a certificate of non-availability for industrial plant equipment (IPE) items costing \$10,000 or more to be purchased for DOD contracts.

c. Timely Procurement

It is TTU policy that equipment for a federally sponsored project will not be purchased unless 60 days or more remain until the final project expiration date. Exceptions to this policy will be made only in special cases and only with the approval of the associate vice president for research.

The Sponsored Programs Accounting and Reporting Office will maintain current expiration dates on all federally sponsored projects in the financial accounting system. This data is available to ORS from the inquiry features of the TechFIM System.

d. Administrative Procedures

When principal investigators and other project administrators wish to purchase equipment covered by this OP, the following actions are required:

- (1) A requisition is prepared and submitted to ORS that will verify that purchase or rental is authorized by the terms of the project, including authority to re-budget funds where necessary. ORS will originate an *Authorization to Purchase Equipment for a Sponsored Federal Project* (now included as part of the E-Purchase Order and E-Requisition) for each purchase request, and will complete Part A to verify that authority exists for the purchase.
- (2) The project administrator will review the list of on-campus equipment that is suitable for use on sponsored federal projects to determine if similar-type items are available. If they are, the administrator will investigate and determine if the items are suitable for use and if satisfactory arrangements can be made for loan or transfer of the equipment. If the results of the review and investigation are negative, the facts attesting to that will be documented in the *Authorization to Purchase Equipment for a Sponsored Federal Project*.
- (3) After completing the actions required by (b) above:
 - (a) If the equipment is for use on a NASA contract and has an acquisition cost of \$5,000 or more, the project administrator and ORS will prepare a DOD Industrial Plant Equipment Requisition (DD Form 1419). The form will be signed by the project administrator and ORS and forwarded for screening to: Administrative Contracting Officer, Department of the Navy, ONR Resident Representative, Room 582 Federal Building, 300 East 8th Street, Austin, Texas 78701. If, as a result of the screening, the equipment is not available, the DD Form 1419 will be returned with the non-availability certificate. Section d of Attachment C will be completed, and a copy of the DD Form 1419 and the non-availability certificate will be attached. ORS will verify that more than 60 days remain before expiration of the project. If 60 or fewer days remain and/or receipt of the equipment before that date cannot be expected, ORS will substantiate the reasons why an exception to policy has been made.
 - (b) If the equipment is IPE and for use on a DOD contract, and has an acquisition cost of \$10,000 or more, the project administrator and ORS will prepare a DOD Industrial Plant Equipment Requisition (DD Form 1419). The form will be processed in the same way as in (c) 1).
 - (c) If the equipment is ADPE and for use on a DOD contract, and has an acquisition cost of \$1,500 or more, the project administrator and ORS will prepare a DOD Industrial Plant Equipment Requisition (DD Form 1419). The form will be processed in the same way as in (c) 1).
- (4) After completing the actions required by (b) above, if DOD or NASA non-availability certificates are not required, ORS will verify that more than 60 days remain before expiration of the project. If 60 days or less remain and/or the receipt of equipment before that date cannot be expected, ORS will substantiate the reasons why an exception to policy has been approved.

- (5) ORS will then forward the TTU requisition, with the completed authorization (*Authorization to Purchase Equipment for a Sponsored Federal Project*) and substantiating information attached, to the Purchasing Office for procurement action.

e. Procurement Action

The Purchasing Office will process purchase requests that have been approved by ORS in accordance with the above procedures, Texas Government Code, Chapter 2155, and the Regents' Rules. The Purchasing Office will provide a copy of each approved *Authorization to Purchase Equipment for a Sponsored Federal Project*, with attachments, to Sponsored Programs Accounting and Reporting.

- f. Property Inventory personnel will tag equipment, and all data outlined in section 4.a will be entered into the Fixed Assets System. If title to the equipment is vested with the federal government, the equipment will be tagged with a "U.S. Government Property" label.

6. Title to Equipment

a. Title

- (1) Title to purchased equipment vests in TTU and the state of Texas. Equipment purchased with sponsored project funds is also subject to sponsor regulations regarding title.
- (2) Title to transferred equipment vests in TTU and the state of Texas unless the former owner notifies the university in writing of other arrangements or conditions.
- (3) Research Services will advise the TTU property manager where title vests, as part of their review of property requisition purchased under sponsored projects.
- (4) Title to loaned equipment does not vest in TTU and the state of Texas.
- (5) Title to donated equipment vests in TTU and the state of Texas by virtue of the fact that TTU is a Texas state agency.
- (6) The presumption in all cases is that title vests in TTU and the state of Texas unless explicitly stated otherwise by an authoritative source.

b. Disposition

- (1) If title vests in 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 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; or
 - (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.

7. **Private Use Prohibited**

Equipment that the university owns or for which it is responsible 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 needs to be removed from university property to an employee's personal residence or other like property to accomplish university work, a *Temporary Use of Equipment Authorization* (Attachment D) must be completed and forwarded to Property Inventory. 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 associate vice president is also required. 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.

8. **Annual Physical Inventory**

State law requires that a complete physical inventory be taken each fiscal year. Departmental personnel will be assigned with the most recent listing from the TTU Personal Property Inventory System to accomplish the inventory. The listing and instructions will be provided by the university property manager.

All discrepancies found on the federal portion of the annual physical inventory shall be reported to the cognizant federal property administrator. Federal property found to be lost or stolen shall be reported to the TTU property manager in the same manner as state property (see section 4.c) so that it can be forwarded to the federal property administrator for responsibility determination. Federal property that is no longer required for a project should be reported to the TTU property manager as soon as the determination is made.

All other inventory discrepancies will be reported in writing to the university property manager and via the Protégé database.

Property Inventory personnel will be available to assist and advise departments that encounter problems during the physical inventory.

9. **Changes to Departmental Inventory**

Changes to departmental inventories may be requested by use of the following forms. Instructions for completion of these forms are also included as attachments to this OP.

Attachment A: Request for Authority to Remove Equipment from Departmental Inventory (For Broken, Obsolete, Unserviceable, or Surplus Property)

Attachment A1: Instructions

Attachment B: Request to Delete Property Which Cannot Be Located as a Result of Theft or Loss

Attachment B1: Instructions

Attachment C: Missing or Stolen Property Report

Attachment C1: Instructions

Attachment D: Temporary Use of Equipment Authorization Form

Attachment D1: Instructions

Attachment E: Request to Transfer Equipment between Departments

Attachment E1: Instructions

Attachment F: Inter-Agency Property Transfer Request

Attachment F1: Instructions

Attachment G: Request to Add Equipment to Departmental Inventory that has been Discovered or Transferred from Off-campus or Donated

Attachment G1: Instructions

Attachment H: Fabrication of Equipment Authorization

Attachment H1: Instructions

**TEXAS TECH UNIVERSITY
LUBBOCK, TEXAS**

**REQUEST FOR AUTHORITY TO REMOVE PROPERTY FROM DEPARTMENTAL INVENTORY
(For Broken, Obsolete, Unserviceable, or Surplus Property)**

Department	PRMO Code	Date
-------------------	------------------	-------------

To: PROPERTY MANAGER

I request that the item(s) listed and described below be removed from the inventory of this department and the institution:

Inventory #	Description:	
SERIAL #:		
Inventory Carrying Value	Date Acquired	Voucher #
I have personally examined the item(s) and request this deletion for the following reason:		
Disposition Suggested:		
Estimated value of parts, if dismantled:		

Witness _____ <div style="text-align: center;">Signature</div> _____ <div style="text-align: center;">Type or Print Name of Witness</div>	Signed _____ <div style="text-align: center;">Property Custodian</div> _____ <div style="text-align: center;">Type or Print Name of Property Custodian</div>
---	--

I CERTIFY THAT THE HARD DRIVE HAS BEEN ERASED (check yes or no). YES ☐ NO ☐

I CERTIFY THAT THE EQUIPMENT HAS BEEN CHECKED FOR HAZARDOUS MATERIALS.	
_____ Signature	_____ Date

SALE OF SURPLUS PROPERTY SECTION

Prospective Purchasers	Address	Bid
		\$ -
		\$ -

Sold to	Amount	Receipt #
----------------	---------------	------------------

Approved _____

Property Manager

(SEND ORIGINAL TO PROPERTY MANAGER)

MAIL TO: Property Manger, Room 350, Drane Hall, P.O. Box 41108, Lubbock, TX 79409-1103 Mail Stop 1108

**INSTRUCTIONS FOR COMPLETING
REQUEST FOR AUTHORITY TO REMOVE EQUIPMENT FROM
DEPARTMENTAL INVENTORY FORM**

1. **DEPARTMENT** - Enter the name of your department.
- ** 2. **PRMO** - Enter the PRMO Code for your department (not the paid account).
3. **DATE** - Enter the current date.
4. **INVENTORY NUMBER** - Enter the inventory number. This is the number on the inventory tag that is affixed to the equipment by Property Inventory (not the serial number).
5. **DESCRIPTION** - Enter an accurate description of the equipment.
- * 6. **INVENTORY CARRYING VALUE** - Enter the inventory carrying value.
- * 7. **DATE ACQUIRED** - Enter the date that the equipment was purchased.
- * 8. **VOUCHER NUMBER** - Enter the voucher number. This is the transaction that recorded the acquisition of the equipment.
9. **DISPOSITION SUGGESTED** - State how you would like the equipment disposed of, such as:
 - a. Sell to the highest bidder
 - b. Junk, dispose of as salvage
 - c. Use as a trade-in for new equipment
 - d. Make available for transfer to other departments
 - e. Retain to be utilized for parts to maintain other equipment
10. **ESTIMATED VALUE OF PARTS, IF DISMANTLED** - Enter an amount here only if you have suggested that the equipment be utilized for parts to repair other equipment. The value entered should be an estimate of what you believe the parts would cost if you were purchasing parts to repair the equipment.
11. **WITNESS** - This should be the signature of someone other than the Property Custodian such as the department secretary or administrative assistant. **This signature is required.**
12. **PROPERTY CUSTODIAN** - This is usually the head of the department unless the responsibility has been officially delegated to someone else in writing by the head of the department.
13. **SALE OF SURPLUS PROPERTY SECTION** - This section is to be completed by Property Inventory/Surplus Property.
 - * This information is available in the TechFim tables. Refer to FBT1, FBT2, FAS1, and FAS2.
 - ** The PRMO Code can be found in FAS1 (TechFim tables).

TEXAS TECH UNIVERSITY

CITY/CAMPUS: _____

REQUEST TO DELETE PROPERTY WHICH CANNOT BE LOCATED
AS A RESULT OF THEFT OR LOSS

Department	PRMO Code	Date
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To: **PROPERTY MANAGER**

The item(s) listed below have been lost or stolen from this department and should be deleted from the inventory:

Inventory #	Description:		
	Serial #:		
Inventory Carrying Value	Date Acquired	Voucher #	
Estimated value at time of loss:			
The circumstances resulting in this request are:			
It's my opinion that this property should be paid for by the person in whose care the item was entrusted at the time of loss for the following reasons:			

Witness	_____	Signed	_____
	Signature		Property Custodian
	_____		_____
	Type or Print Name of Witness		Type or Print Name of Property Custodian

MAIL TO: Property Manager, Room 350, Drane Hall, P.O. Box 41108, Lubbock, TX 79409-1108, Mail Stop 1108

Approved _____
Property Manager

Missing or Stolen Property Report MUST Also Be Completed

(SEND ORIGINAL TO PROPERTY MANAGER)

**INSTRUCTIONS FOR COMPLETING
REQUEST TO DELETE PROPERTY THAT CANNOT BE LOCATED
AS A RESULT OF THEFT OR LOSS FORM**

1. **DEPARTMENT** - Enter the name of your department.
- ** 2. **PRMO** - Enter the PRMO Code for your department (not the paid account).
3. **DATE** - Enter the current date.
4. **INVENTORY NUMBER** - Enter the inventory number. This is the number on the inventory tag that is affixed to the equipment by Property Inventory (not the serial number).
5. **DESCRIPTION** - Enter an accurate description of the equipment.
- *6. **INVENTORY CARRYING VALUE** - Enter the inventory carrying value.
- *7. **DATE ACQUIRED** - Enter the date that the equipment was purchased.
- *8. **VOUCHER NUMBER** - Enter the voucher number. This is the transaction that recorded the acquisition of the equipment.
9. **ESTIMATED VALUE AT TIME OF LOSS** - Enter the dollar amount that you believe appropriate. This should be an estimated fair market value.
10. **THE CIRCUMSTANCES RESULTING IN THIS REQUEST ARE** - Explain why this equipment cannot be located and what efforts have been taken to locate the equipment. Provide as much information as possible.
11. **IT IS MY OPINION THAT THIS PROPERTY SHOULD (SHOULD NOT) BE PAID FOR BY THE PERSON IN WHOSE CARE THE ITEM WAS ENTRUSTED AT THE TIME OF LOSS FOR THE FOLLOWING REASONS** - Explain why the person who was responsible for this equipment should or should not be required to reimburse the state for the loss sustained. If you have reason to believe that the person should reimburse the state, please provide proof of negligence. If you state that the person responsible for this equipment should not be required to reimburse the state for the loss, explain what precautions were taken by your department to provide for the safekeeping of equipment.
12. **WITNESS** - This should be the signature of someone other than the Property Custodian such as the department secretary or administrative assistant. **This signature is required.**
13. **PROPERTY CUSTODIAN** - This is usually the head of the department unless the responsibility has been officially delegated to someone else in writing by the head of the department.
 - * This information is available in the TechFim tables. Refer to FBT1, FBT2, FAS1, and FAS2.
 - ** The PRMO Code can be found in FAS1 of the TechFim Tables.

ATTACHMENT C MUST ALSO BE COMPLETED AND SUBMITTED WITH THIS FORM.

**INSTRUCTIONS FOR COMPLETING
MISSING OR STOLEN PROPERTY REPORT FORM**

1. **NAME OF AGENCY/INSTITUTION** - Enter Texas Tech University.
2. **AGENCY NUMBER** - Enter agency number 733.
3. **PLACE OF OCCURRENCE** - Enter the name of the city and the county where the loss occurred.
4. **NAME OF POLICE AGENCY NOTIFIED** - Enter the name of the police agency that was called to investigate the loss.
5. **POLICE REPORT OFFENSE NUMBER** - Furnish the number from the police report.
6. **ESTIMATED VALUE AT DATE OF LOSS** - Enter an amount that estimates the fair market value of the equipment at the time of loss.
7. **SERIAL NUMBER** - Furnish the serial number for the equipment. This is the number that is assigned to the equipment by the manufacturer.
8. **STATE PROPERTY NUMBER(S)** - Enter the inventory number for the equipment.
9. **DESCRIPTION OF ITEM(S)** - Give a brief, but accurate description of the missing equipment.
10. **LOCATION OF ITEM(S)** - Enter the last known location of the equipment.
11. **PERSON(S) RESPONSIBLE FOR ASSET(S)** - Enter the name of the person responsible for this equipment.
12. **REPORT IN DETAIL** - Provide as much information as possible about the loss of this equipment.
13. Check the statement that you believe is appropriate for the loss of this equipment. If the loss was caused by negligence, check the paragraph that indicates that the loss was caused by negligence by the person responsible for the equipment. If you do not feel that the loss was the result of negligence by the person responsible for the equipment, check that statement.
14. **SIGNATURE** - To be completed by Property Inventory.
15. **DATE** - To be completed by Property Inventory.

**INSTRUCTIONS FOR COMPLETING
TEMPORARY USE OF EQUIPMENT AUTHORIZATION FORM**

1. **DATE** - Enter the date that the form is prepared.
2. **THE FOLLOWING LIST OF EQUIPMENT WILL BE TEMPORARILY LOCATED AT** - Enter the address where the equipment will be located.
3. **IN THE CUSTODY OF** - Enter the name of the person to whom the equipment will be entrusted, his job title, and the name of the department where he is employed.
4. **TEMPORARY CUSTODIAN'S SIGNATURE** - The signature of the person who will be using the equipment.
5. **INVENTORY NUMBER** - Enter the inventory number from the inventory tag.
6. **DESCRIPTION** - Enter a brief description of the equipment.
7. **EXPECTED DATE OF RETURN TO ORIGINAL LOCATION** - Enter the date that the equipment will be returned to the original location.
8. **DEPARTMENT NAME** - Enter the name of the department responsible for the equipment.
9. **BUILDING NAME** - Enter the name of the building where the equipment is normally kept.
10. **ROOM NUMBER** - Enter the number of the room where the equipment is normally kept.
11. **PROPERTY CUSTODIAN** - This is usually the head of the department unless the responsibility has been officially delegated to someone else in writing by the head of the department.
12. **SUPERVISORY APPROVAL** - In the event that the "Temporary Custodian" is also the chairperson of the department (Property Custodian), the approval of the dean or associate vice president is also required.

SEND COMPLETED FORM TO:

**PROPERTY INVENTORY
MAIL STOP 1108**

TEXAS TECH UNIVERSITY

REQUEST TO TRANSFER EQUIPMENT BETWEEN DEPARTMENTS

The following item(s) have been transferred from _____ (Department Name)

to _____ (Department Name) Date _____

[illegible]

Property Custodian/Losing Department

Property Custodian/Gaining Department

Recorded in Property Inventory System

**INSTRUCTIONS FOR COMPLETING
REQUEST TO TRANSFER EQUIPMENT BETWEEN DEPARTMENTS FORM**

1. **DEPARTMENT NAME (FROM)** - Enter the name of the department transferring the equipment.
2. **DEPARTMENT NAME (TO)** - Enter the name of the department receiving the equipment.
3. **DATE** - Enter the date that this form is prepared.
4. **INVENTORY TAG NUMBER** - Enter the inventory number for the equipment to be transferred.
5. **DESCRIPTION** - Provide a brief description of the equipment.
6. **NEW LOCATION** - Provide the room and building number where the equipment will be located after the transfer.
7. **PROPERTY CUSTODIAN/LOSING DEPARTMENT** - Signature of department head or other designated person.
8. **PROPERTY CUSTODIAN/GAINING DEPARTMENT** - Signature of department head or other designated person.
9. **RECORDED IN PROPERTY INVENTORY SYSTEM** - To be completed by Property Inventory.

TEXAS TECH UNIVERSITY
LUBBOCK, TEXAS

INTER-AGENCY PROPERTY TRANSFER REQUEST

TRANSFEROR _____	AGENCY NO. _____
PROPERTY CUSTODIAN _____ (Signature)	DATE _____
TRANSFeree _____	AGENCY NO. _____

TRANSFEROR INVENTORY NUMBER	DESCRIPTION	SERIAL NUMBER	UNIT COST	TRANSFeree INVENTORY NUMBER

TO BE COMPLETED BY PROPERTY INVENTORY	
DATE ENTERED _____	SIGNATURE _____
DATE ACCEPTED _____	SIGNATURE _____

**INSTRUCTIONS FOR COMPLETING
INTER-AGENCY PROPERTY TRANSFER NOTICE FORM**

This form is to be completed by the department initiating the transfer of equipment (Transferor) and forwarded to the Property Manager.

1. **TRANSFEROR** - Enter the name of the agency initiating the transfer (Texas Tech University).
2. **AGENCY NO.** - To be completed by Property Inventory.
3. **PROPERTY CUSTODIAN** - Signature of the person responsible for the equipment.
4. **DATE** - Enter the current date.
5. **TRANSFeree** - Enter the name of the agency receiving the equipment.
6. **AGENCY NO.** - To be completed by Property Inventory.
7. **TRANSFEROR INVENTORY NUMBER** - Enter the number which has been assigned by Texas Tech University to the specific item which is to be transferred.
8. **DESCRIPTION** - Enter a brief description of the equipment.
9. **SERIAL NUMBER** - Enter the serial number assigned by the manufacturer.
10. **UNIT COST** - Enter the purchase price or other established value for the item such as fair market value at the time of the donation.
11. **TRANSFeree INVENTORY NUMBER** - To be completed by Property Inventory.

**REQUEST TO ADD EQUIPMENT TO DEPARTMENTAL INVENTORY THAT HAS BEEN
DISCOVERED OR TRANSFERRED FROM OFF CAMPUS OR DONATED**

I request that the following items be added to the _____ inventory
(Department Name)

[illegible]

Added to De

Attachment G
OP 63.08
6/1/09

**INSTRUCTIONS FOR COMPLETING
REQUEST TO ADD EQUIPMENT TO DEPARTMENTAL INVENTORY THAT HAS BEEN
DISCOVERED OR TRANSFERRED FROM OFF CAMPUS OR DONATED FORM**

1. **DATE** - Enter the current date.
2. **DEPARTMENT NAME** - Enter the name of your department.
3. **ITEM DESCRIPTION** - Provide a complete description of the equipment, including the model number, serial number, color, or any other information that is unique to the equipment and would help in the identification.
4. **ESTIMATED VALUE** - Provide an estimated value for the equipment. If you know the acquisition cost of the equipment, please provide that information.
5. **SOURCE** - If the equipment was purchased, provide the purchasing information (purchase order and payment voucher). For equipment that was constructed by the department, please indicate. Provide the name of the donor of equipment that has been transferred or donated.
6. **LOCATION** - Provide the room and building number where the equipment will be located.
7. **PROPERTY CUSTODIAN** - Signature of the head of the department.
8. **ADDED TO DEPARTMENTAL INVENTORY** - To be completed by Property Inventory.

FABRICATION of EQUIPMENT AUTHORIZATION

Purchase Order No. _____

Account No. _____

Grant/Contract No. _____

Estimated Cost of Completed Equipment _____

Date of Completion _____

Principal Investigator _____

Contact Person _____

Approved _____

Property Manager

**INSTRUCTIONS FOR COMPLETING FABRICATION OF
EQUIPMENT AUTHORIZATION FORM**

1. **PURCHASE ORDER NUMBER:** Enter the purchase order number if materials are being purchased on a purchase order.
2. **ACCOUNT NO.:** Enter the account number that will be used to purchase materials for this project.
3. **GRANT/CONTRACT NO.:** Enter the grant or contract number.
4. **ESTUNATED COST OF COMPLETED EQUIPMENT:** Enter the estimated cost of the equipment to be fabricated.
5. **DATE OF COMPLETION:** Enter the date the project will be completed.
6. **PRINCIPAL INVESTIGATOR:** Enter the name of the principal investigator for the grant or contract.
7. **CONTACT PERSON:** Enter the name of the person who will be responsible for the acquisition and identification of equipment that will be fabricated for this project.



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: January 25, 2012

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define policies and procedures applicable to the Optional Retirement Program.

REVIEW: This OP will be reviewed in February of even-numbered years by the managing director of Human Resources and the managing director of Payroll with recommended revisions forwarded to the chief financial officer/vice president for administration and finance 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. The employing TTUS component Personnel/Human Resources Department is responsible for notifying each newly eligible employee of the availability of the program and securing the employee's written acknowledgment.
- c. Enrollment in the program is solely at the discretion of each eligible employee, and employees must select the company and annuity contract or mutual fund that best fits their 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.
- 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 component Personnel/Human Resources Department 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, Chapter 25, § 25.4 (k).**

- a. New employees employed on a full-time basis for a period of four and one-half months or more in the following categories are eligible to participate in the ORP:
 - (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 Web sites 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 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.

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 personnel pay plan.

d. 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 percent 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 percent 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. It is the option of the employees to either withdraw their ORP account or leave it on deposit.

3. Election to Participate

- a. New employees must complete TRS enrollment forms at the time of initial employment in order to facilitate the payroll process. 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 are responsible for making the decision to elect ORP within the first 90 days of eligibility and for submitting the appropriate forms to the Personnel/Human Resources Department if the election to ORP is desired.
- c. The ORP election decision is available only once during an employee's career in Texas state-supported institutions of higher education.
- 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 the TRS, other than a right to the return of annual contributions, even if the member was vested therein. 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. * In accordance with Section 25.172, Rules of the Board of Trustees, Teacher Retirement System

4. Enrollment Procedures

- a. The employee must select the company and annuity contract or mutual fund that best fits his or her retirement objectives.
- b. A list of currently approved companies and representatives may be obtained from the TTUS component Personnel/Human Resources Department.
- c. Failure to select an approved ORP company may result in disciplinary action up to and including termination of employment. Retirement contributions are required by law as a condition of employment.

- d. Only authorized representatives from approved companies are permitted to conduct business with eligible employees.
- e. 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.
- f. Company solicitation procedures are outlined in Section K of the *Company Administrative Procedures*.
- g. The following forms (see Exhibit E-4 of the *Company Administrative Procedures*) must be completed and submitted to the appropriate TTUS component Personnel/Human Resources Department by either the employee or the company representative:
 - (1) ORP *Information Acknowledgement Form*
 - (2) ORP *Salary Reduction Acknowledgement/Change of Company*
 - (3) *Notice of Election to Participate in Optional Retirement Program* form (TRS 28)
 - (4) *Application for Refund* form (TRS 29), if the employee is currently participating in TRS
 - (5) Copy of the company application/enrollment form (if available)
 - (6) Original of the company application/enrollment form must be submitted directly to the company selected or company representative or to the Benefits Office if there is no company representative.

5. **Effective Date of Participation**

The effective date of participation is determined in accordance with the following provisions:

- a. The Personnel/Human Resources Department will determine the employee's effective date of participation.
- b. The effective date of participation will be the first of the month provided all necessary and properly executed forms are signed, received by the Personnel/Human Resources Department, and processed before payroll has run for that month.
- c. Forms received after the monthly payroll calculation will be effective on the first of the following month.

6. **Withdrawal of Teacher Retirement System Contributions**

- a. Employees electing to participate in ORP must withdraw all prior TRS contributions plus any accrued interest. Employer contributions to TRS are not refundable, even to vested members. The employee is responsible for satisfying any federal income tax liability accrued by the withdrawal of a TRS account. Amounts contributed after 1987 will be subject to income taxes and possible early withdrawal penalties unless "rolled over" to an Individual Retirement Account (IRA) or an eligible employer plan within 60 days of withdrawal.
- b. To withdraw TRS deposits, a *Notice of Election to Participate in Optional Retirement Program* form (TRS 28) and an *Application for Refund* form (TRS 29) must be completed

and submitted with the *ORP Information Acknowledgment Form* and the *ORP Salary Reduction Acknowledgement/Change of Company* form to the TTUS component Personnel/Human Resources Department.

7. Contributions

- a. Both the employee and the employer contribute to the participant's ORP on a tax-deferred basis. Participant and employer contribution rates are established by the Texas legislature and are subject to revision. The contribution rates as of the date of this OP are 6.65 percent, employee, and 6 percent, employer. Employees who were participating in the ORP on or before August 31, 1995, will receive the FY 95 supplemented employer contribution rate of 8.5 percent, subject to legislative change.
- b. Internal Revenue Service Code 401(a)(17)(B) limits the amount of compensation that may be considered for purposes of calculating retirement plan contributions. The limit as of the date of this OP is \$220,000, indexed annually.
- c. An 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.
- d. No participation occurs during any calendar month during which an employee is on leave without pay for the entire month.

8. 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. 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. 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.
- c. 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.

9. 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 and enrollment/application form from the

new company to the appropriate TTUS component Personnel/Human Resources Department.

- (2) The change will be effective on the first day of the month following the receipt of all necessary and properly executed forms in the Personnel/Human Resources Department
 - (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 receiving company completes its rollover/transfer form, including the account number, address where the funds should be sent, and other information appropriate for each company.
 - (2) The participant must complete an ORP/TSA *Transfer Request* form, including the receiving company information and the name of the company representative who is 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.
 - (3) Both the ORP/TSA *Transfer Request* form and the receiving company's rollover/transfer form should be forwarded to the appropriate TTUS component Personnel/Human Resources Department. 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.
 - (4) Upon receipt of the ORP/TSA *Transfer Request* form, the TTUS component Personnel/Human Resources Department will verify that the receiving company is an approved ORP company and forward it to the TTUS Payroll Department. A transfer may not be made to a grandfathered company unless that employee is currently making contributions through payroll deduction to that company
 - (5) The completed ORP/TSA *Transfer Request* form, with the attached receiving company's rollover/transfer form, will be forwarded by the TTUS Payroll Department to the surrendering company. The forms 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.
 - (6) 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:
 - (a) A direct transfer from the "old" company to the "new" company is made; and
 - (b) The transferred funds continue to be subject to the same or more stringent early distribution restrictions.

10. 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
 - (4) Attainment of age 70 ½
- b. Distributions may be made only by the company upon receipt of a properly completed and signed *Notice of Final Deposit and Vesting Status* form that has been certified by the Payroll Department. 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 the Payroll Department.
- c. 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.
 - (1) The following procedure should be used when executing a QDRO for a TTUS ORP participant:
 - (a) 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).
 - (b) 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 Personnel/Human Resources Department for inclusion in the employee's benefits file.
 - (c) The Texas ORP withdrawal restrictions still apply to the employee.
- d. A 10 percent 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 percent 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) A result of a disability retirement;
 - (5) Made to a beneficiary or 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 QDRO.
- e. 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 or 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 percent of the minimum amount that should have been distributed. It is the employee's responsibility to meet these distribution requirements.
 - f. 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. *** In accordance with Rules and Regulations of the Texas Higher Education Coordinating Board, Chapter 25**
 - g. 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.
 - h. 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.

11. Retiring Under the Optional Retirement Program

- a. Participants, regardless of date of termination, may retire under the ORP provided that they: have at least ten years of service creditable under either the ORP, TRS, or the Employees Retirement System (including public community/junior college service); are at least 65 years of age or their age plus years of creditable service is equal to or exceeds 80; and have not voluntarily forfeited benefits through the withdrawal of ORP service.
*** In accordance with Rules and Regulations of the Texas Higher Education Coordinating Board, Chapter 25**
- b. Former employees with ten 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.
- c. Persons who are approved for ORP disabled retiree status in the GBP and have at least ten years of service credit, of which at least three years (ten years if hired after September 2001)

are with a GBP-participating agency or institution, may remain in the GBP indefinitely, provided they are receiving or are eligible to receive an annuity.

Persons approved for ORP disabled retiree status who have less than ten years of service credit, but at least three years (ten years if hired after September 2001) with a GBP-participating agency or institution, may remain in the GBP for the same number of months for which they have participated in the ORP, provided they are receiving or are eligible to receive an annuity.

- d. Vested members of ORP who have terminated employment in all public institutions of higher education in Texas may annuitize their accounts and collect benefits without official retirement under the terms provided by their individual contract(s) without meeting the above requirements.

12. Selection and Approval of Optional Retirement Program Companies

Texas Tech will provide a selection of at least four, and up to ten, 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.

- a. The RFP submissions will be evaluated against a set of criteria to measure administration, service, and investments.
- b. Following the process outlined above, the TTUS senior vice chancellor and chief financial officer will submit a recommended list of companies for approval by the Board of Regents.
- c. TTUS will provide a selection of at least four ORP companies that are qualified and admitted to do business in the state of Texas. *** In accordance with Rules and Regulations of the Texas Higher Education Coordinating Board, Chapter 25**
- d. Only companies approved by the Board of Regents may enroll new participants in their plans.
- e. Approved companies must maintain a minimum of 15 actively contributing participants. Companies not previously approved must achieve this level of participation by the end of their second year. If a company fails to meet this standard, that company will be removed from the approved list and placed on the grandfathered list effective February 28 following the year of non-compliance.
- f. All grandfathered companies will continue to receive monthly remittances from existing participants, but are restricted from conducting new business. Once a grandfathered company no longer has a contributing participant, the provider will be removed from the grandfathered list. Grandfathered providers are required to abide by this policy.

13. Program Subject to Change

The Employee Retirement Income Security Act of 1974 (ERISA), the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Federal Deficit Reduction Act of 1984 (DEFRA), the Retirement Equity Act of 1984 (REACT), the Tax Reform Act of 1986 (TRA), the 1996 Small Business Job Protection Act, the 1997 Tax Reform Act, and the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) all imposed new and/or revised federal regulations on employee benefit plans. 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 Texas Tech regulations governing the ORP.

14. 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.

Attachment: Authorized Companies and Approved Representatives

**TEXAS TECH UNIVERSITY SYSTEM
OPTIONAL RETIREMENT PROGRAM (ORP) AND
TAX DEFERRED ACCOUNT PROGRAM (TDA)
AUTHORIZED COMPANIES AND APPROVED REPRESENTATIVES
January 26, 2012**

Eligible employees interested in the Optional Retirement Program (ORP), or employees interested in the Tax Deferred Account Program (TDA) should contact listed representatives concerning details of annuity contracts or custodial mutual funds accounts. Employees may enroll with the vendor of their choice.

**COMMONWEALTH ANNUITY www.commonwealthannuity.com
(Fixed & Variable Annuities)**

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1420 Geronimo, Bldg C-130, El Paso, TX 79925
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Tel: 505-883-2527, Fax: 505-883-1668, Email: nmcanally@cba-inc.us

Mike Mitchell
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**EDUCATORSMONEY www.educatorsmoney.com
(Custodial Mutual Fund Accounts)**

**For Enrollment And Contract Information Call: 1-877-816-0548 (Option 3)
www.educatorsmoney.com**

FIDELITY INVESTMENTS www.fidelity.com
(Custodial Mutual Fund Accounts)

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Miguel Salazar
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ING FINANCIAL SERVICES www.ingretirementplans.com
(Fixed & Variable Annuities and Custodial Mutual Fund Accounts)

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TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.08: Nepotism

DATE: January 7, 2010

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 03.01.8, *Regents' Rules*.

REVIEW: This OP will be reviewed in March of odd-numbered years by the managing director of Human Resource Services with recommended revisions forwarded to the assistant vice president for human resources administration and 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 03.01.8, *Regents' Rules*.

b. Prohibition Applicable to TTU System and System Component Officials

No person related to any member of the board, to the TTU or TTUHSC 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 when the compensation of such appointee is to be paid, either directly or indirectly, from public funds or fees.

(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.

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 in-processing, to sign the following affidavit:

"3. NEPOTISM (*Texas Government Code*, Section 573)

I am not related within the third degree by consanguinity (blood) or the second degree by affinity (marriage) to any member of the Board of Regents, to the chancellor, the TTU or TTUHSC president, or to any administrator of Texas Tech University or Texas Tech University Health Science Center who has direct appointive power over this position, in whole or in part (i.e., the administrator is in the chain of command)."

- 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* (attachment) 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* (attachment) 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 managing director of Human Resource Services is responsible for interpreting the nepotism policy.

4. **Fines and Penalties**

*** In accordance with Texas Government Code, Section 573**

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. **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.

[*Attachment: Application for Waiver of Nepotism*](#)

**TEXAS TECH UNIVERSITY
APPLICATION FOR WAIVER OF NEPOTISM**

☐ New Hire ☐ Promotion ☐ Reclass ☐ Reassign ☐ Reappoint ☐ Marriage

SECTION 1: PROSPECTIVE EMPLOYEE

Name: _____

Job Title: _____

Employing Department: _____

Administrative Supervisor: _____

SECTION 2: CURRENT EMPLOYEE

Name: _____

Job Title: _____

Employing Department: _____

Relationship to Prospective Employee: _____

SECTION 3: JUSTIFICATION FOR WAIVER

SECTION 4: DEPARTMENTAL APPROVAL

Administrative Head: _____ Date: _____

Next Level Management: _____

Vice President: _____

SECTION 5: RECOMMENDATION/ APPROVAL

President: _____ Date: _____

Chancellor: _____ Date: _____

SECTION 6: BOARD APPROVAL

☐ The Board of Regents has approved this Waiver of Nepotism

Date of Board Meeting: _____ Item Number: _____

RETURN TO: HUMAN RESOURCE SERVICE, MS 1093

Attachment A
OP 70.08



Texas Tech University

Operating Policy and Procedure

OP 70.09: Tax Sheltered Annuity Program

DATE: June 22, 2004

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to define policies and procedures that are applicable to the Tax Sheltered Annuity Program of Texas Tech University.

PURPOSE: This OP will be reviewed by February 1 of each even-numbered year by the managing director of Personnel with recommendations for change forwarded through administrative channels to the vice president for fiscal affairs by February 15.

POLICY/PROCEDURE

1. General Plan Description

The Tax Sheltered Annuity Program (TSA) is a 403(b) plan under the Internal Revenue Code and is subject to federal regulation, regulation by the Coordinating Board of the state of Texas, and by Texas Tech.

Under the Tax Sheltered Annuity Program, employees enter into an agreement with Texas Tech by completing a *Tax Sheltered Annuity Salary Reduction Agreement* (Attachment A) 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, custodial, noncustodial, or mutual fund account from companies approved by Texas Tech. Contributions made under the Tax Sheltered Annuity Program that are within the prescribed limits are not subject to income tax until received by the employee. The employee owns and controls all rights to the benefits of the annuity plan selected. The investment values of the annuity plan will accumulate income tax-free until retirement, death, or disability, or until such other time as the employee elects to receive the benefit payments, subject to provisions of the IRS Code.

The Tax Sheltered Annuity 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.

No contract issued under the Tax Sheltered Annuity Program may provide a life insurance feature.

Participation in the Tax Sheltered Annuity Program is voluntary.

It is the responsibility of the employee to select and monitor companies and investments. Texas Tech has no fiduciary responsibility for the market value of the investments or for the financial stability of the company.

2. Eligibility

All employees except students performing services described in Internal Revenue Code section 3121(b)(10) are eligible to participate in the Tax Sheltered Annuity Program.

3. Contribution Limits

Passage of the Economic Growth and Tax Relief Reconciliation Act of 2001 resulted in several changes to the calculation of contribution limits applicable to 403(b) annuities. These changes became effective January 1, 2002.

- a. The maximum amount that an employee may contribute to the Tax Sheltered Annuity Program is the lesser of:
 - (1) 100% of includable income, or
 - (2)

\$11,000 for calendar year 2002
\$12,000 for calendar year 2003
\$13,000 for calendar year 2004
\$14,000 for calendar year 2005
\$15,000 for calendar year 2006
- b. The combined Tax Sheltered Annuity and Optional Retirement deferrals cannot exceed 100% of compensation or the IRS Code Section 415(c)(1)(a) deferral limit of \$41,000 for CY 2004.
- c. Participants who are age 50 or older are allowed to make additional catch-up contributions as follows:
 - (1) \$1,000 for calendar year 2002
 - (2) \$2,000 for calendar year 2003
 - (3) \$3,000 for calendar year 2004
 - (4) \$4,000 for calendar year 2005
 - (5) \$5,000 for calendar year 2006
- 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.

The Personnel Benefits Office is available to assist employees in making the maximum allowable contribution calculation (Attachment B); however, employees are advised that they will be solely liable for the payment of all taxes due if the Internal Revenue Service rules adversely against the Tax Sheltered Annuity Program, the maximum allowable contribution formula used by Texas Tech, or the sheltering of an individual employee. 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 their 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 Sheltered Annuity Program.**

4. Election to Participate and Effective Date of Participation

- a. Employees may elect to participate in the Tax Sheltered Annuity Program effective the first day of any month. It is the responsibility of each employee to have all company required forms completed and submitted to the company and to have the Salary Reduction Agreement form completed and returned to the Personnel Benefits Office no later than the first day of the effective month. If the Salary Reduction Agreement form is received in the Benefits Office after the first day of the month, the effective date will be the first day of the following month.
- b. An employee's Tax Sheltered Annuity Program contributions are deducted from the employee's regular pay on either a nine-month basis or a twelve-month basis, depending on the employee's basic appointment period. 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 a nine-month period. 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. Tax Sheltered Annuity Program contributions cannot be taken from summer school or other temporary salary payments.
- c. Employees must make their own determination as to whether or not to participate in TSA 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 TSA or the terms or provisions of any annuity contract or mutual fund option selected under TSA.

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 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. Company representatives must be familiar with the benefits provided under the Teacher Retirement System (TRS) and with applicable Texas laws, Coordinating Board rules and regulations, and Internal Revenue Service codes.

- d. A list of currently approved companies and representatives may be obtained from the Personnel/Benefits Office.
- e. Employees are requested to notify the Personnel Department 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 Tax Sheltered Annuity 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-Tax Sheltered Annuity product and then make a Tax Sheltered Annuity 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. The providing of 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. A Salary Reduction Agreement must be submitted to the Personnel Benefits Office. Any Salary Reduction Agreement submitted that is incorrect or incomplete will be returned to the employee. It is the responsibility of the employee to resubmit a corrected Salary Reduction Agreement within the eligibility period. The final Salary Reduction Agreement submitted will determine the effective date of the participation.
- k. 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

All Tax Sheltered Annuity contributions will be forwarded by Texas Tech to companies within 10 business days after the close of each month. Each transmittal of funds will consist of:

- a. A Listing Identifying:

- (1) Texas Tech;
- (2) The Tax Sheltered Annuity company;
- (3) The month end report date;
- (4) The social security number of each employee;
- (5) The name of each employee;
- (6) The amount submitted for each employee; and
- (7) The total amount of transmittal.

b. Funds Transmittal Corrections

It is the company's responsibility to promptly credit each employee's account and to distribute the funds among the various company options as may have been selected by the employee.

All cancellations of Tax Sheltered Annuity Program contributions after the amount has been remitted to the company shall be made by a reduction on future transmittals. Each reduction entry shall identify the social security number and name of the employee and the amount to be deducted from that employee's account.

It is the company's responsibility to promptly debit the account(s) of each employee identified as having a cancellation and crediting those funds, along with the funds accompanying the transmittal, to the accounts of the other employees listed on the transmittal.

Accountability for funds transmitted to companies in accordance with the above procedure becomes the responsibility of the company.

9. Change of Companies and Transfers

- a. Employees may change Tax Sheltered Annuity Program companies without transferring contributions or deposits with the prior company. If approved by Texas Tech, a nontaxable transfer of accumulated deposits is permitted if both companies agree to the transfer. If an employee desires to transfer prior contributions in connection with or following a company change, it is necessary to furnish the Personnel Benefits Office with a signed *Texas Tech ORP/TSA Transfer Request* form (Attachment C).
- 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.
- c. The following procedures have been adopted by Texas Tech and apply to partial transfers, mutual funds to annuity transfers, or vice versa, and to full transfers:

- (1) The receiving company completes its forms, which indicate the contract number, address to which funds should be sent, and other information appropriate for the company.
- (2) The employee and receiving company complete a *Texas Tech ORP/TSA Transfer Request* form (Attachment C) and submit that form to the Personnel Benefits Office.
- (3) If approved, the *Texas Tech ORP/TSA Transfer Request* form and the attached receiving company form are forwarded to the Texas Tech Payroll Department to be sent to the surrendering company.
 - (a) Transfers from any TSA account, current or prior, must be to a Texas Tech approved company.
 - (b) Transfers of the full balance from the company to which the employee is currently contributing can only be made if the employee changes his/her current deduction so that contributions are directed to the receiving company or to another approved company.
- (4) Upon receipt of a properly completed *Texas Tech ORP/TSA Transfer Request* form, the surrendering company will transfer the funds directly to the receiving company within 10 business days of the legal availability of funds.

If a full transfer is completed by the surrendering company (i.e., the total funds are transferred to the receiving company), any additional funds subsequently received by the surrendering company will be subsequently surrendered directly to the receiving company. (This situation may occur if the full transfer request is processed prior to receipt or posting of the final deposit.)

- d. After termination of employment, Tax Sheltered Annuity companies are prohibited from releasing funds for transfer without verification of the employee's termination by receipt of a *Notice of Final Deposit and Request for Settlement* form (Attachment D) from Texas Tech. After receipt of a *Notice of Final Deposit and Request for Settlement* form, transfers after termination of employment covered by the Tax Sheltered Annuity Program will be handled directly by the companies without further involvement of Texas Tech.

10. Transfer of Companies

New employees who are eligible to participate in the Texas Tech Tax Sheltered Annuity Program and who are already participating in the TSA program at another Texas institution of higher education will be allowed to continue participation with the same company, provided the company and representative are approved to provide TSA products to Texas Tech employees.

11. Cancellation

Employees may stop Tax Sheltered Annuity participation effective with the first day of any month provided that a written request is submitted to the Personnel Benefits Office by the fourth day of the effective month.

12. Withdrawal of Contributions

- a. The total value of a Tax Sheltered Annuity 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" withdrawals may consist of contributions only; earnings may not be withdrawn. Hardship withdrawals are allowed only if there are no other resources reasonably available to meet the need and only for:

- (1) Medical expenses incurred by the employee, spouse, or dependents;
- (2) Purchase of a principal residence of the employee;
- (3) Payment of tuition for the next semester or quarter of post-secondary education for the participant, spouse, or dependents;
- (4) Payments to prevent eviction from or foreclosure on the principal residence of the participant.

The company is responsible for determining the validity of hardship withdrawals.

- 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 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 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 Sheltered Annuity companies are prohibited from releasing funds for withdrawal without verification of the employee's termination by receipt of a *Notice of Final Deposit and Request for Settlement* form from Texas Tech.
 - 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.

13. Required Distributions

- a. Other than distributions because of death, distributions from TSAs (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 has retired.

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 Sheltered Annuity Program. Future laws may change the provisions, tax status, and/or benefits available from individual Tax Sheltered Annuity Program contracts.

- b. The Texas Tech Board of Regents and/or administration also reserve the right to make changes in Texas Tech regulations governing the Tax Sheltered Annuity Program.

15. Forms Required

All forms except the company forms may be obtained from the Personnel Benefits Office. Company forms are the responsibility of the company and/or its representatives.

The following schedule depicts the forms necessary to accomplish the indicated actions:

Action	Forms Required (Submitted to)
Enroll:	<ul style="list-style-type: none"> 1) Salary Reduction Agreement (Personnel Department) 2) Company Application (Company) 3) Maximum Allowable Contribution Calculation (Personnel Benefits Office)
Increase Amount of Contribution:	<ul style="list-style-type: none"> 1) Salary Reduction Agreement (Personnel Benefits Office) 2) Maximum Allowable Contribution Calculation (Personnel Benefits Office) 3) Company Forms (Company)
Decrease Amount of Contribution:	<ul style="list-style-type: none"> 1) Salary Reduction Agreement (Personnel Benefits Office) 2) Company Forms (Company)
Change Companies:	<ul style="list-style-type: none"> 1) Salary Reduction Agreement (Personnel Benefits Office) 2) Company Forms (Company)
Transfer: (While Employed)	<ul style="list-style-type: none"> 1) ORP/TSA Transfer Request (Personnel Benefits Office) 2) Company Forms (Company)
Transfer: (After Termination)	<ul style="list-style-type: none"> 1) Company Forms (Company)

Stop TSA
Participation

- 1) Written Notice (Personnel Benefits Office)
- 2) Company Forms (Company)

16. Selection and Approval of Tax Sheltered Annuity Program Companies and Company Representatives

a. Policy

- (1) Texas Tech will provide a selection of at least four Tax Sheltered Annuity Program companies that are qualified and admitted to do business in the state of Texas.
- (2) Any Tax Sheltered Annuity company qualified to do business in the state of Texas and willing to abide by the operating rules and regulations of Texas Tech will be approved to conduct business for Texas Tech employees upon making the requested certifications (Attachment E).
- (3) The Board of Regents has delegated to the TTU vice president for fiscal affairs, or his or her designee, authority to add new companies or to delete companies from the Tax Sheltered Annuity approved company list.
- (4) Company approval will be for an initial period of 12 months or as long thereafter as active employee participation is maintained. Employee participation will be reviewed each February and companies with no employee participation will be dropped from the approved company list. Companies so dropped may reapply for another 12-month period.

b. Tax Sheltered Annuity Company Approval Procedure

- (1) The candidate company must request a company certification form from:

Managing Director of Personnel
Texas Tech University
Box 41093
Lubbock, TX 79409-1093
- (2) The TTU director of Personnel will furnish the candidate company with a copy of the Texas Tech TSA Operating Policies and Procedures, OP 70.09, a certification form to be returned to Texas Tech (Attachment E), and a copy of the current Rules and Regulations of the Coordinating Board, Texas College and University System, pertaining to the administration of retirement annuity programs.
- (3) If the candidate company certifies to the TTU managing director of Personnel that all requirements of federal and state law have been met and the company and its representatives agree to abide by the rules and regulations of Texas Tech, the managing director of Personnel will notify the candidate company of preliminary acceptance. If the managing director of Personnel is not satisfied, he or she will inform the company that the application will not be accepted and give the reason why. Information concerning the company certification will be maintained in the Texas Tech Personnel Department.

- (4) The candidate company must present to the TTU managing director of Personnel, for approval by the vice president for fiscal affairs, all agreements that are required by the company.
- (5) The company must certify to Texas Tech each representative who is authorized to conduct business for the company.
- (6) After approval of agreements and representatives, the TTU managing director of Personnel will add the name of the company and representatives to the list of approved Tax Sheltered Annuity companies and representatives for Texas Tech University and Texas Tech University Health Sciences Center and will notify the candidate company of approval.
- (7) The vice president for fiscal affairs will notify the company if the company is deleted from the approved company list.
- (8) A company may request removal of their name or the name of one of their approved representatives from the approved company and representative list by written request to the TTU managing director of Personnel.

17. TSA Company Liability

Each company must certify that, as a company, it 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 expenses 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 misplacement of funds sent to the company by Texas Tech but not properly credited, misinformation or misrepresentation by the company or any representative of the company, or any other issue arising from the company's program.

18. Representative Approval Procedure

- a. The TTU Personnel Office must receive a completed *Representative Appointment Form* (Attachment F) that has been signed by the prospective representative and one of the individuals assigned as a representative designator or primary contact by the company. The TTU Personnel Office will notify the company and the various TTUS component Personnel/Human Resources Departments of the addition, if approved. New representatives may not contact TTUS employees until after the company has been notified that the addition is approved.
- b. Send a notice of change and/or requests to add or drop representatives to:

James A. Brown
Managing Director of Personnel
Texas Tech University
Box 41093
Lubbock, TX 79409
Phone (806) 742-3853
FAX (806) 742-1371

- c. The deletion of a representative from the approved representative list, if not requested by the appointing company, must be approved by the vice president for fiscal affairs.

19. 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.

Attachment A: Tax Sheltered Annuity Salary Reduction Agreement form

Attachment B: Maximum Allowable Contribution form

Attachment C: Texas Tech ORP/TSA Transfer Request form

Attachment D: Notice of Final Deposit and Request for Settlement form

Attachment E: Texas Tech Tax Sheltered Annuity Program Company Certification form

Attachment F: Representative Appointment Form

TEXAS TECH

TAX SHELTERED ANNUITY SALARY REDUCTION AGREEMENT

I have elected to: (check one)

☐ ENROLL ☐ CHANGE VENDOR ☐ CHANGE AMOUNTS ☐ CANCEL

in the Tax Sheltered Annuity Program as authorized under Sections 403(b) and 415 of the Internal Revenue Code, as amended, and under article 6228a-5, Vernon's Texas Civil Statutes, as amended, and by resolution adopted by the Board of Regents.

I hereby authorize Texas Tech to reduce my future compensation as follows and purchase for me a non-forfeitable 403(b)(1) or 403 (b)(7) tax deferred account.

Annual Reduction Amount \$ _____

Monthly Reduction Amount \$ _____

Effective Begin Date
(must be after the month signed) _____

Stop Date (if canceling participation) _____

My authorized Tax Sheltered Annuity Program Company will be:

Company Name

Agent Name

This agreement will remain in effect until changed by me, canceled by either party, or the calculated tax year maximum allowable contribution as calculated by Texas Tech is reached.

Changes in my salary during the period covered by this agreement will not change this agreement.

I understand that Texas Tech assumes no responsibility for my personal tax results and in the event of an adverse ruling by the Internal Revenue Service; it will be my responsibility to satisfy any federal income tax deficiency.

I release all rights, present and future, to receive in any other form said sum stated above, except (1) the right of my estate on my death while in your employment or (2) the right personally upon termination of my employment by reason other than my death, to receive all or any part of the amount herein specified for which I have already rendered services and paid premiums as well as annuity premium deductions taken but not yet applied to my annuity.

I acknowledge that current federal tax code requires that I begin receiving a minimum distribution from accumulated funds by April 1st following the year in which I reach age 70 ½ or retire, whichever is later.

I UNDERSTAND IT IS MY RESPONSIBILITY TO SELECT AND MONITOR COMPANIES AND INVESTMENTS SELECTED. I ALSO UNDERSTAND TEXAS TECH HAS NO FIDUCIARY RESPONSIBILITY FOR THE MARKET VALUE OF MY INVESTMENTS OR THE FINANCIAL STABILITY OF THIS COMPANY.

THIS AGREEMENT SHALL BE LEGALLY BINDING AND IRREVOCABLE WITH RESPECT TO SALARY EARNED WHILE THIS AGREEMENT IS IN EFFECT.

Employee SSN

Employee Name (last, first, middle)

Department

Employee Signature

Date

Texas Tech agrees to purchase the investment product as described above for the purpose of providing retirement benefits to the employee as provided under the several codes cited above.

Approval

Attachment A

OP 70.09

6/22/04

**TEXAS TECH
TAX SHELTERED ANNUITY**

Name _____

Social Security Number _____

TAX YEAR _____

GENERAL LIMITATION	\$
AGE 50+ CATCH-UP	
MAXIMUM ELECTIVE DEFERRAL	\$

I have been informed concerning, and agree to, the following conditions:

1. That my election will be subject to retroactive opinions and rulings issued and to be issued by the Internal Revenue Service affecting Section 403(b) and Section 415 of the Internal Revenue code.
2. Any change in interpretation of applicable sections of the Internal Revenue Code may require recalculation of my Maximum Allowable contribution and a change in the amount and/or tax status of accounts purchased under provisions of that code.
3. In the event of any adverse ruling by the Internal Revenue Service regarding the calculation of any Maximum Allowable Contribution or my purchase of Tax-Deferred Accounts, I agree to be responsible to the Internal Revenue Service and agree that Texas Tech has my permission to make such adjustments in the amount of my Maximum Allowable Contribution as deemed necessary by Texas Tech for compliance with such rulings.
4. The maximum Allowable Contribution limit calculation is an estimate and I am sole responsible for ensuring I do not exceed the limits set forth by the Internal Revenue Code.

NOTE: The calculation of the Maximum Allowable Contribution does not take into account all possible factual variations. You will need to contact your tax advisor if you:

- a. Have Section 403(b), 402(k), 408(k)(6), SEP, 501(c)(18) contributions made on your behalf by another employer.
- b. Have contributions made on your behalf to a qualified retirement plan of another employer, including a sole proprietorship, in which you have more than 50 percent ownership interest.

Employee Signature

Date

Please sign and return form to: Personnel Benefits – Mail Stop 1093

ORP/TSA Transfer Request

TEXAS TECH UNIVERSITY SYSTEM

ORP/TSA Notice of Final Deposit and Request for Settlement

With few exceptions, you have the right to request, receive, review and correct information about yourself collected using this form.

Name of Participant (please print)

Social Security Number

Home Address

City

State

Zip Code

Company Name

() ORP () TSA

Termination Date

I hereby certify that I do not have a contract nor am I negotiating for employment in an eligible position with any Texas public institution of higher education.

I understand that I am responsible for satisfying all tax liabilities resulting from this settlement and that I will be required to reinstate this account if I do not permanently terminate my employment in state supported public education in Texas.

Participant's Signature

Date

This section for ORP/TSA Company Addressed:

You are hereby authorized to distribute to the employee the repurchase value of the before referenced retirement plan(s).

Last month deductions were withheld _____

The before named participant **has** or **has not** earned a vested interest in the employer contribution.

As a company, it is your responsibility to process all transfers in compliance with federal regulations and to provide employees with any required notices describing the taxation of distributions, rollover rights, and withholding rules.

Date Approved

Authorized TTUS Payroll Signature

Position Title

**TEXAS TECH
TAX SHELTERED ANNUITY PROGRAM
COMPANY CERTIFICATION**

RETURN TO:
Director of Personnel
Texas Tech University
Box 41093
Lubbock, Texas 79409-1093

**Texas Tech
TSA Company Certification
Page 1**

1. Company Information

A. Company Name _____, herein referred to as "company".

B. Address of Company

C. Name and Title of Official Completing this Application

Phone () _____

2. Type of Company

_____ Insurance/Annuity Company

_____ National Bank

_____ State Bank

_____ Investment Company

_____ Other (Specify) _____

3. To be Completed by all Insurance/Annuity Companies

A. Do you certify that the above named company is qualified and admitted to do business in Texas in accordance with rules and regulations of the State Board of Insurance?
(Yes or No) _____

B. Type of Annuities to be offered:

_____ Fixed

_____ Variable

_____ Group

_____ Individual

C. Do you certify that the contract or policy to be offered has the approval of the Texas State Board of Insurance? **(Yes or No)** _____

4. To be Completed by all National Banks

A. Do you certify that the above named company is chartered to do business in Texas by the Controller of the Currency? **(Yes or No)** _____

B. Do you certify that the account to be offered has the approval of the U.S. Controller of the Currency? **(Yes or No)** _____

**Texas Tech
TSA Company Certification
Page 2**

5. To be Completed by all State Banks

- A. Do you certify that the above named company is chartered to do business in Texas by the State Banking Board? **(Yes or No)** _____
- B. Do you certify that the account to be offered has the approval of the Texas State Banking Board? **(Yes or No)** _____

6. To be Completed by all Investment Companies

- A. Do you certify that the above named company has been approved to do business in Texas in accordance with requirements of the State Securities Board?
(Yes or No) _____
- B. Do you certify that the contract or policy to be offered has the approval of the Texas State Securities Board, pursuant to the Securities Act (Vernon's Texas Civil Statutes, Article 581-1 et seq.)? **(Yes or No)** _____
- C. Do you certify that all contracts or accounts shall be offered in compliance with Securities and Exchange Commission Releases 33-6352 and IC-11960? **(Yes or No)** _____

7. To be Completed by all Companies

- A. Do you certify that the contracts, accounts, policies, and procedures to be used are qualified under Sections 401(g), 403(b), and 415 of the Internal Revenue Code, as amended? **(Yes or No)** _____
- A. Do you certify that the procedures utilized will enable the contracts, accounts, or policies to retain Section 403 (b) tax sheltered status during the first year of employee participation under a salary reduction agreement? **(Yes or No)** _____
- C. Do you certify that the contracts, accounts, policies, or other investment options to be offered do not contain a life insurance feature? **(Yes or No)** _____
- D. Do you certify that the contracts, accounts, or policies are in accordance with all requirements of the Tax Sheltered Annuity Program as set forth in Article 6228a-5, Vernon's Texas Civil Statutes? **(Yes or No)** _____
- E. Do you certify that there will be no minimum number of employees required for participation in the offered product? **(Yes or No)** _____
- F. Do you certify that the company has received and that the company and its appointed representative will comply with the regulations contained within the Texas Tech Operating Policy and Procedure Manual regarding the Tax Sheltered Annuity Program, Op 70.09.? **(Yes or No)** _____
- G. Do you certify that all agreements required by the company will be submitted to Texas Tech for approval? **(Yes or No)** _____

**Texas Tech
TSA Company Certification
Page 3**

- H. Do you certify compliance with rules for administration of retirement annuity programs adopted by the Coordinating Board, Texas College and University System?
(Yes or No) _____
- I. Do you certify that any amendments to contracts, accounts, or policies mandated by the federal or state laws, regulations, revenue rulings, or opinions of the Attorney General of Texas will be made upon request of Texas? **(Yes or No)** _____
- J. Do you certify that contributions and new contracts entered into after September 25, 1981 (the date of Internal Revenue Ruling 81-225), will not have adverse tax consequences to participants and will provide tax sheltered status to contributions made, within the provisions of Section 403 (b) of the Internal Revenue Code, as amended?
(Yes or No) _____
- K. Do you certify that your company will accept funds in the format specified by Texas Tech's operating policies and procedures and that the company will promptly adjust each employee's account and distribute the funds among the various options as may have been selected by the employee? **(Yes or No)** _____
- L. Do you certify that Texas Tech may make TSA contributions after the amount has been remitted to the company by a reduction of future transmittals made by Texas Tech and that the company will promptly reduce each so identified account and distribute the funds as directed by Texas Tech? **(Yes or No)** _____
- M. Do you certify that the company will be responsible for the actions of its officially appointed officers, agents, brokers, employees, or other representatives?
(Yes or No) _____
- N. Do you certify that the annuity commencement date may be prior to, or subsequent to, a "normal" retirement age, in accordance with the annuitant's request?
(Yes or No) _____
- O. Do you certify that all payments and benefits derived from contributions made after August 1, 1983, will be calculated without regard to the sex of the beneficiary?
(Yes or No) _____
- P. Do you certify that the company will be responsible for processing all transfers in compliance with federal regulations and for providing employees with required notices describing the taxation of distributions, rollover rights, and withholding rules?
(Yes or No) _____
- Q. Do you certify that the company will be responsible for processing all withdrawals of contributions in compliance with federal regulations and for providing employees with required notices describing the taxation of distributions, rollover rights, and withholding rules? **(Yes or No)** _____
- R. Do you certify that all basic procedural and administrative practices are in compliance with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Federal Deficit Reduction Act of 1984 (DEFRA), the Retirement Equity Act of 1984 (REACT), the Tax Reform Act of 1986 (TRA), the Small Business Job Protection Act of 1996 (SBA), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA)? **(Yes or No)** _____

**Texas Tech
TSA Company Certification
Page 4**

- S. Do you certify that the company 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 any representatives of the company or from the design of any representatives of the company or from the design of the company's program? Such responsibility includes any awards, court costs, attorney's fees, damages, or other expenses 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 misplacement of funds sent to the Company by Texas Tech but not properly credited, misinformation or misrepresentation by the company or any representative company, or any other issue arising from the company's program.
(Yes or No) _____
8. Attach a copy of presently proposed contracts.
9. How often are statements of accounts sent to individual participants?
_____ Include a sample.
10. Please provide name, title, and address of the official to be responsible for overall contract administration.
- Name _____
- Title _____
- Address _____
- Phone _____
11. Please provide name, title, and address of the official to be responsible for representative certification and supervision. If no representatives are to be appointed, please provide information for official to be responsible for providing enrollment and problem resolution services to employees.
- Name _____
- Title _____
- Address _____
- Phone _____
12. Please provide Federal Tax Identification Number _____
13. Please provide name, title, and address of the official to be responsible for the employee contributions and for maintaining accurate records for each participant.
- Name _____
- Title _____
- Address _____
- Phone _____

Texas Tech
TSA Company Certification
Page 5

14. I certify that all of the above are answered true and correct and that I am authorized to bind the company to these certifications.

Date

Signature of Official Named in Question 1.C.

TEXAS TECH UNIVERSITY SYSTEM

TSA

Representative Appointment Form

INSTRUCTIONS:

- Section I** Prospective representative should complete Section I and forward to TSA Company (Complete **Section II**, if applicable)
- Section II** If the prospective representative works for an independent Broker Dealer, the signature from the Broker Dealer primary contact should be obtained before submitting it to the TSA Company.
- Section III** TSA Company should complete Section III and forward to:
Director of Personnel, Texas Tech University, Box 41093, Lubbock, TX 79409-1093.

The Director of Personnel will provide written acknowledgement to the TSA Company. New representatives may not contact TTUS employees until after the TSA Company has been notified that the representative is accepted by TTUS.

SECTION I

To: _____
Company Name

I request appointment as your representative to the Texas Tech University System for the TSA.

Full Name (print) _____ Title _____

Complete Mailing Address, Indicate Home or Business _____

Telephone Number _____ Fax Number _____ E-Mail Address _____

CHECK ALL APPLICABLE RESPONSES

Designations

- ☐ CFP
- ☐ ChFC
- ☐ CLU
- ☐ CAP
- ☐ CFA

Licenses & Registrations

- ☐ Attorney
- ☐ Health Insurance
- ☐ Life Insurance
- ☐ P/C Insurance
- ☐ Variable Annuity
- ☐ Registered Investment Advisor

NASD Examinations

- ☐ Series _____
- ☐ Series _____
- ☐ Series _____
- ☐ Series _____
- ☐ Series _____

Memberships

- ☐ CLU/ChFC
- ☐ ICFP
- ☐ MDRT
- ☐ NALU
- ☐ NAPFA

I certify that, as a prospective authorized representative, I have received copies of the TTUS Operating Policy and Procedure, OP 70.09 regarding the TSA, as well as the following document from the Texas Higher Education Coordinating Board, "An Overview of TRS and ORP", and will abide by all TTUS solicitation restrictions and procedures set forth therein. I will not intentionally present any false or misleading information regarding any product(s) offered by my company or any other vendor. I certify that I am currently licensed in the State of Texas and by the NASD to sell 403(b)(1) and/or 403(b)(7) products. Failure to follow the Operating Policy & Procedure may result in the loss of privilege to market TSA contracts to TTUS employees.

Representative Signature _____ Date _____

SECTION II (if applicable)

Broker Dealer Name _____ is responsible for the supervision of the above named individual with respect to activities within the scope of their employment and it is understood that they will be removed from the TTUS Approved Representative List if it is verified they are in violation of TTUS solicitation regulations and/or requirements.

Signature of Broker Dealer Primary Contact _____ Date _____ Print Name of Broker Dealer Primary Contact _____

SECTION III

I hereby request approval for the appointment of the above-named individual to represent my company to eligible TTUS employees in connection with the Tax Sheltered Annuity Program. I certify that I forwarded to the representative a copy of the TTUS Operating Policy & Procedure, OP 70.09 regarding the TSA, as well as the following document from the Texas Higher Education Coordinating Board, "An Overview of TRS and ORP". I understand that my company will replace independent representatives when we are informed that they have violated the rules and regulations set by TTUS.

Signature of Company Designator/Primary Contact _____ Date _____ Print Name of Company Designator _____

TSA 4a [Form Revised 1-15-03]



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.13: Workers' Compensation Insurance

DATE: March 23, 2012

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 recommended 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. Orientation – Workers' Compensation Insurance

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. Orientation – 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, the employee must be treated by an approved CompKey+HCN provider. If the employee is uncertain whether his/her provider is in the network, he/she may search at www.fortereview.com/texas.php. 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 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, 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, 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>.

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 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 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 _____								
7. Marital Status Married Single Widowed Separated Divorced				8. Number of Dependent Children		17. Address where accident or exposure occurred. Name of business if accident occurred in a business site. City _____ State _____ Code _____		
9. Spouse's Name		10. Does the employee speak English? If no, specify language. Yes No						
11. Department						18. Cause of accident (struck, fall, strain, etc.)		
12. Office Phone								
13. Supervisor's Name						19. How and why Accident/Exposure occurred		
20. Part of body injured or exposed								
21. List Witnesses						22. Date Reported to Supervisor		
23. Print Name (Must be Administrator/Supervisor)								
24. Signature (Must be Administrator/Supervisor)						Date		

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	
---	--	--	--

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.

ATTACHMENT A
OP 70.13
3/23/12

Instructions Employee's Report of Injury

Purpose of Form:

The injured employee completes this form to provide 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 (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 is to 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 providers names and phone numbers and work status is needed. The employee should enter any previous workers compensation claims and the 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
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.



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:

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.



WITNESS STATEMENT

**MUST BE TYPED
OR PRINTED**

Injured Employee _____

SORM Claim Number WC _____

Date of Injury _____

Statement Taken By _____

Witness Name: _____ Witness email address: _____

Residence Address: _____

Primary Telephone: _____ Secondary Telephone: _____

Witness Employer: _____

On this date, _____, at about _____ PM / AM I was in or at (clearly state your own location) _____ when an accident involving the above employee is reported to have occurred.

Check only one box

☐

I saw the incident.

The accident occurred in the following manner: _____

Other pertinent information and source: _____

☐

I did not see the incident. Information given to me by (name of person) _____

indicates it occurred as follows: _____

Other pertinent information and source: _____

☐

I know nothing whatsoever about the occurrence.

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. Except for the witness signature, the statement should be typewritten, if possible. If it must be handwritten, PLEASE PRINT to ensure legibility.
2. Please provide the SORM claim number, if known.
3. 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. Check the first or second box and fill in the blanks following those boxes, as appropriate. Be specific and complete. Sometimes you will be given a witness name but, when asked, denies any knowledge of the incident. In such a case the third box should be checked.
4. If the space provided on the form is insufficient please attach additional sheets. Be as specific and complete as possible.

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

Employee's Name _____

Date of Injury _____

Employee's SSN _____

Agency _____

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. 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.

Select only ONE election by initialing your choice

ELECTION 1 *Sick leave must be exhausted before annual leave may be used*

current **sick** leave balance

current **annual** leave balance

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 or annual leave. I understand I am not entitled to workers' compensation income benefits until after the seven (7) calendar day waiting period.

Interval Election

I elect to have my income benefits paid in at the same interval as my wages at the time of my injury.

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.

Employee's Signature Date

Coordinator's Signature Date

Instructions Employee's Election Regarding Utilization of Sick and Annual Leave

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 OCCURRENCE (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"/> Hernia</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 OCCURRENCE (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"/> Hernia	<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 OCCURRENCE (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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<input type="checkbox"/> Heart attack																																																																																																		

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: / /
	SECTION OR FACILITY SAFETY MANAGER COMMENT:		
SIGNATURE		DATE: / /	

CARRIER'S CLAIM# _____

TWCC # _____

SUPPLEMENTAL REPORT OF INJURY

DO NOT SEND THIS FORM TO TEXAS WORKERS' COMPENSATION COMMISSION UNLESS REQUESTED.

WHEN AND WHERE TO FILE: *For all injuries occurring January 1, 1991 or after* that require a TWCC-1, Employer's First Report of Injury, to be filed, the employer must file by first class mail or personal delivery a Supplemental Report of Injury (TWCC-6) with the employer's workers' compensation carrier and the injured employee: 1) within 3 days after the injured employee returns to work; 2) within 3 days when the employee, after returning to work, has an additional day or days of disability because of the injury; 3) within 10 days after the end of each pay period in which the employee has an increase or decrease of earnings during the time the employee is entitled to temporary income benefits; 4) within 10 days after the employee resigns or is terminated. If the injured employee is no longer employed by the employer, the employee is responsible for providing information to the carrier about amounts of earnings or offers of employment. The employee may use a TWCC-6, Employer's Supplemental Report of Injury for this purpose. An employee has disability if he/she is unable to work as a result of the injury or has returned to work earning less than pre-injury wages because of the injury.

EMPLOYEE INFORMATION

1. Employee's Name (Last, First M.I.) and Telephone No. () () () () () ()	2. Social Security No.	3. Date of Injury (m-d-y)
4. Employee's Mailing Address (Street or P.O. Box)		
City	State	Zip Code

TO EMPLOYER: Based on above rule requirements, check boxes which show reasons for filing Supplemental Report of Injury this date:

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> <i>employee returned to work</i> | <input type="checkbox"/> <i>change in weekly earnings after injury</i> | <input type="checkbox"/> <i>employee terminated/resigned</i> | <input type="checkbox"/> <i>additional day(s) of disability</i> |
| Complete Block 5a or 5b | Complete Blocks 5a or 5b | Complete Block 5a or 5b | Complete Block 5b |
| Complete Blocks 6 and 7 | Complete Blocks 7 and 8 | Complete Block 7 | Complete Block 7 |

Complete Block 9

5. a) If initial filing of TWCC-6, first day of disability due to injury (m-d-y)	5. b) If second or subsequent filing of TWCC-6, give first day of disability due to injury <u>for this period only</u> (m-d-y)
6. Date of Return to Work _____ (Check box) <input type="checkbox"/> Full Duty, Full Pay <input type="checkbox"/> Limited Duty: Full Pay <input type="checkbox"/> Reduced Pay	7. Weekly and Hourly Earnings at Time of This Report \$ _____ (Check box) <input type="checkbox"/> Same as Preinjury Wage \$ _____ <input type="checkbox"/> Increase from Preinjury Wages <input type="checkbox"/> Decrease from Preinjury Wages weekly hourly
8. No. of Hours Working Weekly at Time of This Report (Check box) <input type="checkbox"/> Increase from Preinjury Hours Worked Weekly <input type="checkbox"/> Same as Preinjury <input type="checkbox"/> Decrease from Preinjury Hours Worked Weekly	9. If the employee resigns or is terminated, fill in the appropriate section. <input type="checkbox"/> Date of Resignation (m-d-y) _____ <input type="checkbox"/> Date of Termination (m-d-y) _____
10. If applicable, eight days of disability began on (m-d-y) [see above definition of disability]	9a. Reason for Resignation or Termination
11. Has injured employee died? If so, give date of death (m-d-y)	12. Was employee on limited duty at time of termination? Yes <input type="checkbox"/> No <input type="checkbox"/>

EMPLOYER INFORMATION

13. Employer's Business Name	14. Telephone No. () () () () () ()
15. Employer's Business Mailing Address (Street or P.O. Box)	
City	State Zip Code
16. Name of Workers' Compensation Carrier for Above Injury <u>State Office of Risk Management</u>	
17. The information provided in this report is accurate to the best of my knowledge. It may be relied upon for evaluation of the named employee's eligibility for benefits.	
Signature and Title of Person Completing Form <input type="checkbox"/> Employer <input type="checkbox"/> Employee Date	

Notice: With few exceptions, an individual is entitled, on request, to be informed about the information that 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. Under Section 559.004 of the Government Code, the individual is entitled to have the state governmental body correct information about the individual that is incorrect.

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)

(County)

Name of Employer _____

Name of Network _____



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.15: Multiple and Other Employment

DATE: January 31, 2008

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 odd-numbered years by the managing director of Human Resource Services with recommended revisions forwarded through the assistant vice president of human resources administration to the associate vice president/comptroller and then to the senior vice president for administration and finance by April 15.

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 666 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 03.05.1, 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 SVPAF by the person obtaining the Board order. The SVPAF 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 the Payroll Department 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 666.007**

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.

Attachment: Application for Multiple Employment Finding

APPLICATION FOR MULTIPLE EMPLOYMENT FINDING

1. Name of Person _____
2. Present Position:
 - a. Title _____
 - b. Department/Office _____
 - c. Agency/Institution _____
 - d. Appointment Period/Percent Time _____
 - e. Compensation _____
3. Prospective Position:
 - a. Title _____
 - b. Department/Office _____
 - c. Agency/Institution _____
 - d. Appointment Period/Percent Time _____
 - e. Compensation _____
4. How this employment will benefit the state of Texas or is required by law:
5. Why there will be no conflict in holding the two positions:

I request a finding by the Board of Regents that multiple employment of the above individual is authorized in accordance with Article XVI, Section 40 of the Texas Constitution.

Chairperson/Director

APPROVED:

Dean/Director

Vice President



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.24: Communicable and Transmittable Disease Control in the Employee Workforce

DATE: August 25, 2010

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 Resource Services and the managing director of Equal Employment Opportunity with recommend revisions forwarded to the assistant vice president for human resources administration and 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, and temporary disability 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 temporary disability leave without pay benefits in accordance with normal university policies.

Such employees may be permitted to work as long as the employee is able to work a regular schedule and fulfill the duties and responsibilities of the position.

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 70.32: Family and Medical Leave and Parental Leave

DATE: January 27, 2012

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 Texas Government Code.

REVIEW: This OP will be reviewed in June of odd-numbered years by the managing director of Human Resources with recommended revisions forwarded to the chief of staff for the president.

POLICY/PROCEDURE

1. Definitions

a. Eligible Employee

Family Medical Leave—An employee is eligible for up to 12 weeks (480 hours) in a 12-month period of Family and Medical Leave (FMLA leave) if the employee has been employed by the state for at least 12 months and has worked at least 1,250 hours during the preceding 12 months. In calculating the required 12 months of state employment for FMLA leave eligibility, the state employment need not be continuous. However, any state employment that was prior to a continuous break in service of seven years or more will not be counted. With this exception, all state employment will count toward eligibility. The 1,250 hours refers to hours actually worked and does not include any paid time off.

Parental Leave—Employees who do not qualify for FMLA leave because they have fewer than 12 months of total state service or because they have worked fewer than 1,250 hours in the 12-month period immediately preceding the commencement of leave, are eligible to take parental leave, not to exceed 12 weeks, for the birth of a natural child or the adoption or foster care placement of a child under three years of age.

Employees in positions that are exempt under the Fair Labor Standards Act and for which no time sheets are maintained are presumed to have met the 1,250 hours of service requirement if they have been employed full time for at least 12 months. Part-time exempt employees are considered to have been employed a pro-rata amount of hours based on the percent time of their appointment.

If an employee becomes eligible for FMLA leave while out on Parental Leave, the employee will receive only a combined total of 12 weeks leave.

b. Spouse

A spouse, defined in accordance with the Texas Family Code, includes qualified common law marriages as defined in the Code. Note: Unmarried domestic partners are not qualified for family leave to care for their partners.

c. Son or Daughter (Child)

For purposes of FMLA leave taken for birth or adoption or to take care of a family member with a serious health condition, a son or daughter refers to the biological, adopted, foster child, stepchild, legal ward of an employee, or the child of an employee when the employee is standing in loco parentis to a child who is under 18 years of age, or 18 years of age or older, and is incapable of self-care due to mental or physical disabilities. 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.

For purposes of military family leave, the son or daughter age requirement of under 18 years of age does not apply.

d. Parent

A parent is the biological, adoptive, step, or foster father or mother of an employee **or** an individual who stood in loco parentis to an employee when the employee was a child. **Note:** This definition **does not** include parents “in-law.”

e. Next of Kin of a Covered Service Member

Next of kin of a covered service member is 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 for a serious injury or illness incurred in the line of duty. Proof of next of kin should be provided as required by law.

f. Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves one of the following:

- (1) Inpatient Care - An overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
- (2) Continuing Treatment by a Health Care Provider—A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:
 - (a) Treatment by a health care advisor two or more times within 30 days of the first day of incapacity; or
 - (b) Treatment by a health care provider on at least one occasion that results in a regimen of continuous treatment under the supervision of the health care provider.

Only taking over-the-counter medications is not considered a regimen of treatment.

- (c) The requirement of paragraphs (2)(a) and (2)(b) above for treatment by a healthcare provider means an in-person visit to a healthcare provider. The first in-person treatment visit must take place within seven days of the first day of incapacity.
- (d) Whether additional treatment visits or a continuing treatment regimen is needed within the 30-day period shall be determined by the health care provider.

(3) Pregnancy or Prenatal Care;

(4) Chronic Conditions—Conditions that:

- (a) Require periodic visits of no less than two times per year for treatment by a healthcare provider;
- (b) Continue over an extended period of time; and
- (c) May cause episodic rather than continuous incapacity

(5) Permanent or Long-term Conditions; or

(6) Conditions Requiring Multiple Treatments

g. Exclusions from 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 inpatient hospital care is required or complications develop.

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.

h. Health Care Provider

A "health care provider" includes:

- (1) A doctor of medicine or osteopathy licensed by the state;
- (2) A podiatrist, dentist, clinical psychologist, optometrist, or chiropractor; (Chiropractic treatment is limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist. All other treatments by a chiropractor are not protected by the FMLA.)
- (3) A nurse practitioner or nurse midwife, clinical social worker, or physician assistant if performing within the scope of her/his practice as defined by state law; or

- (4) A Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts.

Treatment by a health care provider includes treatment under the supervision of the provider.

- i. Twelve-Month Period

The "12-month period" noted in this policy will be the 12 months measured forward from the first day that FMLA leave was taken.

- j. Equivalent Position

An "equivalent position" is one with the same pay, benefits, working conditions, and same or substantially similar duties and responsibilities. It must entail substantially equivalent skill, effort, and authority. It must involve no loss of pay status, accrued benefits, or any other term or condition of employment, but is not necessarily the exact position held at the time FMLA leave was taken.

- k. Intermittent Leave

FMLA leave may be taken intermittently under certain circumstances.

- (a) Intermittent leave is FMLA leave that is taken in separate blocks of time due to a single qualifying reason.
- (b) Intermittent leave must be medically certified; must address the medical necessity of intermittent leave; may only be taken because of the employee's own serious health condition, to care for a parent, son, or daughter with a serious health condition, or to care for a covered service member's serious injury or illness; and may not be taken after the birth of a healthy child or placement of a healthy child for adoption or foster care.
- (c) If it is medically certified, an employee may be allowed to be absent for a period of one hour or more per week for a serious health condition of the employee, family member, or a covered service member. The time away from work will be applied toward the 12 weeks (480 hours) of FMLA within a 12-month period

- l. Reduced Schedule Leave

- (a) Reduced schedule leave is a leave schedule that reduces an employee's usual number of working hours per work week or workday. A reduced schedule leave is a change in the employee's schedule for a period of time normally from full-time to part-time.
- (b) Reduced schedule leave must be medically certified; must address the medical necessity of reduced schedule leave; may only be taken because of the employee's own serious health condition, to care for a parent, son, or daughter with a serious health condition, or to care for a covered service member's serious injury or illness; and may not be taken after the birth of a healthy child or placement of a healthy child for adoption or foster care.

- (c) If it is medically certified, an employee may be permitted to work less than a normal workweek while participating in a treatment program, caring for a family member, or a covered service member. The difference in the scheduled hours will be applied toward the allowable 12 weeks (480 hours) of FMLA within a 12- month period.

m. Pregnancy

"Pregnancy" includes pregnancy and pregnancy-related conditions.

n. Employment Benefits

"Employment benefits" refers to all benefits provided or made available to employees, including group life insurance, health insurance, disability insurance, sick leave, vacation leave, educational benefits, and retirement.

2. Family Leave

- a. Texas Tech will provide up to 12 weeks (480 hours) of FMLA leave in any 12-month period for a certified and approved FMLA event if requested in writing by an employee for one or more of the following reasons:
 - (1) The birth of the employee's child or the care of such child; or
 - (2) The placement of a child with the employee for adoption or foster care.
- b. Employees must complete an *Application for Family and Medical Leave* and send it to the managing director of Human Resource Services. The notice must be provided 30 days in advance of the need to take FMLA leave when the need is foreseeable. When 30-days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with normal call-in procedures. The managing director of Human Resource Services or her/his designee shall respond to the employee in writing within five working days of receipt of the application in the Human Resource Services Department. The departmental contact will be notified by Human Resource Services when FMLA leave has been designated for an employee.
- c. Intermittent or reduced schedule leave is not permitted for the birth, adoption, or placement of a child. The FMLA leave must be taken all at one time.
- d. If an employee has applicable accrued paid leave of less than 12 weeks, unpaid leave must be taken for the remainder of the approved FMLA leave. Texas Tech requires employees to exhaust all applicable accrued paid leave before taking unpaid leave.

3. Medical Leave

- a. Texas Tech will provide up to 12 weeks of FMLA leave in any 12-month period for a certified and approved FMLA event if requested in writing by an employee for one or more of the following reasons:
 - (1) Caring for a spouse, child, or parent with a serious health condition; or
 - (2) An employee's own serious health condition, including on-the-job injuries, which

renders the employee unable to perform her/his job functions.

- b. Employees must complete an *Application for Family and Medical Leave* form and send it to the managing director of Human Resource Services. The managing director of Human Resource Services or her/his designee shall respond to the employee's application in writing within five days of receipt in the Human Resource Services Department of the completed application and certification of the physician or practitioner, if applicable. The departmental contact will be notified by Human Resource Services when FMLA Leave has been designated for an employee.
- c. A request for leave from the Sick Leave Pool will also constitute a request for Family and Medical Leave.
- d. Employees applying for medical leave must provide acceptable medical certification by a physician of the existence of a serious health condition.
- e. Texas Tech, at its discretion, may require a second or third medical opinion from an independent health care provider of Texas Tech's choosing when reason exists to question the necessity for the employee's medical leave. All second and third medical opinions will be paid for by Texas Tech. If a third medical opinion is sought, the health care provider selected must be mutually acceptable to the employee and Texas Tech. The third opinion will be the final opinion, and the opinion rendered will be binding on both the employee and Texas Tech.
- f. In order to be eligible for 12 weeks of medical leave for the employee's own serious illness, the employee must provide documentation that he or she is medically unable to perform the functions of the job.
- g. Medical leave may be taken whenever it is medically necessary as intermittent leave or leave on a reduced work schedule. The *Certification of Physician* form for these modified work schedules must include the expected dates for and the planned duration of the medical treatments, as well as a statement of the medical necessity for the intermittent leave or a reduced work schedule.
- h. If medical leave is foreseeable, the employee is required to make a reasonable effort to schedule the leave, including doctor's appointments and/or continuing treatment, to minimize disruptions to the operations of the employee's department.
- i. Requiring exempt employees to use sick leave for partial days' absence and counting the time off for intermittent leave or reduced schedule as FMLA leave does not otherwise affect the employee's status as an exempt employee.
- j. If an employee has applicable accrued paid leave of less than 12 weeks, unpaid leave must be taken for the remainder of the approved FMLA leave. Texas Tech requires employees to exhaust all applicable accrued paid leave before taking unpaid leave. This requirement is waived if the leave is the result of a work-related injury or illness covered by Workers' Compensation Insurance.

4. **Military Family Leave**

- a. Ill or Injured Service Member—Eligible employees may receive up to 26 weeks (1,040 hours) of FMLA leave in a single 12-month period to care for a covered member of the Armed

Forces who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty. Notice must be provided as is reasonable and practicable.

- b. Exigency Leave—Eligible employees may receive up to 12 weeks of FMLA leave in a single 12-month period while the employee's spouse, son, daughter, or parent is on active duty or called to active duty for one or more of the following qualifying exigencies:
 - (1) Short notice deployment—Call to duty on seven days or less notice;
 - (2) Military and related events—Official military events and ceremonies and other military sponsored programs or briefings related to the covered military member;
 - (3) Child care and school activities—To arrange or provide childcare on an urgent or immediately-needed basis (not routine, regular, or everyday child care), and to arrange for school and attend school-related meetings for a covered military member's child;
 - (4) Financial and legal arrangements—To make financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty or to act as the covered military member's representative before a government agency for purposes of obtaining, arranging, or appealing military service benefits while on active duty or for 90 days following termination from active duty;
 - (5) Counseling—To attend counseling for the covered military member of her/his child;
 - (6) An employee may take up to five days leave to spend time with a covered military member on short term or temporary rest and recuperation leave;
 - (7) Post deployment activities—To attend ceremonies or events related to the covered military member's termination from active duty status or to address issues that arise from the death of a covered military member.
 - (8) Additional activities—To address or attend other events that arise out of the covered military member's active duty or call to active duty, provided that Texas Tech and the employee agree that the leave shall qualify as an exigency and agree to the timing and duration of the leave.
- c. Notice of the intent to use Military Family Leave must be provided as is reasonable and practicable.

5. Family and Medical Leave General Provisions

- a. It is unlawful to interfere with, restrain, or deny the exercise of any right provided by the Family and Medical Leave Act or to discharge or, in any way, discriminate against any individual because the individual opposed or complained about any unlawful practice under the act, filed a charge, or gave information or testified in connection with any inquiry or proceeding related to this act.
- b. Texas Tech requires medical certification regarding the medical need for leave and of the employee's release to return to work at the conclusion of the FMLA leave. The *Certification*

of Physician must include the date the serious health condition began and the estimated duration of the condition. The *Certification of Physician* supporting leave requests for the serious illness of a family member should include a statement indicating the necessity of the employee to care for the child, spouse, or parent. It is the responsibility of the employee, not Texas Tech or the health care provider, to see that the required medical certification is received by Human Resource Services. Failure to provide proper medical certification, as required, will be considered job abandonment, and the employee will be separated from employment.

- c. The employee must keep her/his supervisor informed of her/his status at least once every two weeks. If an employee does not contact her/his supervisor at least every two weeks to report her/his 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.
- d. Texas Tech will return employees granted FMLA Leave to their same job or position or to one of equivalent status and pay at the conclusion of such leave. Employees who are unwilling or unable to return to work at the conclusion of FMLA leave will be terminated, and the employing department may fill the vacant position.
- e. If the spouse of the employee also works for Texas Tech or any other agency or institution of the state of Texas, the employees are entitled to an aggregate of 12 weeks leave per 12-month period for the same birth, placement for a foster care or adoption, care for a seriously ill parent or child, exigency leave, or an aggregate of 26 weeks for the care of a covered military family member.
- f. Texas Tech may temporarily reassign or transfer employees who qualify for intermittent or reduced schedule medical leave to any available alternate position with equivalent pay and benefits. Such transfers or reassignments may be made provided the employee is qualified for the position and if the position better accommodates recurring periods of leave and assignment to the position will allow for less disruption to the department's operations. If the employee has exhausted all accrued leave, the employee will be paid for only the actual hours worked.
- g. Employees granted FMLA leave are not permitted to perform work during regular working hours for another employer, attend training opportunities, or attend educational classes during regular working hours.

5. Notice

- a. Texas Tech will post notices that explain employees' rights under the Family and Medical Leave Act.
- b. An employee is required to notify her/his supervisor of any events that require an extended absence from work. If the event qualifies under the FMLA or Parental Leave, the supervisor has the responsibility of notifying the employee of her/his rights and responsibilities. In addition, the supervisor should notify the managing director of Human Resource Services or her/his designee when an employee has notified the supervisor of a qualifying FMLA or Parental Leave absence.
- c. When an employee plans to take family or medical leave, the employee is required to submit the application and physician's certification forms to Human Resource Services and give

her/his supervisor at least 30 days' notice or, if this is not possible, as much written notice as practicable. An employee's failure to provide notice of foreseeable leave may result in a delay of FMLA protected leave. An individual undergoing planned treatment is required to consult with her/his supervisor and make a reasonable effort to schedule the treatment to minimize disruptions to the department's operations.

- d. Texas Tech requires certification of a serious health condition and need for leave from the employee's or family member's health care provider within 15 calendar days of the request for leave, unless 15 days is not practicable. The employee's supervisor must notify the employee of the certification requirement when leave is requested. Unless the need for leave was not foreseeable, Texas Tech may delay leave until the certification is provided. All certifications should be treated as confidential medical records and kept separate from personnel records.
- e. Texas Tech will require the medical recertification of an FMLA Leave if it receives information that casts doubt on the employee's stated reason for the absences or questions the continuing validity of the certification for which the employee is on FMLA Leave. Should this become necessary, the employee will have 15 calendar days to provide the requested recertification, and the recertification will be at the employee's expense.
- f. For adoption of a child, the employee must submit a brief written statement to the managing director of Human Resource Services or her/his designee specifying the age of the child, the anticipated or actual date of placement in the employee's home, and the number of requested days for FMLA leave. The employee also must submit similar proof of the placement of a foster child in her/his home.

6. **Benefit Status during FMLA Leave without Pay**

- a. Texas Tech encourages employees on approved FMLA leave to continue health benefits at the same level and conditions during such leave. Texas Tech will continue employer contributions at the same level during such leave, provided any employee-paid premiums are kept current. Employees must pay premiums due, if any, to the Texas Tech Payroll Department, Box 41092, Lubbock, Texas, 79409-1092.
- b. Employees who return to work directly from FMLA leave may, effective the date they return to work, reinstate all reduced or canceled coverages that were in effect immediately prior to going on FMLA leave. Such reinstatement will be without penalty for pre-existing conditions and without the requirement to show proof of insurability. In addition, employees may add newly eligible dependents, drop dependents, drop or decrease coverages, provided the *Insurance Multipurpose Form* is completed within 30 days of returning to work.
- c. Texas Tech may recover from the employee any employer-paid premiums during any period of unpaid FMLA leave if the employee does not return to work at the conclusion of an approved family or medical leave. If it becomes known to and verified by the department during FMLA leave that the employee does not intend to return to work following FMLA leave, the entitlement to leave and employer-paid premiums cease at that time, and the employee shall be separated with a *Personnel Action Form*.
- d. Employees on FMLA leave are not entitled to accrue state service credit for any full calendar month(s) of FMLA leave without pay and shall not accrue vacation or sick leave for such months. Furthermore, any full calendar months of FMLA leave without pay shall not be included in the calculation of the six continuous months of employment set forth under

vacation leave.

7. Parental Leave

Employees who are not entitled to FMLA leave may be entitled to a parental leave of absence, not to exceed 12 weeks (480 hours), for the birth of a natural child or the adoption of a child less than three years of age.

Employees on Parental Leave are 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.

8. Reporting Approved Leaves of Absence

a. Leave Reporting

Employees on leave with pay will submit a record of the applicable leave usage in a manner and form prescribed by the university in order to meet the payroll processing deadlines.

Sick Leave usage is restricted and may only be used as follows with approval and proper medical certification:

- (1) A female employee may use sick leave for birth and recovery after birth of a child.
- (2) Sick Leave may be used when a child under the age of three is adopted, regardless of whether the child is ill at the time of adoption.
- (3) Neither a male or female employee may use sick leave when becoming an adoptive parent for a child three years and above unless the child is seriously ill and medical certification is provided.
- (4) Sick leave may be used if an employee has a serious health condition or is caring for a spouse, parent, or child with a serious health condition.
- (5) An employee who is the father using FMLA leave or Parental Leave for the birth of a child is not allowed to use his sick leave unless the child has a serious health condition or his wife has a serious health condition as a result of the birth. Normal recovery from child birth or Caesarian section is not considered serious health conditions.
- (6) Employees who are becoming foster parents may not use sick leave unless it is to care for the child who is sick.

Medical certification is required before the employee may use sick leave for any absences described in items (3), (4), or (5).

b. Leave without Pay

- (1) If sick leave usage is allowed as described in section 8.a., all available sick and vacation leave balances must be exhausted prior to any leave without pay. If sick leave is not allowed as described in section 8.a., all available vacation balance must be exhausted prior to any leave without pay. The exception to this stipulation is an

employee who is off work due to an on-the-job injury or illness and has elected not to use any or a portion of her/his time accruals.

- (2) Leave without pay will be reported by the departmental representative by completing the appropriate documentation and forwarding it through the proper channels in order to meet the payroll processing deadlines.

9. 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.

10. Conflict between Policy and Law

In the event of a conflict between this OP and either federal or state law, the law will prevail.

11. Authoritative References

- a. The Family and Medical Leave Act (FMLA), 29 U.S.C., Sections 2601 et seq.
- b. 29 CFR, Subchapter B, Chapter V, Subchapter C, PT 825, Chapter V, C, Part B25, Titles I and IV, Family and Medical Leave Act of 1993, and as amended November 17, 2008
- c. Texas Government Code, Sections 661.912 and 661.913
- d. Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)
- e. National Defense Act 2008, H.R. 4986, Section 585(a)

All related forms are available on the Human Resources website:

<http://www.depts.ttu.edu/hr/forms.asp>



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 70.37: Disclosure of Significant Business or Financial Interests that may Represent Conflicts of Interest

DATE: August 9, 2011

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure that faculty and staff remain free from conflicts of interest as a result of interaction with the public and private sectors.

REVIEW: This OP will be reviewed in April of odd-numbered years by the associate vice president for research for research integrity and Texas Tech University research integrity officer (RIO) with recommended 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.

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.

3. **Definitions**

- a. "Investigator" means the principal investigator, co-principal investigators, 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 an 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.
- b. "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). The term does **not** include:
 - (1) Salary, royalties, or other remuneration from TTU;
 - (2) Royalties and honoraria for published scholarly or creative works;
 - (3) Income from seminars, lectures, or teaching engagements sponsored by public or nonprofit entities;
 - (4) Income from service on advisory committees or review panels for public or nonprofit entities;
 - (5) An equity interest that, when aggregated for the investigator and the investigator's spouse and dependent relatives or household members, meets both of the following tests: (1) does not exceed \$10,000 in value, as determined through reference to public prices or other reasonable measures of fair market value; and (2) does not represent more than a 5 percent ownership interest in any single entity; or
 - (6) Salary, royalties, or other payments that, when aggregated for the investigator and the investigator's spouse and dependent relatives or household members, are not expected to exceed \$10,000 from any single entity during the next 12-month period.
- c. "Unit head" means department chair, area coordinator, director or, in the case of colleges that do not have areas or departments, the dean.
- d. "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.

4. **Procedure**

- a. Annual Disclosure

All employees planning to act as investigators shall disclose, by October 1 of each year, to the unit head the following significant business or financial interests, including interests of their spouse and dependent relatives or household members:

- (1) 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
- (2) 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 the 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 interest) should be forwarded to the associate vice president for research for research integrity/ TTU research integrity officer (RIO) using the instructions in the form.

Further, the outside employment or consulting approval form, *Request for Approval of Outside Employment or Consulting* (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/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 RIO.

Regardless of the above minimum requirements, 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, 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 RIO shall take such actions as necessary to ensure that such conflicting interests will be managed, reduced to an acceptable level, or eliminated. In making this determination, the RIO may choose to seek the advice of individuals, chairs, deans, a committee appointed by the RIO, the Office of the General Counsel, the TTUS Office of Technology Commercialization, the TTUS Office of Internal Audit, or of other university administrators. The RIO, in concert with the investigator, will

prepare a resolution plan for managing, reducing, or eliminating the conflict; this document will be signed by the investigator, unit head, designated official, and RIO.

If the RIO and the investigator have not agreed upon a resolution plan 30 days following determination as to whether a conflict exists, the investigator may seek the intervention of the vice president for research (VPR).

The RIO 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 RIO shall maintain the confidentiality of disclosures and resolution plans, insofar as possible. Disclosures should be forwarded as per instructions in the disclosure forms.

b. 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*.

c. Review of Disclosures

The process outlined in section 4.a. above is applicable.

The RIO shall review the disclosure. If the RIO determines that no conflict of interest exists, the RIO or designee shall make the appropriate notation on the form and the form will be stored in a manner to protect confidentiality. The RIO or designee shall make his/her determination within 30 days of receipt of the disclosure.

If the RIO determines that a conflict of interest exists, the RIO shall take such actions as necessary to ensure that such conflicting interests will be managed, reduced to an acceptable level, or eliminated. In making this determination, the RIO may choose to seek the advice of individuals, chairs, deans, a committee appointed by the RIO, the Office of the General Counsel, the TTUS Office of Technology Commercialization, the TTUS Office of Internal Audit, or other university administrators. The RIO, in concert with the investigator, will prepare a resolution plan for managing, reducing, or eliminating the conflict; this document will be signed by the investigator, unit head, designated official, and RIO.

If the RIO and the investigator have not agreed upon a resolution plan 30 days following determination as to whether a conflict exists, the investigator may seek the intervention of the VPR.

The RIO 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 RIO shall maintain, insofar as possible, the confidentiality of disclosures and resolution plans. Disclosures should be forwarded as per instructions in the disclosure forms.

5. External Reporting

The RIO shall be responsible for all reporting requirements to external agencies. These include the following:

- a. The RIO will sign institutional certifications required in proposals.
- b. The RIO will report the existence of a conflict and its management plan to the VPR.
- c. For proposals to the Public Health Service (PHS), the RIO will report to PHS the existence of a conflict, but not the details of the conflict.
- d. The RIO will notify the sponsoring agency in the event an employee has failed to comply with the university's policy.
- e. The RIO will notify the sponsoring agency in the event that TTU is unable to manage a conflict of interest satisfactorily.
- f. In the event a conflict of interest is identified after the expenditure of funds under an award, the RIO 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.
- g. Upon request from any sponsoring agency or other authorized government entity, the RIO 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.
- h. 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 RIO will notify the agency of corrective action taken.

6. 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.

- a. Examples of manageable conflicts of interest include, but are not limited to, the following:
 - (1) Situations in which the outside activity will conflict with previously established responsibilities to the university;
 - (2) 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

- (3) Supervision of student research activities when research in that area might lead to financial or personal gain for the faculty member.
- b. Examples of unacceptable conflicts of interest include, but are not limited to, the following:
 - (1) Use for personal profit of unpublished information originating from university research or other confidential university sources;
 - (2) 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
 - (3) 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.
- c. Examples of conditions or restrictions that might be imposed to manage, reduce, or eliminate conflicts of interest include, but are not limited to:
 - (1) Public disclosure of significant business or financial interests;
 - (2) Disclosure of conflicts of interest in each public presentation of the results of the research;
 - (3) Review of research protocol by independent reviewers;
 - (4) Monitoring of research by independent reviewers;
 - (5) Modification of the research plan;
 - (6) Disqualification from participation in the portion of the externally funded research that would be affected by the significant business or financial interests;
 - (7) Divestiture of significant business or financial interests; or
 - (8) Severance of relationships that create conflicts.

7. **Compliance**

No proposals will be submitted without the required certifications. If a conflict is identified, the proposal may be submitted before the resolution 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
- Ineligibility of the employee for grant applications or supervision of graduate students
- Suspension
- 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 Complaints and Grievances Procedures.

For additional information on conflicts of interest, see Chapter 03, *Regents' Rules*, TTU OPs 32.07, 74.04, 74.08, and 70.31 in addition to the state of Texas Statutes (state Code of Ethics, Article 6252-9b).

Attachment A: Outside employment or consulting approval form (OP 70.37A- Request for Approval of Outside Employment or Consulting)

Attachment B: General declaration form (OP 70.37B- Confidential General Disclosure of Either Significant or No Significant Business or Financial Interests in Any External Entity)

Attachment C: Detailed disclosure form (Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest)

Attachment A:

Outside employment or consulting approval form (OP 70.37A- Request for Approval of Outside Employment or Consulting)

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 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.

Attachment B:

General declaration form (OP 70.37B- 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 70.37.

**FY12 consists of
9/1/2011-8/31/2012**

Faculty/Staff Name _____ Title _____ gct _____ Retroactive _____

Department/Unit _____ Rank _____

College/Unit _____

I and my family members, defined as a spouse and dependent relatives or household members:

____ will ____ will not receive salary, royalties or other payments for services (e.g., consulting fees or honoraria) in excess of \$10,000 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 \$10,000 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 external sponsor;

____ 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.

____ do ____ do not have other significant business or financial interests that possibly could affect, or 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 (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 a “Confidential Supplemental Disclosure” form for each Entity disclosed and attach to this form.

Please add your electronic signature and e-mail the form to researchintegrity@ttu.edu or sign it and mark the envelope as CONFIDENTIAL and mail it to Training Administrator, Office of Research Integrity, OVPR, MS 1075, 103 Holden Hall, Campus

Attachment C:

Detailed disclosure form (Confidential Supplemental Detailed Disclosure of Significant Business or Financial Interest)

This form must be completed for **each entity** that you have disclosed on page 1 that would reasonably appear to be affected by any sponsored project in which you are involved and in or from which you, your spouse and dependent relatives or household members receive in excess of \$10,000 in income, hold equity interest in excess of \$10,000 in value, or hold a 5 percent ownership interest.

Name and address of entity: _____

Annual income from this entity: _____

Basis for income to you or a member of your family (check all that apply):

<input type="checkbox"/> Participation as an employee	<input type="checkbox"/> Gift	<input type="checkbox"/> Dividends
<input type="checkbox"/> Consulting	<input type="checkbox"/> Income related to royalties on patents and copyrights	
<input type="checkbox"/> Lecturing	<input type="checkbox"/> Service on Advisory or Directors' Board	

The value of ownership interest in external entity is: _____

Nature of ownership: ☐ Equity Interest ☐ Partnership ☐ Other (explain) _____

Percentage of ownership: _____

Answer each of the following questions. If form is to be printed, please answer any question needing more than a 2 line answer on additional page(s) 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 principal investigator, co-investigator, or senior 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 with your chair and dean/director about use of Texas Tech University space and resources.
5. Explain the role(s) of any other Texas Tech University faculty, staff, undergraduate students, graduate students, and postdoctoral trainees in the 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 resulted in 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 Research Integrity Officer (RIO):

I have reviewed the significant business or financial interest disclosure and in my judgment:

_____ No conflicts exist.

_____ Conflicts of interest exist or may exist and in my judgment I believe that it will be possible to develop and execute an Memorandum of Understanding to manage, reduce, or eliminate any actual or potential 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 conflicts exist.

_____ Conflicts of interest exist or may exist and in my judgment I believe that it will be possible to develop and execute an Memoradnum of Understanding to manage, reduce, or eliminate any actual or potential conflict of interest.*

Signature

Date

* A resolution plan will be developed. See OP 70.37.

Please add your electronic signature and e-mail the form to researchintegrity@ttu.edu or sign it and mark the envelope as

CONFIDENTIAL and mail it to Training Administrator, Office of Research Integrity, OVPR, MS 1075, 103 Holden Hall, Campus



Texas Tech University

Operating Policy and Procedure

OP 74.04: Intellectual Property Rights

DATE: November 29, 2004

PURPOSE: It is recognized that research and scholarship on the part of members of the faculty, staff, and students of the Texas Tech University System* (hereinafter referred to as TTUS) will result in inventions, biological materials and other proprietary materials, plants, manuscripts, patentable and non-patentable, computer software, and trade secrets or other products, medical treatments, and devices that are potentially marketable.

(* Texas Tech University (TTU) and all of its subordinate units, for example, but not limited to: Texas Tech University Center at Junction; TTU Farm at PanTex; TTU Farm at New Deal; International Textile Center; Reese Center; and the Texas Tech University Health Sciences Center (TTUHSC) and all of its subordinate units, for example, but not limited to: Texas Tech Medical Center at Amarillo; Texas Tech Medical Center at El Paso; Texas Tech Medical Center at Odessa; School of Pharmacy in Amarillo; and School of Allied Health in Midland.)

It is the policy of the Board of Regents to encourage scholarly activity without regard to potential gains from royalties and other forms of income. In all cases, however, the affected individuals are subject to their obligations and those of TTUS under grants, contracts, or research agreements with governmental agencies and sponsors. All TTUS policies governing patentable or copyrightable inventions, publications, or other marketable products will provide adequate recognition and incentives to sponsors, inventor's assignees, and authors and, at the same time, assure that TTUS's duty to serve the public interest will be served.

REVIEW: This Operating Policy/Procedure (OP) will be reviewed by December 1 of every even-numbered year by the managing director of Technology Transfer and Intellectual Property, the vice president for research, technology transfer, and economic development with recommendations for revisions presented to the provost by January 1.

POLICY/PROCEDURE

1. General Policy

This intellectual property policy, as adopted, shall apply prospectively to all persons employed by the component faculties of TTUS, to all students of TTUS, and to anyone using TTUS facilities or under the supervision of TTUS personnel. Every employee, faculty, staff, or student is expected to be aware of the TTUS policies regarding such developments or discoveries protectable by copyright, patent, or contract and agrees 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 established policy.

It is the intent of this policy to foster the traditional freedoms of the TTUS faculty, staff, and students in matters of publication and invention, through a fair and reasonable balance of the equities among authors, inventors, sponsors, and TTUS. 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 TTUS.

As a public institution, TTUS 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, TTUS, and, where applicable, the sponsoring or contracting funding source.

2. Ownership of Discoveries

In general, inventions, innovations, discoveries and improvements, biological materials and other proprietary materials and plants (i.e., intellectual property - see section 11), made with the use of TTUS facilities or during the course of regularly assigned duties of the faculty and staff shall become the property of TTUS. Employees and others who are subject to this policy by virtue of their use of TTUS services or facilities shall, upon request, assign all applicable intellectual property to TTUS, except those which might be owned by third parties pursuant to sponsored research agreements and those resulting from independent work or approved consulting activities not utilizing TTUS facilities.

3. Research Involving Third Party

In 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 sponsor with appropriate compensation.

4. Disclosure of Intellectual Property

All intellectual property shall be promptly disclosed to the Office of Technology Transfer and Intellectual Property (OTTIP). At least once a year, coincidental with a regular board meeting, the director of OTTIP shall prepare for the chancellor and the Board a report listing the titles and a brief description of each disclosure received since the last report.

5. Intellectual Property Administration

When TTUS elects to protect intellectual property in its name, it shall award to the inventor or 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.

6. Determinations by the Office of Technology

a. Transfer and Intellectual Property

The Office of Technology Transfer and Intellectual Property for the TTUS shall make determinations as to:

- (1) The potential value of the intellectual property to TTUS;
- (2) The rights and equities of the inventor or 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 inventor or creator.

7. Implementation

The following guidelines shall be applicable to license agreements with private entities including those formed primarily for the purpose of developing and/or commercializing intellectual property created at TTUS 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 TTUS. Agreements should grant rights only on a specific 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 TTUS 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 TTUS for all expenses incurred by TTUS 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 TTUS 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. TTUS 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 by the component institution for research and teaching purposes and the publication rights of researchers should be minimized.
- f. If the entity fails to develop and commercialize the property, any and all rights the entity has been granted in TTUS's property shall be returned and granted back to TTUS 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 property or technology that is in whole or in part derived from or based on that which is licensed to the entity by TTUS, should be required to share with TTUS: 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 OTTIP and the Office of General Counsel to be in the best interest of TTUS.
 - k. The director of OTTIP is authorized to negotiate and execute license agreements.
8. The chancellor shall report annually to the Board of Regents concerning the status of license agreements, including the distribution of revenues earned from such agreements. The chancellor will inform the board at the first meeting following the end of each calendar quarter of any license agreements entered into by the TTUS Office of Technology Transfer and Intellectual Property and not previously reported.
9. In compliance with Section 51.912 of the *Texas Education Code*, the Board of Regents 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 of the *Texas Education Code*. The OTTIP will submit the report through the chancellor or his/her designee to the Office of the Board of Regents. The Board office will obtain the signature of the chairman of the Board and will transmit the report to the governor's office and other required entities.
10. Any request by a TTUS employee to participate as an employee, officer, or member of the board of directors of a business entity that has agreements with TTUS relating to the research, development, licensing, or exploitation of intellectual property in which TTUS has an ownership interest must be submitted to the Board of Regents for approval.

11. Definitions

For the purposes of this regulation, the following terms are defined as follows:

- a. **Invention:** A process, method, discovery, device, plant, composition of matter, or other invention that reasonably appears to qualify for protection under the United States patent law, Chip Design Protection law or plant protection schemes (utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An invention may be the product of a single inventor or a group of inventors who have collaborated on a project.
- b. **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, such as books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. A copyrightable work may be the product of a single author or a group of authors who have collaborated on a project.
- c. **Trademark (including service mark):** A distinctive word, design, or graphic symbol, or combination word and design that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs.
- d. **Tangible Research Property:** Tangible items produced in the course of research including 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 individuals who have collaborated on a project.
- e. Intellectual Property: Collectively, all forms of intellectual property including but not limited to inventions, copyrightable works, trademarks, and tangible research property.
 - f. Intellectual Property Committee: A standing committee, the majority of whom are faculty members, appointed by the chancellor based on recommendations of the vice presidents for Research at TTU and TTUHSC, representing the various components of TTUS, whose purpose is to provide a forum for discussion of policies and procedures affecting intellectual property and to advise the chancellor and OTTIP 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 OTTIP.
 - g. The Office of Technology Transfer and Intellectual Property: The TTUS (OTTIP) administrative office whose mission is to promote the transfer of TTUS technologies for society's use and benefit while generating unrestricted income to support research and education. The OTTIP is responsible for administration and implementation of TTUS's intellectual property program, and for assisting and advising TTUS's faculty and staff.

12. Ownership Further Defined

- a. An invention or tangible research property resulting from activities related to an individual's employment responsibilities and/or with support from TTUS funds, facilities or personnel shall be owned by TTUS.
- b. An invention or tangible research property unrelated to an individual's employment responsibilities that is developed on his or her own time without TTUS support or use of TTUS's facilities is not owned by TTUS.
- c. Ownership of an invention or tangible research property developed in the course of or resulting from research supported by a grant or contract with the federal government (or an agency thereof) or a nonprofit or for-profit nongovernmental entity, shall be determined in accordance with the terms of the sponsored grant or contract, or in the absence of such terms, shall be owned by TTUS.
- d. Present and prospective employees of TTUS shall, upon request by the chancellor or by OTTIP, to perfect intellectual property rights, execute an invention assignment agreement in a form prescribed by and available from the OTTIP to set forth effectively the ownership and rights to inventions. Executed invention assignments shall be maintained in an office location designated by the chancellor.

13. Disclosure, Assignment, and Protection

- a. All persons subject to these regulations shall promptly disclose to the OTTIP any invention or economically significant tangible research property 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 OTTIP. Such persons shall cooperate with TTUS and the OTTIP in protecting intellectual property rights in the

invention, to the best of their ability. If TTUS decides to patent or seek other available protection for the invention, it shall proceed through the OTTIP.

- b. All inventors shall execute appropriate assignment and/or other documents required to set forth effectively the ownership and rights to inventions and tangible research property.
- c. The OTTIP will determine whether TTUS desires to commit funding to obtain protection for the invention, and shall so notify the inventor of the decision. In many cases, the OTTIP will identify one or more licensees who will bear the cost of obtaining patent protection before making a final decision.
- d. In those instances where the inventor perceives that delay would jeopardize obtaining the appropriate protection for the invention, the inventor may request that TTUS expedite its decision as to whether or not it shall proceed to file a patent application or take other steps to obtain available protection. If TTUS has not acted within six months after a request to expedite, and the inventor or creator has cooperated in good faith, TTUS will release its rights and section 22 shall apply.

14. Obligation to Sponsors

The OTTIP, in cooperation with the respective Office of Research Services or Office of Sponsored Programs, 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 37CFR Part 401.

15. Management of Copyrightable Works

It is specifically noted that this intellectual property rights policy does not address rights in material specifically prepared for distance learning. To the extent that a future policy specifically directed to distance learning is approved, where that future policy and this policy are in conflict, the specific policy directed to distance learning shall prevail.

TTUS 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 TTUS. Authors shall be permitted maximum freedom with respect to their copyrightable works, consistent with the obligations to TTUS. 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, 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 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, TTUS 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 TTUS by law, TTUS will, upon request and

to the extent consistent with its legal obligations, convey copyright to the authors of such copyrightable works.

(2) **Institutional Works or "Works for Hire"**

TTUS 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 or "work for hire" as defined by law, as is software developed for TTUS purposes by staff working collaboratively. Brochures, training programs, CD-ROMs, videos, and manuals for which staff members are hired to develop are other examples of institutional works, or work for hire. TTUS owns all right, title and interest in such institutional works.

(3) **Works Developed with Significant Use of Resources**

Copyrightable works that are not works for hire (see (2) above) but are works that are developed with integral and significant use of funds, space, hardware, or facilities administered by TTUS, where use was essential and substantial rather than incidental, shall be owned by TTUS. 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) or a nonprofit or for-profit nongovernmental entity, or by a private gift or grant to TTUS, 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 TTUS. TTUS 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, TTUS will not construe the provision of offices or library facilities as constituting significant use of TTUS resources, except for those instances where 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 TTUS faculty, staff and employees assign the copyright ownership of works intended for publication in scholarly journals.

(4) **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 TTUS may have rights to under this policy). Such hybrid works should be brought to the attention of the OTTIP, which shall negotiate a reasonable sharing arrangement or issued release as may be appropriate. Should the OTTIP and the inventor or creator be unable to agree, the matter shall be finally resolved by the chancellor or his or her designee.

(5) Present and prospective employees of TTUS shall, upon request by the chancellor or by the OTTIP to perfect intellectual property rights, execute an assignment agreement in a form prescribed by and available from the OTTIP 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 OTTIP, 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 TTUS 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 [see section 15.a.(2)] but are works that are owned by TTUS under paragraph 15.a.(3) shall promptly disclose to the OTTIP 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 OTTIP and a copy shall be filed with that office. Such persons shall cooperate with TTUS and the OTTIP to the best of their ability in protecting intellectual property rights in the work of authorship. Furthermore, upon request by the OTTIP to perfect 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 TTUS are encouraged. The OTTIP 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 which meets certain technical and legal criteria may be patentable. In the case where software originally disclosed as a copyrightable work subsequently is determined to be patentable subject matter, and TTUS 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 TTUS has an ownership interest in the intellectual property pursuant to this policy, the following provisions will govern the distribution of royalties and other income after TTUS has recouped all direct costs associated with the processing of the patent or copyright application and marketing and licensing the technology:

<u>Net Royalty</u>	<u>Individual</u>	<u>TTUS</u>	<u>Department*</u>	<u>Unit**</u>
\$0-\$100,000	50%	30%	10%	10%
\$100,001-	\$50,000	30%	15%	15%
\$500,000	plus 40% of amount over \$100,000	30%	15%	15%

\$500,000 -up	\$210,000 plus \$30% of amount over \$500,000	30%	As set by Board of Regents
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* Department, center, or institute

**College or school

Net royalties are to be paid according to the above schedule as the net royalties are earned; that is, the individual will receive 50 percent of the first \$100,000, and 30 percent of all net royalties over \$100,000. 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 Board of Regents.

- 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 cannot specify how the royalties are to be allocated. It is, however, the general policy of the intellectual property OP to allocate royalties to the units that have provided the substantial level of indirect support that triggers TTUS'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 royalty share that is appropriate for each unit). In the event that no agreement can be reached prior to the generation of royalties, the president or his or 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 TTUS agreement with such agent, as approved by the TTUS Board of Regents. Any deviation from this rule requires the prior approval of the TTUS Board of Regents.

18. Distribution of Income from Copyrightable Works

All monetary proceeds from commercialization of copyrightable works, including royalties, equity interests, and dividends, are the property of TTUS component from which the work emerged. Income received from commercialization of copyrightable works will be distributed as follows:

- a. Institutional Works [see section 15.a.(2)]: TTUS shall be entitled to all income from distribution or commercialization of institutional works.
- b. Works Developed with Significant Use of Resources [see section 15.a.(3)] and commercialized by the OTTIP on behalf of TTUS: In cases where the OTTIP conducts the commercialization or distribution of the copyrightable work on behalf of TTUS, the distribution of income shall be made in accordance with steps outlined in section a. above.
- c. Works Developed with Significant Use of Resources [see section 15.a.(3)] and distributed by TTUS: In cases where TTUS conducts the commercialization or distribution of the copyrightable work, the distribution of net income after expenses of creation and distribution shall be as follows: fifty percent (50%) to TTUS and fifty percent (50%) to the author.

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, considering such factors as annualized FTE by component and relative contributions of the authors to the work.

19. Equity and Other Non-monetary Returns

TTUS 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. Inventors and authors may receive up to fifty percent (50%) of any equity or other non-monetary consideration (or, in the discretion of TTUS, its monetary equivalent) received by TTUS or its components under this section. However, TTUS 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 TTUS shall be equally applicable to the interest of the inventor or author, unless waived or varied in writing and signed by the director of the OTTIP and the inventor (for inventions), or the authors (for copyrightable works).
- b. TTUS 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 royalties and other income from patents and copyrights and marketing and licensing the technology managed by a patent or copyright agent will be controlled by TTUS agreement with such agent, as approved by the TTUS Board of Regents. Any deviation from this rule requires the prior approval of the TTUS Board of Regents.

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. TTUS owns all right, title and interest in tangible research property related to an individual's employment responsibilities and/or developed with support from TTUS-administered funds, facilities, equipment, or personnel.

- b. For purposes of management of the asset, tangible research property shall be managed as an Invention under sections 11, 12, and 13, with distribution of income from the distribution or commercialization of such tangible research property made in accordance with section 17.

23. Provisions for Release of Rights to Inventors and Authors

Absent a contractual obligation to a research sponsor, TTUS may release to the inventor(s) its rights to an invention, and TTUS may release its rights to a copyrightable work, with the following provisions.

- a. TTUS shall retain for TTUS 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. TTUS shall receive a share of all proceeds generated from commercialization of the invention or copyrightable work after the inventor or author 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. Should the OTTIP and the inventor or creator be unable to agree, the matter shall be finally resolved by the chancellor or his or her designee.
- c. In the case of release of rights to the inventor or author, the inventor or author shall not be entitled to a share of proceeds received by TTUS under section b above.

24. Offers of Intellectual Property

- a. If an individual chooses to offer to TTUS certain intellectual property in which TTUS has no claim, TTUS may accept ownership of the intellectual property provided that:
 - (1) The individual makes the offer to TTUS as if the intellectual property had been created within TTUS;
 - (2) The individual agrees to all provisions (including distribution of income provisions) of this policy;
 - (3) The individual warrants that he or she owns all right, title and interest to the intellectual property, and that to the best of his or her knowledge, the intellectual property does not infringe upon any existing copyright or other legal rights.
- b. The OTTIP will decide whether to accept or reject such offers.
- c. Should TTUS 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 TTUS, and acknowledging that the individual agrees to all provisions of this policy, such agreement available from the OTTIP. In cases in which the individual has already expended funds toward obtaining patent or other legal protection for the invention, the individual and TTUS 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. TTUS may accept charitable donations of intellectual property from governmental or private organizations. Upon the transfer of title in the intellectual property to TTUS, the intellectual property will be managed in accordance with this regulation.

25. Grievance Procedure

a. Foreword

The university operates under a philosophy that emphasizes the importance of ensuring the rights of its faculty. Both personnel and operating policies are formulated in order to assist administrators and faculty in working harmoniously toward the collective goals and objectives set forth by the Board of Regents. When a situation arises that results in a grievance by an individual faculty member, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly.

The purpose of these procedures is to address grievances of faculty members related to the actions or decisions of the director of Technology Transfer and Intellectual Property ("director") and to provide a mechanism for resolving them.

Whenever possible, problems should be solved at the administrative level at which they arise. However, each member of the Texas Tech University faculty shall have the right to a hearing and an appeal for redress of grievance through established channels. Access to these channels is restricted to university employees or those who were employees when the action or inaction leading to the grievance occurred.

In conformance with Article 5154C, Sec. 6, *Vernon's Annotated Civil Statutes*, a faculty member has the right to present grievances individually or through a representative who does not claim the right to strike.

A faculty member holding an administrative position will have access to these procedures with regard to faculty duties, but will not have access to the procedures with regard to administrative duties.

After the grievance is presented, the time periods for action prescribed in these procedures should be followed unless reasonable extension is required by unusual circumstances or because a deadline occurs between semesters or in summer, when relevant persons are away for extended periods. In the absence of the foregoing conditions, times for action should be extended only for university holidays or by mutual agreement of the parties and, in an appeal, with concurrence of the Grievance Committee.

b. Grievance Initiation and Hearing

- (1) The grievant will present a written description of the grievance and proposed resolution to the director. The grievance will be presented within 21 calendar days after the grievant becomes aware of the action constituting the grievance. The grievant and director will meet within 21 calendar days of receipt by the director, and the director's written decision on the grievance will be provided to the grievant within ten calendar days after the meeting is concluded. If the decision is not acceptable, or if the director does not render a written decision within ten calendar days, the grievant may appeal following the procedures below.
- (2) The grievant or the director may request mediation of the grievance within ten calendar days of receipt by the director. If both parties agree, a person acceptable to both parties will mediate the grievance. If the parties are unable to agree upon a mediator within ten calendar days of the agreement to mediate, the chancellor or his delegate will select a mediator qualified under section 154.052 of the *Texas Civil Practice and Remedies*

Code. The grievance will be presented for mediation within 21 calendar days after the mediator has been selected.

If mediation fails to resolve the grievance, the administrator will provide a written decision to the grievant within ten calendar days after the mediation is concluded. If the decision is not acceptable to the grievant, the grievant may appeal as set out below.

c. Appeal to the Chancellor

- (1) The appeal procedure is initiated by the grievant providing a written request to the chancellor asking that the decision of the administrator be reviewed. The grievant will provide copies of the original grievance, written decisions, and a proposed resolution to the chancellor. The appeal will be filed within 15 calendar days of the grievant's receipt, or lack thereof, of the written administrative decision to which the grievant objects.
- (2) The chancellor will solicit a recommendation that will resolve the grievance from a Grievance Committee composed of five persons, which will be chosen within 15 calendar days of receipt of the appeal by the chancellor.

If the grievant is a member of the faculty of TTU, the Texas Tech University Faculty Senate shall select 12 members of the faculty whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the president of TTU or his or her representative.

If the grievant is a member of the faculty of a school of TTUHSC, the faculty of each school of the Health Sciences Center shall select three members whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the President of TTUHSC or his representative.

If the grievant is a member of the TTU staff, the Texas Tech University Staff Senate shall select 12 members of the staff whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the president of TTU or his or her representative.

If the grievant is employed by or affiliated with TTU in a capacity other than as a staff member or faculty member, the Grievance Committee membership shall be selected according to the process for selection in the case of a faculty member of TTU.

If the grievant is employed by or affiliated with TTUHSC in a capacity other than as a faculty member, the Grievance Committee membership shall be selected according to the process for selection in the case of a faculty member of TTUHSC.

Persons drawn for service on the committee will be allowed to present reasons to the chancellor why a recusal should be granted. After these determinations are made, the names of the remaining individuals will be presented to the parties. Each party to the dispute may challenge not more than two persons selected for the committee. After challenges by all parties, the first five names will comprise the Grievance Committee. The chancellor or his or her representative will then convene the committee, give the committee its charge, assist the committee in identifying the parties to be involved in the process, provide it with guidelines to afford the parties due process, and a copy of the grievance and all supporting documentation to each committee member.

- (3) At the request of the Grievance Committee, the chancellor may appoint a faculty member with expertise in intellectual property to serve as a nonvoting facilitator to provide the Grievance Committee with background information only.

d. Grievance Committee Hearing

- (1) Upon receipt of a request from the chancellor, the Grievance Committee will schedule a hearing. This hearing must be held within 21 calendar days after receipt of the request from the president. The Grievance Committee will elect its own chairperson. The chairperson's notice scheduling a time and place for the hearing must be delivered to the parties involved seven calendar days prior to the hearing. These time limits are guidelines and may be changed for University holidays and by mutual written agreement of the Grievance Committee and the parties to the grievance.
- (2) The formal hearing will be conducted in accordance with procedures established by the Grievance Committee. The grievant or the grievant's representative(s) or counsel will present the grievant's case. The grievant has the right to present information, written or oral, considered relevant or material to the grievance, including the calling of witnesses. This information may be presented in written or oral form.

After the presentation by the grievant, the director's case will be presented under the same rules as those that were applied for the grievant. The director may be represented in the process as well. The Grievance Committee may call witnesses, as it considers appropriate. The grievant and the director may question all witnesses.

- (3) Evidence considered in the hearing must relate to the grievance. After all evidence is received, the Grievance Committee will meet and consider the case. The opinion held by the majority of the members will constitute the committee's recommendations. The committee must provide its recommendations in writing to the chancellor, with copies to the parties to the grievance, within 15 calendar days after the hearing is concluded. Minority opinions of the committee may also be submitted to the chancellor. Recommendations to the chancellor are advisory in nature.
- (4) If the Grievance Committee has requested and the chancellor has appointed a nonvoting faculty member facilitator as permitted by section 25.c.(3), the faculty member facilitator may attend the hearing at the request of the committee. The faculty member facilitator shall not be permitted to be present during the committee's deliberations.

e. Chancellor's Decision

The chancellor will send a written decision, with copies to the Grievance Committee and parties to the grievance, within 15 calendar days of receipt of the Grievance Committee's recommendations. The chancellor's decision is the final decision on the grievance. No further appeal is allowed.

f. Resolution by the Parties

The parties may agree to a resolution of the grievance at any time from initiation of the grievance procedures until the chancellor's final decision.

Addendum: Creation, Use, Ownership, Royalties, Revision, and Distribution of Distance Learning Course Materials

Texas Tech University

Distance Learning Course Materials Policy

Creation, Use, Ownership, Royalties, Revision and Distribution of Distance Learning Course Materials

I. Introduction

This policy addresses the usage of and rights associated with distance learning course materials developed in the Texas Tech University System (TTUS). Distance learning course materials are materials used to teach students at sites either distant from or on the faculty member's university campus. The purpose of this document is to protect the rights of both the faculty member and the TTUS and to encourage the offering of quality distance learning course materials. It should be noted at the outset that in all cases except work made for hire, the faculty member retains the ownership and copyright of the work as well as the ability to market the work commercially. Licensure, which is the right to market the distance learning course materials, is addressed under the ownership and compensation heading in each of the four categories specified in section 5. Distance learning course materials have been a part of the curriculum in the TTUS, but for a variety of reasons, there are still many questions about the rights and responsibilities of TTUS and its faculty members with respect to these materials. Since the demand for distance learning course materials appears to be increasing and the continuing development of these course materials in various media seems likely, it is important to address the issues raised by the creation, use, and distribution of various forms of these course materials and clarify the rights and responsibilities of each of the parties involved. This policy is a supplement to the TTUS intellectual properties policy and addresses only electronic course materials. To the extent this policy conflicts with the TTUS intellectual properties policy on issues involving distance learning course materials, this policy prevails.

2. Issues Addressed

- Who owns copyright in distance learning course materials and how should such rights be protected?
- What are the rights of authors, others, and TTUS with regard to the continuing use of distance learning course materials?
- Who may receive royalties from the sale or licensing of distance learning course materials?

3. Definitions

- a. **Distance Learning** - Instruction in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A class is considered a distance education class if students receive more than one-half of the instruction at a distance. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s):
 - (1) Other than the "main campus" of a senior institution (or "on-campus"), where the primary office of the chief executive officer of the campus is located; and
 - (2) Via instructional telecommunications to any other distance location, including electronic delivery of all types. *Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter E, Rule §4.103)

- b. **Significant Resources** – Resources provided to authors by TTUS above and beyond those that are normally provided within the author’s academic department or TTUS unit. Examples include student assistants, workload release time, graduate assistants, equipment, TTUS facilities, and staff time beyond those that are normally available to an author.
 - c. **Outside Employment/Consulting** – Defined by TTU OP 32.07
 - d. **Course Materials** – All copyrightable materials developed for the purposes of distance learning including printed materials, CD-ROMs, videos, movies, and web sites.
 - e. **Authors** – (1) one that originates or creates; (2) the writer of a literary work (Merriam – Webster) who is currently employed or was employed by TTUS at the time of origination or creation.
 - f. **Educational License** – License granted to produce, sell, or distribute the work for education purposes only.
 - g. **Commercial License** – License granted to produce, sell, or distribute the work for commercial purposes.
 - h. **Non-exclusive License** – Authors have the right to create multiple licenses.
 - i. **TTUS Intellectual Properties Policy** – Chapter 10, *Regents’ Rules*, Intellectual Property Rights, and Texas Tech University OP 74.04.
 - j. **TTUS** – Texas Tech University System as defined by its Board of Regents.
 - k. **Director** – Director of Technology Transfer and Intellectual Property.
4. **General Guidelines**
- a. **Copyright Ownership**

The TTUS Intellectual Property Rights policy recognizes that in most instances authors own copyright in scholarly works created by them. Authors thus normally own copyrights in electronically published materials they create on their own initiative. This policy also recognizes ownership of copyright in works created under contract or as works for hire as residing with the university.

Distance learning course materials created by authors for whom the TTUS provides significant resources will be jointly owned by the authors and the TTUS. Any owner of copyright in electronically published course materials may secure copyright registration. Joint owners may, but do not have to, agree to bear responsibility for enforcement of the copyright. Authors should note that ownership of works of students is controlled by copyright law and the TTUS intellectual property policy under which students own copyright in their works and authors must obtain permission to incorporate student work in their work. Specific examples of ownership rights are presented in section 5 below.

Ownership of distance learning course materials developed in the course of or resulting from a grant or contract with governments or their agencies or other entity shall be determined in

accordance with the terms of the grant or contract. In the absence of such grant or contract terms, ownership shall reside with the authors.

b. Revision Rights

Authors should normally retain the right to update, edit, or otherwise revise electronically developed course materials that become out of date, or, in certain circumstances, should place a time limit upon the use of electronically developed course materials that are particularly time sensitive, regardless of who owns the copyright in the distance learning course materials. These rights and limitations should be negotiated in advance of the creation of the distance learning course materials and should be reduced to writing. Absent a written agreement, authors will have the right and professional obligation to review and revise work as necessary in order to maintain academic standards. If an author does choose to revise the work and such revision is done in a satisfactory manner, the author retains the rights to full royalties as discussed below. If the TTUS believes a revision is necessary and no timely revision is made or if the revision made, in the TTUS's opinion, does not maintain academic standards, the TTUS may refuse to market the product. The TTUS may also then employ another person to update the work and charge the cost of updating the author's portion of the work against any royalties paid to the author.

c. Royalties

In accordance with the TTUS intellectual property policy, authors shall receive all royalties that may accrue from the commercialization of electronically published course materials they create on their own initiative. On the other hand, the TTUS retains all royalties that may accrue from the commercialization of electronically published course materials created by authors pursuant to contract or as a work for hire. Other circumstances require review on a case-by-case basis (such as the creation of distance learning course materials initiated by an author, but using significant TTUS resources and works in progress upon employment termination of one or more of the participants). Absent a contract specifying to the contrary, specific division of royalties between the owners shall follow the examples in section 5 below. In instances of joint authorship where the TTUS also retains rights to royalties, the authors shall determine by written document the division of the authors' share of the royalties. Absent a written document of authors' division of royalties, the authors shall divide their share pro rata. In those situations where the TTUS contracts with the author(s) for royalties, those royalties are to be paid to the author(s) semi-annually. When one or more of the joint authors are employed by another university or entity, appropriate contracts will need to be negotiated between the TTUS, other entity, and the authors.

d. Contributed Materials

Liabilities may be incurred with respect to the inclusion of materials in electronically published course materials other than materials created by the author of the distance learning course materials and inclusion of voices or images of persons in the electronically developed course materials, including audience members and guest lecturers. It is the policy of the TTUS that all faculty and staff comply with the law, including copyright and privacy laws; therefore, it is the responsibility of the creator of distance learning course materials (normally the author) to obtain all permissions and releases necessary to avoid infringing copyright or invading the personal rights of others. Guidelines for the use of student works are available in the TTUS intellectual properties policy.

e. **Use of University's and Author's Name**

Authors must observe the same requirements that apply in other contexts with respect to the use of Texas Tech University's name. These requirements are presented in TTU OP 01.06. Use of the author's name in ways outside customary practice shall be negotiated with the author.

f. **Copyright Registration**

The TTUS will determine whether to register the copyright and will be responsible for enforcement of works they wholly own as in section 5.d below. Authors will make such decisions and take such steps to protect works they wholly own as in section 5.a below. Any one of the authors, including TTUS as a corporate author, of a joint work may register and enforce the copyright in the names of all owners, with accounting.

g. **Retention of Non-exclusive License by TTUS**

Except in section 5.a below, the TTUS shall retain a non-exclusive educational license to reproduce and use the electronically developed course materials in teaching TTUS classes on- or off-campus. Compensation to the faculty member for use of the course shall be as specified below.

h. **Retention of Non-exclusive License by Author(s)**

In section 5.d below, an author(s) shall retain a royalty-free non-exclusive educational license to:

- Reproduce and use the electronically developed course materials in teaching classes on- or off-campus at another institution;
- Develop course materials in teaching classes on- or off-campus at another institution; and
- Develop derivative materials following termination of employment with Texas Tech University.

This license shall extend for ten years from the date of termination of employment.

i. **Administration**

The managing director of Technology Transfer and Intellectual Property, together with other TTUS personnel designated to manage this policy, shall be responsible for the administration of this policy and applying the policy equitably across the campus. Authors should first meet with their department chair, dean, and other supervisors to determine to which category the electronically published materials will be assigned and the ownership, institutional resource commitment, and the royalties. A copy of the agreement will be forwarded to the Office of Technology Transfer and Intellectual Property for review and assurance that the policy is being applied in an equitable manner. The director of Technology Transfer and Intellectual Property shall inform the dean, department chair, and other supervisors of any inequitable applications of the policy and it shall be the responsibility of the dean, department chair, and other supervisors to resolve the issue with the faculty member.

j. **Grievance Procedures**

(1) **Foreword**

The university operates under a philosophy that emphasizes the importance of ensuring the rights of its faculty, staff, and students. Both personnel and operating policies are formulated in order to assist administrators in working harmoniously with faculty, staff, and students toward the collective goals and objectives set forth by the Board of Regents. When a situation arises that results in a grievance by a faculty or staff member or a student, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly.

The purpose of these procedures is to address grievances of faculty members related to the actions or decisions of the director and to provide a mechanism for resolving them.

Whenever possible, problems should be solved at the administrative level at which they arise. However, each member of the Texas Tech University faculty shall have the right to a hearing and an appeal for redress of grievance through established channels. Access to these channels is restricted to university employees and students or those who were employees or students when the action or inaction leading to the grievance occurred.

In conformance with Article 5154C, Sec. 6, Vernon's Annotated Civil Statutes, a faculty member has the right to present grievances individually or through a representative who does not claim the right to strike.

A faculty member holding an administrative position will have access to these procedures with regard to faculty duties, but will not have access to the procedures with regard to administrative duties.

After the grievance is presented, the time periods for action prescribed in these procedures should be followed unless reasonable extension is required by unusual circumstances or because a deadline occurs between semesters or in summer, when relevant persons are away for extended periods. In the absence of the foregoing conditions, times for action should be extended only for university holidays or by mutual agreement of the parties and, in an appeal, with concurrence of the Grievance Committee.

(2) **Grievance Initiation and Hearing**

(a) The grievant will present a written description of the grievance and proposed resolution to the director. The grievance will be presented within 21 calendar days after the grievant becomes aware of the action constituting the grievance. The grievant and director will meet within 21 calendar days of receipt by the director, and the director's written decision on the grievance will be provided to the grievant within ten calendar days after the meeting is concluded. If the decision is not acceptable or if the director does not render a written decision within ten calendar days, the grievant may appeal following the procedures below.

(b) The grievant or the director may request mediation of the grievance within ten calendar days of receipt by the director. If both parties agree, a person acceptable to

both parties will mediate the grievance. If the parties are unable to agree upon a mediator within ten calendar days of the agreement to mediate, the chancellor or his delegate will select a mediator qualified under Section 154.052 of the Texas Civil Practice and Remedies Code. The grievance will be presented for mediation within 21 calendar days after the mediator has been selected.

If mediation fails to resolve the grievance, the director will provide a written decision to the grievant within ten calendar days after the mediation is concluded. If the decision is not acceptable to the grievant, the grievant may appeal as set out below.

(3) Appeal to the Chancellor

- (a) The appeal procedure is initiated by the grievant providing a written request to the chancellor asking that the decision of the director be reviewed. The grievant will provide copies of the original grievance, written decisions, and a proposed resolution to the chancellor. The appeal will be filed within 15 calendar days of the grievant's receipt, or lack thereof, of the written administrative decision to which the grievant objects.
- (b) The chancellor will solicit a recommendation that will resolve the grievance from a Grievance Committee composed of five persons, which will be chosen within 15 calendar days of receipt of the appeal by the chancellor.

If the grievant is a member of the faculty of Texas Tech University, the Texas Tech University Faculty Senate shall select twelve members of the faculty whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the president of Texas Tech University or his/her representative.

If the grievant is a member of the Texas Tech University staff, the Texas Tech University Staff Senate shall select twelve members of the staff whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the president of Texas Tech University or his/her representative.

If the grievant is employed by or affiliated with Texas Tech University in a capacity other than as a staff member or faculty member, the Grievance Committee membership shall be selected according to the process for selection in the case of a faculty member of Texas Tech University.

Persons drawn for service on the committee will be allowed to present reasons to the chancellor why a recusal should be granted. After these determinations are made, the names of the remaining individuals will be presented to the parties. Each party to the dispute may challenge not more than two persons selected for the committee. After challenges by all parties, the first five names will comprise the Grievance Committee.

The chancellor or his/her representative will then convene the committee, give the committee its charge, assist the committee in identifying the parties to be involved in the process, provide it with guidelines to afford the parties due process, and

provide a copy of the grievance and all supporting documentation to each committee member.

- (c) At the request of the Grievance Committee, the chancellor may appoint a faculty member with expertise in intellectual property to serve as a non-voting facilitator to provide the Grievance Committee with background information only.

(4) Grievance Committee Hearing

- (a) Upon receipt of a request from the chancellor, the Grievance Committee will schedule a hearing. This hearing must be held within 21 calendar days after receipt of the request from the chancellor. The Grievance Committee will elect its own chairperson. The chairperson's notice, scheduling a time and place for the hearing, must be delivered to the parties involved seven calendar days prior to the hearing. These time limits are guidelines and may be changed for university holidays and by mutual written agreement of the Grievance Committee and the parties to the grievance.
- (b) The formal hearing will be conducted in accordance with procedures established by the Grievance Committee. The grievant or his/her representative(s) or counsel will present the case of the grievant. The grievant has the right to present information, written or oral, considered relevant or material to the grievance, including the calling of witnesses. This information may be presented in written or oral form.

After the presentation by the grievant, the director's case will be presented under the same rules as those that were applied for the grievant. The director may be represented in the process as well. The Grievance Committee may call witnesses, as it considers appropriate. The grievant and the director may question all witnesses.

- (c) Evidence considered in the hearing must relate to the grievance. After all evidence is received, the Grievance Committee will meet and consider the case. The opinion held by the majority of the members will constitute the committee's recommendations. The committee must provide its recommendations in writing to the chancellor, with copies to the parties to the grievance, within 15 calendar days after the hearing is concluded. Minority opinions of the committee may also be submitted to the chancellor. Recommendations to the chancellor are advisory in nature.
- (d) If the Grievance Committee has requested and the chancellor has appointed a non-voting faculty member facilitator as permitted by subsection (3)(c) above, the faculty member facilitator may attend the hearing at the request of the committee. The faculty member facilitator shall not be permitted to be present during the committee's deliberations.

(5) Chancellor's Decision

The chancellor will send a written decision, with copies to the Grievance Committee and parties to the grievance, within 15 calendar days of receipt of the Grievance Committee's recommendations. The chancellor's decision is the final decision on the grievance. No further appeal is allowed.

(6) Resolution by the Parties

The parties may agree to a resolution of the grievance at any time from initiation of the grievance procedures until the chancellor's final decision.

5. Specific Categories Assigning Ownership and Royalties

Note: Authors should meet with their department chair, dean, or supervisor prior to creating electronically developed course materials for distance learning in order to reach an agreement as to the appropriate category classification. It is understood that, in some circumstances, this category classification may change based on a modification in TTUS's support for the project. Any such modifications should be negotiated between the director and the author and reduced to writing.

a. Category A – Totally Author Generated

Description of Individual and TTUS Contribution:

The work resulted from an individual's efforts on his/her own personal time without any direct support from or through the TTUS and without the use of any TTUS resources beyond those normally provided through the author's department or unit.

Examples:

- A faculty member works with a publishing company to create a Web-based course. The publishing company provides 700 hours of instructional design and production support and the course is mounted on the company's server. All of the work is done on the faculty member's own time, but some of the development is done on weekends using the faculty member's office computer. TTUS's licensed development software that is available throughout the department is also used. The course is mounted on a commercial server.
- Two professors are approached by the publishing arm of a learned society to create a CD containing 2,000 images that they have photographed in preparing for classes over the years. The professors took the photographs on weekends using their own camera and film, but on the department's copy stand. The learned society creates and markets the CD.

Ownership and Compensation:

The individual authors own all intellectual property, may receive compensation for their work, and retain all distribution rights.

b. Category B– Minimal University Resources

Description of Individual and TTUS Contribution:

The work resulted from the individual's efforts with minimal resources above and beyond those normally provided within the individual's unit or department.

Examples:

- An author works with Digital Inc., a Web course publishing company, to put a course totally on the Web. The TTUS provides funds to purchase time from a TTUS unit to videotape two hours of lecture to be streamed as part of the course. In addition, the TTUS provides the author one of two digital recording workstations for a period of two weeks. Digital Inc. spends over 300 hours recording materials provided by the author and creating the Web course, and mounts the course on their server. The author works on the project almost exclusively on his/her own time.

The author uses the work that he/she created as part of teaching at TTUS. The TTUS would pay the previously negotiated fee to Digital, Inc. for access to the course materials, but this payment would not include compensation to the author beyond the standard course compensation.

- An adjunct faculty member who teaches for the TTUS volunteers to put half of his/her course on the Web. The TTUS provides 30 hours of training on WebCT, the Web platform utilized. The TTUS also provides twenty hours of assistance in creating a Power Point presentation to be used as part of this course. The adjunct faculty member spends 200 hours creating this course on his/her own time. The course is mounted on a TTUS server.

Ownership and Compensation:

The individual owns the intellectual property and has the right to distribute the work. The individual may receive compensation for any distribution outside of TTUS's course delivery. The TTUS has a non-exclusive educational license to use the work as part of TTUS's course delivery. In such case, the author will be compensated per student enrolled in a TTUS course, at a negotiated rate or as otherwise agreed to by the TTUS and the individual, when faculty, other than the author, use these materials to teach the course.

c. Category C– Substantial University Resources Are Provided

Description of Individual and TTUS Contribution:

The work resulted from the individual's efforts with substantial TTUS resources above and beyond those normally provided.

Examples:

- A faculty member volunteers to make one of his/her department's courses totally available on the Web. The faculty member is released from one course in the spring semester and paid for a course in the summer to develop the product, but also contributes some of his/her own time. The TTUS provides a substantial grant to purchase a digital camera to use in the project or a 0.5 FTE Web developer for a semester to work with the faculty member. Personnel from a TTUS unit record speakers for the class and digitize the recorded audio and video. This unit's work consists of over 300 clock hours of production and support services. The course is mounted on a TTUS server.
- A TTUS graduate program decides to offer a degree by taping courses and allowing employees of two corporations to download the courses to view on their own schedules.

Three faculty from this program will rotate grading and answering questions for each course. One of these faculty members volunteers to offer the first course. During the next year, this faculty member is given release from one course each semester and is paid for two courses in the summer. The TTUS funds production time for the production of the tapes. The TTUS also contributes significant hours in digitizing the tapes. The faculty member spends 60 hours over the year of his/her own time designing the course for television delivery. The TTUS mounts the course on its servers.

The author is using this work as part of teaching at TTUS. In this case, the author might teach the course to students in the program. There would be no compensation to the author beyond the standard compensation for teaching the course. If the TTUS used the materials with another faculty member, the author who designed the materials would be compensated on a per student basis, as negotiated with the TTUS.

Ownership and Compensation:

The individual owns the intellectual property and has the right to distribute it and receive compensation for any distribution outside of TTUS's course delivery. The TTUS has a non-exclusive educational license to use the work as part of its course delivery. In such case, the faculty member will be compensated per student enrolled in a TTUS course at a negotiated rate. The TTUS also has a non-exclusive commercial license to market the course outside of the TTUS. If licensed for commercial purposes by either the TTUS or the author, the TTUS and the author will each receive a percentage of the royalty, as negotiated. In case of multiple authors, the authors will share the royalty pro rata or as negotiated.

d. **Category D– Work Made For Hire – TTUS Assigns Duty to an Author to Develop a Work**

Description of Individual and TTUS Contribution:

A TTUS employee was contracted to develop a specific product. The TTUS provided all resources for the work. The work was carried out totally as a part of the employee's assigned time.

Example:

- The chair of a department assigns a faculty member to a course that will be videotaped and broadcasted the next year to sites in five school districts as part of a new master's program offered by the department. A faculty member is given course releases for the fall and spring semesters and is given extra compensation during the fall and spring, in addition to a work-for-hire payment during the summer. All of the design and production work is done during working hours. The faculty member is assigned a 0.5 FTE research assistant for the academic year to support the development of the course. The TTUS contributes 250 hours in the design and production of the videotapes.

Ownership and Compensation:

The Texas Tech University System owns all intellectual property, has exclusive educational and commercial ownership, and has exclusive license authority. The faculty or staff member is not entitled to payment of royalty.

6. Author's Affiliation with TTUS is Terminated

Ownership and royalties will continue as determined by this policy at the time of the termination. The TTUS will be granted a non-exclusive educational license and will continue to use the materials for educational purposes as it sees fit (see 4.g above). Access to TTUS servers and resources will be denied to the author upon termination and the author will be provided an electronic copy of the distance learning materials.



Texas Tech University

Operating Policy and Procedure

OP 74.08: Allegations of Misconduct in Research or Scholarly Activity

DATE: August 24, 2004

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to outline and delineate the procedures that will be followed in the event that an allegation of misconduct in research or scholarly activity should be made against a member of the faculty, a member of the staff, or a student at Texas Tech University. The policy covers only activities associated with original research and scholarship and creative activity; it does not cover other areas of academic conduct, such as integrity in class or course work, which are covered by other policies. The intent of this policy is to provide an institutional response to any such 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.

REVIEW: This OP will be reviewed by February 1 of each odd-numbered year by the associate vice president for research with recommendations for revision forwarded to the vice president for research, technology transfer, and economic development (VPRTTED) and the provost.

POLICY

Recent experience at several United States 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. "Misconduct" means:

- Fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, conducting, or reporting results from research;
- Material failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for ensuring the welfare of laboratory animals; or
- Failure to meet other material legal requirements governing research.
- Fraudulent conduct in research and scholarship is antithetical to accepted academic practice. All members of the university community are responsible for reporting instances of misconduct in research or scholarly activity.

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, the allegation shall be dealt with in the following manner:

1. Inquiry

- a. Allegations of fraud or misconduct should be directed to the dean of the college or school in which the faculty or staff member is appointed or in which the student is enrolled. Allegations concerning staff members who are not a part of a college or school and allegations that involve more than one college or school should be directed to the associate vice president for research (AVPR). Upon receipt of a formal, signed allegation of misconduct or fraud, the dean or the AVPR shall initiate an inquiry.
- b. An inquiry shall consist of information gathering and initial fact finding to determine whether an allegation of misconduct warrants an investigation. 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.
- c. 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.
- d. A report of the inquiry shall be made in writing. If a dean conducts the inquiry, the dean shall forward the report to the AVPR. Reports of inquiries shall be maintained in the office of the AVPR for a period of three years.
- e. If results of the inquiry indicate that the allegation was made with malicious intent, the AVPR shall determine what action should be taken against the complainant.

2. Investigation

- a. If the finding of the inquiry is that an investigation is warranted, the AVPR shall appoint an ad hoc committee within 30 days of receiving the report of the inquiry to:
 - Review and investigate the charges;
 - Hear testimony from the parties concerned; and, after careful deliberation,
 - Report to the AVPR 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.
- b. The ad hoc committee will consist of five persons chosen by the AVPR, in consultation with the chairperson or other appropriate official having administrative jurisdiction over the academic unit in which the individual holds principal academic appointment. 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 AVPR shall select impartial experts and make efforts to avoid real or apparent conflicts of interest.

- c. The investigating committee shall complete the investigation within 120 days. If the committee judges that disciplinary action is warranted, the committee will also make a recommendation to the AVPR 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.

3. Action

- a. If the 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 AVPR shall immediately inform the agency in accordance with agency policy and, throughout the course of the investigation, shall continue to notify the agency as required by agency policy.
- b. Following the investigation, the AVPR shall forward the committee's findings and recommendation to the VPRTTED, who shall decide in consultation with the provost what action should be taken. If appropriate, the AVPR shall take interim administrative actions to protect federal funds and ensure that the purposes of the grant or contract are being carried out. If the VPRTTED determines that a faculty member should be formally charged with unfitness for employment, the further disposition of the case will be in accordance with the procedure prescribed in the current faculty handbook.
- c. Documentation substantiating the committee's findings shall be maintained in the office of the AVPR for a period of three years following the close of the investigation and the acceptance of any reports required by federal agencies.

4. Appeal

- a. Any person who has been found by the preceding procedures to have committed misconduct in research or scholarly activity shall have the right to appeal that finding to the provost, if it can be shown that the committee:
 - Did not consider all available evidence;
 - Did not provide for due process for the accused; or
 - Made the determination in an arbitrary, capricious, or prejudicial manner.

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 provost within the prescribed time limits will make the decision of the AVPR final.

- b. Within 14 days of receiving an appeal, the provost shall begin 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 provost may act alone or involve others, as appropriate. The decision of the provost shall be final.



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 74.14: University-Recognized Centers and Institutes

DATE: July 1, 2008

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 recommended revisions presented via the provost/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 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

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.

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 76.02: Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

DATE: July 20, 2012

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 Student Judicial Programs, and the managing director of Human Resources with recommended revisions presented to the university counsel.

POLICY/PROCEDURE

1. By February 1 of each year, the chief of police, in conjunction with the 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 Student Judicial Programs, 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 79.02: Texas State Travel Management Program

DATE: September 21, 2005

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 Texas Building and Procurement Commission's Travel and Transportation Division. This OP will also outline procedures relating to compliance with the travel program regulations.

REVIEW: This OP will be reviewed in November of each odd-numbered year by the managing director of Contracting with recommended revisions forwarded through appropriate administrative channels to the senior vice president for administration and finance by December 1.

POLICY/PROCEDURE

1. Authority

Pursuant to Texas Administrative Code, Title 1, Part 5, Chapter 125, and Texas Government Code, Chapter 2171, the Travel and Vehicle Fleet Services program of the Texas Building and Procurement Commission administers the State Travel Management Program (STMP) to provide centralized management and coordination of state travel. The program applies to all state agencies, including institutions of higher education, and requires participation in certain contracts for travel services.

2. General

The STMP has negotiated contracts for travel expense charge cards, rental car rates, airline fares, hotel rates, and other travel services. When on official travel, Texas Tech University employees **must** use the contracted rental car agencies and airfares when reimbursement will be requested for expenses from state appropriated funds. Tech employees **should** use these contracted services when reimbursement will be requested from institutional funds. Details of the contracted agencies and applicable rates may be found on Texas Tech's travel Web site:

<https://www.fiscal.ttuhs.edu/travel2/>

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.

3. 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 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, lower or identical airfares offered to state travelers only are not included as part of this exception.
- h. Travel is undertaken by persons with disabilities, by persons transporting prisoners or 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 exemption is claimed. (Documentation may be required to verify the exemption.)

4. 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.

5. 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 meets the requirements of the *State Travel Allowance Guide* and TTU policies. If contracted services were not used, the traveler must include a written claim for exemption along with the travel voucher. (For state-appropriated funds, use the exemption form attached to this policy.)
- b. Travel Services will check travel vouchers for compliance with the requirements of the State Travel Management Program. Travel vouchers that are not in compliance with these provisions may be delayed or rejected.

6. Problems with Contracted Vendors

Travel Services should be notified as soon as possible during normal office hours (8 a.m. to 5

p.m., Monday through Friday) if problems arise with any of the contracted vendors.

Attachment: State Travel Contract Exemption Reporting Form

**Texas Tech University
Texas State Travel Management Program
State Travel Contract Exemption Reporting Form**

Name of Traveler _____

Department _____

Destination _____

Dates of Travel (Inclusive): From _____ To _____

I hereby claim exemption for the reason(s) checked from use of state-contracted fares and rates for official travel to the destination listed above on the dates listed above.

1. Contract Airline

- ☐ No airfare reimbursement requested for trip.
- ☐ No contract fare available between city pairs.
- ☐ Lower airfare was available from contract airline.
- ☐ Contract airline fare was \$_____. Selected non-contract airline fare was \$_____, plus savings of additional travel time (\$35/hour) \$_____, resulting in \$_____ savings to Texas Tech University.
- ☐ Contract travel vendor could not provide services in the time period required to accomplish the purpose of this travel.
- ☐ Disability requiring special considerations. (Please explain on back.)
- ☐ Use of contract vendor presented a security or safety risk to traveler. (Please explain on back.)

2. Contracted Hotels/Motels

- ☐ No lodging reimbursement requested for trip.
- ☐ Contract hotel not available in location that reasonably allowed business requirements to be fulfilled or there is a non-contract hotel/motel substantially closer in proximity to where the traveler will be conducting business.
- ☐ Contract hotel unable to provide the required services because it was sold-out or did not offer services in city visited.
- ☐ Alternative lodging arrangements made at a lower total cost than contract hotels based on cost of guest room less taxes.
- ☐ Disability requiring special considerations. (Please explain on back.)
- ☐ Use of contract vendor presented a security or safety risk to traveler. (Please explain on back.)

3. Rental Car

- ☐ No rental car reimbursement requested for this trip.
- ☐ Vendor unable to provide required services as it was sold out or did not offer services in city visited.
- ☐ Alternate rental car arrangements were made that offered a lower total cost than the contract, including base rate, loss/damage waiver protection, mileage charge, applicable taxes, surcharges, and cost of comparable liability insurance coverage.
- ☐ Disability requiring special considerations. (Please explain on back.)
- ☐ Use of contract vendor presented a security or safety risk to traveler. (Please explain on back.)

4. Other

- ☐ Travel was undertaken as part of a group program for which reservations had to be made through a specified source to obtain a specified rate or service.
- ☐ Contract travel vendors could not provide services in the time period required to accomplish the purpose of the travel. (Please explain on back.)

I certify the above information is true and correct to the best of my knowledge.

Traveler

Reviewed:

Immediate Supervisor



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 79.13: University-related Travel by Motor Vehicle, Commercial Carrier, and Aircraft

DATE: July 17, 2012

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 Texas Tech University System Driver Approval Request (see Attachment A) for each driver seeking approved status to the Texas Tech University System Office of Risk Management.
- (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 be able to provide documentation of current personal automobile liability insurance;
 - (c) 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.
 - (d) Must achieve an "approved" status using the *Driver Rating Evaluation Form* (OP 80.07, Attachment B);
 - (e) 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

- (f) 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."
 - (g) 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 attend 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
 - (e) 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

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)



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.**

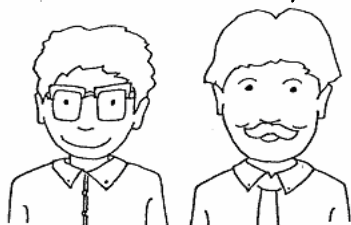
Check all fluid levels

- ☐ 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 80.07: Vehicle Fleet Management Program

DATE: March 23, 2011

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 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 January of odd-numbered years by the managing director of Physical Plant and the managing director of the Texas Tech University System (TTUS) Office of Risk Management with recommended revisions forwarded through the associate vice president for operations to the vice president for administration and 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.

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 for additional guidance.

Misuse of a state vehicle is a state jail felony.

3. Driver Authorization

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, 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 Sensitive Positions Requiring a Commercial Drivers License.

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 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 be able to provide documentation of current personal automobile liability insurance;
 - (4) Must comply with annual driver record information check (or its equivalent);
 - (5) Must achieve an "approved" status using the *Driver Rating Evaluation Form* (Attachment B);
 - (6) 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
 - (7) Must not have had any convictions for driving while intoxicated, driving under the influence of alcohol or drugs, or reckless driving.
- 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 4.a 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.

5. Operator Conduct

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 illicit drugs to be consumed or illegally transported in any university vehicle;

- c. DO NOT pick up hitchhikers or transport family members or any other unauthorized passenger(s). Authorized passenger is defined in OP 79.13, section 1.d.
- d. DO NOT allow the vehicle to become unnecessarily dirty and present an unfavorable image to the general public;
- e. 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);
- f. DO NOT operate the vehicle unless all occupants are wearing the appropriate restraints;
- g. 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;
- h. Do observe all traffic rules and regulations;
- i. DO require driver and all passengers to use seat belts and other appropriate occupant restraints at all times; and
- j. DO drive carefully, safely, and courteously.

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.

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).

6. Vehicle Use Reports

- a. Government Code, Section 2203.01, 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 Attachment D, 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 (Physical Plant, MS 3142) no later than the fifth day of the following month.

- e. The logbook for preparing the *Vehicle Use Report* is available from the TTU Central Warehouse.

7. Collision Reporting

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. If you are unable to contact them, call the Texas Tech University Police Department (806-742-3931).

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 hand 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. Motor Vehicle Procurement

- a. All motor vehicles, including utility vehicles, purchased (either new or previously owned) or leased are subject to the procedures set forth in OP 72.15, Purchasing/Leasing Motor Vehicles.

- b. All motor vehicles 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.
- c. All motor vehicles purchased from surplus, federal, or state agencies are subject to the procedures established in OP 72.15, Purchasing/Leasing Motor Vehicles.

11. Rental of Motor Vehicles

The vehicle rental fleet maintained by Physical Plant must be utilized first over outside rental agencies.

12. Transfers and Deletions

Vehicles 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. Transfer 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. 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.

Replacement vehicles may be purchased on a one-for-one basis as long as the funding source is the same as the vehicle to be replaced. No approval is needed from the state Office of Vehicle Fleet Management as long as the size of the vehicle fleet is not increased.

Donated vehicles may not be replaced without approval of the state Office of Vehicle Fleet Management.

The TTU vehicle fleet manager must provide the state Office of Vehicle Fleet Management with written notification of all vehicle replacements. 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.

14. Titles and Registration

All original vehicle titles and registration receipts will be acquired and maintained by vehicle fleet management.

15. Preventive Maintenance

All university vehicles will be maintained on a routine basis using the following preventive maintenance schedule:

- 12 months/3,000 miles for gasoline engines
- 12 months/6,000 miles for diesel engines

All university vehicles must have a current state safety inspection certification and tax decal (alternative fuel, if applicable).

No university vehicle will be in service unless it is in good operating condition.

Vehicles will be cleaned routinely to present a favorable image to the general public.

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.

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.

16. 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 on a weekly basis: tire condition and pressure; leaks (any kind); engine 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.

With engine started, but before moving the vehicle, check all gauges, brakes, and windshield wipers and test the horn.

- c. 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.

17. Vehicle Replacement Criteria

- a. 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	6 years	100,000 miles
Light trucks and SUVs (8600 GVWR or below)	Basic transport, light hauling	6 years	100,000 miles
Passenger vans	Staff or client transport	6 years	100,000 miles
Cargo vans	Cargo hauling	8 years	100,000 miles

- b. In general, most university vehicles should be replaced when they reach 6 years (72 months) of service or 100,000 miles, whichever comes first. However, there may be circumstances in which vehicles may be replaced sooner (such as excessive maintenance or repair costs) or retained longer (such as unusually low maintenance costs).
- c. Specialized equipment may not fall under any of the categories above and may need to be considered for replacement according to other criteria, such as hours in service.
- d. Additional criteria will include the department's compliance with the vehicle preventive maintenance program, vehicle appearance, and timely submission of required monthly reports.
- e. Departments should start programming and establishing funding to replace vehicles as established above.
- f. Replacement vehicles will be acquired only on a one-for-one basis. Additions to the fleet size will be made for legislatively mandated program changes, federal program initiatives, or documented need resulting from program growth or changes.
- g. The university policy is to ensure that each vehicle is maintained and operated in a safe and economical condition. After reviewing a vehicle's maintenance records, the TTU vehicle fleet manager may determine that a vehicle is no longer in a safe operating condition or it is cost prohibitive to repair. The vehicle custodian will be notified that the vehicle should be removed from the fleet and/or replaced.

18. Departmental Vehicle Coordinators

All vehicle custodians (department heads/directors/deans/chairpersons) are responsible for establishing a vehicle coordinator in their areas of responsibility. The vehicle coordinator will be the main departmental contact for the TTU vehicle fleet manager. The *Departmental Vehicle Coordinator Designation Form* (Attachment G) should be completed and forwarded to the TTU vehicle fleet manager any time a change of coordinator or vehicles occurs.

19. Training

Vehicle fleet management will provide reporting compliance training periodically to all applicable areas. In addition, individual departments may request training on an as-needed basis.

All vehicle operators of 15-passenger vans and extended cargo vans are required to successfully complete an annual two-hour training program. Training should be coordinated with the Quality Service & Professional Development Department.

20. Fleet Fueling Policy

a. Use of Regular Unleaded Gasoline

Unless specifically prohibited by manufacturer warranty or recommendations, all university vehicles operating on gasoline shall use regular unleaded gasoline. Higher-octane blends (marketed as premium, super-unleaded, etc.) reportedly offer no proven benefit and are prohibited for use in university vehicles, except as noted.

b. Use of Alternative Fuels

Vehicles capable of using alternative fuels will use them when possible.

c. Refueling at Self-service Islands Only

University vehicles will use self-service islands only when refueling at retail fueling stations.

d. Fueling Credit Cards

All fuel purchases for state vehicles must be made with the appropriate fueling credit card unless the fuel is purchased from the fueling facility located on campus at the Physical Plant (northwest corner of Flint/Main).

In addition to routine fueling needs, the card can also be used for minor or routine vehicle maintenance including oil changes, windshield repair, and tire servicing. The card also carries access to roadside assistance through North American Fleet Services.

Fueling credit cards are distributed by the TTU Office of Purchasing and Contracting.

21. Fleet Consolidation

a. Assignment of a vehicle to an individual administrative or executive employee on a regular daily basis is prohibited without written documentation that the assignment is critical to the mission of the university.

All vehicles assigned to an individual administrative or executive employee must be authorized by the university president. To gain authorization, vehicle custodians should prepare an authorization request to the TTU vehicle fleet manager providing the following documentation:

- (1) Vehicle identification number, license plate number, year, make, and model;

- (2) Name and position of the individual to whom the vehicle is assigned; and
- (3) Reason the assignment is critical to the mission of the university.
- b. Assignment of a vehicle to a field employee. Field employees are those employees whose regular duties require work in various locations and who regularly require a vehicle for ongoing daily duties.
- c. All other university vehicles will be pooled by department. Pool vehicles must be available for checkout as needed and must be used over other options, including rental vehicles and employee reimbursement for use of personal vehicles.

Consistently underused pool vehicles must be rotated to increase utilization or be sold as surplus.

22. Utility Vehicles

- a. For the purpose of this policy, all vehicles classified as “off the road” will be referred to as “utility vehicles.” Examples of utility vehicles 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 utility vehicles will be coordinated through the TTU Vehicle Fleet Management Office to ensure minimum safety requirements.
- c. Only university-owned courtesy service and utility vehicles with the required safety equipment as described in Attachment F of this OP are authorized for on-campus use. On-campus use of privately owned utility vehicles must gain approval through the Grounds Use Committee (TTU OP 61.02).
- d. All university-owned utility vehicles used on campus will be numbered by the Vehicle Fleet Management Office. Additionally, all utility vehicles must have “Texas Tech University” painted in black letters on both sides. Utility vehicles will be scheduled into the Physical Plant garage for numbering application and lettering.
- e. All utility vehicles must have insurance coverage through the Department of Contracting.
- f. On-campus Use

(1) Operational Boundaries

- (a) Utility vehicles will not be used on sidewalks or grass.

EXCEPTION: Maintenance-related and courtesy service utility vehicles 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.

- (b) Utility vehicles will not be operated on any municipal streets, roads, or highways.

- (c) Approved operational boundaries for the TTU campus are 4th Street on the north, University Avenue on the east, and 19th Street on the south.

- (2) Parking

Utility vehicles must be parked only in designated service parking areas.

- g. Operator Authorizations and Conduct

- (1) All operators of utility vehicles must comply with section 4, Driver Qualifications, of this OP.
- (2) All operators must be approved to operate a motor vehicle through the TTUS Office of Risk Management.
- (3) All operators must observe all traffic rules/regulations and university policies.
- (4) All operators of utility vehicles will drive carefully, safely, and courteously.
- (5) Operators of courtesy service utility vehicles must also successfully complete the operator safety course instructed by the TTUS Office of Risk Management.

23. Responsibilities

- a. The TTU vehicle fleet manager is responsible for:

- (1) Maintaining compliance with state mandates governing vehicle fleet management;
- (2) Monthly collection and data entry of vehicle use report information and vehicle-specific information into the vehicle fleet database;
- (3) Submitting vehicle use report data and information to the Texas Building and Procurement Commission as established;
- (4) Planning, directing, managing, coordinating, and supervising programs for the acquisition, assignment, utilization, maintenance and repair, replacement, and disposal of the vehicle fleet;
- (5) Serving as primary contact for the state Office of Vehicle Fleet Management;
- (6) Developing and implementing university-level policies and procedures related to vehicle fleet management;
- (7) Observing and enforcing at the university level the statewide vehicle fleet management policies and procedures;
- (8) Coordinating purchase waivers from the state Office of Vehicle Fleet Management;
- (9) Reviewing and approving all vehicle purchases, transfers, and deletions;
- (10) Processing appropriate paperwork to acquire vehicle titles and license plates; and

(11) Maintaining all vehicle titles on permanent file.

b. The vehicle custodian is responsible for:

- (1) Being a good steward of university vehicles and managing them accordingly;
- (2) Appointing a departmental vehicle coordinator and providing vehicle fleet management with the name and contact information;
- (3) Routine inspection of vehicles to ensure sound operational condition and that the required vehicle insignia is complete and visible on both sides of the university vehicle;
- (4) Ensuring all vehicle damage and repairs are corrected as established;
- (5) Programming and establishing funding to replace vehicles when required;
- (6) Ensuring departmental compliance with the required university preventive maintenance program;
- (7) Ensuring university vehicles are used for their intended purpose;
- (8) Coordinating all vehicle requisitions through vehicle fleet management;
- (9) Coordinating all vehicle transfers and deletions through vehicle fleet management;
- (10) Rotating and/or eliminating vehicles with low utilization;
- (11) Complying with annual driver license record checks on all university-approved drivers;
- (12) Being knowledgeable with all vehicle fleet management policies and procedures; and
- (13) Ensuring compliance with the established vehicle fleet management program.

Noncompliance may result in the loss of university vehicle privileges.

c. The vehicle coordinator is responsible for:

- (1) Accumulating and ensuring mileage information on vehicle use reports is maintained accurately;
- (2) Accumulating and ensuring fuel information on the vehicle use reports is maintained accurately;
- (3) Accumulating and ensuring maintenance information on the vehicle use reports is maintained accurately;
- (4) Accumulating and providing any other information required by the TTU vehicle fleet manager;
- (5) Ensuring the state of Texas *Vehicle Use Reports* are maintained accurately;

- (6) Retaining accurate files on university vehicles for reference should the need arise;
 - (7) Submitting the original vehicle use report, reporting the previous month's vehicle activities, to the fleet management office no later than the fifth of each month;
 - (8) Keeping vehicle fleet management advised of any transfers or deletions to the vehicle fleet by providing a copy of the official form submitted to property inventory;
 - (9) Coordinating all vehicle requisitions through the Vehicle Fleet Management Office and purchasing;
 - (10) Advising vehicle fleet management of all vehicle accident/incidents that occur and providing a copy of the vehicle accident package and police report; and
 - (11) Being familiar with and communicating established vehicle fleet management policies and procedures to applicable parties within his or her department.
- d. The vehicle operator is responsible for:
- (1) Completing vehicle use reports on a daily basis in an accurate manner;
 - (2) Identifying any mechanical problems associated with the vehicle he/she is operating and scheduling repair;
 - (3) Reporting accidents immediately to his or her supervisor and assisting with the completion of the vehicle accident paperwork;
 - (4) Following all state laws associated with vehicle operation;
 - (5) Operating only those vehicles he/she is authorized to use;
 - (6) Maintaining a valid driver license;
 - (7) Using university vehicles for official university business only;
 - (8) Keeping the vehicle secured when not in operation;
 - (9) Ensuring the state inspection certificate is current;
 - (10) Daily and weekly vehicle maintenance checks to ensure the vehicle is in good operating condition;
 - (11) Complying with the university vehicle fleet management program; and
 - (12) Operating the vehicle in a safe manner.

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 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? _____ (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
80.07

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 <25 mph over limit ____ violations	1.5 each	
Speeding >25 mph over limit ____ violations	3 each	<input type="text"/>
Failed to stop ____ violations	1 each	
All other moving Violations:		
1 or 2	1	
3 and over ____ violations	1 each	<input type="text"/>
Total Points Assigned:		<input type="text"/>

Driver Evaluation and Driving Status:

Total Points Assigned	Driver Evaluation Rating	TTUS Driving Status
0	Superior <input type="checkbox"/>	
1-2	Good <input type="checkbox"/>	Approved <input type="checkbox"/>
3-4	Average <input type="checkbox"/>	
5-6	Probationary <input type="checkbox"/>	Not Approved <input type="checkbox"/>
6+	Unacceptable <input type="checkbox"/>	

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

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

Attachment G
OP 80.07
3/23/11



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

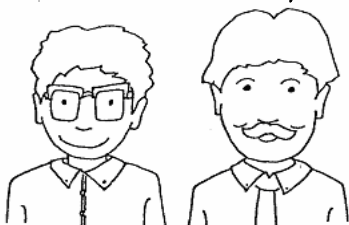
Safety is the reason you need to do an inspection!

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

Chapter 03 -- Personnel

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 officers and employees of the TTU system regardless of rank or 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 should 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 that could reasonably be expected to create a substantial conflict between the officers' or employees' private interest and the public interest; or
- 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.

03.01.2 Ethical behavior. TTU system 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 the TTU system or any of its components;
- 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.

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. A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare a TTU system employee has an interest as under state laws.

- a. Bribery. No TTU system 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. Public servants who exercise discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions of government, commit an offense if they solicit, accept, or agree to accept any benefit from any person the public servants know is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving TTU system 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 public servants or any other benefit to which they are lawfully entitled or for which they give legitimate consideration in a capacity other than as public servants;
 - (3) a gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305, *Texas Government Code*; and
 - (4) items having a value of less than \$50, not including cash or negotiable instruments.

TTU system officers or employees who receive an unsolicited benefit that they are 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.

- c. Food, lodging, transportation, and entertainment received as a guest. Public servants 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 public servants' discretion only if the public servants are "guests" as defined by the state laws. Public servants 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 public servants.

Public servants 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. 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.
- e. Awards. Public servants may accept plaques and similar recognition.
- 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. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. However, they may accept the direct provision of or reimbursement for expenses for transportation and lodg-

ing 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 a public servant must be more than merely perfunctory.

03.01.5 Political activities

- a. Use of TTU system funds or property. No public servant shall expend or authorize the expenditure of any TTU system 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 political organizations and candidates for political office.

03.01.6 Authority

- a. Misapplication of property. It is a violation of state law for public servants, 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 public servants 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 pecuniary 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.

03.01.7 Sexual harassment

- a. Public servants should 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 employment;
 - (2) submission to or rejection of such conduct is used as the basis for employment decisions; or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

03.01.8 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 when the compensation of such appointee is to be paid, either directly or indirectly, from public funds or fees.
 - (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.
- 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.
- 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)

03.01.9 Affirmative action and equal employment opportunity. TTU system 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 system 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.

03.02 TTU system community conduct.

03.02.1 Breach of trust. 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. A breach of trust includes, but is not limited to, the following:

- 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 TTU system documents, records, or identification materials;

- d. knowingly furnishing false information to the TTU system;
- 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;
- 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; and/or
- q. conviction of a felony or conviction of a misdemeanor involving a crime of violence or moral turpitude in this or any other state or country.

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 Adjudication. 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 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 should 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 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 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 a spouse and the 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 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 share holder, 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. 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 will 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.
- 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, 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, 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 administrators 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 should 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 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 executive administrator to ensure that the TTUSA and, if applicable, the component en-

tity 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 will 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 at-

tention 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 these *Regents' Rules*, the board does 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 will indicate the final level of review within the TTU system administration or compo-

nent institution that is available to an individual grievant, and a decision at the level so indicated will constitute final institutional action on the grievance.

03.07 Consulting or outside employment.

- 03.07.1 Outside employment defined. Outside employment is defined to be any compensated service or employment by an entity, other than the TTU system, of a TTU system employee.
- 03.07.2 Employees' primary responsibility. The primary responsibility of TTU system 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 TTU system and of such a nature that it will not detract from the effectiveness and performance of the employee.
- 03.07.3 Clinical faculty. Full-time clinical faculty at TTUHSC who are involved in outside employment must do so under the provisions of each school with TTUHSC's respective Income Plan.

03.08 Service on outside boards.

- 03.08.1 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 03.08.2 of this section, shall be subject to and conditional upon compliance with all applicable policies relating to ethics, conflicts of interest, consulting or outside employment, and disclosure provided in Chapters 03 and 10, *Regents' Rules*, and in institutional operating policies.
 - b. Risk of liability. All TTUS employees should be aware of the potential risk of liability associated with outside board service and should evaluate those risks and the need for appropriate

insurance and indemnification. All TTUS employees also should 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.

03.08.2 Service on an outside board by an executive administrator.

a. Approval required.

- (1) Except as provided in Section 03.08.2.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 03.08.2.b of this section.
- (2) This section does not provide an exception to the requirements of Section 10.11, *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 10.11, *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 general 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 03.08.2.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.

03.09 **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.

03.10 **Leaves.** Each component institution shall promulgate operating policies and procedures governing employee leave regulations in conformity with federal and state laws.

03.11 **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.

03.12 Personnel files.

- 03.12.1 Maintenance. The TTU system will 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 papers, contracts, performance evaluations, and such additional material as is appropriate.
- 03.12.2 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 such other officers, including members of the board, and employees of the TTU system as have responsibilities requiring use of the records.
- 03.12.3 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 will be granted to persons not having access under Section 03.12.2, *Regents' Rules*, in the manner and under the terms specified in the subpoena, order, or request.

***Index of Chapter 03 amendments adopted since December 12, 2008
(in chronological order):***

<u>Section</u>	<u>Date</u>	<u>Description of Amendment</u>
03.01.3	8-7-09	An existing conflict of interest subsection that applies to all officers and employees of the TTU System was re-labeled as "Conflict of interest – generally" ... and a parenthetical note was added to reference a new conflict of interest subsection (Sec. 03.03) that applies only to regents.
03.03	8-7-09	A new conflict of interest policy applicable only to members of the Board of Regents was inserted as a new Sec. 03.03 ... and all remaining sections were re-numbered accordingly.
03.01.3	12-17-09	In an existing general conflict of interest subsection that applies to all officers and employees of the TTU System, a parenthetical note was revised to reference a new conflict of interest subsection (Sec. 03.04) that applies only to executive administration.
03.03.4	12-17-09	In the regents' conflict of interest policy, a provision regarding restrictions on parallel investments was deleted (and subsequent subsections were renumbered accordingly). This issue will be addressed in a new Long Term Investment Fund investment policy statement that is being developed.
03.04	12-17-09	A new conflict of interest policy applicable only to members of executive administration was inserted as a new Sec. 03.04 ... and all remaining sections were renumbered accordingly.
03.04.5	12-17-10	The General Counsel was added to the positions for which the Audit Committee chair resolves a question of whether an actual conflict of interest exists. For

other executive administrators, a requirement was added that the Chief Financial Officer consult with the General Counsel on questions of whether an actual conflict of interest exists.

03.08	12-17-10	A new policy on service on outside boards in general was inserted as a new Sec. 03.08 ... and all remaining sections were renumbered accordingly.
03.03	12-16-11	Revisions throughout Sec. 03.03 were made to conform the policy on Board member conflicts of interest with recent changes in state law.
03.04	12-16-11	Revisions throughout Sec. 03.04 were made to conform the policy on executive administration conflicts of interest with recent changes in state law.

Chapter 04 -- Faculty

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.

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.

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 is a publicly supported institution which was 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 knowl-

edge 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 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 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 obser-

vations 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 **Small classes approval at TTU and ASU.** The offering of small classes 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 to be taught if they meet the conditions set forth in the *Texas Administrative Code*. The provost shall approve or disapprove the proposed offering of small classes, monitor the offerings, and provide reports in accordance with state requirements. A report on small classes offered shall be reported to the board as information.

04.10 **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.

Index of Chapter 04 amendments adopted since December 12, 2008:

<u>Section</u>	<u>Date</u>	<u>Description of Amendment</u>
04.02	5-14-10	Language was added to the existing Sec. 04.02 to clarify that any changes to institutional operating policies on tenure and promotion must be approved by the board.
04.03	5-14-10	The detailed policies on “Guidelines for comprehensive performance evaluation of tenured faculty” previously included in Sec. 04.03 were off-loaded (deleted) from Chapter 04 to reside only in institutional operating policies (as of 5-14-10: TTU OP 32.31 ... ASU OP 06.19 ... TTUHSC OP 60.03). And any changes to these institutional operating policies must be approved by the board.
04.06 – <i>revised</i>	5-14-10	A revised Sec. 04.06 regarding academic workload for both TTU and ASU requires those institutions to maintain academic policies in the institutions’ operating manuals, with those operating policies – and any subsequent changes thereto – to be approved by the board.
04.06 – <i>previous</i>	5-14-10	The detailed policies on “Academic workload” at TTU – previous Sec. 04.06 – were off-loaded (deleted) from Chapter 04 to reside only in an institutional operating policy (as of 5-14-10, TTU OP 32.18). And any changes to this institutional operating policy must be approved by the board.
04.07 – <i>previous</i>	5-14-10	The detailed policies on “Academic workload” at ASU – previous Sec. 04.07 – were off-loaded (deleted) from Chapter 04 to reside only in an institu-

tional operating policy (as of 5-14-10, ASU OP 06.02). And any changes to this institutional operating policy must be approved by the board.

With both TTU and ASU academic workload policies addressed in the revised Sec. 04.06, the previous Sec. 04.07 was deleted, and all remaining sections were renumbered accordingly.

04.10 – <i>new</i>	5-14-10	A new section was added to Chapter 04 to retain a previous <i>Regents' Rules</i> requirement regarding reports that must be submitted to and/or copies of policies that must be filed with the State of Texas.
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04.02 – <i>new</i>	12-17-09	A new Sec. 04.02 regarding tenure and promotion at all component institutions requires the institutions to maintain tenure and promotion policies in the institutions' operating manuals, with those operating policies – and any subsequent changes thereto – to be approved by the board. (And all remaining sections after the new Sec. 04.02 were renumbered accordingly.)
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04.02 – <i>previous</i>	12-17-09	The detailed policies on “Tenure” at TTU – previous Sec. 04.02 – were off-loaded (deleted) from Chapter 04 to reside only in an institutional operating policy (as of 12-17-09, TTU OP 32.01).
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04.03 – <i>previous</i>	12-17-09	The detailed policies on “Tenure” at TTUHSC – previous Sec. 04.03 – were off-loaded (deleted) from Chapter 04 to reside only in an institutional operating policy (as of 12-17-09, TTUHSC OP 60.01).
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04.04 – <i>previous</i>	12-17-09	A section on tenure at ASU (previously Sec. 04.04) that matched the language of the new Sec. 04.02
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was deleted, since a separate Chapter 04 provision for tenure at ASU was no longer necessary.

Chapter 10 -- Intellectual Property Rights

Statement of Basic Philosophy and Objectives

It is recognized that research and scholarship on the part of members of the faculty, staff, and students of the Texas Tech University System* (hereinafter referred to as TTUS) will result in patentable and non-patentable inventions, such as biological and other proprietary materials, plants, manuscripts, computer software, trade secrets, medical treatments, devices, pharmaceuticals and products that are potentially marketable.

It is the policy of the Board of Regents to encourage scholarly activity without regard to potential gains from royalties and other forms of income. In all cases, however, the affected individuals are subject to individual or TTUS obligations under grants, contracts, or research agreements with governmental agencies and sponsors. All TTUS policies will provide adequate recognition and incentives to sponsors, assignees, and creators and will serve the public interest.

1. General Policy

This intellectual property policy, as adopted, shall apply prospectively to all persons employed by the component faculties of TTUS, to all students of TTUS, and to anyone using TTUS facilities or under the supervision of TTUS personnel. Every employee, faculty member, staff member, or student is expected to be aware of the TTUS policies regarding intellectual property and agrees 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 established policy.

Unless otherwise specified, copyrightable works are considered intellectual property and shall be governed by the general intellectual property policies set forth herein.

* TTU and all of its subordinate units; TTUHSC and all of its subordinate units; and ASU and all of its subordinate units.

It is the intent of this policy to foster the traditional freedoms of the TTUS faculty, staff, and students in matters of publication and invention, through a fair and reasonable balance of the equities among creators, sponsors, and TTUS. 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 TTUS.

As a public institution, TTUS 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 creators (authors and inventors), TTUS, and, where applicable, the sponsoring or contracting funding source.

2. Definitions

For the purposes of this regulation, the following terms are defined as follows:

- a. **Creator:** A creator is an individual subject to this policy who invents, develops, or authors intellectual property as defined below.
- b. **Invention:** A process, method, discovery, device, plant, composition of matter, or other invention 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 inventor or a group of inventors who have collaborated on a project.
- c. **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.
- d. **Trademark (including Service Mark):** A distinctive word, design, or graphic symbol, or combination word and design, that distinguishes

and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs.

- e. **Tangible Research Property:** Tangible items produced in the course of research including 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 individuals who have collaborated on a project.
- f. **Intellectual Property:** Collectively, all forms of intellectual property including but not limited to inventions, innovations, discoveries, improvements, biological materials, proprietary materials, plants, copyrightable works, trademarks, and tangible research property.
- g. **Intellectual Property Committees:** Standing committees of component institutions, whose purpose is to provide a forum for discussion of policies and procedures affecting intellectual property and to advise the OTTIP 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 TTU vice president for research will appoint members of the TTU committee; the TTUHSC executive vice president for academic affairs will appoint members of the TTUHSC committee; the ASU provost and vice president for academic and student affairs will appoint members of the ASU committee. The majority of members of each committee will be faculty members. Each committee will meet at least twice each year, or more often as called by the appropriate vice president or the Director of OTTIP (Director).
- h. **The Office of Technology Transfer and Intellectual Property:** The TTUS Office of Technology Transfer and Intellectual Property (OTTIP) administrative office's mission is to promote the transfer of TTUS technologies for society's use and benefit while generating unrestricted income to support research and education. The OTTIP is responsible for admini-

stration and implementation of TTUS's intellectual property program, and for assisting and advising TTUS's faculty and staff.

- i. Software: In recent years, the United States Patent and Trademark Office has determined that software which meets certain technical and legal criteria may be patentable. In the case that software originally disclosed as a copyrightable work subsequently is determined to be patentable subject matter, and TTUS chooses to seek patent protection for the software, then such software shall be managed under this regulation as an invention.

3. **Ownership**

In general, intellectual property made with the use of TTUS facilities or during the course of regularly assigned duties of the faculty and staff shall become the property of TTUS. Those who are subject to this policy shall, upon request, assign all applicable intellectual property to TTUS, except intellectual property which might be owned by third parties pursuant to sponsored research agreements and intellectual property resulting from independent work or approved consulting activities not utilizing TTUS facilities.

a. **Ownership Further Defined:**

- (1) An invention or tangible research property resulting from activities related to an individual's employment responsibilities and/or with support from TTUS funds, facilities or personnel shall be owned by TTUS.
- (2) An invention or tangible research property unrelated to an individual's employment responsibilities that is developed on his or her own time without TTUS support or use of TTUS's facilities is not owned by TTUS.
- (3) Ownership of an invention or tangible research property 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 agency or a nonprofit or for-profit non-governmental entity, shall be determined in accordance with the terms of the sponsored grant or contract, or in the absence of such terms, shall be owned by TTUS.

b. Ownership of Copyrightable Works:

This intellectual property rights policy does not address the rights in material specifically prepared for distance learning. Those rights are addressed in the "Distance Learning Course Materials Policy," which policy shall be approved by the Board of Regents.

TTUS 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 TTUS. Authors shall be permitted maximum freedom with respect to their copyrightable works, consistent with the obligations to TTUS. Copyrightable works may be created under a variety of circumstances which impact the ownership and subsequent management thereof, as follows:

(1) Books, Articles and Similar Works

In keeping with academic tradition, and except to the extent required by the terms of any funding 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 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, 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 consistent with its legal obligations, convey copyright to the authors of such copyrightable works.

(2) Institutional Works or "Works for Hire"

TTUS shall retain ownership of copyrightable works 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 or "work for hire" as defined by law, as is software developed for

TTUS purposes by staff working collaboratively. Brochures, training programs, CD ROMs, videos, and manuals for which staff members are hired to develop are other examples of institutional works, or work for hire. TTUS owns all right, title and interest in such institutional works.

(3) Works Developed with Significant Use of Resources

Copyrightable works that are not works for hire but are works that are developed with integral and significant use of funds, space, hardware, or facilities administered by TTUS, where use was essential and substantial rather than incidental, shall be owned by TTUS. Furthermore, copyrightable works that are not works for hire (see Section (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 agency or a non-profit or for-profit non-governmental entity, or by a private gift or grant to TTUS, 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 TTUS. TTUS 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, TTUS will not construe the provision of offices or library facilities as constituting significant use of TTUS resources, except for those instances where 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 TTUS faculty, staff and employees assign the copyright ownership of works intended for publication in scholarly journals.

(4) 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 TTUS may have rights to under this policy). Such hybrid works should be brought to the attention of the OT-TIP which shall negotiate a reasonable sharing arrangement or re-

lease as may be appropriate. Should the OTTIP and the creator be unable to agree, the matter shall be finally resolved by the president of the applicable institution.

(5) **Copyrightable Works Not Owned by TTUS**

Authors 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 which may result therefrom.

Copyrightable works to which TTU has no ownership rights (see foregoing Section 3(b)(1-4) where conditions for TTU ownership are defined) may still be submitted for publication and published by TTUS. Upon TTUS publication acceptance, the independent author shall agree to transfer copyright of the work by contract to the specific TTUS publication. A transfer agreement obtained from the OTTIP shall be executed and maintained in the OTTIP.

4. **Research Involving Third Party**

In 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 preclude acceptance of a contract, grant or agreement which provides for ownership of intellectual property by the sponsor with appropriate compensation.

5. **Disclosure of Intellectual Property**

All intellectual property shall be promptly disclosed to the OTTIP. Disclosure shall be made on a disclosure form prescribed by and available from the OTTIP. Creators shall cooperate with TTUS and the OTTIP in protecting intellectual property rights in the invention. At least once a year, coincidental with a regular board meeting, the Director of OTTIP (Director) shall prepare for the chancellor and the board a report listing the titles and a brief description of each disclosure received since the last report.

6. Intellectual Property Administration

When TTUS 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 OTTIP

The OTTIP for TTUS shall make determinations as to:

- a. the potential value of the intellectual property to TTUS;
- b. the rights and equities of the creator, TTUS and any third parties; and
- c. 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 private entities including those formed primarily for the purpose of developing and/or commercializing intellectual property created at TTUS subject to the terms of sponsored research agreements which 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 TTUS. Agreements should grant rights only on a specific 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 TTUS 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

TTUS for all expenses incurred by TTUS 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 TTUS 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. TTUS 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 by the component institution for research and teaching purposes and the publication rights of researchers should be minimized.
- f. If the entity fails to develop and commercialize the property, any and all rights the entity has been granted in TTUS's property shall be returned and granted back to TTUS 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 property or technology that is in whole or in part derived from or based on that which is licensed to the entity by TTUS, should be required to share with TTUS: at least 40% of any royalty received by the entity and at least 40% of any equity position to which the entity may be entitled. An entity that participates in additional research and development of property or technology that is licensed may be entitled to a reduction from the above restriction per recommendation by the Director of OT-TIP and approval of the president of the respective institution. Such participation means specifically: sponsored research into TTUS, bundling TTUS intellectual property with the entity's existing intellectual

property to form joint intellectual property, and/or a specified product development period of over one year with mutually agreed upon milestones.

- j. License agreements should contain such other provisions as may be determined by the OTTIP and the Office of General Counsel to be in the best interest of TTUS.
- k. The Director is authorized to negotiate and execute license agreements that have been:
 - (1) approved by the vice president for research (or the equivalent of that position) of the institution at which the creator is employed; and
 - (2) approved as to form, law, and compliance with the *Regents' Rules* and applicable policies by the vice chancellor and general counsel.

9. Reports to the Board

The chancellor shall report annually to the Board of Regents concerning the status of license agreements, including the distribution of revenues earned from such agreements. The chancellor will inform the board at the first meeting following the end of each calendar quarter of any license agreements entered into by the TTUS OTTIP and not previously reported.

10. Reports to the State of Texas

In compliance with Section 51.912, *Texas Education Code*, the Board of Regents 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 OTTIP will submit the report through the chancellor or his/her designee to the Office of the Board of Regents. The board office will obtain the signature of the chairman of the board and will transmit the report to the Governor's office and other required entities.

11. Board Approval of Employee Participation in Business Entities

- a. For the purposes of this section, the following definitions apply:
 - (1) “Creator/inventor” means: an employee of TTUS who conceives, creates, discovers, invents, or develops intellectual property for which TTUS has entered into an intellectual property agreement with an IPA entity.
 - (2) “Intellectual property agreement” or “IPA” means: an agreement relating to the research, development, licensing, or exploitation of intellectual property in which TTUS has an ownership interest.
 - (3) “IPA entity” means: a business entity that has an intellectual property agreement with the State of Texas or a political subdivision of the State, including but not limited to TTUS.
- b. Employee who is not the creator/inventor. A TTUS employee who is not the creator/inventor shall not participate as an employee, officer, or member of the governing board of an IPA entity.
- c. Employee who is the creator/inventor.
 - (1) Subject to all applicable policies relating to ethics, conflict of interest, consulting or outside employment, and disclosure provided in Chapters 03 and 10, *Regents’ Rules*, and in institutional operating policies, a creator/inventor who wishes to participate as an employee, officer or member of the governing board of an IPA entity that utilizes intellectual property produced by the creator/inventor may do so only if approved by the board in advance.
 - (2) After a creator/inventor has received the approval of the board under Section 10.11(c)(1) of this section, the creator/inventor must report to the vice chancellor for technology commercialization and the vice president for research (or the equivalent of that position) of the institution at which the creator/inventor is employed the following:

- (a) the name of the IPA entity and the position or positions in which the creator/inventor participates as an employee, officer, or member of the governing board; and
 - (b) within 30 days of the event, any change in the status of the creator/inventor's participation as an employee, officer, or member of the governing board.
- d. Attending or monitoring meetings of the governing board of an IPA entity. To the extent authorized by the agreement between TTUS and the IPA entity, the chancellor, or the designee of the chancellor, may attend or monitor meetings of the governing board of the IPA entity. In such event, the chancellor, or the chancellor's designee, shall act solely as the representative of TTUS and shall not accept any compensation or expense reimbursement from the IPA entity.

12. Assignment and Protection

- a. Creators shall execute appropriate assignment and/or other documents required to set forth effectively the ownership and rights to inventions and tangible research property. Assignment agreements are prescribed by and available from the OTTIP.
- b. The OTTIP will determine whether TTUS desires to commit funding to obtain protection for the invention, and shall so notify the creators of the decision. In many cases, before making a final decision, the OTTIP will identify one or more licensees who will bear the cost of obtaining patent protection.
- c. In those instances where the creator perceives that delay would jeopardize obtaining the appropriate protection for the invention, the creator may request that TTUS expedite its decision. If TTUS has not acted within six months after a request to expedite, and the creator has cooperated in good faith, TTUS will release its rights and Section 19 shall apply.
- d. Copyrightable Works

Agreements permitting a party to use, develop, or otherwise commercialize copyrightable works owned by TTUS are encouraged. The OT-

TIP has primary responsibility for negotiating with third parties having an interest in using, developing or otherwise commercializing copy-rightable works.

13. Obligations to Sponsors

The OTTIP, in cooperation with the respective Office of Research Services or Office of Sponsored Programs, 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 United States Government under 37CFR Part 401.

14. Distribution of Income from Commercialization and Licensing

- a. Where TTUS has an ownership interest in the intellectual property pursuant to this policy, the following provisions will govern the distribution of royalties and other income, including but not limited to license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, and sublicense payments, after TTUS has recouped all direct costs associated with the processing of the patent or copyright application and marketing and licensing the technology:

<i>Net Royalty and Other Income</i>	<i>Creator(s)</i>	<i>TTUS</i>	<i>Department*</i>	<i>Unit**</i>
\$0 – \$100,000	50%	30%	10%	10%
\$100,001 – \$500,000	\$50,000 plus 40% of amount over \$100,000	30%	15%	15%
\$500,000 – up	\$210,000 plus 30% of amount over \$500,000	30%	As set by Board of Regents	

* Department, center, or institute

** College or school

Net royalties and other income are to be paid according to the above schedule as the net royalties are earned; that is, the individual will receive 50% of the first \$100,000, and 30% of all net royalties over \$100,000. 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 which is approved by the Board of Regents.

- b. 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. Because of the many different combinations that may occur, this policy cannot specify how the royalties are to be allocated. It is, however, the general policy of Intellectual Property Rights, *Regents' Rules*, to allocate royalties to the units which have provided the substantial level of indirect support that triggers TTUS'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 royalty share that is appropriate for each unit). In the event that no agreement can be reached prior to the generation of royalties, the president of the applicable institution(s) 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 TTUS agreement with such agent, as approved by the TTUS Board of Regents. Any deviation from this rule requires the prior approval of the TTUS Board of Regents.

- c. Copyrightable Works. All monetary proceeds from commercialization of copyrightable works, including royalties, equity interests, and dividends, are the property of the TTUS component from which the work emerged. Income received from commercialization of copyrightable works will be distributed as follows:
 - (1) Institutional Works: TTUS shall be entitled to all income from distribution or commercialization of institutional works.
 - (2) Works Developed with Significant Use of Resources: In cases where the OTTIP conducts the commercialization or distribution of the copyrightable work on behalf of TTUS, the distribution of income shall be made in accordance with steps outlined in Section (a) above.

In cases where the TTUS unit conducts the commercialization or distribution of the copyrightable work, the distribution of net income after expenses of creation and distribution shall be as follows: 50% to the TTUS unit and 50% to the author.

- (3) 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, considering such factors as annualized FTE by component and relative contributions of the authors to the work.

15. **Equity and Other Non-monetary Returns**

TTUS 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 intellectual property.

- a. Creators may receive up to 50% of any equity or other non-monetary consideration (or, in TTUS's discretion, its monetary equivalent) received by TTUS or its components under this section. However, TTUS 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 TTUS's interest shall be equally applicable to the interest of the creator, unless waived or varied in writing and signed by the Director and the creator.
- b. TTUS 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 royalties and other income from patents and copyrights and marketing and licensing the technology managed by a patent or copyright agent will be controlled by TTUS agreement with such agent, as approved by the TTUS Board of Regents. Any deviation from this rule requires the prior approval of the TTUS Board of Regents.

16. Equity Ownership

This policy allows equity ownership and business participation by TTUS faculty, staff, and students consistent with state law as presently stated in Section 51.912, *Texas Education Code*, or any other future statutory provision relating to the subject matter of this intellectual property policy.

17. 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.

18. Tangible Research Property

- a. TTUS owns all right, title and interest in tangible research property related to an individual's employment responsibilities and/or developed with support from TTUS-administered funds, facilities, equipment or personnel.
- b. For purposes of management of the asset, tangible research property shall be managed as an invention, with distribution of income from the distribution or commercialization of such tangible research property made in accordance with Section 14.

19. Provisions for Release of Rights to Creators

Absent a contractual obligation to a research sponsor, TTUS may release ownership rights to a creator, with the following provisions.

- a. TTUS shall retain for TTUS 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. TTUS shall receive a share of all proceeds generated from commercialization of the 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. Should the OTTIP and the creator be unable to agree, the matter shall be finally resolved by the president of the applicable institution.
- c. In the case of release of rights to the creator, the creator shall not be entitled to a share of proceeds received by TTUS under Section (b) above.

20. Offers of Intellectual Property

- a. If an individual chooses to offer to TTUS certain intellectual property in which TTUS has no claim, TTUS may accept ownership of the intellectual property provided that:
 - (1) the individual makes the offer to TTUS as if the intellectual property had been created within TTUS;
 - (2) the individual agrees to all provisions (including distribution of income provisions) of this policy;
 - (3) the individual warrants that he or she owns all right, title and interest to the intellectual property, and that to the best of his or her knowledge, the intellectual property does not infringe upon any existing copyright or other legal rights.
- b. The OTTIP will decide whether to accept or reject such offers.
- c. Should TTUS agree to accept the offer of intellectual property, the individual will execute an OTTIP assignment agreement transferring all right, title, and interest in the intellectual property to TTUS, and acknowledging that the individual agrees to all provisions of this policy. In cases in which the individual has already expended funds toward obtaining patent or other legal protection for the invention, the individual and TTUS 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. TTUS may accept charitable donations of intellectual property from governmental or private organizations. Upon the transfer of title in the intellectual property to TTUS, the intellectual property will be managed in accordance with this policy.

21. Complaint Procedure

- a. Foreword. The purpose of these procedures is to address complaints of individuals covered by this policy (all persons employed by components of TTUS, all students of TTUS, and anyone using TTUS facilities or under the supervision of TTUS personnel) related to the actions or decisions of the Director and to provide a mechanism for resolving them. Each member of the TTUS faculty and staff shall have the right to a hearing for redress of complaints through established channels.

After the complaint is presented to the Director, 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 institution. Consideration should be given for TTUS holidays and agreement of the parties.

- b. Complaint Initiation. The complainant will present a written description of the complaint and proposed resolution to the Director within 21 calendar days after the complainant becomes aware of the action constituting the complaint. The complainant and Director will meet within 21 calendar days of receipt by the Director and attempt resolution of the complaint. If resolution is not reached, the Director's written decision will be provided to the complainant within 10 calendar days after the meeting. If the decision is not acceptable to the complainant, or if the Director does not render a written decision within 10 working days, the complainant may proceed as set forth below.
- c. Mediation. The complainant or the Director may request mediation of the dispute within 10 calendar days of the Director's written decision provided under Subsection (b). If the Director and complainant agree, a person acceptable to both parties will mediate the complaint. If the parties are unable to agree upon a mediator within 10 calendar days of the

request to mediate, the vice president for research of the applicable institution, or designate, will select a member of the TTUS community, familiar with the area in dispute, to serve as mediator. The complaint will be presented for mediation within 21 calendar days after the mediator has been selected.

If mediation is successful, the complaint process shall end.

If mediation fails to resolve the complaint, the Director will provide a written decision to the complainant within 10 calendar days after the mediation is concluded. If the Director's decision is not acceptable to the complainant, the complainant may proceed as set forth below.

d. Appeal to the President

- (1) The appeal procedure is initiated by the complainant providing a written request to the president asking that the decision of the Director be reviewed. The complainant will provide copies of the original complaint, written decisions of the Director and a proposed resolution.

The appeal to the president shall be filed within 15 calendar days of the complainant's receipt, or lack thereof, of the written decision of the Director.

The president of the applicable institution, in consultation with the Intellectual Property Committee of the applicable institution, will select three (3) members of the institution's community to serve on an appeal committee.

Persons selected for service on the committee will be allowed to present to the president reasons why they should be recused from the process.

Following the selection of the three (3) person appeal committee, the president will convene the committee, give the committee its charge, and supply the committee with all relevant documents furnished by the Director and the complainant.

- (2) The president may appoint a faculty member with expertise in the relevant area of intellectual property to serve as a non-voting facilitator to assist the committee in its deliberations.

e. Hearing Committee Process

- (1) Within 21 days of receipt of the request from the president, the hearing committee will hold its hearing. The committee will, prior to the hearing, elect its own chairperson. The chairperson's notice of scheduling a time and place for the hearing will be delivered to the involved parties at least seven calendar days prior to the hearing.
- (2) The hearing will be non-adversarial in nature and conducted in accordance with the procedures established by the committee. The complainant and the Director will be given the opportunity to present each party's position, including the right to present information, written or oral, considered relevant or material to the complaint as determined by the committee. The committee may call such witnesses as it considers appropriate.
- (3) At the conclusion of the hearing, the committee will meet and consider the matter. The majority opinion will constitute the committee's recommendations to the president. A minority opinion may also be submitted to the president. The committee's recommendations to the president shall be advisory in nature.

If the president has appointed a non-voting faculty facilitator as permitted above, the facilitator may attend the hearing and, subject to the will of the committee, may or may not be present during the committee's deliberations.

- f. President's Decision. The president will consider all material submitted and the recommendation of the committee and render a written decision, with copies to the committee, within 15 calendar days of receipt of the committee's recommendations. The president's decision is final.
- g. Resolution by the Parties. The 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.

Index of Chapter 10 amendments adopted since December 12, 2008:

<u>Section</u>	<u>Date</u>	<u>Description of Amendment</u>
10.8.k	12-17-10	The amendment added a requirement that, before the Director of OTTIP may finalize a license agreement: <ul style="list-style-type: none">• the Vice President for Research of the involved institution must approve the agreement; and• the General Counsel must approve the agreement as to form, law, and compliance with the <i>Regents' Rules</i> and applicable policies.
10.11	12-17-10	The amendment: <ul style="list-style-type: none">• added a prohibition on an employee who is not the creator/inventor from serving as an officer, employee or board member of a business entity that has an agreement with Texas Tech for use of intellectual property in which Texas Tech has an ownership interest;• clarified that an employee who is the creator/inventor may serve as an officer, employee or board member of such a business entity if approved by the Board ... and added reporting requirements for a creator/inventor who is approved for such service; and• added: (1) an authorization for the chancellor or the chancellor's designee to have visitation rights on the governing board of a business entity with which Texas Tech has an intellectual property agreement; and (2) set the conditions under which a Texas Tech representative may exercise the visitation rights.