

The Administrative Council met Monday, June 24, 2013, at 2:00 p.m. in the J. S. Bridwell Foundation Board Room in the Hardin Administration Building. Present were Dr. Jesse W. Rogers, Chairman; Dr. Betty Stewart, Dr. Marilyn Fowlé, Dr. Keith Lamb, Mr. Barry Macha, Ms. Debbie Barrow, Mr. Kyle Owen, Dr. Pam Morgan, Mr. Charlie Carr, Ms. Dianne Weakley, Dr. James Owen, Mr. Dirk Welch, Dr. Francine Carraro, Chief Dan Williams, and Ms. Cindy Ashlock.

### MSU Policy and Procedures Manual

#### New Policy x.xxx, Human Resources Employee Workplace Bullying

Ms. Weakley proposed the addition of a policy to address workplace bullying. The Council recommended placing the policy on the August Board of Regents agenda. See **Attachment A**.

#### Policy 3.146, Provost and Vice President for Academic Affairs, Protection of Human Subjects in Research

Dr. Stewart presented policy updates to be in accordance with current procedures in place and federal regulations. Dr. Owen asked if wording could be added to *Section E.2* that stated research could include but is not limited to. Dr. Stewart stated she would make the change. The Council recommended placing the policy (with the additional wording) on the August Board of Regents agenda. See **Attachment B**.

#### Policy 3.325, Student Affairs and Enrollment Management, Vehicle Registration for Faculty and Staff

Dr. Lamb recommended deletion of the policy because the policy was fully contained in Policy 4.152. The Council recommended placing the policy on the August Board of Regents agenda. See **Attachment C**.

#### Policy 3.349, Human Resources Employee Background Checks

Ms. Weakley informed the Council that the policy was being updated to reflect current practices in place. She stated that background checks are processed on all MSU employees, whether student employees, graduate assistants, part-time, temporary, etc.. Dr. Fowlé noted that since all positions have been determined security sensitive, wording in B. 2. should read *all employment and unpaid volunteer positions*. Ms. Weakley said she would make the appropriate changes. The Council recommended placing the policy on the August Board of Regents agenda. See **Attachment D**.

#### Policy 4.112, President's Office Alcoholic Beverages

Dr. Rogers asked Dr. Lamb to present the changes to the policy. Dr. Lamb stated that the policy was being updated to reflect current guidelines. The Council recommended placing the policy on the August Board of Regents agenda. See **Attachment E**.

#### Policy 4.124, Business Affairs & Finance, Disaster Policy

This item was tabled. Mr. Macha will review and bring to Administrative Council in time to place on the November Board of Regents agenda.

Policy 4.152, Student Affairs & Enrollment Management, Police Department

Dr. Lamb asked Chief Williams to discuss the changes to the policy. Chief noted that wording from policy 3.325 was included and this policy was being updated to be in accordance with current university procedures. He further stated that a section was added to establish guidelines for impounding a vehicle (wheel lock or tow away). The Council recommended placing the policy on the August Board of Regents agenda. See **Attachment F**.

Policy 4.188, Business Affairs & Finance, Mobile Communication Devices

Dr. Fowlé stated the Business Office has received bills for iPad wireless connectivity for employees who receive stipends for their cellular phone service. The policy is written so that the stipend would include reimbursement for all the employee's devices (cell phone, air card, wireless, etc.). She recommended editing the policy to include this additional cost. Dr. Lamb stated that the policy was written before data plans for iPads were available. He explained that our admissions officers are, at times, recruiting in areas with limited or no Internet service and information from the Internet is necessary for recruiting. Dr. Rogers stated the current list of employees receiving stipends should be reviewed and consideration given to increasing the stipend for those who need additional services. He asked that Dr. Fowlé edit the policy and bring to Administrative Council at a later date.

Wichita Falls Museum of Art at Midwestern State University (WFMA), Rental Fee, Event Policy, Reservation Form

Dr. Carraro presented the WFMA Event Policy, facility rental fees, and reservation form. She stated that the event policy outline the conditions for use of the facility. Dr. Carraro noted that MSU departments and student organizations would not be charged museum rental fees. The department or organization would need to complete the necessary paperwork to rent the museum. See **Attachment G**.

University Councils and Committees

Risk Management and Safety Committee

Dr. Fowlé requested that the Risk Management and Safety Committee and the Emergency Management ad hoc committee be combined to form the Risk, Safety, and Emergency Management Committee. It was suggested the Provost be added to the structure of the committee. The Council approved the request. See **Attachment H**.

New Committee, Institutional Animal Care and Use Committee (IACUC)

Dr. Stewart stated that a committee was required by the National Science Foundation for the care and handling of lab and research animals. The Council approved the committee as presented. See **Attachment I**

MSU Fiscal Regulations and Procedures Manual

New Procedure 5-21, Higher Education Assistance Funds (HEAF)

Dr. Fowlé proposed the addition of a section to address the purpose and use of HEAF. See **Attachment J**

New Procedure 5-22, Establishing Operating Accounts and Accounting Responsibilities

Dr. Fowlé stated the purpose of this procedure is to outline the set up and responsibilities for campus accounts. See **Attachment K**

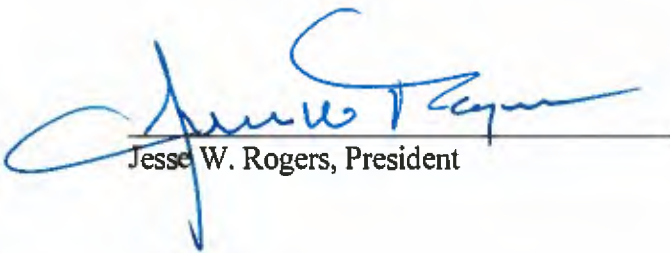
The Council approved both 5-21 and 5-22 to be added to the *MSU Fiscal Regulations and Procedures Manual*.

Other

*MSU Policies and Procedures, Policy 4.163, Use of Tobacco Products*

Dr. Lamb requested adding wording to Section B.1. to include "e-cigarettes and other tobacco derived products." The Council recommended placing the policy on the August Board of Regents agenda. See **Attachment L**

There being no further business, Administrative Council adjourned at 3:45 p.m.



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Jesse W. Rogers, President



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Cindy Ashlock, Secretary

New Policy Proposed

Policy X.XXX Human Resources  
EMPLOYEE WORKPLACE BULLYING  
Date Adopted/Most Recent Revision:

A. Purpose

The university is committed to providing a positive work environment free from intimidation, ridicule, and harassment. Every manager, supervisor, and employee has a responsibility to maintain a work environment free from negative and bullying behavior.

B. Definition

Workplace bullying is the repeated less favorable treatment of a person by another or others in the workplace. Bullying behavior is persistent conduct with malice against another person and has the deliberate intent of causing physical or psychological distress to others.

1. Bullying behavior can include manipulation, spreading rumors, intimidation, belittling remarks, unwarranted criticism, loud or aggressive attacks, shouting, isolation, exclusion, withholding information, and intentionally impeding job performance, with intent to offend, degrade, or humiliate a worker.
2. Bullying does not include occasional differences of opinion, non-aggressive conflicts, and problems in working relations. Workplace counseling, employee performance management, and other management directives by a supervisor are not considered bullying.

C. Prevention

Managers and supervisors are responsible for ensuring that all employees understand that bullying is not tolerated in the workplace and for taking early corrective action to deal with behaviors which a reasonable person would consider offensive or intimidating. Every employee has a responsibility to be aware of, identify, and prevent bullying in the workplace.

D. Grievance Procedures

Employees should report instances of bullying behavior to their immediate supervisor, or in instances of bullying by a supervisor, to the managing director or administrator of the department. Employees should follow the university's policies for filing a grievance.

E. Disciplinary Action

Disciplinary action will be taken against anyone who bullies another person in the workplace. Discipline will be determined by university policy and may include a warning, transfer, counseling, demotion, or dismissal, depending on the circumstances and severity of the bullying. Retaliation against anyone for reporting bullying behavior is strictly prohibited.

**Related Policies:**

**Policy 3.143 Faculty Grievance Procedure**

**Policy 3.218 Grievance Procedures for Non-teaching Employees**

**Policy 3.228 Staff Employee Disciplinary Procedures**

Approved by the Academic Council on May 16, 2013

**Revision to Policy 3.146 Provost and Vice President for Academic Affairs  
PROTECTION OF HUMAN SUBJECTS IN RESEARCH**

3.146 Provost and Vice President for Academic Affairs  
PROTECTION OF HUMAN SUBJECTS IN RESEARCH  
~~Date Adopted/Most Recent Revision: 11/07/03~~  
Draft: 05/01/13

**A. Purpose**

1. Midwestern State University places a special importance on a faculty member's commitment to quality teaching, scholarship, and service to the university, the community, and the professions. As a part of the scholarship component, students, both graduate and undergraduate, are encouraged to engage, with their teachers, in research as part of their Midwestern State University experience. Research is therefore viewed as a means for both enhancing teaching and learning, and for growing and promoting Midwestern State University. Because faculty and students of the university may utilize human subjects from time to time in conducting research, safeguarding the rights and welfare of human subjects is of prime concern to Midwestern State University. All personnel engaged in any given study are accountable for any actions or inactions that might contribute to injury of any persons placed at risk. The university will maintain such reviews as necessary to minimize the risks of injury to human subjects and to ensure protection of their rights and welfare.
2. The fundamental responsibilities outlined above are meant to suggest a preventive attitude with respect to potential injury to human subjects at risk. However, to better ensure that all human subjects are adequately protected, authority is delegated and responsibilities are fixed as indicated below.
3. The purpose of this policy is to allow for the protection of human subjects involved in research conducted by Midwestern State University faculty, staff, and students in a manner consistent with federal regulations as stated in Code of Federal Regulations (**CFR**) Title 45 ~~CFR~~**Part 46** Protection of Human Subjects (**45 CFR 46**; Revised ~~March 8, 1983~~ **January 15, 2009**) or any future federal regulation relating to the Protection of Human Subjects in Research. In conjunction with these federal regulations, Midwestern State University has established the ~~Human Subjects Review Committee (HSRC) to serve as the~~ **an** Institutional Review Board (**IRB**) required by 45 CFR 46.
4. **No research involving human subjects shall be undertaken unless the IRB has reviewed and approved such activity. This review shall determine whether these subjects will be placed at risk and, if so, whether:**
  - a. **the risks to the subject are so outweighed by the sum of the benefit to the subject and the importance of the knowledge to be gained as to warrant a decision to allow the subject to accept these risks;**
  - b. **the rights and welfare of any such subjects will be adequately protected; and**
  - c. **legally effective informed consent will be obtained by adequate and appropriate methods.**

## B. Review

This policy will be reviewed by **no later than** February 1 of each odd-numbered year by the Chair of the **HSRC IRB** and the Provost and Vice President for Academic Affairs, with recommendations for revision presented to the President by **no later than** March 1.

## ~~C. Policy/Procedure~~

~~It is, and has been, the policy of Midwestern State University to implement a review process for ALL RESEARCH, which will involve human subjects. The following is a summary statement of procedures that the HSRC follows in this review process.~~

## C. 1. Committee Make-up and Appointment

### 1. a. Federal Requirements

The **HSRC IRB**, in compliance with federal regulation 45 CFR 46.107, shall have at least five (5) members with varying backgrounds to promote complete and adequate review of research activities commonly conducted by Midwestern State University. ~~The committee should~~ **IRB shall** be sufficiently qualified through the experience and expertise of its members, **and the diversity of the members, including consideration of race, gender, and cultural backgrounds and sensitivity to such issues as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects.** The committee shall be able to ascertain the acceptability of proposed research in terms of institutional commitments and regulations, applicable law, and standards of professional conduct and practice. The committee shall, therefore, include persons knowledgeable in these areas. If the committee regularly reviews research that involves a vulnerable category of subjects, it shall include one or more individuals who are primarily concerned with the welfare of these subjects. The committee's make-up must also take the following factors into consideration.

- a. ~~(1)~~ ( The committee may not consist entirely of men or entirely of women, or entirely of members of one profession.
- b. ~~(2)~~ The committee shall include at least one member whose primary concerns are in nonscientific areas.
- c. ~~(3)~~ The committee shall have at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.
- d. ~~(4)~~ The committee may not have a member participating in its initial or continuing review of any project in which the member has a conflicting interest, except to provide information requested by the committee.
- e. ~~(5)~~ The committee may, in its discretion, invite individuals with competence in special areas to assist in the review of complex issues that require expertise beyond or in addition to that available on the committee. These individuals may not vote with the committee.

### 2. b. Midwestern State University's Specifications

Membership of Midwestern State University's **HSRC IRB** will include:

- a. ~~(1)~~ One (1) member from the Wichita Falls community.
- b. ~~(2)~~ **At least** six (6) faculty members (one from each of the six colleges) from Midwestern State University **and a Chairperson**. Members of the committee will be

- appointed by the ~~President~~ Provost from a list of candidates from each of the six colleges as recommended by the ~~Faculty Senate~~ Dean of each college. Colleges that routinely conduct research with human participants and generate a higher volume of IRB applications may request that the Provost appoint a second faculty member from that college to the committee. Members are appointed for 2-year terms.
- c. The IRB chairperson will be selected from IRB members with at least one year of experience serving on the board and appointed by the Provost. Another faculty member from the Chairperson's college will be appointed to replace the Chairperson as the college representative to the IRB.
  - d. Members will complete the training described in Section H below before serving.

#### D. Applicability: Human Subjects Research Defined and Who Must Submit Protocols

1. The federal code defines research as: "a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge".
2. The federal code defines a human subject as: "living individual about whom an investigator conducting research obtains data through intervention or interaction with the individual, or identifiable private information".
3. The IRB policies and procedures apply to all research involving human participants performed by Midwestern State University faculty, students, or staff under University auspices, whether carried out solely with University resources or with assistance of outside funds. Research is considered to be under University auspices if it involves one or more of the following:
  - a. The research is sponsored by the University
  - b. The research is conducted by, or under the direction of, any employee or agent of the University in connection with his or her employment with the institution, including the use of institutional letterhead.
  - c. The research is conducted by, or under the direction of, any employee or agent of the University using any property or facility of the institution.
  - d. The research involves the use of this institution's non-public information to identify or contact human research participants or prospective participants.
4. Student research that involves human participants and is intended to result in generalizable knowledge must also be submitted for review. For example, any student research intended for publication or dissemination such as presentation outside of the classroom, i.e. at a conference, must be reviewed. Student research involving human subjects must be supervised by a Midwestern State University faculty advisor who will assume responsibility for ensuring that all research procedures comply with all federal, state, and university policies designed to protect human subjects.
5. Instructors who routinely implement class projects which are not meant to result in publication nor wide dissemination, and involve no greater than minimal risk, do not need to have these protocols reviewed by the IRB. However, if the instructor believes that one or more of the projects may result in publication or wide dissemination, a blanket IRB approval may be requested for the class as a whole.

#### E. 2. Criteria for Categorization of Research



The **HRSC IRB** has incorporated into this policy the federal regulation's designations of "Research Exempt from Review" and "Research Suitable for Expedited Review." The category of "Research Subject to Full Committee Review" remains for research not suited to Exempt or Expedited Review. ~~The following is an expanded summary of the criteria for research projects~~ **Information on the circumstances that qualify a research study for a particular review category is listed in the Code of Federal Regulations, Title 45, sections 46.101.2(b) and 46.110. The following criteria describe research** to be considered in each of these categories.

**1. a. Research Exempt from Review**

~~Research activities in which~~ **The primary investigator and the only involvement of human subjects will be in department chair, in consultation with the IRB, are responsible for determining whether a research project falls within one or more of the following exempted categories:**

- a. ~~(1)~~ The research will be conducted only in established or commonly accepted educational settings (like classrooms) and it involves normal educational practices such as research on regular and special educational **education** instructional strategies, or research on the effectiveness of, or the comparison among instructional techniques, curricula, or classroom management methods.
- b. ~~(2)~~ The research will be conducted using only questionnaire or interview survey methods and the subjects are elected or appointed public officials or candidates for public office.
- c. ~~(3)~~ The research is limited to the collection and study of data, documents, records, pathological or diagnostic specimens that are available to the public.
- d. ~~(4)~~ The research is limited to the collection and study of data obtained using only the following techniques and the ~~date~~ **data** or information obtained will be recorded in such a manner that subjects cannot be identified, directly or indirectly, through identifiers linked with the subjects.
  - ~~(1)~~ **a.** The data will be obtained through the use of educational tests (cognitive, diagnostic, aptitude, achievement, etc.); or
  - ~~(2)~~ **b.** The data will be obtained by observing the public behavior of subjects; or
  - ~~(3)~~ **c.** The data will be obtained using survey or interview procedures; or
  - ~~(4)~~ **d.** The data will be obtained from existing documents, records, and pathological or diagnostic specimens.
- e. ~~(5)~~ The research is limited to the collection and study of data obtained by:
  - ~~(1)~~ **f.** Observing the public behavior of the participants; ~~or~~ **Using or using** survey or interview procedures.
  - ~~(2)~~ **g.** The information collected about the subjects' behavior does not involve sensitive subjects such as illegal or immoral conduct, drug or alcohol abuse, sexual behavior, mental illness, or other possible personally embarrassing subjects;
  - ~~(3)~~ **h.** The information collected about subjects, if it became known to outsiders, could not reasonably be expected to place the subject at risk of civil or criminal liability, or be damaging to the subjects' social or financial standing or employability.

**2. b. Examples of Research Suitable for Expedited Review**

Most of the research projects that fall into this category of research have minimal or no risk for the subjects. Examples of research projects that are Research suited for expedited review include includes but is not limited:

- (1) ~~Recording of data from subjects eighteen (18) years of age or older using noninvasive procedures routinely employed in clinical practice. This includes:
  - a. ~~The use of physical sensors that are applied either to the surface of the body or at a distance and does not involve input of matter or significant amounts of energy into the subject or an invasion of the subject's privacy.~~
  - b. ~~Such procedures as weighing, testings sensory acuity, electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, diagnostic echography, and electro-retinography. It does not include exposure to electromagnetic radiation outside the visable.~~~~
- (2) ~~Collection of blood samples by venepuncture, in amounts not exceeding fifty (50) milliliters in an eight week period nor more often than two (2) times per week, from subjects eighteen (18) years of age or older and who are in good health and not pregnant.~~
- (3) ~~Collection of both supra and subgingival dental plaque and calculus, provided the procedure is not more invasive than routine prophylactic sealing of teeth and the process is accomplished in accordance with accepted prophylactic techniques.~~
- (4) ~~Moderate exercise by health volunteers.~~
- (5) ~~The study of existing data, documents, records, pathological specimens, or diagnostic specimens.~~
- (6) ~~Research on individual or group behavior or characteristics of individuals, such as studies of perception, cognition, game theory, or test development where the investigator does not manipulate subjects' behavior and the research will not involve stress to subjects. (If, in the process of conducting an expedited review, the reviewer finds that the proposed manipulation involves more than minimal risk, the research proposal will be submitted for full committee review.)~~
- (7) ~~Research on drugs or devices for which an investigational new drug exemption or an investigational device exemption is not required.~~

**a. Clinical studies of drugs and medical devices only when condition (1) or (2) is met.**

- (1) Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)**
- (2) Research on medical devices for which (i) an investigational device exemption application (21 CFR Part 812) is not required; or (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.**

**b. Collection of blood samples by finger stick, heel stick, ear stick, or venipuncture as follows:**

- (1) from healthy, nonpregnant adults who weigh at least 110 pounds. For these subjects the amounts drawn may not exceed 550 ml in an 8 week period and collection may not occur more frequently than 2 times per week; or**
- (2) from other adults and children, considering the age, weight, and health of the**

subjects, the collection procedure, the amount of blood to be collected, and the frequency with which it will be collected. For these subjects, the amount drawn may not exceed the lesser of 50 ml or 3 ml per kg in an 8 week period and collection may not occur more frequently than 2 times per week.

- c. Prospective collection of biological specimens for research purposes by noninvasive means. Examples: (a) hair and nail clippings in a nondisfiguring manner; (b) deciduous teeth at time of exfoliation or if routine patient care indicates a need for extraction; (c) permanent teeth if routine patient care indicates a need for extraction; (d) excreta and external secretions (including sweat); (e) uncannulated saliva collected either in an unstimulated fashion or stimulated by chewing gumbase or wax or by applying a dilute citric solution to the tongue; (f) placenta removed at delivery; (g) amniotic fluid obtained at the time of rupture of the membrane prior to or during labor; (h) supra- and subgingival dental plaque and calculus, provided the collection procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques; (i) mucosal and skin cells collected by buccal scraping or swab, skin swab, or mouth washings; (j) sputum collected after saline mist nebulization.**
- d. Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.) Examples: (a) physical sensors that are applied either to the surface of the body or at a distance and do not involve input of significant amounts of energy into the subject or an invasion of the subject's privacy. (b) weighing or testing sensory acuity (c) magnetic resonance imaging; (d) electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, electroretinography, ultrasound, infrared imaging, doppler blood flow, and echocardiography; (e) moderate exercise, muscular strength testing, body composition assessment, and flexibility testing where appropriate given the age, weight, and health of the individual.**
- e. Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for nonresearch purposes (such as medical treatment or diagnosis). (NOTE: Some research in this category may be exempt. This listing refers only to research that is not exempt.)**
- f. Collection of data from voice, video, digital, or image recordings made for research purposes.**
- g. Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies. (NOTE: Some research in this category may be exempt. This listing refers only to research that is not exempt.)**

### **e. Research Subject to Full Committee Review**

The category of "full Committee Review" remains for research not eligible for either Exemption or Expedited Review.

## **3. Review Procedures**

Forms necessary to begin the review process may be obtained from the Chair of the HSRC Committee.

### **a. Exempt Research**

- (1) The principal investigator and the department chairperson will make preliminary determination as to whether the project is exempt from institutional review; however, the final determination rests with the HSRC. The investigator(s) will prepare and submit a *Claim for Exemption* form to the HSRC. Questionnaires to be used in the course of the proposed research must be submitted with the *Claim for Exemption* forms.
- (2) Research qualifying for exemption will usually be of the anonymous survey or interview type, or research conducted in traditional education settings for evaluation of instructional programs, etc (See Section 2 (a) for a more complete definition of Research Exempt from Review.)
- (3) ~~(3) Claims for Exemption are handled on an "as needed" basis. The Chair of the HSRC, upon receipt, will forward the *Claim for Exemption* to an appropriate committee member assigned for review. Data Collection may begin as soon as the claim has received committee approval and has been properly filed with the HSRC. The Chair of the HSRC will notify the principal investigator regarding the final status of the *Claim for Exemption*.~~
- (4) Data collection may begin as soon as the Expediting Reviewer has approved the proposal, and the Statement of Expediting Reviewer has been properly filed with the HSRC. In the event that the Expediting Reviewer does not approve the proposal, it will be forwarded to the full committee for review. The Chair of the HSRC will notify the principal investigator regarding the status of the proposal.

### **b. Research Subject to Full Committee Review**

- (1) Research projects not eligible for either exemption or expedited review, will be subject to full committee review. Research subject to full committee review requires appropriate informed consent forms (a copy of which should be given to the subjects to keep), together with a full description of the project. The committee meets on a monthly basis to review research projects. Additional meetings may be called as needed.
- (2) The investigator(s) will prepare and submit a *Proposal for Activity Using Human Subjects, a Sample Consent Form* and any questionnaires to be used in the course of the proposed research to the Chair of the HSRC at least one week prior to the committee meeting at which the project is scheduled to be reviewed.
- (3) The investigator(s) may choose to be available for the committee meeting at which the project proposal will be reviewed in order to answer any questions the committee may have regarding the proposal. Attendance by the investigator(s) at

this committee meeting is not required:

- ~~(4) Data collection may begin immediately upon the approval of the proposal by the full committee. The Chair of the HSRC will notify the principal investigator regarding the status of the proposal.~~

### **3. Informed Consent**

- a. No human subject research (including research deemed exempt from continuing IRB review) may be conducted without informing the human subject or the legally authorized representative of the risks, procedures, and discomforts of the research. Subjects should be clearly informed that their participation is voluntary. When appropriate, a statement illustrating the voluntary nature of the project should be included on written questionnaires. When research involves the use of minor participants, consent must be obtained from a parent or legal guardian. In addition, the minor participants over the age of 6 must provide their assent to participate, using a form appropriate for their age level.**
- b. Voluntary Informed Consent assures a person's right to exercise free power of choice regarding participation in research. The basic elements of the HSRC will information necessary for voluntary informed consent are:**
- (1) A clear, responsible explanation of procedures and purpose in language appropriate for the subject group (with experimental procedures specifically identified).**
  - (2) A description of expected risks or discomforts.**
  - (3) A description of expected benefits.**
  - (4) A disclosure of alternative procedures available.**
  - (5) An offer to answer any questions raised by a subject regarding procedure, concerns, complaints, etc.**
  - (6) Freedom to withdraw/discontinue participation at any time, especially when the subjects are students enrolled in a class. Discontinuing participation will be without penalty and without loss of benefits which the subject is otherwise due.**
  - (7) Appropriate contact information for the researcher.**
  - (8) Maintenance of anonymity of subjects.**
  - (9) Maintenance of the confidentiality of subjects.**
  - (10) An explanation that any concerns regarding rights of the research subject should be directed to the chairperson of the IRB.**

### **4. Protocol Submission and Processing for Review.**

- a. Investigators must submit, at minimum, the following items for review as part of a standard protocol submission:**
- (1) Application for Use of Human Subjects in Research protocol form**
  - (2) Advertisement/recruitment materials that will be used to solicit participation in the study.**
  - (3) Informed Consent documents reflecting the exact language that will be used to obtain participant consent. See IRB website for guidance on informed consent issues.**
  - (4) Printed materials used for data collection (such as survey instruments or measures).**
  - (5) Any relevant grant applications tied to the protocol request.**

- b. To facilitate the transfer of proposals, investigators are required to consolidate all of their material into one electronic file (completed application, any recruitment materials, consent form, and instruments such as interview questions, surveys, tests, experimental manipulations, etc.)
- c. The College IRB representative serves as the intake-point for protocol submission, and forwards protocols to the IRB Chairperson for review. The IRB will review the protocol to confirm the research is exempt, eligible for expedited review, or subject to full board review.
- d. The Chair of the IRB, upon receipt, will record the application and notify the principal investigator regarding the status of the proposal.
- e. Data collection may begin as soon as the investigator has received committee approval. In the event that the reviewers do not approve the proposal, it will be forwarded to the full committee for review.
- f. Research Subject to Full Committee Review
  - (1) Research projects not eligible for either exemption or expedited review, will be subject to full committee review.
  - (2) The committee meets on a monthly basis during each long semester to review proposals and policies. Additional meetings may be called as needed. The committee does not routinely meet or accept applications for full review during the summer
  - (3) The investigator(s) may choose to be available for the committee meeting at which the project proposal will be reviewed in order to answer any questions the committee may have regarding the proposal. Attendance by the investigator(s) at this committee meeting is not required.
- g. Continuation or renewal
  - (1) A project that has been determined to be exempt from IRB review does not require further review (e.g. annual continuing review) unless the relevant details of the project change in a way that makes the project ineligible for the exemption categories above.
  - (2) Projects that were approved under expedited or full review require annual renewal. Approval of research is good for a one year period. If the research is to continue beyond the approved time the researcher must request an extension. The request for extension must be reviewed at the same level of review as the original proposal. The researcher's request must include the following information.
    - a. The name of principal investigator(s) and title of the research project.
    - b. The number of participants that have been tested to date and the number of additional participants needed.
    - c. A description of any modifications that will be made to the procedures.
    - d. Any changes in anticipated risks or benefits.

- e. A description of any adverse effect or participant complaints to date.
- f. A brief summary of the findings to date.

#### **5. Training**

**Individuals with projects subject to IRB review must complete a training course and provide documentation of certification. Online training from the National Institute of Health is available at <http://phrp.nihtraining.com>. A certificate of completion must be submitted for each of the primary investigators. It is recommended that all research assistants who will interact with participants or have access to identifiable data also complete the training. Training is required regardless of whether the project is internally funded, externally funded, or unfunded. Although subject to modification based on changing federal guidelines, training is currently required annually for each student investigator and recommended every 3 years for faculty/staff.**

#### **6. Records**

**Federal regulations require all IRB records to be retained for at least three years, and records relating to the human subjects research conducted to be retained for at least three years after completion of the research. All records must be accessible for inspection and copying by authorized federal officials at reasonable times and in a reasonable manner.**

#### **7. Midwestern State University IRB Procedural Manual**

**Federal regulations at 45 CFR 46.103(b)(4) and (5) require institutions to have written IRB procedures for each of the following 7 areas:**

- a. **Procedures which the IRB will follow for conducting its initial review of research;**
- b. **Procedures which the IRB will follow for conducting its continuing review of research;**
- c. **Procedures which the IRB will follow for reporting its findings and actions to investigators and the institution;**
- d. **Procedures which the IRB will follow for determining which projects require review more often than annually;**
- e. **Procedures which the IRB will follow for determining which projects need verification from sources other than the investigators that no material changes have occurred since previous IRB review;**
- f. **Procedures which the IRB will follow for ensuring prompt reporting to the IRB of proposed changes in a research activity, and for ensuring that such changes in approved research, during the period for which the IRB approval has already been given, may not be initiated without IRB review and approval except when necessary to eliminate apparent immediate hazards to the subject; and**
- g. **Procedures for ensuring prompt reporting to the IRB, appropriate institutional officials, any Department or Agency head, and the Office of Human Research Protections (OHRP) of:**
  - (1) **Any unanticipated problems involving risks to subjects or others (hereinafter referred to as unanticipated problems);**
  - (2) **Any serious or continuing noncompliance with 45 CFR Part 46 or the requirements or determinations of the IRB; and**
  - (3) **Any suspension or termination of IRB approval.**

3.325 Student Affairs and Enrollment Management

**VEHICLE REGISTRATION FOR FACULTY AND STAFF**

**Date Adopted/Most Recent Revision: 08/04/2006**

**A. General**

Faculty and staff members who operate motor vehicles on campus must register their motor vehicles with the University Police Department. A copy of the *Parking and Traffic Regulations* will be given at the time of registration and any individual operating a vehicle on campus is subject to the penalties for violation of regulations as listed and for state laws governing driving and parking. The university assumes no responsibility for vehicles or their contents when parked on campus. Faculty and staff shall be limited to two (2) registration decals at any one time.

**B. Retired Part Time Employees**

Retired employees who maintain part time employment status with the university shall continue to use standard faculty and staff decals subject to all rules and regulations.

**C. Retired Non-Employees**

Retired employees no longer associated with the university on a payroll status, may obtain one (1) non-expiring vehicle registration decal. This special retiree decal will be the same as a visitor decal with regard to parking regulations.



**3.349 Human Resources****EMPLOYEE BACKGROUND CHECKS****Date Adopted/Most Recent Revision: 05/13/2011****A. General**

It is the goal of ~~Midwestern State University~~ **is committed** 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,~~ **To that end,** a criminal background check shall be conducted on each applicant, **employee, and volunteer** 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, **including student employment and unpaid volunteer 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.** **All employment and unpaid volunteer positions have been designated** ~~Positions determined to be security sensitive~~ **by the President in consultation with the Director of Human Resources** as defined and authorized by Texas Government Codes 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 **directly** by the university through the appropriate law enforcement agencies **or indirectly through private vendors that offer national criminal background check services.**
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
5. **Youth Camp Employees and Volunteers. Any employee, university affiliate, volunteer, or student observer who will be present at a camp or other event or facility hosting or involving minor children must submit to a criminal background check each year. The check shall be conducted prior to permitting**

**an individual to work, volunteer, or be present with unsupervised access to minors.**

### 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~~ twelve 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.
8. **The subject of the background check has the right to challenge the accuracy and completeness of the report and to submit additional information relating to the criminal record.**

### D. Confidentiality

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. Use of Private Vendors**

**When the university elects to use a third-party vendor credit reporting agency to conduct criminal history checks, the resulting report is considered a “consumer report” under the Fair Credit Reporting Act (FCRA) and the institution shall comply with all applicable FCRA disclosure and notification requirements.**

**G. Employee Disclosure**

**Current employees must report information to their supervisor within five business days of any criminal arrests, criminal charges, or criminal convictions, excluding misdemeanor traffic offenses punishable only by fine. Failure to report shall constitute grounds for disciplinary action, up to and including termination. The employee’s supervisor must report the arrest(s), criminal charge(s), or conviction(s) to the head of the employing department and to the Director of Human Resources.**

**H. Nondiscrimination**

Criminal history information shall not be used to discriminate on the basis of race, color, national origin, religion, sex (gender), disability, or age, **sexual orientation, or genetic information**. 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.

4.112 President's Office  
ALCOHOLIC BEVERAGES

Date Adopted/Most Recent Revision: 11/10/00

A. General

Alcoholic beverages are not allowed on campus except in Bridwell Courts apartment residences (see the current edition of the University Housing and Residence Life Handbook for the specific policy guidelines regulating the use of alcoholic beverages in university housing) and at social functions which have been registered and approved through the Dean of Students Office. Open containers are not allowed in public areas. under the following conditions:

1. In private residences in Bridwell Court, Sunwatcher Village, and Sundance Court. Consumption is limited to areas inside the residences. (Those residing in university housing should consult the current edition of the *University Housing and Residence Life Handbook* for specific regulations regarding the use of alcoholic beverages in university housing.)
2. During social functions hosted by the President or the President's spouse.
3. During social functions registered and approved through the Clark Student Center office.
  - a. How to Register  
Persons seeking permission to bring alcohol on campus must file an application in writing to the Clark Student Center office at least ten (10) days prior to the event.
  - b. Criteria for Approval  
Approval will be based upon the following criteria: organization planning, frequency of the event, groups served by the activity, activity focus, and the use and distribution of alcohol.

B. Alcohol Policy Guidelines for the Use of Alcohol on Campus

1. State Law regarding the use of alcoholic beverages functions must be observed conform to state law. Violations of State law include the following:
  - a. Consumption of alcohol by an under-aged drinker.
  - b. Distribution of alcoholic beverages free of charge at an event in which a cover charge has been assessed.
  - c. Public intoxication.
  - d. Consumption of alcoholic beverages in a public place on Sunday between the hours of 2:15 A.M. and 12:00 noon and Monday through Saturday between the hours of 2:15 A.M. and 7:00 A.M.
- ~~2. State law prohibits the sale of alcoholic beverages without a liquor license. This shall include the free distribution of alcoholic beverages in connection with a function for which a cover charge has been assessed.~~
- ~~3. Public intoxication is considered to be offensive and in violation of this policy. Inappropriate and imprudent behavior will result in disciplinary action.~~
- ~~4. Texas state law prohibits the consumption of alcoholic beverages in a public place at any time on Sunday between the hours of 2:15 a.m. and 12:00 noon and on all other days at any time between the hours of 2:15 a.m. and 7:00 a.m.~~

- ~~5. Alcoholic beverages may be served at scheduled university events only with prior approval by the Dean of Students. Applications for approval must be submitted in writing ten (10) days prior to the event. Approval will be based upon organizational planning, frequency of event, groups served by the activity, activity focus, the use and distribution of alcohol as part of the event, and event supervision. Applications for alcohol use must be submitted to the Office of the Dean of Students.~~
- ~~6. Alcoholic beverages at approved university events must be distributed under such conditions which ensure compliance with state law with regard to consumption, intoxication, drinking age, distribution, sale, etc. BYOB functions will be limited to beer and wine only. Kegs are prohibited unless approval is received from the Dean of Students for a registered activity.~~
- ~~7. 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.~~
- ~~8. It is the responsibility of university organizations, organizational officers and advisors, and individuals to be aware of these guidelines and their application to individual, as well as organizational activities.~~

- 2. Beverages at approved student organization events must be distributed by a Texas Alcoholic Beverage Commission (TABC) licensed third party vendor. A copy of the vendor's current license must be on-file with the Clark Student Center office prior to event approval.**
- 3. Open containers of alcohol are not allowed in public areas of the campus, including the parking lots, walking path, and all other open-air spaces on the campus.**
- 4. Selling, distributing, possessing, or consuming alcohol or alcoholic beverages at Midwestern State University athletic events held on property owned or leased by Midwestern State University is prohibited, whether the events are sponsored by Midwestern State or another educational institution or an organization or association outside the university.**
- 5. Inappropriate and imprudent behavior related to the use of alcohol will result in disciplinary action.**
- 6. Officers and advisors/sponsors of university organizations shall be held responsible for (1) possessing full knowledge of university policies related to the use of alcohol on campus and (2) ensuring that university policies are followed.**

**4.152 Student Affairs & Enrollment Management**

**POLICE DEPARTMENT ADMINISTRATION AND REGULATORY ORDINANCES**

**Date Adopted/Most Recent Revision: 05/13/2011**

**A. Statutory Authority**

Pursuant to the authority granted by Statutory Law of the State of Texas (Vernon's Annotated Civil Statutes Chapter 51, Texas Education Code Article 51.201 - 51.244), these regulations are promulgated for the purpose of providing for the protection, safety, and welfare of the students and employees of Midwestern State University, a state institution of higher education, and for the protection and policing of the buildings and grounds of said institution.

**B. Police Administration and Supervision**

1. There is hereby established at Midwestern State University a Police Department under the control and supervision of a Chief of Police appointed by the President and reporting to the Vice President for Student Affairs and Enrollment Management.
2. Officers of the University Police Department are to be bona fide peace officers, bonded and commissioned by the Board of Regents of said university as peace officers. Any officer commissioned hereunder is hereby vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of MSU or otherwise in the performance of their duties within their legal jurisdiction as defined by law.
3. It shall be the duty of the University Police Department to enforce all regulations of the university applicable to street traffic and vehicle regulations, all state laws applicable on all the properties under the control and jurisdiction of the university, and to make arrests for traffic violations, to investigate traffic accidents, and to cooperate with other state and area officers in the administration of traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties especially imposed by these regulations and to assist in the prosecution of those persons charged with violations of law or causing or contributing to such traffic accidents.
4. The University Police Department shall keep records of all violations of traffic regulations of the university and all state vehicle laws of which any person has been charged on university property, together with the record of final disposition of all alleged offenses. All forms for records of violations and notices of violations shall be serially numbered, and all records and reports shall be public records.
5. It shall be the duty of the University Police Department to maintain a

suitable record of all traffic accidents, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver.

6. All of the general and criminal laws of the State of Texas are declared to be in full force and effect within the areas under the control and jurisdiction of Midwestern State University and enforcement of these laws shall be the duty of the offices of the Police Department of the University.
7. It shall be the duty of the officers of the University Police Department to enforce all university regulations stated herein or hereinafter concluded and such other federal, state, and municipal laws applicable on areas under the control and jurisdiction of the university.
8. The Chief of Police, or his designated assistants, shall have the authority to place temporary traffic control devices and barricades in any area, or upon any drive or street, for the purpose of altering the normal route of vehicular travel or regular parking, when necessary for safety purposes or special functions.
9. The Chief of Police is hereby authorized to allocate and determine the location of all Loading Zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours of prohibition where applicable.
10. Abandoned and unclaimed personal property coming into possession of the Midwestern State University Police Department shall be disposed of in accordance with these provisions:
  - a. **Perishable Items (edibles)**  
Perishable items shall be destroyed after twenty-four (24) hours.
  - b. **Alcoholic Beverages**
    1. **Beer**
      - a. Open beer and beer that has been chilled and allowed to later reach room temperature shall be destroyed after twenty-four (24) hours.
      - b. Beer that has not been chilled and is unopened shall be kept for six (6) months and, if unclaimed, shall be destroyed.
    2. **Other Distilled Spirits**  
Wine, ale, malt liquor, and all other distilled spirits, including liquor shall be destroyed after twenty-four (24) hours if

container has been opened and after six (6) months if container has not been opened.

c. **Articles of Clothing**

Articles of clothing, including rain wear and companion articles such as purses, shall be retained by the Police Department for a period of ~~one (1) year~~ **ninety (90) days** after which time such articles may be donated to the State Hospital, Salvation Army, or other charitable or non-profit organizations, or they may be sold at public auction or by sealed bid.

d. **Books**

Books and other publications shall be retained for a period of six (6) months, after which time they may be:

- a. Placed in the university library, properly marked and indexed;
- b. May be given to any student or faculty member on a first-come, first-served basis; or
- c. May be sold by sealed bid or auction.

e. **Jewelry**

Jewelry, including watches, which have little or no apparent value may be destroyed or given away after it has been retained by the Department for a period of one (1) year. All jewelry having significant value and all jewelry containing any precious stone or jewel shall be retained for a period of ~~one (1) year~~ **ninety (90) days**, after which it shall be sold by sealed bid or auction.

f. **Other Property**

All other property shall be retained for a period of ninety (90) days to one year, depending upon the size, nature, and value of the property as determined by the Police Department and such property shall be sold by sealed bid or public auction.

g. **Account for Proceeds**

~~A special account shall be maintained in the Business Office and all proceeds from the sale of abandoned and unclaimed personal property, less expenses for advertising and sale, shall be deposited to said account. Money derived from the sale of any item shall remain in the special account for a period of six (6) months for the purpose of satisfying any later claim for the property, and to pay any expenses incurred in the handling and disposition of abandoned personal property.~~ **All records of the sale of abandoned and unclaimed property will be kept in accordance with MSU**



**Business/Purchasing Office policies.**

**h. Records**

The Police Department shall maintain a permanent record of all abandoned and unclaimed personal property coming into its possession. Such record shall contain a complete description of the property, the dates on which it was acquired and disposed of, how it was acquired, what disposition was made, to whom the property was released, ~~and the amount received in case of sale.~~

**i. Evidence**

These procedures shall not apply to personal property being held as evidence to be used in any pending criminal case. Neither shall they apply to articles of contraband or evidence from criminal cases where final disposition of the case has been made, and where the method of disposition has been established by statute.

**i. Bicycles**

**All bicycles shall be retained for a period of thirty (30) days. After the aforementioned retention period, if a bicycle is unclaimed it may be sold at public auction or it may be placed in the possession of the MSU Police Department who may reassign the bicycle to another MSU Department for use on-campus.**

**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-Hundred 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 state 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. Parking lots #14, 16, 18, 49, 21 and parking spaces on Tee Pee Drive and Louis J. Rodriguez Drive in front of Sunwatcher Village Apartments shall be reserved for MSU residents only. Residents shall obtain a university resident decal that **MUST** be placed on the vehicle. All registration decals are to be obtained from the University Police Department. **Parking Lots # 4 (Police Department), 6 South (north side of practice football fields), 8, 15 (South Campus), and 19 may be used by Commuter students or Resident students.**
- b. A motor vehicle registration fee of fifty dollars (\$50) per year will be assessed **to** students enrolled for college credit hours who wish to operate a motor vehicle on the university campus. 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 twenty-five dollars (\$25) will be assessed **to** 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. **The vehicle registration permit will be valid for the remainder of the school year, expiring on August 31.**
- d. A motor vehicle registration fee of twenty-five dollars (\$25) 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 applies to students who have not previously registered a vehicle during the academic year.
- e. A motor vehicle registration fee of twenty-five dollars (\$25) per year will be assessed for those students auditing a class and for students enrolled in Intensive English Language Institute courses. Students enrolled in Continuing Education courses over eight hours in length will pay a motor vehicle registration fee of fifteen dollars (\$15) per semester.
- f. Students who operate more than one (1) motor vehicle on the university campus may register one additional vehicle for a fee of twenty-five dollars (\$25).

- g. Two (2) or more persons will not be permitted to register the same vehicle.
- h. Reserved hang tags will be available to all benefit eligible faculty, and staff, ~~adjunct faculty~~, and graduate teaching assistants who appear on the approved list from the Human Resources Department who wish to operate a motor vehicle on the university campus. **With the exception of individuals employed in a student classification, each employee who operates a motor vehicle on campus is required to purchase a reserved hang tag.** The motor vehicle registration fee for those individuals will be:
1. \$150 per year for the associate vice presidents and deans for special reserved parking;
  2. \$250 per year for the president and vice presidents for special reserved parking; and,
  3. \$50 per year for all others.
- i. **All temporary workers, part time workers and adjunct instructors who work less than half-time, are not benefit eligible or employed in a student classification and who operate a motor vehicle on campus shall purchase a motor vehicle registration reserved hang tag for twenty-five dollars (\$25).**
- j. **A motor vehicle registration fee of twenty-five dollars (\$25) will be assessed to new employees operating a motor vehicle on the university campus who begin employment after May 31 and before August 31. The registration fee of fifty dollars (\$50) will be assessed for the new fiscal year.**
- k. The replacement fee for a lost hang tag is twenty-five dollars (\$25).
- l. Faculty/staff and administrative officials may purchase a motorcycle decal for twenty-five dollars (\$25).
- m. Graduate assistants who appear on the approved list from the Human Resources Department and wish to operate a motor vehicle on the university campus will be required to purchase a student decal for a motor vehicle registration fee of fifty dollars (\$50) per year.
- n. No decal shall be displayed on any vehicle other than that vehicle to which it is registered.
- o. Reserved hang tags are issued to the individual employee and**

**may be transferred to another vehicle operated by that employee but cannot be transferred to another employee.**

- p. Retired faculty and staff are eligible to be issued one **non-expiring** retired faculty/staff parking permit at no cost.
- g. **Retired employees who maintain part-time employment status with the university shall continue to use standard faculty and staff registration hang tags subject to all rules and regulations.**
- r. 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.
- s. 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 vehicle registration decal or hang-tag 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.
- t. The registration decal or hang tag does not assure anyone that parking spaces will be available at all times.
- u. **The university assumes no responsibility for vehicles or their contents when parked on campus.**
- v. **Once a vehicle registration hang tag is issued no refund will be given. If an employee opts to make monthly payments for their registration fee and terminates employment with a balance due the remaining balance will be deducted from their final compensation payment.**
- w. **Any student, faculty or staff member who registers their vehicle in accordance with Texas Transportation Code 504.202 and 681.008, relating to Disabled Veterans vehicle registration, shall be required to register their vehicle with the MSU Police Department but cannot be charged a fee for the vehicle registration permit or hang tag.**

#### 4. Required Display of University Decal or Hang Tag

- 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 dollars (\$5.00) 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 members, and graduate teaching assistants MUST display the university parking hang tag in the front windshield of the vehicle 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. 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. In front of or in any service drive
  7. Any space marked "No Parking"
  8. 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. **These areas are bordered in yellow.**
- 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, **or is mechanically inoperable.** 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.~~

**j. Faculty/Staff parking is marked with the word "RESERVED" painted on the pavement. Only persons with a Faculty/Staff hang tag may park in these spaces. Faculty/Staff may park in the following areas marked "RESERVED": Lot 1 North, 2, 3, 4, 5, 7 (West side of Hardin Bldg.), 9, 10, 15, 17, 20, Council Drive, Comanche Drive, Nocona Trail, and South Campus on the east side of the Wellness Center.**

**k. Specific areas for motorcycle parking are located in the following: Lot 1 North and South, Lot 2, 19, 20, 21 and Comanche Drive and Council Drive.**

## 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 twenty dollars (\$20) first offense for all Class I violations; forty dollars (\$40) for all Class II and Class III violations; and fifty dollars (\$50) for all Class IV violations.
- b. The first offense penalty for failure to display registration decal shall be the registration fee for the appropriate decal.
- c. **All fees for vehicle registration and citations are due within seventeen (17) calendar days from the date the citation was issued in accordance with MSU Business Office Policy. An additional fee will be assessed in accordance with the MSU Business Office late fee policy.**
- d. The following procedures shall be followed by a person who receives 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. The person charged with the violation should contact the University Police ~~within seventeen (17) calendar days~~ **upon receipt of the citation** and either pay the ticket or file an appeal. Failure to comply with 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. Should a student wish to contest a ticket, he/she may appeal in writing to the **Student** Traffic Appeals Committee through the Dean of Student's Office within seventeen (17) calendar days from the day the ticket was issued for all violations. In the absence of the duly appointed, functioning Traffic Appeals Committee, the Vice President for Student Affairs and Enrollment Management and Dean of Students shall serve as the appeals committee to hear the case.
5. 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 seventeen (17) calendar days from the date the ticket was issued for 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. Impoundment (Wheel Lock and Tow Away)**

### **A. Impoundment in Place (wheel Lock)**

1. **A vehicle may be impounded in place if:**
  - a. **It is parked anywhere on campus without displaying a current permit and has 5 or more unresolved citations; or**
  - b. **The owner or operator violates the terms of a conditional release; or**
  - c. **It is parked illegally in a handicap space without displaying a proper permit; or**

- d. The owner or operator illegally uses a handicap permit to obtain parking privileges; or
    - e. It is parked displaying an unauthorized, altered, lost or stolen parking permit; or
    - f. There is failure to display a current valid vehicle license plate; or
  - 2. An officer or University Police Parking Attendant shall place a notice on the driver's window of any vehicle in which an immobilizing device is attached. This notice shall be placed in a conspicuous location so the operator will see the notice prior to entering the vehicle.
  - 3. A vehicle impounded in place shall be released if:
    - a. The owner or operator agrees to pay for all outstanding citations on the vehicle plus an impound fee of \$50.00, purchases a valid permit, as applicable, and provides current proof of liability insurance; and
    - b. The University Chief of Police or his/her designee authorizes the release of the vehicle.
- B. Impoundment (Tow Away)**
- 1. A vehicle impounded in place may be towed away if:
    - a. Disposition of all citations for the vehicle is not made within five (5) days of the impoundment; or
    - b. The owner or operator removes or attempts to remove the impounding equipment attached to the vehicle. Attempting to, or removal of an immobilizing device attached to a vehicle by the University Police Department is a criminal offense; such offense is classified as a Class B Criminal Mischief or Theft. If immobilization device is damaged or lost due to removal, the individual will be charged with the replacement cost for the device. The University shall not be liable for any damage caused to a vehicle by attempting to remove the immobilizing device or by the operator attempting to drive the vehicle with the immobilizing device still attached.
  - 2. A vehicle may be towed if:
    - a. It is parked in a manner that impedes or is dangerous to vehicular or pedestrian traffic or endangers any life or property (e.g., vehicle on fire, leaking fuel, etc.); or
    - b. It is parked or stopped in any driving lane, fire lane or loading zone; or
    - c. It is parked with disregard to official signage, barricades, or traffic cones; or

- d. It is parked on any lawn, sidewalk, or in any area that restricts vehicle or pedestrian traffic; or
    - e. It is a non-operating vehicle; or
    - f. It does not display a current motor vehicle registration and motor vehicle inspection certificate, after 24 hours; or
    - g. Vehicle is an obstruction to building access for emergency, maintenance, delivery, loading vehicles/equipment; or
    - h. There is failure to obey lawful university rules and regulations, and verbal orders of a University Police Officer; or
    - i. There are circumstances not specifically enumerated where public safety is threatened by the presence of the vehicle.
3. A vehicle that has been removed by tow away shall be released if:
  - a. The owner or operator of the vehicle agrees to pay the fees for all outstanding citations on the vehicle plus a commercial wrecker service fee and storage charges; or
  - b. The University Chief of Police or his/her designee authorizes the release of the vehicle.
4. When the removal of a vehicle has been authorized and the owner or operator of the vehicle appears at the vehicle after the wrecker has arrived and the wrecker driver has made a hook-up or signed the tow order for custody of the vehicle, the vehicle shall not be towed away if the owner or operator:
  - a. Pays the normal wrecker fees designated by the wrecker company; and
  - b. Agrees to move the vehicle; and
  - c. Agrees to pay all outstanding parking fees owed to the University.
5. When the removal of a vehicle has been authorized and the owner or operator appears at the vehicle before the arrival of the wrecker, the vehicle shall not be towed away if the owner or operator:
  - a. Agrees to move the vehicle; and
  - b. Agrees to pay all outstanding parking fees owed to the University.
6. No vehicle may be towed without the express approval of the University Chief of Police or his/her designee.

7. **Persons who have their vehicle towed away shall make all the necessary arrangements with the University Police Department and obtain the necessary release documentation.**

**9. 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.

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

## 10. 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 to 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 and those persons described as peace officers in the Texas Code of Criminal Procedure.
- 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.).

**u. Impoundment**

**Includes the immobilization, towing, and storage of the vehicle in question. There are two types of "impoundment:" (1) Impoundment in place (Wheel Lock) or (2) Tow Away.**

**11. General Information**

- i. All thefts, accidents, and offenses that occur on campus should be reported immediately to the University Police Department or to the Officer on duty.
- ii. 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.
- iii. Keys or valuables should not be left in cars. Always keep your car locked.

**12. 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.

**A person with a concealed handgun permit in accordance with Texas Law may possess a handgun and/or ammunition as long as the item(s) are concealed within a vehicle. Handguns or other firearms are prohibited outside of a vehicle, or within a vehicle without a concealed handgun permit, on property owned, leased, or rented by Midwestern State University.**

**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 Student Affairs and Enrollment Management, 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 Student Affairs and Enrollment Management 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**

Registered students may use skateboards, including the use of long boards, as a means of transportation in outdoor areas on the Midwestern State University campus. Prohibited conduct shall include clinging to a moving object; tacking (the manner by which a skateboard may be propelled such that the operator's foot need not touch the ground and which exhibits rapid movements of the skateboard about that axis of rotation perpendicular to the deck through the rear axle); skateboarding backwards; skateboarding over steps, stairs, rails, or disability accommodations, excluding curb-cuts between a sidewalk and a street; or any manner which may cause property destruction or risk safety to the operator or pedestrians.

**l. Rollerblading and Roller Skating**

Registered students may use rollerblading and roller skating as a means of transportation in outdoor areas on the Midwestern State University campus. Prohibited conduct shall include clinging to a moving object; skating backwards; skating over steps, stairs, rails or disability accommodations, excluding curb-cuts between a sidewalk and a street; or any manner which may cause property destruction or risk safety to the operator or pedestrians.

**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)

**13. 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 a 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.**

#### **14. 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.

#### **15. 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.

## Wichita Falls Museum of Art Event Policy

The Rental Fees and Event Policy of the Wichita Falls Museum of Art at Midwestern State University are in compliance with the MSU Policies and Procedures Manual. Conditions outlined in the MSU Policy and Procedures Manual and in the Event Policy of the Wichita Falls Museum of Art at MSU apply to all renters of the Museum facility.

As prescribed by the MSU Policy and Procedures Manual 4.117 BUILDING USE POLICY & FEE SCHEDULE – OUTSIDE GROUPS, the facility and grounds of the WFMA at MSU may be rented based on availability by profit and non-profit organizations and individuals.

As prescribed by the MSU Policy and Procedures Manual 4.116 BUILDING USE POLICY & FEE SCHEDULE –INTERNAL GROUPS & ORGANIZATIONS, the facility and grounds of the WFMA at MSU may be rented based on availability by student sponsored groups, academic departments, colleges and schools, and administration.

### I. Scheduling

A. **Scheduling**-Events may not be scheduled earlier than 12 months before the date desired. The date of event is not reserved on the calendar until the reservation deposit is received, preferably 6 months in advance.

1. **Museum Hours:** Tuesday-Friday 10:00am – 5:00pm, Saturdays 1:00-5:00pm, closed to the public Sundays and Mondays.
  - a. Events may be scheduled anytime depending on availability during public hours and/or during evenings and days when the Museum is closed to the public. Events may begin as early as 8:00 a.m. and last as late as 8:00 p.m. Monday through Thursday; events may last no later than 12:00 am. (midnight)Friday and Saturday
  - b. The building must be cleaned and vacated before 2:00 a.m. One of our attendants is required to stay until everyone connected with the event has left the premises.
2. Art exhibitions in the Museum galleries may not be changed, altered, or moved for any reason. Food and drink may not be served or imbibed in the art galleries.
3. There are certain days/holidays when events may not be scheduled. However events may be scheduled when the University is closed, but for an added cost.

### B. Payment Timeline and Cancellations

1. **Timeline:**
  - a. A reservation deposit is due at the time of reservation to secure the date and is applied to remaining balance to be paid one month before event.
  - b. Any additional fees accrued the day of the event will be invoiced.
2. **Cancellation:**
  - a. If a cancellation occurs more than 60 days prior to event, 50% of the reservation deposit will be refunded.
  - b. If a cancellation occurs less than 60 days prior to event the deposit will not be refunded.

### II. Catering and Alcohol Policy

- A. If client elects to hire a caterer, they must be on the Museum's approved list or ok'd by Program Director. The caterer or renter must provide all dishes and serving pieces. At all events, the caterer must provide personnel for preparing and serving refreshments, and personnel for cleaning and washing after the event. The Museum does not have a licensed commercial kitchen.
- B. **Alcohol Policy:** A policy and registration form with Midwestern must be filled out one month prior to event and observed. If a problem occurs due to overindulgence, we will ask the person to stop drinking alcohol and they will be sent home at their expense. Any extra cleaning will be an extra charge.
  1. No one may drink alcohol or have open containers of alcohol in their possession in the parking area. The renter, security, and Museum attendant are required to see that no disturbances occur inside or outside the Museum.

2. There is a *NO SMOKING* policy in the Museum building and on the MSU campus.
3. No alcoholic beverages may be sold on the premises of the Museum without a permit from the Texas Alcoholic Beverage Commission. No alcohol is allowed to be sold on property unless served by a licensed bartender. **Prior to the beginning of the event, the Museum must have a copy of the bartender's TABC license on file.** Minors are not allowed to consume alcoholic beverages on the Museum premises under any circumstances.

### **III. Event Decorations**

1. To protect the building and the grounds the following regulations must be followed:
  - No candles allowed. Only battery operated candles are permitted
  - No use of tacks, pins, glue, nails, or tape of any kind is permitted on the walls, floors, curtains, windows, ceilings, in the Museum.
  - No Decorations may be hung or suspended from lighting fixtures, ventilators, ceiling or drapes.
  - No furnishings within the Museum may be removed or moved from the site where they are placed.
  - No Confetti may be used. This includes the use of glitter, sparklers, artificial snow and biodegradable confetti.
  - No Balloons may be used.
  - No Potted plants and no vines or cuttings from private yards or gardens.
  - No Silk or artificial petals may be thrown on the grounds of the Museum. Sparklers or any other incendiary devices are absolutely prohibited anywhere on the grounds or in the building.
  - Any and all decorations must be approved by the Public Program Director 2 months prior to the event.

### **IV. Responsible Party/Damage Deposit**

**The renter is ultimately responsible for any damages to the Museum property and for informing the caterer, photographer, and other members of the event of the Museum's event policies.** Renter will be held responsible for any damage to the building and/or furniture by hosts, guests, children, caterers, or anyone else associated with the event. The renter will assume responsibility for leaving the Museum in the same condition in which it was found.

- A. Damage Deposit, to be paid 30 days prior to event, will cover damages above and beyond normal usage of the Museum. See Reservation confirmation form for your deposit information.
- B. Do not set bouquets/ flowers/beverages, etc. on upholstered furniture or on bare or painted wood. All surfaces must be protected. Consult a Museum attendant immediately in case of a spill or accident.
- C. All decorations are to be removed at the end of the event unless arrangements have been made with the Public Program Director. Any items left, must be cleaned and left neatly in a pre-designated area and must be cleared from the premises **NO LATER THAN 10:00 AM on the next workday. There will be additional charges for this time.**
- D. No materials related to the event such as dresses, decorations, etc. may be brought to the Museum earlier than the day of the event, unless arrangements, have been made with the Public Programs Director. Moreover, the Museum will not be liable for damage or loss of any of these materials left in any part of the Museum. There will be additional charges for this time.
- E. The caterer, photographers, event decorators, etc. will have access to the Museum building during business hours, and their time will be charged as part of the set up time.

### **V. Security and Staff Responsibility**

- A. One attendant for every 50 guests is required for all events after 5:00 p.m., any weekend event or event outside public hours **The Public Programs Director will contract attendants at \$25/hour per attendant.** Attendant is responsible for the safety of the building as well as the safety of the guests. The attendant has the right to enforce any rules or restrictions needed to carry out safe practices. The renter and security personnel, along with attendant, are required to see that no disturbances occur inside or outside the Museum. This includes fights, brawls, horseplay, harassment, etc. Noise must be kept to a reasonable level, inside and outside of the Museum so that the neighboring areas are not disturbed. The noise level of one group is not allowed to become disruptive to another group. Attendant will report all instances of damage to the Museum property and the renter will be held responsible.
- B. Staff Responsibility: A member of the Museum is required to be on site for building operation and maintenance during the hours specified in the contract. The Museum offers no other staff services for any events. All arrangements for catering, flowers, personnel, photography, music and decorations are the responsibility of the renter. A timeline and contact list of any contractors retained by the renter for these services must be given to the Program Director one month prior to the event.

**VI. Photographs**

The Museum recognizes the value of photographs and urges many to be taken. Special rules apply to photography in the Museum. Please consult Public Program Director to make your photography plan. As such we appreciate your permission to photograph your room set-up and decorations for our records.

**VII. Restrooms**

We ask the restrooms be left in the order in which they were found; clean and orderly. When cleaning up at the end of the event, please be sure you check the restrooms and that flower boxes, hangers, plastic, clothing, etc. are not left at the Museum.

**VIII. Approved Caterers**

- Aramark Catering                      Lynn Myers  
940.397.4424  
[lynn.myers@mwsu.edu](mailto:lynn.myers@mwsu.edu)
  
- Bistro Express                            Sera Daugherty  
940.781.4891  
[ssdaugherty@gmail.com](mailto:ssdaugherty@gmail.com)
  
- Branding Iron                            Larry Hise  
940.723.0338
  
- Kiowa Kooks                             Carl Nichols  
940.733.3122
  
- Monarch Catering                        Ryan Press  
940.723.8233 ext 5
  
- Traveling Bistro                         Ryan Dennis  
940.224.1171  
[thetravelingbistro@gmail.com](mailto:thetravelingbistro@gmail.com)
  
- Texas Best Catering                     Troy Collier  
940.691.3664  
[tcollier@texasbestbeefjerkv.com](mailto:tcollier@texasbestbeefjerkv.com)  
Menu at: [www.texasbestcatering.com](http://www.texasbestcatering.com)

**Both the Reservation Confirmation and the MSU Facility Use Agreement must be signed to confirm a reservation.**

**I, the renter, acknowledge that I have read the Event Policy of the Wichita Falls Museum of Art at Midwestern State University and I understand and agree to the rules and guidelines for rental of the facility.**

\_\_\_\_\_  
**Renter**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Type of Event**

\_\_\_\_\_  
**Date of Event**

\_\_\_\_\_  
**Public Programs Director**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Museum Director**

\_\_\_\_\_  
**Date**



Wichita Falls Museum of Art  
at Midwestern State University

**Facility Rental Fees**

The Rental Fees and Event Policy of the Wichita Falls Museum of Art at Midwestern State University are in compliance with the MSU Policies and Procedures Manual. Conditions are outlined in the MSU Policy and Procedures Manual and in the Event Policy of the Wichita Falls Museum of Art at MSU to all renters of the Museum facility.

As prescribed by the MSU Policy and Procedures Manual 4.117 BUILDING USE POLICY & FEE SCHEDULE – OUTSIDE GROUPS, the facility and grounds of the WFMA at MSU may be rented based on availability by profit and non-profit organizations and individuals.

**Rates for space use for Profit, Non-Profit and Individuals:**

Reservations are required for use of the Museum facility and grounds at last one month in advance. Rates for non-profit organizations are less than the for profit organizations, or may be free, based on the time of day and availability of the space.

	<u>Profit, Individuals</u>	<u>Non-Profit</u>
Event Suite	\$ 2,500 for 4 hour base	\$ 1,800 for 4 hours
Event Hall	\$ 1,500 for 4 hour base	\$ 750 for 4 hours
Art Lounge	\$ 750 for 4 hour base	\$ 250 for 4 hours
Grounds and Courtyard	\$ 500 for 4 hour base	\$ 250 for 4 hours
Education Classroom	\$ 100 for 4 hour base	\$ 50 for 4 hours

As prescribed by the MSU Policy and Procedures Manual 4.116 BUILDING USE POLICY & FEE SCHEDULE – INTERNAL GROUPS & ORGANIZATIONS, the facility and grounds of the WFMA at MSU may be rented based on availability by student sponsored groups, academic departments, colleges and schools, and administration.

**Rates for space use for student sponsored groups, academic departments, colleges and schools, and administration:**

Reservations are required for use of the Museum facility and grounds at last one month in advance. Rates are discounted, or may be free, based on the time of day and availability of the space. A user fee may be charged for MSU Internal Groups to cover set-up and cleanup and staffing.

**Descriptions of Spaces:**

**Event Suite-** This area includes the Event Hall, Art Lounge, Boardroom, Education Classroom, Grounds, Courtyard. The Event Hall with windows overlooking Sikes Lake, has media accommodations and polished concrete floor, the Art Lounge with windows overlooking the courtyard and grounds, and the education classroom. The Suite is available for weddings, receptions, parties, events, concerts, and films, etc..

**Event Hall-** 2000 square feet and has media accommodations and polished concrete floor, accommodates maximum 170 seated depending on the event. The Event Hall is available for small weddings, receptions, parties, events, concerts, films.

**Art Lounge-** 1000 square feet, and has a polished concrete floor. Accommodates a maximum of 70 seated. The Lounge is available for small weddings, receptions, parties, events, luncheons, and films.

**Grounds and Courtyard -** Accommodates a maximum of 150 seated around permanent sculpture in the Courtyard. No furniture from Museum may go on the grounds.

**Education Classroom -** 450 square feet and features a mural by Polly Cox and a tile floor. This is the small meeting room or preparation room for caterers. Accommodates a maximum of 25 seats for meetings.

**Included in rental price:**

<b>Attendant</b>	If event occurs during business hours event has one attendant
<b>Tables</b>	5ft round, 6ft round, 4 ft. round, 6 ft. rectangle 8 ft. rectangle, bistro tables
<b>Chairs</b>	White folding chairs for receptions, maroon and silver for meetings
<b>Cleaning</b>	After event
<b>Room Set up</b>	Minimum set up by Museum staff

**Deposits:**

<b>Reservation Deposit</b>	payment of 50% of estimated cost holds the date for your event and is applied to your final invoice
<b>Damage Deposit</b>	payment of 20% of estimated costs cover the cost for any damage to or excessive cleaning of the facility after your event. If damages/cleaning exceeds the deposit additional payment will be required.

**Additional Fees:**

<b>Outside Public Hours</b>	If event occurs when Museum is not open to the public, there is a charge for added attendants. Minimum 2 attendants per event at \$25 per hour
<b>Attendants &amp; Security</b>	TABC licensed server must be hired for liability purposes if alcohol involved. Museum will provide professional security at cost of \$25 per hour.
<b>Boardroom</b>	If needed with Event Hall for extra serving area cost \$250 per event
<b>Cleaning</b>	For special cleaning after event a fee of \$25 per hour may be charged.
<b>Linens</b>	White tablecloths to the floor for \$15/table, white and maroon table covering \$10 per table
<b>Media</b>	AV Cart, speakers, LED projector, microphones, flat screen TV, etc., are available for inside use at an additional cost of \$50/day for equipment and set up.
<b>Set Up and Breakdown</b>	Day of Event, an additional \$50 per hour, will be charged if time exceeds the base rental for all spaces except the Event Hall which is \$ 100 per extra hour and the Education Classroom which is \$25 per extra hour.  Day Prior to Event – space may be reserved for the entire day prior to the event for an additional \$500.00. After Event, an additional \$25 per hour will be charged if takedown exceeds the base rental.



Wichita Falls Museum of Art
at Midwestern State University
2 Eureka Cr. , Wichita Falls, Tx 76308

RESERVATION CONFIRMATION

Date:

Name:

Contact information:

Phone:

Email:

Lessee:

(Circle one) MSU Non-Profit Organization Business Individual Museum

Kind of Event:

Number of attendees expected:

Event Date and Time:

Set up:

Special Instructions

Per Attached Plan

Estimated Costs:

Space fee:

\$ \_\_\_\_\_

Additional fees:

Additional Set Up and Breakdown

\$ \_\_\_\_\_

Outside public hours

\$ \_\_\_\_\_

Attendants & Security \$25/hour each

\$ \_\_\_\_\_

Boardroom

\$ \_\_\_\_\_

Cleaning

\$ \_\_\_\_\_

Linens

\$ \_\_\_\_\_

Media

\$ \_\_\_\_\_

Discount for MSU Internal Group or Non-Profit

\$ \_\_\_\_\_

Total Estimate:

\$ \_\_\_\_\_

\*other possible charges may apply, please read the event policy closely\*

Reservation Deposit:

\$ \_\_\_\_\_ 50% of estimate & holds your date and will be applied to final bill

Damage Deposit:

\$ \_\_\_\_\_ 20% of estimate & will be collected 1 month before your event. If there is no damage, it will be returned to you.

Mary Helen Maskill
Director of Public Programs
mary.maskill@mwsu.edu
940.397.8947

Signature of Program Director \_\_\_\_\_
Date \_\_\_\_\_

Signature of Renter \_\_\_\_\_
Date \_\_\_\_\_

The Rental Fees and Event Policy of the Wichita Falls Museum of Art at Midwestern State University are in compliance with the MSU Policies and Procedures Manual, i.e. policies 4.116 and 4.117. Both the Reservation Confirmation and the MSU Facility Use Agreement must be signed to confirm a reservation.

2 Eureka Circle • Wichita Falls, Texas 76308 • 940.397.8900



**Attachment H**

**Risk, Safety, and Emergency Management Committee**

<b>Purpose:</b>	To review campus risk, safety, and emergency management programs and provide recommendations for policy changes and development of training and communication programs to ensure overall campus safety of student, faculty, staff, and visitors.
<b>Personnel:</b>	The Provost and Vice President for Academic Affairs, Vice President for Business Affairs and Finance (Chair), Vice President for Student Affairs and Enrollment Management, Associate Vice President for Facilities Services, Associate Vice President of Student Affairs/Dean of Students, Controller, Chief of University Police, Assistant Director for Facilities Services, Chief Information Officer, Stockroom Manager/Inventory Coordinator, Director of Human Resources, and Director of Marketing and Public Information.
<b>Reports to:</b>	President
<b>Members:</b>	
Provost and Vice President for Academic Affairs	Betty Stewart
Vice President for Business Affairs & Finance	Marilyn Fowlé, Chair
Vice President for Student Affairs & Enrollment Management	Keith Lamb
Associate Vice President for Facilities Services	Kyle Owen
Associate Vice President of Student Affairs/Dean of Students	Matthew Park
Controller	Gail Ferguson
Chief of University Police	Dan Williams
Assistant Director, Facilities Services	Rich Frank
Chief Information Officer	Randy Kirkpatrick
Stockroom Manager/Inventory Coordinator	Nathaniel Bland
Director of Human Resources	Dianne Weakley
Director of Marketing and Public Information	Julie Gaynor

**Creation of an Institutional Animal Care and Use Committee (IACUC)**

*Justification: Committee is needed to be a foundation for research of animal care. Having such a committee is a requirement to apply/receive grants from the National Science Foundation.*

**Implementation date: as soon as approved. This policy is based on the *Guide for the Care and Use of Laboratory Animals, 8<sup>th</sup> ed.*, The National Academic Press, Washington, D.C.**

**A. Introduction**

1. **An Institutional Animal Care and Use Committee (IACUC) will be established to ensure the proper care and use of animals in research.**
2. **The IACUC will ensure compliance with all federal and State requirements for the use of animals in research, as well as with established good practices in animal care and research.**

**B. Oversight**

1. **Oversight of the care and use of animals in research will rest with an appointed institutional official (IO), who will bear ultimate responsibility for the animal care and use program, an attending veterinarian (AV), who may be a consultant, and the members of the IACUC.**
2. **Each of these individuals and the IACUC will have established duties and procedures to follow that will be reviewed periodically and updated as needed.**


**C. IACUC**

1. **Responsibilities. The IACUC will establish procedures for, oversee, and regularly evaluate the animal care and use program. The IACUC will meet semi-annually and more often if needed and will keep accurate and timely records of its deliberations**
2. **Membership. The IACUC shall have a chairman and shall consist of**
  - **a veterinarian with animal care and use program responsibilities**
  - **at least one scientist experienced in laboratory animal procedures**
  - **at least one nonscientist**
  - **at least one public member with no other affiliation with the University**

**D. Review**

1. **As often as is needed and on an ongoing basis, the IACUC shall provide continuing review of animal care and use protocols and procedures; animal room and laboratory inspections; safety inspections; and specific inspections of animal care and use.**
2. **The IACUC may arrange for inspections by appropriately qualified external experts.**



	<b>FISCAL REGULATIONS and PROCEDURES</b>	Number: 5-21	
		Date: June 24, 2013	Page 1 of 6
		Department: Business Office	
Subject: Higher Education Assistance Funds (HEAF)			

#### I. General Principles Governing Use of HEAF

1. In accordance with Article VII, Section 17(a) of the Texas Constitution, Higher Education Assistance Funds (HEAF) are appropriated for the following purposes:

- Acquisition of land, either with or without permanent improvements
- Construction and equipping of buildings or other permanent improvements
- Major repair or rehabilitation of buildings or other permanent improvements
- Acquisition of capital equipment, library books, and library materials

2. Article VII also provides that governing boards may issue bonds or notes and pledge up to 50 percent of money allocated to secure payment of the principal and interest on the bonds or notes. The proceeds of the bonds or notes may be used for any of the purposes listed in item 1.

3. Institutions may not use HEAF for construction, equipping, repairing, or rehabilitating buildings or permanent improvements used exclusively for:

- Student housing
- Intercollegiate athletics
- Auxiliary enterprises

In the case of renovation of a building used in part for auxiliary enterprises, HEAF may be used proportionally for the Education and General portion of the building.

4. As a general principle, HEAF is to be used for acquiring, constructing, or improving tangible assets.


For the purposes of HEAF expenditures, tangible assets are defined as assets that have all the following characteristics:

- Are intended for use in current or future operations and not for the purpose of resale
- Are used for operations, the benefits of which extend over more than one fiscal year
- Have physical substance
- Provide measurable future benefit to the entity

Uses of HEAF are based upon the state definition of a "tangible asset," rather than a capital asset. A tangible asset may or may not be capitalized, or it may be partially capitalized.

For the purposes of these guidelines, costs of acquiring, constructing, or improving tangible assets include all directly related reasonable and legitimate costs.

**Double click to open and/or print the document.**

	<b>FISCAL REGULATIONS and PROCEDURES</b>	Number: 5-22	
		Date: June 24, 2013	Page 1 of 2
		Department: Business Office	
<b>Subject: Establishing Operating Accounts and Accounting Responsibilities</b>			

1. No expenditure of University funds may be made unless there is a currently established operating account in which the expenditure may be recorded.
2. An account is defined as a specific Banner fund/organization/program combination as assigned by the controller's office.
3. To open an account, please contact the Controller. You will be provided an account set-up sheet where you must provide;
  - The date,
  - The account name,
  - The administrator's name
  - The administrator's campus address,
  - The title of the senior administrator,
  - The source of funding, and
  - The college the account is associated with.

You will also need to provide an explanation of the purpose and any restrictions of the account. Once the form is filled out the administrator will need to return it to the Controller's Office for processing.

4. The Business Office will not establish a new account until approval has been received from the Controller. Upon approval, the department will be notified of the new account number.
5. It is the responsibility of each department head to account for the funds and property of his/her department and to exercise budgetary control over them. For that reason, all accounts have a designated account manager. It is the account manager's responsibility to ensure that each account under his/her control does not exceed budget limitations. In accounts where both revenues and expenditures are projected, if actual revenues do not meet budgeted revenues, it is the account manager's responsibility to reduce expenditures accordingly. All deficits are to be thoroughly investigated and resolved in a timely manner. Complete and accurate records of financial transactions are to be maintained by the Controller's Office. These records may be accessed by the appropriate account manager through the Banner finance system. Account managers are responsible for comparing their records with those of the Controller's Office and reporting any differences promptly to the Controller's Office.

**4.163 President's Office**

**USE OF TOBACCO PRODUCTS**

**Date Adopted/Most Recent Revision: 08/07/2009 - Effective Date: 01/01/2010**

**A. Policy**

Midwestern State University seeks to provide a safe, healthy, pleasant environment for its faculty, staff, and students. To this end, the use of tobacco products, including smoke and smokeless tobacco, and the advertising, sale, free distribution, and discarding of tobacco products shall be prohibited in all indoor and outdoor facilities and in all university vehicles. The policy extends to faculty, staff, students, vendors, guests, and visitors.

**B. Specifications**

1. Use of tobacco products" shall include
  - a. Possession of a lighted tobacco product
  - b. Use of smokeless tobacco products
  - c. Use of e-cigarettes and other tobacco derived products
2. "Indoor and outdoor facilities and university vehicles" shall include
  - a. All buildings and facilities owned or leased by Midwestern State University, including residential homes
  - b. All outdoor areas owned or leased by Midwestern State University, including the grounds of the Main Campus and the South Campus and the grounds of residential homes owned by the university
  - c. All university-owned or leased vehicles, including cars, pick-up trucks, vans, box trucks, and carts
  - d. All private vehicles parked on property owned or leased by Midwestern State University
3. Exceptions: None

**C. Enforcement**

1. It is the responsibility of all members of the campus community and campus visitors to observe the provisions of this policy.
2. It is the responsibility of all students, faculty, staff, and campus visitors to uphold the honor of the university by affirming its commitment to this policy.
3. Courtesy and consideration will be exercised when informing violators of this policy. No person will be retaliated against for informing others of the policy or asking others to comply with the policy.
4. A complaint against a violator who fails to comply with the policy after being asked by another to do so, may be referred to a provost and vice president for academic affairs, vice president, associate vice president, dean, or director. Appropriate disciplinary action may be applied to a violator against whom multiple complaints have been received.

**Ashlock, Cindy**

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**From:** Ned Bittinger <nedbit@earthlink.net>  
**Sent:** Monday, February 24, 2014 2:37 PM  
**To:** Ashlock, Cindy  
**Subject:** Re: Address?

Hi, Cindy. Nice to hear from you again. Hey, if you haven't mailed the pictures yet, mail them to this address.

1323 Escalante Street, Santa Fe, NM 87505

If you sent them to the other address, no worries. Just let me know.

Cheers,

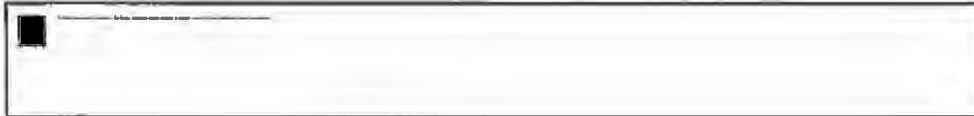
Ned  
505 204-1449

-----Original Message-----

**From:** "Ashlock, Cindy"  
**Sent:** Feb 21, 2014 3:12 PM  
**To:** "nedbit@earthlink.net"  
**Subject:** Address?

Ned, on Monday (2/24) I'm going to mail you copies of photos from our files of presidents Fillers, Crutsinger, Boren, and Moon. Just to confirm, is your address still 16 Camino de Vecinos, Santa Fe, NM 87507? Hope things have been going great for you. Cindy

**Cindy Ashlock**  
Executive Assistant to the President



3410 Taft Boulevard Wichita Falls, Texas 76308 (940) 397-6202  
[www.mwsu.edu](http://www.mwsu.edu)

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