

## ADMINISTRATIVE COUNCIL

### MIDWESTERN STATE UNIVERSITY

Meeting No. 11-03

April 18, 2011

The Administrative Council met Monday, April 18, 2011, at 2:00 p.m. in the J. S. Bridwell Board Room, Hardin Administration Building. Present were Dr. Jesse W. Rogers, Chairman; Dr. Alisa White, Mr. Juan Sandoval, Dr. Howard Farrell, Dr. Robert Clark, Dr. Keith Lamb, Mr. Charlie Carr, Ms. Debbie Barrow, Dr. Jim Owen, Mr. Chris Gore, Ms. Tiffany Barthelmy, Ms. Julie Gaynor, Ms. Dianne Weakley, Mr. David Spencer, Chief Dan Williams, Ms. Darla English, and Ms. Cindy Ashlock.

#### MSU Policies and Procedures

The Council recommended placing the below policies on the December Board of Regents' agenda for approval.

- a. Policy 2.339 Organization, Vice President for Institutional Effectiveness  
Dr. Clark presented additions to the organizational structure. The Council approved the changes to be placed on the May Board of Regents' agenda (see **attachment A**).
- b. Policy 4.184 Student Records Policies and Procedures  
Dr. Clark discussed that the policy was being updated to better reflect the current procedures. Ms. English stated that the policy contains various information including fees for copies of records, student records maintenance, disclosure of education records, etc. (see **attachment B**).
- c. Policy 3.347 Dependent Education Assistance Program  
Ms. Weakley stated that since the policy went into effect in the fall 2007, the cost averaged \$155,000 per year. In an effort to reduce costs the administration recommended changes to the program to include; removing spouses and graduate students from the benefit, the student must maintain a 2.0 GPA, be enrolled in at least 6 SCH in a long semester and 3 SCH during a summer semester, be under 25 years old, and complete the FAFSA application. Dr. Owen said the Faculty Senate would like a sunset clause added to review the policy in two years (see **attachment C**). The Council recommended the policy be placed on the May 2011 Board agenda.
- d. Policy 3.349 Employee Background Checks  
Ms. Weakley stated that the Human Resources Department was recently audited by the DPS. The DPS reviewed our procedures and policy for handling background checks for potential employees. It was requested that a clause be added to our policy to address the penalty for misuse and that DPS authorization has to be on file (see **attachment D**). The Council recommended the policy be placed on the May 2011 Board agenda.

#### 2011-2012 Proposed Holiday Schedule

Ms. Weakley informed the Council that there will be thirteen holidays next year. She proposed schedules for both the four-day and five-day work weeks (see **attachment E**). The Council recommended placing the schedule on the May 2011 Board agenda.

#### AFLAC Proposal

Ms. Weakley presented a proposal she had received from AFLAC (see **attachment F**). The proposal would allow faculty and staff the opportunity to purchase insurance coverage outside of their state benefits. She stated that the Faculty and Staff senates had heard the presentation and appeared to be in favor of the plans. After a short discussion, the Council approved advising full-time benefit eligible personnel to receive information concerning the AFLAC proposal.

#### New Student Organizations

Dr. Lamb presented two student organizations to the Council for approval. Both organizations were approved by their national affiliations. The Council approved both student organizations.

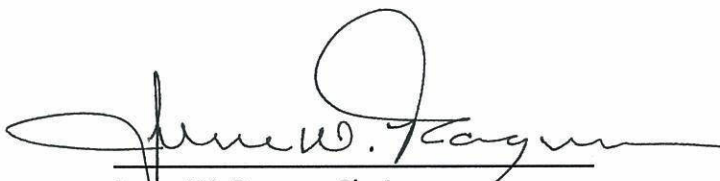
- National Society of Collegiate Scholars (see **attachment G**) is an honorary student organization.
- UNICEF at MSU (see **attachment H**) is a special interest organization.

#### Policy 4.152 Police Department Administration and Regulatory Ordinances

Chief Williams requested that beginning with the fall 2011 semester all benefit-eligible staff, faculty, and graduate teaching assistants be charged a parking fee. The fee would be assessed on a sliding scale depending on the person's budgeted salary. For those persons making \$30,000 or less the fee would be \$36 per year, persons making \$30,001 or greater the fee would be \$50 per year, and for university personnel with reserved parking spots would pay \$150 per year (see **attachment I**). The Council approved placing the policy on the May Board of Regents agenda.

#### Adjournment

There being no further business, the meeting was adjourned at 3:03 P.M.



Jesse W. Rogers, Chairman



Cindy Ashlock, Secretary

2.339 Vice President for Institutional Effectiveness  
ORGANIZATION - VP for Institutional Effectiveness  
Date Adopted/Most Recent Revision: 0211212009

Insert a new Section 8

**8. Student Support Services**

The Student Support Services program is designed to assist undergraduate students who are low-income and first-generation or students with disabilities. The goal is to facilitate good academic standing, retention, and graduation of undergraduate students at Midwestern State University. Students receive academic tutoring; advice and assistance in postsecondary course selection; information on federal student financial aid programs, including resources for locating public and private scholarships; assistance in completing financial aid applications; counseling services designed to improve financial and economic literacy, including financial planning for postsecondary education; and activities designed to assist participants in applying for admission to and obtaining financial assistance for enrollment in graduate or professional programs.

Student Support Services is a part of a nationwide network of TRIO programs funded by the U.S. Department of Education. The program is open to accepted and enrolled Midwestern State University undergraduates who meet the eligibility criteria. The Director of Student Support Services reports directly to the Vice President for Institutional Effectiveness.

**PROPOSAL TO CHANGE THE POLICY AS INDICATED BELOW SO THAT THE POLICY MANUAL WILL BE MORE CONSISTENT WITH THE CATALOGS, SCHEDULE OF CLASSES AND STUDENT HANDBOOK, ALTHOUGH THIS POLICY WILL HAVE SOME DIFFERENCES, AS IT GOES INTO FURTHER DETAIL.**

**4.184 Provost- Vice President for Institutional Effectiveness**

**STUDENT RECORDS POLICIES AND PROCEDURES**

**Date Adopted/Most Recent Revision: 05/13/05 Proposed Revision for April, 2011**

**A. Definitions**

For the purpose of this policy, Midwestern State University (MSU) has used the following definitions of terms.

**1. Student:**

Any individual who is or has been in attendance at MSU and regarding whom MSU maintains education records.

**2. Education Records:**

Any records (in handwriting, printing, tapes, film, or other medium) maintained by MSU or an agent of the university which are directly related to a student, except:

- a. A personal record kept by a school official if it is kept in the sole possession of the maker of the record and is not accessible or revealed to any other person except a temporary substitute for the maker of the record.
- b. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment
- c. Records maintained by the MSU Police Department if the record is maintained separately from education records, is maintained solely for law enforcement purposes, and is revealed only to law enforcement agencies of the same jurisdiction.
- d. Records maintained by the MSU Vinson Health Center which are considered to be privileged and confidential. Information cannot be released without written consent of the person identified in the record, or the release of information is otherwise permitted by law.
- e. Records maintained by the MSU Counseling Center **and Disability Support Services** which are considered to be privileged and confidential. Information cannot be released without written consent of the person identified in the record, or the release of information is otherwise permitted by law.
- f. Alumni records which contain information about a student after they are no longer in attendance at the university and which do not relate to the person as a student.

**~~3. School Official~~**

~~A school official is:~~

- ~~a. A person employed by MSU in an administrative, supervisory, academic or research, or support staff position.~~
- ~~b. A person elected to the Board of Regents of MSU.~~
- ~~c. A person employed by or under contract to MSU to perform a special task, such as the attorney or auditor.~~

3. Areas in which student records are maintained:

- a. Academic Records - Registrar's Office
- b. Admissions Records - Admissions Office, Office of the Graduate School, and Office of International Services
- c. Financial Records - Business Office
- d. Financial Aid Records - Financial Aid Office
- e. Graduate Schools Records – Office of the Graduate School
- f. Placement Records - Career Management Center
- g. Progress Records - Faculty Offices and Academic Advising Office
- h. Disciplinary Records - Dean of Students' Office and Housing & Residence Life
- i. Athletics Records - Athletics Office
- j. Occasional Records - University staff person who maintains minutes of faculty or committee meetings or copy of correspondence.

4. Directory Information.

This is information which may be released to the general public without the written consent of the student. A student may request that the Directory Information be withheld from the public by making written request to the Office of the Registrar during the first 12 class days of a fall or spring semester or the first 4 class days of a summer term. This request will remain in effect the remainder of the academic year. (Must be renewed each fall.) The following items have been designated as Directory Information:

- a. Name
- b. Date and Place of Birth
- c. Current and Permanent Address
- d. Telephone Listing
- e. Major and Minor Fields of Study
- f. Student Enrollment Status (full-time/part-time)
- g. Classification
- h. Participation in Officially Recognized Activities and Sports
- i. Weight and Height of Members of Athletic Teams
- j. Dates of Attendance
- k. Degrees and Awards Received
- l. All Previous Educational Agencies or Institutions Attended

**m. Photographs**

**B. Annual Notification**

Students will be notified of their Family Educational Rights and Privacy Act of 1974 (FERPA) rights by publication in the class schedules which are published three (3) times each year, in the *MSU Undergraduate Catalog* and *MSU Graduate Catalog* which are published biennially, and in the *MSU Student Handbook* which is published annually.

**C. ~~Procedure to Inspect Education Records.~~**

- ~~1. Students may inspect and review their education records upon request to the appropriate record custodian.~~
- ~~2. Students should submit to the records custodian or an appropriate university staff person a written request which identifies as precisely as possible the record or records they wish to inspect.~~
- ~~3. The records custodian or an appropriate university staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five (45) days or less from the receipt of the request.~~
- ~~4. When a record contains information about more than one (1) student, the student may inspect and review only the records which relate to him/her personally~~

**C. Review of Record.**

Students who desire to review their records may do so upon written request of the appropriate record custodian. The Review Request Form must identify as precisely as possible the records to be reviewed.

**1. Procedure to Inspect Education Records**

- a. Students may inspect and review their education records upon request to the appropriate record custodian.
- b. Students should submit to the records custodian or an appropriate university staff person a written request which identifies as precisely as possible the record or records they wish to inspect.
- c. The records custodian or an appropriate university staff person will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given in forty-five 45 days or less from the receipt of the request.
- d. When a record contains information about more than one (1) student, the student may inspect and review only the records which relate to him/her personally

**D. Right of University to Refuse Access**

MSU reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975. This exception applies as long as the letters or statements of recommendation are used only for the purposes for which they were specifically intended.
3. Those records which are excluded from the FERPA definition of education records unless those records are available under the Texas Open Records Act.

**E. Refusal to Provide Copies**

MSU reserves the right to deny transcripts or copies of records not required to be made available by the FERPA-in any of the following situations:

4. The student has an unpaid financial obligation to MSU or other holds which would prohibit the release of transcripts/records.
5. There is an unresolved disciplinary action against the student.

**F. Fees for Copies of Records**

The guidelines contained in Policy 4.185, which deals with charges for public records, will be followed with regard to fees for copies of educational records requested and approved for release to individuals other than the student. Students requesting their own educational records will be charged in accordance with transcript fee requests in the Office of the Registrar.

**D. ~~Types Locations and Custodians of Education Records~~** (this became item #3 above)

The following is a list of the types of records that MSU maintains, their locations, and their custodians:

<b>Types</b>	<b>Location</b>	<b>Custodian</b>
Admissions Records	Registrar's Office Hardin Hall Hardin Hall South 101	Registrar
Cumulative Academic Records (Current and former students)	Registrar's Office	Registrar
Financial Records	Business Office Hardin Hall 102	Controller
Financial Aid Records	Financial Aid Office Hardin Hall 102	Director of Financial Aid
Placement Records	Career & Testing Services	Director, Career &

	Hardin South 211	Testing Services
Progress Records	Faculty Offices	Individual Student Advisors
Disciplinary Records	Dean of Students' Office Clark Student Center	Dean of Students
Athletics Records	Athletics Office Ligon Hall 114	Director of Athletics
Occasional Records (Student education records not included in the type listed above, such as minutes of faculty or university committee meetings, copies of correspondence in offices not listed, etc.)	The appropriate official will collect such records, direct the student to their location, or otherwise make them available for inspection and review	The university staff person who maintains such occasional records

#### **G. Challenge to Accuracy of Record-keeping.**

**Students who desire to challenge the accuracy of their records should follow the procedure outlined below:**

- 1. Informal Review. Follow the procedure as outlined for Review of Record. The Official will summarize action taken on Review Request form. This should be signed and dated by review official and maintained with student's record. If the Informal Review does not clarify the question of accuracy of record-keeping, the student may request a Formal Review.**
- 2. Formal Review. The Provost will chair and appoint a committee to hear challenges concerning records of offices reporting to him or her. The Vice President for Institutional Effectiveness will chair and appoint a committee to hear challenges concerning records of offices reporting to him or her. The Associate Vice President for Student Affairs will chair and appoint a committee to hear challenges concerning other records. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.**

**The Provost, Vice President for Institutional Effectiveness, or Associate Vice President for Student Affairs will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. If the University's decision is that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the student will be notified that he has a right to place in**



the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If MSU discloses the contested portion of the record, it must also disclose the student's statement. If MSU decides that the information is inaccurate, misleading, or in violation of the student's rights of privacy, it will amend the record and notify the student, in writing, that the record has been amended.

#### **E.—Disclosure of Education Records**

~~MSU will disclose information from a student's education records only with the written consent of the student except:~~

- ~~1. To school officials who have a legitimate educational interest in the records. A school official has a legitimate educational interest if the official is:
  - i. Performing a task that is specified in his/her position description or by a contract agreement.
  - ii. Performing a task related to a student's education.
  - iii. Performing a task related to the discipline of a student.
  - iv. Providing a service or benefit relating to the student or student's family, such as health care counseling, job placement or financial aid.~~
- ~~2. To officials of another school, upon request, in which a student seeks or intends to enroll. In such cases, MSU will make a reasonable attempt to notify the student at the last known address of the student, and give the student, upon request, a copy of the record that was disclosed. Appropriate records charges will be assessed.~~
- ~~3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.~~
- ~~4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount or conditions of the financial aid, or to enforce the terms and conditions of the aid.~~
- ~~5. If required by a state law requiring disclosure that was adopted before November 19, 1974.~~
- ~~6. To organizations conducting studies for, or on behalf of MSU, to develop, validate, or administer predictive tests, administer student aid programs, or improve instruction. MSU may disclose information under this policy only if the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization, and the information is destroyed when no longer needed for the purposes for which the study was conducted.~~
- ~~7. To accrediting organizations to carry out their functions.~~
- ~~8. To parents of an eligible student who is claimed as a dependent for income tax purposes.~~

- ~~9. To comply with a judicial order or a lawfully issued subpoena. In such cases, MSU will make a reasonable effort to notify the student of the order or subpoena in advance of compliance.~~
- ~~10. To appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.~~
- ~~11. To an alleged victim of a crime of violence as defined in Section 16 of Title 18, United States Code. The results of a disciplinary proceeding conducted by MSU against an alleged perpetrator of that crime with respect to that crime may be disclosed without prior written consent of the alleged perpetrator.~~

**F. Record of Requests for Disclosures**

~~MSU will maintain a record of all requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, the legitimate interest the party had in requesting or obtaining the information, and the legitimate interest of any additional parties to whom the requesting party may disclose this information. The record may be reviewed by the student.~~

**H. Disclosure of Education Records**

**Students have a right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent. The following exceptions permit disclosure without consent:**

- 1. Disclosure without consent is permitted to school officials with legitimate educational interests. A school official is a person employed by the university in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the university has contracted (such as an attorney, auditor, collection agent, or enrollment or loan and degree verification service); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.**
- 2. The Higher Education Amendments of 1998 allow disclosure of the final results of a student disciplinary proceedings involving students found to have committed a disciplinary offense that would constitute a "crime of violence" (or a nonforcible sex offense) under federal law, specifically the name of the student found to have committed the offense, the violation committed, and any sanction imposed.**
- 3. The 1998 FERPA amendments also allow institutions of higher education to disclose to a parent or legal guardian of a student under the age of 21 years information regarding the student's violation of any federal, state, or local law, or any institutional rule or policy, related to the use or possession of alcohol or a controlled substance.**

**4. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):**

- **School officials with legitimate educational interest;**
- **Other schools to which a student is transferring (seeks or intends to enroll);**
- **Specified officials for audit or evaluation purposes;**
- **Appropriate parties in connection with financial aid to a student;**
- **Organizations conducting certain studies for or on behalf of the school;**
- **Accrediting organizations;**
- **To comply with a judicial order or lawfully issued subpoena;**
- **Appropriate officials in cases of health and safety emergencies; and**
- **State and local authorities, within a juvenile justice system, pursuant to specific State law.**

**Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by Midwestern State University to comply with the requirements of FERPA.**

**FERPA allows the Texas Higher Education Coordinating Board (the State of Texas educational governing entity), with student consent, to disclose to higher education institutions the number of credit hours taken previously.**

**I.—Directory Information: (became #4 above)**

- a. ~~MSU designats the following items as Directory Information: student's name, date and place of birth, current and permanent address (including E-mail address), telephone listing, major and minor fields of study, number of hours enrolled in current semester, classification, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, all previous educational agencies or institutions attended, and photographs.~~
- b. ~~This information may be released to the general public without the written eonsent of the student. A student may request that the Directory Information be withheld from the public by making written request to the Office of the Registrar during the first twelve (12) class days of a fall or spring semester, the first eight (8) class days of a trimester, or the first four (4) class days of a summer term. This request will apply only to the current enrollment period.~~

**J.—Correction of Education Records (became G above)**

~~Students have the right to ask to have records corrected that they believe are inaccurate, misleading or in violation of their privacy rights. Following are the procedures for the eorrection of records:~~

- a. ~~A student must submit a Review Request Form to the appropriate office immediately responsible for the record. In so doing, the student should identify~~

- ~~that part of the record to be changed and specify why, in the student's opinion, it is inaccurate, misleading or in violation of his/her privacy or other rights.~~
- ~~b. MSU may comply with the request or it may decide not to comply following an informal review. This decision should be made within a reasonable time after the request for amendment is made. If it decides not to comply, MSU will notify the student of the decision and advise the student of his/her right to a Formal Review to challenge the information believed to be inaccurate, misleading or in violation of his/her rights.~~
  - ~~c. Upon request, MSU will arrange for a hearing and notify the student reasonably in advance of the date, place, and time of the hearing.~~
  - ~~d. The Associate Provost will chair and appoint a committee to hear challenges concerning academic records. The Vice President for University Advancement and Student Affairs will chair and appoint a committee to hear challenges concerning non-academic records. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The student may be assisted by one or more individuals, including an attorney.~~
  - ~~e. The Associate Provost or Vice President will prepare a written decision. The decision will include a summary of the evidence presented and the reasons for the decision.~~
  - ~~f. If the university's decision is that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, the student will be notified that he/she has a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.~~
  - ~~g. The statement will be maintained as part of the student's education records as long as the contest portion is maintained. If MSU discloses the contested portion of the record, it must also disclose the student's statement.~~
  - ~~h. If MSU decides that the information is inaccurate, misleading or in violation of the student's right of privacy, it will amend the record and notify the student, in writing, that the record has been amended.~~

## **I. Record of Requests for Disclosures**

MSU will maintain a record of all requests for and/or disclosures of information from a student's education records. The record will indicate the name of the party making the request, any additional party to whom it may be redisclosed, the legitimate interest the party had in requesting or obtaining the information, and the legitimate interest of any additional parties to whom the requesting party may disclose this information. The record may be reviewed by the student, **unless the records were provided in response to a lawfully issued subpoena which stated that disclosure to the student was not permitted.**

**Policy 3.347 Human Resources**

**DEPENDENT EDUCATIONAL ASSISTANCE PROGRAM**

**Date Adopted/Most Recent Revision: 11/05/2010 (Effective Fall semester, 2011)**

**A. General**

This program provides educational assistance to attend Midwestern State University for eligible dependents dependent children of MSU faculty or staff members.

**B. Eligibility Requirements**

1. The spouse/parent/guardian of the dependent must be a current, regular faculty or staff member employed in a retirement-eligible position at MSU.
2. The individual student must meet the following ~~Employees Retirement System of Texas~~ definition of an eligible dependent:
  - ~~a. A spouse, including a common-law spouse,~~
  - ab. any child, regardless of age, who lives with or whose care is provided by an employee on a regular basis, if the child is physically or mentally disabled to such an extent as to be dependent on the employee for care and support, or
  - be. a child in any of the following categories who is under age 25 and unmarried:
    - i. A natural or adopted child of the employee,
    - ii. a stepchild or foster child of the employee,
    - iii. a child (ward) for whom the employee is the legal guardian, or
    - iv. a child who is related to the employee by blood or marriage and was claimed as a dependent on the federal income tax return of the employee for the preceding calendar year and for each subsequent calendar year in which the child is enrolled in the plan. An exception may be granted if the employee can document good cause for not claiming the child as a dependent in the preceding calendar year due to unexpected circumstances that required the employee to take responsibility for the child in the current year. Exceptions will be approved by the MSU Fringe Benefits Committee.
3. For eligibility verification of the child's relationship to the employee, purposes, appropriate documentation, as determined by the MSU Director of Human Resources, must be submitted to the Human Resources Department. Acceptable documents for a spouse include a copy of the marriage license, income tax return, or declaration of informal marriage. Acceptable documents for a dependent

child dependent, acceptable documents include a birth certificate, tax return, and/or **other** legal documents as appropriate.

4. ~~Dependents who meet applicable requirements for admission to the university are eligible .~~
4. **The following criteria will be followed in determining a dependent child's eligibility:**
  - a. **The student must meet admission requirements to the university.**
  - b. **The student must be a Texas resident.**
  - c. **The student must complete and submit the Free Application for Federal Student Aid (FAFSA) and provide any related verification documents as required by the Financial Aid Office.**
  - d. **The student must be registered for at least six (6) hours for a regular semester or three (3) for a summer term.**
  - e. **The student must maintain a cumulative GPA of 2.0 or above.**
5. The faculty/staff member and dependent must not have any outstanding debt with the university, including but not limited to returned checks, tuition, student loans, fines and applicable fees, at the time the application is processed and the award is applied to the student's account.

#### **C. Application Requirements**

An Education Assistance Program application must be submitted to the Human Resources Department every semester that the dependent enrolls at MSU. A completed application and necessary supporting documentation, if not previously provided, must be submitted to the Human Resources Department on or before the appropriate semester deadline, which is the same as the final day of semester registration. This date is published in the MSU Undergraduate Catalog, the MSU Graduate Catalog, and the MSU Schedule of Classes for each semester, and is listed on the university's website.

#### **D. Scholarship Authorization Process**

At the beginning of each semester, the Human Resources Department will certify the eligibility of each applicant and provide a list of approved applicants to the MSU Controller's Office. **The Controller's Office will determine the amount of each scholarship and forward the list to the Financial Aid Office where those students qualified for financial need will be identified. The list will be returned to the Controller's Office where a scholarship will be applied to each student's account in compliance with applicable Internal Revenue Service rules and regulations. Students with verified financial need will receive a scholarship through tuition set aside funds. Students without financial need will receive a general scholarship.** ~~The Controller's Office will be responsible for determining the amount of each scholarship; applying scholarships to the appropriate accounts, and ensuring compliance with applicable Internal Revenue Service rules and regulations.~~

#### **E. Explanation of Benefit**

The eligible dependent will receive a scholarship **for undergraduate courses** equal to the amount of local board authorized tuition only. This benefit cannot be applied to previous semesters.

**F. Advisory/Appeal Committee**

The MSU Fringe Benefits Committee will serve as the advisory/appeals committee regarding disputes and/or application denials. All decisions of the committee shall be final unless the president of the university determines that the decision was rendered in violation of university policy. The president's decision is final.

**G. Policy Review**

**The Dependent Educational Assistance Program will be reviewed every two years to determine the level of benefits based on available funding.**

Following an audit by the Texas Department of Public Safety Crime Records Division, it was recommended that additional wording be added to clarify penalties for misuse of access to the criminal history database.

### **3.349 Human Resources**

#### **EMPLOYEE BACKGROUND CHECKS**

**Date Adopted/Most Recent Revision: 08/08/2008**

##### **A. General**

It is the goal of Midwestern State University to provide the safest possible environment for students, employees and visitors and to safeguard sensitive data, personal information, and personal and public property. In an effort to attain this goal, a criminal background check shall be conducted on each applicant hired to fill a position identified as security sensitive at Midwestern State University.

##### **B. Definitions**

1. **Applicant.** An applicant is an individual who applies for an open position at Midwestern State University. Within the scope of this policy, the term applies to all external and internal applicants who are finalists for positions designated as security sensitive. Additionally, for the purpose of this policy, the term applicant applies to current Midwestern State University employees who transfer to, are promoted to, or have a position reclassified to a security sensitive position. The term applicant applies to candidates for both benefits-eligible and non-benefits eligible positions but does not apply to persons hired through temporary employment agencies who are not considered to be employees of the university.
2. **Security Sensitive Position.** Positions determined to be security sensitive as defined and authorized by Texas Government Code 411.094 and Texas Education Code 51.215 shall be designated as security sensitive by the appropriate senior university administrator after consultation with the Director of Human Resources.
3. **Criminal Background Check.** A criminal background check consists of criminal history information collected by the university through the appropriate law enforcement agencies.
4. **Criminal History Information.** Criminal history information is a record of information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, and other formal criminal charges and their dispositions. Texas Government Code 411.082.

##### **C. Procedures**

1. Finalists selected for interview in a designated security sensitive position will be investigated prior to the issuance of a written offer, notice of employment, or contract.
2. Background checks for current employees who are promoted, transferred, or reclassified into positions designated as security sensitive will be requested by the Human Resources Department upon notification of the proposed change in employment status unless the employee has successfully completed a criminal background check by the university within the most recent eighteen month period.



3. A criminal background check will not be required of a current faculty member upon promotion into another faculty rank or consideration for faculty tenure.
4. The designation as a security sensitive position shall be included in the position's job description, announcements, and advertisements. .
5. Prior to conducting the criminal background check, the Human Resources Department will obtain a signed, written consent and release form from the applicant.
6. The criminal background check will be requested upon receipt of the signed consent form and the results will be reported to the Human Resources Department.
7. The hiring supervisor in consultation with the Director of Human Resources shall be responsible for making a decision to hire, promote, transfer, reclassify, or retain the applicant based in part upon an evaluation of the contents of the criminal history report.

**D. Confidentiality**

1. Criminal history information is privileged and confidential. It may not be released or otherwise disclosed without a legitimate need to know during the hiring process, except on court order. Criminal history information is relevant only for evaluation in the hiring/employment decision; it is not placed in the applicant or personnel file; and it is destroyed by the Director of Human Resources or the Chief of Police of Midwestern State University as provided in Texas Government Code 411.094.

**E. Penalties for Misuse**

1. Only employees who have signed the DPS Authorized User Acknowledgement and obtained a personal password will be permitted to retrieve criminal history records from the Department of Public Safety databases.
2. Any unauthorized access, retrieval, or misuse of confidential information obtained through the DPS databases may lead to criminal charges and termination of employment.

**F. Nondiscrimination**

Criminal history information shall not be used to discriminate on the basis of race, color, national origin, religion, sex (gender), disability, or age. Disclosure of a criminal offense will not automatically exclude or disqualify an applicant from consideration for employment. The relevance of the applicant's criminal history to the employment decision will be determined on a case-by-case basis in consideration of the following factors:

1. the length of time since an offense;
2. the number of offenses;
3. the nature of the offense;
4. the applicant's subsequent employment history;
5. the applicant's efforts at rehabilitation;
6. the specific duties of the position to be filled; and
7. the accuracy of criminal history information disclosed by the applicant.

## Proposed Holiday Schedule 2011-2012

### Schedule I

(Employees on Four-Day, 40 Hour Summer Work Schedule)

Date	Holiday	No. of Days
September 5, 2011	Labor Day	1
November 24 – 25, 2011	Thanksgiving	2
December 23 – 30, 2011	Christmas / New Year's	6
January 16, 2012	Martin Luther King Day	1
March 14 – 16, 2012	Spring Break	3

**Schedule I – Total Holidays                      13\***

**\*The university will be closed Monday, May 28 for Memorial Day and Wednesday, July 4<sup>th</sup> in 2012. Employees on Schedule I, the four-day workweek, will still work 40 hours in each of those weeks and therefore; those days are not counted as a holiday.**

### Schedule II

(Employees on Five-Day, 40 Hour Summer Work Schedule)

Date	Holiday	No. of Days
September 5, 2011	Labor Day	1
November 24 – 25, 2011	Thanksgiving	2
December 23 – 30, 2011	Christmas / New Year's	6
January 16, 2012	Martin Luther King Day	1
March 16, 2012	Spring Break	1
May 28, 2012	Memorial Day	1
July 4, 2012	Fourth of July	1

**Schedule II – Total Holidays                      13**

**Date:** April 18, 2011

**To:** Administrative Council

**Subject:** AFLAC Insurance

The MSU Fringe Benefits Committee met on January 18, 2011 and made a recommendation to approve a proposal by AFLAC to offer additional benefits to MSU employees.

- The Committee recommends that AFLAC be permitted to offer group-rated insurance benefits to all current MSU employees (including staff, faculty, adjunct faculty, temporary employees, and students). The Committee is seeking approval of the Administrative Council. Staff and Faculty Senates have favorably reviewed the proposal.

**Benefits recommended are:**

- **Accident Indemnity** - Pays designated amounts for accident related care\*
- **Cancer Indemnity** - Pays directly to employee based on type of cancer treatment\*
- **Hospital Indemnity** - Pays designated amounts for inpatient and certain outpatient care\*

\* Claims amounts are predetermined and not based on actual charges incurred for care.

- All employees are eligible (including temporary and student).
- Enrollment is handled on campus directly between AFLAC and employee.
- Employees pay premiums directly to AFLAC by bank draft or credit card.
- Plans offer group rates. Rates are locked in per age at enrollment.
- Coverage is portable and can be maintained after termination of employment.
- Enrollees must be current employees at time of enrollment – retirees not eligible.
- The Employees Retirement System (our state insurance administrator) has no objection to the addition as long as payroll deduction is not offered and benefits do not compete with ERS offerings. MSU General Counsel will make final determination whether it is allowed under TX Insurance Code 1551.
- According to Steve Shelley, Purchasing Director, there would be no “business” relationship between the university and AFLAC and no RFP is required.
- Texas Woman’s University and the University of Houston currently offer this coverage.
- The role of the university is to provide space for annual on-campus enrollment and verify the participants’ employment so that they will be entitled to receive group rates.



## Midwestern State University

OFFICE OF STUDENT DEVELOPMENT AND ORIENTATION  
(940) 397-4500

TO: Dr. Keith Lamb, Associate Vice President for Student Affairs  
Mr. Duil Neely, Dean of Students

FROM: Matthew Park *Matthew Park*  
Director of Student Development and Orientation

DATE: January 4, 2011

RE: Student Organization Approval (National Affiliation)

The National Society of Collegiate Scholars organization has completed the following necessary requirements for being a registered student organization under the category of "Honorary" at Midwestern State University.

\*Student Organization Roster

- Includes at least 8 Currently Enrolled Student Members
- Includes at least One MSU Faculty/Staff Advisor (Dr. Julie Wood in Kinesiology and Dr. Emily LaBell in Sociology)

\*Completed Activity Reservation Guidelines/Agreement

\*Signed Honor Dignity Statement

\*Campus Mailing Address

\*Constitution/Statement of Purpose

\*Documentation of approval/verification from the national office (Serra Sample, Senior Manager of Chapter Development for the National Society of Collegiate Scholars)

Based on the information provided and having satisfied the requirements as stated in the Student Handbook, I recommend submission to the MSU Administrative Council for approval as a registered student organization.

Thank you.

*[Signature]*  
Dean of Students

1-19-11  
Date

\_\_\_\_\_  
Associate Vice President for Student Affairs

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrative Council

\_\_\_\_\_  
Date



## Midwestern State University

OFFICE OF STUDENT DEVELOPMENT AND ORIENTATION

(940) 397-1500

**TO:** Dr. Keith Lamb, Associate Vice President for Student Affairs  
Mr. Dell Neely, Dean of Students

**FROM:** Matthew Park *Matthew Park*  
Director of Student Development and Orientation

**DATE:** January 4, 2011

**RE:** Student Organization Approval (National Affiliation)

The **UNICEF at MSU** organization has completed the following necessary requirements for being a registered student organization under the category of "Special Interest" at Midwestern State University.

\*Student Organization Roster

Includes at Least 8 Currently Enrolled Student Members

Includes at Least One MSU Faculty/Staff Advisor (Sue Henson in the English Department and Delores Jackson in the Applied Arts and Sciences Department)

\*Completed Activity Reservation Guidelines/Agreement

\*Signed Human Dignity Statement

\*Campus Mailing Address

\*Constitution/Statement of Purpose

\*Documentation of approval/certification from the national office (U.S. Fund for UNICEF)

Based on the information provided and having satisfied the requirements as stated in the Student Handbook, I recommend submission to the MSU Administrative Council for approval as a **registered** student organization.

Thank you.

*[Signature]*  
Dean of Students

*1-19-11*  
Date

Associate Vice President for Student Affairs

Date

Administrative Council

Date

**4.152 University Advancement & Student Affairs**

**POLICE DEPARTMENT ADMINISTRATION AND REGULATORY ORDINANCES**

**Date Adopted/Most Recent Revision: 08/04/2006–04/14/2011**

**C. Traffic and Vehicle Regulations**

**1. Jurisdiction**

All articles of the Texas Motor Vehicle Laws and the Uniform Traffic Code, in addition to regulations promulgated by the university, shall be applicable on all properties under the control and jurisdiction of Midwestern State University open to vehicular traffic.

**2. Penalty**

- a. Any violation of the state traffic laws or of university traffic and vehicle regulations will constitute a misdemeanor punishable by a fine of not more than Two Dollars (\$200.00) in any Justice of the Peace Court in Wichita County, Texas, or the Municipal Court of the City of Wichita Falls.
- b. Any violation of university traffic and vehicle regulations may, however, as an alternative, be enforced by the university in accordance with the procedures, fees and penalties stated for specific violations as enumerated in the following Sections of this article.

**3. Registration**

- a. All students, faculty, staff, and employees of the university who operate a motor vehicle on the campus must register the vehicle on campus and obtain a university registration decal or hang tag before such persons are allowed to park their vehicle on university property. ~~Tee Pee Drive and Lots 14, 18, 19, and 21 located at 3404 on Louis J. Rodriguez Drive~~ Parking lots # 14, 16, 18, 19, 21 and parking spaces on Tee Pee Dr. and Louis J. Rodriguez Dr. in front of Sunwatcher Village Apartments shall be reserved for MSU residents only. Residents shall display obtain an university registration additional resident decal issued by the MSU Office of House for identification that MUST be placed on the vehicle. All registration decals are to be obtained from the University Police Department.
- b. A motor vehicle registration fee of ~~Twelve Dollars (\$12.00) per semester~~ Fifty Dollars (\$50.00) per year will be assessed those students operating a motor vehicle on the university campus and who enroll for eight (8) or more credit hours. ~~The fee will be applicable for both the fall and spring semesters; provided, however, that the~~ The Administrative Council may assess a reasonable fee of a lesser amount for certain programs, non-credit courses, or off-campus extension type programs.
- c. A motor vehicle registration fee of ~~Eight Dollars (\$8.00)~~ Twenty-five Dollars (\$25.00) will be assessed those students operating a motor vehicle on the university campus who enroll for less than eight (8) hours per semester.
- d. A motor vehicle registration fee of ~~Eight Dollars (\$8.00)~~ Twenty-five Dollars (\$25.00) will be assessed those students operating a motor vehicle on the university campus

who enroll for either one or both summer sessions, provided they have not previously registered the vehicle during that academic year.

- e. A motor vehicle registration fee of Four Dollars (\$4.00) **Twenty-five Dollars (\$25.00)** will be assessed to those students who are not enrolled for summer classes, but are on campus as student workers and are not benefit eligible. This fee will be applicable for either/or both summer semesters. This type of decal will be required for dorm residents not taking classes during any given semester. **This applies to students who have not previously registered a vehicle during the academic year.**
- f. A motor vehicle registration fee of Four Dollars (\$4.00) will be assessed for those students attending classes at Sheppard Air Force Base only. Vehicle registration decals may be obtained from the University Police with class registration showing SAFB classes only. A motor vehicle registration fee of **Twenty-five Dollars (\$25.00)** will be assessed for those students attending Continuing Education classes, auditing a class and **for students enrolled in** Intensive English Language Institute students' courses. **Students enrolled in Continuing Education courses over eight hours in length will pay a motor vehicle registration fee of fifteen dollars (\$15.00).**
- g. Students who operate more than one (1) motor vehicle on the university campus may register one additional vehicle for a fee of Five Dollars (\$5.00). **Twenty-five Dollars (\$25.00).**
- h. Two (2) or more persons will not be permitted to register the same vehicle.
- i. Reserved decals will be issued to **required of** all full-time faculty, staff members and part-time faculty **and Graduate Teaching Assistants that are on the approved list from the Personnel Human Resources office list, who have no other university association, for a motor vehicle registration fee based on the following:**
  - A. **\$36.00 per year if person earns less than \$30,000 per year; or**
  - B. **\$50.00 per year if person earns \$30,000 or greater per year; or**
  - C. **\$150.00 per year for those University administrative officials who are eligible for special reserved parking.**
  - D. **If a faculty/staff member, Graduate Teaching Assistant or designated administrative official loses their hang tag then the replacement cost will be Twenty-five Dollars (\$25.00).**
  - E. **Faculty/Staff and administrative officials may purchase a motorcycle decal for Twenty-five Dollars (\$25.00) in addition to purchasing their hang tag.**
- j. All Graduate Teaching Assistants and Graduate Assistants **that are on the approved list from the Human Resources office** will be issued **required to purchase** one (1) a student decal **for a motor vehicle registration fee of \$50 per year.**
- k. Special Reserved Parking will be available for those specifically named individuals or administrative positions (President, Vice Presidents, Deans and identified individuals or positions). A person will be required to pay a fee of \$150 for a Faculty/Staff parking permit for their identified Special Parking space.
- l. No faculty member, staff employee, or student of the university may have more than two (2) vehicles registered at one time.

- m. ~~The registration decal does not assure anyone that parking space will be available at all times.~~
- n. No decal shall be displayed on any vehicle other than that vehicle to which it is registered.
- o. **Retired faculty and staff are eligible to be issued one Retired Faculty/Staff parking permit.**
- p. Vehicles rented, leased, or loaned to the university which do not have exempt license plates may be registered by employees in the department having control of the vehicle in addition to their personal vehicles. University vehicles and other government vehicles having official or exempt license plates need not be registered.
- q. Only vehicles upon which the special symbol, tab, or other device indicating disabled person, issued by the State of Texas or any other state, and being operated by or for the transportation of a disabled person, shall be allowed to park in spaces designated specifically for the physically handicapped. This does not negate the requirement of a university auto registration decal for those persons connected with the university as students or employees. Texas Transportation Code Chapter 681, Privileged Parking, is in full force on the campus of Midwestern State University.
- r. **The registration decal does not assure anyone that parking spaces will be available at all times.**

#### 4. Required Display of University Decal

- a. The **student or resident** decal must be permanently affixed to the outside left of the rear windshield. On two (2) wheel vehicles, the decal shall be affixed to the rear fender. Where these provisions are not possible because of vehicle design, arrangements shall be made with the University Police Department to place the decal in some convenient location mutually agreed upon by the owner and the Police Department on a semester by semester basis.
- b. Upon selling, trading, or otherwise changing ownership of a vehicle, the registration decal must be turned in to the University Police Department. This must be done before an additional vehicle can be registered. Duplicate registration decals may be purchased for a fee of ~~Five~~ **Twenty-five** dollars ~~(\$5.00)~~ **(\$25.00)** providing that the voided decal is turned in to the University Police Department.
- c. Applications for the privilege of operating a motor vehicle on the campus each semester must be secured beginning with the registration for classes during that semester.
- d. Not displaying a decal will have a tolerance period at the beginning of each semester until the university's first (1st) class day after late registration. All other offenses are still enforceable during the "No Decal" tolerance period.
- e. **Faculty/Staff personnel MUST display their University parking hang tag in the front windshield at all times when parked on campus.**



## 5. Moving Vehicle Regulations

- a. It shall be a violation to drive or operate a motor vehicle at any time on the campus in excess of twenty (20) miles per hour.
- b. Every vehicle shall, at all times, grant Right of Way to pedestrians.
- c. No vehicle shall be driven after dark without the vehicle headlights operating.
- d. No vehicle shall be operated at any time upon the lawns or any other place not specifically designed for vehicular traffic; provided, however, that these rules shall not apply to authorized emergency vehicles or grounds and maintenance vehicles of the university.
- e. All motor vehicles shall be so muffled, or otherwise equipped, as to effectively and efficiently prevent loud and/or unusual noises or annoying smoke discharging from the exhaust of such vehicle.
- f. It shall be a violation to willfully fail or refuse to comply with any lawful order or direction of a Peace Officer or to interfere with a Police Officer in the performance of his duty.
- g. It shall be a violation to drive a vehicle from a stopped position at such a rate of acceleration as to leave tire marks upon the street or drive, or to create a screeching or shrill noise capable of being heard at a distance of three-hundred (300) feet.
- h. It shall be a violation to remove, or in any way tamper with, any traffic control or device, whether permanently affixed at a given location or temporarily located by the University Police to regulate traffic.

## 6. Parking

- a. Where parallel parking is indicated, the vehicle must be parked with wheels on the side of the car parallel to and not more than one (1) foot from the curb. The position of the car with reference to the dividing line between adjacent spaces shall be such that the whole of the car is located within the boundaries of the parking space.
- b. In case of two-way streets upon which parking on both sides is permitted, a car must be parked with passenger side to the curb.
- c. Where diagonal or vertical parking is required, every vehicle must be placed within the boundaries of its space. ~~and MUST NOT BE BACKED INTO A SPACE.~~ **The front of a parked vehicle must be facing the forward most part of the designated parking space. It shall be considered a violation to back into a parking space or drive through a space making the front of the vehicle face outward from the front of the parking space. The parking decal on the lower left of the rear window MUST be visible to a police officer as he/she patrols.** The restriction on being backed into a space shall not apply to motorcycles.
- d. It shall be a violation to park, stop, or stand a vehicle in a street, drive, or roadway in such a fashion as to obstruct or impede the normal flow of traffic.
- e. It shall be a violation to park or stand a vehicle adjacent and parallel to a legally parked vehicle (double parking).
- f. It shall be a violation to deface or alter a decal that is in force.
- g. It shall be a violation to park in any of the following places:

1. Areas bordered in yellow except for purposes indicated
  2. On any lawn
  3. On any curb or sidewalk
  4. Any area bordered in red (no parking anytime)
  5. Within fifteen (15) feet of a fire hydrant.
  6. ~~On any space designed for loading and unloading purposes only~~
  7. In front of or in any service drive
  8. Any space marked "No Parking"
  9. In a student space (non-reserved with a reserved decal, or a reserved space with a student decal. NOTE: Exception to this will be between 5:00 p.m. and 7:00 a.m. daily and all day Saturdays, Sundays and holidays when a MSU registered vehicle may park in any space, except special reserved (i.e., President, Visitor, Wheelchair, etc., which are reserved at all times for purposes stated on sign).
- h. Parking in a Loading Zone  
No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers in any place marked as a loading zone. In no case shall the stop for loading exceed thirty (30) minutes.
- i. It shall be a violation to park an inoperable motor vehicle on university property. An inoperable motor vehicle is one which has been wrecked, dismantled, or abandoned. The University Police may impound any inoperable motor vehicle seven (7) days after notification has been attached to the vehicle.
- j. Any commissioned Police Officer of the University Police Department is authorized to remove a vehicle from university property to the nearest garage or place of storage, under the circumstances hereinafter enumerated, at the owner's expense:
1. When any vehicle is left unattended where such vehicle constitutes an obstruction to traffic.
  2. When any vehicle is illegally parked so as to block the entrance to any driveway, or block the free movement by pedestrians on any sidewalk.
  3. When any vehicle is illegally parked in a clearly marked fire zone or wheelchair handicapped space.
  4. When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by law, required to take the person arrested before a magistrate immediately.

## 7. Penalty for Violations

Violations of campus traffic regulations will be processed in accordance with the following schedule of fees:

- a. Penalty for all parking violations shall be ~~Ten Dollars (\$10.00)~~ **Twenty Dollars (\$20.00)** first offense for all Class I violations; ~~Twenty Dollars (\$20.00)~~ **Forty Dollars (\$40.00)** for all Class II **and Class III** violations; and Fifty Dollars (\$50.00) ~~third offense~~ for all Class IV violations.

- b. The penalty for failure to display registration decal **first offense** shall be the registration fee for the appropriate decal.
- ~~c. The penalty for all Class III moving violations shall be Twenty Dollars (\$20.00).~~
- d. All fees are due within seventeen (17) calendar days from the date the citation was issued. An additional fee of ~~Five Dollars (\$5.00)~~ **Thirty Dollars (\$30.00)** will be assessed for each citation if the fee is not paid within ~~seventeen (17) days after the citation was written and issued.~~ **in accordance with the MSU Business Office policy for late fees.**
- e. The following procedures shall be followed by a person who receives notice of a **citation for** violation of university traffic **or criminal** regulations:
1. Report to University Police Office where the violation fee will be accepted.
  2. All traffic and parking fees are to be paid at the University Police Office between 8:00 a.m. and 5:00 p.m., weekdays only. These fees may also be submitted by mail provided that the University Police Department is contacted to determine the exact amount of the fee.
  3. ~~Should The person charged not pay with the violation fee within the allotted ten (10)~~ **should contact the University Police within seventeen (17) calendar days period for parking violation and either pay the ticket or file an appeal.** ~~the person charged will be mailed a notice that the ticket must be handled within seven (7) days from the date of the notice. A Two Dollar (\$2.00) late fee will be added, the right to contest the ticket forfeited and the late fee will not be waived after this extended date. Failure to comply with this notice the payment or the appeal of the citation constitutes reason for disciplinary action and a complaint may be filed in City or Justice of the Peace Court for the violation.~~
  4. ~~If the person charged is unable to pay the fee by the seventh (7th) day after the notice is mailed, he/she should report to the Police Department. A waiver of the late penalty fee may be considered if suitable arrangements are made before the late fee is added.~~
  5. Should a student wish to contest a ticket, he/she may appeal in writing to the Traffic Appeals Committee through the Dean of Student's Office within ~~ten (10)~~ **seventeen (17)** calendar days from the day the ticket was issued for moving **all** violations. ~~or within seven (7) calendar days after notice has been mailed for parking violations.~~ In the absence of the duly appointed, functioning Traffic Appeals Committee, the Vice President for University Advancement and Student Affairs, **and** Dean of Students and ~~assistant Dean of Students~~ shall serve as the appeals committee to hear the case.
  6. Should any member of the faculty or staff wish to contest a traffic citation, appeal in writing may be made to the Faculty/Staff Traffic Appeals Committee Chairperson within ~~ten (4)~~ **seventeen (17)** calendar days from the date the ticket was issued for moving violations, ~~or within seven (7) calendar days after notice being mailed for parking~~ **all** violations. A hearing shall be held at the convenience of the committee and the results shall be forwarded to the Police Department **and the faculty/staff member filing the appeal** within five (5) calendar days after the determination is rendered. The determination of the committee shall be final, except that the charge will be filed in the Justice or Municipal Courts should the cited person fail to follow the dictates of the Traffic Committee.

The Traffic Committee shall consist of three (3) faculty members and three (3) staff members appointed by the President.

## **8. Exceptions - Emergency Vehicles**

The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, subject to the conditions herein stated.

- a. The driver of any authorized emergency vehicle except an ambulance may:
  1. Park or stand, irrespective of the provisions of these regulations.
  2. Proceed past a red or stop signal or stop sign.
  3. Exceed the prima facie speed limits so long as he does not endanger life or property.
  4. Disregard regulations governing direction of movement or turning in specified directions.
  5. Police vehicles may disregard alley regulations and traffic control signals or devices while in the performance of duty.
- b. The driver of an ambulance may do all those acts set out in numbers (1), (2), and (4) of subsection a; however, the driver of an ambulance may not exceed the prima facie or posted speed limits in excess of ten (10) miles per hour and may not enter or proceed through an intersection that is controlled by an official traffic control device other than a signal, at a speed greater than ten (10) miles per hour.
- c. The exemptions herein granted to an authorized vehicle shall apply only when the driver of any said vehicle while in motion sounds an audible signal by bell or siren, as may reasonably be necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- d. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.

## **9. Definitions**

### **a. Campus**

Campus shall include all property bounded by Hampstead Lane on the north, Taft Boulevard on the east, Midwestern Parkway on the west and Louis J. Rodriguez Drive on the west, and on university property south of Midwestern Parkway and west of Taft Boulevard.

### **b. Vehicle**

Vehicle shall be every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks.

**c. Motor Vehicle**

Motor vehicle shall include all vehicles which are self-propelled. All such vehicles must be registered.

**d. Student**

Student shall include all persons enrolled in credit and non-credit courses.

**e. Parking Tickets**

Parking tickets are issued to the automobile, not the operator, and are the responsibility of the person to whom the vehicle is registered. Students, employees, faculty, staff and administrative personnel are also responsible for any vehicle operated by them regardless of the state vehicle ownership registration.

**f. Visitor**

Visitor shall be defined as one who has no affiliation, association, or relationship with the university as a student, faculty, staff, or employee.

**g. Authorized Emergency Vehicles**

Authorized emergency vehicles shall be vehicles of the Midwestern State University Police Department, Wichita Falls Fire and Police Departments, public and private ambulances for which permits have been issued by the State Board of Health, emergency vehicles from the City of Wichita Falls, emergency vehicles of all utility companies holding valid franchise from the City of Wichita Falls, Texas, and all wreckers that have towing capacity of 12,000 pounds or more and are equipped with the following:

1. One yellow beacon ray
2. Three safety flares, burnable type or glass-reflector type
3. One broom
4. One shovel
5. A radio capable of sending and receiving on the police frequency
6. Safety four-wheel brake lock
7. Heavy-duty steel chains
8. A heavy-duty tie rope
9. One four-pound dry chemical fire extinguisher
10. Minimum of \$25,000 and \$50,000 Public Liability Insurance.

**h. Right of Way**

The privilege of the immediate use of the roadway.

**i. Park**

The stopping or standing vehicle, whether occupied or not.

**j. Person**

Every natural person, firm, co-partnership, association, or corporation.

**k. Driver**

Every person who drives or is in actual physical control of vehicle.

**l. Pedestrian**

Any person afoot.

**m. Police Officer**

Every officer of the University Police Department or any officer authorized to direct or regulate traffic or to arrest for violations of traffic regulations.

**n. Street or Highway**

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**o. Roadway**

That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the curb or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

**p. Traffic Control Signal**

Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed.

**q. Moving Violation**

Any violation where a vehicle is being operated by a driver or occupied by a person in the driver's position of the vehicle.

**r. Parking Violation**

Any violation where the vehicle is not being operated by a driver, including all registration violations.

**s. Loading Zone**

A loading zone is defined as a space in front of, beside, or behind a building to be used for the purpose of loading or unloading passengers or merchandise by the regular occupants of the building and adjacent thereto and may be used by any carrier for the purpose of loading or unloading passengers or merchandise delivered to or from such location.

**t. Holidays**

As used in these regulations, holidays shall mean those periods which coincide with the academic schedule (Thanksgiving, Christmas, between semesters, etc.).

**10. General Information**

- a. All thefts, accidents, and offenses that occur on campus should be reported immediately to the University Police Department or to the Officer on duty.

- b. A record of all serial numbers on valuables should be kept. Mark auto accessories so they may be identified. Write your name and address on all textbooks.
- c. Keys or valuables should not be left in cars. Always keep your car locked.

## **11. Other Offenses**

### **a. Firearms, Fireworks, and Explosives**

Possession of firearms, fireworks, or explosives of any description including handguns with a permit is hereby prohibited on university grounds or property or in approved student housing.

### **b. Gambling**

Gambling in any form by the use of cards, dominoes, billiards, dice, pool, table tennis, snooker, or any other means specifically defined by state law, shall be prohibited on university grounds or property or in approved student housing. For a definition of gambling, see Texas Penal Code, Chapter 47.

### **c. Unlawful Demonstration and Assembly**

It shall be unlawful for any person, acting either singly or in concert with others, to obstruct or disrupt, by force or violence or by stated threat of force or violence, any teaching, research, administrative, disciplinary, public service or other activity authorized to be held or conducted on the campus of MSU. As used in this regulation, the words "force and violence" include such acts as "stand-ins," "sit-ins," and "lie-ins" when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

### **d. Parades and Processions**

No procession or parade shall be held on university grounds or property without first securing a permit from the Vice President for University Advancement and Student Affairs, and all such requests for permits shall state the time, place of formation, proposed line of march, destination, and such other regulations as the Vice President for University Advancement and Student Affairs may set forth therein.

### **e. Obstructing Streets, Sidewalks, and Building Entrances**

It shall be unlawful for any person or for any grouping or assemblage of persons whose standing, remaining, or congregating upon any street, sidewalk, or building entrance on university properties obstructs, prevents, or interferes with the free and unobstructed use of said street, sidewalk, or building entrance by other persons to fail or refuse to move on or to disperse upon being ordered to do so by an peace officer of Midwestern State University, other peace officer of the State of Texas, or a duly authorized university official.

### **f. Trespassing**

It shall be unlawful for any person to trespass upon the grounds or use the facilities of the university without the express consent and permission of the university. It shall further be unlawful for any person or persons having legitimate access to the buildings

and facilities to enter into or use such buildings and facilities during prohibited hours as promulgated and amended from time to time by the university administration. Only resident students and their registered guests are authorized to enter University Housing facilities.

**g. Solicitation**

It shall be a violation for any person to solicit or sell to individual students at any time on the property, campus or grounds of the university except in those cases where specific authorization has been extended by the Board of Regents of MSU.

**h. Dangerous Activities**

Skydiving or the use of hot air balloons or aircraft on university grounds is prohibited without the written approval of the President. All requests for waivers or exceptions must be initiated through the Administrative Council which will make recommendations for approval or disapproval to the President. Waivers will be granted only in unusual circumstances and only when the President is satisfied that adequate safety procedures have been taken.

**i. Alcoholic Beverages at Athletic Events**

It shall be a violation to possess, sell, distribute, or consume alcoholic beverages at athletics events while on property owned or leased by Midwestern State University, whether sponsored by the university or an outside organization.

**j. Dog Leash Policy**

The running at large of dogs on the grounds of MSU is prohibited, and no owner possessor or harbinger shall allow the same to run at large. All dogs must be restrained by some physical means; however, a dog shall not be considered at large when held or controlled by some person by means of a rope, leash, or chain not longer than ten (10) feet.

**k. Skateboarding**

It shall be unlawful for any person to skateboard upon the property of Midwestern State University.

**l. Rollerblading and Roller Skating**

Due to safety concerns and to prevent possible damage to university or personal property, rollerblades and roller skates are prohibited from being operated in buildings, on the sidewalks, jogging track, porches, ramps, handrails or stairs of Midwestern State University.

**m. Penalty**

Every person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two-Hundred Dollars (\$200.00)

**12. Assistance to other Governmental Agencies**

- a. The President of Midwestern State University is authorized to provide law enforcement officers to assist other governmental entities, counties or municipalities in time of dire need. This assistance may be provided only when the mayor or other official authorized to declare a state of civil



emergency in this said governmental entity, county or municipality, considers additional law enforcement officers necessary to protect health, life, and property in the governmental entity, county or municipality because of disorder, riot, threat of concealed explosives, or unlawful assembly characterized by force or violence or a threat of force or violence by three (3) or more persons acting together without lawful authority, or during a time of natural disaster or man-made calamity. In the event of the absence of the President, the next person in line of authority may enact this resolution. Midwestern State University may enter into a Mutual Aid Law Enforcement Task Force Agreement to cooperate in criminal investigations and law enforcement.

- b. While Midwestern State University Police Officers are in the service of another governmental entity, county or municipality pursuant to this section, they shall be peace officers of such other governmental entity, county or municipality and be under the command of the law enforcement officer therein who is in charge as such governmental entity, county or municipality, with all of the powers of a regular law enforcement officer in such other governmental entity, county or municipality, as fully as though they were within the boundaries of Midwestern State University.
- c. Any Midwestern State University Police Officer who is ordered to perform police duties outside the territorial limits of Midwestern State University shall be entitled to the same wages, salaries, pensions, and all other compensations and other rights for such service, including injury or death benefits the same as though the service had been rendered within the limits of Midwestern State University and shall also be paid for any reasonable expenses of travel, food or lodging that he/she may incur while on duty outside such boundaries.
- d. All wages and disability payments, pension payments, damage to equipment and clothing, medical expenses, and expenses of travel, food and lodging, shall be paid by Midwestern State University. Upon making such payments, Midwestern State University shall, when it is so requested, be reimbursed by the governmental entity, county or municipality whose authorized official requested these services out of which the payments arose.

### **13. Invalid or Unenforceable Provisions**

The provisions of these Articles shall be cumulative of all regulations governing the Acts herein defined and any such regulation promulgated found to be in conflict with these provisions shall be and the same is hereby repealed.

### **14. Severance**

If any provision of these Articles is held to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of these Articles are declared severable.