

Administrative Council

January 9, 2017

Meeting No. 17-02

The Administrative Council met Monday, January 9, 2017, at 3:00 p.m. in the J. S. Bridwell Foundation Board Room in the Hardin Administration Building. Present were Dr. Suzanne Shipley, Chair; Dr. Marilyn Fowlé, Dr. Keith Lamb, Mr. Anthony Vidmar, Mr. Barry Macha, Mr. Kyle Owen, Mr. Kyle Williams, Dr. David Carlston, Mr. Matthew Park, Ms. Angie Reay, Ms. Debbie Barrow, Ms. Dawn Fisher, Ms. Julie Gaynor, Ms. Leigh Kidwell, Ms. Shayla Owens, and Ms. Cindy Ashlock.

MSU Policy and Procedures Manual

Policy 2.323, President's Office

and

Policy 2.31, President's Office, Administration Selection Process

Ms. Kidwell presented revisions to both policies that reflect current organizational structure and titles in place. **Attachment A**

NEW Policy 4.117, Suspected Dishonest or Fraudulent Activities

Ms. Kidwell proposed the addition of this policy as a result of SB20. The policy clarifies university policy in the event of suspected violations by university employees. **Attachment B**

NEW Policy X.XXX, Information Security

Ms. Kidwell recommended placing the policy in the policy manual. This policy will give the CISO Board approved authorization to create routine information technology policies. **Attachment C**

The Council recommended placing the policies in the February Board of Regents book.

New Policies Tabled

- **Acceptable Computer Usage**
- **Access Management**
- **Data Center Environmental Controls and Monitoring**
- **Information Technology Account Management**
- **Media Sanitization and Disposal**
- **Remote Access and VPN**
- **Security Awareness Training**
- **Software**

These policies were tabled but comments were made concerning grammatical and correctional information. Dr. Fowlé and Mr. Hall will bring the policies back to the Administrative Council at a later date.

Risk, Safety and Emergency Management Committee

Dr. Lamb requested that the Chief Information Officer be added to the structure of the committee. The Council approved the request. **Attachment D**

There being no further business, the meeting was adjourned at 3:46 p.m.


Suzanne Shipley, Chair


Cindy Ashlock, Secretary

2.323 President's Office

PRESIDENT'S OFFICE

Date Adopted/Most Recent Revision: 09/04/13

A. Office of the President

The purpose of this office is to serve the chief executive officer of the university who serves as the university's liaison with the Board of Regents, the Texas Legislature, the Texas Higher Education Coordinating Board and the Wichita Falls area community. It also assists the President with the internal relationships of the university.

B. Internal Audit Office

~~The Internal Auditor is directly responsible to the Board of Regents and the President. Responsibilities of the internal auditor are not confined to but include: developing long range and annual audit plans, and obtaining approval from the President and the Board of Regents of such audit plans; conducting audits as specified in the audit plan with documented deviations; including in the annual audit plan time to follow up on significant findings from previous audits; reviewing all operational areas for the stewardship of resources and compliance with established policies and procedures; reviewing internal administrative and accounting controls designed to safeguard resources and ensure compliance with laws and regulations; conducting special audits at the request of the President or Chairperson of the Board of Regents; reviewing institutional reports as necessary; preparing audit reports, which shall be reviewed by the President and the Board of Regents; conducting quality assurance reviews in accordance with professional standards and periodically taking part in a comprehensive external peer review; remaining free of all operational and management responsibilities that would impair the ability to make independent reviews of all aspects of the university's operations.~~

The Director of Internal Audits reports functionally to the Board of Regents through the board's Audit, Compliance and Management Review Committee and administratively to the President. The Director must remain free of all operational and management responsibilities that could impair his/her independence and his/her ability to carry out internal audit responsibilities in an unbiased manner. Responsibilities of the Director of Internal Audits include: ensuring compliance with the Texas Internal Auditing Act; developing an annual audit plan using an appropriate risk-based methodology and identifies the individual audits to be conducted during the year; submitting the annual audit plan to the President for review and to the Board of Regents for approval; implementing the annual audit plan including as appropriate any special projects requested by the Board of Regents, the President or university management; performing periodic audits of the university's major systems and controls; providing consulting and advisory services as appropriate; communicating the results of engagements promptly and to the appropriate individuals; maintaining a professional audit staff with sufficient knowledge, skills, experience; developing and maintaining a quality assurance and improvement program that covers all aspects of the internal audit activity; ensuring an external assessment is performed at least every three years by a qualified, independent assessor or assessment team from outside the University; assisting with any investigations of suspected fraudulent activities, defalcations, misappropriations or other fiscal irregularities; communicating to university management all recommendations to improve or strengthen internal controls, actions needed to correct existing conditions or to enhance performance based on issues uncovered during an investigation.

C. Athletics Program

The Athletics Program has as its purpose the administering of the athletics programs of the university in order to advance the interests of the students and community in sports. It encompasses the functions of dissemination of information in various sports, administration of athletics scholarships, ticket sales and distribution, development of the MSU M Club (university sports supporters), and administration of intercollegiate sports. The Director of Athletics is directly responsible to the President of the university and shall assume responsibility for administration of the intercollegiate athletics program as the President may delegate. It is further the responsibility of the Director of Athletics to develop and recommend suitable policies to the President, to advise university administrators of changes in relations with state and national athletics associations, and to recommend improvements, including facilities, for the athletics program. The Director will prepare, recommend, and administer the annual athletics budget, schedule sports events, recommend employment, and supervise coaches and assistants. The Director is also responsible for reporting immediately to the President and any conferences and/or athletic associations of which the university may be a member any violations of rules by members of the athletics department staff, student athletes, boosters, alumni and/or other representatives of the university's athletic interests. The Director of Athletics shall administer athletics grants-in-aid; ticket promotion, sales, and distribution; transportation of athletes; and the employment of athletics event officials. The director is expected to work closely with the Intercollegiate Athletics Committee, develop the MSU M Club and administer the athletics program in the best interest of the students, faculty, and community member supporters.

1. Coaches

Individual sports coaches are responsible for recruiting, developing and maintaining quality student athletes through the teaching of team fundamentals and strategies.

2. ~~Assistant Athletic Director for Business Affairs~~ Associate Athletic Director and Senior Woman Administrator

~~This office is~~ Responsible for the financial management of the intercollegiate athletics program, to include budgeting and budget reconciliation, ticket sales, record keeping, purchasing and accounts payable.

3. ~~Assistant Athletic Director for Marketing, Promotions and Sponsorships~~

~~This office is~~ Responsible for developing and implementing programs designed to increase fan interest and revenue for the intercollegiate athletics program.

**Associate Athletic Director for Development –
Responsible for overseeing Athletic Marketing and Promotions as well as all private and corporate development as it relates to the Athletic program.**

4. Assistant Athletic Director for Sports Information

~~This office~~ Coordinates all information issued from Athletics, maintains sports statistical records, and develops brochures, media guides and game programs.

5. ~~Compliance Coordinator~~ Executive Associate Athletic Director/Director of Compliance

~~This office is~~ Responsible for insuring compliance with all applicable rules of the National Collegiate Athletic Association and such other athletic sanctioning associations or conferences of which the university is a member. Serves as the general manager of the MSU Athletic Department.

D. Office of the General Counsel

The General Counsel reports directly to the Board of Regents and to the President and works under their direction. The role of the General Counsel is to provide legal services to the university and serve as legal advisor to the Board of Regents, the President, and other administrative officers of the university. When necessary and appropriate and with the approval of the Attorney General of the State of Texas, the General Counsel is responsible for the retention, direction, and use of all outside counsel to provide legal services to the university.

2.31

President's Office

ADMINISTRATION SELECTION PROCESS

Date Adopted/Most Recent Revision: 05/11/2012

A. Introduction

It is the policy of Midwestern State University to fill major administrative positions through the use of search advisory committees, except when such vacancies are filled through internal promotion either from within the same department or program or a department or program from another area of the university. When search committees are used, any or all candidates recommended for a position by the search committee or administrator may be rejected by the administrator involved and the selection process begun again. All nominations for positions on the various committees will be made on the basis of two nominations to fill one vacancy with the President having final approval of the membership of the committees. The following guidelines are to be used in the filling of the major administrative positions.

B. President

The appointment of the president of the university shall be made by the Board of Regents. The Board of Regents may appoint a Search Advisory Committee, which may make recommendations to the board concerning candidates for the position of president. The board shall make the final selection and approve a contract with the president for a maximum of three years (Texas Education Code 51.948). A two-thirds vote of the members present and voting shall be required for the election. The president may be granted faculty status and may be awarded tenure as a faculty member by the Board of Regents (Policy 2.335). A written contract shall be signed by the board chairperson, board secretary, and the president.

The president's performance shall be evaluated by the Board of Regents at its first regular meeting each calendar year.

~~1. Internal Auditor~~

~~The Internal Auditor will be appointed by the President.~~

~~2. Director of Human Resources~~

~~The Director of Human Resources will be appointed by the President.~~

3. 1. General Counsel

The General Counsel will be appointed by the President.

4. 2. Museum Director

The Museum Director will be appointed by the President

3. Director of Institutional Research & Assessment

The Director of Institutional Research & Assessment will be appointed by the President

C. Director of Internal Audits

The hiring of the Director of Internal Audits for the university shall be made by the Board of Regents. The board may appoint a Search Advisory Committee, which may make recommendations to the board concerning candidates for the position. The board shall make the final selection and offer of employment

D. Provost and Vice President for Academic Affairs

The Provost and Vice President for Academic Affairs will be appointed by the President. A search advisory committee for the selection of the Provost and Vice President for Academic Affairs shall be constituted by the President. The committee shall consist of no fewer than three faculty and one staff representatives, one dean, and one student. The members will be selected by the President in consultation with the Faculty Senate, the Staff Senate, and Student Government. The President will appoint the committee chair.

1. Associate Vice President for Outreach and Engagement Undergraduate Education and Assessment

The Associate Vice President for Outreach and Engagement Undergraduate Education and Assessment will be appointed by the President on recommendation of the Provost and Vice President for Academic Affairs.

2. University Librarian

The University Librarian will be appointed by the President upon recommendation of the Provost and Vice President for Academic Affairs. A search advisory committee for the selection of the University

Librarian shall be constituted by the Provost and Vice President for Academic Affairs. The committee shall consist of no fewer than one librarian and one representative of the library staff, three faculty representatives, and one student. The Provost and Vice President for Academic Affairs will appoint the committee chair.

3. Academic Success Center

The Director of the Academic Success Center will be appointed by the President on recommendation of the Provost and Vice President for Academic Affairs.

4. Honors Program Director

The Honors Program Director will be appointed by the President on recommendation of the Provost and Vice President for Academic Affairs.

5. Registrar

The Registrar will be appointed by the President upon recommendation of the Provost and Vice President for Academic Affairs.

6. Deans of Colleges

- a. A search advisory committee for the selection of the dean of a college or school shall be constituted by the Provost and Vice President for Academic Affairs. The committee shall consist of no fewer than three faculty representatives from the college or school within the university. In addition, one or more persons from either within the university or from outside the university may serve on the committee. The number of persons appointed from outside the university shall not exceed one half of the membership of the committee. The Provost and Vice President for Academic Affairs will appoint the committee chair, who may have an appointment within or outside the college or school.

- b. The committee will screen applicants and recommend candidates for further consideration. The final determination of the appointment shall be made by the President in consultation with the Provost and Vice President for Academic Affairs.

7. Department Chairs

Each dean will nominate Academic Department Chairs as needed for the programs in that college. The nomination is subject to approval by the Provost and Vice President for Academic Affairs and the President and should be made in consultation with the faculty who teach in that program.

8. Dean of the Graduate School

The Dean of the Graduate School will be appointed by the President in consultation with the Provost and Vice President for Academic Affairs. The Provost and Vice President for Academic Affairs will appoint the members of the search advisory committee and appoint the committee chair. The committee will be composed of one graduate program coordinator from each college with graduate programs, a graduate faculty member, a graduate student and a college dean. When circumstances dictate or allow the consideration of candidates both external and internal to the university, the position will be advertised nationally. When circumstances do not allow the consideration of an external candidate, the position will be advertised internally.

D. ~~Vice President for Administration and Institutional Effectiveness~~

~~The Vice President for Administration and Institutional Effectiveness will be appointed by the President. A search advisory committee for the selection of the Vice President for Administration and Institutional Effectiveness shall be constituted by the President. The committee shall consist of no fewer than two faculty and two staff representatives. The members will be selected by the President in consultation with the Faculty Senate and Staff Senate. The President will appoint the committee chair.~~

1. ~~Director of Institutional Research & Assessment~~

~~The Director of Institutional Research & Assessment will be appointed by the President upon recommendation of the Vice President for Administration and Institutional Effectiveness.~~

2. ~~Chief Information Officer~~

~~The Chief Information Officer will be appointed by the President upon recommendation of the Vice President for Administration and Institutional Effectiveness.~~

E. Vice President for ~~Business Affairs~~ Administration and Finance

The Vice President for ~~Business Affairs~~ **Administration** and Finance will be appointed by the President. A search advisory committee for the selection of the Vice President for ~~Business Affairs~~ **Administration** and Finance shall be constituted by the President. The committee shall consist of no fewer than two faculty and two staff representatives. The members will be selected by the President in consultation with the Faculty Senate and Staff Senate. The President will appoint the committee chair.

1. Controller

The Controller will be appointed by the President upon recommendation of the Vice President for ~~Business Affairs~~ **Administration** and Finance.

2. Associate Vice President for Facilities Services

The Associate Vice President for Facilities Services will be appointed by the President upon recommendation of the Vice President for ~~Business Affairs~~ **Administration** and Finance.

3. ~~Assistant Director of Facilities Services~~

~~The Assistant Director of Facilities Services will be appointed by the President upon recommendation of the Vice President for Business Affairs and Finance in consultation with the Associate Vice President for Facilities Services.~~

4. Director of Purchasing and Contract Management

The Director of Purchasing and **Contract Management** will be appointed by the President upon recommendation of the Vice President for ~~Business Affairs~~ **Administration** and Finance.

5. ~~Director of Payroll Supervisor~~

The ~~Payroll Supervisor~~ **Director of Payroll** will be appointed by the President upon recommendation of the Vice President for ~~Business Affairs~~ **Administration** and Finance.

6. Director of Budget and Management

The Director of Budget and Management will be appointed by the President upon recommendation of the Vice President for ~~Business Affairs~~ **Administration** and Finance.

7. Chief Information Officer

The Chief Information Officer will be appointed by the President upon recommendation of the Vice President for Administration and Finance.

8. Chief Information Security Officer

The Chief Information Security Officer will be appointed by the President upon recommendation of the Vice President for Administration and Finance.

9. Director of Human Resources

The Director of Human Resources will be appointed by the President upon recommendation of the Vice President for Administration and Finance.

F. Vice President for University Advancement and Public Affairs

The Vice President for University Advancement and Public Affairs will be appointed by the President. A search advisory committee for the selection of the Vice President for University Advancement and Public Affairs shall be constituted by the President. The committee shall consist of no fewer than two faculty and two staff representatives. The members will be selected by the President in consultation with the Faculty Senate and Staff Senate. The President will appoint the committee chair.

1. Director of Marketing and Public Information

The Director of Marketing and Public Information will be appointed by the President upon recommendation of the Vice President for University Advancement and Public Affairs.

2. Director of Alumni Relations

The Director of Alumni Relations will be appointed by the President upon recommendation of the Vice President for University Advancement and Public Affairs.

3. Director of University Development

The Director of University Development will be appointed by the President upon recommendation of the Vice President for University Advancement and Public Affairs.

G. Vice President for Student Affairs and Enrollment Management

The Vice President for Student Affairs and Enrollment Management will be appointed by the President. A search advisory committee for the selection of the Vice President for Student Affairs and Enrollment Management shall be constituted by the President. The committee shall consist of no fewer than two faculty, two staff representatives, and one student. The members will be selected by the President in consultation with the Faculty Senate, the Staff Senate, and Student Government. The President will appoint the committee chair.

1. **Associate Vice President for Student Affairs/Dean of Students**
The Associate Vice President for Student Affairs/Dean of Students will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management.
2. **Director of Admissions**
The Director of Admissions will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management
3. **Director of Career Management Center and Testing Services**
The Director of the Career Management Center and Testing Services will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management.
4. **Director of Student Financial Aid**
The Director of Student Financial Aid will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management.
5. **Director of International Services**
The Director of the Office of International Services will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management.
6. **Chief of Police**
The Chief of Police will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management.
6. ~~Dean of University Wellness and Director of Recreational Sports/Wellness Center~~
The ~~Dean of University Wellness and Director of Recreational Sports/Wellness Center~~ will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management.
7. **Director of Counseling Center**
The Director of the Counseling Center will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management. ~~in consultation with the Dean of University Wellness and Director of Recreational Sports.~~
8. **Director of Disability Support Services**
The Director of Disability Support Services will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management. ~~in consultation with the Dean of University Wellness and Director of Recreational Sports.~~
9. **Medical Director of Vinson Health Center**
The **Medical Director** of Vinson Health Center will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management. ~~in consultation with the Dean of University Wellness and Director of Recreational Sports.~~
10. ~~Vinson Health Center Physician~~
The ~~Vinson Health Center Physician~~ will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management ~~in consultation with the Dean of University Wellness and Director of Recreational Sports.~~
11. ~~Dean of Students and Director of Clark Student Center~~ **Director of Student Conduct**

~~The Dean of Students and Director of Clark Student Center~~ **Director of Student Conduct** will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management.

12. **Postal Services Supervisor**

The Postal Services Supervisor will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management ~~in consultation with the Dean of Students and Director of Clark Student Center.~~

13. **Director of Housing and Residence Life and Housing**

The Director of ~~Housing and Residence Life~~ **and Housing** will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management ~~in consultation with the Dean of Students and Director of Clark Student Center.~~

14. **Director of Student Development and Orientation**

The Director of Student Development and Orientation will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management ~~in consultation with the Dean of Students and Director of Clark Student Center.~~

15. **Director of Equity, Inclusion and Multicultural Affairs**

The Director of Equity, Inclusion and Multicultural Affairs will be appointed by the President upon recommendation of the Vice President for Student Affairs and Enrollment Management

Contracted Services

1. **University Food Service**

A food service vendor will be contracted for services by the Board of Regents upon recommendation of the President in consultation with the Vice President for Student Affairs and Enrollment Management. ~~in consultation with the Dean of Students and Director of Clark Student Center.~~

2. **University Bookstore**

A bookstore vendor will be contracted for services by the Board of Regents upon recommendation of the President in consultation with the Vice President for Student Affairs and Enrollment Management. ~~in consultation with the Dean of Students and Director of Clark Student Center.~~

H. **Director of Athletics**

The Director of Athletics will be appointed by the President. A search advisory committee for the selection of a Director of Athletics shall be constituted by the President. The committee shall consist of a representative from Academic Affairs, ~~Business Affairs~~ **Administration** and Finance, Student Affairs and Enrollment Management, University Advancement and Public Affairs, and the Athletics staff, and one faculty member and one student selected in consultation with the Faculty Senate and Student Government. The President will appoint the committee chair.

1. **Coaches**

a. **Full-Time Head Coaches**

The committee responsible to search and receive applications for full-time head coaching positions will consist of the Director of Athletics (serving as Chairperson), the Faculty Athletic Representative, the Dean of Students/~~Director of Clark Student Center~~ and one student athlete. The kinesiology chair and president of the MSU M-Club will serve as ex-officio, non-voting members of the committee.

b. **Less Than Full-Time Head Coaches and Assistant Coaches**

Since assistant coaches and/or graduate assistants are used for less than full-time head coaching positions in certain sports, formal search procedures are neither feasible nor desirable. Assistant Coaches and/or less than full-time head coaches will be appointed by the Director of Athletics, in consultation with the kinesiology program coordinator and with the approval of the President.

c. Pre-Employment Certification

Prior to offering employment to any head coach, the president or his designee shall contact the enforcement Office of the National Collegiate Athletic Association (NCAA) to determine if that coach has been sanctioned for violations of NCAA or conference rules. Employment shall not be offered to any coach who has had such sanctions imposed against him/her.

2. Executive Associate Athletic Director/Director of Compliance

The Executive Associate Athletic Director will be appointed by the President upon recommendation of the Director of Athletics.

3. Associate Athletic Director and Senior Woman Administrator

The Associate Athletic Director and Senior Woman Administrator will be appointed by the President upon recommendation of the Director of Athletics.

4. Associate Athletic Director for Development

The Associate Athletic Director for Development will be appointed by the President upon recommendation of the Director of Athletics.

~~4. Assistant Athletic Director for Marketing, Promotions and Public Relations~~

~~The Assistant Athletic Director for Marketing, Promotions and Public Relations will be appointed by the President upon recommendation of the Director of Athletics.~~

5. Assistant Athletic Director for Sports Information

The Assistant Athletic Director for Sports Information will be appointed by the President upon recommendation of the Director of Athletics.

~~6. Assistant Athletic Director for Business Affairs and Event Management~~

~~The Assistant Athletic Director for Business Affairs and Event Management will be appointed by the President upon recommendation of the Director of Athletics.~~



Policy 4.117: Suspected Dishonest or Fraudulent Activities

Approved MM DD, 2017
Next Scheduled Review: 11-2019

I. Policy Statement

Midwestern State University (“University”) prohibits fraudulent and dishonest behavior by members of the University community and University affiliates. It is the policy of the University to prevent and detect dishonest and fraudulent activities and consistently investigate suspected cases brought to the attention of University officials.

II. Reason for Policy

The purpose of this policy is to establish University policy regarding internal investigations of suspected defalcation, misappropriation, and other fiscal irregularities by providing for administrative steps to promptly identify and investigate such suspected cases of dishonest or fraudulent activities, demonstrating expectations of ethical behavior from members of the University community and University affiliates.

III. Application of Policy

This policy applies to University employees, students, and affiliates. It assigns responsibilities to specific University employees involved in handling suspected cases of dishonest or fraudulent activities.

IV. Definitions

Affiliates:

Individuals who have a business relationship with the University outside of traditional employment. They can be paid or unpaid, and include but are not limited to, affiliations associated with employees of contractors and volunteers.

Dishonest or Fraudulent Activities:

May include, but are not limited to, any or all of the following situations whether in tangible, paper or digital form as applicable:

- Misappropriation of University property or other fiscal irregularities.
- Forgery or inappropriate alteration of checks, drafts, promissory notes, or securities.

- Forgery or inappropriate alteration of employee benefit or salary-related items such as time sheets, billings, claims, surrenders, assignments, or changes in beneficiary.
- Forgery or inappropriate alteration of records relating to health.
- Forgery or inappropriate alteration of student-related items such as grade, transcripts, loans, or fee/tuition documents.
- Forgery or falsification of any official University document.
- Misappropriation of funds, securities, supplies, or any other state asset.
- Illegal or fraudulent handling or reporting of money transactions.
- Acceptance or solicitation of any gift, favor, or service that might reasonably tend to influence the employee in the discharge of his or her official duties.
- Willful and unauthorized destruction of records, furniture, fixtures, or equipment.
- Unauthorized alteration, manipulation or transfer of computer files or records.
- Fraudulent or dishonest financial reporting.
- Bribery, unlawful rebates, or kickbacks.
- Research or other academic fraud.
- Unauthorized disclosure of confidential or proprietary information of the University, student educational records, private personnel information, and medical information.
- Theft of University information, property, records or assets.
- Violation of an applicable state or federal statute.
- Violation or noncompliance with an applicable state or federal rule or regulation.
- Other similar illegal, dishonest or fraudulent conduct.

V. Responsibilities

1. Management must:

- a. Establish and maintain a system of internal controls which provides reasonable assurance improprieties are prevented and detected.
- b. Be familiar with the types of improprieties which might occur in his or her area and be alert for any indication of dishonest or fraudulent activity.
- c. Assure notification is made to an appropriate University official and to the Office of Internal Audits when dishonest or fraudulent activity is suspected.
- d. Support the University's fiduciary responsibilities and cooperate with law enforcement agencies in the detection, investigation, and reporting of criminal acts, including prosecution of offenders.
- e. Maintain the confidentiality of information regarding suspected cases of dishonest or fraudulent activity under investigation to the extent permitted by law.
- f. Maintain paper and electronic records in accordance with the University's records retention schedule.

2. Office of Internal Audits must:

- a. Ensure a link to the State Auditor's Office Fraud Hotline is included on the homepage of the University's website.
- b. Coordinate and or work with the University Police Department ("MSUPD") and the General Counsel to provide assistance to federal, state, and local law enforcement agencies.
- c. Coordinate with the Chief Information Security Officer or any other University office necessary to sufficiently investigate suspected dishonest or fraudulent activity.
- d. Assist MSUPD in investigations of suspected criminal activity that require accounting or auditing knowledge.
- e. Supervise all audits of allegations of defalcation, misappropriation, and other fiscal irregularities.
- f. Secure and limit access to investigative work papers to those individuals or entities designated by the Director of Internal Audits.
- g. Maintain the confidentiality of information gathered regarding dishonest or fraudulent activity under investigation to the extent permitted by law.
- h. Determine if additional work is needed in order to provide the University's Audit, Compliance, and Management Review Committee and appropriate University officials with a basis for taking corrective action following notification of a related investigation.
- i. As delegated by the Office of the President, notify the State Auditor's Office of suspected fraud or dishonest activity related to the operation of the University. The Office of Internal Audits shall report the reason and basis for the alleged fraud to the state auditor as required by Texas Government Code Chapter 321, Section 321.022.
- j. When appropriate, notify the President, MSUPD, and the General Counsel when the investigation of an allegation reveals suspected criminal activity which may constitute a felony offense. The President, or her or his designee, is responsible for notifying Chairperson of the Board of Regents.
- k. Consult with:
 - (1) the General Counsel about all requests for information and assistance related to investigations conducted by federal, state, and local agencies; and
 - (2) The Director of Human Resources or her or his designee about an investigation when appropriate.

3. University Police Department must:

- a. Coordinate investigations of all suspected criminal cases involving University operations.
 - b. Coordinate assistance provided to federal, state, and local law enforcement agencies as required by the General Counsel.
 - c. Coordinate investigations of suspected criminal activity to assure appropriate investigatory techniques are used should the case result in a decision to pursue criminal prosecution.
4. General Counsel must:
- a. Advise on legal issues associated with investigations and subsequent actions.
5. Chief Information Security Officer must:
- a. Collect, secure, and preserve relevant University digital data such as transaction, access, authentication, and system logs, emails, and electronic files in anticipation of a legal request, upon request from a University official.
 - b. Assist MSUPD in investigations of suspected dishonest or fraudulent activity which require specialized knowledge of or access to the University's network, computers or other information systems.
 - c. Report significant security incidents involving the unauthorized disclosure or modification of confidential information, e.g., sensitive personal information as defined in Section 521.002(a)(2), Business and Commerce Code, promptly to his or her immediate supervisor. If the security incident is assessed to involve suspected criminal activity e.g., violations of Chapters 33, Penal Code (Computer Crimes) or Chapter 33A, Penal Code (Telecommunications Crimes) it shall be reported promptly to law enforcement in accordance with University policy and with state or federal information security or privacy laws.
6. Employees must:
- a. Notify University officials or call the EthicsPoint Hotline (855-734-4210) or website to report any suspected dishonest or fraudulent activity involving University activities or property. The hotline is available 24 hours a day, 365 days a year and allows anonymous reporting with confidentiality maintained within the confines of the law.
 - b. Not knowingly make incorrect or false accusations.
 - c. Avoid alerting suspected individuals an investigation is underway.
 - d. Cooperate fully with any investigation conducted by the University including but not limited to MSUPD, the Office of Internal Audits, and the Information

Technology Department or with federal, state, and local law enforcement agencies as directed by the General Counsel.

7. Faculty, Staff, Students and the General Public may:

- a. Directly contact the Director of Internal Audits, the Chairperson of the Compliance and Ethics Coordinating Committee, University Chief of Police, Director of Human Resources, General Counsel or other University management whenever an activity is suspected to be dishonest or fraudulent. Individuals receiving such reports shall retain the anonymity of the reporting party subject to the extent allowable by law.

VI. Procedures

The procedures set forth in this section apply to suspected incidents of dishonest or fraudulent activity.

1. **Notification Responsibilities** – As described in section V. *Responsibilities*, certain individuals must make notifications under this policy. These individuals and their assigned notification responsibilities are outlined in *Appendix A - Notification Responsibilities for Suspected Dishonest or Fraudulent Activity*. This appendix includes the nature and timing of the notification required.
2. The University will vigorously pursue steps to recover any losses resulting from dishonest or fraudulent activities
3. **Coordination with External Law Enforcement Agencies** - As described in section V. *Responsibilities*, University officials must coordinate assistance provided to federal, state, and local law enforcement agencies.
 - a. All requests for information or assistance from such agencies received by other areas of the University shall be immediately forwarded to MSUPD.
 - b. MSUPD shall consult with the General Counsel for determination and appropriate handling of the request.
 - c. All appropriate assistance will be given to law enforcement agencies when properly requested.
4. **Investigations**
 - a. The Office of Internal Audits must be made aware of all suspected cases of dishonest or fraudulent activity. When an investigation reveals suspected criminal activity or is initiated due to an allegation of criminal activity, MSUPD must be notified immediately.
 - b. Investigations of suspected improprieties or irregularities shall be conducted by the University in a manner to avoid false accusations or to avoid alerting suspected individuals an investigation is underway. Accordingly, the person who made the report should not:
 - (1) Contact suspected individual to determine facts or demand restitution; or

- (2) Discuss any facts, suspicions, or allegations associated with the case with anyone, unless specifically directed to do so by the Office of Internal Audits, MSUPD, or the General Counsel.
- c. Confidentiality of those reporting dishonest or fraudulent activities will be maintained to the extent permitted by law, including but not limited to the applicable provisions of the Texas Public Information Act. An exception will occur when an individual is required to serve as a witness in legal proceedings.
- d. All inquiries from the suspected individual, his or her representative, or attorney shall be directed to the Office of the General Counsel.
- e. The Office of Internal Audits must keep its work papers secure and limit access to those individuals or entities as designated by the Director of Internal Audits and the General Counsel.
- f. The Director of Internal Audits has the discretion to stop the audit if the investigation fails to detect criminal activity or upon advisement from the Office of the General Counsel.
- g. For criminal investigations conducted by MSUPD, only prosecutors have the authority to make the legal determination regarding whether to pursue a criminal prosecution or terminate further investigation.
- h. The results of audits or investigations may not be disclosed or discussed with anyone other than authorized representatives of law enforcement or regulatory agencies and those persons associated within the University who have a legitimate need to know such results in order to perform their duties and responsibilities, subject to the provisions of state and federal law, including but not limited to the Texas Public Information Act.
- i. The Office of Internal Audits may communicate with management recommendations for improvements to strengthen internal controls, or actions to correct existing conditions or to enhance performance based on issues uncovered during an investigation.

5. Non Retaliation

- a. The University prohibits and does not tolerate retaliation against any individual who in good faith files a complaint of suspected illegal, dishonest, or fraudulent conduct or is involved as a witness or participant in the complaint or investigation process.
- b. Engaging in unlawful retaliation may result in disciplinary action, up to and including dismissal from the University.
- c. An individual who files a complaint that the individual knows or believes to be false is not protected by this provision against retaliation, and may be subject to disciplinary action up to and including dismissal from the University.
- d. The University encourages any person, who believes he or she has been subject to unlawful retaliation, or observes or is otherwise aware of an incident of

unlawful retaliation in violation of this policy, to report the incident promptly to the EthicsPoint Hotline by phone (855-734-4210) or website [HotLine](#).

VII. Related Statutes, Policies & Procedures and Websites

General Appropriations Act for the 2016-17 Biennium, 84th Texas Legislature, Regular Session, Part 7. Reporting Requirements, [7.09 Fraud Reporting](#).

Texas Government Code, Title 3, Subtitle C, [Chapter 321](#).

Texas Education Code, Chapter 51. Provisions Generally Applicable to Higher Education [Sec. 51.9337\(b\)](#), as amended by [Senate Bill 20](#).

Texas Administrative Code, Chapter 202, Security Reporting [Rule Section 202.73](#).

Texas Penal Code Chapter 33 [Computer Crimes](#) and Chapter 33A [Telecommunications Crimes](#).

Ethics Policy for Employees of Midwestern State University 3.314.

Midwestern State University Office of Internal Audits [Charter](#).

VIII. Responsible Office(s)

Contact: Office of Internal Audits
Phone: (940) 397-4914 Fax: (940) 397-4037
Email: leigh.kidwell@mwsu.edu

IX. Appendix A – Notification Responsibilities for Suspected Dishonest or Fraudulent Activity [Attached]

Appendix A

Notification Responsibilities for Suspected Dishonest or Fraudulent Activity

Who	When	Notifies Whom
University Employees	<ul style="list-style-type: none"> • Immediately upon observation of suspected dishonest or fraudulent activity 	Notification may be made through any of these options: <ul style="list-style-type: none"> • University Police Department • Director of Internal Audits • University Compliance & Ethics Coordinating Committee Chair • Director of Human Resources • University Management • EthicsPoint Hotline (855-734-4210) or <u>website</u>
University Compliance & Ethics Coordinating Committee Chair	<ul style="list-style-type: none"> • Immediately upon notice of possible dishonest or fraudulent activity 	Director of Internal Audits
Vice President for Administration and Finance	<ul style="list-style-type: none"> • Immediately when known significant loss has occurred (for insurance/fidelity bond claim notification) 	The President
Chief Information Security Officer	<ul style="list-style-type: none"> • Immediately when security incident has occurred to assess the business impact on affected resources and the current or potential technical effect of the incident. • Immediately when known the security incident will result in criminal violations, involve unauthorized disclosure or modification of confidential information or assessed to involve suspected criminal activity. 	Vice President for Administration and Finance Vice President for Administration and Finance, University Police Chief, General Counsel, The President
Director of Internal Audits	<ul style="list-style-type: none"> • As deemed appropriate when an internal audit investigation reveals suspected criminal activity which may constitute a felony offense; also when an investigation is initiated due to an allegation of criminal activity 	The President, University Police Chief, General Counsel, Board of Regents' Audit, Compliance & Management Review Committee Chair
	<ul style="list-style-type: none"> • As delegated by the President 	State Auditor's Office

Who	When	Notifies Whom
University Police Chief	<ul style="list-style-type: none"> • Immediately when MSUPD is involved in fraud investigation, and for periodic updates on progress of investigation 	Vice President for Student Affairs
General Counsel	<ul style="list-style-type: none"> • Periodically update on progress of Internal Audits' investigations 	The President, Board of Regents Chairperson
President, or her or his designee	<ul style="list-style-type: none"> • As deemed appropriate when an internal audit investigation reveals suspected criminal activity which may constitute a felony offense; also when an investigation is initiated due to an allegation of criminal activity. 	Board of Regents Chairperson



Policy 4.197: Information Security

Approved MM DD, 2017

Next Scheduled Review: 12-2017

X. Policy Statement

Midwestern State University (University) will protect, based on risk, all information and information resources against unauthorized access, use, disclosure, modification or destruction, including assuring the availability, confidentiality and integrity of information.

XI. Reason for Policy

This policy establishes the authority and responsibilities of the chief information security officer and provides the minimum standards for the information security program in accordance with the state's *Information Security Standards for Institutions of Higher Education* found in Title 1, Chapter 202, Texas Administrative Code (TAC 202) and other applicable requirements.

XII. Application of Policy

This policy applies to all information and information resources owned, leased or under the custodianship of any department, operating unit or employee of University, including resources outsourced to another institution, contractor or other source such as cloud computing.

XIII. Definitions

Information: Data as processed, stored, or transmitted by a computer.

TAC 202: Texas Administrative Code, Chapter 202. Policies of the State of Texas that apply to all state institutions of higher education.

Catalog: The Texas Department of Information Resources' (DIR) Security Control Standards Catalog.

CISO: Chief Information Security Officer

CIO: Chief Information Officer

Data owners: Entity or person that can authorize or deny access to certain data, and is responsible for its accuracy, integrity, and timeliness.

Data custodians: The technical partner for the data owner who is charged with keeping and protecting data for the data owner.

Users of information resources: Any person accessing University controlled systems and services.

XIV. Procedures and Responsibilities

The CISO will develop, document and implement a University-wide information security program to protect information and information resources complying with University rules and policies and applicable state and federal regulations in the following elements:

8. INFORMATION SECURITY PLAN

- a. The approved plan should be reviewed and updated annually taking into account changes in business, technology, threats, incidents, mission, etc.

9. PERIODIC RISK ASSESSMENT

- a. The purpose of the annual risk assessment is to identify, evaluate and document the level of impact on the university's mission, functions, image, reputation, assets or individuals that may result from the operation of the university's information systems.
- b. An assessment will be conducted and documented as required by TAC 202.

10. DATA LOSS PREVENTION PROGRAM

11. SECURITY AWARENESS TRAINING

12. CREATE AND AMEND POLICIES, PROCESSES, & CONTROLS

- a. Identify, define and document the responsibilities of data owners, data custodians and users of information resources.
- b. Reduce risks and comply with applicable state and federal regulations.
- c. Fulfill reporting requirements with applicable state and federal agencies.
- d. Follow established University procedures for approval, distribution, and appropriate education and training.

XV. Related Statutes, Policies & Procedures and Websites

[Texas Administrative Code Chapter 202](#)

[Texas DIR Security Control Standards Catalog](#)

XVI. Responsible Office(s)

Questions or comments regarding this Policy should be directed to:

Chief Information Security Officer

jim.hall@mwsu.edu

Extension 4680

XVII. History

Approval - Board of Regents MM DD, 2017

Risk, Safety and Emergency Management Committee	
Purpose:	To review all risk management campus safety issues including accidents and make appropriate recommendations for policy changes and Risk, Safety and Emergency Management training programs.
Personnel:	The Chief of University Police (Chair), the Vice President for Student Affairs and Enrollment Management, the Vice President for Administration and Finance, the Provost and Vice President for Academic Affairs, the Associate Vice President for Facilities Services, the Controller, the Lab/Hazardous Material Coordinator, the Vinson Health Center Physician, the Associate Vice President for Student Enrollment and Dean of Students, the Director of Human Resources, and the Director of Marketing and Public Information, and the Chief Information Officer
Reports to:	President
Members:	
Chief, University Police	Patrick Coggins (Chair)
Vice President for Student Affairs and Enrollment Management	Keith Lamb
Vice President for Administration and Finance	Marilyn Fowlé
Provost and Vice President for Academic Affairs	Betty Stewart
Associate Vice President for Facilities Services	Kyle Owen
Controller	Chris Stovall
Coordinator,-Lab/ Hazardous Material	Rich Frank
Medical Director, Vinson Health Center	Keith Williamson
Associate Vice President for Student Affairs and Dean of Students	Matthew Park
Director, Human Resources	Dawn Fisher
Director, Marketing and Public Information	Julie Gaynor
Chief Information Officer	<u>David Sanchez</u>