

Midwestern State University Board of Regents Meetings



November 5 and 6, 2009

Midwestern State University

Board of Regents Meetings

J. S. Bridwell Board Room

Schedule

Thursday, November 5, 2009

1:30 p.m. Board of Regents Meeting
 Committee of the Whole
 Executive Committee
 Finance and Audit Committee
 Investment Committee
 Personnel and Curriculum Committee
 Student Services Committee
 University Development Committee
 Athletics Committee

Friday, November 6, 2009

9:00 a.m. Board of Regents Meeting

MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS

Munir A. Lalani, Chairman
Carol Carlson Gunn, Ph.D., Vice Chair
F. Lynwood Givens, Ph.D., Secretary
Charles E. Engelman
Charlye O. Farris
Stephen A. Gustafson
Shawn G. Hessing
Jane W. Spears
Ben F. Wible
Lenny Benton, Student Regent

Midwestern State University Administration

Dr. Jesse W. Rogers, President

Ms. Debbie Barrow, Director, Board and Government Relations

Mr. Cohn Drennan, Director, Museum

Mr. Roger Lee, General Counsel

Mr. David Spencer, Internal Auditor

Ms. Dianne Weakley, Director, Human Resources

Dr. Russell Long, Interim Provost

Ms. Naoma Clark, Director, Academic Support Center

Dr. Mark Farris, Director, Honors Program

Dr. Ron Fischli, Dean, Lamar D. Fain College of Fine Arts

Dr. Patti Hamilton, Dean, Graduate Studies

Dr. Clara Latham, University Librarian

Dr. Pam Morgan, Director, Extended Education

Dr. Barbara Nemecek, Interim Dean, Dillard College of Business Administration

Dr. Grant Simpson, Dean, Gordon T. and Ellen West College of Education

Dr. Susan Sportsman, Dean, College of Health Sciences and Human Services

Dr. Betty Stewart, Dean, College of Science and Mathematics

Dr. Samuel Watson, III, Dean, Prothro-Yeager College of Humanities and Social Sciences

Dr. Larry Williams, Director, International Education

Mr. Juan Sandoval, Vice President for Administration and Finance

Mr. Michael Dye, Director, Information Systems

Ms. Gail Ferguson, Controller

Mr. Allen Goldapp, Associate Vice President for Facilities Services

Ms. Valarie Maxwell, Director, Budget and Management

Ms. Kathy Rice, Payroll Supervisor

Mr. Stephen Shelley, Director, Purchasing

Dr. Howard Farrell, Vice President for University Advancement and Student Affairs

Ms. Kristal Amador, Director, Annual Fund

Ms. Janus Buss, Director, Public Information and Marketing

Mr. Mike Hagy, Chief, University Police

Ms. Anne Opperman, Director, Donor Services and Special Projects

Ms. Leslee Ponder, Director, Alumni Relations

Mr. Kyle Williams, Director of Corporate and Sports Development

Mr. Keith Lamb, Associate Vice President for Student Affairs

Ms. Peggy Boomer, Director, Student Health Services

Mr. Michael Clifton, Director, Dining Services

Ms. Jenny Denning, Manager, Barnes and Noble Bookstore

Ms. Debra Higginbotham, Director, Disability Support Services

Ms. Sherry Kingcade, Director, Campus Card Services

Ms. Cindy Loveless, Campus Postal Supervisor

Dr. Pam Midgett, Director, Counseling Center

Mr. Dirk Welch, Director, Career Management Center

Mr. Dail Neely, Dean of Students

Dr. Joey Greenwood, Director, Recreational Sports and Wellness Programs

Mr. Matthew Park, Director, Student Development and Orientation

Mr. Danny Reddick, Director, Housing and Residence Life

Dr. Robert E. Clark, Vice President for Institutional Effectiveness

Ms. Julie Carter, Director, MSU Cycling

Ms. Lynn Ducioame, Director, Testing Center

Ms. Lisa Estrada-Hamby, Director, Upward Bound

Dr. Randy Glean, Director, International Services

Ms. Darla English, Registrar

Ms. Barbara Merkle, Director, Admissions

Ms. Kathy Pennartz, Director, Student Financial Aid

Ms. Cassie Slaybaugh, Director, Institutional Research, Planning, and Assessment

Mr. Charlie Carr, Director of Athletics

Mr. Doug Elder, Head Men's Soccer Coach

Ms. Venera Flores-Stafford, Associate Director of Athletics/Senior Woman

Administrator/Head Volleyball Coach

Ms. Noel Johnson, Head Women's Basketball Coach

Mr. Bill Maskill, Head Football Coach

Mr. Grant McCasland, Head Men's Basketball Coach

Mr. Kurt Portmann, Executive Associate Director of Athletics

Mr. Bill Powers, Assistant Athletic Director for Marketing, Promotions, and Public Relations

Mr. Jeff Ray, Head Golf Coach/Life Skills Coach

Mr. Trey Reed, Sports Information Director

Mr. Koby Styles, Head Women's Cross Country Coach

Mr. Brady Tigert, Head Softball Coach

Mr. Jeff Trimble, Head Women's Soccer Coach

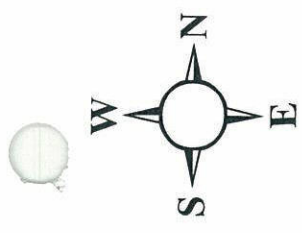
Mr. Larry Wiggins, Head Tennis Coach

Vacant, Strength and Conditioning Coach

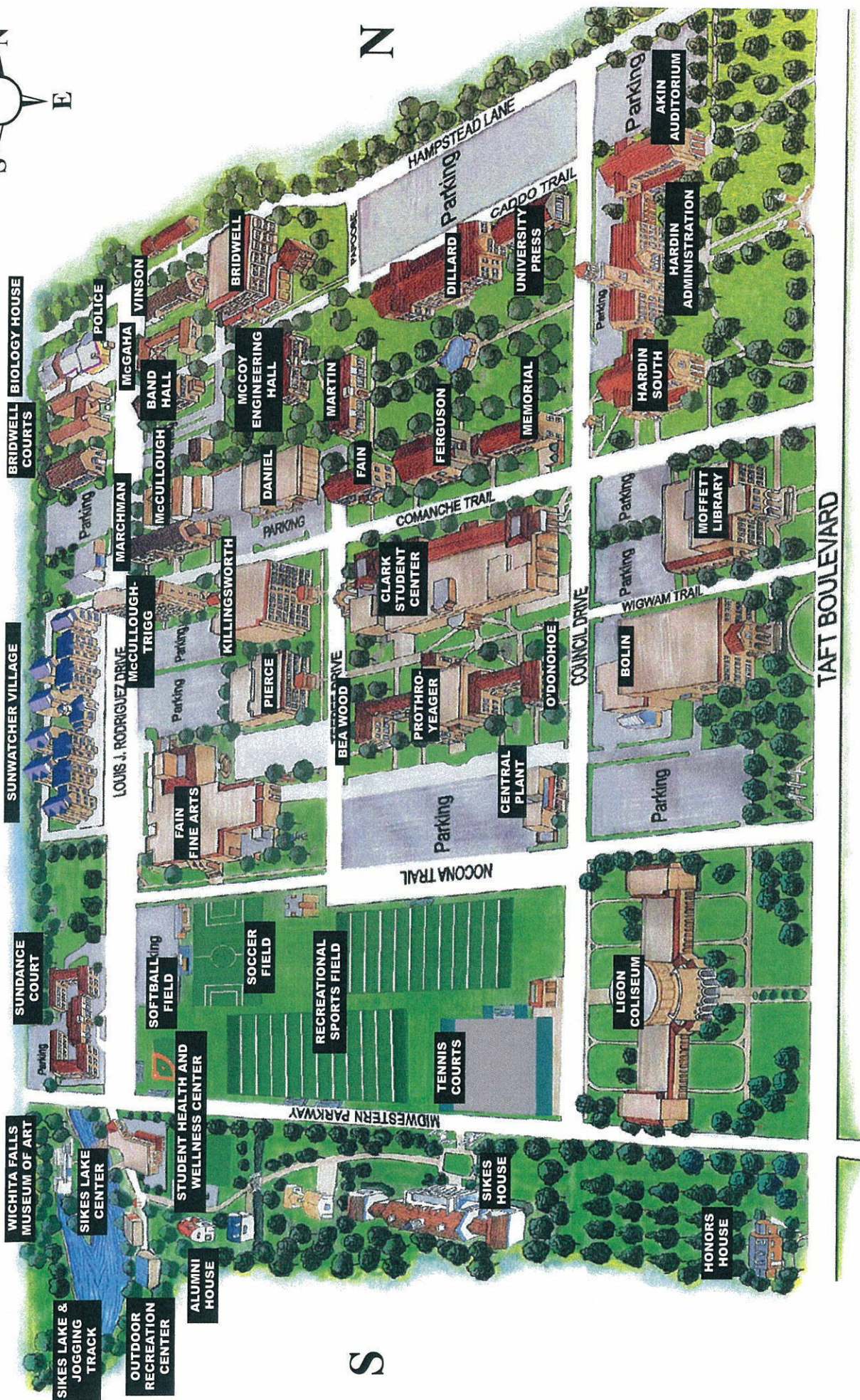
Ms. Ann Medford, Chair, MSU Faculty Senate

Mr. Chris Gore, Chairman, MSU Staff Senate

Mr. KeVaughn Graham, President, MSU Student Government Association



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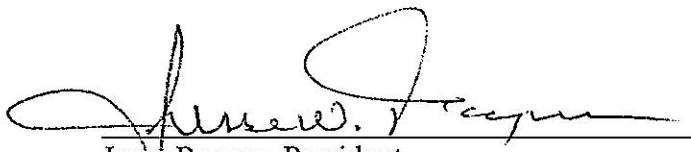


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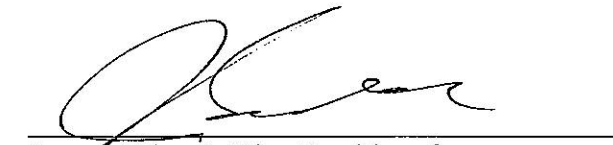
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Financial Certification

We certify that financial transactions included in this report are correct to the best of our knowledge, and we further certify that funds to cover allocations listed in this report are available subject to realization of estimated income as budgeted.



Jesse Rogers, President



Juan Sandoval, Vice President for
Administration and Finance

October 21, 2009
Date

COMMITTEE OF THE WHOLE

Committee of the Whole

Meeting Location: MSU Campus – 3410 Taft Boulevard
J. S. Bridwell Board Room

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Call to Order

Invocation

Introduction of Visitors

Opening Comments

Public Comment

A public comment period concerning agenda items will be provided in accordance with the Board of Regents By-Laws, MSU Policy 2.22.

EXECUTIVE COMMITTEE

Executive Committee

Membership

Munir Lalani, Chairman

Carol Gunn, Vice Chair

Lynwood Givens, Secretary

Charles Engelman, Member-At-Large

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Reading and Approval of Minutes

10-04. The minutes of the Executive Committee meeting August 6, 2009, are recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 10-04.

Maintenance Plan Update – MP2 and MP4

10-05. Each year the Texas Higher Education Coordinating Board (THECB) requests an update of the university's plans for deferred maintenance needs (MP2) as well as a report on completed deferred maintenance (MP4). The administration developed and submitted the reports as shown in Attachment 10-05. The reports are included for the regents' information; any modifications or changes desired by the regents will be forwarded to THECB.

Ligon Coliseum Renovation – Phase II

10-06. The administration has continued planning for Phase II of the Ligon Coliseum Renovation project, which includes the completion of infrastructure items and the renovation of public restrooms, offices, and dressing rooms. The administration recommends the following with regard to the Ligon Coliseum Renovation – Phase II:

- A. Approve the project at a cost not to exceed \$6.7 million, which would include bond proceeds and estimated interest earnings.
- B. Authorize the administration to seek approval of the project from THECB, as required.
- C. Authorize the administration to submit a proposal to the Texas Public Finance Authority and the Texas Bond Review Board for 25-year amortized bonds to fund this project. The Intercollegiate Athletics Fee would be the source of funds to pay this debt.
- D. Authorize the administration to secure services of a construction manager at risk through a Request for Proposal and issue contracts necessary

Athletics Facilities/Fields Projects

10-07. The administration requests board authorization to proceed with the design and construction of the following at a cost not to exceed \$1.8 million:

A. Synthetic turf practice field	\$900,000
B. Lighting for the softball field and the soccer field	425,000
C. Construction of a softball batting cage and locker room facilities	<u>475,000</u>

TOTAL ESTIMATE	\$1,800,000
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The anticipated source of funds would be donor/private funds.

Energy Conservation Project

10-08. The administration requests board authorization to seek funding and receive bids for an energy conservation project not to exceed \$5 million with a 10-year debt pay off. The project is intended to be self-funded through energy utility savings in connection with the Texas LoanSTAR Program. Energy Systems Associates of Austin was the consulting firm selected by the state. The contract with this firm also includes a secondary engineering review to monitor and ensure energy savings. The actual amount of available capital project funds would be contingent on certified annual savings of between \$300,000 and \$500,000, providing a 10-year pay off of the debt.

Pierce/Killingsworth Halls Project

10-09. The mechanical/HVAC systems in Pierce Hall and Killingsworth Hall are starting to fail and must be replaced. The anticipated cost of this project is \$900,000. The administration requests board authorization to secure services of a construction manager at risk through a Request for Proposal and issue contracts necessary to upgrade mechanical systems in Pierce and Killingsworth Halls. The recommended source of funds for this project is Housing Reserves.

EXECUTIVE COMMITTEE
ATTACHMENT

**Acronym Definitions for the
Master Plan Reporting Form**

MP-2: Master Plan-2, Assessment of Deferred Maintenance & Demolition Needs
MP-4: Master Plan-4, Deferred Maintenance Expenditures FY2009

PRI: Priority

ARCH: Architectural and Construction Cost

HVAC: Heating, Ventilation, or Air Conditioning Cost

P&E: Plumbing & Electrical Cost

L&M: Legislative Mandate Cost

Integrated Campus Planning System

Texas Higher Education Coordinating Board

Midwestern State University (003592)

10/13/09

Please print the following certification form and return it to the Texas Higher Education Board.

Master Plan Certification

I have reviewed the data listed below and I certify that the data reported below is complete and accurate.


Jesse Rogers, President

Institutional Contact

Name: Allen Goldapp
Title: Associate Vice President for Facilities
Phone: 940-397-4742
E-Mail: allen.goldapp@mwsu.edu

Assessment of Deferred Maintenance and Demolition Needs (MP2) Summary Report for Fiscal Years 2010-2014 as reported in FY 2010

Project Name	Type	Building Number	Building Name	Condition	Pri	Critical?	Arch	HVAC	P&E	Safety	L&M	Other	Total Cost
BRIDWELL DRAINAGE	Deferred Maintenance	0004	BRIDWELL HALL	Satisfactory	1	Non-Critical	\$183,000	\$0	\$0	\$0	\$0	\$0	\$183,000
BRIDWELL HALL HVAC	Deferred Maintenance	0004	BRIDWELL HALL	Satisfactory	2	Non-Critical	\$0	\$165,000	\$0	\$0	\$0	\$0	\$165,000
CAMPUS SIDEWALKS	Deferred Maintenance	0000			3	Non-Critical	\$20,000	\$0	\$0	\$0	\$0	\$0	\$20,000
GAS LINE REPLACEMENT	Deferred Maintenance	0000			4	Non-Critical	\$0	\$0	\$100,000	\$0	\$0	\$0	\$100,000
DOMESTIC WATER ISOLATION VALVES	Deferred Maintenance	0000			6	Non-Critical	\$0	\$0	\$30,000	\$0	\$0	\$0	\$30,000
CENTRAL PLANT POWER PANEL	Deferred Maintenance	0032	CENTRAL PLANT	Satisfactory	7	Non-Critical	\$0	\$0	\$25,000	\$0	\$0	\$0	\$25,000
CENTRAL PLANT HVAC	Deferred Maintenance	0032	CENTRAL PLANT	Satisfactory	8	Non-Critical	\$0	\$12,000	\$0	\$0	\$0	\$0	\$12,000
SOUTH CAMPUS SEWER	Deferred Maintenance	0000			9	Non-Critical	\$0	\$0	\$100,000	\$0	\$0	\$0	\$100,000
HARDIN BASEMENT AHU	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	10	Non-Critical	\$0	\$200,000	\$0	\$0	\$0	\$0	\$200,000
LIGON FIBER	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	11	Non-Critical	\$0	\$0	\$125,000	\$0	\$0	\$0	\$125,000
LIGON LIGHT BALLASTS	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	12	Non-Critical	\$0	\$0	\$23,000	\$0	\$0	\$0	\$23,000
LIGON RESTROOMS	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	13	Non-Critical	\$425,000	\$0	\$0	\$0	\$0	\$0	\$425,000
LIGON SMALL GYM FLOOR	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	14	Non-Critical	\$15,000	\$0	\$0	\$0	\$0	\$0	\$15,000
LIGON ELECTRICAL	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	15	Non-Critical	\$0	\$0	\$828,000	\$0	\$0	\$0	\$828,000

LIGON EXTERIOR DOORS	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	\$100,000	\$0	\$0	\$0	\$0	\$0	\$100,000
LIGON ELECTRICAL EQUIPMENT	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	\$0	\$0	\$40,000	\$0	\$0	\$0	\$40,000
HARDIN EAST WINDOWS	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	\$340,000	\$0	\$0	\$0	\$0	\$0	\$340,000
NETWORK FIBER	Deferred Maintenance	0000			\$0	\$0	\$100,000	\$0	\$0	\$0	\$100,000
BRIDWELL HALL CARPET	Deferred Maintenance	0004	BRIDWELL HALL	Satisfactory	\$62,500	\$0	\$0	\$0	\$0	\$0	\$62,500
BOLIN HVAC	Deferred Maintenance	0023	BOLIN HALL	Satisfactory	\$0	\$50,000	\$0	\$0	\$0	\$0	\$50,000
MOFFETT ROOF REPLACEMENT	Deferred Maintenance	0025	MOFFETT LIBRARY	Satisfactory	\$250,000	\$0	\$0	\$0	\$0	\$0	\$250,000
MOFFETT CARPET	Deferred Maintenance	0025	MOFFETT LIBRARY	Satisfactory	\$250,000	\$0	\$0	\$0	\$0	\$0	\$250,000
MOFFETT RESTROOMS	Deferred Maintenance	0025	MOFFETT LIBRARY	Satisfactory	\$250,000	\$0	\$0	\$0	\$0	\$0	\$250,000
STEAM LINES	Deferred Maintenance	0000			\$0	\$40,000	\$0	\$0	\$0	\$0	\$40,000
BOLIN TRANSFORMER	Deferred Maintenance	0023	BOLIN HALL	Satisfactory	\$0	\$0	\$150,000	\$0	\$0	\$0	\$150,000
LIGON TRANSFORMER	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	\$0	\$0	\$100,000	\$0	\$0	\$0	\$100,000
FOUNTAIN EQUIPMENT	Deferred Maintenance	0000			\$0	\$0	\$125,000	\$0	\$0	\$0	\$125,000
BOLIN FILTER RACKS	Deferred Maintenance	0023	BOLIN HALL	Satisfactory	\$0	\$10,000	\$0	\$0	\$0	\$0	\$10,000
BOLIN ROOF TOP VENTS	Deferred Maintenance	0023	BOLIN HALL	Satisfactory	\$0	\$20,000	\$0	\$0	\$0	\$0	\$20,000
TEEPEE DRIVE RECONSTRUCTION	Deferred Maintenance	0000			\$200,000	\$0	\$0	\$0	\$0	\$0	\$200,000
WF MUSEUM AND ARTS HVAC ROOF TOP UNITS	Deferred Maintenance	0016	WF MUSEUM AND ARTS OF MSU	Satisfactory	\$0	\$100,000	\$0	\$0	\$0	\$0	\$100,000
FAIN FINE ARTS RESTROOMS RENOVATE	Deferred Maintenance	0011	FAIN FINE ARTS CENTER	Satisfactory	\$75,000	\$0	\$0	\$0	\$0	\$0	\$75,000
FAIN FINE ARTS FRESH AIR	Deferred Maintenance	0011	FAIN FINE ARTS CENTER	Satisfactory	\$0	\$150,000	\$0	\$0	\$0	\$0	\$150,000
FAIN FINE ARTS DOWN SPOUTS	Deferred Maintenance	0011	FAIN FINE ARTS CENTER	Satisfactory	\$30,000	\$0	\$0	\$0	\$0	\$0	\$30,000
HARDIN DATA WIRING	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	\$0	\$0	\$115,000	\$0	\$0	\$0	\$115,000
FAIN FINE ARTS DATA WIRING	Deferred Maintenance	0011	FAIN FINE ARTS CENTER	Satisfactory	\$0	\$0	\$110,000	\$0	\$0	\$0	\$110,000
HARDIN GUTTERS	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	\$140,000	\$0	\$0	\$0	\$0	\$0	\$140,000
HARDIN ADA	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	\$100,000	\$0	\$0	\$0	\$0	\$0	\$100,000
HARDIN SOUTH RAMP	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	\$50,000	\$0	\$0	\$0	\$0	\$0	\$50,000
HARDIN EXTERIOR DOORS	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	\$100,000	\$0	\$0	\$0	\$0	\$0	\$100,000
MOFFETT ADA MODIFICATIONS	Deferred Maintenance	0025	MOFFETT LIBRARY	Satisfactory	\$50,000	\$0	\$0	\$0	\$0	\$0	\$50,000
MOFFETT HVAC	Deferred Maintenance	0025	MOFFETT LIBRARY	Satisfactory	\$0	\$500,000	\$0	\$0	\$0	\$0	\$500,000
BOLIN DATA WIRING	Deferred Maintenance	0023	BOLIN HALL	Satisfactory	\$0	\$0	\$60,000	\$0	\$0	\$0	\$60,000
HARDIN AIR HANDLERS	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	\$0	\$500,000	\$0	\$0	\$0	\$0	\$500,000

MCGAHA SEWER REPLACEMENT	Deferred Maintenance	0018	MCGAHA HALL	Satisfactory	46 Non-Critical	\$0	\$0	\$10,000	\$0	\$10,000
MCGAHA ROOF REPLACEMENT	Deferred Maintenance	0018	MCGAHA HALL	Satisfactory	47 Non-Critical	\$25,000	\$0	\$0	\$0	\$25,000
MCGAHA FAN HVAC	Deferred Maintenance	0018	MCGAHA HALL	Satisfactory	48 Non-Critical	\$0	\$150,000	\$0	\$0	\$150,000
TENNIS COURT TRANSFORMERS	Deferred Maintenance	0000			49 Non-Critical	\$0	\$0	\$140,000	\$0	\$140,000
FAIN FINE ARTS TRANSFORMER	Deferred Maintenance	0011	FAIN FINE ARTS CENTER	Satisfactory	50 Non-Critical	\$0	\$0	\$100,000	\$0	\$100,000
Totals by Project Type					Totals (49 Projects)	\$2,665,500	\$1,897,000	\$2,281,000	\$0	\$0 \$6,843,500

Totals by Project Type

Critical Type	Deferred Maintenance		Demolition		Totals	
	Number of Projects	Total Cost	Number of Projects	Total Cost	Number of Projects	Total Cost
Critical	0	\$0	0	\$0	0	\$0
Critical-Auxiliary	0	\$0	0	\$0	0	\$0
Non-Critical	49	\$6,843,500	0	\$0	49	\$6,843,500
Totals	49	\$6,843,500	0	\$0	49	\$6,843,500

Deferred Maintenance 5 Year Plan

Fiscal Year	Number of Projects	Totals
2010	10	\$860,000
2011	16	\$2,923,500
2012	12	\$1,110,000
2013	8	\$1,025,000
2014	6	\$925,000

Integrated Campus Planning System

Texas Higher Education Coordinating Board

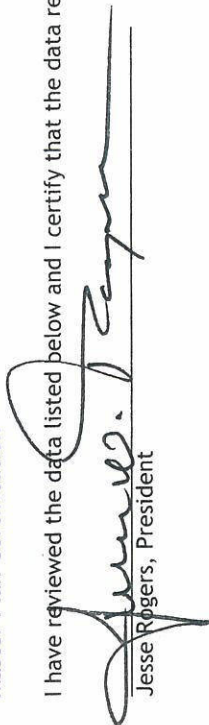
Midwestern State University (003592)

10/13/09

Please print the following certification form and return it to the Texas Higher Education Board.

Master Plan Certification

I have reviewed the data listed below and I certify that the data reported below is complete and accurate.


Jesse Rogers, President

Institutional Contact

Name: Allen Goldapp
Title: Associate Vice President for Facilities
Phone: 940-397-4742
E-Mail: allen.goldapp@mwsu.edu

Deferred Maintenance Expenditures (MP4) Summary Report for FY 2009 as reported in FY 2010

Project Name	Type	Building Number	Building Name	Condition	Pri	Critical?	Arch	HVAC	P&E	Safety	LEA	Other	Total Cost
BRIDWELL HALL HVAC	Deferred Maintenance	0004	BRIDWELL HALL	Satisfactory	2	Non-Critical	\$0	\$22,880	\$0	\$0	\$0	\$0	\$22,880
DOMESTIC WATER ISOLATION VALVES	Deferred Maintenance	0000			6	Non-Critical	\$0	\$0	\$15,000	\$0	\$0	\$0	\$15,000
DANIEL BLDG DOORS	Deferred Maintenance	0012	DANIEL BUILDING	Satisfactory	8	Non-Critical	\$12,945	\$0	\$0	\$0	\$0	\$0	\$12,945
BOLIN SOUTH DRAINAGE	Deferred Maintenance	0023	BOLIN HALL	Satisfactory	9	Non-Critical	\$2,175	\$0	\$0	\$0	\$0	\$0	\$2,175
FAIN FINE ARTS HVAC AND EGRESS	Deferred Maintenance	0011	FAIN FINE ARTS CENTER	Satisfactory	10	Non-Critical	\$0	\$31,500	\$0	\$0	\$0	\$0	\$31,500
MUSEUM ROOF TOP UNITS	Deferred Maintenance	0016	WF MUSEUM AND ARTS OF MSU	Satisfactory	12	Non-Critical	\$0	\$23,794	\$0	\$0	\$0	\$0	\$23,794
LIGON FLAT AND CLAY ROOFS	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	13	Non-Critical	\$1,452,426	\$0	\$0	\$0	\$0	\$0	\$1,452,426
LIGON ROOF REPLACEMENT	Deferred Maintenance	0034	D.L. LIGON COLISEUM	Remodeling (Cost less than 25% of Replacement)	14	Non-Critical	\$389,965	\$0	\$0	\$0	\$0	\$0	\$389,965
MCGAHA RAMP AND ENTRY	Deferred Maintenance	0018	MCGAHA HALL	Satisfactory	17	Non-Critical	\$1,164	\$0	\$0	\$0	\$0	\$0	\$1,164
FAIN FINE ARTS WATER LINE	Deferred Maintenance	0011	FAIN FINE ARTS CENTER	Satisfactory	20	Non-Critical	\$0	\$0	\$50,000	\$0	\$0	\$0	\$50,000
HARDIN WINDOWS	Deferred Maintenance	0001	HARDIN ADMINISTRATION BUILDING	Remodeling (Cost less than 25% of Replacement)	30	Non-Critical	\$53,000	\$0	\$0	\$0	\$0	\$0	\$53,000
MOFFETT ELEVATORS	Deferred Maintenance	0025	MOFFETT LIBRARY	Satisfactory	36	Non-Critical	\$94,543	\$0	\$0	\$0	\$0	\$0	\$94,543
Totals (12 Projects)							\$2,006,218	\$78,174	\$65,000	\$0	\$0	\$0	\$2,149,392

Totals by Project Type

Critical Type	Deferred Maintenance		Demolition		Totals	
	Number of Projects	Total Cost	Number of Projects	Total Cost	Number of Projects	Total Cost
Critical	0	\$0	0	\$0	0	\$0
Critical-Auxiliary	0	\$0	0	\$0	0	\$0
Non-Critical	12	\$2,149,392	0	\$0	12	\$2,149,392
Totals	12	\$2,149,392	0	\$0	12	\$2,149,392

FINANCE & AUDIT
COMMITTEE

Finance and Audit Committee

Membership

Shawn Hessing, Chairman
Charles Engelman
Lynwood Givens
Jane Spears

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Reading and Approval of Minutes

10-10. The minutes of the Finance and Audit Committee meeting August 6, 2009, are recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 10-10.

Review and Acceptance of Financial Report

10-11. The administration recommends the July, 2009, Financial Report for acceptance. This report was previously distributed to the board.

FY 2009-2010 Item \$50,000 & Under Approved by President

10-12. In accordance with board policy, President Rogers authorized the following increase to the budget of \$50,000 and under for the 2009-2010 fiscal year. The administration recommends the following budget change for ratification.

<u>From Account:</u>		<u>To Account:</u>		<u>Purpose</u>	<u>Amount</u>
<u>Number</u>	<u>Title</u>	<u>Number</u>	<u>Title</u>		
26000	Unallocated	26000	Student Service Fee	Funds necessary to assist student organizations with leadership opportunities and organizational skills.	\$ 10,000
23260	Student	24005	Reserve		
10	Service Fee	20			
	Total				\$10,000

Salary/Title/Position Changes in 2008-2009 Budget Approved per Board Authorization

10-13. Salary, title, and position changes approved by the president are presented for ratification as shown below. New positions were also approved by the Chairman of the Board of Regents.

<u>Position/Title</u>	<u>New Position/Title</u>	<u>Budget Change</u>	<u>Justification/Explanation</u>
Interim Dean, Dillard College of Business Administration		\$24,168	Overlap of 08-09 and 09-10 COBA Dean

Interim Provost		\$40,002	Overlap of 08-09 and 09-10 Provost/Interim Provost
Assistant Men's Basketball Coach		\$166	Filled position above budgeted amount.
College Coordinator		(\$117)	Filled position below budgeted amount.
BSN Nurse Educator		\$760	Filled position above budgeted amount
Groundskeeper		(\$40)	Filled position below budgeted amount.
Police Officer		(\$2,644)	Filled position below budget.
	Machinist Technician/McCoy School of Engineering	\$4,333	New position required by Accreditation Board for Engineering and Technology
	Writing Proficiency Coordinator	\$3,334	New employee began work in August prior to the new fiscal year
Payroll Assistant I	Payroll Assistant II	\$1,096	Promotion to better address job duties.
TOTAL		\$71,058	

Salary/Title/Position Changes in 2009-2010 Budget Approved per Board Authorization

10-14. Salary, title, and position changes approved by the president are presented for ratification as shown below.

<u>Position/Title</u>	<u>New Position/Title</u>	<u>Budget Change</u>	<u>Justification/Explanation</u>
Assistant Professor Dillard College of Business Administration		(\$5,004)	Terminal degree not completed
Maintenance Technician		(\$1,272)	Filled position below budgeted amount.
Secretary II, Writing Proficiency Exam		\$15,600	.75 FTE position added
TOTAL		\$9,324	

Faculty Positions 2010-2011 Budget – Critical Faculty Needs

10-15. The administration requests permission to initiate searches for the following continuing faculty positions for the fall 2010 semester.

College	Department	Estimated Cost	Justification
Lamar D. Fain College of Fine Arts	Art (graphic design) (Assistant Professor)	\$44,000-51,000 plus benefits	New component in the art program. Graphic design has become a staple for equipping art students to use computers and software as tools. These skills help make art students more marketable.
Prothro-Yeager College of Humanities and Social Sciences	Psychology (Assistant Professor)	\$53,000-55,000 plus benefits	This position is necessary to meet the growing demand for psychology courses. The addition of this position will reduce the number of courses taught by teaching assistants and adjunct faculty.
Prothro-Yeager College of Humanities and Social Sciences	History (Chair/Associate or Professor)	\$65,000-75,000 plus benefits	This position has been filled by an interim for four years. An administrator with experience is needed to meet the rising demands for assessment and accountability.

Recommended Adjustments to Original Operating Budget FY 2010

10-16. The FY 2010 operating budget was developed with an anticipated fall enrollment of 6,150. The university's enrollment for the fall semester was 6,343, which provided increased revenue support in the amount of \$951,915 for the university. The administration recommends the following increases to the operating budget:

A. Increase in <u>mid-year</u> compensation, from 2% to 3%	\$150,000
B. Add two secretarial positions, Dillard College, accreditation	48,500
C. Add Visiting Professor, Dillard College, ½ year	50,000
D. Replace shortfall in Dillard College endowment income	80,000
E. Campus deferred maintenance, risk management and safety projects	<u>120,000</u>

TOTAL RECOMMENDED BUDGET INCREASE

\$448,500

INVESTMENT COMMITTEE

Investment Committee

Membership

Charles Engelman, Chairman
Shawn Hessing
Jane Spears
Ben Wible

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Review and Acceptance of Investment Report

10-17. The administration recommends the fourth quarter 2009 investment report for acceptance. This report was previously distributed to the board.

Redwine Quasi-Endowment Fund Report

10-18. In May, 2009, the Board of Regents established a quasi-endowment fund from the proceeds of the Bruce Redwine Estate and instructed that a report be presented to the board in November of each year concerning the use of these funds during the previous fiscal year. The report concerning this fund for fiscal year 2009 is shown as Attachment 10-18 and is presented as a point of information only.

Investment Policy

10-19. The Texas Public Funds Investment Act requires that the Board of Regents review and approve the institution's investment policy each year. The administration recommends changes to the investment policy, as shown in Attachment 10-19.

Investment Management Services

10-20. The administration will provide information concerning investment management services and will make recommendations as necessary, particularly as it relates to the investment of MSU endowment funds and funds received from the Redwine Estate.

INVESTMENT COMMITTEE
ATTACHMENTS

Redwine Estate Quasi Endowment
August 31, 2009

	<u>Totals</u>	<u>Redwine Endowment</u>	<u>Redwine Scholarships</u>
Beginning Fund Balance, 9-1-08			
Gift Income - Cash	\$ 6,000,000.00	\$ 6,000,000.00	
Gift Income - 796 Gold Krugerrands	621,252.60	621,252.60	
	<u>6,621,252.60</u>	<u>6,621,252.60</u>	
Sold 517 Krugerrands	(391,816.95)	(391,816.95)	
Net Proceeds of Sale	<u>487,527.09</u>	<u>487,527.09</u>	
Gain on Sale of Krugerrands	<u>95,710.14</u>	<u>95,710.14</u>	
Unrealized gain on remaining Krugerrands	36,590.85	36,590.85	
Interest Earnings	30,517.27	30,517.27	
Interest Earnings Transferred	-	(15,135.07)	\$ 15,135.07
Funds transferred to complete match commitment to Priddy gift	<u>(326,000.00)</u>	<u>(326,000.00)</u>	
Ending Fund Balance, 8-31-09	<u>\$ 6,458,070.86</u>	<u>\$ 6,442,935.79</u>	<u>\$ 15,135.07</u>

4.182 INVESTMENT POLICY

Date Adopted/Most Recent Revision: 05/11/2007

A. Purpose

The purpose of this investment policy is to establish cash management and investment guidelines for the investment and protection of university funds in order to ensure that the university's investments are duly authorized, properly managed, and adequately protected. This policy is intended to:

1. Establish prudent investment procedures.
2. Assure that investment assets are adequately safeguarded.
3. Assure that adequate accounts and records are maintained which reflect investment position and results.
4. Assure that a system of good internal controls is maintained.

This policy provides investment guidelines for all funds invested by Midwestern State University to ensure compliance with university standards, the Public Funds Investment Act (Tx Govt Code 2256), and all other state and federal laws.

B. Investment Objectives

1. Safety of Principal:

Each investment transaction shall seek to reduce the likelihood of capital losses, whether from security defaults or erosion of market value.

2. Liquidity:

The investment portfolio shall remain sufficiently flexible to enable the university to meet all operating requirements which may be reasonably anticipated in any funds.

3. Public Trust:

In managing the investment portfolio, officials shall avoid any transaction that might impair public confidence in the university. Investments shall be made with precision and care, considering the probable safety of the capital as well as the probable income to be derived. No security shall be purchased that has either a limited or nonexistent secondary market.

4. Rate of Return:

The investment portfolio shall be designed with the purpose of regularly exceeding the average return of three month U.S. Treasury bills and the State of Texas Treasury yield. The investment program shall seek returns above this threshold, consistent with the overall investment policy and other investment objectives.

C. Investment Fund Administration

1. Investment Responsibility

Investment responsibilities are delegated by the Midwestern State University Board of Regents to the President and the Vice President for Administration and Finance. Each member of the Board shall attend at least one (1) training session relating to the person's responsibilities under the Public Funds Investment Act within six (6) months after taking office. The university's chief financial officer and controller shall attend at

least one (1) training session relating to that person's responsibilities within six (6) months after assuming duties and shall attend a training session not less than once in a two (2) year period and prepare a report to the Board of Regents on such training. This training must include education in investment controls, security risks, strategy risks, market risks, and compliance with the Public Funds Investment Act (Tx Govt Code 2256.007).

2. Day-to-Day Supervision

The Controller shall be responsible for the daily supervision and implementation of the investment program and shall be authorized to purchase, sell and invest university funds in accordance with the Public Funds Investment Act and this investment policy, with approval of the President or the Vice President for Administration and Finance.

3. Record Keeping

Transaction and accounting records shall be complete and prepared on a timely basis with consideration at all times to the adequacy of an audit trail. Internal controls will assure responsible separation of duties and diminish the real and prospective burden on individual employees.

4. Custody

Custody of investment assets shall be in compliance with applicable laws and arranged to provide as much security, trading speed, and flexibility as possible.

D. Investment Strategy - Short-term Operating Funds

1. The daily cash position will be monitored by the Controller to ensure that non-interest bearing cash is minimized. The collection time of all dividend and interest payments will be accelerated to the extent possible. The university will maintain a minimum of \$1,000,000 available in overnight funds which will be kept in Texpool, Logic, or repurchase agreements. Should balances fall below this amount for any reason they will be replenished at the earliest opportunity from the first available cash receipts.
2. Overnight or short-term (thirty [30] days) funds shall be invested through a competitive bid or offer process as follows:
 - a. Banks in the local area are to be contacted by telephone to obtain their current certificate of deposit rates.
 - b. An unaffiliated investment broker is to be contacted to obtain statewide Texas banks' certificate of deposit rates.
 - c. Texpool or LOGIC, or other Board-approved cash investment pools are to be contacted to obtain current overnight rates.
 - d. Funds shall be placed based on the best rate quoted.
3. Transactions to purchase or sell securities shall be entered into on the basis of "best execution," which normally means best realized net price for the security. Settlement of all transactions except investment pool funds must be on a delivery versus payment basis.
4. The goal of the university will be that the portfolio shall be adequately diversified at all times in accordance with these investment guidelines. Specific investment ranges and

investment policy limitations ~~without regard to collateralized mortgage obligations acquired prior to September 1, 1995,~~ are as follows:

	Minimum	Maximum
U.S. Treasury Obligations	0%	100%
Federal Agency Obligations	0%	90%
Federal Agency Mortgage-Backed	0%	25%
Municipal Obligations	0%	50%
Certifications of Deposit (Insured)	0%	20%
Purchase Agreements (Collateralized)	0%	20%
Mutual Funds	0%	15%
Approved Investment Pools	0%	50%

5. The university's pooled investment fund is comprised primarily of operating funds, and fund balance equity that carries forward from year to year. At the beginning of each fiscal year, the Controller and Vice President for Administration and Finance will analyze current operating cash needs as well as any cash requirements for capital projects that will occur within the next two (2) years. This analysis will include a two (2) year time line which clearly identifies any known cash requirements and the approximate month in which the cash must be available. Once an analysis of project needs has been assembled, an analysis of current economic conditions and interest rate levels and projections from third party outside sources should be reviewed. Investment maturities are to be structured in such a way as to maintain a liquid or currently maturing balance for all operating funds budgeted for expenditure during the fiscal year. If interest rates are rising or anticipated to increase these funds may be kept in short-term investment pools such as TEXPOOL. If interest rates are falling or are projected to fall, these funds should be invested to match projected cash needs as determined. Funds in excess of operating funds may be invested, preferably by staggering maturities, for longer than a year.
6. Bond proceeds are to be invested separately and apart from the university's pooled investment fund and maturities are to be structured in such a way as to provide sufficient cash to meet construction expenditures.
7. Investments donated to the university for a particular purpose or for a specific use as specified by the donor may be held in investments other than those identified as authorized investments in this policy. Such investments shall be held apart from the university's pooled investment fund. Those investments shall be subject to all other requirements of this policy.
8. The investment staff shall be responsible for following the "prudent person" standard which shall be applied in the management of the portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the possible income to be derived.

E. Endowment Funds - Long-Term Investments

Midwestern State University will manage its endowments in accordance with appropriate endowment management principles indicated below.

1. The university's financial goal for the investment of endowment funds is to preserve the inflation-adjusted purchasing power of principal and income after accounting for endowment spending.
2. The university's overall investment policies are consistent with endowment management principles embodied in the Uniform Management of Institutional Funds Act (Texas Property Code, Chapter 163).
3. The endowment principles used will focus on long-term growth of the endowment principal, while maintaining the purchasing power of the funds over time.
4. The university will delegate the management of assets to outside parties. Such will allow access to the investment expertise of professional asset management firms.
5. The Vice President for Administration and Finance and/or the University Controller will coordinate with the professional asset management firm to ensure flexibility in cash disbursements in accordance with the university's needs.
6. It is the practice of Midwestern State University to re-invest part of the earned endowment income to the principal endowment corpus. MSU will work with the professional investment management firm, ensuring growth of the endowment principal while satisfying the university's needs as specified by individual fund donors.
7. The university will report on investment performance to the Board of Regents on a quarterly basis. Periodic reporting of investment performance will ensure that management and the members of the Board of Regents have information necessary to monitor investment manager performance effectively.
8. The university recognizes that although donor-directed investment strategies may restrict investment options within the endowment portfolio, the investments will adhere to donor intent.
9. **The allowable range and target asset allocation for the endowment fund is:**

	<u>Minimum</u>	<u>Maximum</u>
<u>Equities Securities</u>	<u>0%</u>	<u>60%</u>
<u>Fixed Income Securities</u>	<u>0%</u>	<u>100%</u>
<u>Cash or Cash Equivalents</u>	<u>0%</u>	<u>10%</u>

F. Investment Brokers/Dealers

1. The Board of Regents and the President may hire independent investment advisors or investment managers to assist university personnel in the execution of their investment responsibilities. All routine investments will be purchased or sold utilizing an established list of qualified firms. The Board of Regents shall annually review, revise,

and adopt a list of qualified brokers that are authorized to engage in investment transactions with the university. Qualified firms must be regulated by the Securities Exchange Commission and be members of the National Association of Securities Dealers, Inc.

2. A written copy of this investment policy shall be presented to any person offering to engage in an investment transaction with the university. The qualified representative of the business organization shall execute a written instrument substantially to the effect that the business organization has:
 - a. Received and reviewed this investment policy; and
 - b. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the university and the organization that are not authorized by the university's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the university's entire portfolio or requires an interpretation of subjective investment standards.
 - c. The investment officer may not acquire or otherwise obtain any authorized investment described in this investment policy from a person who has not delivered the written instrument to the university as described above.
 - d. Nothing in this section relieves the university of the responsibility of monitoring the investments made by the university to determine that they are in compliance with this investment policy.

G. Investment Ethics

Officers and investment staff involved in the investment process shall refrain from personal business activity, as defined by the Public Funds Investment Act (Tx Govt Code 2256.005), that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. A member of the Board shall not direct nor participate in the decision to purchase or sell securities of a firm with which such member is significantly affiliated. Securities will not be purchased from or sold to a member of the Board. All investment staff must report any affiliation with another firm or organization to the President and the Internal Auditor. On an annual basis the staff will report the nature and extent of any investments in or business transacted with such firms.

H. Investment Guidelines

Funds must be invested at all times in strict compliance with the Public Funds Investment Act (Tx Govt Code 2256) and other applicable laws.

1. **Authorized Investments.** Authorized investments include the following.
 - a. Obligations of the United States or its agencies and instrumentalities.
 - b. Direct obligations of the State of Texas or its agencies and instrumentalities.
 - c. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States.
 - d. Other obligations, the principal of an interest on which are unconditionally guaranteed or insured by the State of Texas or United States.
 - e. Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized

investment rating firm and having received a rating of not less than A or its equivalent.

- f. Certificates of deposit issued by state and national banks domiciled in this state that are guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor, or collaterally secured by those obligations as listed above in a.- e.
- g. Certificates of deposit issued by a savings bank domiciled in this state that are guaranteed or insured by the Federal Savings and Loan Insurance Corporation or its successor, or collaterally secured by those obligations as listed above in a. - e.
- h. Fully collateralized repurchase agreements having a defined termination date, secured by obligations described in a. above, and the securities are pledged to the university, held in the university's name and deposited at the time the investment is made with the university or with a third party selected and approved by the university, and is placed through a primary government securities dealer as defined by the Federal Reserve, or a financial institution doing business in this state. Repurchase agreement means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described in a. above, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. This term includes a direct security repurchase agreement and a reverse security repurchase agreement. The term of any reverse security repurchase agreement may not exceed ninety (90) days after the date the reverse security repurchase agreement is delivered. Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.
- i. Prime domestic bankers' acceptances with a stated maturity of two-hundred-seventy (270) days or less from the date of issuance and will be liquidated in full at maturity, are eligible for collateral for borrowing from a Federal Reserve Bank, and are accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1, P-1, or the equivalent by at least one nationally recognized credit agency and is fully secured by an irrevocable letter of credit issued by a bank.
- j. Commercial paper with a stated maturity of two-hundred-seventy (270) days or less from the date of its issuance that is rated not less than A-1, P-1, or the equivalent by at least two (2) nationally recognized rating agencies, or is rated at least A-1, P-1, or the equivalent by at least one (1) nationally recognized credit agency and is fully secured by an irrevocable letter of credit issued by a bank.
- k. SEC-registered, no-load money market mutual funds and no-load mutual funds as described in and limited by the Public Funds Investment Act (Tx Govt Code 2256.014).
- l. Guaranteed Investment contracts for bond proceeds as described in the Public Funds Investment Act (Tx Govt Code 2256.015)
- m. Investment Pools as described in the Public Funds Investment Act (Tx Govt Code 2256.016).
- n. Corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

2. Unauthorized Investments

Effective September 1, 1995, in compliance with the Public Funds Investment Act (Tx Govt Code 2256.009b), the following are not authorized investments:

- a. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal (interest-only).
- b. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest (principal only).
- c. Collateralized Mortgage obligations that have a stated final maturity date of greater than ten (10) years.
- d. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

I. Performance Measurement

The investment performance of the funds will be measured by an unaffiliated organization with recognized expertise in this field, and compared against the stated performance goals. Measurement will occur at least monthly and will be used to evaluate the results on investment holdings. Reports will be prepared in compliance with generally accepted accounting principles and will describe in detail the investment position of the university and will include, by individual investment, the book value, market value, accrued interest, maturity dates, any purchases, sales, gains or losses and the fund or pooled account for which each individual investment was acquired. Reports shall be distributed to the President, the Vice President for Administration and Finance, and the Internal Auditor. The Board of Regents shall receive the report no less than quarterly. The reports to the Board of Regents must be prepared and signed by the investment staff of the university and certified as to the portfolio's compliance with these policies and the Public funds Investment Act (Tx Govt Code 2256.023).

J. Interest Rate Risk Measurement

The university will measure on a quarterly basis the interest rate risk of its securities. ~~any security that is not in compliance with this policy and was purchased prior to adopting this policy.~~ The university will monitor and be aware of the overall interest rate and market value risk it is taking, ~~and will move toward a profile that is in compliance with the intent of the Public Funds Investment Act (Tx Govt Code 2256) and this policy.~~

PERSONNEL & CURRICULUM
COMMITTEE

Personnel and Curriculum Committee

Membership

Carol Gunn, Chair
Lynwood Givens
Jane Spears
Ben Wible

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Reading and Approval of Minutes

10-21. The minutes of the Personnel and Curriculum Committee meeting August 6, 2009, are recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 10-21.

Faculty Report

10-22. A representative of the MSU Faculty Senate will update the board on faculty-related issues.

Staff Report

10-23. A representative of the MSU Staff Senate will update the board on staff-related issues.

Enrollment Report – Fall 2009

10-24. The fall enrollment report is shown as Attachment 10-24.

Small Class Report – Fall 2009

10-25. Section 51.403(d) of the Texas Education Code requires MSU to present a small class report to the Board of Regents. Small classes, for the purpose of this report, are undergraduate-level courses with less than 10 registrations, and graduate-level courses with less than five registrations. The small class report for the fall 2009 semester is shown as Attachment 10-25.

Review of Personnel Reports for FY 08-09 Budget

10-26. The report of personnel changes in July and August, 2009, are presented for information as shown in Attachment 10-26.

Review of Personnel Report for FY 09-10 Budget

10-27. The report of personnel changes in September, 2009, is presented for information as shown in Attachment 10-27.

December 2009 Graduating Class

10-28. The administration recommends approval of the list of candidates for December 2009 graduation with the provision that they meet all requirements as prescribed by the faculty and administration (see Attachment 10-28).

Texas Optional Retirement Program and Voluntary Tax Sheltered Annuity 403(b) Program Plan Documents

10-29. The Texas Optional Retirement Program and the Voluntary Tax Sheltered Annuity plans were adopted by Midwestern State University on January 1, 1969 and June 13, 1962. Changes in the Internal Revenue Service (IRS) regulations required institutions to draft a formal written plan document to be effective January 1, 2009, and the university complied. The IRS further required that the final plan documents be adopted by the governing board of the institution no later than December 31, 2009. The delay was necessary to give the IRS adequate time to interpret the requirements and develop a prototype document. MSU's written plan documents are presented as shown in Attachment 10-29. The administration recommends the board adopt these plans and authorize the president to sign the documents as required by the IRS.

Approval of 2010-2011/2011-2012 Academic Calendars

10-30. The proposed academic calendars for the academic years 2010-2011 and 2011-2012 are presented for approval as shown in Attachment No. 10-30.

Admissions Standards

10-31. The administration will provide information and present recommendations concerning increasing admission criteria for beginning freshmen students beginning with the fall 2011 semester.

Organization Change and Program Title Changes

10-32. The Kinesiology Program is currently housed in the College of Health Sciences and Human Services, and offers degree programs in athletic training, exercise physiology, and kinesiology or sports management with teacher certification. The administration has determined that the oversight of the undergraduate teacher certification and sports management degree programs, as well as the graduate sports administration/coaching course of study should be transferred to the West College of Education. In making this organizational change, the following title changes are recommended:

- A. A Department of Athletics Training and Exercise Physiology be formed within the College of Health Sciences and Human Services
- B. The Counseling and Special Education Program within the West College of Education be changed to the Counseling, Kinesiology, and Special Education Program.

Addition of Major – M.Ed. in Sport Administration; Approval of Mission Statement

10-33. With the proposed reorganization of the kinesiology program, the West College of Education has proposed offering a new M.Ed. in Sport Administration degree program. The addition of this new major is designed for students who are interested in entering the coaching and school sports administration fields. No new faculty or facilities are required with this addition. The administration recommends approval of this new major and also recommends approval of the mission statement for this program, as shown below.

Mission Statement: The Master's of Education degree with a major in Sport Administration prepares students for coaching and administrative positions in interscholastic and intercollegiate athletics, intramural recreation, and community-based programs in sport, recreation, and leisure services. The curriculum offers students a

broad background in theoretical and practical applications associated with best practices and current research.

MSU Policies and Procedures Manual Changes

10-34. The following changes to the *MSU Policies and Procedures Manual* are recommended for approval. Items recommended for deletion are shown with an overstrike (–); new wording is shown in **bold and underlined** format.

- A. Policy 2.22, Board of Regents' By-Laws – the position of Student Regent was created by the Texas Legislature and changes are recommended to reflect this change in the Board of Regents' By-Laws and to identify also the Texas Education Code reference concerning the MSU Board of Regents (see Attachment 10-34A).
- B. Policy 2.31, Administration Selection Process – changes are recommended to reflect the current organizational structure within the area of university advancement and student affairs, and to clarify the search process for various administrative positions (see Attachment 10-34B).
- C. Policy 2.337, Vice President for University Advancement and Student Affairs – changes are recommended to reflect the current organizational structure within the area of university advancement and student affairs (see Attachment 10-34C).
- D. Policy 2.338, University Boards, Councils & Committees – University Advancement and Student Affairs Council, Core Curriculum Committee, and University Website Committee – changes to these committees are recommended to reflect the organizational structure and facilitate effective functioning of the committee (see Attachment 10-34D).
- E. Policy 3.114, Faculty Performance Review – changes are recommended to provide review of graduate faculty in the annual faculty review process (see Attachment 10-34E).
- F. Policy 3.127, Faculty Workload Policy – a change to the list of teaching load reductions is recommended to satisfy the National Association of Schools of Theatre's standard that "policies concerning loads should be clearly developed and published with regard to the variety of educational, artistic, and administrative duties undertaken by theatre faculty." A change to the Independent Study load determination reflects a change in the colleges' budget alignment (see Attachment 10-34F).
- G. Policy 3.147, Graduate Faculty Requirements – changes are recommended to provide guidelines regarding the appointment of graduate faculty (see Attachment 10-34G).
- H. Policy 3.217, Employee Leave – changes are recommended to comply with recent changes enacted by the 81st. Texas Legislature, to add information regarding

Employee Birthday Leave for staff employees, and to clarify the policy (see Attachment 10-34H).

- I. Policy 3.340, Americans with Disabilities - changes are recommended to comply with recent changes enacted by the 81st. Texas Legislature and to clarify the policy (see Attachment 10-34I).

PERSONNEL & CURRICULUM
COMMITTEE ATTACHMENTS

Enrollment Report**Fall 2009**

	<u>2008</u>	<u>2009</u>
Beginning Freshmen	675	708
Re-enrolling Freshmen	613	613
Sophomore	1,136	1,179
Junior	1,179	1,278
Senior	1,758	1,830
Post-Baccalaureate	110	90
Graduate	<u>622</u>	<u>645</u>
TOTAL ENROLLMENT	6,093	6,343
 SEMESTER CREDIT HOURS	 68,944	 71,760

Enrollment **+4.10%**

Semester Credit Hours **+4.08%**

Small Class Report

Course Sections Offered, Fall 2009

Class Level	Method of Instruction	Number of Sections	Percent of Total Sections
Undergraduate	Independent Study	36	3.2%
	Laboratory	198	17.5%
	Lecture	621	55.0%
	Combined Lecture & Lab	143	12.7%
	Practicum	79	7.0%
	Private Lesson	44	3.9%
	Seminar	8	0.7%
	Total	1129	100%
	Small Classes*	51	4.5%
Graduate	Independent Study	25	13.1%
	Laboratory	6	3.1%
	Lecture	96	50.3%
	Combined Lecture & Lab	7	3.7%
	Lecture/Practicum	6	3.1%
	Practicum	11	5.8%
	Seminar	11	5.8%
	Thesis	29	15.2%
	Total	191	100%
	Small Classes*	6	3.1%

*Classes having enrollments below the established minima of ten (10) students for undergraduate classes and five (5) students for graduate classes on the twentieth class day.

Summary of the Personnel Position Status Reports for 9/1/08 – 8/31/09

September 2008 Associate Professor/English (increased teaching load)

Net position change: +.25 (Faculty)

Assistant Professor/Nursing (increased teaching load – two positions)

Net position change: +.50 (Faculty)

Assistant Professor/Nursing (decreased teaching load)

Net position change: -.50 (Faculty)

January 2009 Instructor/Biology (decreased teaching load)

Net position change: -.25 (Faculty)

International Outreach Specialist

Net position change: +1 (Professional Non-Faculty)

Ratified by Board of Regents, 2/13/09

Director, Autism Support

Net position change: +1 (Professional Non-Faculty)

Ratified by Board of Regents, 2/13/09

March 2009 Police Officer II (temporary position addition)

Net position change: +1 (Police)

Ratified by Board of Regents, 5/15/09

April 2009 Associate Professor/English (decreased teaching load)

Net position change: -.25 (Faculty)

Men's and Women's Golf Coach/Life Skills Coach

Net position change: +1 (Professional Non-Faculty)

Approved by Board of Regents, 8/8/08

Graduate Recruiter/Grant Coordinator (increased to full-time)

Net position change: +.5 (Professional Non-Faculty)

Ratified by Board of Regents, 5/15/09

Region 9 P-16 Counselor (changed to benefit eligible)

Net position change: +.5 (Professional Non-Faculty)

Ratified by Board of Regents, 8/7/09

Police Officer II (temporary position deleted)

Net position change: -1 (Police)

Ratified by Board of Regents, 8/7/09

July 2009

Interim Dean/Dillard College of Business Administration (temporary overlap of positions)

Net position change: +1 (Executive, Administrative, & Managerial)

Recommended for board ratification, 11/6/09

Interim Provost (temporary overlap of positions)

Net position change: +1 (Executive, Administrative, & Managerial)

Recommended for board ratification, 11/6/09

Assessment Specialist, Institutional Research, Planning and Assessment

Net position change: +1 (Professional Non-Faculty)

Ratified by Board of Regents, 2/13/09

Machinist Technician/McCoy School of Engineering

Net position change: +1 (Technical and Paraprofessional)

Recommended for board ratification, 11/6/09

August 2009

Writing Proficiency Coordinator

Net position change: +1 (Professional Non-Faculty)

Recommended for board ratification, 11/6/09

Total net new positions as of 8/31/09 = +8.75

Midwestern State University Reporting of Personnel Changes
Fiscal Year 2008-2009
July-August, 2009

I. ENTERING EMPLOYEES

1. Christi Klyn – Assessment Specialist – Institutional Research, Planning and Assessment – 07/01/09
2. Dr. Russell Long – Interim Provost – 07/01/09
3. Dr. Barbara Nemecek – Interim Dean, Dillard College of Business – 07/01/09
4. Christopher Aten – Police Officer II – 07/06/09
5. Nelson Haggerty – Assistant Coach, Men's Basketball – 07/06/09
6. Dr. Susan Harvey – Assistant Professor, Fine Arts – 07/06/09
7. Laura Brunner – College Coordinator, Career Management Center – 07/13/09
8. Jordan Thomas – Secretary II, Regional Simulate Center – 07/13/09
9. Alexis Wright – College Coordinator 75%, Career Management Center – 07/13/09
10. Dr. David Rankin – Professor/Chair, English – 07/15/09
11. Sandra Rendon – Custodian, Housing – 07/15/09
12. John Weller – Machinist Technician, Manufacturing Engineering – 07/20/09
13. Cindy Wood – BSN Nurse Educator, Regional Simulation Center – 07/20/09
14. Robert Whatley – Groundskeeper, Physical Plant – 07/27/09
15. Chad Edwards - Groundskeeper, Physical Plant – 07/27/09
16. Kristen Garrison – Writing Proficiency Exam Coordinator – 08/01/09
17. Julie Averitt – Police Communication Operator – University Police – 08/12/09
18. Mary Anderson – Assistant Professor, Nursing – 08/17/09
19. Sukanya Basu - Assistant Professor, Mathematics – 08/17/09
20. Leslie Tatum Carroll – Instructor, Kinesiology – 08/17/09
21. Juan Gelves - Assistant Professor, Dillard College of Business – 08/17/09
22. Catherine Gaharan - Associate Professor, Dillard College of Business -- 08/17/09
23. Vanessa Genung-Bramlett - Assistant Professor, Nursing – 08/17/09
24. John Herrera – Instructor, Kinesiology – 8/17/09
25. Laura Martin – Instructor, Dillard College of Business – 08/17/09
26. Danny Matthews – Instructor, Dillard College of Business – 08/17/09
27. Victoria Sanders - Assistant Professor, Radiologic Science – 08/17/09
28. Sandra Shawver – Instructor, West College of Education – 08/17/09
29. Tiffany Stewart – Assistant Professor, West College of Education – 08/17/09
30. Robert Stramski – Assistant Professor, Nursing – 08/17/09
31. Sheldon Wang – Professor/Chair, Engineering – 08/17/09

32. Yongjing “Eugene” Zhang – Assistant Professor, Dillard College of Business – 08/17/09
33. Sandra Krebs – Payroll Assistant II – 08/24/09
34. Henry Cooper – Custodian, Housing – 08/20/09
35. Janell Cowan – Custodian, Physical Plant – 08/31/09

II. EXITING EMPLOYEES

1. Christian Reisch –Exhibition Preparator/Technical Assistant, Art – 07/06/09
2. Rebecca Marks – Secretary II, Regional Simulation Center – 07/10/09
3. Justin Carrigan – Strength and Conditioning Coach – 07/15/09
4. Kurt Morgan – Custodian, Physical Plant – 07/17/09
5. Katherine Bray - Graduate Recruiter / Grant Coordinator, Graduate Studies – 07/23/09
6. Keri Lemon-Goins – Assistant Director, Annual Fund – 07/30/09
7. Michelle Villegas – Assistant Professor, Nursing – 07/30/09
8. Chassidy South- Police Communications Operator – 07/31/09
9. Fala Suiaunoa – Assistant Coach, Women’s Basketball – 08/05/09
10. LaToya Williams – Custodian, Physical Plant – 08/13/09
11. Sara Devault – Administrative Assistant, Purchasing – 08/14/09
12. Leslie Waugh – Instructor, Kinesiology – 08/16/09
13. Earl White – Custodian, Physical Plant – 08/28/09
14. Gina Averette – Secretary II, West College of Education – 08/31/09
15. Anthony Chelte – Dean, Dillard College of Business Administration – 08/31/09
16. Akane Clopton – Medical Office Coordinator, Vinson Health Center – 08/31/09
17. Shahala Hanks – Coordinator of Greek Life, Student Development & Orientation – 08/31/09
18. Ivy Jones – Instructor, Kinesiology – 08/31/09
19. Jennifer Lancaster – Instructor, Kinesiology – 08/31/09
20. Celeste McNiel – Complex Coordinator, Housing – 08/31/09
21. Dan Stoicescu – Director, Institutional Research, Planning and Assessment – 08/31/09
22. Clyde Gene Bennett – Duplicating Equipment Operator, Print Shop – 08/31/09 Retire
23. Nadia Bugg – Professor/Chair, Radiologic Science – 08/31/09 Retire
24. Jerry Jones – AC Refrigeration Mechanic – 08/31/09 Retire
25. Iwilda Mitchell – Library Assistant II – 08/31/09 Retire
26. Joyce JaNelle Savage – Assistant to Registrar – 08/31/09 Retire
27. Jesus Trejo – Custodian, Housing – 08/31/09 Retire

MIDWESTERN STATE UNIVERSITY
PERSONNEL POSITION STATUS REPORT

July 31, 2009

POSITIONS	APPROVED BUDGET		POSITIONS		SALARY		FILLED POSITIONS		VACANT POSITIONS		TOTAL CURRENT		TOTAL POSITION:	
	FTE	AMOUNT	ADDED	(DELETED)	TOTAL POSITIONS	(SAVED)	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	SAVED/ADDED	
EXEC, ADMIN & MANAGERIAL	47.36	4,051,024	2.00	305,012	49.36	4,356,036	49.36	4,356,036			49.36	4,356,036	4,356,036	
REGULAR FACULTY	240.25	14,545,242	(0.25)	(13,438)	240.00	14,531,804	229.88	14,246,240	10.12	283,336	240.00	14,529,576	14,529,576	
PROFESSIONAL NON-FACULTY	115.35	4,633,521	5.00	242,143	120.35	4,875,664	115.78	4,747,051	4.57	128,992	120.35	4,876,043	4,876,043	
CLERICAL AND SECRETARIAL	96.96	2,271,663	0.00	1,128	96.96	2,272,791	94.96	2,218,425	2.00	41,796	96.96	2,260,221	2,260,221	
TECH & PARAPROFESSIONAL	23.00	1,027,104	1.00	36,000	24.00	1,063,104	22.50	981,552	1.50	78,600	24.00	1,060,152	1,060,152	
SKILLED CRAFT	34.00	1,127,735			34.00	1,127,735	34.00	1,127,735			34.00	1,127,735	1,127,735	
SERVICE & MAINTENANCE	65.84	1,348,163			65.84	1,348,163	62.67	1,262,581	3.17	62,124	65.84	1,324,705	1,324,705	
POLICE	14.00	433,992	0.00	0	14.00	433,992	13.00	398,988	1.00	19,176	14.00	418,164	418,164	
GRAND TOTALS	636.76	29,438,444	7.75	570,845	644.51	30,009,289	622.15	29,338,608	22.36	614,024	644.51	29,952,632	29,952,632	

MIDWESTERN STATE UNIVERSITY
PERSONNEL POSITION STATUS REPORT
August 31, 2009

POSITIONS	APPROVED BUDGET		POSITIONS		TOTAL POSITIONS		SALARY		FILLED POSITIONS		VACANT POSITIONS		TOTAL CURRENT		TOTAL POSITIONS	
	FTE	AMOUNT	ADDED	(DELETED)	FTE	AMOUNT	(SAVED)	ADDED	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	SAVED	ADDED
EXEC, ADMIN & MANAGERIAL	47.36	4,051,024	2.00	305,012	49.36	4,356,036			49.36	4,356,036			49.36	4,356,036	4,356,036	
REGULAR FACULTY	240.25	14,545,242	(0.25)	(13,438)	240.00	14,531,804	(2,228)		229.88	14,246,240	10.12	283,336	240.00	14,529,576	14,529,576	
PROFESSIONAL NON-FACULTY	115.35	4,633,521	6.00	282,143	121.35	4,915,664	379		116.78	4,787,051	4.57	128,992	121.35	4,916,043	4,916,043	
CLERICAL AND SECRETARIAL	96.96	2,271,663	0.00	1,128	96.96	2,272,791	(10,002)		94.96	2,220,993	2.00	41,796	96.96	2,262,789	2,262,789	
TECH & PARAPROFESSIONAL	23.00	1,027,104	1.00	36,000	24.00	1,063,104	(2,952)		22.50	981,552	1.50	78,600	24.00	1,060,152	1,060,152	
SKILLED CRAFT	34.00	1,127,735			34.00	1,127,735			34.00	1,127,735			34.00	1,127,735	1,127,735	
SERVICE & MAINTENANCE	65.84	1,348,163			65.84	1,348,163	(23,458)		62.67	1,262,581	3.17	62,124	65.84	1,324,705	1,324,705	
POLICE	14.00	433,992	0.00	0	14.00	433,992	(15,828)		13.00	398,988	1.00	19,176	14.00	418,164	418,164	
GRAND TOTALS	636.76	29,438,444	8.75	610,845	645.51	30,049,289	(54,089)		623.15	29,381,176	22.36	614,024	645.51	29,995,200	29,995,200	

Summary of the Personnel Position Status Reports for 9/1/09– 9/30/09

Total net new positions as of 9/30/09 = +0.00

Midwestern State University Reporting of Personnel Changes
Fiscal Year 2009-2010
September

I. ENTERING EMPLOYEES

1. Carlos Aleman – Exhibition Preparator/Technical Assistant, Art – 09/01/09
2. Jacqueline Arroyo-Fields – Secretary I, Writing Proficiency – 09/01/09
3. Michael Carney – Residence Hall Maintenance Technician, Housing – 09/01/09
4. Marilyn Nicole Deese – Research Analyst, Institutional Research, Planning and Assessment – 09/01/09
5. Daniel Doyle – Custodian, Clark Student Center – 09/01/09
6. Joan Everson – Medical Office Coordinator – Vinson Health Center – 09/01/09
7. Roger Lee - General Counsel, Office of the President - 09/01/09
8. Chelsea Humphrey – Honors Program Coordinator – 09/01/09
9. Jeannie Smith – Medical Radiologic Technician – Vinson Health Center – 09/01/09
10. Koby Styles – Head Coach, Women's Cross Country – 09/01/09
11. Roderick Taylor – Assistant Coach, Football – 09/01/09
12. Monticee Williams – Assistant Coach, Women's Basketball – 09/08/09
13. Robert Deal – Custodian, Housing – 09/10/09
14. Carla Hodgkins – University Nurse, Vinson Health Center – 09/14/09
15. Susan Baird – Secretary I, Wellness Center – 09/14/09
16. Catherine Ficznier – Administrative Assistant, Registrar – 09/14/09
17. Kathleen Guardalibene – Registrar Assistant I – 09/28/09

II. EXITING EMPLOYEES

1. Janell Cowan – Custodian, Physical Plant – 09/10/09
2. Amy Rogers – Secretary II, Kinesiology – 09/11/09
3. Graham Pomfret – Hardware Technician, Information Systems – 09/18/09

MIDWESTERN STATE UNIVERSITY
PERSONNEL POSITION STATUS REPORT
September 30, 2009

POSITIONS	APPROVED BUDGET		POSITIONS		TOTAL POSITIONS		SALARY		FILLED POSITIONS		VACANT POSITIONS		TOTAL CURRENT	
	FTE	AMOUNT	ADDED	(DELETED)	FTE	AMOUNT	(SAVED)	ADDED	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
EXEC, ADMIN & MANAGERIAL	49.05	4,269,667			49.05	4,269,667			49.05	4,269,667			49.05	4,269,667
REGULAR FACULTY	238.28	15,973,278			238.28	15,973,278	(5,004)		233.90	15,880,148	4.38	88,126	238.28	15,968,274
PROFESSIONAL NON-FACULTY	124.88	5,174,978			124.88	5,174,978			113.44	4,810,905	11.44	364,073	124.88	5,174,978
CLERICAL AND SECRETARIAL	101.96	2,373,970			101.96	2,373,970			93.05	2,203,456	8.91	170,514	101.96	2,373,970
TECH & PARAPROFESSIONAL	24.00	1,060,152			24.00	1,060,152	(1,272)		22.50	980,280	1.50	78,600	24.00	1,058,880
SKILLED CRAFT	34.00	1,127,735			34.00	1,127,735			34.00	1,127,735			34.00	1,127,735
SERVICE & MAINTENANCE	68.00	1,367,467			68.00	1,367,467			60.00	1,226,587	8.00	140,880	68.00	1,367,467
POLICE	14.00	424,248			14.00	424,248			13.00	405,072	1.00	19,176	14.00	424,248
GRAND TOTALS	654.17	31,771,495	0	0	654.17	31,771,495	(6,276)		618.94	30,903,850	35.23	861,369	654.17	31,765,219

**MIDWESTERN STATE UNIVERSITY
CANDIDATES FOR DEGREES – December 12, 2009**

DILLARD COLLEGE OF BUSINESS ADMINISTRATION

Master of Business Administration

Ajitkumar L. Baridun
Randall Francis Garza
Jon Franklin Hammonds
Kyle Wayne Kmiec
Cherry Balis Lindenborn
Gregory Michael Linder
Edson Ronal Luna

Bradley Wayne Mills
Matthew Scott Murphy
James Keith Rowland
Christian Schmeissner
Kevin Joseph Scott
Ronald Smith
Mark Rondal Wernette

GORDON T. AND ELLEN WEST COLLEGE OF EDUCATION

Master of Arts

Patricia Kay Boyle Bruce
Lynn Anne Ducioame
Stephen Meadows
Amy Michele Morrison
Anester Rosetta Mulraine

Wynne L. Richardson
Cami West
Lou Ann Whittington
Melissa Ken-Nea Yip

Master of Education

Justin Lee Barnes
Gloria Celaya
Jana Gayle Conner
Cheryl Lynette O'Neal Dodson
Sarah Anne Graff
Raquel A. Hernandez

Aisha J. Howell
Teresa Kay Moore
Tammie Trae Newsome
Angie Jane Reay
Rhonda Lanay Bradley Rodgers
Leyda Rivera Worden

COLLEGE OF HEALTH SCIENCES AND HUMAN SERVICES

Master of Health Administration

Aliyah Reesha Mohammed Fulton
Ikechukwu Samuel Igwegbe
Shani Chandrakant Kotadia
Ketankumar Govindbhai Makawana

Nikunj Kumar Trambaklal Modi
Angela Marie South
Punit Bipinbhai Vasa
Rachael Quinette Williams

Master of Public Administration

Martin Wayne Garsee

Kyla Nichole Beisner Warner

Master of Science in Kinesiology

Elise Catherine Brown
Randy Gale Canivel
Justin Samuel Carrigan
Charlie LaKeith Grant

Valen Cia Little
Albaro Lopez
Kennard Colt Trant

Master of Science in Nursing

Deborah Kay Brown

Melody Gail Robbins Chandler

Master of Science in Radiologic Sciences

Fatin Safwt Khair Alkhadra
Jason Scott Applegate
Kerri Lynn Barlow
Tess Marie Calhoun
Marsha Lynn Satterwhite Cox
Shelley Marie Cox
Cristi Lyn Engel
Robert William Fowler
Casey Marie Harmon
Tasha Leann Hisaw
Amy Renee Westbrooks Hughes
Michael Todd Jackson
Candice Burgess Lewis

Matthew Lane McClure
Cindy A. Petree
Shellie Darlene Parker Pike
Ezequiel Ramirez, Jr.
Taffi Nichole Rose
Krista Renee Runge
Teal Landon Sander
Warren Stuart Spurlin
Suzanne Danielle Stout
Kimberly Heather Walton
Tracy Weaver
Linda James Wilkes

PROTHRO-YEAGER COLLEGE OF HUMANITIES AND SOCIAL SCIENCES

Master of Arts

Jerri J. Grimsley Buerger
Amy Elizabeth Knowles
Haley Shea Lain

Ashton Erik Paniagua
Christina Jane Walker

COLLEGE OF SCIENCE AND MATHEMATICS

Master of Science

Amol Shaligram Bhole
Shinichi John Ozone
Nirav R. Patel
Rajya Lakshmi Vedala Tirumala

Juli Ann Weger
Nicholas Eugene Whittington
Lalit B. Yawalkar
Sachin Anil Yawalkar

DILLARD COLLEGE OF BUSINESS ADMINISTRATION

Bachelor of Business Administration

Marcus Andre' Anderson
Eric Brandon Arrell
Nicole L. Augustus
Kristopher Jay Awtrey
Bradley Scott Borton
Penny Nichole Bragg
Jeffery Bradford Briscoe
Lindsay Michelle Burkey
James Lance Calloway
Zahra Sana Charles
Kyle James Contreras
Amanda Michelle Dvorak
Raquel V. Espinosa
Dominique Anne Estabrook
Anna Garcia
Iana Myra George
Aaron Wayne Green
Dustin Alan Green
LaTisha Lynette Green
Bettye Anne Gregory
Joseph Lawrence Guidry
Julie Anne Ham
Takeshi Hosoya
Jessica Lynn Johnson
Andrew Stephen Jones
Kyle Wayne Kmiec
Thomas Anthony Koetter
Cynthia Nicole Lemon
James Wayne Lemons, Jr.
Tiffany Lyntal Libaud
Ricardo Elario Luna
Veronica Ramesha Martin
Mika Matsumoto
Christopher Chance McBay
Theomarishia Aurelia McClain
Megan Lysle McCord
Brady Charles Moore

Kylie Ann Morrison
David Arlyn Newman
Christina Rae Orta
Kristen Marie Ouellette
Brent Berry Parker
Bradey Wayne Paschal
Lindsay Nicole Patrick
Heather Denise Veitenheimer Peysen
Mark A. Pharries
Vanessa Marie Evers Redmond
Lance Heath Richardson
Claudio Isaac Rodriguez
James Keith Rowland
Emily Lynne Sadberry
Raly L. Sagrado
Megan Paige Schenk
James Ryan Seaberry
Jennifer Elaine Hulcy Simmons
Amber Michelle Slemmons
James Tanner Sloss
Matthew John Smith
Stacie Marie Smith
Jimmy Lee Solis
Bethany Ann Tackett
Megan Rita Teichman
Ifeoma Adaobu Uchendu
Amber E. Upton
Amanda Ashley Vajda
Nathan Lawton Vinson
Duy Ngoc Vu
Jeremy Vaughn Weatherly
Mark Rondal Wernette
Benjamin Patrick White
Joshua David Whittiker
Heather A. Wilborn
Beverly Jo Gould Williams
Brittany Kaye Wilson

GORDON T. AND ELLEN WEST COLLEGE OF EDUCATION

Bachelor of Arts

Michelle Leigh Brooks

Elisabeth Marie Merritt

Bachelor of Science

Byron Jerel Bogar
 Brian Michael Brumleve
 Kevin Ray Compton
 Mathew Brandon Fimbres
 Andrew Philip Garcia
 Aimee Nicole Gray
 Burnice Wayne Harris, Jr.
 Brandon Philip Jones
 Christen Marie LaBrie
 Edwardo Christopher Lett
 Jacob Paul Martin

Christopher Jay McNeese
 Timothy. III McNeil
 Abdulrasul Abdulsamad Mussa
 Temitayo Catherine Osiyemi
 Nicholas Logan Richter
 Nicholas Jon Rogers
 Courtney Demetrius Royal
 Allison Nicole Schreiber
 Cherise Yolanda Hays Talley
 Robert Stephen Turner
 Scott Logan Williams

Bachelor of Science in Interdisciplinary Studies

Jacklyn Lea Arp
 Heather Ashley Bartee
 Andrea Marie Berry
 Travis Vaden Blackwell
 Lyndi Kathleen Boyd
 Joan Tory Broadhurst
 Molly Dee Brown
 Charkitta LaTrise Butler
 Camilla Elizabeth Chance Cropper
 Valerie Renee Cuellar
 Lauren Elizabeth Denney
 Jessica Y. Esteves
 Jennifer Flynn Gavin
 Nalisha S. Gibbs-Noel
 Nicole Anne Goodman
 Janna Lea Graham
 Jordan Marie Guse
 Kelly Nicole Harper
 Charmaine Michele Harris
 Julie Renee Jackson
 Jamie Jo Keeter
 Erin Marie Leming
 Amanda Lynn Maddox
 Elizabeth Leilani Matts
 Carrie Jill Maxwell

Lindsey Elaine McShan
 Mika Lee Meador
 Laura Leigh Berry Miller
 Hayli LouDana Newsom
 Jory Dee Newsom
 Paula G. Newton
 Porshe Sade Nickerson
 Gina Renee Parr
 Lindsey Nicole Price
 Kasie Allyn Richardson
 Angela Dawn Riley
 Jennifer Laine Rios
 Ashley Michelle Scates
 Craig Allen Schweitzer
 Deanna Leigh Sleasman
 Steven Dale Stepp
 Spencer Haley Stone
 Julianne Swedberg
 Elise Nicole Taylor
 Ashley Erin Thomas
 Lee Anthony Varelman
 Ashley Paige Ward
 Brandi Kathryn Ward
 Ashlee Aline Morgan Wiseman
 Lori Ann Woods

LAMAR D. FAIN COLLEGE OF FINE ARTS*Bachelor of Arts*

Nicole Marie Allen
 Andrew Michael Bernard
 Chance Payton Gibbs
 Julia Elizabeth Graham
 Jenny Ann Holding
 Meredith Leigh Humphreys
 Ashley Brooke James

Russell Glendon Lawrenz
 Lana Marie McCarley
 Kaitlin Elizabeth Morrison
 Valeria Esperanza Porta
 Craig Daniel Prince, Jr.
 Charisma Chantal Thrash
 Vanessa Lee Vick

Bachelor of Fine Arts

Andrea Jae Detmer
Shannon Dietz
Jessica Brooke Johnson
Cody Lee Mason
Benjamin Cade McKinney

Lauren R. Miller
Haley Ruth Moore
Johnathon Audrell Thompson
George Russell Tipton
Mary Rena Yehle

Bachelor of Music

Leigh John Wayne Fernau
Leslie Anne Hebert

Elizabeth Dawn Nowell
Sarah Elizabeth Ward

COLLEGE OF HEALTH SCIENCES AND HUMAN SERVICES

Bachelor of Science

Camille Anne Allred
Kyle Scott Stewart

Marquita Levette Ward

Bachelor of Science in Criminal Justice

Tiffany Cherrilee Alexander
Daisuke Azumi
Maranda Christine Bishop
Chase M. Burgher
Derik Bryce Bussey
Deandra Zeneta Carey
Ashley M. Edney
Nelson Chidiebere Ehirim
Colt Spencer Flanagan
Heath Lane Flanagan
Amber Michelle Fontenot
Michelle Elizabeth Herzberg
Justin D'Mar Jackson
Shataria S. Johnson

Matthew Robert Lemons
Mitzi Shea McLemore
Lawrence Paul Merrill, III
Kyle McLean Morris
Jessica Papp
Silvia Patricia Paramo
Chrystina Kiara Peoples
Ashley Cynder Boyd Pike
Jessy Franklin Robertson
Jeffery Allen Shipp
Ryan Patrick Townsley
Brenton Michael Walker
Todd George Zoglmann

Bachelor of Science in Nursing

Ngozi Chinwe Ananti
 Peggy A. Beach
 Sasha Akuamoah Boateng
 Craig William Briggs
 Kimberly Anne Briscoe
 Amanda Dawn Cerny
 Rosemary N. Christopher-Long
 Richard Lynn Duncan
 Kristina Michelle Elkins
 Jessica E. Eubanks
 Robin Denise Ezell
 Karie Michelle Foster
 Joanne Marie Garcia
 Hillary Lynne Gow
 Channon Eileen Halfaker
 Naseem Jawaid Hashmani
 Natalia Anita Christina Hernandez Hidden
 Samantha Marie Horn
 Serena Hou
 Olayiwade Esther Ibiloye
 Eunice Igharo
 Samantha Kay Isbell
 Derrick Lee Jones
 Neil Donovan Langer
 Kimberly Ann Lawson
 Stephanie Leigh Lindley
 Lina L. Gandara Lopez

Karina Mason
 Lina Elizabeth Sinclair McGilvray
 Chelsea Lynn Mewett
 Jessica Anna Munger
 Esther Nebo Okorafor
 Annabel Ndayong Ngassam
 Uyen Nguyen
 Unakem Annette Ogar
 Celina A. Onwuchekwa
 Sandra A. Onyejiaka
 Chinwe Barbara Onyekwere
 Nathaniel Pratt, Jr.
 Aaron Aguillar Romero
 Melissa Sue Sabin
 Taryn Elizabeth Simon
 Rebecca Ann Smith
 Kevin Michael Stone
 Ashley Maria Thomas
 Shanty Mary Thomas
 Dennis Wayne Thomas, II
 Deborah C. Udeogu
 Sherisse Shibvon Wallace
 Bernie Daniel Weaver, Jr.
 Melissa Anne Wheeler
 Ashley K. Wietz
 Emily Marie Winn

Bachelor of Science in Radiologic Sciences

Kenneth Cade Adams
 Lacey D'An Allen
 Shelley Lynn Andrews
 Virginia Yvonne Avila
 Kristen Marie Balestreri
 Jenni LeaAnn Barr
 Jennifer Joan Bartosh-Davis
 Karra Lynn Benson
 Bailey June Browning
 Christie Michelle Canady
 Stephanie Marie Catalano
 Kaitlyn Ruth Copeland
 Jada Lane Drummond
 David M. Dunford
 Beverly Jane Farrar
 Leslie Cornelius Finley
 Horace L. Glidewell, Jr.
 Tamara Lee Hensley
 Sandra E. Hill
 Dennis Albert Indiero

Chad Russell Jensen
 Renee Sandmann Keith
 Glenn Michael Levicki
 Kimberly G. Livesay
 Debbie Nicole Martinez
 Scott Alan Phillips
 Laurie Ann Pittman
 Dedric Earl Reed
 Bonnie Lea Rowland
 Starla Rachelle Shea
 Dana Ann Candido Shearer
 Courtney Ann Shows
 Davia Rachel Silberman
 Jennifer L. Silvernail
 Arun Skaria
 Ashley Nicole Slawson
 Erica LaTasha Smith
 Brian Mathew Tindel
 Mathew Joseph Widnick
 Amanda Kay Winchester

Bachelor of Science in Respiratory Care

John Vincent Grajeda
Courtney Jo'Nell Jones
Paul Jerome Klemm

Deanna Witt Merrell
Clint Lyndon Sallaska

Bachelor of Social Work

Debra Ann Byrd
Keira LaSha Dandridge

Mark James Gideon
Sabrina Erica Luckey

PROTHRO-YEAGER COLLEGE OF HUMANITIES AND SOCIAL SCIENCES

Bachelor of Applied Arts and Sciences

Brad Keith Anderson
Leslie Earl Atchley
Aaron William Benzick
Larel Leonard Bonner, Jr.
Terri Taylor Browning
Joshua Thomas Carter
Stephan Kasimir Clark
Stacy Ann Clayton
Sarah Elizabeth Crespo
Lisa Ann Eller
Sharon Simpson Evans
Valerie Rose Flores
Christa Jo Foster
Caroline Evelyn Lucy Gellner
James Alan Gray
Kristen Dawn Grogan
Daniel Guajardo
Saundra Artice Hallman-Johnson
Preston Homer Hardwick
David Fernando Herrera
Glendon Leroy Hill

Mark Alan Holley
Robert James Horton
Michael Blake Jackson
Calina Mishay Kendall
Shauna Diane Kennedy
Judy Moore Kirk
Pamela Katherine Lane
Jonathan Owen Lloyd
James Brian Monson, Jr.
Moraima Juanita Montenegro
Jason Wayne Newsom
William Anthony Nolte, Jr.
Patricia Ifueko Osazuwa
Delmonico Augustin Palmer
Terry Glen Qualls
Nolan Ryan Schaffer
Camille Ann Smith
Jessica Mireia Smith
Matthew Byron Sorrell
Jennafer Ashley Woitena

Bachelor of Arts

Annette Candice Alexander
Amanda Nicole Bayless
Brianna LaShell Brown
Clay Craig Cowan
Jayme Dianne Cummings
Melissa Carolyn Moore Eades
Michael Britton Ellard
Carrie Gayl Farr
Blanca Iris Garcias
Sarah Faith Harris
Brianne Elaine Jamison
Wade Andrew Janssen
Brittany Amanda Jurca

David Matthew Lancaster
Brian Joseph Maenza
William Paul McCracken
Brandilyn Nichole Merrick
Jarret Wayne Noll
Heather Celice Miller Preston
Daniel Wayne Ragan, Jr.
Celeste Stava
Jorge Rodolfo Tejada
Jessica Lee Thomas
Jessica Leann Willden
Rachel Lauren Williamson
Brittany Dawn Willson

Bachelor of Science

Sabrina Augustina Bradley
Jasmin Lara Croulet
Whitney D'layne Davis
Michael Keith Deweber
Dominique Sean Ellis
Winell Sharee Fowlks

Jimmy Charles Morris
April Leigh Perkinson
Alyssa Kaye Pitts
Alisha Ann Roach
Karrie Lyn Walker

COLLEGE OF SCIENCE AND MATHEMATICS

Bachelor of Arts

Sandra Jean Smith

Bachelor of Science

Kieran C. R. Belfon
Morgan J. Blackwell
John Chance Condrón
Clayton Lee Crenshaw
Kelly Anne Erb
Aron Renee Hayes
Chance A. Henslee
Candace Verlon Hughes
Hirofumi Ishida
Ashley Lea-Ann Mercer

Alexander Cyrus Moshtaghi
Phi Hoang Nguyen
Anthony Michael Rennhack
Kevin Eric Roberson
Christopher Lee Scott
Sherwin Shahbazian
Lindsay Leigh Shipley
Taylor Lee Slusher
Ryan Grant Woody
Miki Yamamoto

MIDWESTERN STATE UNIVERSITY

TEXAS OPTIONAL RETIREMENT PROGRAM (ORP)
PLAN

ORP Adopted January 1, 1969

Plan Effective January 1, 2009

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**Midwestern State University
Texas Optional Retirement Program (ORP) Plan**

Purpose

This Plan is established for the benefit of eligible employees, former employees, and retirees of Midwestern State University, a Texas public institution of higher education in compliance with and under the authority of the Texas Government Code, Chapter 830. This Plan is a governmental plan defined in Section 414(d) of the Internal Revenue Code and is not covered by ERISA (P.L. 93-406, 88 Stat. 829). This Plan serves as a restatement of any prior formal or informal plan established under Midwestern State University Policy 3.328 as adopted on January 1, 1969 and other rules and regulations governing the Optional Retirement Program (ORP). This Plan as amended shall be effective January 1, 2009.

Section 1 Controlling Statutes

The Plan is intended to comply with Section 403(b) of the Internal Revenue Code (“the Code”), the Income Tax Regulations, §1.403(b), with the provisions of the Texas Government Code, Chapter 830 (“Texas ORP Law”), and the Rules of the Texas Higher Education Coordinating Board, Texas Administrative Code (TAC), Title 19, Chapter 25 (“ORP Rules”). References in this plan to specific parts of these laws, rules and regulations are for convenience only, and all relevant provisions are hereby incorporated by reference. In the event that any provision of the Plan or of any administrative procedure, rule or regulation established under the Plan is determined to be in conflict with the Code, or with the Income Tax Regulations, or with the Texas ORP Law, or with the ORP Rules, or with the Plan, the provisions of the Code, or the Income Tax Regulations, or the Texas ORP Law, or the ORP Rules, or the Plan, shall prevail in that order of precedence. Where the law, including but not limited to the Code, the Income Tax Regulations, the Texas ORP Law, and the ORP Rules, governing the Plan is amended, modified or interpreted through subsequent legislation, or rulings or decisions, the Plan's provisions shall be construed, insofar as is feasible, as incorporating any such amendment, modification or interpretation of the law.

Section 2 Definitions

2.1 “Terms”: The definitions in the ORP Rules, Texas Administrative Code, Title 19, §25.3, are hereby incorporated by reference to the extent that the context does not clearly require another meaning. The following words and terms, when used in the Plan, have the meaning set forth below.

2.2 “Account”: The account or accumulation maintained for the benefit of any Participant or Beneficiary under an Annuity Contract or a Custodial Account.

2.3 “Account Balance”: The bookkeeping account maintained for each Participant which reflects the aggregate amount credited to the Participant’s Account under all

Accounts, including the Participant's Elective Deferrals, the earnings or loss of each Annuity Contract or a Custodial Account (net of expenses) allocable to the Participant, any transfers for the Participant's benefit, and any distribution made to the Participant or the Participant's Beneficiary. If a Participant has more than one Beneficiary at the time of the Participant's death, then a separate Account Balance shall be maintained for each Beneficiary. The Account Balance includes any account established for rollover contributions and plan-to-plan transfers made for a Participant, if specified by the Plan, the account established for a Beneficiary after a Participant's death, and any account or accounts established for an alternate payee (as defined in Section 414(p)(8) of the Code).

2.4 "Administrator": The plan administrator of the Plan. The Administrator is the Employer or any person or committee who may be appointed as Administrator by the Employer from time to time. A person or committee serving as the Administrator shall serve at the pleasure of the Employer.

2.5 "Annuity Contract": A nontransferable contract as defined in Section 403(b)(1) of the Code, established for each Participant by the Employer, or by each Participant individually, that is issued by an insurance company qualified to issue annuities in Texas and that includes payment in the form of an annuity.

2.6 "Beneficiary": The designated person who is entitled to receive benefits under the Plan after the death of a Participant, subject to such additional rules as may be set forth in the Individual Agreements.

2.7 "Custodial Account": The group or individual custodial account or accounts, as defined in Section 403(b)(7) of the Code, established for each Participant by the Employer, or by each Participant individually, to hold assets of the Plan.

2.8 "Code": The Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

2.9 "Compensation": All cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Employee's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee's gross income for the calendar year but for a compensation reduction election under section 125, 132(f), 401(k), 403(b), or 457(b) of the Code. (This definition of Compensation is for the purpose of complying with the provisions of the Code and Income Tax Regulations. Compensation that is subject to ORP contributions is as defined in the Texas Government Code, Chapter 821, and Section 821.001.)

2.10 "Disabled": The definition of disability provided in the applicable Individual Agreement.

2.11 "Elective Deferral": The Employer contributions made to a retirement plan at the election of the Participant in lieu of receiving cash compensation. Elective Deferrals are limited to pre-tax salary reduction contributions. (This Plan does not permit Elective Deferrals; but references to Elective Deferrals are required for provisions relating to the Section 415 limit on deferrals.)

2.12 "Eligible Employee": Each individual who is employed by Midwestern State University to perform services and who is eligible to participate in the Optional Retirement Program under the provisions of the ORP Rules, TAC Title 19, Rule §25.4.

2.13 "Employer": The Employer adopting this Plan Document. The name of the Employer is Midwestern State University, 3410 Taft Blvd., Wichita Falls, Texas 76308.

2.14 "Funding Vehicles": The Annuity Contracts or Custodial Accounts issued for funding amounts held under the Plan and specifically approved by the Employer for use under the Plan.

2.15 "Includible Compensation": An Employee's actual wages in box 1 of Form W-2 for a year for services to the Employer, but subject to a maximum of \$200,000 (or such higher maximum as may apply under Section 401(a)(17) of the Code) and increased (up to the dollar maximum) by any compensation reduction election under Section 125, 132(f), 401(k), 403(b), or 457(b) of the Code. The amount of Includible Compensation is determined without regard to any community property laws.

2.16 "Individual Agreement": The agreement between a Vendor and the Employer or a Participant that constitutes or governs a Custodial Account or an Annuity Contract.

2.17 "Participant": An individual for whom contributions are currently being made, or for whom contributions have previously been made, under the Plan and who has not received a distribution of his or her entire benefit under the Plan.

2.18 "Plan": The Midwestern State University Texas Optional Retirement Program (ORP) Plan.

2.19 "Plan Year": The year coincident with the Fiscal Year of the State of Texas, ending August 31 of each year. Vendors may, in their discretion and as necessary to enable the vendor and/or the participants to comply with the Code, supply participants with reports and other documents based on the calendar year.

2.20 "Public Institution of Higher Education" Public Institution of Higher Education means a State-sponsored organization of higher education that meets the requirements of Section 170(b)(1)(A)(ii)(relating to educational organizations that normally maintain a regular faculty and curriculum and normally have a regularly enrolled body of pupils or students in attendance at the place where educational activities are regularly carried on).

2.21 "Related Employer": The Employer and any other entity which is under common control with the Employer under Section 414(b) or (c) of the Code. For this purpose, the Plan Administrator shall determine which entities are Related Employers based on a reasonable, good faith standard and taking into account the special rules applicable under Notice 89-23, 1989-1 C.B. 654.

2.22 "Related Entity" For the purposes of the Plan, Related Entity means any other Texas Public Institution of Higher Education authorized to participate in the Texas Optional Retirement Program under the provisions of the Texas ORP Law or the Texas Higher Education Coordinating Board.

2.23 "Severance from Employment": For purpose of the Plan, Severance from Employment means Severance from all Employment with the Employer and any Related Entity. However, a Severance from Employment also occurs when an Employee ceases to be an employee of a Texas Public Institution of Higher Education, even though the Employee may continue to be employed by a Related Employer that is another unit of the State or local government that is not a Public Institution of Higher Education, or in a capacity that is not employment with a Public Institution of Higher Education, (*e.g.*, ceasing to be an employee performing services for a Public Institution of Higher Education but continuing to work for the same State or local government employer). For the purposes of the Plan, Severance from Employment does not occur before a former employee also meets the definition of a "Break in Service" in the ORP Rules, TAC Title 19, Rule §25.3 (4).

2.24 "Vendor": The provider of an Annuity Contract or Custodial Account specifically approved by the Employer to establish and maintain a Funding Vehicle under this Plan.

2.25 "Valuation Date": The most recent date on which the vendor would have provided the participant with a statement of the value of the account, ordinarily, the last day of the calendar quarter.

2.26 "Vested": A status such that an Account maintained on behalf of a Participant is non-forfeitable.

Section 3 Administration

3.1 Plan Administrator: The Plan Administrator shall be the Vice President for Administration and Finance at Midwestern State University.

3.2 Deputy Plan Administrators: The Plan Administrator may appoint Deputy Plan Administrators to assist in the administration of the Plan. The Plan Administrator may, but is not required to, delegate to Deputy Plan Administrators functions, including but not limited to, (1) applying rules determining eligibility for participation or benefits, (2) calculating service credits and compensation, (3) preparing employee communications, (4) maintaining Participants' service and employment records, (5) calculating benefits, (6) orienting new participants and advising them of rights and options, (7) collecting and

applying contributions, (8) preparing reports, (9) processing claims, (10) approving new participant contracts with vendors, (11) approving transfers from one vendor to another, (12) certification of Severance from Employment for the purposes of distributions and (13) making recommendations to the Administrator with respect to plan administration. However, in no case shall administrative duties be allocated to Plan Participants (other than to make investment elections as permitted within the Funding Vehicles).

3.3 Employer Discretionary Provisions: The Plan Administrator may not exercise any of the discretionary provisions in the Plan in a manner that treats like situated employees differently, provided however that this shall not prohibit the Plan Administrator from establishing different rules, procedures and options for participants first enrolling in the plan after a specific date.

3.4 Administrative Procedure Documents: The Employer shall maintain an administrative procedure document or multiple documents detailing all administrative procedures, including procedures that participants and vendors will need to follow in participating in the Plan. The document or documents may be provided in electronic form or on the Web, provided electronic or Web access is made available to all Participants.

3.5 Approved Vendor List: The Employer shall establish and maintain a list of vendors and their representatives approved to offer ORP contracts to eligible Participants at Midwestern State University. Selection and approval of ORP vendors shall be determined by the University's Fringe Benefits Committee.

3.6 Information Sharing: Each Vendor shall agree to provide the Administrator with all available information that may be reasonably necessary to enable the Administrator to administer the Plan in accordance with the Code, the Income Tax Regulations, the Texas ORP Law and the ORP Rules. The Vendor must agree that such obligation shall extend until April 15 of the year after the year in which there last was an open Contract or Account governed by the Plan, even if the Vendor has not been authorized to open new Accounts or Contracts, or to accept new contributions for a longer period. This agreement shall be evidenced in writing in a form satisfactory to the Administrator, but may be part of another more comprehensive agreement.

Section 4 Participation and Vesting

4.1 Eligibility to Elect to Participate: Eligibility to elect to participate in the Plan shall be governed by the Texas ORP Law, Sections 830.101 through 104 and the ORP Rules, TAC Title 19, Rule §25.4.

4.2 Election to Participate and Continue or Resume Participation: Election to participate in the Plan for the first time shall be governed by the Texas ORP Law, Section 830.102, and the ORP Rules TAC Title 19, Rule 25.4(e), (f) and (g). Eligible employees shall within the first ninety (90) days of entering an eligible employment under ORP Rules, elect to participate by completing and submitting the required ORP election form

and salary reduction agreement to the Employer and completing the enrollment forms of the selected Vendor. Eligibility to continue or resume participation in the Plan shall be governed by the Texas ORP Law, Sections 830.103, 830.105, and 830.106, and the ORP Rules, TAC, Title 19, Rule 25.5(d), and 25.5(f) through (i). Retirees and former employees may retain accounts previously funded under the plan and thereby continue to be participants in the Plan, but no additional funds may be contributed to such accounts after Severance from Employment has occurred.

4.3 Vesting: Vesting in the Plan shall be governed by the Texas ORP Law, Section 830.205 and the ORP Rules, TAC Title 19, Rule 25.5(a) through (c) and 25.5(e).

Section 5 Contributions

5.1 Contributions are Non-elective: Election to participate in ORP is a one-time irrevocable option, and therefore, employee contributions are considered non-elective.

5.2 Amount of Contributions: The amount of contributions to a participant's account or accounts shall be as provided in the General Appropriations Act of the State of Texas for each biennium, and, to the extent not in conflict with that Act, as provided by the Texas ORP Law, Sections 830.201, 830.2015, 830.202, 830.204 and 830.205, and the applicable provisions of the ORP Rules, TAC, Title 19, Rule 25.6(a).

5.3 Limitation on Contributions: The maximum amount of the deferral for any Participant for any one Calendar Year shall be the lesser of the amount specified in Section 5.2 of the Plan and the amount established for that year under the Code, Section 401(a)(17). If Section 401(a)(17) as interpreted by Income Tax Regulations Section 1.401(a)(17)-1(c)(4)(ii)(A), does not apply because the person first became a participant in the ORP before September 1, 1996, a contribution in excess of the Section 401(c)(17) limit may be made if the provisions of the Texas ORP Law, Section 830.201(f) and the ORP Rules, TAC, Title 19, Rule 25.6(a)(2)(B) and 25.6(a)(5)(B) so permit. However, no deferrals shall be made that would exceed the limitations on the amounts excludable from gross income under Sections 415 of the code.

5.4 Special Rule for a Participant Covered by Another Section 403(b) Plan: For purposes of this Section 5, if the Participant is or has been a participant in one or more other plans under section 403(b) of the Code (and any other plan that permits elective deferrals under section 402(g) of the Code), then this Plan and all such other plans shall be considered as one plan for purposes of applying the foregoing limitations of this Section 5. For this purpose, the Administrator shall take into account any other such plan for which the Administrator receives from the Participant sufficient information concerning his or her participation in such other plan. In determining the limit under Section 415(c), non-elective contributions to the Plan shall be considered before elective deferrals to another Plan with the Employer shall be permitted.

5.5 Corrective Distributions: If, notwithstanding the application of section 5.1 and 5.2, the limits under Section 415 of the Code are exceeded for any taxable year, whether by

inadvertence or by aggregation that includes a Section 403(b) Plan, or other plan the contributions to which are required to be aggregated to determine the maximum permissible deferral, with another employer, then to the extent timely identified, the corrective actions shall be taken in the following sequence until the limits are no longer exceeded: (i) Contributions under this Plan in excess of the those provided for in Section 5.3, if any, shall be returned to the Employer; (ii) Elective Deferrals under any other Plan of the Employer shall be returned to the Participant until contributions are within the Code Sections 415 and 414(v) limits; (iii) The Plan Administrator shall request that the plan administrator of a plan that the employee participates in with another employer to return elective deferrals, if any, to the participant until contributions are within the Code Sections 415 and 414(v) limits, and contributions to this Plan are in compliance with Section 5.2; (iv) The Plan Administrator shall request that the plan administrator of a plan that the employee participates in with another employer to return any non-elective deferrals, if any, until contributions are within the Code Sections 415 and 414(v) limits, and contributions to this Plan are in compliance with Section 5.2. If it is not possible to return contributions as provided above, and an excess amount still exists, the Plan Administrator shall direct the vendor under this Plan holding the excess amount to hold the excess unallocated in a suspense account.

5.6 Contributions Made Promptly: All contributions under the plan shall be transferred to the applicable funding vehicles within the time limits specified in the ORP Rules, TAC, Title 19, Rule 25.6(a) (8). Under no circumstances will this time be later than 15 days following the month in which the amounts would have been paid to the employee. ORP vendors shall deposit ORP contributions into the Accounts designated by the Participants effective on the same day that the contributions are received by the Vendor, ORP Rules, TAC, Title 19, Rule 25.6(a)(9).

Section 6 Loans

Loans are not permitted under the Plan.

Section 7 Benefit Distributions

7.1 Benefit Distribution at Severance from Employment: Benefits may only be distributed as provided in the Code, Income Tax Regulations, Texas ORP Law, Sections 830.105 and 830.205 and the ORP Rules, TAC, Title 19, Rule 25.5(a) through (d), and 25.6(d) and (f). If immediately after contributions under this Plan cease, a participant transfers directly to another Public Institution of Higher Education that participates in the Texas ORP such that Severance from Employment as defined in this Plan does not occur, and contributions are then made to a Texas ORP plan with the new employer, certification of Severance from Employment by the new employer, or any subsequent Public Institution of Higher Education that participates in the Texas ORP to whom there was a direct transfer, is required before any benefit distribution may occur. Distributions to participants before age 59 1/2 may be subject to additional tax as provided in the Code, Section 72(t).

7.2 Forms of Distribution: A Participant who is qualified under Section 7.1 to receive distributions may elect to receive distributions in any amounts, form and timing provided for under the Individual Agreement with the Vendor involved that is in compliance with Section 7.3 and the requirements of the Code and the Income Tax Regulations.

7.3 Minimum Distributions: Each Individual Agreement shall comply with the minimum distribution requirements of Section 401(a)(9) of the Code and the regulations thereunder. For purposes of applying the distribution rules of Section 401(a)(9) of the Code, each Individual Agreement is treated as an individual retirement account (IRA) and distributions shall be made in accordance with the provisions of §1.408-8 of the Income Tax Regulations, except as provided in §1.403(b)-6(e) of the Income Tax Regulations.

7.4 Hardship Distributions Not Permitted: Hardship distributions are not permitted under the Plan.

Section 8 Transfers, Rollovers and Exchanges

8.1 Transfers/Contract Exchanges within the Plan: A Participant or Beneficiary is permitted to change the investment of his or her Account Balance among the Vendors approved under the Plan for the Employer, subject to the terms of the Individual Agreements. An investment change that includes an investment with a Vendor that is not approved as eligible to receive contributions is not permitted under the Plan. A Participant transferring from one Employer to another Related Entity is permitted to transfer Texas ORP funds to an approved Vendor listed for the new Employer, subject to the terms of the Individual Agreement. Any transfer of funds from one Vendor to another shall be by trustee to trustee transfer.

8.2 Plan-to-Plan Transfers to the Plan from other Texas ORP Plans: Prior to Severance from Employment, the Plan will not accept or permit to receive into the Plan, the transfer of a Participant's Account Balance assets from a Related Entity, which is another employer's Texas ORP plan, or any other plan of another employer under Section 403(b) of the Code. Additionally, no non-Texas ORP funds may be rolled over or transferred to an ORP account within the Plan.

8.3 Plan-to-Plan Transfers from the Plan to another Texas ORP Plan: (a) The Administrator may, but is not required to, permit a Participant or class of Participant who have transferred to another public institution of higher education in Texas without meeting the requirements for Severance from Service as defined in this Plan to elect to have the Participant's Account Balance transferred to another plan that satisfies Section 403(b) of the Code, the Texas ORP Law and the ORP Rules. A transfer is permitted only if it meets the requirements of §1.403(b)-10(b)(3) of the Income Tax Regulations. A transfer under this section 8.3 is permitted only if the Participant is an employee or former employee of the employer under the receiving plan and the other plan provides for the acceptance of plan-to-plan transfers with respect to the Participant and the Participant has an amount deferred under the other plan immediately after the transfer at least equal to the amount transferred. (b) The other plan must provide that, to the extent any amount

transferred is subject to any distribution restrictions required under section 403(b) of the Code, the Texas ORP Law and the ORP Rules, the other plan shall impose restrictions on distributions to the Participant whose assets are transferred that are not less stringent than those imposed under the Plan. (c) Upon the transfer of assets under this Section 8.3, the Plan's liability to pay benefits to the Participant or Beneficiary under this Plan shall be discharged. The Administrator may require such documentation from the receiving plan as he or she deems appropriate or necessary to comply with this Section 8.3 (for example, to confirm that the receiving plan satisfies section 403(b) of the Code, the Texas ORP Law, the ORP Rules and to assure that the transfer is permitted under the receiving plan) or to effectuate the transfer pursuant to §1.403(b)-10(b)(3) of the Income Tax Regulations.

8.4 Rollover to an Individual Retirement Annuity or Individual Retirement

Account: An Employee, who has a Severance from Employment as defined in the Plan, may elect to rollover all or any portion of his or her accounts to an Individual Retirement Annuity or Individual Retirement Account as provided in the Code and Income Tax Regulations.

Section 9 Investment of Contributions

9.1 Manner of Investment: All amounts contributed to the Plan, all property and rights purchased with such amounts under the Funding Vehicles, and all income attributable to such amounts, property, or rights shall be held and invested in one or more Annuity Contracts or Custodial Accounts. Each Annuity Contract and Custodial Account shall provide for it to be impossible, prior to the satisfaction of all liabilities with respect to Participants, their Beneficiaries and unvested Employer contributions for any part of the assets and income of the Annuity Contract or Custodial Account to be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries.

9.2 Investment of Contributions: Each Participant or Beneficiary shall direct and shall be solely responsible for selecting the investment of his or her Account among the investment options available under the Annuity Contract or Custodial Account in accordance with the terms of the Individual Agreements; provided, however, that Vendors shall have the right to determine the investment of non-vested Employer contributions which are required under the Texas ORP Law and the ORP Rules, TAC, Title 19, Rule 25.6(a)(11) and 25.6(c)(4) to be returned to the Employer in the event the employee does not vest. In accordance with the ORP Rules, TAC, Title 19, Rule 25.6(h)(3)(B), the Employer has no fiduciary responsibility for the market value of a participant's ORP investment or the financial stability of the ORP companies chosen by the Participant. Transfers among Annuity Contracts and Custodial Accounts may be made to the extent provided in the Individual Agreements and permitted under applicable Income Tax Regulations, but only after the Vendor has received written authorization for the transfer or exchange from the Employer/Administrator. However, the Plan Administrator may, but is not required to, establish a limit on the number of changes that an employee may make, provided that the limit is at least two changes per year.

9.3 Current and Former Vendors: ORP contributions under the Plan may only be made to a contract that is authorized by the Employer for Texas ORP contributions, even if the Participant already has a contract with a company from a prior period of employment with another employer, whether a Texas ORP employer or not. The Administrator shall maintain a list of all Vendors approved for the Employer under the Plan. Such list is hereby incorporated as part of the Plan. Each Vendor and the Administrator shall exchange such information as may be necessary to satisfy section 403(b) of the Code or other requirements of applicable law. In the case of a Vendor which is no longer eligible to receive contributions under the Plan, the Employer shall keep the Vendor informed of the name and contact information of the Administrator in order to exchange and coordinate information necessary to satisfy section 403(b) of the Code and other requirements of applicable law and ORP rules.

Section 10 Amendment and Plan Termination

10.1 Termination of Contributions: The Employer has adopted the Plan under the provisions of the Texas ORP Law with the intention and expectation that contributions will be continued indefinitely. However, the Employer has no obligation or liability whatsoever to maintain the Plan for any length of time and may discontinue contributions for any or all groups of employees under the Plan at any time that the Texas ORP Law is amended or repealed in a manner that permits or requires such action without any liability hereunder for any such discontinuance.

10.2 Amendment and Termination: The Employer reserves the authority to amend this Plan at any time or to terminate it, if so authorized by any future amendment to the Texas ORP Law, or in case the Texas ORP Law should be repealed.

10.3 Distribution upon Termination of the Plan: The Employer may provide that, in connection with a termination of the Plan and subject to any restrictions contained in the Individual Agreements and the Texas ORP Law, all Accounts will be distributed, provided that the Employer and any Related Employer on the date of termination do not make contributions to an alternative section 403(b) contract that is not part of the Plan during the period beginning on the date of plan termination and ending 12 months after the distribution of all assets from the Plan, except as permitted by the Income Tax Regulations.

Section 11 Miscellaneous

11.1 Non-Assignability: Except as provided in Section 11.2, the interests of each Participant or Beneficiary under the Plan are not subject to the claims of the Participant's or Beneficiary's creditors; and neither the Participant nor any Beneficiary shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Plan, which payments and interest are expressly declared to be non-assignable and non-transferable.

11.2 Domestic Relation Orders: Notwithstanding Section 11.1, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant is made pursuant to the domestic relations law of any State (“domestic relations order”) that is determined to be a Qualified Domestic Relations Order under the Texas Government Code, Chapter 804, then the amount of the Participant’s Account Balance shall be paid in the manner and to the person or persons so directed in the domestic relations order. As required by the Texas Government Code, Chapter 804, Section 003(d) and the ORP Rules, TAC, Title 19, Rule 25.6(d)(1), each Vendor is solely responsible for determining whether a domestic relations order is qualified and payable.

11.3 Qualified Military Service: Notwithstanding any provisions of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Code.

11.4 Tax Withholding: Contributions to the Plan are subject to applicable employment taxes (including, if applicable, Federal Insurance Contributions Act (FICA) taxes with respect to Elective Deferrals, which constitute wages under section 3121 of the Code). Any benefit payment made under the Plan is subject to applicable income tax withholding requirements (including section 3401 of the Code and the Treasury Regulations thereunder). A payee shall provide such information as the Vendor may need to satisfy income tax withholding obligations, and any other information that may be required by guidance issued under the Code.

11.5 Payments to Minors and Incompetents: If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of such Participant or Beneficiary. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.

11.6 Mistaken Contributions: If any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any, allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer. The Employer, as an agency of the State of Texas, is constitutionally unable to indemnify any party or hold them harmless, and Vendors shall not require an indemnification or hold harmless agreement as a condition for the return of mistaken contributions.

11.7 Procedure When Distributee Cannot Be Located: The Administrator and Vendor shall make all reasonable attempts to determine the identity and address of a Participant or a Participant’s Beneficiary entitled to benefits under the Plan. For this purpose, a

reasonable attempt means (a) the mailing by certified mail of a notice to the last known address shown on the Employer's/Administrator's or Vendor's records, (b) notification sent to the Social Security Administration or the Pension Benefit Guaranty Corporation (under their program to identify payees under retirement plans), and (c) the payee has not responded within 6 months. If the Administrator or Vendor is unable to locate such a person entitled to benefits hereunder, or if there has been no claim made for such benefits, the funding vehicle shall continue to hold the benefits due such person.

11.8 Investment Advisory Fees: To the extent permissible under the Code and the Income Tax Regulations, a Participant may authorize the payment of Investment Advisory Fees from the participant's ORP Account, provided the requirements of the ORP Law, Section 830.107 and the ORP Rules, TAC 19, Rule 25.6(e) are met.

11.9 Incorporation of Individual Agreements: The Plan, together with the Individual Agreements, is intended to satisfy the requirements of section 403(b) of the Code and the Income Tax Regulations thereunder. Terms and conditions of the Individual Agreements are hereby incorporated by reference into the Plan, excluding those terms that are inconsistent with the Plan or section 403(b) of the Code and the ORP Rules.

11.10 Governing Law: The Plan will be construed, administered and enforced according to the Code and the laws of the State of Texas.

11.11 Headings: Headings of the Plan have been inserted for convenience of reference only and are to be ignored in any construction of the provisions hereof.

11.12 Gender: Pronouns used in the Plan in the masculine or feminine gender include both genders unless the context clearly indicates otherwise.

11.13 No Right Other Than Provided by Plan: The establishment of this Plan and the purchase of any Annuity Contract or establishment of a Custodial Account under the Plan shall not be construed as giving to any Participant or Beneficiary or any other person any legal or equitable right against the Employer or its representatives, except as is expressly provided by this Plan. Under no circumstances shall this Plan constitute or modify a contract of employment or in any way obligate the Employer to continue the services of any Employee.

11.14 Necessary Information: All Employees shall provide the Employer and any Vendor that issues an Annuity Contract or a Custodial Account established under the Plan, with any information that may be needed for the proper and lawful operation and administration of the Plan; including, but not limited to, appropriate evidences of the Employee's age and marital status, his or her current address, the current address of his or her spouse, the current address of any other Beneficiary, and any information reasonably necessary regarding the Employee's participation in another Section 403(b) plan or any other plan required to be aggregated for the purposes of determining the maximum permissible deferral.

11.15 Accounting: Each Vendor shall supply the Employer with such information as may be reasonably required to administer the Plan in accordance with the Code, the Income Tax Regulations, the Texas ORP Law and the ORP Rules. Normally, such reports will be required on the basis of the Plan year, which coincides with the Employer's (State) Fiscal Year. Each Vendor shall also supply the Employer with any available information which may be reasonably necessary to enable the Employer to comply with the ORP Rules, TAC 19, Rule 25.6(g). Each Vendor shall provide each Participant with reports complying with the requirements of the ORP Rules, TAC 19, Rule 25.6(c)(8) through 25.6(c)(14). Such reports may be based on the calendar year.

11.16. Severability: If any provision of the Plan shall be held invalid for any reason, that holding shall not affect the remaining provisions of the Plan which shall be construed and enforced as if the invalid provision had not been included in the Plan.

11.17 Other Transactions that may be Permitted: The Plan Administrator, may, but is not required to, permit any other transaction not specifically prohibited under this Plan that is permissible under the Code, the Income Tax Regulations, the ORP Law and the ORP Rules, or becomes permissible by reason of amendments to these controlling laws and regulations.

11.18 Effect on Retiree Medical Insurance of Closing all ORP Accounts: Participants proposing to close all ORP accounts are cautioned, as required by the ORP Rules, TAC 19, Rule 25.6(h)(4), that, subject to changes in Texas ORP law, if the participant wishes to enroll in and continue to be enrolled in the group Insurance Program administered by the Employees Retirement System of Texas, they must meet the definition of an ORP Retiree in the Statutes and Regulations pertaining to that program. An ORP Retiree must, under that definition, be receiving or be eligible to receive an annuity under the ORP Program and thus must maintain an ORP account.

IN WITNESS WHEREOF, Midwestern State University has caused this Plan Document to be executed by its duly authorized officer or official this ____ day of _____, 2009.

Midwestern State University (Employer)

By: _____

Title: _____

Effective Date of the Plan: January 1, 2009

MIDWESTERN STATE UNIVERSITY

VOLUNTARY TAX SHELTERED ANNUITY (TSA)
PLAN

TSA Adopted June 13, 1962

Plan Effective January 1, 2009

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**Midwestern State University
Voluntary Tax Sheltered Annuity (TSA) Plan**

Purpose

This Plan is established for the benefit of employees, former employees, and retirees of Midwestern State University, a Texas public institution of higher education, under the authority of Vernon's Texas Civil Statutes, Article 6228a-5 and Midwestern State University Policy 3.331. This Plan is a governmental plan defined in Section 414(d) of the Internal Revenue Code and is not covered by ERISA (P.L. 93-406, 88 Stat. 829). This Plan serves as a restatement of any prior formal or informal plan or rules and regulations governing the Section 403(b) Voluntary Tax Sheltered Annuity Plan (TSA) at Midwestern State University as adopted on June 13, 1962. This Plan is named the Midwestern State University Voluntary Tax Sheltered Annuity (TSA) Plan and is effective January 1, 2009.

Section 1 Definitions

The following words and terms, when used in the Plan, have the meaning set forth below:

1.1 "Account": The account or accumulation maintained for the benefit of any Participant or Beneficiary under an Annuity Contract or a Custodial Account.

1.2 "Account Balance": The bookkeeping account maintained for each Participant which reflects the aggregate amount credited to the Participant's Account under all Accounts, including the Participant's Elective Deferrals, the earnings or loss of each Annuity Contract or Custodial Account (net of expenses) allocable to the Participant, any transfers for the participant's benefit, and any distribution made to the Participant or the Participant's Beneficiary. If a Participant has more than one Beneficiary at the time of the Participant's death, then a separate Account Balance shall be maintained for each Beneficiary. The Account Balance includes any account established for the Participant for rollover contributions and plan-to-plan transfers, if specified by the Plan, the account established for a Beneficiary after a Participant's death, and any account or accounts established for an alternate payee (as defined in Section 414(p)(8) of the Code).

1.3 "Administrator": The plan administrator of the Plan. The Administrator is the Employer or any person or committee who may be appointed as Administrator by the Employer from time to time. A person or committee serving as the Administrator shall serve at the pleasure of the Employer. In addition, the Employer may from time to time appoint a third party administrator to perform ministerial functions for the Administrator, within the framework of policies, interpretations, rules, and practices, and procedures established by the Administrator, which may include (1) applying rules determining eligibility for participation or benefits, (2) calculating services and compensation, (3) preparing employee communications, (4) maintaining Participants' service and employment records, (5) calculating benefits, (6) orienting new participants and advising them of rights and options, (7) collecting and applying contributions, (8) preparing

reports, (9) processing claims, and (10) making recommendations to the Administrator with respect to plan administration.

1.4 “Annuity Contract”: A nontransferable contract as defined in Section 403(b)(1) of the Code, established for each Participant by the Employer, or by each Participant individually, that is issued by an insurance company qualified to issue annuities in the State of Texas and that includes payment in the form of an annuity.

1.5 “Beneficiary”: The designated person who is entitled to receive benefits under the Plan after the death of a Participant, subject to such additional rules as may be set forth in the Individual Agreements.

1.6 “Code”: The Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

1.7 “Compensation”: All cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Employee’s gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee’s gross income for the calendar year but for a compensation reduction election under Section 125, 132(f), 401(k), 403(b), or 457(b) of the Code (including an election under Section 2 made to reduce compensation for Elective Deferrals under the Plan).

1.8 “Custodial Account”: The group or individual custodial account or accounts, as defined in Section 403(b)(7) of the Code, established for each Participant by the Employer, or by each Participant individually, to hold assets of the Plan.

1.9 “Disabled”: The definition of disability provided in the applicable Individual Agreement.

1.10 “Elective Deferral”: The Employer contributions made to the Plan at the election of the Participant in lieu of receiving cash compensation. Elective deferrals are limited to pre-tax salary reduction contributions.

1.11 “Employee”: Each individual who is employed by Midwestern State University, a public educational institution of the State of Texas, to perform services and who is eligible to participate in the Plan in accordance with its provisions. This definition is not applicable unless the employee’s compensation for performing services is paid by Midwestern State University.

1.12 “Employer”: The Employer adopting this Plan Document. The name of the Employer is Midwestern State University, 3410 Taft Blvd., Wichita Falls, Texas 76308.

1.13 “Funding Vehicles”: The Annuity Contracts or Custodial Accounts issued for funding amounts held under the Plan and specifically approved by the Employer for use under the Plan.

1.14 “Includible Compensation”: An Employee’s actual wages in box 1 of Form W-2 for a year for services to the Employer, but subject to a maximum of \$230,000 (or such higher maximum as may apply under section 401(a)(17) of the Code) and increased (up to the dollar maximum) by any compensation reduction election under section 125, 132(f), 401(k), 403(b), or 457(b) of the Code (including any Elective Deferral under the Plan). The amount of Includible Compensation is determined without regard to any community property laws.

1.15 “Individual Agreement”: The agreement between a Vendor and the Employer or a Participant that constitutes or governs a Custodial Account or an Annuity Contract.

1.16 “Participant”: An individual for whom Elective Deferrals are currently being made, or for whom Elective Deferrals have previously been made, under the Plan and who has not received a distribution of his or her entire benefit under the Plan.

1.17 “Plan”: The Midwestern State University Voluntary Tax Sheltered Annuity (TSA) Plan.

1.18 “Plan Year”: The calendar year.

1.19 “Public Institution of Higher Education”: Public Institution of Higher Education means a State-sponsored organization of higher education that meets the requirements of Section 170(b)(1)(A)(ii)(relating to educational organizations that normally maintain a regular faculty and curriculum and normally have a regularly enrolled body of pupils or students in attendance at the place where educational activities are regularly carried on).

1.20 “Related Employer”: The Employer and any other entity which is under common control with the Employer under section 414(b) or (c) of the Code. For this purpose, the Employer shall determine which entities are Related Employers based on a reasonable, good faith standard and taking into account the special rules applicable under Notice 89-23, 1989-1 C.B. 654.

1.21 “Severance from Employment”: For purpose of the Plan, Severance from Employment means Severance from Employment with the Employer and any Related Employer. However, a Severance from Employment also occurs when an Employee ceases to be an employee of a Texas Public Institution of Higher Education, even though the Employee may continue to be employed by a Related Employer that is another unit of the State or local government that is not a Public Institution of Higher Education, or in a capacity that is not employment with a Public Institution of Higher Education (e.g., ceasing to be an employee performing services for a Public Institution of Higher Education but continuing to work for the same State or local government employer).

1.22 “Valuation Date”: Each business day of the Plan Year or the most recent date on which the Vendor would have provided the Participant with a statement of the value of the account, ordinarily, the last day of the calendar quarter.

1.23 “Vendor”: The provider of an Annuity Contract or Custodial Account.

Section 2 Participation and Contributions

2.1 Eligibility: Each person employed by Midwestern State University for at least one-half time (20 hours per week) in a non-student employment status shall be eligible to participate in the Plan and to have Elective Deferrals made on his or her behalf immediately upon becoming employed by the Employer.

2.2 Compensation Reduction Election: An Employee elects to become a Participant by executing an election form to reduce his or her Compensation (and have that amount contributed as an Elective Deferral on his or her behalf) and filing it with the Administrator. This Compensation reduction election shall be made on the Salary Reduction Agreement provided by the Administrator under which the Employee agrees to be bound by all the terms and conditions of the Plan. The Administrator may establish an annual minimum deferral amount no higher than \$200, and may change such minimum to a lower amount from time to time. The participation election shall also include the written designation of the Funding Vehicles and submission to the Vendor of the enrollment forms designating the Accounts therein to which Elective Deferrals are to be made and a designation of Beneficiary. Any such election may be executed at any time during the Participant’s employment and shall remain in effect until a new election is filed except as described in Section 8.1. Only an individual who performs services for the Employer as an Employee may reduce his or her Compensation under the Plan. Each Employee will become a Participant in accordance with the terms and conditions of the Individual Agreements. All Elective Deferrals shall be made on a pre-tax basis. An Employee shall become a Participant as soon as administratively practicable following the date applicable under the Employee’s election or a later date as permitted by the Employer. Contributions will not be made from summer appointment payrolls for nine and ten month Employees.

2.3 No Automatic Enrollment: A new Employee will not be automatically enrolled in the Plan. A participation election under Section 2.2 of this Plan is required to become a Participant. In addition to an initial notice of eligibility to participate in the Plan provided to each new Employee, the Employer shall annually notify all Employees of their eligibility to participate in the Plan.

2.4 No Roth Contributions or Rollovers Permitted: No Roth Elective Deferrals are permitted. All Elective Deferrals shall be made on a pre-tax basis. The Plan will not accept a rollover contribution from a Roth elective deferral account under an applicable retirement plan described in Section 402A(e)(1) of the Code or from a Roth IRA described in Section 408A of the Code.

2.5 Information Provided by the Employee: Each Employee enrolling in the Plan should provide to the Administrator and Vendor at the time of initial enrollment, and later if there are any changes, any information necessary or advisable for the Administrator to administer the Plan, including any information required under the Individual Agreements. Required information may include evidence of the Participant's or Beneficiary's age, marital status, enrolled status and outstanding loans in unrelated 403(b) plans, and any other information deemed reasonably necessary and proper for the lawful administration of the Plan.

2.6 Change in Elective Deferrals Election: Subject to the provisions of the applicable Individual Agreements, an Employee may at any time revise his or her participation election, including a change of the amount of his or her Elective Deferrals, his or her investment direction, and his or her designated Beneficiary. A change in the investment direction shall take effect as of the date provided by the Administrator on a uniform basis for all Employees. A change in the Beneficiary designation shall take effect when the election is accepted by the Vendor.

2.7 Contributions Made Promptly: Elective Deferrals under the Plan shall be transferred to the applicable funding Vehicle within 15 business days following the end of the month in which the amount would otherwise have been paid to the Participant unless an earlier date is required by state law.

2.8 Leave of Absence: Unless an election is otherwise revised, if an Employee is absent from work by leave of absence, Elective Deferrals under the Plan shall continue to the extent that Compensation continues.

Section 3 Limitations on Amounts Deferred

3.1 Basic Annual Limitations: Except as provided in Sections 3.2 and 3.3, the maximum amount of the Elective Deferral under the Plan for any calendar year shall not exceed the lesser of (a) the applicable dollar amount or (b) the Participant's Includible Compensation for the calendar year. The applicable dollar amount is the amount established under section 402(g)(1)(B) of the Code which is \$15,500 for 2008 and is adjusted for cost-of-living-after 2008 to the extent provided under section 415(d) of the Code.

3.2 Special Section 403(b) Catch-up Limitation for Employees with 15 Years of Service: Because the Employer is a qualified organization (within the meaning of §1.403(b)-4(c)(3)(ii) of the Income Tax Regulations), the applicable dollar amount under Section 3.1(a) for any "qualified employee" is increased (to the extent provided in the Individual Agreements) by the least of:

- (a) \$3,000;
- (b) The excess of:
 - (1) \$15,000, over

- (2) The total special 403(b) catch-up elective deferrals made for the qualified employee by the qualified organization for prior years; or
- (c) The excess of:
 - (1) \$5,000 multiplied by the number of years of service of the employee with the qualified organization, over
 - (2) The total Elective Deferrals and, if applicable, Roth 403(b) Contributions made for the employee by the qualified organization for prior years.

For purposes of this Section 3.2, a “qualified employee” means an employee who has completed at least 15 years of service taking into account only employment with the Employer.

3.3 Age 50 Catch-up Elective Deferral Contributions: An Employee who is a Participant who will attain age 50 or more by the end of the calendar year is permitted to elect an additional amount of Elective Deferrals, up to the maximum age 50 catch-up Elective Deferral for the year. The maximum dollar amount of the age 50 catch-up Elective Deferral for a year is \$5,000 for 2008, and is adjusted for cost-of-living after 2008 to the extent provided under the Code.

3.4 Coordination: Amounts in excess of the limitation set forth in Section 3.1 shall be allocated first to the special 403(b) catch-up under Section 3.2 and next as an age 50 catch-up contribution under Section 3.3. However, in no event can the amount of the Elective Deferrals for a year be more than the Participant’s Compensation for the year. In determining the limit under Section 415(c), non-elective contributions to another plan with the employer shall be considered first, and Elective Deferrals shall be permitted only to the extent that the limits under Section 415(c) are not exceeded.

3.5 Special Rule for a Participant Covered by Another Section 403(b) Plan: For purposes of this Section 3, if the Participant is or has been a participant in one or more other plans under section 403(b) of the Code (and any other plan that permits elective deferrals under section 402(g) of the Code), then this Plan and all such other plans shall be considered as one plan for purposes of applying the foregoing limitations of this Section 3. For this purpose, the Administrator shall take into account any other such plan maintained by any Related Employer and shall also take into account any other such plan for which the Administrator receives from the Participant sufficient information concerning his or her participation in such other plan. Notwithstanding the foregoing, another plan maintained by a Related Entity shall be taken into account for purposes of Section 3.2 only if the other plan is a section 403(b) plan.

3.6 Correction of Excess Elective Deferrals: If the Elective Deferrals on behalf of a Participant for any calendar year exceeds the limitations described above, or the Elective Deferral on behalf of a Participant for any calendar year exceeds the limitations described

above when combined with other amounts deferred by the Participant under another plan of the employer under section 403(b) of the Code (and any other plan that permits elective deferrals under section 402(g) of the Code for which the Participant provides information that is accepted by the Administrator), then the Elective Deferral, to the extent in excess of the applicable limitation (adjusted for any income or loss in value, if any, allocable thereto), shall be distributed to the Participant. Excess Deferrals will be distributed to the Participant with allocable net income no later than April 15 of the following taxable year or otherwise in accordance with Section 402(g) of the Code.

Section 4 Loans

4.1 Loans Permitted: Loans shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets from which the loan is made and by which the loan will be secured; provided however that nothing in this provision shall restrict the ability of the Administrator to prohibit loans from being taken out by a Participant, to limit the number of loans permitted to be taken by a Participant, or from establishing a future date after which no new loans will be permitted for any Participant.

4.2 Information Coordination Concerning Loans: Each Vendor is responsible for all information reporting and tax withholding required by applicable federal and state law in connection with distributions and loans. To minimize the instances in which Participants have taxable income as a result of loans from the Plan, the Administrator shall take such steps as may be appropriate to coordinate the limitations on loans set forth in Section 4.3, including the collection of information from Vendors, and transmission of information requested by any Vendor, concerning the outstanding balance of any loans made to a Participant under the Plan or any other plan of the Employer. The Administrator shall also take such steps as may be appropriate to collect information from Vendors and transmission of information to any Vendor, concerning any failure by a Participant to repay timely any loans made to a Participant under the Plan or any other plan of the Employer. The Administrator may decline to permit a loan if the Administrator is unable to obtain necessary information concerning a Participant's Account Balance or information concerning outstanding loans with any current or prior Vendor, or if the Administrator believes that a loan would be a violation of any provision of Section 403(b) of the Code.

4.3 Maximum Loan Amount: With the exception of any loans already outstanding from any other 403(b) plan maintained by the Employer or any Related Employer, as of the effective date of the Plan, Participants will be limited to no more than one outstanding loan under the Plan at any given period of time. Repayment of loans will be made by the Participant directly to the Vendor. No loan to a Participant under the Plan may exceed the lesser of:

- (a) \$50,000, reduced by the greater of (i) the outstanding balance on any loan from the Plan to the Participant on the date the loan is made or (ii) the highest outstanding balance on loans from the Plan to the Participant during the one-year period ending on the day before the date the loan is approved by the Administrator (not taking into account any payments made during such one-year period); or

(b) one-half of the value of the Participant's vested Account Balance (as of the Valuation Date immediately preceding the date on which such loan is approved by the Administrator).

For purposes of this Section 4.3, any loan from any other plan maintained by the Employer and any Related Employer shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided; however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.

Section 5 Benefit Distributions

5.1 Benefit Distributions at Severance from Employment or Other Distribution

Event: Except as permitted under Section 3.6 (relating to excess Elective Deferrals), Section 5.4 (relating to hardship), or Section 8.3 (relating to termination of the Plan), distributions from a Participant's Account may not be made earlier than the earliest of the date on which the Participant has a Severance from Employment, dies, becomes Disabled, or attains age 59½. Notwithstanding the foregoing and in accordance with the terms of Individual Agreements, the withdrawal restrictions described above do not apply to Elective Deferrals made to Annuity Contracts and attributed earnings as of December 31, 1988. Distributions shall otherwise be made in accordance with the terms of the Individual Agreements.

5.2 Small Account Balances: The terms of the Individual Agreement may permit distributions to be made in the form of a lump-sum payment, without the consent of the Participant or Beneficiary, but no such payment may be made without the consent of the Participant or Beneficiary unless the Account Balance does not exceed \$5,000 (determined without regard to any separate account that holds rollover contributions) and any such distribution shall comply with the requirements of section 401(a)(31)(B) of the Code (relating to automatic distribution as a direct rollover to an individual retirement plan for distributions in excess of \$1,000).

5.3 Minimum Distributions: Each Individual Agreement shall comply with the minimum distribution requirements of section 401(a)(9) of the Code and the regulations thereunder. For purposes of applying the distribution rules of section 401(a)(9) of the Code, each Individual Agreement is treated as an individual retirement account (IRA) and distribution shall be made in accordance with the provisions of §1.408-8 of the Income Tax Regulations, except as provided in § 1.403(b)-6(e) of the Income Tax Regulations.

5.4 Hardship Withdrawals: (a) Hardship withdrawals shall be permitted under the Plan to the extent permitted by the Individual Agreements controlling the Account assets to be withdrawn to satisfy the hardship; provided however that nothing in this provision shall restrict the ability of the Administrator from establishing a future date after which no new hardship distributions will be permitted under the Plan for any Participant. No Elective Deferrals shall be permitted under the Plan during the 6-month period beginning on the

date the Participant receives a distribution on account of hardship. **(b)** The Individual Agreements shall provide for the exchange of information among the Employer and the Vendors to the extent necessary to implement the Individual Agreements, including, in the case of a hardship withdrawal that is automatically deemed to be necessary to satisfy the Participant's financial need (pursuant to §1.401(k)-1 (d)(3)(iv)(E) of the Income Tax Regulations), the Vendor notifying the Employer of the withdrawal in order for the Employer to implement the resulting 6-month suspension of the Participant's right to make Elective Deferrals under the Plan. In addition, in the case of a hardship withdrawal that is not automatically deemed to be necessary to satisfy the financial need (pursuant to §1.401(k)-1(d)(3)(iii)(B) of the Income Tax Regulations), the Vendor shall obtain information from the Employer or other Vendors to determine the amount of any plan loans and rollover accounts that are available to the Participant under the Plan to satisfy the financial need.

5.5 Rollover Distributions: **(a)** A Participant or the Beneficiary of a deceased Participant (or a Participant's spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the Code) who is entitled to an eligible rollover distribution may elect to have any portion of an eligible rollover distribution (as defined in section 402(c)(4) of the Code) from the Plan paid directly to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Code) specified by the Participant in a direct rollover. In the case of a distribution to a Beneficiary who at the time of the Participant's death was neither the spouse of the Participant nor the spouse or former spouse of the Participant who is an alternate payee under a domestic relations order, a direct rollover is payable only to an individual retirement account or individual retirement annuity (IRA) that has been established on behalf of the Beneficiary as an inherited IRA (within the meaning of section 408(d)(3)(C) of the Code). **(b)** Each Vendor shall be separately responsible for providing, within a reasonable time period before making an initial eligible rollover distribution, an explanation to the Participant of his or her right to elect a direct rollover and the income tax withholding consequences of not electing a direct rollover.

Section 6 Rollovers to the Plan and Transfers

6.1 Rollover Contributions: The Plan will not accept or permit to receive direct or indirect employee rollover contributions or distributions from any eligible qualified retirement plan, described in Section 402(c)(8)(B), 401(a) or 403(a) of the Code (including nondeductible employee contributions), a 403(b) plan (including nondeductible employee contributions), and an eligible governmental 457(b) plan. In addition, the Plan will not accept rollover distributions of pre-tax amounts from a Traditional IRA. In no event will the Plan accept a rollover contribution from a Roth Elective Deferral account under an applicable retirement plan described in Section 402A(e)(1) of the Code or a Roth IRA described in Section 408A of the Code.

6.2 Plan-to-Plan Transfers to the Plan: The Plan will not accept or permit to receive into the Plan, the transfer of a Participant's Account Balance assets from another employer's plan under Section 403(b) of the Code.

6.3 Plan-to-Plan Transfers From the Plan: (a) At the direction of the Employer, the Administrator may permit a class of Participants and Beneficiaries to elect to have all or any portion of their Account Balance transferred to another plan that satisfies Section 403(b) of the Code in accordance with §1.403(b)-10(b)(3) of the Income Tax Regulations. A transfer is permitted under this Section 6.3(a) only if the Participant or Beneficiary is an employee or former employee of the employer (or the business of the employer) under the receiving plan and the other plan provides for the acceptance of plan-to-plan transfers with respect to the Participants and Beneficiaries and for each Participant and Beneficiary to have an amount deferred under the other plan immediately after the transfer at least equal to the amount transferred. (b) The other 403(b) plan must provide that, to the extent any amount transferred is subject to any distribution restrictions required under Section 403(b) of the Code, the other plan shall impose restrictions on distributions to the Participant or Beneficiary whose assets are transferred that are not less stringent than those imposed under the Plan. In addition, if the transfer does not constitute a complete transfer of the Participant's or Beneficiary's interest in the Plan, the other plan shall treat the amount transferred as a continuation of a pro rata portion of the Participant's or Beneficiary's interest in the transferor plan (e.g. a pro rata portion of the Participant's or Beneficiary's interest in any after-tax employee contributions.) (c) Upon the transfer of assets under this Section 6.3, the Plan's liability to pay benefits to the Participant or Beneficiary under this Plan shall be discharged to the extent of the amount so transferred for the Participant or Beneficiary. The Administrator may require such documentation from the receiving plan as it deems appropriate or necessary to comply with this Section 6.3 (for example, to confirm that the receiving plan satisfies Section 403(b) of the Code and to assure that the transfer is permitted under the receiving plan) or to effectuate the transfer pursuant to §1.403(b)-10(b)(3) of the Income Tax Regulations.

6.4 Contract and Custodial Account Exchanges: (a) A Participant or Beneficiary is permitted to change the investment of his or her Account Balance among the Vendors approved under the Plan, subject to the terms of the Individual Agreements. An investment change that includes an investment with a Vendor that is not approved as eligible to receive contributions under Section 2 (referred to as an exchange) is not permitted under the Plan.

(b) If a Vendor that was once approved, ceases to be eligible to receive Elective Deferrals under the Plan, the Employer and Vendor will enter into an information sharing agreement to the extent the Employer's existing contract with the Vendor does not provide for the exchange of information described in Section 6.4(c)(1-2).

(c) The Vendor and Employer will from time-to-time in the future provide each other with the following information:

(1.) Information necessary for the resulting contract or custodial account, or any other contract or custodial accounts to which contributions have been made by the Employer, to satisfy Section 403(b) of the Code, including the following: (i) the Employer providing information as to whether the Participant's employment with the Employer is continuing, and notifying the Vendor when the Participant has had a Severance from Employment

(for purposes of the distribution restrictions in Section 5.1); (ii) the Vendor notifying the Employer of any hardship withdrawal under Section 5.4 if the withdrawal results in a 6-month suspension of the Participant's or Beneficiary's right to make Elective Deferrals under the Plan; and (iii) the Vendor providing information to the Employer or to other Vendors concerning the Participant's or Beneficiary's Section 403(b) contracts or custodial accounts or qualified employer plan benefits (to enable a Vendor to determine the amount of any plan loans that are available to the Participant under the Plan in order to satisfy the financial need under the hardship withdrawal rules of Section 5.4; and

(2.) Information necessary in order for the resulting contract or custodial account and any other contract or custodial account to which contributions have been made for the Participant by the Employer to satisfy other tax requirements, including the following: (i) the amount of any plan loan that is outstanding to the Participant in order for a Vendor to determine whether an additional plan loan satisfies the loan limitations of Section 4.1, so that any such additional loan is not a deemed distribution under section 72(p)(1); and (ii) information concerning the Participant's or Beneficiary's after-tax employee contributions in order for a Vendor to determine the extent to which a distribution is includible in gross income.

6.5 Permissive Service Credit Transfers: (a) If a Participant is also a participant in a tax-qualified defined benefit governmental plan (as defined in Section 414(d) of the Code) that provides for the acceptance of plan-to-plan transfers with respect to the Participant, then the Participant may elect to have any portion of the Participant's Account Balance transferred to the defined benefit governmental plan. A transfer under this Section 6.5(a) may be made before the Participant has had a Severance from Employment. (b) A transfer may be made under Section 6.5(a) only if the transfer is either for the purchase of permissive service credit (as defined in Section 415(n)(3)(A) of the Code) under the receiving defined benefit governmental plan or a repayment to which section 415 of the Code does not apply by reason of Section 415(k)(3) of the Code. (c) In addition, if a plan-to-plan transfer does not constitute a complete transfer of the Participant's or Beneficiary's interest in the transferor plan, the Plan shall treat the amount transferred as a continuation of a pro rata portion of the Participant's or Beneficiary's interest in the transferor plan (e.g., a pro rata portion of the Participant's or Beneficiary's interest in any after-tax employee contribution).

Section 7 Investment of Contributions

7.1 Manner of Investment: All Elective Deferrals or other amounts contributed to the plan, all property and rights purchased with such amounts under the Funding Vehicles, and all income attributable to such amounts, property, or rights shall be held and invested in one or more Annuity Contracts or Custodial Accounts. Each Custodial Account shall provide for it to be impossible, prior to the satisfaction of all liabilities with respect to Participants and their Beneficiaries, for any part of the assets and income of the Custodial Account to be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries.

7.2 Investment of Contributions: Each Participant or Beneficiary shall direct and shall be solely responsible for selecting the investment of his or her Account among the investment options available under the Annuity Contract or Custodial Account in accordance with the terms of the Individual Agreements. The Employer and Administrator have no fiduciary responsibility for the market value of a Participant's investment or the financial stability of the Vendors chosen by the Participant. Transfers and exchanges among Annuity Contracts and Custodial Accounts may be made to the extent provided in this Section 7.2 and in the Individual Agreements and permitted under applicable Income Tax Regulations.

7.3 Current and Former Vendors: The Administrator shall maintain a list of all Vendors under the Plan. Such list is hereby incorporated as part of the Plan. Each Vendor and the Administrator shall exchange such information as may be necessary to satisfy Section 403(b) of the Code or other requirements of applicable law. In the case of a Vendor which is not eligible to receive Elective Deferrals under the Plan (including a Vendor which has ceased to be a Vendor eligible to receive Elective Deferrals under the Plan and a Vendor holding assets under the Plan in accordance with Section 6.4), the Employer shall keep the Vendor informed of the name and contact information of the Administrator in order to coordinate and share information necessary to satisfy Section 403(b) of the Code or other requirements of applicable law.

7.4 Investment Management and Advisory Fees: Notwithstanding anything contained herein to the contrary, the Participant may authorize the direct payment of investment management or advisory expenses and fees from the Account to the Custodian or to a registered investment advisor of the Participant's choosing who is registered with the Securities and Exchange Commission (and any other applicable federal or state agency), provided that the Account is solely liable for the payment of such expenses or fees

Section 8 Amendment and Plan Termination

8.1 Termination of Contributions: A Participant will continue to participate in the Plan until (a) he or she ceases to be an eligible Employee, (b) the Plan is terminated, or (c) his or her contributions under the Plan are terminated by election, whichever occurs first. The Employer is authorized to terminate the Participant's salary reduction agreement when contributions in excess of limitations as defined in Section 3.1-3.4 are imminent, the Participant is contributing Elective Deferrals to a Vendor that is not authorized under this Plan, or the Participant receives a Hardship Distribution provided in Section 5.4. The Employer has adopted the Plan with the intention and expectation that contributions will be continued indefinitely. However, the Employer has no obligation or liability whatsoever to maintain the Plan for any length of time and may discontinue contributions under the Plan at any time without any liability hereunder for any such discontinuance.

8.2 Amendment and Termination: The Employer reserves the authority to amend or terminate this Plan at any time; provided however that any amendment which reduces contractual rights or benefits under an Individual Agreement shall apply prospectively only except as required under the Code and applicable regulations promulgated thereunder.

8.3 Distribution upon Termination of the Plan: The Employer may provide that, in connection with a termination of the Plan and subject to any restrictions contained in the Individual Agreements, all Accounts will be distributed, provided that the Employer and any Related Employer on the date of termination do not make contributions to an alternative Section 403(b) contract that is not part of the Plan during the period during the period beginning on the date of the Plan termination and ending 12 months after the distribution of all assets from the Plan, except as permitted by the Income Tax Regulations.

Section 9 Miscellaneous

9.1 Non-Assignability: Except as provided in Section 9.2, (pertaining to a domestic relations order), the interests of each Participant or Beneficiary under the Plan are not subject to the claims of the Participant's or Beneficiary's creditors; and neither the Participant nor any Beneficiary shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Plan, which payments and interest are expressly declared to be non-assignable and non-transferable.

9.2 Domestic Relations Orders: Notwithstanding Section 9.1, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant, is made pursuant to the domestic relations law of any State ("domestic relations order") that is determined to be a Qualified Domestic Relations Order under applicable law, then the amount of the Participant's Account Balance shall be paid in the manner and to the person or persons so directed in the domestic relations order. Such payment shall be made without regard to whether the participant is eligible for a distribution of benefits under the plan. Each Vendor is solely responsible for determining whether a domestic relations order is qualified and payable and for effectuating distribution pursuant to the domestic relations order.

9.3 Qualified Military Service: Notwithstanding any provisions of this Plan to the contrary, contributions, benefits, and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Code.

9.4 Tax Withholding: Contributions to the Plan are subject to applicable employment taxes (including, if applicable, Federal Insurance Contributions Act (FICA) taxes with respect to Elective Deferrals, which constitute wages under Section 3121 of the Code). Any benefit payment made under the Plan is subject to applicable income tax withholding requirements (including Section 3401 of the Code and the Employment Tax Regulations thereunder). A payee shall provide such information as the Administrator or Vendor may need to satisfy income tax withholding obligations, and any other information that may be required by guidance issued under the Code.

9.5 Payments to Minors and Incompetents: If a Participant or Beneficiary entitled to receive any benefit hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of

such Participant or Beneficiary in conformity with applicable Annuity Contracts or Custodial Accounts, if applicable. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.

9.6 Mistaken Contributions: If any contribution (or any portion of a contribution) is made to the Plan by good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any, allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer. The Employer, as an agency of the State of Texas, is constitutionally unable to indemnify any party or hold them harmless, and Vendors shall not require an indemnification or hold harmless agreement as a condition for the return of mistaken contributions.

9.7 Procedure When Distributee Cannot Be Located: The Administrator and Vendor shall make all reasonable attempts to determine the identity and address of a Participant or a Participant's Beneficiary entitled to benefits under the Plan. For this purpose, a reasonable attempt means (a) the mailing by certified mail of a notice to the last known address shown on the Employer's, the Administrator's, or Vendor's records (b) notification sent to the Social Security Administration or the Pension Benefit Guaranty Corporation (under their program to identify payees under retirement plans), and (c) the payee has not responded within 6 months. If the Administrator or Vendor is unable to locate such a person entitled to benefits hereunder, or if there has been no claim made for such benefits, the funding vehicle shall continue to hold the benefits due such person.

9.8 Incorporation of Individual Agreements: The Plan, together with the Individual Agreements, is intended to satisfy the requirements of Section 403(b) of the Code and the Income Tax Regulations thereunder. Terms and conditions of the Individual Agreements are hereby incorporated by reference into the Plan, excluding those terms that are inconsistent with the plan or Section 403(b) of the Code. In such event, the Individual Agreements shall be interpreted to the extent possible, in a manner to conform to the Plan and applicable requirements, provided however that the Plan may not enlarge the rights of the Employer, the Administrator, or a Participant under the Individual Agreement.

9.9 Governing Law: The Plan will be construed, administered and enforced according to the Code and the laws of the State of Texas in which the Employer has its principal place of business.

9.10 Headings: Headings of the Plan have been inserted for convenience of reference only and are to be ignored in any construction of the provisions hereof.

9.11 Gender: Pronouns used in the Plan in the masculine or feminine gender include both genders unless the context clearly indicated otherwise.

9.12 Claims of Other Persons: No provisions in the Plan shall be construed as giving any Participant, Beneficiary, or any other person, firm, or corporation any legal or

equitable right against Midwestern State University, its officers, employees, or directors, except for the rights that are specifically provided for in this Plan or created in accordance with the terms and provisions of this Plan. Each Participant shall look solely to the providers of applicable Annuity Contracts and Custodial Accounts for receipt of payments or benefits under the Plan.

9.13 Non-Contractual: Nothing contained in this Plan shall be construed as a commitment or agreement on the part of any person to continue his or her employment with Midwestern State University and nothing contained in this Plan will be construed as a commitment on the part of Midwestern State University to continue the employment or rate of compensation of any person for any period.

IN WITNESS WHEREOF, Midwestern State University has caused this Plan Document to be executed by its duly authorized officer or official this ____ day of _____, 2009.

Midwestern State University (Employer)

By: _____

Title: _____

Effective Date of the Plan: January 1, 2009

**PROPOSED ACADEMIC CALENDAR
MIDWESTERN STATE UNIVERSITY**

2010 - 2011

(2nd Summer 2010 ends Aug. 5)

Fall Semester 2010

Monday	March 1	Priority Application Date for Admission
Saturday	August 7	Application Deadline for Admission
Monday	August 16	Faculty Meetings
Mon.-Tues.	Aug. 16-17	Reenrolling students can register By classification
Wed.-Fri.	Aug. 18-20	Orientation for new students Registration continues by alpha
Saturday	August 21	Classes begin 8:00 a.m.
Mon.-Wed.	Aug. 23-25	Change of Schedule and Late Registration
Monday	September 6	Labor Day - No classes
Monday	October 4	Deadline for December graduates to file for graduation
Monday	October 11	Deadline for May graduates to file for graduation
Tuesday	November 23	Thanksgiving Holiday begins at 10:00 p.m. (Saturday classes do not meet on November 27)
Monday	November 29	Classes resume 8:00 a.m.
Friday	December 3	Last day of classes
Saturday	December 4	Final examinations begin
Saturday	December 11	Commencement

End December 3 = 15 weeks

Class Meetings: MWF 42, TR 29, S 14 (includes Saturday after registration, but does not include Saturday after Thanksgiving.)

Spring Semester 2011

Monday	November 1	Priority Application Date for Admission
Wednesday	December 15	Application Deadline for Admission
Mon.-Tues.	January 10-11	Reenrolling students can register By classification
Wed.-Thurs.	January 12-13	Orientation for new students Registration continues by alpha
Friday	January 14	Registration
Saturday	January 15	Classes begin 8:00 a.m.
Monday	January 17	Martin Luther King Day - No classes
Tues.-Thurs.	January 18-20	Change of Schedule and Late Registration
Monday	February 21	Deadline for May graduates not enrolled for fall semester to file for graduation
Saturday	March 12	Spring Break begins at 5:00 p.m. March 14-19 – No classes
Monday	March 21	Classes resume
Wednesday	April 20	Easter Break begins at 10:00 p.m. April 21-23 – No classes
Monday	April 25	Classes resume
Friday	May 6	Last day of classes
Saturday	May 7	Final examinations begin
Saturday	May 14	Commencement

End May 6 = 15 weeks

Class Meetings: MWF 43, TR 29, S 14 (includes Saturday after registration, but does not
include Saturday after Spring Break or before Easter.)

Summer Semesters 2011

First Term:

Sunday

May 1

Priority Application Date for Admission

Sunday

May 15

Application Deadline for Admission

Mon.-Wed.

May 23-25

Reenrolling students can register
By classification

Thursday

May 26

Orientation for new students
Registration continues by alpha

Monday

May 30

Memorial Day – No classes

Tuesday

May 31

Classes begin

Thursday

June 30

Final examinations

Second Term:

Wednesday

June 1

Priority Application Date for Admission

Wednesday

June 15

Application Deadline for Admission

Thursday

June 30

Orientation and Registration

Monday

July 4

Independence Day Holiday

Tuesday

July 5

Classes begin

Monday

July 11

Last day to file for August graduation

Thursday

August 4

Final examinations

Summer I & II Class Meetings: 20 (includes Finals) + Registration

**PROPOSED ACADEMIC CALENDAR
MIDWESTERN STATE UNIVERSITY**

2011 - 2012

(2nd Summer 2011 ends Aug. 4)

Fall Semester 2011

Tuesday	March 1	Priority Application Date for Admission
Sunday	August 7	Application Deadline for Admission
Monday	August 15	Faculty Meetings
Mon.-Tues.	Aug. 15-16	Reenrolling students can register By classification
Wed.-Fri.	Aug. 17-19	Orientation for new students Registration continues by alpha
Saturday	August 20	Classes begin 8:00 a.m.
Mon.-Wed.	Aug. 22-24	Change of Schedule and Late Registration
Monday	September 5	Labor Day - No classes
Monday	October 3	Deadline for December graduates to file for graduation
Monday	October 10	Deadline for May graduates to file for graduation
Tuesday	November 22	Thanksgiving Holiday begins at 10:00 p.m. (Saturday classes do not meet on November 26)
Monday	November 28	Classes resume 8:00 a.m.
Friday	December 2	Last day of classes
Saturday	December 3	Final examinations begin
Saturday	December 10	Commencement

End December 2 = 15 weeks

Class Meetings: MWF 42, TR 29, S 14 (includes Saturday after registration, but does not include Saturday after Thanksgiving.)

Spring Semester 2012

Tuesday	November 1	Priority Application Date for Admission
Thursday	December 15	Application Deadline for Admission
Mon.-Tues.	January 9-10	Reenrolling students can register By classification
Wed.-Thurs.	January 11-12	Orientation for new students Registration continues by alpha
Friday	January 13	Registration
Saturday	January 14	Classes begin 8:00 a.m.
Monday	January 16	Martin Luther King Day - No classes
Tues.-Thurs.	January 17-19	Change of Schedule and Late Registration
Monday	February 20	Deadline for May graduates not enrolled for fall semester to file for graduation
Saturday	March 10	Spring Break begins at 5:00 p.m. March 12-17 – No classes
Monday	March 19	Classes resume
Wednesday	April 4	Easter Break begins at 10:00 p.m. April 5-7 – No classes
Monday	April 9	Classes resume
Friday	May 4	Last day of classes
Saturday.	May 5	Final examinations begin
Saturday	May 12	Commencement

End May 4 = 15 weeks

Class Meetings: MWF 43, TR 29, S 14 (includes Saturday after registration, but does not
include Saturday after Spring Break or before Easter.)

Summer Semesters 2012

First Term:

Tuesday	May 1	Priority Application Date for Admission
Tuesday	May 15	Application Deadline for Admission
Mon.-Wed.	May 21-23	Reenrolling students can register By classification
Thursday	May 24	Orientation for new students Registration continues by alpha
Monday	May 28	Memorial Day – No classes
Tuesday	May 29	Classes begin
Thursday	June 28	Final examinations

Second Term:

Friday	June 1	Priority Application Date for Admission
Friday	June 15	Application Deadline for Admission
Thursday	June 28	Orientation and Registration
Monday	July 2	Classes begin
Wednesday	July 4	Independence Day Holiday – No classes
Monday	July 9	Last day to file for August graduation
Thursday	August 2	Final examinations

Summer I & II Class Meetings: 20 (includes Finals) + Registration

**2.22 BOARD OF REGENTS BY-LAWS
(Excerpt Only)**

ARTICLE IV

Section 1 Number

The Board of Regents of the university shall consist of nine members as outlined in Senate Bill No. 6, 56th Legislature (Texas Education Code, Chapter 103).

Section 2 Term of Office

Regents will be appointed for staggered terms of six years each, the terms of three members expiring on February 25 of even-numbered years.

Section 3 Vacancies

Vacancies occurring shall be filled by the Governor for the unexpired term. The members of the Board shall be removable by the Governor for inefficiency or inattention to the duties of the office.

Section 4 Regents Emeritus

The Board of Regents may elect persons whose service merits the highest honor it may confer to the position of Regent Emeritus for life. Such election must be by unanimous vote of those present and voting. The number of such Regents shall not exceed three at any one time. Their counsel and support will be sought in university affairs, but they cannot be accorded voting privileges.

Section 5 Powers

The Board of Regents shall have charge and control of the university, and shall have power to adopt such by-laws and other regulations as they shall deem necessary and proper for carrying out the purposes and objectives of the university. The Board shall have power to elect a President of the university, such other officers as they deem proper and necessary, and to confer upon them appropriate powers. The Board shall perform such other duties as may be required by the laws of the State of Texas. All deeds, mortgages, contracts, or other legal papers to be executed by or on behalf of the university shall be signed by the Chairperson of the Board of Regents, or by the Vice Chairperson in the absence of the Chairperson, and attested by the Secretary under the seal of the university when necessary, provided that prior to the execution of deeds, mortgages, and contracts, the Board of Regents in regular or special meeting shall have authorized the execution of such matters and shall have entered upon its minutes a resolution to that effect.

Section 6 Grounds for Removal of Board Member

It is a ground for removal from the board that a member; commits malfeasance of office; cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year, unless the absence is excused by majority vote of the board. The validity of an action of the board is not affected by the fact that it was taken when a ground for removal of a board member existed.

ARTICLE V

Section 1 Non-Voting Student Regent

A Midwestern State University student will be appointed by the governor to serve as student regent as provided in Texas Education Code, Section 51.356.

Section 2 Term of Office

A student regent will be appointed on June 1, or as soon thereafter as practicable, to serve for a one-year term expiring on the next May 31.

Section 3 Qualifications

To be eligible for appointment as student regent, a person must be enrolled as an undergraduate or graduate student at Midwestern State University and be in good academic standing. Throughout a student regent's term, the student regent must maintain a grade point average of at least 2.5 on a four-point scale. The president shall notify the governor if the student regent fails to maintain the qualifications required.

Section 4 Vacancies

A vacancy in the position of student regent shall be filled for the unexpired term by appointment by the governor in consultation with the university president.

Section 5 Powers

A student regent is not a member of the Midwestern State University board of regents. A student regent has the same powers and duties as the members of the board of regents of the institution, including the right to attend and participate in meetings of the board of regents, except that the student regent:

- A. May not vote on any matter before the board or make or second any motion before the board; and
- B. Is not counted in determining whether a quorum exists for a meeting of the board or in determining the outcome of any vote of the board.

Section 6 Compensation and Reimbursement

A student regent serves without compensation but is entitled to be reimbursed for the actual expenses incurred by the student regent in attending the meetings of the board of regents.

2.31 ADMINISTRATION SELECTION PROCESS

F. Vice President for University Advancement and Student Affairs

The Vice President for University Advancement and Student Affairs will be appointed by the President from a list of three candidates recommended by a search and screening committee. This committee shall consist of two faculty members selected from a list of four chosen by the Faculty Senate; two representatives from the staff of University Advancement and Student Affairs selected by the President; two students selected from a list of four submitted by the Student Government and one member-at-large selected by the President. The Chairperson of the committee will be appointed by the President from the members selected.

1. Associate Vice President for Student Affairs

The Associate Vice President for Student Affairs will be appointed by the President on recommendation of the Vice President for University Advancement and Student Affairs.

2. Director of Public Information and Marketing

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

3. 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 Student Affairs.

4. Chief of Police

The Chief of Police will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs.

5. Dean of Students

The Dean of Students will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs. ~~The candidate recommended will be chosen from a list of three names selected by a search and screening committee. The committee will be composed of two members from the staff of Student Affairs selected by the Vice President for University Advancement and Student Affairs; two faculty members selected from a list of four names chosen by the Faculty Senate; two students selected from a list of four names submitted by the Student Government; and the Chairperson selected by the Vice President for University Advancement and Student Affairs.~~

6. Director of Counseling Center and Disability Services

The Director of the Counseling Center and Disability Services will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.

7. Director of Disability Support Services

The Director of Disability Support Services will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.

8. Director of Vinson Health Center
The Director of Vinson Health Center will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.
9. Vinson Health Center Physician
The Vinson Health Center Physician will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs. A search and screening committee will be established to assist the Vice President with the recommendation. The following personnel will serve on the committee: Director of Vinson Health Center, Director of Housing and Residence Life, and Dean of Students. The committee will also include one representative from each of the following areas: Student Government Association, College of Health Sciences and Human Services, and Athletics Department. The Chairperson will be selected by the Vice President for University Advancement and Student Affairs.
10. Postal Services Supervisor
The Postal Services Supervisor will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.
11. Director of Recreational Sports
The Director of Recreational Sports will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.
12. Director of Housing and Residence Life
The Director of Housing and Residence Life will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.
13. Director of Student Activities and Orientation
The Director of Student Activities and Orientation will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.
13. 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 University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.
14. 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 University Advancement and Student Affairs and Associate Vice President for Student Affairs.
14. Director of Annual Fund
The Director of Annual Fund will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs.

15. Director of Corporate and Sports Development

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

16. Director of Campus Card Services

The Director of Campus Card Services will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.

17. Director of Career Management Center

The Director of the Career Management Center will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs in consultation with the Associate Vice President for Student Affairs.

18. Director of Donor Services and Special Projects

The Director of Donor Services and Special Projects will be appointed by the President upon recommendation of the Vice President for University Advancement and Student Affairs.

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 University Advancement and Student Affairs and Associate Vice President for Student Affairs.

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 University Advancement and Student Affairs and Associate Vice President for Student Affairs.

2.337 VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT AND STUDENT AFFAIRS**A. Purpose**

The Vice President for University Advancement and Student Affairs reports directly to the President and has a dual role. The planning and administration of a program of services and activities for students and donors, which is compatible with the philosophy and objectives of the university, are the primary purposes of the advancement and student affairs programs.

1. University Advancement

As state funding dwindles, it is a primary responsibility of the Vice President to establish and provide financial assistance for programs to allow them to grow in ways that basic funding cannot accomplish. The University Advancement program is based on establishing methods of advancing the educational purposes of the university through scholarships, purchase of property or construction, student recruiting, and other fund raising opportunities. The Vice President is responsible for public information and marketing, donor services, fund raising, grant writing, alumni relations, and preparation of budgets.

2. Student Affairs

The Student Affairs program is based on the knowledge of human development and learning characteristics and reflective of the demographic and developmental profiles of the student body. The educational experience of students consists of both academic efforts in the classroom and developmental opportunities through Student Affairs. The Vice President for University Advancement and Student Affairs, in cooperation with the Associate Vice President for Student Affairs, is also responsible for the coordination and supervision of services, programs, and activities in the areas of counseling, new student orientation, student housing, student discipline, student activities, student development programs, social regulations, the yearbook, student medical services, disability services, the student center, wellness programs, campus card services, the bookstore, dining services, postal services, recreational sports, leadership development, multicultural programs, career services, and cheerleaders. Additionally, the Vice President for University Advancement and Student Affairs is responsible for police services and preparation of budgets.

B. University Advancement Offices & Programs**1. Alumni Relations**

The Office of Alumni Relations is responsible for the organization and cultivation of alumni for the university. The Director supervises Alumni Association record keeping; coordination and management of Alumni Association activities, funds, and membership drives; and planning and implementation of alumni relations programs including Homecoming, alumni awards, chapter development and activities, and legislative networking. This office is also responsible for on-going communication with alumni and public relations for the Alumni Association. The Director reports to the Vice President for University Advancement and Student Affairs.

2. Annual Fund

The Annual Fund Office is responsible for planning and executing a comprehensive and aggressive program to generate annual gifts from alumni, parents, faculty, staff, businesses, and other constituencies. Responsibilities also include implementing an annual campaign, database management, and overseeing all direct mail and telephone

appeals. The Director reports to the Vice President for University Advancement and Student Affairs.

3. Donor Services and Special Projects

The Office of Donor Services and Special Projects reports directly to the Vice President for University Advancement and Student Affairs and coordinates tracking and record keeping of gifts, grants and pledges to the university (excluding those specifically for athletics and the Alumni Association). The Director is involved in the implementation of programs funded by gifts and grants to the university. The Director of Donor Services and Special Projects is responsible for the preparation of the annual budget for the Northwestern State University Foundation, Inc., the MSU Charitable Trust, and the university's annual scholarship program. Financial records for the MSU-Burns Fantasy of Lights are also maintained by this office. The Director serves as liaison between the university and outside organizations donating scholarship funds to MSU. The Director is responsible for a quarterly report on gifts and grants to the MSU Board of Regents, reports to the Vice President for University Advancement and Student Affairs, and works under the Vice President's direction in fund-raising efforts for the university.

4. Public Information and Marketing

This office is the liaison between the university and the media, and serves as the communications source for the campus. The Director of Public Information and Marketing shall have responsibility for planning and implementing a comprehensive public information program to include writing and disseminating university news releases, media relations, publication of a weekly schedule of events, general photography, supervision of the print shop, directing the webpage and webmaster, coordination of MSU's Cable Television Studio and station programming, as well as other duties assigned by the Vice President for University Advancement and Student Affairs.

5. Corporate and Sports Development

The Corporate and Sports Development Office is responsible for the planning, implementation and administration of all fund raising activities for the MSU Athletic Department. Responsible for cultivating athletic advertising sales, corporate sponsorships, and funding for special projects. Maintains a strong relationship with the Mustangs Athletic Club, corporate sponsors and the university community. Works in close cooperation and consultation with the Director of Athletics in program development and strategy. The Director reports to the Vice President for University Advancement and Student Affairs.

C. Student Affairs Offices & Programs

1. Associate Vice President for Student Affairs

The Associate Vice President for Student Affairs reports directly to the Vice President for University Advancement and Student Affairs and is responsible for developing and maintaining a program of quality student services, including counseling, disability services, food services, health services, the bookstore, campus card services, the career management center, the Artist-Lecture Program, student government, and the Dean of Students Office.

2. **Dean of Students**

The Dean of Students is directly responsible for the coordination and supervision of the following: ~~Panhellenic Council, Interfraternity Council, Multi-cultural Unity Council,~~ and student discipline. ~~The Dean of Students is also responsible for Student Development programs, the Clark Student Center, Housing and Residence Life, Recreational Sports, the University Programming Board, student organizations and activities, and wellness programs.~~ The Dean of Students reports directly to the Associate Vice President for Student Affairs.

3. **Bookstore**

The University Bookstore is operated through a contractual agreement with a private vendor. The manager works in coordination with the Associate Vice President for Student Affairs.

4. **Campus Card Services**

Campus Card Services is responsible for the coordination and supervision of the Campus Card. The card is the official identification card of Midwestern State University and may be used for a variety of campus access options as well as be used as an optional ATM/debit card. The card is available to all faculty, staff ~~and students,~~ and retirees. The Director reports to the Associate Vice President for Student Affairs.

5. **Career Management Center**

The Career Management Center (CMC) is committed to serving the university, its students and alumni, as well as employers in the greater Wichita Falls economic region through the facilitation of employment opportunities. The CMC presents several opportunities for students to be introduced and guided through the professional development process using a wide variety of helpful services. Services the center provides focus on preparing students and alumni for significant and personally satisfying careers and teaching them how to market their skills and abilities effectively to prospective employers. The Director reports to the Associate Vice President for Student Affairs. The CMC offers the following programs for students and alumni:

- **Professional Workshops/Seminars:** The CMC provides students and alumni helpful information in such areas as building a winning resume, successful interviewing skills, workplace ethics, and, most importantly, preparation for entering the workforce.
- **On-line Career Services:** MSU resources allow students and alumni access to full-time and internship opportunities made available by potential employers.
- **On-Campus Interviewing:** Students and alumni have the opportunity to schedule on-campus interviews with employers throughout the academic year.
- **Career Placement for Graduating Students:** The CMC facilitates networking and employment opportunities enabling students and alumni to obtain satisfactory placement.
- **Summer Internship Program:** The Summer Internship Program allows students to apply classroom theory and learning into a real-world environment. Internships help students to develop professional skills such as presentation, writing, and technical skills, which differentiate them from other candidates.

6. **~~Clark Student Center/Student Development~~**

~~The purpose of this office is to provide administration of the Clark Student Center and~~

organization of various campus activities. This is accomplished through the university master calendar. The office also handles bulletin board space, poster approval, poster printing, room facilities, and ticket sales. Student Development oversees student leadership development and works with the Greek organizations on campus. This office is also responsible for all student organizations from their formation to their development and leadership training. The Director reports to the Dean of Students.

7. **Counseling and Disability Services Center**

The Counseling Center is intended to provide individual counseling, intake and evaluation, crisis intervention and consultation services. The Director is responsible for the planning and development of a comprehensive Counseling Center to assist students with personal, academic, and career concerns. Additional responsibilities include the providing of academic advising, and coordination with various departments in student development programming, ~~and all Disabled Student Services~~. The Director reports to the Associate Vice President for Student Affairs.

8. **Disability Support Services**

The office is committed to providing equal access for qualified students with disabilities to all university courses and programs, and by law, all students with disabilities are guaranteed a learning environment that provides reasonable accommodation of their disability. The Office of Disability Support Services works in cooperation with the Director of Human Resources to evaluate employees' requests for disability accommodations. The Director is responsible for receiving all formal grievances from students and employees related to discrimination or lack of accommodation on the basis of a disability. The Director reports to the Associate Vice President for Student Affairs.

9. **Food Service**

University food services are provided on a contractual arrangement with a private company. The Director works in coordination with the Associate Vice President for Student Affairs.

10. **Housing and Residence Life Office**

This office is responsible for the administration and management of all university housing. Assistant Directors and Residence Hall Directors are responsible for the supervision of the assigned facility. Duties of this office include personal and social counseling, supervision of resident assistants and student assistants, interpreting and administering housing policies, and maintenance and upkeep of residential living facilities. All personnel report to the Director of Housing and Residence Life. The Director of Housing and Residence Life reports to the Dean of Students.

11. **Recreational Sports and Wellness Center**

The MSU recreational sports program provides competition for both men and women in archery, badminton, basketball, basketball free throw, bowling, flag football, Frisbee golf, softball, soccer, table tennis, track, volleyball, miniature golf and darts, among others. The Wellness Center provides state-of-the-art exercise equipment for MSU students. The Director reports to the Dean of Students.

12. **Student Activities Development and Orientation**

The Director is responsible for all student programming and activities through the

University Programming Board (UPB), new student orientation (including Spirit Days), Homecoming and the Wai-Kun (yearbook). The Director reports to the Dean of Students.

13. University Post Office

The University Post Office receives university mail and provides for the dissemination of such. The Post Office also handles general postal service for the university departments and residents. The Postal Services Supervisor oversees campus-wide postal service and directs postal workers in the proper methods of handling and distributing campus and U. S. mail. The Postal Services Supervisor reports directly to the Associate Vice President for Student Affairs.

14. Vinson Health Center

The Vinson Health Center is the student health center for Midwestern State University. The Health Center provides ambulatory care services for the exclusive benefit of MSU students. Medical services are designed to meet the needs of students with acute illnesses and/or injuries. Additional services to promote wellness are provided to ensure each student maintains a state of optimal health. The Health Center serves as a resource for developmental programming in areas of health promotion, health maintenance, and health education. All encounters between students and the Vinson Health Center staff are regarded as opportunities to influence students' health attitudes and practices. The emphasis of the Vinson Health Center includes prevention of illness; treatment of minor injuries or illnesses; education of students to allow for efficient access of health care; counseling related to specific medical concerns; screening and/or administering immunizations; reviewing physical education exemption requests; serving as a resource for developmental programming in areas of health promotion; tracking and reporting of immunization compliance for academic areas under allied health care; serving as a consultant to the university regarding public health issues; serving as a student advocate; and promoting student advocacy within the community, state and nation. The Director and university physician report to the Associate Vice President for Student Affairs.

15. University Police

The Chief of Police directs the campus police department which provides police services to the university community and its visitors. The Chief of Police is directly responsible to the Vice President for University Advancement and Student Affairs for all security and law enforcement related issues. The police department investigates all reported offenses on campus and is responsible for maintaining all official records pertaining to criminal activity, traffic and parking, and security related issues. The Chief of Police is responsible for the publishing of reports on criminal activity and related issues in accordance with the Crime Awareness and Campus Security Act. The Chief is responsible for direction and supervision of police department employees.

2.338 UNIVERSITY BOARDS, COUNCILS & COMMITTEES
(Excerpt Only)

University Advancement and Student Affairs Council

A. Purpose

To advise the Vice President for University Advancement and Student Affairs.

B. Personnel

Vice President for University Advancement and Student Affairs (chair), Associate Vice President for Student Affairs, Dean of Students, Director of Alumni Relations, Director of Annual Fund, Bookstore Manager, Director of Campus Card Services, Director of Career Management Center, **Director of Corporate and Sports Development**, Director of Counseling **Center**, & **Director of Disability Support Services**, Director of Dining Services, Director of Donor Services and Special Projects, ~~Director of Grant Development and Administration~~, Director of Housing & Residence Life, Postal Services Supervisor, Print Shop Supervisor, Director of Public Information and Marketing, Director of Recreational Sports, ~~Director of Student Activities~~, Director of Student Development and **Orientation** ~~Clark Student Center~~, Chief of University Police, Director of Vinson Health Center, **Webmaster**, a representative of the Faculty Senate, a representative of the Enrollment Management Council, **a representative of the Staff Senate**, and a representative of the Student Government Association.

C. Reports To: Vice President for University Advancement and Student Affairs

Core Curriculum Committee

A. Purpose: To monitor and evaluate the existing core curriculum through the development of standard criteria and procedures with attention to the core experience and the mission of the university and to make recommendations to the Provost based on this review and evaluation.

B. Personnel: ~~Two members from each of the University's six colleges with the two appointees in each college serving three-year staggered terms.~~ **Nine members with at least one member from each of the University's six colleges who will serve a three-year term.** The Provost will appoint a committee chair who will serve a two-year term.

C. Reports To: Provost

University Website Committee

A. Purpose

To serve as an advisory group to the Director of Public Information and Marketing on matters related to the guidelines and policies concerning the University website.

B. Personnel

Director of Public Information and Marketing (chair), Director of Information Systems, PC/Network Services Manager, University Webmaster, **a representative of the Moffett Library**, one student representative designated by the Student Government Association, and three faculty members (each of the six college will be represented in the rotation).

C. Reports To: Director of Public Information and Marketing

3.114 FACULTY PERFORMANCE REVIEW **(Excerpt Only)**

Department chairs will be responsible for conducting an Annual Performance Review of all tenured and non-tenured, full-time faculty in their academic department. Deans will be responsible for conducting an Annual Performance Review of all chairs in their colleges and assume the role assigned to the department chair in this policy, while the provost will assume that of the dean. The provost will be responsible for conducting an Annual Performance Review of all deans and assume the role assigned to the department chair in this policy. If the faculty member is tenured, the Annual Performance Review constitutes a post-tenure review. If the faculty member is leaving during or at the end of the academic year, the annual review need not be conducted.

I. Performance Review Areas

The performance review will include written documentation of:

1. Teaching effectiveness
2. Research and scholarly activity
3. Service to the university, the profession/community, and the community
4. Compliance with MSU Policies and Procedures
5. Performance at the graduate faculty level

3.127 FACULTY WORKLOAD (TEACHING LOAD POLICY)

A. Definitions of Types of Instruction

1. **Lecture:** traditional method, on-ground or via distance education
2. **Seminar:** highly interactive course delivery to a small class, on-ground or via distance education
3. **Laboratory:** practical, applied student work in an appropriate university facility under the supervision of a faculty member
4. **Studio:** practical, applied student work in a university art studio under the supervision of a faculty member
5. **Internship & Practicum:** practical, applied student work on campus under the supervision of a faculty member or off campus under the supervision of a professional in the student's field and regular consultation with a faculty member
6. **Student Teaching:** practical, applied student work in a school setting under the supervision of a teacher and regular consultation with a faculty member
7. **Clinical:** practical, applied student work on or off campus in a health related facility under the supervision of a faculty member or under the supervision of a health practitioner and regular consultation with a faculty member
8. **Practice:** informal practical applied student work. Usually these are activities in which students would participate even if no credit were given because of their major or a special commitment.
9. **Exhibition:** direction and supervision of the mounting of an art exhibition
10. **Independent Study:** individual student scholarship with faculty guidance
11. **Thesis Direction:** guidance of a master thesis and chairing the thesis committee
12. **Private Lesson:** applied music lesson for an individual student
13. **Direction of a Music Ensemble:** applied music lesson for a group of students
14. **Direction of a Play:** rehearsal and production of a play

B. Assignments

Instructional assignments are determined by the department chair and are subject to approval of the relevant college dean and provost.

The teaching load of a full-time faculty member is 12 undergraduate hours per regular semester.

Faculty teaching non-dual-listed graduate courses during a regular semester will receive as many hours of release time as are assigned to the graduate course(s) they are teaching, up to three credit hours. No such release is granted during the summer.

Faculty in the West College of Education teaching field based courses (COUN 3143; EDUC 3153, 3163, 4106, 4113; READ 4203, 4213) will receive as many hours of release time as are assigned to the field based course(s) they are teaching, up to three credit hours. No such release is granted during the summer.

Established teaching load reductions are:

1. Academic Department Chair: up to three hours a semester
2. Academic Dean: 15 hours an academic year
3. Special Assistant to the Dean: between three and six hours a semester
4. MSU Press Editor: three hours a semester
5. Director of the Honors Program: six hours a semester
6. Director of Clinical Training (Psychology): three hours a semester
7. Director of the University Art Gallery: 12 hours a year
8. Director of the Bureau of Business and Government Research: six hours a semester
9. Director of the Mamie Raborn Center for Economic Education: six hours a semester

10. Director of the Munir Abdul Lalani Center for Entrepreneurship and Free Enterprise: six hours a semester
11. Graduate Coordinator: between zero and three hours a semester
12. Spectrum Coordinator: three hours a semester
13. Clinical Coordinator in Respiratory Care: three hours a semester
14. Coordinator of Pre-professional Programs (College of Science and Mathematics): three hours a semester
15. Coordinator of the Writing Proficiency Exam: three hours a semester
16. Athletic trainers not serving as Program or Clinical Coordinator: eight hours a semester
17. Athletic trainers serving as Program or Clinical coordinator: six hours a semester
18. Faculty Advisor of *The Wichitan*: six hours a semester
19. **Director of a Theatre Production: three hours a semester**
20. Supervisor of the Theatre Costume Shop: three hours a semester
21. Supervisor of the Theatre Scene Shop: three hours a semester
22. Supervisor of the Computer Writing Classroom: six hours a semester
23. Nursing faculty who must practice in order to maintain certification (this mostly affects Nurse Practitioners): one hour a semester
24. Chair of the Faculty Senate: three hours a semester
25. Faculty Athletic Representative: three hours a year

Reduced teaching loads for academically related responsibilities may be recommended by the department chair and approved by the dean contingent on the consent of the provost.

If several categories coincide, only the largest reduction will be applied.

The provost may grant reduced teaching loads for cogent and well documented reasons. Usually, the provost will not allow more than six hours of release time a semester.

It is the responsibility of the appropriate department chair and the dean properly to oversee the number of overload courses taught by each faculty member.

C. Determination of Teaching Load

Lecture, seminar: The load is equivalent to student credit hours.

Laboratory: The load is half that of weekly contact hours with the exception of upper level science laboratories where the load is equivalent to weekly contact hours.

Studio: The load in studio courses with a credit designation of “3 (2-4)” is four hours in a long semester and three hours in a summer term.

Undergraduate Internship and Practicum: The load is figured by multiplying student credit hours by the number of students and dividing the product by 12 with the following exceptions: the load for JOUR 4123 is 1.5 hours; in the West College of Education, the load is equivalent to student credit hours.

Graduate Internship and Practicum: The load is figured by multiplying student credit hours by the number of students and dividing the product by six with the following exceptions:

1. EDLE 5693, ECED 5143, EDUC 5583, EDUC 5883, and READ 6283 are treated like lecture courses;
2. COUN 6043, EDUC 6063/6073 are treated like student teaching; and

3. the load of nursing clinicals is half that of weekly contact hours.
4. PSYC 6153, 6163, 6173 are combined and treated like one lecture course.

Student Teaching Supervision: The load is figured by dividing the number of students by two. Overload and part-time have a set amount of remuneration.

Clinical: The load is half that of weekly contact hours except for Dental Hygiene clinicals, where adjunct faculty are paid a set sum for each four-hour clinical session.

Practice: There is no load credit. Affected classes are all varsity classes and apprenticeship classes.

Exhibition: The load is four hours (ART 4923).

Independent Study: The load does not count into a faculty member's teaching load. The faculty member ~~receives~~ **may receive** a set amount for each student credit hour **pending approval of the department chair and college dean and the availability of funds.**

Thesis Direction: The load does not count into a faculty member's teaching load. Faculty members receive an amount equivalent to remuneration for three hours overload after seven theses have been completed under their direction and successfully defended. Chairs and the Dean of Graduate Studies will keep a log on theses completed under the direction of each department faculty member.

Private Lesson: The load is figured by multiplying each half weekly contact hour by 0.3. Overload and part time have a set amount of remuneration.

Direction of Music Ensemble: The load is figured by dividing the number of weekly contact hours by 1.5.

Direction of a Play: The load is three hours (THEA 2121/3121).

3.147 GRADUATE FACULTY REQUIREMENTS

Graduate faculty members are expected to establish and maintain a record of scholarly productivity, teaching excellence and exemplary individual work with graduate students. Evidence of such performance should be included in the graduate faculty member's annual personnel report. The faculty member's performance as a member of the graduate faculty is evaluated by the faculty member, department chair and dean during annual performance review. If the faculty member's scholarship, teaching or independent work with graduate students does not meet the guidelines or standards established by the department, college and the graduate council, the faculty member, the chair and the dean will develop a plan that they believe will result in the faculty member meeting those guidelines or standards. This plan will include actions to be undertaken by the faculty member, a timeline for those actions, and the support provided by the college for the faculty member's successful and timely completion of those planned actions. The effectiveness of this plan will be a part of the faculty member's next annual performance review. The performance of the faculty member as a member of the graduate faculty should have a substantial impact on the faculty member's annual performance evaluation and on the dean and chair's recommendation for merit, tenure, or promotion.

Graduate Faculty Status

1. Full graduate faculty status

a. Criteria for full graduate faculty status:

- i. Hold a faculty appointment at MSU.
- ii. Hold a terminal degree in the discipline or a related field; or provide clear evidence of exceptional scholarly achievement that obviates this requirement.
- iii. Demonstrate an ongoing record of a variety of scholarly activities as described in the research and scholarly activities sections of the Tenure and Promotion Policy defined by the faculty member's college and department.
- iv. Demonstrate successful graduate teaching and effective individual work with graduate students.
- v. Be recommended by the faculty member's college.

b. Responsibilities:

- i. Teach graduate courses
- ii. Serve on graduate committees
- iii. Chair graduate committees.
- iv. Direct Research papers and theses

c. Term: Full graduate faculty are appointed for a five year term and must reapply at the end of their appointed term.

2. Associate graduate faculty status

a. Criteria for associate graduate faculty status:

- i. Hold a faculty appointment at MSU. (Graduate faculty members of other accredited universities who meet the MSU criteria for appointment as graduate faculty may, with the recommendation of the graduate program coordinator, be appointed as associate graduate faculty.)
- ii. Hold, or be actively pursuing, a terminal degree in the discipline or a related field; or provide clear evidence of exceptional scholarly achievement that obviates this requirement.
- iii. Begin and continue a record of scholarly activity.
- iv. Be recommended by the faculty member's college.

b. Responsibilities:

- i. Teach graduate courses
- ii. Serve on graduate committees
- iii. Chair non-thesis committees
- iv. Direct research papers

c. Term: Associate graduate faculty are appointed for a three year term and must reapply at the end of their appointed term.

3. Adjunct graduate faculty

a. Criteria for adjunct graduate faculty status:

- i. Hold an adjunct faculty appointment at MSU.
- ii. Hold or be actively pursuing a terminal degree in the discipline or a related field; or provide clear evidence of exceptional professional qualifications and experience.

b. Responsibilities:

- i. Teach graduate courses
- ii. Serve on graduate committees

c. Term: 1 year

Procedures for appointment as graduate faculty

1. Each College and Department will develop guidelines for the evaluation of satisfactory performance. Although these guidelines will reflect the individual nature of each graduate program, they will be consistent with the general guidelines for graduate faculty status outlined in this policy.
2. Faculty who wish to be considered for appointment as graduate faculty must apply and submit a current curriculum vitae to the graduate program chair/coordinator. Faculty who wish to be considered for appointment as graduate faculty must apply and submit a current curriculum vitae (CV) to the department chair. Having considered the advice of the graduate coordinator, the department chair will review faculty performance and provide a written recommendation to the college dean, either opposing or supporting the faculty member's appointment to the graduate faculty.
3. The graduate coordinator and dean of the college, using the appropriate college and department guidelines for the evaluation of satisfactory performance, will determine if the faculty member is eligible for consideration for graduate faculty status and, if so, forward the faculty member's application and C.V. along with their recommendation to the graduate dean. The dean of the college, using the appropriate college and department guidelines for the evaluation of satisfactory performance, will determine if the faculty member is eligible for consideration for graduate faculty status and, if so, forward the faculty member's application and CV, along with a written recommendation, to the graduate dean.
4. The graduate dean will present the faculty member's application, C.V. and the recommendation of the college to the graduate council. The graduate dean will review the recommendation of the college and either recommend the appointment of the faculty member to the appropriate graduate faculty status or deny the appointment. Should the appointment be denied, the graduate dean will provide the college dean a written explanation of the decision, indicating specific aspects of performance disqualifying the faculty from appointment.
5. The graduate council will use the appropriate college and department Scholarship Guidelines Document to review the recommendation of the college and either appoint the faculty member to the appropriate graduate faculty status or deny the appointment. For all appointed faculty, the written recommendation of the college, faculty member's CV, and verification of appointment will be provided for final approval to the Provost, who will monitor that all graduate courses are taught by approved graduate faculty at the appropriate level and then track terms and renewals.

Procedures for advancement within the graduate faculty (i.e. from associate to full graduate status)

1. Faculty who wish to be considered for advancement within the graduate faculty must apply and submit a current CV to the department chair. Having considered the advice of the graduate coordinator, the department chair will review faculty performance and provide a written recommendation to the college dean.
2. The dean of the college, using the appropriate college and department guidelines for the evaluation of satisfactory performance, will determine if the faculty member is eligible for advancement and, if so, forward the faculty member's application and CV, along with a recommendation, to the graduate dean.

3. The graduate dean will review the recommendation of the college and either recommend advancement of the faculty member to the appropriate graduate faculty status or deny the advancement. Should the advancement be denied, the graduate dean will provide a written explanation of the decision to the college dean, indicating specific aspects of performance disqualifying the faculty from advancement.
4. For all advanced faculty, the written recommendation of the college, faculty member's CV, and verification of advancement will be provided to the Provost for ratification and tracking.

Procedures for renewal of graduate faculty status

1. Faculty who wish to be considered for continued status within the graduate faculty must apply and submit a CV to the department chair. Having considered the advice of the graduate coordinator, the department chair will review faculty performance and provide the graduate dean with a written recommendation for the faculty member's continued standing.
2. The dean of the college, using the appropriate college and department guidelines for the evaluation of satisfactory performance, will determine if the faculty member is eligible for continued standing and, if so, forward the faculty member's application and CV, along with a recommendation, to the graduate dean.
3. The graduate dean will review the recommendation of the college and either recommend renewal of the faculty member's appropriate graduate faculty status or deny the renewal. Should the renewal be denied, the graduate dean will provide a written explanation of the decision to the college dean, indicating specific aspects of performance in need of development.
4. For all advanced faculty, the written recommendation of the college, faculty member's CV, and verification of advancement will be provided to the Provost for ratification and tracking.

Procedures for remediation of graduate faculty

If the faculty member's scholarship, teaching, or independent work with graduate students does not meet the guidelines or standards established by the department and college, the faculty member, the chair and the dean will develop a plan that they believe will result in the faculty member's meeting those guidelines or standards. This plan will include actions to be undertaken by the faculty member and the support provided by the college for the faculty member's successful and timely completion of those planned actions. (Graduate faculty status during the development period will be determined by the graduate dean, based on the recommendations of the college dean.) The results of the plan will be a part of the faculty member's next annual performance review.

3.217 EMPLOYEE LEAVE POLICIES

A. Definition

Regular Employee

1. ~~For institutions and agencies of higher education, a~~ A regular employee eligible for leave under this policy, (benefit-eligible) is defined as one who is employed in a benefits-eligible position to work one-half time or more for four-and one-half months or more within a school year at a rate of pay comparable to a similar full-time position. Positions which require student status as a condition of employment are excluded.
2. With the exception of sick leave entitlements, this policy does not apply to faculty members (academic employees) who work fewer than twelve (12) months out of the year. ~~A regular employee, for purposes of this policy, is one who does not hold academic rank or its equivalent, or an employee with academic rank whose primary function is non-instructional as determined by the Board of Regents.~~

B. Time Sheet/Leave Records

Each ~~non-faculty~~ regular employee, as above, must submit a monthly Employee's Time Sheet and Leave Record to the Human Resources Department by the fifth working day of the month following the month reported. This time sheet must show periods worked and/or absent and a record of accrued vacation and sick leave at the end of the month reported. The employee's immediate supervisor is responsible for the accuracy of the time sheet. The time sheet is the official document required for payment of state funds.

C. Prior State Employment

Except in the case of certain return-to-work retirees, All Texas state employment will be counted toward an employee's total state service for accrual rate purposes after official verification by the Human Resources Department. Annual leave accrual rates for return-to-work retirees are based on retirement and rehire dates. For purposes of computing the annual leave accrual rate for an employee who retired from state employment on or after June 1, 2005, and returned to state employment, months of state service include only the months of state service accrued after retirement.

D. Employee Vacation Leave Policy

1. Annual Employees

~~Annual~~ Regular employees of the state shall, without deduction in salary, be entitled to a vacation in each fiscal year. Such entitlement shall be earned in accordance with the following schedule:

<u>Employees with Total State Employment of:</u>	<u>Hours</u>	<u>Maximum Hours to Carry Forward from One Fiscal Year to the Next Fiscal Year</u>
	<u>Accrued per Month</u>	
0 but less than 2 years	8	180
2 but less than 5 years	9	244
5 but less than 10 years	10	268
10 but less than 15 years	11	292
15 but less than 20 years	13	340
20 but less than 25 years	15	388
25 but less than 30 years	17	436
30 but less than 35 years	19	484
35 years or more	21	532

2. Less Than Full Time

An annual employee employed less than full-time shall accrue vacation as follows:

	<u>Percent Accrued Based on the Above Schedule</u>
Employed less than full-time, but at least 3/4 time	75%
Employed less than 3/4 time but at least 1/2 time	50%
Employed below 1/2 time	0%

3. Accrual Policies**a. Beginning/Ending Dates**

An A regular employee will earn vacation entitlement beginning on the first day of employment with the state and terminating on the last day of duty. Vacation entitlement is accrued at the applicable rate cited above. Credit for one month's accrual will be given for each month or fraction of a month of employment with the state and will be posted to each employee's leave record on the first day of employment with the State and on the first of each succeeding month of employment thereafter. Vacation with pay may not be granted until the employee has had continuous employment with the state for six (6) months, although credit will be accrued during that period.

b. Rate Changes

Credit for the higher rate of accrual as shown on the chart above shall be given on the first calendar day of the month if the employee's anniversary date falls on the first calendar day of the month; otherwise, the increase will occur on the first calendar day of the following month. If an employee begins working in a position that accrues vacation leave on the first workday of the month, the employee is deemed to have begun working on the first calendar day of the month for the purpose of this subsection.

c. Unused Accumulated Vacation Leave

- 1) All hours of unused accumulated vacation leave which are lapsed at the end of a fiscal year by operation of this subsection ~~may~~ shall be credited to the employee's sick leave balance as of the first day of the next fiscal year. In computing vacation time taken, time during which any employee is excused from work because of holidays shall not be charged against the employee's vacation time.
- 2) The net balance of unused accumulated leave not to exceed the maximum cited above may be carried forward for any employee from one fiscal year to the next fiscal year.

d. Interagency Transfers

A state employee who transfers from one state agency to another, shall be entitled to credit with the new employing agency for that employee's accumulated but unused vacation entitlement, provided that employment with the state is uninterrupted, or there is a break of thirty (30) days or less.

e. Separation From State Service

A state employee who resigns, is dismissed, or separated from state employment shall be entitled to be paid for all vacation time duly accrued at the time of separation from state

employment, provided the employee has had continuous employment with the state for six (6) months and is not reemployed within thirty (30) days by another state agency.

f. Part-Time/Benefit-Eligible Employees

Benefit-eligible employees who work less than full-time accrue vacation time and their maximum allowed carry over is proportionate to forty (40) hours per week.

4. Prior Approval

Employees who wish to take vacation leave should obtain prior approval from their immediate supervisors or budgetary heads.

E. Employee Sick Leave Policy (Also see Policy 3.337, Sick Leave Pooling and Policy 3.135, Faculty Sick Leave)

1. Accrual Rates

~~Annual~~ **Regular** employees of the state shall, without deduction in salary, be entitled to sick leave subject to the following conditions:

	Accrue
Employed full-time	8 Hours Per Month
Employed less than full-time but at least 3/4 time	6 Hours Per Month
Employed less than 3/4 time but at least 1/2 time	4 Hours Per Month
Employed less than 1/2 time	0 Hours Per Month

2. Regular Sick Leave

Sick leave with pay may be taken when sickness, injury, or pregnancy and confinement prevent the employee's performance of duty, or when the employee is needed to care and assist a member of his/her immediate family who is ill. An employee who must be absent from duty because of illness shall notify his/her supervisor or cause him/her to be notified of that fact at the earliest practicable time.

3. Definition- Immediate Family

For purposes relating to regular sick leave, immediate family is defined as those individuals who reside in the same household and are related by kinship, adoption or marriage, as well as foster children certified by the Texas Department of Protective and Regulatory Services. Minor children of the employee, whether or not living in the same household, will be considered immediate family for purposes of regular sick leave. An employee's use of sick leave for family members not residing in the employee's household is strictly limited to the time necessary to provide care and assistance to a spouse, child or parent of the employee who needs such care and assistance as a direct result of a documented medical condition.

4. Physician Certification

To be eligible for accumulated sick leave with pay during a continuous period of more than three (3) working days, an employee absent due to illness shall send to the administrative head of the employing agency a physician's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to such administrative head. Upon return to duty after sick leave the returning employee shall note specific leave time on the Monthly time sheet. It is within the discretion of the administrative head to require documentation concerning illnesses of three (3) working days or less.

5. Use of Sick Leave for Parent-Teacher Conferences

A state employee may use up to eight (8) hours of sick leave in each fiscal year to attend parent-teacher conferences for the employee's children, provided the employee has a child attending a grade pre-kindergarten through the 12th grade and the employee gives reasonable advance notice to his/her immediate supervisor. Supervisors will be responsible for ensuring that sick leave hours taken for this purpose are reported on the employee's monthly time sheet and that the eight-hour limit is not exceeded in any given year.

6. Exceptions

Exceptions to the amount of sick leave an employee may take may be authorized by the administrative head(s) of any agency of the state provided such exceptions are authorized on an individual basis after review of the merits of the particular case. A statement of any such authorized exceptions or the reasons for them shall be attached to the state agency's duplicate payroll voucher for the payroll period affected by such authorized exceptions.

7. Interagency Transfers

A state employee who transfers directly from one state agency to another shall be given credit by the receiving agency for the unused balance of his/her accumulated sick leave, provided that his/her employment with the state is uninterrupted.

8. Separation from State Service

An employee separated from employment with the state under a formal reduction-in-force shall have his/her sick leave balance restored if reemployed by the state within twelve (12) months of termination. An employee separated for other reasons shall also have his/her sick leave balance restored if reemployed by the state within twelve (12) months of termination, provided there has been a break in service of at least one (1) month since termination.

9. Death Benefit

The estate of an employee shall be paid for all of the employee's accumulated vacation leave and for one-half of his/her accumulated sick leave or 336 hours of sick leave, whichever is less, when the employee dies while employed by the State of Texas. The payment shall be calculated in the same manner as if the employee had taken leave at the rate of compensation being paid the employee at the time of his/her death.

10. Use of Sick Leave While on Annual Leave

Employees who become ill or injured while on approved annual leave will be allowed to use accrued sick leave to cover the illness or injury.

F. Emergency Leave

~~The administrative head of an agency shall grant an emergency leave to an employee because of a death in the employee's family. The death of the employee's spouse or the employee's or spouse's parents, brothers, sisters, grandparents, grandchildren and children shall constitute adequate need for emergency leave. The administrative head of the agency may make a determination on other reasons for emergency leaves and shall grant an emergency leave when in his determination the employee shows good cause for such leave. Emergency leave, when approved, will be considered an excused absence and be shown on the employee's time sheet in the Emergency column under leave time used.~~

The president of the university may make a determination on reasons for emergency leaves and shall grant an emergency leave when in his or her determination the employee shows good cause for such leave. Emergency leave, when approved, will be considered an excused absence and be shown on the employee's time sheet in the "Emergency Leave" column under leave time

used. Employees who are on approved annual leave during an emergency closure of the university will have their use of annual leave changed to emergency leave.

1. Death of a Family Member – in the event of the death of a family member, regular employees shall be granted leave under the following circumstances: the deceased is (1) the spouse, parent, brother, sister, grandparent, grandchild, or child of the employee or (2) the parent, brother, sister, grandparent, grandchild, or child of the employee's spouse. In all other instances, the President shall determine if an employee's request for emergency leave is granted.
2. Employee Birthday Leave –regular employees shall be granted a full day of leave not to exceed eight (8) hours annually, to be used in the calendar month in which their birthdays occur. The hours must be taken consecutively in one working day. Prior to taking leave, employees must obtain approval from their immediate supervisors or budgetary heads for a specific leave period. Leave in conjunction with a birthday shall not be charged against an employees' annual leave and may not be accrued. Likewise, employees shall not receive compensation for unused leave upon termination of employment or retirement from a regular position.

G. Military, Volunteer Firemen Leaves

1. National Guard/Reserves

a. Emergency

A leave of absence with full pay shall be provided any state employee who is called to active duty with the National Guard by the Governor of Texas because of an emergency in accordance with Tx Gov't Code Ann., 661.903, National Guard Emergency.

b. Training

Employees shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or vacation time or salary on all days during which they shall be engaged in authorized training or duty ordered or authorized by proper authority, for not to exceed fifteen (15) days in any one federal fiscal year (Oct. 1 - Sept. 31) as provided in Texas Government Code, Section 431.005.

c. Leave Accruals

Employees on unpaid leave of absence due to military duty will continue to accrue vacation and sick leave. Leave earned while on unpaid leave of absence during military duty is credited to the employee's balance when the employee returns to active employment with the university.

H. Parental Leave

Employees are entitled to a parental leave of absence, not to exceed twelve (12) weeks, for the birth of a natural child or the adoption of a child under three (3) years of age. This period begins with the date of birth or the first day the adoptive child is formally placed in the home. Employees may elect to use any combination of available vacation leave, compensatory time off, or leave without pay for this period. It is expressly provided that the use of sick leave is strictly limited to those situations clearly falling within the definition of sick leave. (Also see Policy 3.341, Family and Medical Leave)

I. Court Appointed Special Advocates Volunteer

Leave not to exceed five hours each month may be granted to participate in mandatory training or to perform volunteer services for Court Appointed Special Advocates (CASA), without a

deduction in salary or loss of vacation time, sick leave, earned federal overtime credit, or state compensatory time.

J. Leaves Without Compensation

1. Minimum Length of Service Requirement

Extended leaves of absence from the university may be granted an employee after two full years of employment when a request has been transmitted to the President through the appropriate administrative officers.

2. Conditions and Limitations

Leaves of absence without pay may be granted for good cause. Such absences should be so timed as to interfere as little as possible with the work of the university. All vacation time accrued and all accrued sick leave legally eligible to be taken must be exhausted prior to the start of a period of leave without pay.

K. Development Leaves for Administrators and Staff (State Employees Training Act, TX Govt Code 656.041-656.105)

1. Approved Training Programs

The university will grant development leaves, with or without compensation, for the purpose of advanced training or study which will improve the individual's service to the university. Such leaves shall be restricted to:

a. College Degree Programs

Provides college level (graduate or undergraduate) training leading to a degree.

b. In-Service Training and Education

Job-oriented training which is provided essentially within the agency. It may include on-the-job training, training in preparation for job assignment, and continuing training programs which are basically job-oriented.

c. Out-of-Agency Staff Development

Staff development mMay consist of workshops, seminars, institutes, training sessions, college courses (with or without academic credit) and other special programs or activities offered either within or outside the state. Continuing education or training must be of a concentrated, precise content and designed to improve the individual's professional or technical knowledge in the performance of his/her present or prospective duties and responsibilities.

d. Internship Training

That type of learning experience which can be obtained only through actual work experience. Internship programs are generally considered to be of a longer duration than other types of training herein mentioned under the headings of In-Service Training and Out-of-Agency Staff Development (primarily seminars and short courses).

2. General Requirements

- a. Leaves must be in a field specifically required by the university, thereby enabling the university to operate at a higher rate of efficiency.

- b. Employee must have the necessary aptitude, skill, or academic training required for admission to the area of training. Employee must pass any tests of evaluation, aptitude, etc., as required by the university.
- c. Employee must be scheduled for appointment to a job requiring the specific training.
- d. Employees who receive financial assistance from the university for the completion of such training shall be obligated to fulfill such terms and conditions as the university may prescribe.
 - 1) Employees granted leaves for degree granting program shall return to the university for a minimum period of one (1) year.
 - 2) Employees granted leaves for other than degree granting programs shall return to the university for a period proportionate to the period of training or subject to other designated periods as covered in the agreement.
 - 3) Employees granted such leaves shall agree to repay in a lump sum, or such alternate arrangements as the university may prescribe, the amount of money expended by the university for such training, should the employee fail to complete the training or any part of the agreement between the university and himself/herself, except in the event of circumstances beyond his/her control.
- e. Employees shall not be eligible for development leaves with compensation in excess of thirty (30) days until they have completed two (2) years of employment with the university.
- f. Development leaves are limited to persons employed on a full-time basis.
- g. Not more than 6% of the administration and staff shall be on development leave at any one time.
- h. Requests for such leaves should be timed so as to interfere as little as possible with the work of the university.

3. Payment

Employees taking development leave may be reimbursed for partial salary, total salary, travel expense, registration or tuition fees, living expense, supplies, and other related training expenses; the amount of payment will be determined and made a part of the agreement.

4. Application

Applications for such development leave should be submitted showing the type of training leave requested, object of the training, relationship of the training to the current or prospective job, and an estimated dollar amount of any reimbursement to be requested. Such requests will be recommended by the appropriate administrative head and approved in writing by the President.

L. Non-Scheduled Time Off

Non-scheduled time off granted by the Governor or the President of the university due to special circumstances shall accrue as administrative leave for those individuals who, by virtue of their positions, must remain on the job through the time-off period.

M. Time Off for Voting

An employee may be granted a reasonable period of time off to vote during the regular work day when it is not possible for the employee to vote either before or after regular working hours on an official election day. Such time off will be reported as time worked, and no reduction in vacation leave or salary will be made.

3.340 AMERICANS WITH DISABILITIES

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

- a. The nature and cost of the accommodation; and
 - b. The overall financial resources available to the university to provide the accommodation, the effect on expenses and resources, and/or the impact of the accommodation upon the operations of the institution.
8. **Qualified Individual.** A qualified individual with a disability means an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position the individual holds or desires. Essential functions mean those responsibilities that are critical, primary, necessary, basic, vital, required or indispensable to the job.
9. **Reasonable Accommodation.** A reasonable accommodation is an accommodation which includes:
- a. making physical facilities accessible to and usable by individuals with disabilities; and
 - b. requiring job restructuring, part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations or training materials; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

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

10. **Discrimination.** Discrimination includes:

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

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

D. Medical Examinations.

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

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

STUDENT SERVICES
COMMITTEE

Student Services Committee

Membership

Charlye Farris, Chair
Stephen Gustafson
Shawn Hessing
Ben Wible

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Reading and Approval of Minutes

10-35. The minutes of the Student Services Committee meeting August 6, 2009, are recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 10-35.

Student Government Report

10-36. A representative of the MSU Student Government Association will update the board on recent activities.

Disability Support Services Annual Report

10-37. This report is presented as a point of information only and is shown in Attachment 10-37.

STUDENT SERVICES
COMMITTEE ATTACHMENT

Disability Support Services Annual Report
2008-2009

Disability Support Services (DSS) is committed to providing equal opportunities in higher education to academically qualified students with disabilities. It is the mission of the DSS to integrate students as completely as possible into the university community. The university shares responsibility with the student for modifying campus facilities and programs to meet individual needs.

During the 2008-09 academic year, the DSS had 5,835 contacts with students, faculty staff, and community. This includes 44 intake interviews with new students, 977 follow-up counseling sessions, 499 consultations with staff/faculty, 500 consultations with community agencies or individuals seeking assistance, 1,553 contacts with instructors about testing accommodations for students, 69 application packets distributed, and 533 tests proctored in the DSS office. The DSS had 70 requests for Recordings for the Blind and Dyslexic and 23 requests for adaptive tape/CD players. Ninety-six students were registered with the DSS and five students graduated during the year. Two scholarships were awarded to outstanding students who were registered with the department. Eight presentations were given by the DSS, including a presentation at the state organization of Higher Education and Disability. The DSS has added extensive information and on-line forms to the website, allowing students to present applications, requests for testing, housing accommodations, and other items via e-mail.

The DSS had expenditures of \$17,342 for sign language interpreters, \$8,997 for Captioning and Real Time (CART) services, \$1,436 for Braille services, and \$1,514 for adaptive equipment (computer software, tape players, etc.), membership to Recordings for the Blind & Dyslexic (which allows all students access to books on CD at no charge to the student), and other miscellaneous costs associated with providing accommodations to students with disabilities.

MSU is an institutional member of the National Association of Higher Education & Disability (AHEAD), the Association of Higher Education & Disability in Texas (AHEAD in Texas), Recordings for the Blind & Dyslexic (RFB&D), and the Texas Text Exchange Program.

MSU continues to build a reputation as an example of accessibility and inclusion in higher education to the campus and the community.

UNIVERSITY DEVELOPMENT
COMMITTEE

University Development Committee

Membership

Stephen Gustafson, Chairman

Charlye Farris

Carol Gunn

Jane Spears

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Reading and Approval of Minutes

10-38. The minutes of the University Development Committee meeting August 6, 2009, are recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 10-38.

Summary of Financial Support 9/1/08- 8/31/09

10-39. This report is shown as Attachment 10-39 and is presented as information only.

Summary of Financial Support 9/1/09 - 10/09/09

10-40. This report is shown as Attachment 10-40 and is presented as information only.

UNIVERSITY DEVELOPMENT
COMMITTEE ATTACHMENTS

Summary of Financial Support
Midwestern State University, Midwestern State University Foundation Endowments
and MSU Charitable Trust Endowments

	9/1/2008	10/4/2008	1/17/2009	4/18/2009	7/11/2009	Total
	10/3/2008	1/16/2009	4/17/2009	7/10/2009	8/31/2009	Year to Date
MSU General Support (Scholarships, Museum, etc.)	\$2,700	\$47,903	\$9,944	\$72,662	\$42,284	\$175,493
West Foundation						
West College of Education grant	\$100,250					\$100,250
Joint Proposal with WFISD	\$12,700					\$12,700
Dillard COBA				\$500,000		\$500,000
Shaw Foundation	\$6,000					\$6,000
Texas Pioneer Foundation	\$25,000					\$25,000
Hardin Foundation		\$9,890				\$9,890
Kirk Edwards Foundation		\$40,000				\$40,000
Wichita County Educational Foundation		\$10,000			\$10,000	\$20,000
Waggoner Foundation			\$15,000			\$15,000
Greater Texas Foundation			\$25,000			\$25,000
National Science Foundation/Dalquest Station			\$23,711			\$23,711
Dillard Mustangs		\$150,000				\$150,000
Robert D. Gunn - Geosciences		\$150,000				\$150,000
Redwine Estate		\$1,621,253	\$2,000,000	\$1,000,000	\$2,000,000	\$6,621,253
Contributions to MSU Endowments				\$12,266	\$38,213	\$50,479
Contributions to MSU Foundation Endowments	\$9,720	\$208,110	\$69,770	\$421,880	\$220	\$709,700
Contributions to MSU Charitable Trust Endowments	\$960	\$156,250	\$100,000	\$75,200		\$332,410
President's Excellence Circle 2008/2009	\$9,067	\$172,126	\$41,550	\$75,200	\$79,050	\$376,993

	9/1/2008 10/3/2008	10/4/2008 1/16/2009	1/17/2009 4/17/2009	4/18/2009 7/10/2009	7/11/2009 8/31/2009	Total Year to Date
WF Museum of Art						
Cash		\$22,787	\$2,300	\$900	\$2,500	\$28,487
Gifts in Kind			\$12,100		\$2,700	\$14,800
Annual Fund	\$19,883	\$128,888	\$56,341	\$52,088	\$38,530	\$295,730
Alumni Association						
2,479 (2008-2009 membership) (includes 549 lifetime members)	\$5,145	\$9,685	\$4,175	\$1,705	\$6,445	\$27,155
Athletics						
Mustangs Athletic Club						
Cash	\$8,758	\$36,197	\$12,916	\$27,897	\$42,619	\$128,387
In-Kind				\$330	\$7,115	\$7,445
Corporate Sponsors						
Contributed Services	\$172,750	\$3,500			\$1,500	\$177,750
Cash	\$30,125	\$38,875	\$875	\$8,875	\$7,125	\$85,875
Alfred B. Guinn - Ligon Renovation		\$50,000			\$50,000	\$100,000
Edwards Foundation - Ligon Renovation				\$250,000		\$250,000
Haggerty Plumbing - Ligon Renovation				\$50,000		\$50,000
Electra Construction - Ligon Renovation					\$25,000	\$25,000
Michael Bernhardt - Unrestricted		\$150,000				\$150,000
Danny Mowrey - Mustang Athletic Club		\$75,000				\$75,000
Hollis Sullivan - Unrestricted		\$1,000,000				\$1,000,000
Other		\$123,825	\$12,000		\$25,525	\$161,350
Gifts in Kind						
Harvey Property-2708 Hamilton Boulevard			\$1,400,000			\$1,400,000
Miscellaneous				\$16,220	\$2,075	\$18,295
Fantasy of Lights	\$18,051	\$20,272			\$9,285	\$47,608
Scholarship Funds from Outside Sources	\$79,618	\$117,302	\$121,783	\$70,485	\$387,844	\$777,032
TOTAL	\$500,727	\$4,341,863	\$3,907,465	\$2,635,708	\$2,778,030	\$14,163,793

Summary of Financial Support
Midwestern State University, Midwestern State University Foundation Endowments
and MSU Charitable Trust Endowments

	9/1/2009 10/9/2009	Total Year to Date
MSU General Support		
(Scholarships, Museum, etc.)	\$64,875	\$64,875
West Foundation	\$163,259	\$163,259
Redwine Estate	\$1,000,000	\$1,000,000
J. S. Bridwell Foundation	\$125,000	\$125,000
Contributions to MSU Endowments	\$674	\$674
Contributions to MSU Foundation Endowments	\$11,895	\$11,895
President's Excellence Circle 2009/2010	\$16,200	\$16,200
WF Museum of Art		
Cash	\$12,454	\$12,454
Annual Fund	\$32,486	\$32,486
Alumni Association		
1,176 (2009-2010 membership)	\$2,665	\$2,665
(includes 550 lifetime members)		
Athletics		
Mustangs Athletic Club		
Cash	\$12,353	\$12,353
Corporate Sponsors		
Contributed Services	\$109,350	\$109,350
Cash	\$49,975	\$49,975
Other	\$10,060	\$10,060
Gifts in Kind	\$8,741	\$8,741
Fantasy of Lights	\$20,613	\$20,613
Scholarship Funds from Outside Sources	\$94,198	\$94,198
TOTAL	\$1,734,798	\$1,734,798

ATHLETICS COMMITTEE

Athletics Committee

Membership

Ben Wible, Chair
Charlye Farris
Stephen Gustafson
Shawn Hessing

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Reading and Approval of Minutes

10-41. The minutes of the Athletics Committee meeting August 6, 2009, are recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 10-41.

Athletics Status Report

10-42. Information will be provided concerning athletics at Midwestern State University.

BOARD OF REGENTS
MEETING AGENDA

Board of Regents Meeting Agenda
November 6, 2009
9:00 a.m.

Board of Regents Membership:

Munir A. Lalani, Chairman
Carol Carlson Gunn, Ph.D., Vice Chair
F. Lynwood Givens, Ph.D., Secretary
Charles E. Engelman
Charlye O. Farris
Stephen A. Gustafson
Shawn G. Hessing
Jane W. Spears
Ben F. Wible
Lenny Benton, Student Regent

Meeting Location: MSU Campus – 3410 Taft Boulevard
J. S. Bridwell Board Room

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. The Board reserves the right to discuss any properly posted items in Executive Session whenever legally justified in accordance with the Texas Government Code Chapter 551.

Call to Order

Invocation

Introduction of Visitors

Opening Comments

Public Comment Period

A public comment period concerning agenda items will be provided in accordance with the Board of Regents By-Laws, MSU Policy 2.22.

Reading and Approval of Minutes

10-43. Minutes of the regular Board of Regents meeting August 6, 2009, are recommended for approval as shown in the minutes' section of this agenda as Minutes Attachment 10-43.

Reading and Approval of Minutes

10-44. Minutes of the regular Board of Regents meeting August 7, 2009, are recommended for approval as shown in the minutes' section of this agenda as Minutes Attachment 10-44.

Reading and Approval of Minutes

10-45. Minutes of the Special Board of Regents meeting September 8, 2009, are recommended for approval as shown in the minutes' section of this agenda as Minutes Attachment 10-45.

Executive Committee Consent Agenda, Items and Report

Finance and Audit Committee Consent Agenda, Items and Report

Investment Committee Consent Agenda, Items and Report

Personnel and Curriculum Committee Consent Agenda, Items and Report

Student Services Committee Consent Agenda, Items and Report

University Development Committee Consent Agenda, Items and Report

Athletics Committee Consent Agenda, Items and Report

Presidential Performance and Compensation Review Committee Appointment

10-46. A Presidential Performance and Compensation Review Committee will be appointed to make recommendations to the Board of Regents at the February 2010 meeting concerning the university president's performance and contract.

President's Report and Discussion

10-47. Dr. Rogers will present information to the board concerning various university matters, including:

- A. Historically Underutilized Business (HUB) Report
- B. Use of Home at 2708 Hamilton Boulevard
- C. Formula Study Update

Texas Higher Education Coordinating Board Discussion

10-48. Dr. Raymond Parades, Commissioner of Higher Education, Texas Higher Education Coordinating Board, will meet with the board and discuss higher education issues.

MINUTES

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Executive Committee
August 6, 2009**

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 1:37 p.m., Thursday, August 6, 2009. Executive Committee members in attendance were Mr. Munir Lalani, Chairman; Dr. Carol Gunn, Vice Chair; Mr. Stephen Gustafson, Secretary; and Mr. Ben Wible, Member-at-Large. Other regents attending the meeting were Mr. Charles Engelman, Ms. Charlye Farris, Mr. Shawn Hessing, Ms. Jane Spears, and Student Regent Lenny Benton.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Ann Medford, Chair of the MSU Faculty Senate; Mr. Chris Gore, Chairman of the MSU Staff Senate; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the news media was Ms. Ann Work, reporter for the *Times Record News*.

Chairman Lalani called the meeting to order at 1:37 p.m.

Reading and Approval of Minutes

09-118. The minutes of the Executive Committee meeting May 14, 2009, were approved as presented.

Wichita Falls Museum of Art at Midwestern State University Advisory Board of Directors

09-119. Mr. Lalani reported that the president recommended the following appointments to the Museum Board:

Public Members (2009-2012)

John Hirschi (Reappointment)
Lola Pitzer (Reappointment)
Will Tucker
Jane Spears (Reappointment)

MSU Members (2009-2010)

Richard Ash (Reappointment)
Juan Sandoval (Reappointment)
Friederike Wiedemann (Reappointment)

Student Member (2009-2010)
Matthew Steimel

Dr. Rogers reported that Jane Spears now serves as the Museum Advisory Board Chair. He thanked her for her service to the museum and to the university. He noted that Mr. Will Tucker is an independent geologist in Wichita Falls and he is very interested in the restoration of some early buildings in downtown Wichita Falls. He is well suited and will contribute to the Museum Board. Matthew Steimel is an outstanding student; he is majoring in mechanical engineering and is a President's Distinguished Scholar.

Mr. Gustafson moved approval of these appointments as presented. Mr. Wible seconded the motion and it was approved.

MSU Charitable Trust Membership

09-120. Mr. Lalani reported that the current trustees of the MSU Charitable Trust Board are Frank Gibson, Kay Yeager, and Mac Cannedy, Jr., as well as the MSU president, board chairman, and the finance and audit committee chairman. The Charitable Trust Board has requested the addition of Martha Fain to the board of trustees; the MSU administration supports this action. In accordance with the Charitable Trust by-laws, the MSU Board of Regents has final approval of the trust board membership.

Dr. Gunn moved approval of this item as presented. Mr. Gustafson seconded the motion and it was approved.

Ligon Coliseum-Phase II and Athletics Facilities Projects

09-121. Mr. Lalani reported that the administration was requesting authorization to proceed with planning Phase II of the Ligon Coliseum Renovation Project and Athletics Facilities Project, including field turf and lighting. Dr. Rogers stated that the current Ligon renovation project totals \$10.5 million. A great deal of infrastructure and ADA work is included in this project, as well as the renovation of dressing rooms and weight training rooms on the north end of the building. However, more needs to be done, including additional infrastructure work and completion of the dressing rooms on the south end of the building.

Dr. Rogers reported that the administration would like to begin planning Phase II of the project and identifying funding sources. The administration would also like to plan an additional Athletics Facilities Project to possibly include lighting the softball field, adding lighting to the soccer field, and providing an artificial turf field. Dr. Rogers reported that the university has two grass practice fields that are currently used by intramural sports, rugby and other club sports, as well as the football team. He added that if the field is torn up through overuse it is difficult for the football team to use the field for practice.

Dr. Rogers stated his hope that the Ligon Project-Phase II would cost approximately \$5 million and the Athletics Facilities Project would cost another \$1 million. He indicated that income from the Intercollegiate Athletics Fee could be used to pay a portion of the bonds for these projects, and that gifts would also need to be obtained to assist in financing the projects.

Dr. Rogers stated that he had been asked if there would be a Phase III of the project. He indicated that he would not call it Phase III. However, the windows and doors on the building should be replaced at sometime. He indicated that he saw these types of projects being handled in the future through the regular campus maintenance program funded by HEAF.

Mr. Gustafson moved approval of this item as presented. Mr. Wible seconded the motion.

Mr. Wible asked if there might be an option of not installing an artificial turf field if the cost is too high. Dr. Rogers responded that he intended to develop a list of priorities that would be used in determining the projects that would be recommended to the board.

Mr. Sandoval noted that he had discussed the possibility of these projects with Matt Boles, the university's bond advisor. Mr. Boles indicated that if the Intercollegiate Athletics Fee generated \$500,000 each year that could be used to support a bond payment, the university could bond approximately \$6 million for twenty years at 5.3% interest. Mr. Lalani noted that this was a high interest rate. Mr. Sandoval stated that the rate would fluctuate depending on when the bonds were sold.

There being no further discussion, the motion was approved.

Executive Session

Mr. Lalani announced that the Board of Regents would go into closed session as allowed by the Texas Government Code Chapter 551, Section 551.072, Real Property, to consider Item 09-122 (Deliberations About Real Property). The closed session was properly announced at 1:56 p.m. Board members, Dr. Rogers, Dr. Long, Mr. Sandoval, Dr. Farrell, Dr. Clark, Mr. Goldapp, Mr. Lamb, Mr. Spencer, and Ms. Barrow remained for the discussion.

Open Meeting Resumes

The closed session ended at 2:27 p.m. with an announcement by Mr. Lalani that no action was taken during Executive Session.

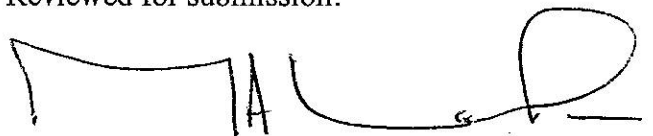
Deliberations about Real Property

09-122. No action was taken regarding this item.

Adjournment

There being no further business, the Executive Committee discussion concluded at 2:29 p.m.

Reviewed for submission:



Munir A. Lalani, Chairman
Midwestern State University
Board of Regents Executive Committee

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Finance and Audit Committee
August 6, 2009**

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 2:29 p.m., Thursday, August 6, 2009. Finance and Audit Committee members in attendance were Mr. Shawn Hessing, Chairman; Mr. Charles Engelman; and Ms. Jane Spears. Other regents attending the meeting were Ms. Charlye Farris, Dr. Carol Gunn, Mr. Stephen Gustafson, Mr. Munir Lalani, Mr. Ben Wible, and Student Regent Lenny Benton.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Ann Medford, Chair of the MSU Faculty Senate; Mr. Chris Gore, Chairman of the MSU Staff Senate; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the news media was Ms. Ann Work, reporter for the *Times Record News*.

Chairman Hessing called the meeting to order at 2:29 p.m.

Reading and Approval of Minutes

09-123. The minutes of the Finance and Audit Committee meeting May 14, 2009, were approved as presented.

Review and Acceptance of Financial Reports

09-124. The administration recommended the April, May, and June, 2009 Financial Reports and the quarterly investment report for acceptance. Mr. Hessing asked Mr. Sandoval to comment on these reports. Mr. Sandoval noted that the letter that accompanied the June financial report indicated a favorable financial position as of June 30, 2009. Tuition and fees are on target for the year and the university has experienced an increase in restricted income due to unanticipated gift income. With the increased income the adjusted 2008-2009 budget totaled approximately \$85 million. Mr. Sandoval added that without the gift income the budget would still be balanced.

Mr. Engelman moved acceptance of the reports as presented. Ms. Spears seconded the motion.

Mr. Engelman congratulated Mr. Sandoval and his team for negotiating the university through a difficult financial time. He noted that there are a number of universities that are facing financial difficulties. He thanked the administration for the job they have done. Mr. Hessing also commended the administration for their efforts.

There being no further discussion the motion was approved.

Financial Disclosure Statements

09-125. Mr. Hessing reported that the board previously received Financial Disclosure Statements of the President, the Vice President for Administration and Finance, and the Controller. These items are presented for review and acceptance of the board.

Ms. Spears moved acceptance of these items as presented. Mr. Engelman seconded the motion and it was approved.

Internal Audit Plan – 2009-2010

09-126. Mr. Hessing reported that the Texas Internal Auditing Act requires each agency's internal auditor to develop an annual audit plan using risk assessment techniques. The governing board of the agency must approve this plan. The MSU Internal Auditor's proposed plan for 2009-2010 was presented in the agenda.

Dr. Rogers complimented David Spencer, MSU's internal auditor, on his work at MSU. He stated that David has a very good and thorough system of risk analysis from which he develops his audit plans. Dr. Rogers indicated that he had reviewed the proposed plan with David and has confidence that the plan is appropriate. He added that the administration asked David to handle a number of special projects during the current year and was pleased with the work he had done.

Ms. Spears moved approval of the plan as presented. Mr. Engelman seconded the motion.

Mr. Spencer indicated that he made choices based on risk assessment. He added that he relied on management responses and requests. Mr. Engelman stated that he would like to see even more time spent on construction change orders. Mr. Spencer responded that he had already spent some time looking into construction over the last couple of years and had narrowed this audit to change orders because the area of construction is so broad.

Mr. Lalani noted that the internal auditor and general counsel report to the president and to the Board of Regents. He reported that during the last twelve months he had not received anything from Mr. Spencer that indicated there was anything to be concerned about from an auditor's point of view. Mr. Spencer responded that he had not had any problems in the work he had accomplished during the year. Mr. Lalani asked if Mr. Spencer had received full cooperation from the administration. Mr. Spencer responded that he had.

There being no further discussion, the motion was approved.

Investment Policy

09-127. Mr. Hessing stated that Mr. Lalani would appoint a board Investment Committee at the meeting Friday. He indicated that this agenda item would be delayed to allow the new committee an opportunity to review the policy in November.

Investment Management Services

09-128. Mr. Hessing reported that the administration had issued a Request for Proposal (RFP) for Investment Management Services for the Redwine Quasi-Endowment Fund. The deadline for submitting proposals is August 27, 2009, at which time the proposals will be reviewed and evaluated by the MSU Board of Regents Investment Committee (to be appointed). He presented the administration's recommendation that the president, board chairman, and chair of the Investment Committee be authorized to take action regarding the investment of the Redwine Quasi-Endowment Fund prior to the next board meeting, if necessary.

Mr. Engelman moved approval of this recommendation as presented. Ms. Spears seconded the motion and it was approved.

University Accounts

09-129. Mr. Hessing noted that the agenda document contained the list of individuals recommended to sign on university bank accounts, purchase and sell investment instruments, perform normal banking transactions, and sign appropriate personnel retirement documents. He added that the only change since these authorizations were last approved was the addition of authorizing the Interim Provost to sign personnel retirement documents.

Ms. Spears moved approval of these recommendations as presented. Mr. Engelman seconded the motion and it was approved.

Approval of Brokers/Dealers, Investment Vehicles, and Asset Holding Accounts

09-130. Mr. Hessing reported that the agenda document included the recommended list of brokers/dealers, investment vehicles, and asset holding accounts for approval. The only change to this list since last year was the addition of First Southwest Company and Citibank.

Mr. Engelman moved approval of the recommendation as presented. Ms. Spears seconded the motion

Mr. Sandoval reported that the university generally utilizes the services of a broker that offers the best opportunity for the university's conservative investments. Mr. Benton asked if there was a benefit to having a longer or shorter list. Mr. Sandoval responded that a longer list offers a range of options. Mr. Engelman asked if all of the firms are contacted each time the university invests. Ms. Ferguson responded that the firms generally contact her electronically, via e-mail or fax.

There being no further discussion the motion was approved.

FY 2008-2009 Items \$50,000 & Under Approved by President

09-131. The budget changes since the May meeting were presented for ratification as shown in the agenda document. Mr. Hessing asked Dr. Rogers to comment on these changes.

Dr. Rogers noted that the repair of the museum air conditioner was a one-time expense that should not reoccur. The next item was an investment in distance learning courses during the summer. The final item provided funds for the new Assessment Specialist position in the Institutional Research and Planning office. Dr. Rogers noted that this new position is critical as the university readies itself for accreditation.

Mr. Engelman moved ratification of these budget changes as presented. Ms. Spears seconded the motion and it was approved.

Salary/Title/Position Change in 2008-2009 Budget

09-132. Position changes approved by the president were presented for ratification as shown in the agenda document. Mr. Hessing asked Dr. Rogers to make comments concerning these items.

Dr. Rogers noted that the P-16 Counselor position was changed to benefit eligible, with the cost associated paid from grant monies. He indicated that the funding was not needed for an additional campus police officer because the officer who was ill passed away after a short period of time. He added that there had been very little change in personnel costs since the last board meeting.

Ms. Spears moved the board ratify these changes as presented. Mr. Engelman seconded the motion and it was approved.

Thesis Fee

09-133. The administration recommended increasing the thesis fee from \$15 per copy to \$25 per copy, effective with the fall 2009 semester. Mr. Hessing reported that this increase would offset the increased cost of paper, printing, and binding.

Ms. Spears moved approval of this item as presented. Mr. Engelman seconded the motion and it was approved.

Intercollegiate Athletics Fee

09-134. Mr. Hessing reported that the Texas legislature authorized the MSU board to assess an intercollegiate athletics fee of up to \$10 per semester credit hour, up to a maximum of \$120 per semester. Prior to this legislative action, the MSU student body approved the establishing of such a fee. Given this legislative authority, the administration recommended the assessing of an Intercollegiate Athletics Fee of \$5 per semester credit hour, up to a maximum of \$60 per semester, beginning with the spring 2010 semester.

Dr. Rogers stated that the proposed fee would relieve the burden on Student Service Fees. He added that when the fee is fully implemented Student Service Fees will no longer be used to support athletics. He stated that the funds generated in FY 2010 would provide funding for a new counselor in the Academic Support Center and partial funding for a new business officer in the athletics department, among other things.

Mr. Engelman moved approval of this item as presented. Ms. Spears seconded the motion.

Mr. Benton stated that this action affects the student body a great deal. He noted that he was one of the students who voted for the fee and indicated his belief that it would make the university better. Mr. Lalani added that the athletics department has done a tremendous job of raising private funds and has raised awareness of the program in the community.

There being no further discussion, the motion was approved.

MSU Promise/Mustangs Tuition Guarantee Program

09-135. Mr. Hessing noted that the current "MSU Promise" guarantees that tuition and mandatory fees will not be increased by more than 5% from one academic year to the next, with the exception of student initiated fees. Following a review of programs offered at sister institutions throughout the state, the administration recommended the initiation of the "Mustangs Guarantee." The Mustangs Guarantee would provide tuition and mandatory fees that are not covered by other grants, scholarships (all sources), exemptions, benefits, and/or waiver programs received by a student who meets the following criteria beginning with the 2010-2011 fiscal year:

- Be classified as a Texas resident
- Be classified as an undergraduate beginning freshman.
- Complete and submit the Free Application for Federal Student Aid (FAFSA).
- Be accepted for admission and have a complete financial aid file by April 30
- Have a combined family adjusted gross income (AGI) of \$50,000 or less as reported on the FAFSA.
- Be eligible for the Federal PELL Grant program.
- Enroll in and maintain a minimum of 15 semester credit hours through the 12th class day of each fall and spring semester.

Other stipulations would include the following:

- The program will pay for up to 15 semester credit hours each semester for up to four academic years — summer terms not included.
- The program does not cover room, board, books, supplies, or miscellaneous charges, including parking fees, installment plan fees, post office box rental fees, late fees, reinstatement fees, etc.
- In accordance with NCAA rules, current and prospective student-athletes would be offered awards on an individual basis. Certain forms of assistance may not be awarded to or accepted by a student-athlete.

Dr. Rogers commented that this program is designed to assist students who do not qualify for full tuition and fee coverage from programs such as the PELL grant and Texas Grant. One of the primary goals of the program is to inform young people that they can get a college education. There are many students who never ask about financial aid or scholarships and assume that a college education is too expensive for them. He

noted that MSU is not the first university to initiate such a program. He added that the administration selected the \$50,000 AGI figure based on the experience of other Texas universities. He indicated that the conditions on the program are somewhat restrictive and the administration would like to offer this program for one year to determine the cost of the program. The program may be adjusted after the first year, depending on the participation level and cost. This program targets college prepared students.

Ms. Spears noted that at the May meeting there was some discussion about limiting the number of students who could receive aid through a program such as this. Dr. Rogers responded that he did not think a limit was necessary at this time. He stated that the first university to offer such a program has an enrollment of 28,000-30,000 students. They used an AGI of \$40,000 and the annual cost of the program was \$150,000. Their experience led the MSU administration to recommend this program and feel comfortable that it is affordable.

Ms. Spears moved approval of this item as presented. Mr. Engelman seconded the motion.

Ms. Farris asked how this would affect those students who receive college credit while still in high school. Dr. Rogers responded that hours taken before graduation from high school would not exclude students from this program. Mr. Lalani commented that information regarding the program should make that point clear to prospective students.

Dr. Gunn asked how AGI for a student is defined. Dr. Clark responded that the student and parents must complete and submit the FAFSA. The student and parents must report income shown on income tax returns, as well as asset information. The government takes the information and determines what the family can contribute to the student's education. Dr. Gunn asked at what point a student is considered independent and does not have to report the parent's income. Dr. Clark responded that if a parent claims the child as a dependent for income tax purposes, the parent's income must be considered.

There being no further discussion, the motion was approved.

Operating Budget for Fiscal Year 2010

09-136. Mr. Hessing presented the administration's recommended \$90,287,041 operating budget for the 2009-2010 fiscal year for approval. The regents were also given a copy of the budget highlights (see Attachment 1). Mr. Hessing asked for a motion to approve the budget prior to presentations and discussions.

Ms. Spears moved approval of the operating budget as presented. Mr. Engelman seconded the motion.

Dr. Rogers noted that the proposed budget is a balanced budget. He added that the format of the budget has been changed from what has been presented in previous years. This change in format will help the board reconcile the monthly financial statements of the university to the budget. He noted that the proposed budget recognizes additional restricted funds, including estimated gifts that will hopefully be added to the university budget during the fiscal year. Dr. Rogers added that the budget also includes full

operational expenses for Sundance Court and the Redwine Student Wellness Center. He added that the true cost of university operations is increasing very modestly.

Mr. Hessing stated that while the university's budgeting process is changing, the accounting system is not changing. Mr. Lalani added that this is a much more comprehensive budget than what has been utilized in the past. Dr. Rogers noted that the approved budget for FY 2009 was \$76 million and the proposed FY 2010 budget is \$90 million. However, the funds that actually flowed through the university's budget in FY 2009 totaled more than \$76 million.

Dr. Rogers reported that the university received an increase in formula funding from the state, the first increase received in a number of years. While MSU's formula yield increased by \$770,000 each year of the biennium, a portion of the formula funding came from federal stimulus funds. These funds will not be available during the next biennium and the administration has been cautious in budgeting because future funding from the state is uncertain. He reported that the administration had worked on cost savings and future planning in order to give the staff and faculty a very modest raise in FY 2010. He noted that a base raise of 2% would be given in the middle of the year. He indicated his plan to add another 1% to base salaries in the fall 2010.

Dr. Rogers reviewed the budget highlights with the board. He noted the cost of increasing full-time equivalent positions totaled \$612,000. He added that a large portion of the cost was paid from gift funds, grant funds, and auxiliary income. He stated his plan to keep the increase of FTE's to a minimum after this year. He also pointed out the allocation of Higher Education Assistance Funds (HEAF) listed in the highlights.

Mr. Sandoval commented that the financial report through June 30 showed an addition of \$9.4 million to the original budget. This amount included gift income of \$4.6 million. The base budget for FY 2009 totaled \$76.2 million. The addition of \$9.4 million would bring the adjusted budget total to \$85 million. Mr. Sandoval then presented budget highlight slides (see Attachment 2). The slides included information regarding new funds that were included in the budget as well as the distribution of these funds.

Mr. Sandoval pointed out the increase of \$250,000 in travel costs. He noted that \$240,000 of that amount was funding for the British Studies program. In this case, the funds are received from the students participating in the program and are then expended to pay for travel. This is an item that has not previously been identified in the budget. He added that athletics summer camps were also new to the budget.

Mr. Lalani asked why it had taken the administration so long to make this change in the budget format. Mr. Sandoval responded that donor income is difficult to estimate and the other items traditionally were not included. Dr. Rogers added that the budget was previously put together to primarily represent the Education and General (E&G) operating costs of the university. Mr. Lalani indicated that he was pleased with this change and that it would make it easier for the board members to reconcile the budget to the monthly financial reports.

Mr. Lalani asked Mr. Sandoval if the sheet titled "MSU Budget Information (Proposed FY 10/Adjusted FY 09/Original Budget FY 09)" dated August 7, 2009 was distributed to all of the board members. Mr. Sandoval responded that it was not. He added that he provided this report only to Mr. Lalani in response to a question he had asked earlier in the week. Mr. Lalani asked that copies be distributed to the board (see Attachment 3). Mr. Lalani expressed concern that this sheet indicated an adjusted 09 budget of \$92,368,040 as opposed to the figure of \$84,314,297 that appeared on Schedule 2 of the June 30, 2009 financial report. Mr. Sandoval responded that he attempted to reconcile the current adjusted budget and the proposed budget as closely as possible.

Mr. Hessing noted that he had asked Mr. Sandoval and his staff to consider a mid-year review of the budget, both a sources and uses and a revenue and expenditures budget. He stated that this is a transition year and it is important for the board to understand where the sources and uses are. He added that there had been discussion in the past about deficit funding. He expressed his belief that if funds are received in one year and are planned to be spent in another year, there is a rollover effect and it is not deficit funding.

Mr. Lalani indicated his concern that information concerning the budget was not presented in a timely or comprehensive fashion. He stated that this needed to be addressed. Mr. Sandoval apologized for his delay in responding to questions raised.

Mr. Sandoval continued his review of the budget highlight slides. He pointed out that during the budgeting process the administration addressed the adequacy of housing reserves. The reserve fund currently totals \$925,000 and will increase by \$250,000 in FY 10. He added that there are housing maintenance issues that will need to be addressed soon. Mr. Sandoval pointed out that state support has declined from 39% of total expenses and debt service in FY 03 to 28% in FY 10.

Mr. Lalani indicated his support of the board reviewing and approving an adjusted budget during the year, particularly when there is a large variance from what is originally approved. Dr. Rogers commented that he hoped the administration and board could get away from the idea that a balanced budget is always funds received during a particular year equaling expenditures in that same year. He indicated that there are times when funds earned in one year are specifically designated to be spent the following year. Mr. Hessing expressed his agreement and added that a balanced budget in higher education in today's world is very difficult to achieve because of the way the money comes in.

Mr. Lalani indicated that this change in budgeting is a move in the right direction. He added his hope that the reporting and communication process will improve.

Mr. Engelman stated that he was quite surprised to see the increased budget and spent time with Mr. Sandoval and Ms. Ferguson to understand the change. He noted that MSU's research funds are limited and asked what could be done to increase that amount. Dr. Rogers responded that Mr. Sandoval and his staff are currently negotiating an indirect cost percentage for federal grants. Dr. Patti Hamilton, Dean of Graduate

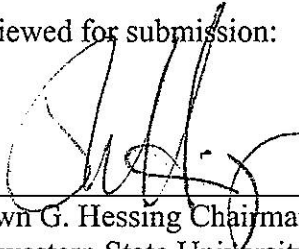
Studies, is also putting forth quite an effort regarding campus research. Dr. Rogers indicated his belief that MSU's research dollars will increase in the future.

There being no further discussion, the budget was approved.

Adjournment

The Finance and Audit Committee discussion concluded at 4:23 p.m.

Reviewed for submission:



Shawn G. Hessing Chairman
Midwestern State University
Board of Regents Finance & Audit Committee

ATTACHMENTS:

1. Budget Highlights
2. Budget Highlights Slide Presentation
3. MSU Budget Information (Proposed FY 10/Adjusted FY 09/Original Budget FY 09)

Midwestern State University
Budget Highlights
2009 – 2010

- The 2009-2010 budget for Midwestern State University is a balanced budget. It reflects an estimated enrollment of 6,100 students for fall 2009.
- The proposed \$90,287,041 budget represents an increase over FY 2009 by \$14,048,339, primarily due to changes in the budgeting format.
 - The largest portion of the budget increase is in restricted funds, which includes gifts and grants. This increase of \$8,658,090 includes financial aid and scholarship increases of \$5,646,725. The overall budget includes a financial aid and scholarship increase of \$6.9 million.
 - The budget includes the full operational expenses for Sundance Court and the Redwine Student Wellness Center, representing a budget increase of \$1,419,697.
 - The budget also includes supplemental pay for continuing faculty and staff. The one-time payment will be 1% of each employee's annual base pay, with a minimum payment of \$400. This supplement is budgeted at \$405,000 and is scheduled for December, 2009, distribution. With this increase, it is recommended that the base salary of each employee be raised by 2% August 31, 2010.
 - The budget reflects a net increase of full-time equivalent (FTE) positions shown below (\$612,931).
 - Two and one-quarter net faculty positions in the Dillard College of Business (gift funds).
 - Sundance Court and Redwine Student Wellness Center staff additions of 4.41 positions.
 - One-half time General Counsel, and three and one-half administrative positions in the Registrar's Office, Admissions, Academic Support Center, and Public Information.
 - Three positions in athletics (Assistant AD for Business Affairs, assistant football coach, and cross country coach changed to benefit-eligible). The business affairs position is partially funded through grant funds.
 - Fringe benefits in this budget total approximately \$9.8 million, an increase of \$467,741.
 - The budget includes the addition of \$200,000 to the adjunct faculty and summer school budgets.
 - Renewal and replacement funds for housing and the Redwine Wellness Center were increased by \$145,000 in this budget.

- The proposed budget includes an increase in university debt payments by \$309,837 (housing bonds and master lease debt for Ligon and the Instrumental Music Hall).
- Federal stimulus funds were used by the Texas Legislature to fund the Instruction and Operation line item of the MSU appropriation.
- Funds from private sources provided funding for 16.08 positions and 25 faculty stipends in the amount of \$1,149,854.
- Incentive funds have been trusted to the Texas Higher Education Coordinating Board (THECB) for distribution in FY 2010. The administration utilized an estimate of \$488,000 in compiling the proposed budget.
- Funding totaling \$106,000 was received through the legislative process to support the MSU Autism Program in 2009-2010.
- The university's operational reserves as of August 31, 2010 are expected to total approximately \$14 million.
- The recommended budget contains the following allocations from the university's Higher Education Assistance Funds (HEAF):

Bond payment on Dillard Building	\$1,468,794
Purchase of Christ Academy	1,160,000
Allocation to six colleges for computers and academic-related equipment	353,219
Science and Graphic Arts laboratories	151,398
Information Systems/Telecommunications equipment and software	61,050
Computer lab upgrades	100,000
Physical Plant equipment and improvements	642,561
Kinesiology equipment	89,693
Equipment for administrative offices and library	133,711
Facilities contingency	<u>25,980</u>
TOTAL	<u>\$4,186,406</u>

General Overview of Recommended Budget

Proposed Budget FY '10	\$90.29 m.
Budget FY '09	76.24 m.
Change in Budget	<u>\$14.05 m.</u>


Sources of Funds:

Restricted Funds	\$ 8.58 m.
Tuition and Fees	2.27 m.
Housing/M meal Plans	1.00 m.
Other Designated Services	0.94 m.
State Appropriations	0.88 m.
HEAF Funds	0.38 m.
Total	<u>\$14.05 m.</u>

Distribution of FY '10 Identified Funds

Salaries (new positions, adjunct, and raises)	\$ 1,338,960
Graduate Assistantships/ Scholarships/Financial Aid	6,897,190
Wages	719,602
HEAF – Capital Outlay	448,248
Fringe Benefits	467,741
Use of Designated/Restricted Funds	3,517,611
Utilities	99,027
Travel	250,123
Debt Service	309,837
Total Use of Funds	<u>\$14,048,339</u>

Strategic Budget Goals

- Change in budget policy to recognize greater external funding and donor support
 - Address salary plan supplemental pay, equivalent to 2% of total base salary/mid-year, min. \$400
 - Address critical position needs of selected faculty and staff
 - Change source of funding of scholarship income lost in a devalued market of endowment fund investments of \$252,000
 - Increase other competitive scholarships – \$250,000
- 

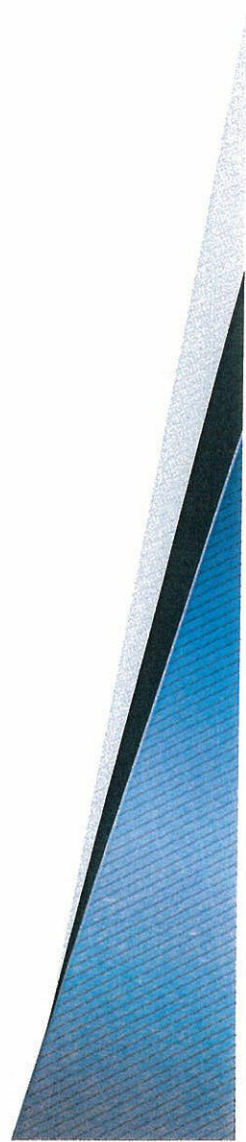
Strategic Budget Goals (Cont)

- Address facilities deferred maintenance
- Support new infrastructure – Housing, Student Wellness Center
- Contain utility cost increases
- Enhance reserves from available balances
- Ensure adequacy of housing reserves
- Implement the President's Cost Savings/Efficiency recommendations



Budget Parameters

- Limit tuition and fee increases to no more than 5%
- Use 6,100 student headcount for Fall 2009
- Increase in minimum wage – \$6.55/hr to \$7.25/hr



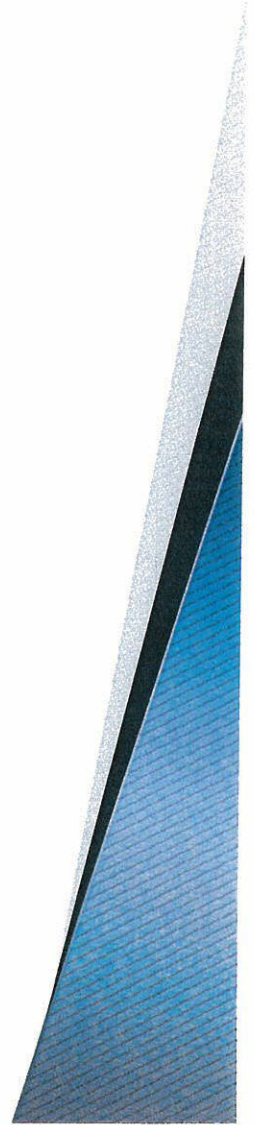
Eight-Year State Legislative Appropriations Comparison

<u>General Revenue State Support</u>	<u>as a % of Total Expenses and Debt Service</u>
FY 2003	39%
FY 2004	36%
FY 2005	35%
FY 2006	34%
FY 2007	35%
FY 2008	33%
FY 2009	32%
FY 2010	28% (est.)

FY '10 Recommendation

- Budget proposal revenues and expenditures \$90,287,041
- Reduction of dependence on local reserves

FY 2009 Budgeted Need	\$519,000
FY 2010 Estimated Budget Need	\$ 0
- Includes 13.66 critical faculty/staff positions composed of:
 - 2.25 faculty positions – Donor Funds
 - 4.41 staff positions – Rec. Center Fee and Housing income
 - 3 positions in Athletics – Athletic fee and Grant funds
 - 0.5 General Counsel position and 3.5 administrative positions funded from designated funds

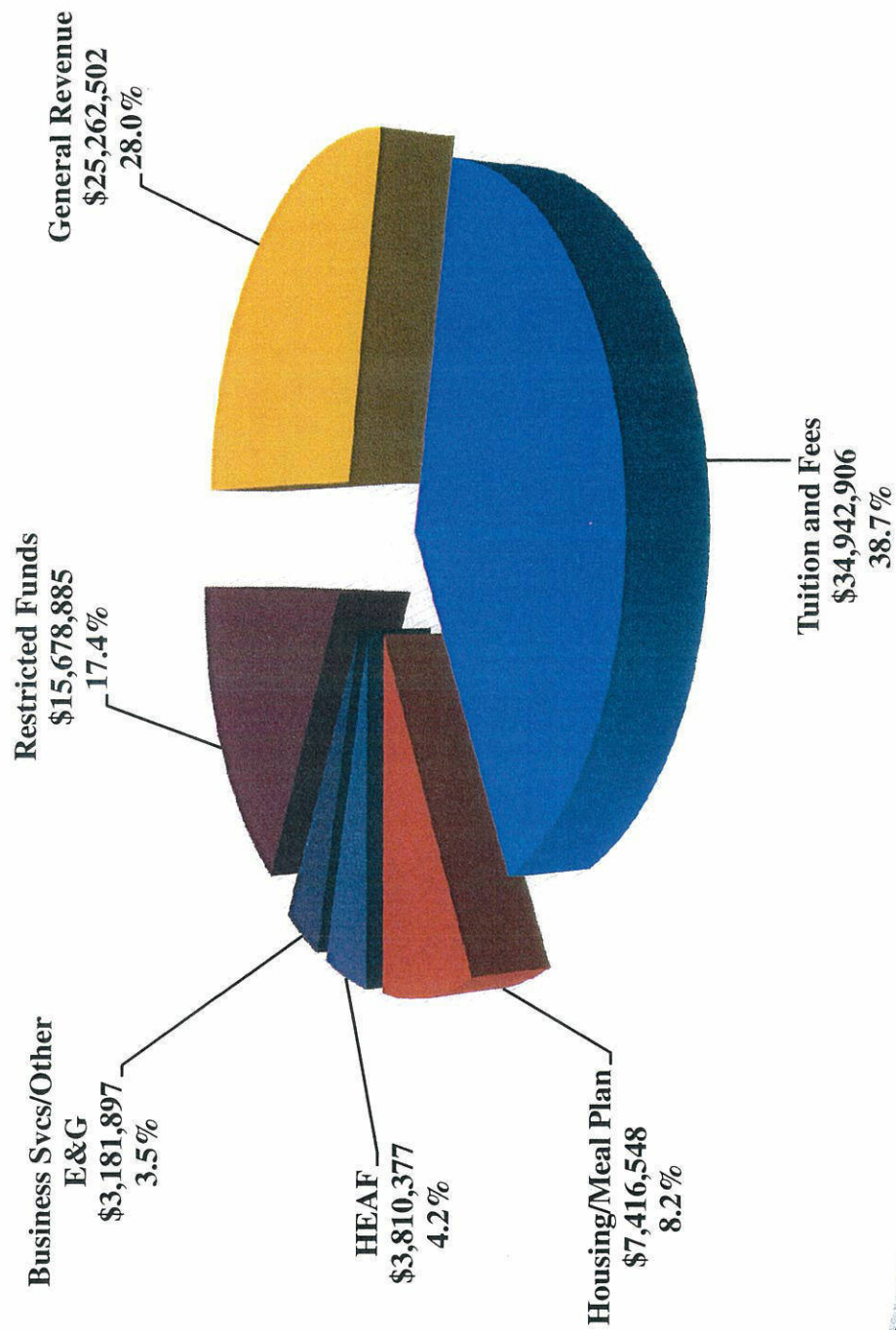


Budget Recommendations

- Approve salary plan supplemental pay, equivalent to 2% of total base salary/mid-year, min. \$400
- Recommend approval of Autism Program, funded with Federal ARRA monies
- Recognize increase in university debt – \$309,437
- Address increase in fringe benefit cost – \$467,741
- Recommend approval of HEAF budget that addresses purchase of Christ Academy and critical infrastructure and deferred maintenance needs

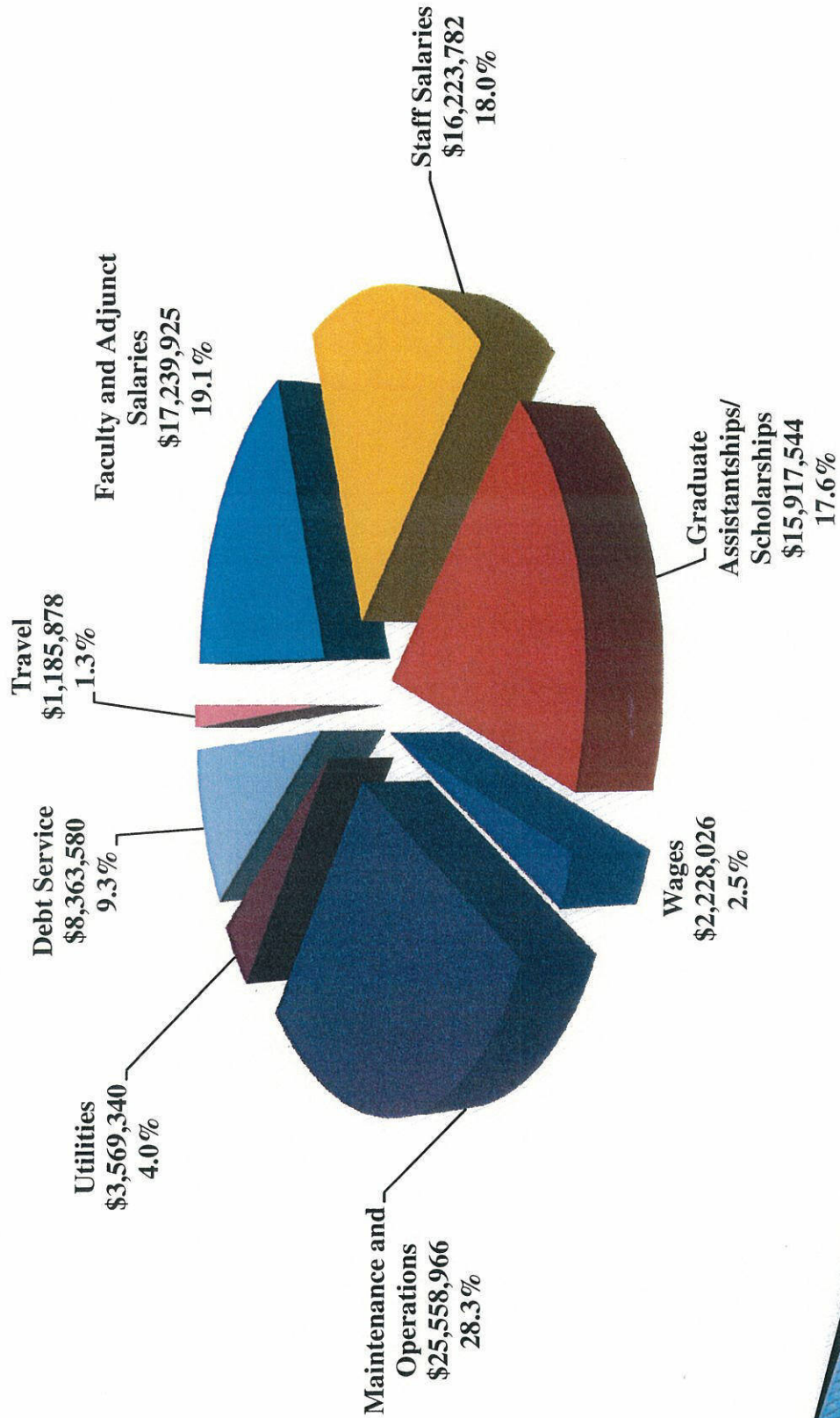


Sources of Revenue - FY 2010



Total Revenue- \$90,293,115

Use of Funds – FY 2010



Total Budget - \$90,287,041

Analysis of MSU Reserves Projected for August 31, 2010

Estimated fund balances at August 31, 2010

Education and General Funds	\$ 838,458
Designated Funds	6,622,119
Auxiliary Funds	2,208,738
Restricted Funds	3,359,590
Plant Funds	<u>1,014,306</u>
*Total All Funds	<u>\$14,043,211</u>

*Indicates a balanced budget



Midwestern State University

Budget Information

Proposed Budget FY '10 / Adjusted Budget FY '09/Original Budget FY '09

August 7, 2009

Line Item	Proposed FY '10 Budget	(See Note)		Refer To Notes	Original FY'09 Budget	Variance (%) From FY 09
		Adjusted FY '09 Budget	Variance (%) From FY 09			
Salaries	33,463,707	33,514,415	-0.2%		32,124,747	4.2%
Graduate Assts./Scholarships/Fin.Aid	15,917,544	15,325,206	3.9%	(2)	9,020,354	76.5%
Wages	2,228,026	1,611,018	38.3%	(3)	1,508,424	47.7%
Maintenance & Operations	25,558,966	28,755,083	-11.1%	(4)	21,125,366	21.0%
Travel	1,185,878	1,416,397	-16.3%	(5)	935,755	26.7%
Utilities	3,569,340	3,692,178	-3.3%		3,470,313	2.9%
Debt Service	8,363,580	8,053,743	3.8%		8,053,743	3.8%
Total	\$90,287,041	\$92,368,040	-2.3%		\$76,238,702	18.4%

Notes:

- (1) The adjusted budget is the original budget that the system automatically adjust for new gifts, contracts and grants awards. Does not mean we spend all of \$92.3 million, in fact, that is the reason we have an increase in net assets.
- (2) Scholarships and financial aid seem to grow from the original budget but in fact, they only grew by 3.9% in the adjusted budget. This is through federal grants support, charitable trust and foundation income, & gifts. We have always had these expenses, but not reflected in the budget.
- (3) Supplemental faculty and salary pay, because it is 1 time disbursement, paid through wages - \$405,000.
- (4) Maintenance and Operations increase is a system method of recognizing gifts, but certainly does not mean they will all be spent. But that increase is in gifts.
- (5) First time British Studies, which is mostly travel, is included in this budget, accounting for \$240,000 of original budget

THIS IS WHY THE BUDGET NEEDS TO MORE APPROPRIATELY REFLECT DONOR & EXTERNAL SOURCES SUPPORT

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Personnel and Curriculum Committee
August 6, 2009**

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 4:39 p.m., Thursday, August 6, 2009. Personnel and Curriculum Committee members in attendance were Dr. Carol Gunn, Chair; Ms. Jane Spears; and Mr. Ben Wible. Other regents attending the meeting were Mr. Charles Engelman, Ms. Charlye Farris, Mr. Stephen Gustafson, Mr. Shawn Hessing, Mr. Munir Lalani, and Student Regent Lenny Benton.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Ann Medford, Chair of the MSU Faculty Senate; Mr. Chris Gore, Chairman of the MSU Staff Senate; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations.

Chair Gunn called the meeting to order at 4:39 p.m.

Reading and Approval of Minutes

09-137. The minutes of the Personnel and Curriculum Committee meeting May 14, 2009, were approved as presented.

Faculty Report

09-138. Ms. Ann Medford, Chair of the MSU Faculty Senate, reported that the last Faculty Senate meeting was held May 7, 2009 and officers were elected for the 2009-2010 academic year. She reported that she would continue to serve as chair for the upcoming year. Dr. Jim Owen, Assistant Professor of Economics, was elected vice-chair; Dr. Stuart McClintock, Associate Professor of French, will serve as Secretary; Dr. Chuck Bultena, Associate Professor of Management, will serve as Treasurer; and Dr. David Carlston, Assistant Professor of Psychology, will serve as Parliamentarian. The Faculty Senate looks forward to the upcoming academic year and working with Dr. Rogers and Dr. Long. She expressed appreciation to the board for their efforts on behalf of the university.

Staff Report

09-139. Mr. Chris Gore, Chairman of the MSU Staff Senate, reported that the Staff Senate has continued to meet throughout the summer. The Staff Senate has developed a scholarship for staff members pursuing their degrees at Midwestern State. The Senate plans to raise funds so that two scholarships can be awarded in the fall 2010. The Senate continues to

research a staff emeritus program to honor staff members for their commitment to Midwestern State beyond the accolades currently afforded by the university to retiring individuals. The Staff Senate has been in existence for one year and elections were recently held. New senators for the next two years include Dr. Pam Midgett, Greg Williams, Ron Hall, Gary Neal, and Steven Fischer. Those exiting senators completing one year terms include Barbara Merkle, Mike Deming, Ernest Cooper, and Daniel Lopez. Dr. Rogers attended the July meeting and addressed the Staff Senate regarding the budget situation.

Enrollment Reports – Summer 2009

09-140. Summer 2009 enrollment reports were presented as shown in Attachment 1. Dr. Clark noted that enrollment and semester credit hours increased during the summer. Mr. Lalani asked if this trend would continue in the fall. Dr. Clark responded that he was encouraged with the numbers of students that have pre-registered for fall classes.

Small Class Reports – Summer 2009

09-141. Summer 2009 small class reports were presented as shown in Attachment 2. Dr. Gunn reported that these reports were in a new format and asked Dr. Long to explain. Dr. Long stated that the format was modified slightly to show the total numbers of classes offered in comparison to the numbers of classes that were offered as small classes. He noted that 641 classes were offered over the summer and only 19 were taught as small classes, which is a small percentage.

Beginning and Last Day Enrollment Reports, Spring 2009 Semester

09-142. Dr. Gunn noted that the beginning and last day enrollment reports for the spring 2009 semester were previously distributed to the board for their information and review. Dr. Long pointed out the summary sheet (see Attachment 3) which indicated that during the spring 2005, MSU had a 93% course completion rate, which compares to 96% in the spring 2009. He indicated that this was a significant increase, which puts MSU in a favorable position compared to other public universities in the state. He added that the university administration shortened the deadline for students dropping a course in an attempt to encourage students to stay enrolled in courses they originally signed up for. He indicated this may have had a positive effect on this number.

Mr. Hessing asked if the university utilizes this report to analyze trends regarding student completion rates in particular courses and with particular faculty members. Dr. Long responded that this information is reviewed and evaluated.

Review of Personnel Reports for FY 08-09 Budget

09-143. Reports regarding personnel changes in April, May, and June, 2009 were presented as a point of information only as shown in the agenda document.

Posthumous Degree – Archie Lee Little

09-144. Dr. Gunn presented the administration's recommendation that a posthumous degree be awarded to Archie Lee Little. She reported that Mr. Little passed away in June, 2009, while enrolled at MSU. Dr. Long noted that Mr. Little was a graduate student and had completed all required coursework and was in the final stages of completing his thesis for the Master of Education degree with a major in Counseling when he suffered a

serious epileptic seizure and died. Dr. Long noted that if Mr. Little had completed the degree he would have been the first person in his family to have received a master's degree. Previously, Mr. Little was the first person in his family to have received a baccalaureate degree, to graduate from high school, and to complete the tenth grade. Mr. Little would have graduated in August.

Dr. Long noted that he had been told that MSU has awarded five posthumous degrees in its history. He added his belief that this degree was definitely justified. Ms. Farris added that she knew Archie Lee Little when he worked with her son at Hirschi High School. She added that everyone spoke highly of him.

Mr. Wible moved approval of this item as presented. Ms. Spears seconded the motion and it was approved.

August 2009 Graduating Class

09-145. The administration recommended approval of the list of candidates for August 2009 graduation with the provision that they meet all requirements as prescribed by the faculty and administration. Ms. Barrow noted that there were 202 candidates for graduation as compared to 212 in August 2008.

Ms. Spears moved approval of this item as presented. Mr. Wible seconded the motion and it was approved.

Academic Calendar – Summer 2010

09-146. The administration recommended approval of the academic calendar for the summer 2010 as presented in the agenda document. Dr. Clark noted that the recommended calendar was comparable to the current year summer calendar and reflects a four-day work week.

Mr. Wible moved approval of the calendar as presented. Ms. Spears seconded the motion and it was approved.

MSU Policies and Procedures Manual Changes

09-147. The following changes to the *MSU Policies and Procedures Manual* were recommended for approval. The specific items were explained as shown below.

- A. Policy 2.338, University Boards, Councils & Committees – Pre-Medical Advisory Committee - the administration recommended changing the name of the committee to Health Professional Advisory Committee, and slightly modifying the purpose and personnel of the committee.
- B. Policy 3.330, Student Employment – changes were recommended to this policy to provide uniform guidelines and standardized procedures for all student employment.
- C. Policy 4.163, Smoking/Use of Tobacco Products – Dr. Rogers reported that this policy was approved at the May board meeting subject to legal review. The policy was reviewed by the university's Outside Counsel as well as the Attorney General's

office. It was determined that some type of enforcement statement should be included as part of the policy. Dr. Rogers noted that the first two sections of the policy were rewritten so that policy was more readable and the last section was modified to address enforcement (see Attachment 3). Dr. Rogers noted that enforcement of the policy would be handled through the university's established disciplinary procedures. He added that it was still his hope that the majority of individuals would comply with the new policy out of courtesy to others and through self-policing. Mr. Benton stated that the disciplinary action section was added following approval of the original policy statement by the Student Senate. He asked for clarification as to how student disciplinary matters relating to this policy would be handled. Mr. Lamb responded that the Dean of Students would have the latitude to decide whether or not a violation would move into disciplinary action. Mr. Gustafson asked if signs would be placed around campus indicating that smoking is prohibited. Dr. Farrell responded that signs were being designed for the campus. Dr. Rogers added that he was proud of the university being a leader in this matter.

- D. Policy 4.188, Mobile Communication Devices – this policy was originally approved for implementation September 1, 2009. Based on recent news reports regarding an Internal Revenue Service (IRS) review of the government code concerning employer-provided mobile communication devices, the administration recommended that the implementation of this policy be postponed indefinitely pending clarification from the IRS. Dr. Rogers noted that the IRS is rethinking the taxable benefit of mobile communication devices as part of an individual's job.
- E. NEW Policy – Reporting Southern Association of Colleges and Schools-Commission on Colleges (SACS-COC) Substantive Changes – the administration recommended the addition of this policy as required by SACS to outline certain reporting requirements.

Ms. Spears moved approval of the policy changes as presented. Mr. Wible seconded the motion and it was approved.

Adjournment

There being no further business, the Personnel and Curriculum Committee discussion concluded at 5:10 p.m.

Reviewed for submission:



Carol Carlson Gunn, Chair
Midwestern State University
Board of Regents Personnel & Curriculum Committee

ATTACHMENTS:

1. Enrollment Reports, Summer 2009
2. Small Class Reports, Summer 2009
3. Beginning and Last Day Enrollment Report Summary, Spring 2009
4. Policy 4.164 – Use of Tobacco Products

Enrollment Report**Fall 2009**

	<u>2008</u>	<u>2008</u>
Beginning Freshmen	675	708
Re-enrolling Freshmen	613	613
Sophomore	1,136	1,179
Junior	1,179	1,278
Senior	1,758	1,830
Post-Baccalaureate	110	90
Graduate	622	645
TOTAL ENROLLMENT	6,093	6,343

Enrollment **+ 4.10%**

Semester Credit Hours **+ 4.08%**

SUMMER 2009

CLASS REPORT

Summer I

374 total classes

166 (44%) at or above course enrollment cap

208 (55%) below enrollment cap

5 (2.4 %) of those below enrollment cap were cancelled

13 (6%) of those below enrollment cap were taught as small classes

Summer II

267 total classes

95 (35%) at or above course enrollment cap

172 (64%) below enrollment cap

2 (1%) of those below enrollment cap were cancelled

6 (3%) of those below enrollment cap were taught as small classes

Summer 2009 Totals

641 total classes

261 (41%) at or above course enrollment cap

380 (59%) below enrollment cap

7 (2.6%) of those below enrollment cap were cancelled

19 (5%) of those below enrollment cap were taught as small classes

Completion Rates

by Semester Credit Hours

Spring 2005 through Spring 2009

Semester	Total Beginning SCH	Total Ending SCH	Completion Rate
Spring 2005	66,700	62,310	93.4%
Fall 2005	70,310	65,181	92.7%
Spring 2006	66,233	61,791	93.3%
Fall 2006	68,160	63,268	92.8%
Spring 2007	64,232	60,219	93.8%
Fall 2007	68,310	63,922	93.6%
Spring 2008	64,529	60,990	94.5%
Fall 2008	67,924	64,215	94.5%
Spring 2009	65,698	63,376	96.5%
Spring 2005 - Spring 2009	602,096	565,272	93.9%

Beginning and Ending Enrollment by Class by Section for Spring 2009

<u>College</u>	<u># Course Sections</u>	<u>Total Beginning SCH</u>	<u>Total Ending SCH</u>	<u>Completion Rate</u>
Business Administration	108	9288	9120	98%
Education	115	3924	3846	98%
Fine Arts	190	5043	4910	97%
Health and Human Services	327	15747	15375	98%
Humanities and Social Sciences	238	17083	16331	96%
Science and Mathematics	279	14070	13263	94%
Undeclared	11	543	531	98%
Total	1268	65698	63376	96%

4.163 President's Office

SMOKING/USE OF TOBACCO PRODUCTS USE OF TOBACCO PRODUCTS

Approved: 5/15/09 – subject to legal review; Effective Date: 1/1/10

A. General Policy

1. ~~Midwestern State University wishes to promote a safe, healthy, and pleasant environment for the campus community.~~
2. ~~Tobacco use has adverse health effects on users and non-users who share the same space as convincingly documented in the Surgeon General's report of 2006.~~
3. ~~There is no safe exposure level to tobacco, a class A carcinogen.~~
4. ~~Bans are more effective than restrictions in terms of decreasing the initiation of tobacco use, promoting cessation, and limiting exposure to tobacco.~~

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.

Policy

Smoking or other tobacco use, tobacco advertising, tobacco sales, and free distribution of tobacco products are prohibited on the Midwestern State University campus.

B. Definitions Specifications

1. ~~Midwestern State University campus~~
 - a. ~~All university owned or leased buildings~~
 - b. ~~All university owned or leased vehicles~~
 - c. ~~All public outdoor areas under the jurisdiction of Midwestern State University~~
2. ~~Tobacco use includes the possession of any lighted tobacco product or the use of any oral tobacco product.~~
3. ~~Tobacco products are defined as any product consisting in whole or in part of tobacco.~~
1. **"Use of tobacco products" shall include**
 - a. **Possession of a lighted tobacco product**
 - b. **Use of smokeless tobacco 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, vice president, associate vice president, dean, or director. Appropriate disciplinary action may be applied to a violator against whom multiple complaints have been received.**

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Student Services Committee
August 6, 2009**

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 5:10 p.m., Thursday, August 6, 2009. Student Services Committee members in attendance were Ms. Charlye Farris, Chair; Dr. Carol Gunn; and Mr. Shawn Hessing. Other regents attending the meeting were Mr. Charles Engelman, Mr. Stephen Gustafson, Mr. Munir Lalani, Ms. Jane Spears, Mr. Ben Wible, and Student Regent Lenny Benton.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Ann Medford, Chair of the MSU Faculty Senate; Mr. Chris Gore, Chairman of the MSU Staff Senate; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations.

Chair Farris called the meeting to order at 5:10 p.m.

Reading and Approval of Minutes

09-148. The minutes of the Student Services Committee meeting May 14, 2009, were approved as presented.

Student Government Report

09-149. Ms. Farris reported that the MSU Student Government Association president, KeVaughn Graham, was out of the country and the report would be given by Student Regent Lenny Benton, who also serves as SGA Vice President. Lenny reported that the new SGA officers had been busy during summer planning for the upcoming year. They look forward to the students returning to campus in the fall and the activities they have planned.

Student Housing Report

09-150. Mr. Lamb reported that the new apartment complex, Sundance Court, is fully furnished and ready for occupancy. Students are scheduled to begin moving into the facility this weekend. He noted that there are only three open spots in that facility and Sunwatcher Village has only 28 open spots. The other halls (Pierce, Killingsworth, McCullough Trigg, and Bridwell Courts) are full. He noted that 1310 spaces are currently occupied.

While there will always be last minute cancellations and newcomers, this level of occupancy will likely remain for the fall semester.

Student Handbook Additions

09-151. The administration recommended the addition of three statements to the student organization section of the student handbook as shown in the agenda document. Ms. Farris noted that these additions clarify minimum membership requirements, observation of an alcohol-free academic week, and required risk management training. Mr. Lamb noted that eight students are required for a group to form an official, recognized student organization. With this proposed change, if an organization drops below four members the organization will no longer be recognized. The next item relates to the alcohol free academic week. Currently MSU Greek organizations do not sponsor alcohol registered functions from Sunday evening through Thursday each week. This proposed change will extend this policy to all student organizations. Finally, student organization presidents and advisors are required to attend risk management training. This policy statement will simply formalize what is already being done.

Adjournment

The Student Services Committee discussion concluded at 5:19 p.m.

Reviewed for submission:



Charlye O. Farris, Chair
Midwestern State University
Board of Regents Student Services Committee

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**University Development Committee
August 6, 2009**

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 5:19 p.m., Thursday, August 6, 2009. University Development Committee members in attendance were Mr. Stephen Gustafson, Chairman; Mr. Charles Engelman; Ms. Charlye Farris; and Ms. Jane Spears. Other regents attending the meeting were Mr. Shawn Hessing, Mr. Munir Lalani, Mr. Ben Wible, and Student Regent Lenny Benton.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Mr. Chris Gore, Chairman of the MSU Staff Senate; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations.

Chairman Gustafson called the meeting to order at 5:19 p.m.

Reading and Approval of Minutes

09-152. The minutes of the University Development Committee meeting May 14, 2009, were approved as presented.

Summary of Financial Support 9/1/08- 7/10/09

09-153. This report was presented in the agenda document as a point of information only. Mr. Gustafson noted the following gifts received since the last report to the Board of Regents.

1. Ms. Kay Dillard donated \$500,000 to the Dillard College of Business Administration for the 2009-2010 academic year.
2. MSU received another \$1,000,000 distribution from the Bruce Redwine Estate.
3. The Ligon Renovation Project received \$250,000 from the Edwards Foundation and \$50,000 from Haggerty Plumbing.

Dr. Farrell reported that between April 18 and July 10 the university received gifts in excess of \$2.6 million. The gifts received in 2008-2009 currently total \$11.3 million; this will be a record year for the university. Mr. Lalani thanked Dr. Rogers, Dr. Farrell and the staff for their work.

Mr. Gustafson reminded board members to write thank you notes to the individuals who have given money during the last quarter.

Naming of University Facilities

09-154. The administration recommended naming the new facility located on the east side of the Fain Fine Arts Center, the Fain Instrumental Music Hall, in recognition of a generous donation which made this project possible.

Ms. Spears moved approval of this item as presented. Ms. Farris seconded the motion. Dr. Rogers noted that he had discussed this naming with the donor and it was her wish that her family be recognized.

There being no discussion the motion was approved.

Adjournment

The University Development Committee discussion concluded at 5:26 p.m.

Reviewed for submission:



Stephen A. Gustafson, Chairman
Midwestern State University
Board of Regents University Development Committee

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Athletics Committee
August 6, 2009**

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 5:26 p.m., Thursday, August 6, 2009. Athletics Committee members in attendance were Mr. Ben Wible, Chairman; Mr. Charles Engelman; Mr. Stephen Gustafson; and Mr. Shawn Hessing. Other regents attending the meeting were Ms. Charlye Farris, Mr. Munir Lalani, Ms. Jane Spears, and Student Regent Lenny Benton.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Mr. Chris Gore, Chairman of the MSU Staff Senate; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations.

Chairman Wible called the meeting to order at 5:26 p.m.

Reading and Approval of Minutes

09-155. The minutes of the Athletics Committee meeting May 14, 2009, were approved as presented.

Athletics Status Report

09-156. Mr. Charlie Carr, Director of Athletics, distributed information regarding a new athletics advertising campaign which emphasizes MSU athletics as "Our Home Team" (see Attachment 1). He also distributed copies of the fall team schedules and invited board members to attend games whenever possible. He noted that the department continues to find opportunities for the student athletes to be involved in the local community. The department plans to adopt six local charities during the year and work to support them financially as well as through personal involvement of the student athlete. Mr. Carr indicated that he is very excited about the upcoming seasons.

Adjournment

There being no further business, the Athletics Committee discussion concluded at 5:35 p.m.

Reviewed for submission:

Ben F. Wible

Ben F. Wible, Chairman
Midwestern State University
Board of Regents Athletics Committee

ATTACHMENT:

1. Athletics Promotion Information



MIDWESTERN STATE UNIVERSITY

MUSTANGS

ATHLETIC CLUB

PROUD SUPPORTERS OF

OUR HOME TEAM!

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Committee of the Whole
August 6, 2009**

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 1:30 p.m., Thursday, August 6, 2009. Regents in attendance were Mr. Munir Lalani, Chairman; Dr. Carol Gunn, Vice Chair; Mr. Stephen Gustafson, Secretary; Mr. Charles Engelman; Ms. Charlye Farris; Mr. Shawn Hessing; Ms. Jane Spears; Mr. Ben Wible; and Student Regent Lenny Benton. Dr. Lynwood Givens was unable to attend due to illness.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Ann Medford, Chair of the MSU Faculty Senate; Mr. Chris Gore, Chairman of the MSU Staff Senate; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the news media was Ms. Ann Work, reporter for the *Times Record News*.

Chairman Lalani called the meeting to order at 1:32 p.m. Dr. Clark presented the invocation and Ms. Gaynor introduced the guests.

Opening Comments

Mr. Lalani welcomed everyone to the meeting and expressed appreciation for their attendance.

Mr. Lalani asked Dr. Rogers to introduce the university's new Interim Provost, Dr. Russell Long. Dr. Rogers reported that Dr. Long has a doctorate in English from Texas A&M University. He previously served as an English professor at Tarleton for many years and then served as head of the Department of English and Provost. He then moved to West Texas A&M University as Provost and then served as President for 11 years. Dr. Rogers indicated he was pleased that Dr. Long agreed to join the MSU administration as Interim Provost.

Mr. Lalani welcomed Lenny Benton, new student regent, and asked Lenny to say a few words about himself. Lenny stated that he is from Lubbock, Texas, and will be a senior in the 2009-2010 school year. He added that he was pleased to represent the student body and looked forward to learning a great deal as Student Regent. Dr. Farrell added that Lenny also serves as Vice President of the Student Government Association.

Public Comment

Mr. Lalani stated that in accordance with the Board of Regents By-Laws, MSU Policy 2.22, members of the public are invited to address the Midwestern State University Board of Regents through written and oral testimony. He noted that no one signed up to speak during this time.

Resolution of Appreciation

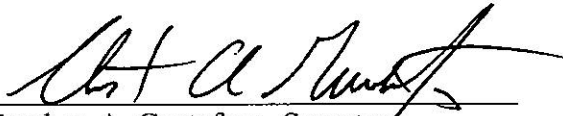
09-117. Mr. Lalani noted that Haley Lain served as the MSU Student Regent for the 2008-2009 year. He asked Ms. Barrow to read the proposed resolution for consideration of the board (see Attachment 1).

Ms. Farris moved approval of the resolution as presented. Ms. Spears seconded the motion and it was approved.

Adjournment

There being no further business, the meeting adjourned at 1:37 p.m.

Reviewed for submission:



Stephen A. Gustafson, Secretary
Midwestern State University
Board of Regents

ATTACHMENT:

1. Resolution of Appreciation – Haley Lain, Student Regent

MIDWESTERN STATE UNIVERSITY RESOLUTION OF APPRECIATION

August 6, 2009

WHEREAS, Haley Lain was appointed by Texas Governor Rick Perry to serve as Student Regent as part of the MSU Board of Regents, the highest position a student can be appointed to while enrolled in Texas public higher education, and

WHEREAS, Haley served in this position with distinction from June 1, 2008 until May 31, 2009, and

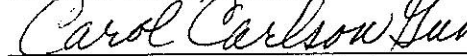
WHEREAS, she represented the students of Midwestern State University in discussions of key issues in higher education, provided input in decisions affecting the future of the university, and participated in legislative hearings during the 81st session of the Texas Legislature,

NOW THEREFORE BE IT RESOLVED that the members of the Board of Regents and President of Midwestern State University hereby express their most sincere appreciation to Haley Lain for her service, and

BE IT FURTHER RESOLVED that this Resolution be made a part of the permanent minutes of this Board and that a copy be presented to Ms. Lain as a token of the university's gratitude and appreciation.



Munir A. Lalani, Chairman



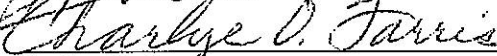
Carol Carlson Gunn, Vice Chair



Stephen A. Gustafson, Secretary



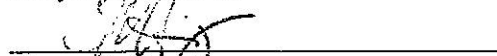
Charles E. Engelman



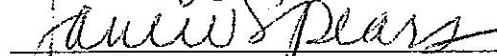
Charlye O. Farris



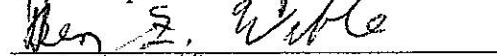
F. Lynwood Givens



Shawn G. Hessing



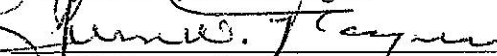
Jane W. Spears



Ben F. Wible



Lenny Benton, Student Regent



Jesse W. Rogers, President



**MINUTES
BOARD OF REGENTS
MIDWESTERN STATE UNIVERSITY**

August 7, 2009

The Board of Regents, Midwestern State University, met in regular session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 9:00 a.m., Friday, August 7, 2009. Regents in attendance were Mr. Munir Lalani, Chairman; Dr. Carol Gunn, Vice Chair; Mr. Stephen Gustafson, Secretary; Mr. Charles Engelman; Ms. Charlye Farris; Mr. Shawn Hessing; Ms. Jane Spears; Mr. Ben Wible; and Student Regent Lenny Benton.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Russell Long, Interim Provost; Mr. Juan Sandoval, Vice President for Administration and Finance; Dr. Howard Farrell, Vice President for University Advancement and Student Affairs; and Dr. Robert Clark, Vice President for Institutional Effectiveness. Other university personnel attending the meeting included Mr. Keith Lamb, Associate Vice President for Student Affairs; Mr. Allen Goldapp, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; and Ms. Ann Medford, Chair of the MSU Faculty Senate. Also attending the meeting were Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Ms. Julie Gaynor, Public Information and Marketing Assistant; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the news media was reporter Ann Work, Wichita Falls *Times Record News*.

Chairman Lalani called the meeting to order at 9:04 a.m. Dr. Farrell presented the invocation and Ms. Gaynor introduced the guests. Mr. Lalani expressed appreciation to the board for their participation in the committee meetings. He noted that the campus would return to a five day work schedule August 17.

Public Comment

Mr. Lalani stated that in accordance with the Board of Regents By-Laws, MSU Policy 2.22, members of the public are invited to address the Midwestern State University Board of Regents through written and oral testimony. He noted that no one signed up to speak during this time.

Reading and Approval of Minutes

09-157 & 09-158. Minutes of the regular Board of Regents meetings May 14 and 15, 2009, were approved as presented.

Executive Committee Report

Mr. Lalani noted the item presented at the Executive Committee Meeting for committee approval only and the item discussed with no action taken. Information concerning these items can be found in the minutes of the Executive Committee Meeting held August 6, 2009.

Item Presented for Committee Approval Only

09-118. Committee Minutes, 5/14/09 – approved by Committee as presented.

Item Discussed/No Action Taken

09-122. Deliberations about Real Property

Executive Committee Consent Agenda

Mr. Lalani presented the items approved by the Executive Committee and placed on the Consent Agenda for consideration by the board.

09-119. Wichita Falls Museum of Art at Midwestern State University Advisory Board of Directors – approved the following appointments to the Museum Board:

Public Members (2009-2012)

John Hirschi, Lola Pitzer, Will Tucker, and Jane Spears

MSU Members (2009-2010)

Richard Ash, Juan Sandoval, and Friederike Wiedemann

Student Member (2009-2010)

Matthew Steimel

09-120. MSU Charitable Trust Membership – approved the addition of Martha Fain to the MSU Charitable Trust Board.

09-121. Ligon Coliseum-Phase II and Athletics Facilities Projects – authorized the administration to proceed with planning Phase II of the Ligon Coliseum Renovation Project and the Athletics Facilities Project, including field turf and lighting.

Mr. Lalani asked if there were items any member wanted to remove from the Consent Agenda. There being none, Mr. Gustafson seconded Mr. Lalani's motion and it was approved.

Finance and Audit Committee Report

Mr. Hessing noted the item presented at the Finance and Audit Committee Meeting for committee approval only and the item removed from the agenda without consideration. Information concerning these items can be found in the minutes of the Finance and Audit Committee Meeting held August 6, 2009.

Item Presented for Committee Approval Only

09-123. Committee Minutes, 5/14/09 – approved by Committee as presented.

Item Removed From Agenda Without Consideration

09-127. Investment Policy

Finance and Audit Committee Consent Agenda

Mr. Hessing presented the items approved by the Finance and Audit Committee and placed on the Consent Agenda for consideration by the board.

- 09-124. Review and Acceptance of Financial Reports – accepted the April, May, and June, 2009, Financial Reports and the quarterly investment report as presented.
- 09-125. Financial Disclosure Statements – accepted the 2008 Financial Disclosure Statements for the President, the Vice President for Administration and Finance, and the Controller.
- 09-126. Internal Audit Plan -2009-2010 – approved the plan as presented.
- 09-128. Investment Management Services – authorized the president, the board chairman, and the chair of the Investment Committee to take action regarding the investment of the Redwine Quasi-Endowment Fund prior to the next board meeting, if necessary.
- 09-129. University Accounts – authorized the individuals to sign on university bank accounts, purchase and sell investment instruments, perform normal banking transactions, and sign appropriate personnel retirement documents as presented.
- 09-130. Approval of Brokers/Dealers, Investment Vehicles, and Asset Holding Accounts – approved the lists as presented.
- 09-131. FY 2008-2009 Items \$50,000 & Under Approved by President – ratified changes as presented.
- 09-132. Salary/Title/Position Changes in FY 08-09 Budget Approved per Board Authorization – ratified changes as presented.
- 09-133. Thesis Fee – approved increasing the thesis fee from \$15 per copy to \$25 per copy as presented.
- 09-134. Intercollegiate Athletics Fee – authorized the assessing of an Intercollegiate Athletics Fee of \$5 per semester credit hour, up to a maximum of \$60 per semester, beginning with the spring 2010 semester.
- 09-135. MSU Promise/Mustang Guarantee – authorized the initiation of the Mustang Guarantee beginning with the 2010-2011 academic year as presented. The Mustang Guarantee would provide tuition and mandatory fees that are not covered by other grants, scholarships (all sources), exemptions, benefits, and/or waiver programs received by a student who meets certain criteria as shown in Attachment 1.
- 09-136. Operating Budget for Fiscal Year 2010 – approved the \$90,287,041 operating budget as presented.

Mr. Lalani asked if there were items any member wanted to remove from the Consent Agenda. There being none, Mr. Engelman seconded Mr. Hessing's motion to approve and it was approved.

Personnel and Curriculum Committee Report

Dr. Gunn noted the items presented at the Personnel and Curriculum Committee Meeting for committee approval and information only, as well as the item removed from the agenda without

consideration. Information concerning these items can be found in the minutes of the Personnel and Curriculum Committee Meeting held August 6, 2009.

Item Presented for Committee Approval Only

09-137. Committee Minutes, 5/14/09 – approved by Committee as presented.

Items Presented for Information Only

09-138. Faculty Report

09-139. Staff Report

09-140. Enrollment Reports – Summer 2009

09-141. Small Class Reports – Summer 2009

09-142. Beginning and Last Day Enrollment Reports – Spring 2009

09-143. Review of Personnel Reports for FY 08-09 Budget

Personnel and Curriculum Committee Consent Agenda

Dr. Gunn presented the items approved by the Personnel and Curriculum Committee and placed on the Consent Agenda for consideration by the board.

09-144. Posthumous Degree – Archie Lee Little – approved awarding posthumous Master of Education degree to Archie Lee Little.

09-145. List of August 2009 Candidates for Graduation – approved the list of candidates for graduation as presented with the provision that they meet all requirements as prescribed by the faculty and administration.

09-146. Academic Calendar – Summer 2010 – approved the academic calendar as presented.

09-147. *MSU Policies and Procedures Manual* Changes – approved changes to the following policies as presented:

- A. Policy 2.338 – Health Professions Advisory Committee (previously Pre-Medical Advisory Committee)
- B. Policy 3.330 – Student Employment
- C. Policy 4.163 – Use of Tobacco Products (see Attachment 2)
- D. Policy 4.188 – Mobile Communication Devices
- E. NEW Policy – Reporting Southern Association of Colleges and Schools-Commission on Colleges (SACS-COCS) Substantive Changes

Mr. Lalani asked if there were items any member wanted to remove from the Consent Agenda. There being none, Ms. Spears seconded Dr. Gunn's motion to approve the Consent Agenda as presented. The motion was approved.

Student Services Committee Report

Ms. Farris noted the items presented at the Student Services Committee Meeting for committee approval and information only. Information concerning these items can be found in the minutes of the Student Services Committee Meeting held August 6, 2009.

Item Presented for Committee Approval Only

09-148. Committee Minutes, 5/14/09 – approved by Committee as presented.

Items Presented for Information Only

09-149. Student Government Report

09-150. Student Housing Report

Student Services Committee Consent Agenda

Ms. Farris presented the items approved by the Student Services Committee and placed on the Consent Agenda for consideration by the board.

09-151. Student Handbook Additions – authorized the addition of three statements to the student organization section of the student handbook as presented.

Mr. Lalani asked if any member wished to remove this item from the Consent Agenda. There being no response, Mr. Wible seconded Ms. Farris's motion to approve the Consent Agenda as presented. The motion was approved.

University Development Committee Report

Mr. Gustafson noted the items presented at the University Development Committee Meeting for committee approval and information only. Information concerning these items can be found in the minutes of the University Development Committee Meeting held August 6, 2009.

Item Presented for Committee Approval Only

09-152. Committee Minutes, 5/14/09 – approved by Committee as presented.

Item Presented for Information Only

09-153. Summary of Financial Support 9/1/08 – 7/10/09

University Development Committee Consent Agenda

Mr. Gustafson presented the item approved by the University Development Committee and placed on the Consent Agenda for consideration by the board.

09-154. Naming of University Facilities – approved naming the new facility located on the east side of the Fain Fine Arts Center, the Fain Instrumental Music Hall, in recognition of the generous donation which made this project possible.

Mr. Lalani asked if any member would like to remove this item from the Consent Agenda. There being no response, Mr. Hessing seconded Mr. Gustafson's motion to approve the Consent Agenda as presented. The motion was approved.

Athletics Committee Report

Mr. Wible noted the items presented at the Athletics Committee Meeting for committee approval and information only. Information concerning these items can be found in the minutes of the Athletics Committee Meeting held August 6, 2009.

Item Presented for Committee Approval Only

09-155. Committee Minutes, 5/14/09 – approved by Committee as presented.

Item Presented for Information Only

09-156. Athletics Status Report

Other Business

Board of Regents Meeting Dates -- 2009-2010

09-159. Mr. Lalani noted that the proposed meeting dates were presented in the agenda. He asked if any member knew of a conflict with these dates. There being no response the dates were accepted as presented.

Board of Regents Committee Appointments – 2009-2010

09-160. Mr. Lalani distributed the list of committee appointments to serve beginning September 1, 2009 (see Attachment 3). He noted that the Executive Committee members were elected by the board in May. He added that a new Investment Committee was added to the list.

President's Report and Discussion

09-161. Dr. Rogers expressed his appreciation to the board for their work at the committee meetings. He then presented information as shown below.

- A. Division of Continuing Education – Dr. Rogers presented a new continuing education brochure to the board and noted that this area of the university performs very well. He indicated that Dr. Pam Morgan is Director of Extended Education, which includes this division. He noted that this is a great service to the community and the administration is exploring opportunities to expand it further.
- B. House Concurrent Resolution (HCR) 288 – Tuition and Fees – Dr. Rogers reported that the only legislation approved during the legislative session dealing with limiting future tuition and fee increases was HCR 288 (see Attachment 4). The resolution requests that boards of regents hold tuition and fee increases to no more than 3.95%, or \$280, per semester each year for undergraduate students enrolled in 15 semester credit hours. Dr. Rogers noted that MSU's increase from one year to the next has not exceeded \$280 per semester. He indicated that this resolution is consistent with what MSU has attempted to do in the recent past.

- C. Admissions Standards – Dr. Rogers reported that admissions standards at MSU were last raised in the fall 2006. Since that time the number of remedial classes has declined and retention has increased. He noted that the administration is looking at recommending another increase for the fall 2011. A recommendation will likely be made to the board in November.
- D. Academic Program Update – Dr. Rogers reported that a ceremonial bill signing would be held in Austin August 21 for HB 602, which identifies Midwestern State University in the Texas Education Code as a public liberal arts institution. He noted that the university would hopefully receive a positive report from the Accrediting Board of Engineering and Technology (ABET) during the fall semester. He added that representatives of the Association to Advance Collegiate Schools of Business (“AACSB International”) will visit the campus in the spring 2010.

Finally, Dr. Rogers reported that he recently received a communication from the Southern Association of Colleges and Schools (SACS) concerning MSU’s fifth year interim report. He noted that Dr. Clark headed up that effort for the university and MSU did very well. Dr. Clark thanked the Institutional Planning and Research staff for their efforts. He also commended Keith Lamb, Allan Goldapp, and Dianne Weakley for their assistance in writing the report. He stated that of the 33 institutions required to submit this fifth year interim report, only seven were required to submit a follow up report on one or fewer areas. MSU was included in the seven; all others were required to follow up on two or more areas. Dr. Clark indicated that MSU needed to follow up on the area of student learning outcomes. SACS approved of MSU’s plan, but asked for additional data. The follow up report will be submitted to SACS in the spring.

- E. Honors Program Update – Dr. Rogers commended Dr. Mark Farris, mathematics professor and Director of the Honor’s Program for his efforts. He noted that Dr. Farris has done an excellent job in building the program. He added that an Honors Program Coordinator position has been added to the 2009-2010 operating budget to assist Dr. Farris. Dr. Rogers stated that the program will include 150 students in the fall 2009 and he expressed hope that the program would grow to 200. He indicated that the administration plans to provide Honor’s Program students opportunities for study abroad, university exchanges with other COPLAC schools, field trips, and other types of activities.

Mr. Benton noted that he had been in the Honor’s Program since he arrived at MSU. He commented that Dr. Farris works tirelessly on behalf of the students. Dr. Rogers added that he hoped to not only raise the number of participants but to also increase the size of the scholarships. He indicated that the Redwine Fund would make that possible.

- F. Energy Project (Stimulus Funds) – Dr. Rogers asked Mr. Goldapp to report on funding available for energy projects on campus. Mr. Goldapp reported on the Texas LoneSTAR Program. He indicated that the program has been expanded because of the availability of stimulus funds. He noted that the program will now offer loans at 2% interest, for a period of 10-15 years. The purpose of the program is to increase energy efficiencies in public buildings, including state higher education

facilities. Mr. Goldapp reported that a preliminary energy audit was performed on campus in June 2008. At that time, the group identified \$3.5 million in work that could be done that would have produced \$500,000 in savings with a payback of just over six and one-half years. Since that time, the university's rate for electricity has been reduced from 9.5 cents to 6.3 cents, which would likely result in less savings. Mr. Goldapp indicated that he recently selected a firm to perform a required Phase I audit of the campus. He stated that the audit will be accomplished during the fall and, depending on the outcome, he would likely return to the board in November with a project for consideration. He indicated the possibility of including in the project the replacement of windows in Ligon Coliseum. Mr. Lalani asked Mr. Goldapp to provide information to the board as part of the proposal regarding whether the energy savings would increase or decline with time.

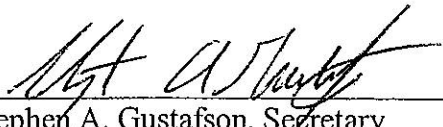
Mr. Engelman asked what percentage of the university's utility costs were electricity, gas, and water. Mr. Goldapp responded that while he didn't have exact figures, the water number is a relatively small amount, probably \$60,000 per year, including trash collection. He stated that the cost for gas and electric is very close. Mr. Engelman noted that the administration had done a fine job getting a good rate for electricity. He asked if the university was tied into a contract for gas. Mr. Goldapp responded that the university is locked into a rate and, fortunately, it was locked in when the price was going down. Mr. Engelman recommended if the administration purchased double pane windows, that the windows be the type that can be taken apart, cleaned, and put back together.

Ms. Barrow pointed out that each board member had been given a copy of the university's catalogues as requested by Dr. Gunn.

Adjournment


Mr. Lalani thanked the board for their attendance and participation in the meetings. He also asked Ms. Medford to convey to the faculty the board's appreciation for their efforts and to let them know that what the university is accomplishing would not have been possible without their help. He also asked that this message be conveyed to Mr. Gore for the Staff Senate.

There being no further business, the meeting was adjourned at 9:48 a.m. The next regularly scheduled meetings of the Board of Regents will be Thursday and Friday, November 5 and 6, 2009.



Stephen A. Gustafson, Secretary

I, Stephen Gustafson, the fully appointed and qualified Secretary of the Midwestern State University Board of Regents, hereby certify that the above and foregoing is a true and correct copy of the minutes of the Midwestern State University Board of Regents meeting August, 7 2009.


Stephen A. Gustafson, Secretary

ATTACHMENTS:

1. Mustangs Guarantee Program
2. Policy 4.163 -- Use of Tobacco Products
3. MSU Committee Appointments 2009-2010
4. House Concurrent Resolution (HCR) 288

The Mustang Guarantee would provide tuition and mandatory fees that are not covered by other grants, scholarships (all sources), exemptions, benefits, and/or waiver programs received by a student who meets the following criteria beginning with the 2010-2011 fiscal year:

- Be classified as a Texas resident
- Be classified as an undergraduate beginning freshman.
- Complete and submit the Free Application for Federal Student Aid (FAFSA).
- Be accepted for admission and have a complete financial aid file by April 30
- Have a combined family adjusted gross income of \$50,000 or less as reported on the FAFSA.
- Be eligible for the Federal PELL Grant program.
- Enroll in and maintain a minimum of 15 semester credit hours through the 12th class day of each fall and spring semester.

Other stipulations of the Mustang Guarantee would include the following:

- The program will pay for 15 semester credit hours each semester for up to four academic years — summer terms not included.
- The program does not cover room, board, books, supplies, or miscellaneous charges, including parking fees, installment plan fees, post office box rental fees, late fees, reinstatement fees, etc.
- In accordance with NCAA rules, current and prospective student-athletes would be offered awards on an individual basis. Certain forms of assistance may not be awarded to or accepted by a student-athlete.

4.163 President's Office

SMOKING/USE OF TOBACCO PRODUCTS USE OF TOBACCO PRODUCTS

Approved: 5/15/09 – subject to legal review; Effective Date: 1/1/10

A. General Policy

1. ~~Midwestern State University wishes to promote a safe, healthy, and pleasant environment for the campus community.~~
2. ~~Tobacco use has adverse health effects on users and non-users who share the same space as convincingly documented in the Surgeon General's report of 2006.~~
3. ~~There is no safe exposure level to tobacco, a class A carcinogen.~~
4. ~~Bans are more effective than restrictions in terms of decreasing the initiation of tobacco use, promoting cessation, and limiting exposure to tobacco.~~

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.

Policy

Smoking or other tobacco use, tobacco advertising, tobacco sales, and free distribution of tobacco products are prohibited on the Midwestern State University campus.

B. Definitions Specifications

1. ~~Midwestern State University campus~~
 - a. ~~All university owned or leased buildings~~
 - b. ~~All university owned or leased vehicles~~
 - c. ~~All public outdoor areas under the jurisdiction of Midwestern State University~~
2. ~~Tobacco use includes the possession of any lighted tobacco product or the use of any oral tobacco product.~~
3. ~~Tobacco products are defined as any product consisting in whole or in part of tobacco.~~
 1. **"Use of tobacco products" shall include**
 - a. **Possession of a lighted tobacco product**
 - b. **Use of smokeless tobacco 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, vice president, associate vice president, dean, or director. Appropriate disciplinary action may be applied to a violator against whom multiple complaints have been received.**

**Board of Regents
Committee Assignments
Effective September 1, 2009**

Executive Committee (elected positions)

Munir Lalani, Chairman
Carol Gunn, Vice Chair
Lynwood Givens, Secretary
Charles Engelman, Member-At-Large

Finance and Audit Committee

Shawn Hessing, Chairman
Charles Engelman
Lynwood Givens
Jane Spears

Investment Committee

Charles Engelman, Chairman
Shawn Hessing
Jane Spears
Ben Wible

Personnel & Curriculum Committee

Carol Gunn, Chair
Lynwood Givens
Jane Spears
Ben Wible

Student Services Committee

Charlye Farris, Chair
Stephen Gustafson
Shawn Hessing
Ben Wible

University Development Committee

Stephen Gustafson, Chair
Charlye Farris
Carol Gunn
Jane Spears

Athletics Committee

Ben Wible, Chair
Charlye Farris
Stephen Gustafson
Shawn Hessing

By: Branch

H.C.R. No. 288

CONCURRENT RESOLUTION

WHEREAS, Tuition and fees at the state's public four-year universities have increased materially in recent years; and

WHEREAS, Texas families, already struggling to meet the costs of higher education, now see college slipping further from their reach as the global recession takes a toll on state and local economies; and

WHEREAS, A college education is directly linked to one's future employment opportunities; people with a college education earn larger salaries and see greater financial benefits over their lifetimes, in turn contributing significantly to the state's economic base; unpredictable tuition hikes, however, make it much more difficult for young people to plan for their education, and as a result, many will delay college or skip it altogether, while those who enroll will carry larger debt loads than ever; and

WHEREAS, The current economic crisis is limiting students' access to additional funds from loans, family assistance, and part-time jobs, but the continuing vitality of Texas depends on an educated population and workforce; temporarily limiting tuition and student fees at our state universities will help ensure that students are able to obtain a college education, thereby contributing to a diverse and robust economy throughout the state, both now and in the future; and

WHEREAS, The importance of higher education to the economic and cultural vitality of this state dictates that any limitation on increases in tuition and student fees be implemented in a manner that does not unduly restrict the quality and excellence of the state's universities; now, therefore, be it

RESOLVED, That the 81st Legislature of the State of Texas hereby direct the governing board of each general academic teaching institution to make every effort to ensure that the total academic costs, including tuition, mandatory academic fees, and any other academic-related general fees and college course fees, charged to a resident undergraduate student for the 2010-2011, 2011-2012, or 2012-2013 academic year do not exceed the total academic costs that the institution would have charged such a student enrolled in the same courses in the preceding academic year by more than the greater of 3.95 percent or \$280; and, be it further

RESOLVED, That the legislature hereby direct those governing boards to make every effort to ensure that the total academic costs charged to a resident undergraduate student for the 2013-2014 academic year do not exceed the total academic costs the institution would have charged such a student enrolled in the same courses in the 2012-2013 academic year by more than the greater of:

- (1) 3.95 percent; or
- (2) the average of the following:
 - (A) the average percentage increase, if any, in the consumer price index for

each of the three preceding calendar years as compared to the consumer price index for the year preceding each of those years; and

(B) the average percentage increase, if any, in an appropriate higher education price index for each of the three preceding calendar years as compared to that higher education price index for the year preceding each of those years; and, be it further

RESOLVED, That the secretary of state forward an official copy of this resolution to the commissioner of higher education and to the presidents and members of the boards of regents of general academic teaching institutions throughout Texas.

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

September 8, 2009

The Board of Regents, Midwestern State University, met in special session in the Board Room, Hardin Administration Building, Wichita Falls, Texas, at 2:00 p.m., Tuesday, September 8, 2009. Board members in attendance at the university were Mr. Munir Lalani, Chairman; Dr. Carol Gunn, Vice Chair; Mr. Stephen Gustafson, Secretary; Mr. Charles Engelman; Ms. Jane Spears; and Student Regent Lenny Benton. Board members attending the meeting via teleconference connection were Ms. Charlye Farris, Dr. Lynwood Givens, Mr. Shawn Hessing, and Mr. Ben Wible.

Administrative staff members present included Dr. Jesse W. Rogers, President; Mr. Juan Sandoval, Vice President for Administration and Finance; and Dr. Howard Farrell, Vice President for University Advancement and Student Affairs. Other university personnel attending the meeting were Mr. David Spencer, Internal Auditor; Mr. Roger Lee, University Counsel; Ms. Janus Buss, Director of Public Information and Marketing; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the news media were Ms. Ann Work, Wichita Falls *Times Record News*, and Mr. Wesley Hollingsworth, KAUZ-TV.

Chairman Lalani called the meeting to order at 2:03 p.m. Ms. Buss introduced the visitors. Mr. Lalani welcomed Roger Lee, University Counsel, to the meeting. He reported that Roger now has an office on campus.

Public Comment

Mr. Lalani stated that in accordance with the Board of Regents By-Laws, MSU Policy 2.22, members of the public are invited to address the Midwestern State University Board of Regents through written and oral testimony. He noted that no one signed up to speak during this time.

Executive Session

Mr. Lalani announced that the board would go into Executive Session at 2:06 p.m. to discuss items 10-01, Deliberations about Real Property, and 10-02, Deliberations Regarding Gifts and Donations, as allowed by Texas Government Code Chapter 551, Section 551.072, Real Property, and Section 551.073, Gifts and Donations. The regents, president, Ms. Barrow, Mr. Spencer, Mr. Lee, and the vice presidents stayed for this discussion.

Open Meeting Resumes

The Executive Session concluded at 2:33 p.m. with an announcement by Mr. Lalani that the only items discussed were those announced and no votes were taken.

Deliberations about Real Property

10-01. Mr. Lalani presented the administration's recommendation that the university purchase the house and property located at 3311 Taft Boulevard, subject to restrictions of approval of the Texas Higher Education Coordinating Board (THECB), at a price not to exceed \$147,000. The source of funds for this purchase would be Unallocated Local Funds (\$70,000) and Renewal and Replacement Funds (\$77,000).

Dr. Gunn moved approval of this motion as presented. Mr. Gustafson seconded the motion and it was approved.

Deliberations Regarding Gifts and Donations

10-02. Mr. Lalani noted that no action would be taken concerning this item.

Naming of University Facilities

10-03. Mr. Lalani presented the administration's recommendation that the Board of Regents' meeting room be named the "J.S. Bridwell Board Room" in recognition of the long-term and generous support of the university by the J.S. Bridwell Foundation.

Mr. Engelman moved approval of this item as presented. Ms. Spears seconded the motion and it was approved.

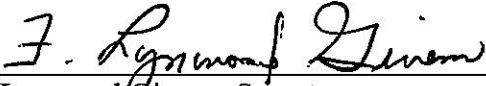
Closing Comments

Dr. Rogers reported that while final numbers are not yet available, there will likely be an increase in the fall enrollment. Mr. Sandoval added that the increase could be more than 200 students.

Dr. Rogers noted that safety changes have been made on Midwestern Parkway near the Redwine Student Wellness Center, including a new speed limit of 30 mph and warning signs. He expressed his appreciation to the City of Wichita Falls for their efforts. Mr. Lalani commented that the look of the campus along Midwestern Parkway has improved greatly with the Dillard Mustangs, the Redwine Wellness Center, and Sundance Court.

Adjournment

There being no further business, the meeting adjourned at 2:38 p.m. The next regularly scheduled meetings of the Board of Regents will be held November 5 and 6, 2009.


Lynwood Givens, Secretary

I, Lynwood Givens, the fully appointed and qualified Secretary of the Midwestern State University Board of Regents hereby certify that the above and foregoing is a true and correct copy of the minutes of the Midwestern State University Board of Regents meeting September 9, 2009.


Lynwood Givens, Secretary

