

**Administrative Council**

**April 16, 2018**

**Meeting No. 18-03**

The Administrative Council met Monday, April 16, 2018, at 1:30 p.m. in the J. S. Bridwell Foundation Board Room in the Hardin Administration Building. Present were Dr. Suzanne Shipley, Chair; Dr. Marilyn Fowlé, Dr. Keith Lamb, Mr. Anthony Vidmar, Mr. Barry Macha, Mr. Matthew Park, Mr. Newman Wong, Ms. Debbie Barrow, Ms. Dawn Fisher, Ms. Julie Gaynor, Ms. Leigh Kidwell, Dr. David Sanchez, and Ms. Cindy Ashlock.

**Policy 3.340, Americans with Disabilities Act Policy**

**Policy 4.151, Web Accessibility**

Mr. Macha presented revisions to both policies in order to comply with applicable federal and state law and regulations and ensure that MSU's website meets regulation to better serve persons with disabilities. The Council recommended placing the policies in the May Board of Regents Book for approval. **Attachment A**

**Policy 4.134, Donations, Gifts, and Endowments**

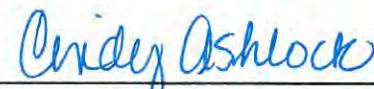
Mr. Macha noted the policy was being updated to reflect the current practices in place and to comply with applicable federal and state law and regulations. **Attachment B**

**2018-2019 Holiday Schedule**

Ms. Fisher presented the 2018-2019 Holiday Schedule. The Council recommended placing the schedule in the May Board of Regents book. **Attachment C**

There being no further business, the meeting was adjourned at 1:55 p.m.

  
Suzanne Shipley, Chair

  
Cindy Ashlock, Secretary

Midwestern State University

**Policies and  
Procedures Manual**

**Policy 3.340: Americans with Disabilities Act**

<b>Approval Authority:</b>	Board of Regents
<b>Policy Type:</b>	University Policy
<b>Policy Owners:</b>	Vice President for Administration & Finance Vice President for Student Affairs
<b>Responsible Offices:</b>	Director of Human Resources University ADA Coordinator

**Next Scheduled Review:** 05/09/2019

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***I. Policy Statement***

It is the policy of Midwestern State University (“MSU” or “University”), that no otherwise qualified person, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program, activity, or employment of the University. It is MSU’s policy to provide equal access and opportunity to individuals with disabilities in compliance with federal law.

***II. Reason for Policy***

The purpose of this policy is to ensure understanding of the University’s responsibilities in accordance with the Americans with Disabilities Act (ADA) of 1990, ADA Amendments Act of 2008 (ADAAA) and Section 504 of the Rehabilitation Act of 1973.

***III. Application of Policy***

This policy applies to current and prospective students, current and prospective employees including qualified applicants for employment, visitors, contractors, vendors, and guests on campus. Every member of the University community is responsible for ensuring an accessible and inclusive educational and work environment.

## IV. **Definitions**

**ADA Coordinator:** The ADA Coordinator for the University manages University programs and responsibilities to assure compliance with the American with Disabilities Act (ADA), Sections 503 and 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations pertaining to persons with disabilities. The ADA Coordinator is responsible for coordinating University policies and procedures relating to persons with disabilities, tracking University progress relating to its policies and procedures as well as state and federal laws and regulations relating to persons with disabilities, and filing all necessary reports. *See infra* Responsible Office(s), section VII.

**Disability:** An individual with a disability is an individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

**EIR (electronic and information resources):** Includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, duplication, or delivery of data or information.

**EIR Accessibility Coordinator:** Per Rule §213.41(d) of Title 1, Part 10, Chapter 213, Subchapter C of the Texas Administrative Code, the “head of each institution of higher education shall designate an EIR Accessibility Coordinator who shall be organizationally placed to develop, support and maintain its accessibility policy institution wide. The institution’s designation must contain the individual’s name and other information in the format published by the department.” Such coordinator for MSU shall be the Section 508 Coordinator, Kristin Grassi, 940-397-4140.

**Essential Function:** The term essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. A job function may be considered essential for several reasons, including but not limited to the following: (i) the function may be essential because the reason the position exists is to perform that function; (ii) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or (iii) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

**Qualified Individual with a Disability (student):** With respect to education, a qualified person with a disability is a person with a disability who meets the academic and technical standards for admission or participation in a particular educational program or activity with or without accommodation.

**Qualified Individual with a Disability (employee):** With respect to employment, a qualified person with a disability is a person with a disability possessing the requisite skills, education, experience, and training for a position, and who can perform, with or without reasonable accommodation, the essential functions of the position the individual desires or holds.

**Reasonable Accommodation:** In regard to education, a modification or adjustment to an academic program or activity that enables a student to meet essential elements of the academic program. Such accommodation is required unless it causes undue hardship on the academic unit or poses a direct threat to the health and safety of the individual or others. In regard to employment, a modification or adjustment to a job, the work environment, or the way things are done that enables a qualified individual with a disability to perform essential job functions. Such accommodation is required unless it

poses an undue hardship on the employer or poses a direct threat to the health and safety of the individual or others.

**Substantial Limitation (substantially limiting):** An impairment preventing the performance of a major life activity that the average individual in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the average individual in the general population.

**Undue Hardship:** Any accommodation that is substantially disruptive, administratively burdensome, unduly costly to the University, or that would fundamentally alter the nature or operation of the unit.

**Web-based communication:** The sharing of information, words, or ideas over a network of computers known as the internet.

**Web page:** The static or dynamic content displayed on the internet that is identified by a unique Uniform Resource Locator (URL).

**Website:** Several interrelated and cross-linked web resources designed to function as a collective unit.

## V. *Procedures and Responsibilities*

### A. Employee Accommodations

1. To receive an accommodation under the ADA, an employee must make a request to the University's Disability Support Services (DSS). The employee should include documentation from a qualified health professional of his or her functional limitations. The employee shall provide a medical statement that contains a diagnosis and prognosis, explaining the impact the impairment will have on the employee's ability to perform the essential functions of the employee's position. The document should also identify the major life activity that is substantially limited as a result of the disability. An initial request can be made through a departmental chair, Human Resources (HR) representative or supervisor, but requests made are ultimately elevated to the DSS.
2. After reviewing the documentation and the facts of each request, the DSS will determine if the employee is eligible for accommodations under the ADA. If eligible for accommodation, a member of the DSS will then facilitate a plan of reasonable accommodation and will:
  - a. Determine what documentation is needed to support the employee's request for accommodation.
  - b. Clarify the responsibilities of the University and the employee throughout the process.
  - c. Identify the essential and marginal functions of the position (if not already done).
  - d. Discuss the employee's specific physical or mental abilities or limitations as they relate to the essential functions along with potential accommodations.
  - e. Identify the accommodation that best serves the needs of the employee and the university.

- f. Coordinate with the employee, HR, and supervisor as necessary.
3. The accommodation and any related documentation is maintained by the DSS office. Information shall be shared only with those having an official need to know. *See infra* Confidentiality, section VD.
4. The employee is responsible for contacting the DSS or HR if reasonable accommodations are not implemented in an effective and timely manner. The DSS will work with the employee, and other parties as needed, to resolve disagreements regarding the recommended accommodation. *See infra* Grievance Procedures, section VE.

B. Student Accommodations

1. To receive an accommodation under the ADA, students must file an application with the DSS.
2. A student must provide documentation of her/his disability and how it limits her/his participation in programs or services of the University. Appropriate documentation contains a clear diagnostic statement that describes how the condition was diagnosed, information about the functional impact, and suggestions of appropriate accommodations provided by a licensed or otherwise properly credentialed professional who has undergone appropriate and comprehensive training. Documentation of the disability should be timely and from appropriate professionals licensed to diagnose the type of disability the student has. Medical documentation will be retained by only the DSS and kept confidential. *See infra* Confidentiality, section VD.
3. The DSS makes the determination of whether the student is eligible for accommodations under the ADA. Accommodations will be determined through an interactive process between the DSS and the student.
4. If there is a discrepancy regarding requested accommodations, the DSS will facilitate discussions between the student and faculty members and/or academic units. It is the responsibility of the DSS to determine the reasonable accommodation in a particular case, taking into account the content of the course or program, the student's disability, and the documentation from an appropriately credentialed professional. These procedures DO NOT require an academic unit to fundamentally alter the nature of its academic program.
5. Students are expected to discuss with their instructors the need for accommodations in their respective course. Faculty members are expected to discuss such matters privately and maintain confidentiality.
6. Students are responsible for notifying the DSS if reasonable accommodations are not implemented in an effective and timely way.

C. Notices

1. Serving disabled students also requires the cooperation of the faculty. Faculty members must insert the following, or an equivalent to 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 necessary arrangements. Students must present appropriate*

*verification from the University's Disability Support Services (DSS) during the instructor's office hours. Please note that instructors are not allowed to provide classroom accommodation to a student until appropriate verification from the DSS has been provided.*

2. Faculty should announce the following, or an equivalent to the following, within the first few sessions of classes, in addition to pointing out the above clause that is to be inserted in the syllabus:

*"I would appreciate hearing from anyone who has a disability that may require special accommodation. I am willing to assist you in arranging the accommodation for your disability as prescribed by the University's Disability Support Services (DSS). Please make an appointment with me during my office hours so that we may discuss what accommodations will best serve you."*

- D. Confidentiality: Any records or information obtained during the process that reflect diagnosis, evaluation, or treatment of an employee's or applicant's medical or mental health condition are confidential and will be maintained in a separate file. Such records will be shared only with those University employees who have a need to know in order to implement the accommodation process and will not be released except as required by law.
- E. Grievance Procedures: Employees or students who believe the University has not met its obligations under the ADA should consult with the University's ADA Coordinator, who serves all MSU sites and has overall responsibility for coordinating the efforts of the University to comply with the Americans with Disabilities Act (ADA) and investigating any complaints regarding the same.
- F. Website Accessibility: As of August 1, 2018, all new University websites and web-based communications must meet the accessibility standards set forth by Web Content Accessibility Guidelines (WCAG) 2.0 AA. Existing University websites and web-based communications will also be expected to meet accessibility standards and will be prioritized for review and compliance. Priority websites and web-based communications will be determined by the electronic and information resources (EIR) accessibility coordinator and the University's compliance and ethics coordinating chairman in consultation with information technology, the webmaster, and distance education. *See also* MSU Policy 4.151 (Web Accessibility).

## ***VI. Related Statutes, Rules/Regulations, Policies, Forms, and Websites***

### Related Statutes:

Sections 503 and 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

Americans with Disabilities Act of 2008

### Related Regulations:

29 CFR 1630.2 (Code of Federal Regulations)

### Related MSU Policies:

4.131: Equal Opportunity and Affirmative Action Policy Statement

4.151: Web Accessibility

4.189: Disability Grievance Procedures

Related Forms:

Forms associated with this policy may be obtained from Disability Support Services in Room 168 of Clark Student Center (940-397-4140).

Related Websites:

Employee Accommodations and Resources:

- <https://mwsu.edu/humanresources/>
- <https://mwsu.edu/Assets/documents/student-life/disability/Employee-Application-for-Disability-Services.pdf>

Disability Support Services Frequent Questions (students):

- <https://mwsu.edu/student-life/disability/what-rights-respon>

Disability Grievance Procedures:

- <https://mwsu.edu/student-life/disability/disability-grievance-procedures>

## ***VII. Responsible Office(s)***

Contact: Director of Human Resources

Hardin Administration Building, Room 210  
3410 Taft Boulevard

Wichita Falls, TX 76308

Phone: (940) 397-4787

Email: [human.resources@mwsu.edu](mailto:human.resources@mwsu.edu)

Contact: University ADA Coordinator

Clark Student Center, Room 168  
3410 Taft Boulevard

Wichita Falls, TX 76308

Phone: (940) 397-4120

Email: [disabilityservices@mwsu.edu](mailto:disabilityservices@mwsu.edu)

## ***VIII. History***

05/14/1993: Approved by the Board of Regents.

08/08/1997: Revised to identify appropriate grievance committee (see Policy 4.189 – Disability Grievance Procedures).

11/06/2009: Revisions made to comply with recent changes enacted by the 81<sup>st</sup> Texas Legislature and to clarify the policy.

05/11/2018:

# Midwestern State University

## Policies and Procedures Manual

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### 3.340 Human Resources

#### AMERICANS WITH DISABILITIES

Date Adopted/Most Recent Revision: 11/06/2009

- A. **Policy.** In accordance with the Americans with Disabilities Act (ADA) as amended January 1, 2009, Midwestern State University will not discriminate in its hiring and employment practices against any qualified individual with a disability because of that disability.
- B. **Definitions.** An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life functions or activities, has a record of such impairment, or is regarded as having such impairment.
1. **Physical Impairment.** A physical impairment is any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems.
  2. **Mental Impairment.** A mental impairment is any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
  3. **Episodic Impairment.** An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
  4. **Regarded as having an impairment.** An individual is "regarded as" disabled if the person is subject to an action prohibited by this policy based on an actual or perceived impairment that is not transitory (lasting 6 months or less) and minor.
  5. **Substantial Limitations.** A substantially limiting impairment renders an individual incapable of performing a major life activity, or restricts the duration, manner or condition under which an individual can perform a major life activity. Determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures, including: medication, medical supplies, equipment, devices, and appliances; prosthetic limbs; hearing aids or implanted hearing devices; mobility devices; oxygen therapy equipment; visual devices, with the exception of refractive eyeglasses and contact lenses; the use of assistive technology; reasonable accommodations; auxiliary aids or services; and learned behavioral or adaptive neurological modifications.
  6. **Major Life Activities.** Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. The term also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
  7. **Undue Hardship.** An undue hardship means an action which would cause significant difficulty or expense in consideration of the following factors:
    - a. The nature and cost of the accommodation; and
    - b. The overall financial resources available to the university to provide the accommodation, the

effect on expenses and resources, and/or the impact of the accommodation upon the operations of the institution.

8.— **Qualified Individual.** A qualified individual with a disability means an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position the individual holds or desires. Essential functions mean those responsibilities that are critical, primary, necessary, basic, vital, required or indispensable to the job.

9.— **Reasonable Accommodation.** A reasonable accommodation is an accommodation which includes:

- a. making physical facilities accessible to and usable by individuals with disabilities; and
- b. requiring job restructuring, part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations or training materials; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

A reasonable accommodation is not required for a known physical or mental limitation of an otherwise qualified individual if the individual's disability is based solely on being "regarded as" having an impairment that substantially limits at least one major life activity.

10. **Discrimination.** Discrimination includes:

- a. limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of the individual because of his/her disability;
- b. participating in a contractual or other relationship that subjects a qualified applicant or employee with a disability to the discrimination prohibited by this policy;
- c. utilizing standards, criteria, or methods of administration that discriminate on the basis of disability or that perpetuate discrimination;
- d. denying equal jobs or benefits to a qualified individual because of the known disabilities of an individual with whom the qualified individual has a relationship or association; or
- e. not making requested reasonable accommodations for the documented physical or mental limitations of a qualified individual with a disability who is an applicant or employee, or denying opportunities for employment where reasonable accommodations may be needed and requested.

C.— **ADA Administration.** Any person seeking accommodation on the basis of disability must register with the Office of Disability Support Services. The Director of Disability Support Services/ADA Coordinator in cooperation with the Director of Human Resources/EEO Coordinator will be responsible for ensuring compliance with the ADA in all matters of employment. The President will have final authority in the event that there is disagreement over whether or not an accommodation will create an undue hardship.

D.— **Medical Examinations.**

1. No medical examination may be conducted or required before an offer of employment has been made. A medical examination may be required after an offer of employment has been made and prior to commencement of employment duties, if all persons offered the position are required to have the examination. An offer of employment may be conditioned on the results of such examination.
2. Inquiries may not be made of a job applicant as to the individual's disability, or the nature or severity of such disability. Inquiries may be made into the ability of an applicant to perform job-related functions so long as inquiries are made of all individuals who are interviewed.
3. Applicants extended an offer of employment and employees who request an accommodation are responsible for obtaining a medical statement that contains a diagnosis, prognosis, and the major life function that is substantially limited. The medical statement should include an evaluation as to the effect that the impairment has on the applicant's or employee's ability to perform the duties of the job.
4. All medical information will be treated as confidential and will be kept in a separate file from other personnel records.

E.— **Grievance Process.** In the event that an employee feels that a grievance exists which has not been satisfactorily resolved, a review by the 504/ADA Grievance Committee may be requested (see Policy 4.189). In the event that incorrect procedures are discovered, the committee will recommend specific measures to ensure compliance with federal law.

Midwestern State University

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## Policy 4.151: Web Accessibility

**Approval Authority:** Board of Regents  
**Policy Type:** University Policy  
**Policy Owner:** Vice President for Student Affairs **Responsible Office:** University Section 508 Coordinator **Next Scheduled Review:** 05/09/2019

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### I. *Policy Statement*

The creation and dissemination of knowledge is a defining characteristic of universities and is fundamental to the mission of Midwestern State University (MSU). The use of digital and web-based delivery of information is increasingly central to carrying out our mission. MSU is committed to ensuring equal access to information for all its constituencies. This policy establishes minimum standards for the accessibility of web-based communication and services considered necessary to meet this goal and ensure compliance with applicable state and federal statutes and administrative law.

### II. *Reason for Policy*

All web applications and web pages of the MSU website must meet the requirements in Texas Administration Code (TAC) Rule §206.70 - Accessibility - (1 TAC §206.70), which references the standards in Section 508 of the federal Rehabilitation Act of 1973 that require all electronic and information technology be accessible to people with disabilities. The purpose of the policy is to ensure that MSU complies with the standards in TAC in order to better serve persons with disabilities.

### III. *Application of Policy*

The MSU Web Accessibility Policy applies to all individuals responsible for designing, developing, and maintaining MSU web pages and web-based communication.

### IV. *Definitions*

**Accessible:** A web page that can be used in a variety of ways and does not depend on a single sense or ability.

**ADA Coordinator:** The ADA Coordinator for the University manages University programs and responsibilities to assure compliance with the American with Disabilities Act (ADA), Sections 503 and 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations pertaining to persons with disabilities. The ADA Coordinator is responsible for coordinating University policies and procedures relating to persons with disabilities, tracking University progress relating to its policies and procedures as well as state and federal laws and regulations relating to persons with disabilities, and filing all necessary reports. See *infra* Responsible Office(s), section VII.

**EIR (electronic and information resources):** Includes information technology and any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, duplication, or delivery of data or information.

**EIR Accessibility Coordinator:** Per Rule §213.41(d) of Title 1, Part 10, Chapter 213, Subchapter C of the Texas Administrative Code, the “head of each institution of higher education shall designate an EIR Accessibility Coordinator who shall be organizationally placed to develop, support and maintain its accessibility policy institution wide. The institution’s designation must contain the individual’s name and other information in the format published by the department.” Such coordinator for MSU shall be the Section 508 Coordinator. See infra Responsible Office(s), section VII.

**Web-based communication:** The sharing of information, words, or ideas over a network of computers known as the internet.

**Web page:** The static or dynamic content displayed on the internet that is identified by a unique Uniform Resource Locator (URL).

**Website:** Several interrelated and cross-linked web resources designed to function as a collective unit.

## V. *Procedures and Responsibilities*

- A. Each web-based application or web page of MSU must contain a link for “Web Accessibility Policy,” which directs users to this policy.
- B. As required by 1 TAC Rule §206.70(d) for accessibility, “all new or changed web page/site designs must be tested by the institution of higher education using one or more Section 508 compliance tools in conjunction with manual procedures to validate compliance with this chapter.”
- C. Web Accessibility Standard
  - 1. MSU departments use the internet for publishing information, communicating with the public and business partners, and for delivery of applications in support of departmental missions. To ensure that department web pages are accessible despite physical, sensory, or environmental or technological barriers and in accordance with state and federal statutes and administrative law, MSU adopts the Web Content Accessibility Guidelines (WCAG) of the World Wide Web Consortium (W3C) as the standard for web accessibility.
  - 2. Web pages published or hosted for or by MSU must comply with the current Web Content Accessibility Guidelines (WCAG) 2.0 AA.

See also MSU Policy 3.340 (Americans with Disabilities Act Policy), section V.F (Website Accessibility).

### D. Training

The University’s EIR Accessibility Coordinator and the University’s compliance and ethics coordinating committee chairman (see MSU Policy 2.26 C.3.b.) will coordinate training programs in consultation with information technology, the webmaster, and distance education to educate MSU faculty and staff about the need for compliance with web accessibility requirements as well as the procedures to follow in adhering to these requirements.

### E. Grievance Procedures

Employees or students who believe the University has not met its obligations under the ADA should consult with the University’s ADA Coordinator, who serves all MSU sites and has overall responsibility for coordinating the efforts of the University to comply with the Americans with Disabilities Act (ADA) and investigating any complaints regarding the same.

## VI. *Related Statutes, Rules/Regulations, Policies, Forms, and Websites*

Related Statutes:

Texas Government Code Sections 2054.456, 2054.457

Related Rules:

Texas Administrative Code Title 1, Part 10, Chapter 206, Subchapter C, Rule §206.70 Texas Administrative Code Title 1, Part 10, Chapter 213, Subchapter C, Rule §213.30;

Rule §213.32(2); Rule §213.41(d)

Related MSU Policies:

3.340: Americans with Disabilities Act 4.189: Disability Grievance Procedures

Related Forms/Websites:

MSU has made the following resources available for assistance:

<https://mwsu.edu/Assets/documents/student-life/disability/ACCESSIBLE-ONLINE-COURSES.pdf>

## ***VII. Responsible Office(s)***

NOTE: Per Chapter 213.42(d) of the Texas Administrative Code, the “head of each institution of higher education shall designate an EIR (electronic and information resources) Accessibility Coordinator who shall be organizationally placed to develop, support and maintain its accessibility policy institution wide. The institution’s designation must contain the individual’s name and other information in the format published by the department.” Such coordinator for MSU shall be the 508 Coordinator.

Contact: Section 508 Coordinator

Clark Student Center, Room 168 3410 Taft Boulevard

Wichita Falls, TX 76308 Phone: (940) 397-4140

Email: [disabilityservices@mwsu.edu](mailto:disabilityservices@mwsu.edu)

Contact: University ADA Coordinator

Clark Student Center, Room 168

3410 Taft Boulevard

Wichita Falls, TX 76308

Phone: (940) 397-4120

Email: [disabilityservices@mwsu.edu](mailto:disabilityservices@mwsu.edu)

## ***VIII. History***

05/10/2013: Approved by the Board of Regents.

05/11/2018:

## Midwestern State University

# Policies and Procedures Manual

### 4.151 Student Affairs & Enrollment Management WEB ACCESSIBILITY

**Date Adopted/Most Recent Revision: 05/10/2013**

#### A. Purpose

The university is committed to providing websites that are designed and created to be accessible to all users. All web-based applications and websites at Midwestern State University shall meet the statutory requirement in Texas Administrative Code (TAC) 206.70, Accessibility Standards, which references the U.S. Section 508 standards. These statutes require all web applications and websites to comply with the TAC 206.70 standards. TAC 206.70 establishes only a minimum standard for accessibility; website developers are encouraged to go beyond this minimum whenever possible.

#### B. Required Link

Each web-based application or website of Midwestern State University must contain a link for "Web Accessibility Policy," which directs a user to this policy.

#### C. Electronic Accessibility Coordinator

The university Webmaster is designated as the MSU Electronic Accessibility Coordinator (EAC). The role of the EAC is to monitor the university's compliance with web accessibility policies and to facilitate training of MSU web publishers and developers to ensure all webbased applications and sites are appropriately accessible. The EAC may grant written requests for exceptions to accessibility policies as allowed under appropriate circumstances.

#### D. Grievance Procedures

Individuals with a web accessibility grievance related to discrimination or lack of accommodation on the basis of a disability should contact the university's ADA Coordinator (Director of Disability Support Services).

Related Policy: 4.189, Disability Grievance Procedures

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**Policy 4.134: ~~President's Office Donations, Gifts, and Donations~~  
Endowments**

<u>Approval Authority:</u>	<u>Board of Regents</u>
<u>Policy Type:</u>	<u>University Policy</u>
<u>Policy Owner:</u>	<u>Vice President for Advancement and Public Affairs</u>
<u>Responsible Office:</u>	<u>Assistant Vice President for Gift Planning and Development</u>
<u>Next Scheduled Review:</u>	<u>05/13/2021</u>

**I. Policy Statement**

Midwestern State University (“MSU” or “University”) will use a systematic and strategic approach to fundraising efforts to secure private gift funding from individuals, corporations, foundations, and other organizations. This approach is designed to maximize philanthropic support and ensure these resources support the University’s priorities.

Faculty, staff, students, University leaders, alumni, and volunteers, friends and supporters will work as partners in fundraising for the University and are encouraged to attract private gift support.

**II. Reason for Policy**

To provide administrative roles, responsibilities, and procedures for solicitation, acceptance, and management of certain gifts to the University in accordance with MSU policies and procedures, and to ensure compliance with applicable federal and state law and regulations.

**III. Application of Policy**

This policy applies to all employees, students, and constituents; and includes anyone or any organization who may be involved in gift planning, solicitation, acceptance, and management on behalf of the University. And this policy shall apply to all gifts received by the University in carrying out its mission and goals and outlines the administrative, legal, and accounting practices to be followed in order to ensure that consistent and equitable relations are maintained with donors.

#### **IV. Definitions (specific to this policy)**

For purposes of this policy:

*Bequest:* Property given to the University by will, revocable living trust, or other testamentary instrument. A bequest indicates that the University is designated as a beneficiary of a will or revocable living trust, retirement plan, life insurance policy, or other revocable gift / interest.

*Donation:* The making of a gift.

*Endowment:* An investment fund established with a gift, bequest, or other University funds designed to keep the core endowment principal intact to produce future income or capital gain to fund a specified purpose, including a scholarship, special project, need, or ongoing operations; it can also be unrestricted for discretionary use. Endowments include the following three categories:

- ***Permanent Endowment:* Is established and designated by a donor to be held as a true or pure endowment in perpetuity. The corpus of the endowment may never be spent; however, the corpus may decline during unfavorable market conditions. Earnings and capital gains must be expended in accordance with the terms and conditions established by the donor and the University;**
- ***Term Endowment:* Is established and designated by a donor to be held for a period of time and to terminate following a particular date or event. The corpus of the endowment may be expended in accordance with the terms and conditions specified by the donor and the University. Until the designated date passes or event occurs, a term endowment operates essentially like permanent endowments with expenditures made in accordance with the conditions established by the donor and the University; and**
- ***Quasi-Endowment:* Is established and designated by the University to be held and managed as an endowment. For MSU, the decision-making authority as it pertains to quasi-endowment approval lies with the University Board of Regents, who may establish, alter, or terminate quasi-endowment funds. The University President may recommend the use of the corpus and income and other terms and conditions relating to the fund subject to the approval of the University Board of Regents.**

*Gift:* Any item of value given to the University by a donor who expects nothing of value in return other than recognition (unless the donor wishes to remain anonymous) and disposition of the gift in accordance with the donor's wishes.

Gifts to the University include:

- **Grants and non-monetary gifts from private philanthropic sources (individuals, corporations, partnerships, foundations).**
- **Voluntary transfer of value, usually in the form of cash, checks, securities, real property, or personal property.**
- **Cash, securities, and gifts-in-kind (real estate, art, literary materials, equipment, software (including license), etc.).**

Gifts to the University exclude:

- **Certain transactions, as determined by the University Advancement Office, which may not be recognized as charitable donations by the IRS.**
- **Those where the donor may retain explicit or implicit control over the use of a gift after acceptance.**
- **Gifts involving contractual agreements (i.e., quid pro quo arrangements).**

Prudent Person Standard: The standard of judgment and care that prudent investors, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment. See Texas Education Code, Title 3, Subtitle A, Chapter 51, Section 51.0031 (Deposits and Investments).

## **V. Procedures and Responsibilities**

### **A. Administrative Procedures and Conditions of Acceptance**

1. **It is MSU's policy to encourage, inform, and assist donors who wish to support the mission and priorities of the University but never to pressure or attempt to unduly persuade prospective donors. Persons acting on behalf of MSU will do so with fairness, honesty, integrity, ethics, and openness, and in accordance with University policies and the University's Donor Bill of Rights. The University's name and its insignias shall not be used for personal ventures.**

MSU will not provide legal or tax advice to donors. Individuals acting on behalf of MSU may provide general legal and tax information from reliable and qualified sources to prospective donors, but they should advise donors to consult with competent professional advisors including legal counsel with respect to the legal and tax implications of gifts. MSU may not pay fees for the donor's professional advisors and legal counsel.

2. **Coordination of gift project development and fund-raising strategies must be initiated through the University Advancement Office with the exception of grants, which should be initiated through the Office of Sponsored Programs and Research. A statement clearly outlining the procedure to be used and the use of the funds must be submitted in writing before the project will be considered for approval. The University Advancement Office will coordinate all applicable gift projects and gift funding requests with the appropriate dean or relevant unit administrator.**
3. **Except as required by law, all information obtained from or about donors or prospective donors will be held in strict confidence and may be shared among MSU staff members only to the extent required to carry out their duties and responsibilities. Specific requests from donors for**

**confidentiality or anonymity will always be honored.**

3. ~~The Director of University Development shall be responsible for receiving, acknowledging, and distributing to the appropriate department or program all gifts of cash, equipment, material, or property made by private donors or organizations to the University. All such gifts must be channeled through the Office of University Development. [See #6 below]~~
4. **MSU will honor the donor's intent with respect to the use of any gift that does not conflict with the University's mission or policies, provided the intent can be honored within the capabilities of University faculty and staff, facilities, and finances.** The University shall not accept any gift of cash, equipment, material, or property which carries a donor restriction in violation of University policy or **federal or state law.** **MSU will not accept gifts from any donor that stipulates the designation of a specific recipient (for example, a scholarship recipient). The MSU Board of Regents shall have ultimate authority to accept or reject gifts that impose unusual restrictions or limitations on the University or significantly impact mission, reputation, strategic direction, or finances of the University.**
5. Gifts of property or funds to the University become the property of the State of Texas at the time of the making of the gift or donation and cannot be returned except 1) to comply with the directions, limitations and provisions declared in writing when the gift or donation is made, or 2) in those instances that are appropriate under surplus property regulations provided by state law.
6. **The terms and conditions of all gifts to MSU on which the donor has placed limitations (the use of the gift or restrictions on distributions of the gift) must be documented in writing and routed and signed by the donor and authorized representatives of MSU in accordance with University policy.**
7. The Vice President for University Advancement and Public Affairs is authorized to accept **and approve** gifts of equipment, material, or property on behalf of the University in accordance with University policy, **and shall be responsible for receiving and acknowledging such gifts, and distributing them to the appropriate University department or program. All such gifts must be channeled through the Office of University Advancement which shall be responsible for recording a received gift at its valuation on the date of the gift. It will be the responsibility of the donor to secure and pay for an appraisal (where appropriate).** The Office of University Development will forward requests to the Vice President for University Advancement and Public Affairs for further action. Requests should be submitted in writing with the following information:
  - i. ~~\_\_\_\_\_~~ Description of item
  - ii. ~~\_\_\_\_\_~~ Condition and estimated value
  - iii. ~~\_\_\_\_\_~~ Estimated maintenance

costs

iv. ——— Method of delivery to campus, if

applicable v. ——— Name of donor

vi. ——— Special donor conditions, if applicable

The Library shall be exempt from this policy for the purpose of accepting gifts of books, magazines, documents, or similar resource materials.

**The following criteria govern the acceptance of each gift form:**

**a. Cash and Publicly Traded, Marketable Securities**

**Gifts of cash and publicly traded, marketable securities that can be converted to cash by sale on recognized security exchanges may be accepted without limitation. These gifts will be valued for gift purposes in accordance with IRS procedures in effect for the determinations of charitable income tax deductions.**

**Cash is acceptable in any form. Checks shall be made payable to the University and shall be delivered to the Vice President for University Advancement and Public Affairs.**

**Publicly traded, marketable securities may be transferred to an account maintained at one or more brokerage firms or delivered physically with the transferor's signature or stock power attached. Generally, all marketable securities shall be sold upon receipt unless otherwise directed by the University's Vice President for Administration and Finance. In some cases, marketable securities may be restricted by applicable securities laws; in such instance, the final determination on the acceptance of the restricted securities shall be made by the University's President after consultation with the University's Vice President for Advancement and Public Affairs, Vice President for Administration and Finance, and the General Counsel.**

**b. Non-publicly Traded Securities**

**Closely held securities, which include not only debt and equity positions in non-publicly traded companies but also interests in limited partnerships and limited liability companies, or other ownership forms, may be accepted subject to the approval of the MSU Board of Regents. However, gifts must be reviewed prior to acceptance to determine that:**

- **there are no restrictions on the security that would prevent the University from ultimately converting those assets to cash;**
- **the security is marketable; and**
- **the security will not generate any undesirable tax consequences for the University.**

Gifts of stock in non-publicly traded corporations or limited liability companies and interests in limited partnerships or joint ventures may be accepted only if the University determines that the asset can be sold within a reasonable period of time and is in the best interest of the University.

The University will not accept any interest in general partnerships or other business entities in which the University may be liable for debts, judgments, or other liabilities incurred by the business entity. The University will generally not accept a gift of a non-publicly traded security for which the University may become responsible for the management of the entity that has issued the security.

Because of the specific knowledge required for each gift of non-publicly traded securities, the University Advancement Office will set an appropriate minimum dollar amount deemed acceptable by the University. An appraisal by an independent qualified appraiser that meets the standards established by the IRS for deduction as a charitable contribution will be provided to the University. The donor will pay the cost of the appraisal unless the University agrees to pay part or all of the cost based on the relative value of the gift.

If potential problems arise on initial review of the security, further review and recommendation by an outside professional may be sought before making a final decision on acceptance of the gift. The MSU Board of Regents shall make the final determination on the acceptance of closely held securities. Every effort will be made to sell non-marketable securities as quickly as possible.

**c. Non-publicly Traded, Closely Held Business Interests**

The University will not accept gifts of non-publicly traded, closely held business interests unless the University determines that the business interest should be retained as an asset of the University. The MSU Board of Regents must approve all such gifts.

**d. Real Estate**

Subject to the approval of the MSU Board of Regents, the University will accept gifts of real estate (developed or undeveloped), including fractional interests, subject to a prior life interest, assignment of leases, leasehold interests, oil, gas, and mineral rights/interests, royalty interests, or other rights severed from the fee title. Because of the time and cost associated with administering and managing real property, the University Advancement Office should set a minimum dollar value deemed acceptable by the University. Generally the surface estate will be sold, subject to the approval of the MSU Board of Regents, and the sale price shall be based upon a fair market value appraisal or other generally accepted industry standard for valuing property.

**Upon notification of a prospective donor's potential contribution of real estate, the University's Advancement Office and General Counsel will make on-site inspection of the property to make a preliminary assessment of the property that includes but is not limited to the following:**

- **Is the property useful for the purposes of the University?**
- **Is the property marketable?**
- **Are there any restrictions, reservations, easements, liabilities or other limitations associated with the property?**
- **The property meets the minimum dollar market value set by the University Advancement Office;**
- **Are there carrying costs, which may include insurance,**
- **property taxes, mortgages, or notes, etc., associated with the property?**
- **Does the environmental audit reflect that the property is not damaged?**
- **There is no apparent environmental contamination that would require remediation by the University;**
- **There is apparent legal ingress and egress;**
- **The property may reasonably be expected to be marketable in one year or less; and**
- **The property may likely be administered and managed by the University or its agents at costs commensurate with the value and income that may be derived from the property during any period of time the University may hold it.**

**A written report of the inspection and findings will be retained in the Advancement Office's files. Prior to acceptance of the gift, the following will be provided to the University Board of Regents:**

- **Appraisal by an independent appraiser licensed in the state in which the property is located that meets the standards to support a charitable deduction for the gift, as prescribed by the IRS;**
- **A Phase I environmental assessment prepared by an independent firm licensed in the state where the property is located that reflects any environmental contamination for which the Environmental Protection Agency or state or local governing authority would require remediation;**
- **Verification that all liens and encumbrances are satisfied and title defects are corrected prior to acceptance of title by the University; and a commitment for an owner's title insurance policy by a title insurance company licensed in the state**

where the property is located.

Costs associated with obtaining the above documents will be the responsibility of the prospective donor, unless the University agrees to pay part or all of the costs based on the value of the real estate to be given.

**e. Tangible Personal Property**

Gifts of tangible personal property acceptable to the University include gifts that the donor possesses or has the right to sell, give, or otherwise dispose of. Types of personal property include but are not limited to works of art, taxidermy, stamp and coin collections, manuscripts, literary works, boats, motor vehicles, machinery, equipment, furniture, jewelry, and computer hardware (only after a review indicates that the property is either readily marketable or needed by the University in a manner that is related to education, research, or a combination thereof).

The University will accept gifts of personal property only if (1) the property is free of liens and encumbrances; (2) there are no undue restrictions on the use, display, or sale of the property; (3) its physical condition is satisfactory to the University; (4) it can be sold within a reasonable period of time; (5) the costs of relocating the property to the University's possession are commensurate with its value; and (6) the value of the asset has been established in writing by an independent appraiser or expert with knowledge of the current market for that asset.

The University Advancement Office must approve the acceptance of tangible personal property gifts to the University.

**f. Life Insurance Policies**

The University may accept gifts of life insurance policies by a transfer of ownership from the owner of the policy to the University. The policy will be valued at the value recognized by the IRS for a charitable gift deduction at the time of transfer to the University. The University may exercise the rights of ownership of the policy at any time, including continuation of premiums on the policy if not a paid-up policy, redemption of the policy, conversion to a paid-up policy, conversion to an extended term policy, or any other ownership right under the policy. If the donor has expressed intent to pay future premiums due on the policy, such intent will be obtained in writing, and contributions for future premiums will be paid to the University and remitted by the University to the insurance company.

Contributions from the donor for premium payments will be recognized as cash contributions to the University at the time received by the University.

**Donors and supporters of the University will be encouraged to name the University as beneficiary or contingent beneficiary of their life insurance policies. Such designations will not be recorded as gifts to the University until the gift is irrevocable. Even though the gift may not be due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable. A donor may designate the University as a beneficiary or contingent beneficiary of a life insurance policy. The gift should be recognized at the time and in the amount of the benefit when paid to the University.**

**g. Gifts of other Assets**

**Gifts of assets for which guidelines have not been provided in this or other University policy may be accepted by the University President with the approval of the University Board of Regents.**

**B. Scholarships and Endowments**

1. The University may accept and distribute scholarship funds to students selected by individual contributors or donor organizations using their own criteria and selection procedures. However, such funds shall not be considered to be gifts to the University and the scholarships awarded therefrom shall not be considered competitive under state law.
2. For a scholarship to be considered competitive and for the donated funds to be considered a gift to the University, the University must retain ultimate control of the application and selection process. Donors may establish general guidelines and criteria, ~~subject to state and federal laws,~~ but may not designate a specific recipient.
3. The University may endow **and manage** gifts for named scholarships and other purposes **under prudent person standards**, provided such endowments amount to at least ~~ten thousand dollars (\$10,000.00)~~ **the applicable minimum dollar requirement in accordance with MSU Policy 4.146 V.(11)** and the University retains control over the distribution and uses of the endowment income within donor guidelines. All endowments must have written agreements specifying the length of the endowment **in accordance with Section IV of this policy (4.134)**, use of the endowment income, investment policy, and any terms or conditions which might be necessary to meet donor objectives **or University policy**. ~~Such agreements shall have a specified time limit not to exceed one hundred (100) years and must provide for the distribution or use of the corpus or any unused income at the end of the endowment period.~~
4. ~~Donors of scholarships funds may require that i~~ Individuals from outside the University ~~are~~ **may be** represented on University scholarship committees; however, the number of University personnel on such committees must always represent a majority of the voting members.
5. Because conditions and circumstances change, persons who establish endowed funds may, from time to time, amend their original agreements

with University approval, providing such amendments are in writing and do not violate University policy or federal or state law or regulations.

6. Any gift received by the University, without specific instructions from the donor, that is at or over the applicable minimum amount identified in MSU Policy 4.146 may be placed in a quasi-endowment. The decision-making authority as it pertains to quasi-endowment approval lies with the University Board of Regents, who may establish, alter, or terminate quasi-endowment funds. The University President may recommend the use of the corpus and income and other terms and conditions relating to the fund subject to the approval of the University Board of Regents.

C. Accounting and Investment Policy Standards for Gifts and Donations

1. The Vice President for Business Affairs-Administration and Finance shall be responsible for investing and administering gifts of cash and securities after they have been received, recorded, and acknowledged by the Office of University Development-Advancement. Gifts of securities are to be sold as soon as reasonably possible after receipt unless otherwise specified by the donor.
2. The University shall hold, manage, invest, and reinvest the donated funds, which may be co-mingled with other funds for investment purposes only so long as each gift is credited with its proportionate share of income earned. The funds shall always be invested in those investments which are permitted by the Texas Public Funds Investment Act of 1987 (PFIA) and as such Act may be hereafter amended or a contracted arrangement with another Texas public university governing board exempt from PFIA.
3. MSU will maintain accounting records that are consistent with the standards set forth by the Financial Accounting Standards Board (FASB), the Texas Prudent Investor Act (PIA), and the Texas Uniform Prudent Management of Institutional Funds Act (UPMIFA), as revised from time to time.
4. The MSU Board of Regents has a fiduciary responsibility to comply with the restrictions imposed by the donors of endowment funds. The Regents have a legal responsibility to ensure that the management of endowment funds is in compliance with Texas Education Code, Section 51.0031 and, to the extent applicable, Chapter 117 of the Texas Property Code (Uniform Prudent Investor Act).
5. Endowment funds shall be invested in accordance with MSU Policy 4.196 (Investment Policy – Endowment Funds). No endowment shall be accepted in which the donor directs the investment transactions or holdings or may approve investment policy or strategy.

6. The long-term objective of the University's spending policy is to maintain the purchasing power of each endowed fund under its management with the goal of providing a predictable and sustainable level of income for the Board to distribute funds in accordance with the stated purpose of the endowed fund. While income from the endowed funds is important to meet current distribution requests and obligations, growth of the principal of the endowed funds is necessary to meet the projected increasing needs of the future. The following factors are considered in the spending policy:
- a. the duration and preservation of the endowed fund;
  - b. the purposes of Midwestern State University and the endowed fund;
  - c. general economic conditions;
  - d. the possible effect of inflation or deflation;
  - e. the expected total return from income and the appreciation of investments;
  - f. other resources of Midwestern State University; and
  - g. the overall investment policy (see MSU Policy 4.196).

To support growth in the principal while meeting current distribution requests and obligations, the University may distribute annually an amount not to exceed five percent (5%) of the 20-quarter average of each eligible endowed fund's total market value ending November 30 of the previous year. The distribution is available for the stated purpose of the endowment and administrative fees allowed by the Board of Regents.

Newly created endowed funds shall be excluded from the distribution process (except for the Board authorized administrative fees) for at least one calendar year until after the endowed fund has reached through gifts and permanently reinvested amounts the University-required minimum amount established for such an endowed fund.

7. No distribution will be made from an endowment fund which would result in a reduction in the market value below the historical dollar amount of the original gift together with the historical dollar amounts of any subsequent donations to that endowment. However, the University is aware that despite diversification in its investment portfolio, and its Board of Regents acting in good faith and with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, there may be times when the fair market value of an endowed fund may fall below its historic dollar value (aggregate value of all contributions to an endowed fund at the time they were made) creating an "underwater" endowment.

In the event an endowed fund falls underwater by greater than 20% of its historic dollar value, an analysis of the fund will be undertaken in order to make a determination on future spending distributions and the following

factors will be considered in addition to the above referenced factors considered in the spending policy:

- a. level of impairment of the fund;
- b. discussions between the University's President and the Board;
- c. the need of the affected fund for continued support;
- d. cash balance available for use by the affected fund;
- e. consultation with the donor (if possible); and
- f. identification of any temporary alternative funding sources.

In the event an endowed fund falls underwater by greater than 25% of its historic value, future spending distributions, and the assessment of administrative fees, will be suspended until the fund again exceeds the 25% level. Exceptions to this requirement are intended to be extremely rare and can only be granted upon the recommendation of the University's President and the approval of the Board of Regents.

Exceptions must be re-evaluated on an annual basis.

The intent of this policy is to appropriate for expenditure or accumulate so much of an endowed fund as the University determines to be prudent for the uses, benefits, purposes and duration for which the endowed fund is established. In doing so the University will balance the need to make spending distributions to support the scholarships, programs, and faculty as designated by the donor, and in accordance with Texas laws, with its desire to preserve the long-term purchasing power of the endowed fund.

8. The performance of University endowments funds will be reported with the investment reports submitted each quarter to the Board of Regents. The report shall contain a summary of:
  - a. book value, by asset class;
  - b. market value, by asset class;
  - c. performance measures;
  - d. benchmarks against which to measure performance of each asset class, and a weighted benchmark of the entire portfolio for periods of 1-year, 3-year, 5-year, and 10-year; and
  - e. beginning and ending market values for the quarter, with changes in market values.

#### **D. Monetary Enrichment of Employees by Donors**

1. No University employee may receive any part of the employee's his contracted University salary directly from a private organization or donor. All such salaries or salary supplements must be channeled through a University account and must have the approval of the President.
2. Except for token gifts of appreciation of a non-monetary nature, no University employee may accept special compensation, monetary or otherwise, from any organization or donor for services performed in the

employee's his/her role as a state employee unless approved by the President. This is not intended to exclude competitive cash awards made to faculty or staff in recognition of outstanding performance, nor is it intended to exclude or prohibit university employees from contracting with outside organizations or donors to perform service on their own time and with their own resources.

#### **E. Use of University Employees or Property by Donors**

1. No University employee may perform any service for a donor, or promise the use of University property or equipment, in return for a gift to the University unless such an arrangement conforms to **federal and** state law and has the prior approval of the President. Requests for approval should be initiated through the Office of University ~~Development~~ **Advancement**.
2. No state funds may be expended to support the operations of an organization outside the final control of the University. University personnel may serve as liaison contacts with such organizations and may provide reasonable administrative support so long as such support is of direct benefit to the University as determined and approved by the President.

#### **F. Employee Relations with Donor Organizations**

Except for organizations whose funds are under control of the University, no University employee may serve as an officer or voting member of the Board of Directors of any organization which exists exclusively for the purpose of supporting Midwestern State University, its students or programs unless approved by the Board of Regents. Social organizations with memberships restricted to current or former employees of the University shall be exempted from this policy.

## **VI. Related Statutes, Rules, Policies, Forms, and Websites**

### Related Statutes/Rules:

- **Texas Education Code, Title 3, Subtitle A, Chapter 51 (Provisions Generally Applicable to Higher Education), Section 51.0031 (Deposits and Investments).**
- **Texas Education Code, Chapter 103 (Midwestern State University), Section 103.08 (Donations, Gifts, and Endowments).**
- **Texas Property Code, Title 9, Subtitle B, Chapter 117 (Uniform Prudent Investor Act).**
- **Texas Property Code, Title 10, Subtitle B, Chapter 163 (Management, Investment, and Expenditure of Institutional Funds).**
- **Texas Government Code, Title 10, Subtitle F, Chapter 2256, Subchapter A, Section 2256.001 et seq. (Public Funds Investment Act).**

### Related MSU Policies:

4.135: Grant Procurement Policies and Procedures 4.145:  
Relationships with Affiliated Entities

4.146: Honorific and Gift-Related Namings 4.164:  
Solicitation of Funds

4.182: Investment Policy – Operating Funds

4.196: Investment Policy – Endowment Funds

Related Forms:

MSU Gift Agreement Template

MSU Contract Routing Sheet (for routing gift agreements)

Proposal Review & Endorsement Form (grants, contracts or other proposals for external funding)

IRS Form 8283 ([www.irs.gov/pub/irs-pdf](http://www.irs.gov/pub/irs-pdf)) – Noncash Charitable Contributions

Related Websites:

MSU Office of  
Advancement MSU  
Foundation

MSU Charitable Trust

## **VII. Responsible Office**

Contact: Assistant Vice President for Gift Planning and Development

Phone: (940) 397-4782

Email: rhonda.mcclung@mwsu.edu

## **VIII. Revision History**

11/10/1989: Approved by the Board of Regents following a comprehensive review of the Policies and Procedures Manual; was former Policy 3.411.

08/08/1997: Revisions made to reflect current University procedure.

08/06/2004: Revisions require solicitation of funds from private donors or organizations for University must have prior approval from the Vice President for University Advancement; intent not to prohibit individual faculty or staff from discussing University needs with prospective donors but to ensure fund-raising efforts are planned and coordinated.

08/10/2012: Revisions eliminated roles of directors of athletics and alumni association and administrative council in gift administration procedures and acceptance; Vice President for University

Advancement authorized to accept gifts in accordance on behalf of University in accordance with University policy.

05/11/2018:

Midwestern State University  
**Policies and  
Procedures Manual**

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**4.164 President's  
Office SOLICITATION  
OF FUNDS**

**Date Adopted/Most Recent Revision: 11/04/2005**

**A.— General**

Any solicitation of funds from private donors or from governments, corporations, foundations, or organizations in the name of the university or any department, college, or organization thereof, whether by staff, faculty or student, must have prior approval from the Vice President for University Advancement and Public Affairs. All requests for approval should be initiated through the Office of University Development with the exception of grants, which should be initiated through the Office of Grant Development and Administration. A statement clearly outlining the procedure to be used and the use to be made of the funds must be submitted in writing before the project will be considered for approval. The intent of this provision is not to prohibit any individual from discussing university needs with prospective donors, but to ensure that fund-raising efforts are planned and coordinated. [See Section V.A.2 of revised MSU Policy 4.134 (Donations, Gifts, and Endowments)]

**Use of University Name for Personal Ventures**

No member of the faculty, staff, or student body shall have the right to use the name of the university in any personal ventures. [See Section V.A.1 of revised MSU Policy 4.134 (Donations, Gifts, and Endowments)]

