

Midwestern State University Board of Regents Meetings



August 8 and 9, 2013

Midwestern State University

Board of Regents Meetings

Schedule

Thursday, August 8, 2013

1:30 p.m. Board of Regents Meeting
 Committee of the Whole
 Executive Committee
 Academic and Student Affairs Committee
 Finance Committee
 Audit, Compliance, and Management Review

Friday, August 9, 2013

9:00 a.m. Board of Regents Meeting

MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS

Shawn G. Hessing, Chairman
Michael Bernhardt, Vice Chairman
J. Kenneth Bryant, Secretary
Tiffany D. Burks
Jane Spears Carnes
Charles E. Engelman
F. Lynwood Givens, Ph.D.
Jeff Gregg
Samuel M. Sanchez
Shelby Davis, Student Regent

Midwestern State University Administration

Dr. Jesse W. Rogers, President

Ms. Debbie Barrow, Director, Board and Government Relations

Dr. Francine Carraro, Director, Museum

Mr. Barry Macha, General Counsel

Ms. Dianne Weakley, Director, Human Resources

Vacant, Internal Auditor

Dr. Betty H. Stewart, Provost and Vice President for Academic Affairs

Dr. Matthew Capps, Dean, Gordon T. and Ellen West College of Education

Ms. Naoma Clark, Director, Academic Success Center

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

Dr. Deborah Garrison, Associate Vice President for Academic Affairs and Dean, Graduate School

Ms. Darla English, Registrar

Dr. James Johnston, Interim Dean, College of Health Sciences and Human Services

Dr. Clara Latham, University Librarian

Dr. Lynn Little, Dean, College of Science and Mathematics

Dr. Pam Morgan, Associate Vice President for Outreach and Engagement

Dr. Terry Patton, Dean, Dillard College of Business Administration

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

Dr. Larry Williams, Director, International Programs

Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance

Ms. Gail Ferguson, Controller

Ms. Valarie Maxwell, Director, Budget and Management

Mr. Kyle Owen, Associate Vice President for Facilities Services

Ms. Kathy Rice, Director, Payroll

Mr. Stephen Shelley, Director, Purchasing

Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management

Dr. Randy Glean, Director, International Services

Ms. Barbara Merkle, Director, Admissions

Mr. Dail Neely, Dean of Students and Director of Clark Student Center

Ms. Kathy Pennartz, Director, Student Financial Aid

Mr. Dan Williams, Chief, University Police

Mr. Matthew Park, Associate Vice President for Student Affairs

Ms. Cammie Dean, Director of Student Development and Orientation

Dr. Joey Greenwood, Director of Recreational Sports/Wellness Center

Ms. Debra Higginbotham, Director, Disability Support Services

Dr. Pam Midgett, Director, Counseling Center

Dr. Michael Mills, Director, Housing and Dining Services

Mr. Dirk Welch, Director, Career Management Center and Testing Services

Dr. Keith Williamson, Medical Director, Vinson Health Center

Dr. Robert E. Clark, Vice President for Administration and Institutional Effectiveness
Mr. Randy Kirkpatrick, Chief Information Officer
Mr. Mark McClendon, Director, Institutional Research and Assessment

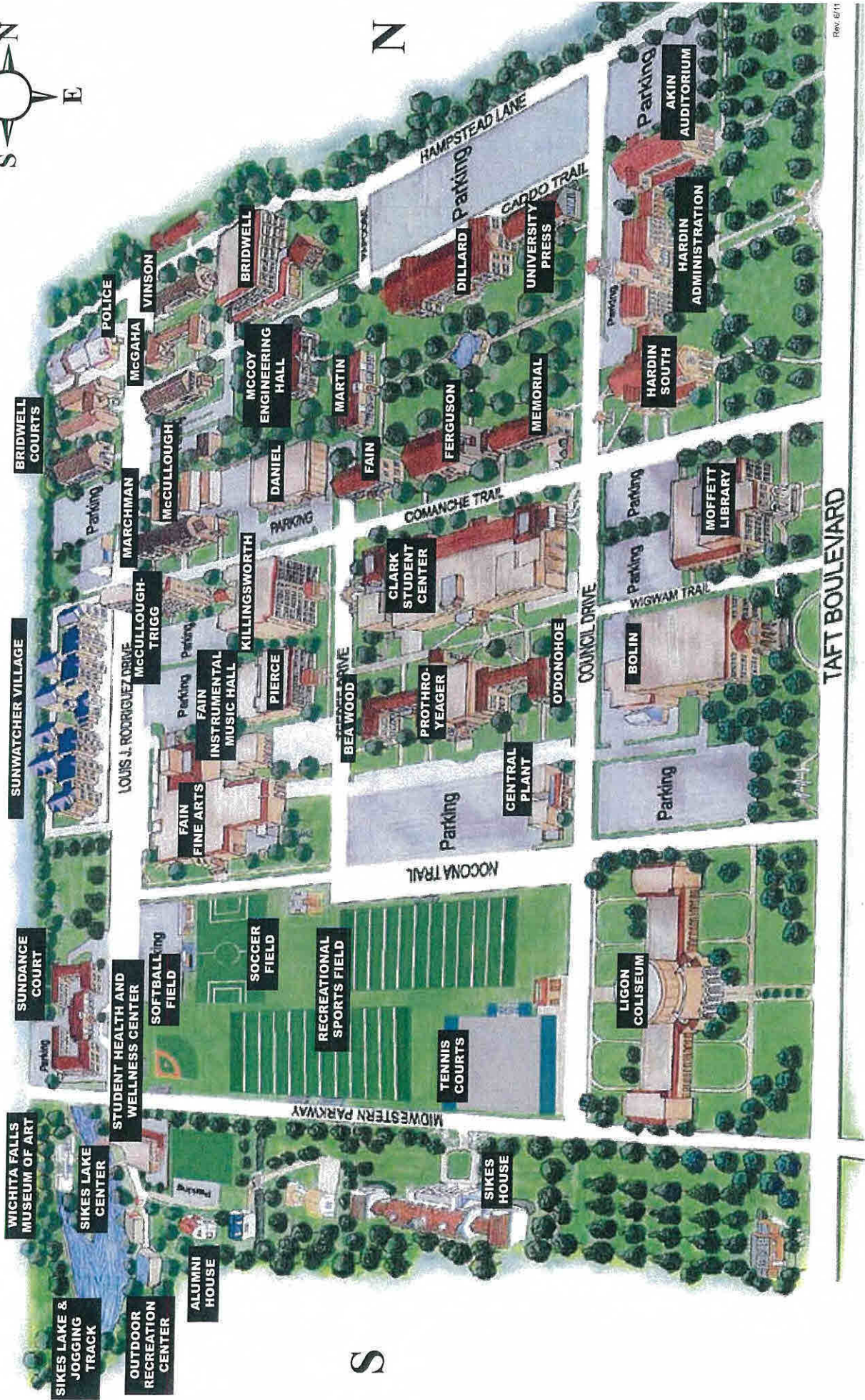
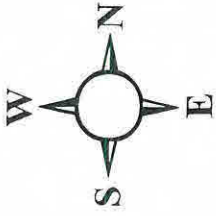
Dr. Howard Farrell, Vice President for University Advancement and Public Affairs
Ms. Julie Gaynor, Director, Marketing and Public Information
Ms. Leslee Ponder, Director, Alumni Relations
Mr. Steve Shipp, Director, University Development

Mr. Charlie Carr, Director of Athletics
Mr. Frank Bourgeois, Strength and Conditioning Coach
Mr. Doug Elder, Head Men's Soccer Coach
Ms. Venera Flores-Stafford, Associate Director of Athletics/Senior Woman
Administrator/Head Volleyball Coach
Mr. Nelson Haggerty, Head Men's Basketball Coach
Ms. Noel Johnson, Head Women's Basketball Coach
Mr. Scott Linn, Head Tennis Coach
Mr. Bill Maskill, Head Football 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 and Coordinator, Champs Life Skills Program
Mr. Trey Reed, Sports Information Director
Mr. Koby Styles, Head Women's Cross Country and Track Coach
Mr. Brady Tigert, Head Softball Coach
Mr. Jeff Trimble, Head Women's Soccer Coach
Mr. Kyle Williams, Associate Director of Athletics, Development

Dr. James Owen, Chairman, MSU Faculty Senate
Mr. Dirk Welch, Chairman, MSU Staff Senate
Ms. Melody Coffee, President, MSU Student Government Association

Midwestern State University

W

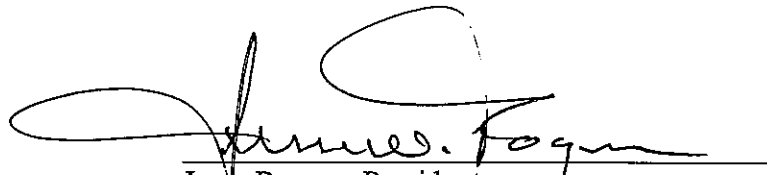


Rev. 8/11

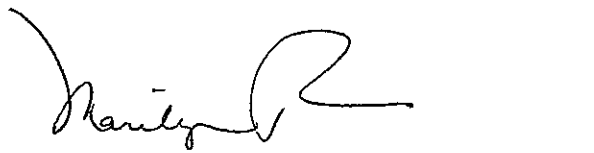
E

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



Marilyn Fowlé, Vice President for
Business Affairs and Finance

July 24, 2013
Date

COMMITTEE OF THE WHOLE

Board of Regents Meeting
August 8, 2013
1:30 p.m.

Meeting Location: MSU Campus – 3410 Taft Boulevard
Hardin Administration Building - J. S. Bridwell Board Room

The Board of Regents of Midwestern State University (MSU) may deliberate and take action regarding any item on this agenda. This meeting will be continuous in that the Board reserves the right to take any agenda item out of the order or sequence that is listed below. 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

Introduction of Visitors

Opening Comments

Public Comment

A public comment period will be provided in accordance with MSU Policy 2.22.

Approval to Invest with Texas Public Institutions

13-128. Senate Bill 1019, which was passed during the 83rd regular legislative session, amended Section 51.0031 of the Texas Education Code to allow a higher education governing board with oversight over less than \$25 million in endowment book value funds to invest its funds through a state institution whose governing board has oversight over endowment funds in excess of \$25 million. This legislation was signed by the governor and the change in the Education Code becomes effective September 1, 2013. Information will be presented regarding investment options. The administration will request authorization to invest university funds with an institution that meets the exclusion provision of the legislation and request that the Chairman of the Board of Regents be authorized to sign the associated contracts.

Discussion of Higher Education Issues

13-129. The Board of Regents will have an opportunity to discuss current issues in higher education to include state and national trends and challenges.

Naming Opportunities

13-130. In accordance with university policy the administration may make recommendations concerning naming opportunities at Midwestern State University.

Legacy Walk

13-131. The university's Legacy Walk was officially dedicated during the 75th anniversary of Midwestern State University in 1997. Legacy Walk was established to honor alumni and friends who have significantly affected the future of Midwestern State University through service and financial support. The names of those recognized are inscribed in the Legacy Walk sidewalk, which is located at the corner of Taft Boulevard and Nocona

Trail on the MSU campus. The administration may make recommendations regarding additions to Legacy Walk.

Board Resolutions

13-132. Board resolutions will be presented for consideration as necessary.

Executive Session

13-133. The Board of Regents will convene in Executive Session as necessary to consider the following matters permissible under Chapter 551 of the Texas Government Code as necessary, including:

- A. Consult with and seek the legal advice of its attorney about pending or contemplated litigation or a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code.
- B. Deliberations about Real Property – to deliberate the purchase, exchange, lease, or value of real property;
- C. Deliberations Regarding Gifts and Donations; and
- D. Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee.

EXECUTIVE COMMITTEE

Executive Committee

Membership

Shawn Hessing, Chairman
Mike Bernhardt, Vice Chairman
Kenny Bryant, Secretary
Jane Carnes, Member-At-Large

Reading and Approval of Minutes

13-134. The minutes of the Executive Committee meeting May 9, 2013, will be recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 13-134.

Construction Update

13-135. Information regarding current construction, repair, and rehabilitation projects will be presented as shown in Attachment 13-135.

Drought Recovery Efforts

13-136. Information will be presented concerning the university's drought recovery efforts. The administration is in the process of submitting a permanent water rights permit for Sikes Lake as a potential watering source for the soccer stadium field and the softball field. A one year permit has been approved by the Texas Commission on Environmental Quality (TCEQ) for use of the water and provides the administration the option of using it when Wichita Falls moves to Stage 4 water restrictions and ends all landscape irrigation using City water. A continual use permit was submitted to partially alleviate the need to consume City water for irrigation of these two fields in the future, particularly during future severe drought conditions. Equipment installations to use the water will be delayed until a decision on the permanent permit is obtained. Since these two fields are competition fields and necessary to continue participation in Lone Star Conference athletic events, the administration is seeking the permit to preserve the investment in the fields and for the safety of the athletes. Water will not be removed if the lower lake's level is significantly below the bottom of the perimeter retaining walls.

Wichita Falls Museum of Art at Midwestern State University Advisory Board

13-137. The president will recommend the following individuals to serve on the Museum Advisory Board.

Ann Marie Leimer (2013-2016)
Lynn Moran (Reappointment – 2013-2016)
Lola Pitzer (Reappointment – 2013-2016)
Eric Robb (2013-2014)
Alice West (Reappointment – 2013-2016)

EXECUTIVE COMMITTEE
ATTACHMENT

Status of Board-Approved Construction Projects

Project	BOR Project Approval Date	Architect/Engineering Firm	BOR Approved Project Budget	Encumbered/Spent Dollars	Additional Projected Costs	Total Project Cost	Over/Under Budget
Parking lot - Old Band Hall / resurface McCoy; Biology / UPD	5/11/2012	7/11/2012 Proven Cornerstone Engineering Local/HUB Vendor	\$730,000	\$656,728	\$0	\$656,728	\$73,272
McCoy Engineering Hall Addition	5/11/2012	5/10/2012 Harper Perkins Architects Local/HUB Vendor	\$1,665,000	\$1,538,604	\$126,396	\$1,665,000	\$0
Museum Renovation	2/15/2013	1/17/2006 Bundy, Young, Sims, & Potter Local Vendor	\$755,440	\$563,592	\$191,848	\$755,440	\$0
Dalquest Research Station	2/15/2013	-	\$363,207	\$48,250	\$314,957	\$363,207	\$0
Welcome Center @ South Hardin	2/15/2013	-	\$125,000	\$76,623	\$48,377	\$125,000	\$0
Practice Fields Water Wells Distribution System	2/15/2013	-	\$85,000	\$77,349	\$0	\$77,349	\$7,651
Christ Academy/ Counseling Center	5/11/2012	7/11/2012 Harper Perkins Architects Local/HUB Vendor	\$2,000,000	ON HOLD			

Projects Status

ID	Task Name	Start	Finish	
1	Parking - Old Band Hall / Resurface McCoy lot (+51 spaces)	Mon 9/3/12	Fri 6/28/13	
2	Design	Mon 9/3/12	Fri 9/28/12	100%
3	Bid	Mon 10/1/12	Fri 11/16/12	100%
4	Construction-Biology	Mon 11/19/12	Fri 2/8/13	95%
5	Construction-Band Hall	Mon 11/19/12	Fri 4/19/13	98%
6	Construction-Prothro-Yeager	Mon 4/1/13	Fri 6/7/13	100%
7	Estimated completion date per 8-9-12 BOR meeting	Fri 6/28/13	Fri 6/28/13	100% 6/28
8				
9	McCoy Engineering Hall Addition	Wed 8/1/12	Fri 5/30/14	
10	Design	Wed 8/1/12	Fri 11/30/12	100%
11	Bid	Mon 12/3/12	Thu 2/28/13	100%
12	Construction	Fri 3/1/13	Tue 4/1/14	10%
13	Estimated completion date per 8-9-12 BOR meeting	Fri 5/30/14	Fri 5/30/14	10% 5/30
14				
15	Museum Renovation	Fri 2/15/13	Fri 8/2/13	
16	Design	Fri 2/15/13	Mon 4/22/13	95%
17	Abatement	Mon 3/11/13	Fri 4/12/13	100%
18	Bid	Tue 4/23/13	Tue 5/14/13	0%
19	Construction	Wed 5/15/13	Fri 8/2/13	0%
20				
21	Dalquest Desert Research Center	Mon 2/18/13	Wed 5/21/14	
22	Building Shell	Mon 2/18/13	Fri 9/13/13	
23	Design	Mon 2/18/13	Tue 4/30/13	90%
24	Bid	Wed 5/1/13	Fri 5/31/13	0%
25	Construction	Mon 6/3/13	Fri 9/13/13	0%
26	Interior build out	Mon 4/29/13	Wed 5/21/14	0%
27	Design	Mon 4/29/13	Fri 6/14/13	0%
28	Bid	Mon 6/17/13	Mon 7/22/13	0%
29	Construction	Tue 7/23/13	Wed 5/21/14	0%
30				
31	Welcome Center @ South Hardin	Mon 2/18/13	Fri 7/12/13	
32	Bid	Mon 2/18/13	Fri 5/17/13	75%
33	Construction	Mon 4/1/13	Fri 7/12/13	20%
34				
35	Practice Fields Water Wells Distribution System	Mon 3/4/13	Fri 6/14/13	
36	Bid	Mon 3/4/13	Wed 4/17/13	100%
37	Construction	Thu 4/18/13	Fri 6/14/13	0%
38				
39				
40				
41				
42				
43				



3410 Taft Boulevard, Wichita Falls, Texas 76308-2099
Office: (940) 397-4648 Fax (940) 397-4859

Construction Projects Status Report – Item 13-135

Projects completed since May 2013 Board of Regents meeting includes:

1. PARKING LOTS – OLD BAND HALL, McCOY, BIOLOGY/UPD (\$657k)
2. CHILL WATER EXPANSION JOINTS (\$142k)
3. DROUGHT ALTERNATIVE WATER WELL PROJECT (\$77k)
4. COOLING TOWER FAN BLADE REPLACEMENT (\$48k)
5. CLEANING OF DUCTWORK IN J.S. BRIDWELL (\$26k)
6. RENOVATION OF KIOWA BANQUET ROOM IN CLARK STUDENT CENTER (\$16k)

Ongoing projects:

MUSEUM ADA AND DEFERRED MAINTENANCE PROJECT: - \$438k

- ADA upgrades including public restrooms; renovation of Galleries 5 and 6 (planetarium).
- Construction is in progress and on schedule for completion mid August '13.

WELCOME CENTER AND HARDIN SOUTH HALLWAY REFRESH: - \$125k

- Creation of an attractive Welcome Center for prospective students in the Hardin southeast entry foyer.
- Kiosk due in early August followed by IT connection of PCs on kiosk.

J.S. BRIDWELL 2ND AND 3RD FLOOR OFFICES: - \$102k

- Modifications to ten areas to create an additional six offices and improve utilization of existing spaces.
- Work to be completed in mid August.

ADDITIONAL PROJECTS <\$100k:

Projects in process scheduled for completion in the fall include:

- Arc flash safety analysis study per National Electric Code requirements; complete in late August (\$50k).
- Museum – Replacement of HVAC roof top units; complete in October (\$91k).
- Museum – Interior and exterior lighting upgrade; complete mid September (\$33k).
- Replace fire curtain at Fain Fine Arts auditorium; complete in September (\$75k).
- Acid treatment of cooling tower makeup water to conserve water; complete in September (\$5k).

ACADEMIC AND STUDENT
AFFAIRS COMMITTEE

Academic and Student Affairs Committee

Membership

Lynwood Givens, Chairman
Kenny Bryant
Tiffany Burks
Sam Sanchez

Reading and Approval of Minutes

13-138. The minutes of the Academic and Student Affairs Committee meeting May 9, 2013, will be recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 13-138.

Faculty Report

13-139. A report will be presented by a representative of the MSU Faculty Senate.

Staff Report

13-140. A report will be presented by a representative of the MSU Staff Senate.

Student Government Report

13-141. A report will be presented by a representative of MSU Student Government.

Enrollment Reports – Summer 2013

13-142. Information regarding enrollment for the summer 2013 semesters will be presented.

Athletics Report

13-143. Information will be presented concerning athletics at Midwestern State University.

Consideration of Baseball as Possible Additional Sport

13-144. The administration will present information concerning the consideration of baseball as a possible additional sport at MSU, including a five-year projected budget should the sport be added. Information regarding the work of the architects will also be presented.

August 2013 Graduating Class

13-145. The administration will recommend approval of the list of candidates for August 2013 graduation with the provision that the students meet all requirements as prescribed by the faculty and administration (see Attachment 13-145).

New 42 Hour Core Curriculum

13-146. A presentation was given at the May board meeting regarding the required 42 hour core curriculum. The current core curriculum requirement for institutions of higher education within the state of Texas was implemented in 1999 to create a common statewide framework for general education and to facilitate the transfer of credit. Beginning in 2009, the Texas Higher Education Coordinating Board (THECB), through the Undergraduate Education Advisory Committee (UEAC), worked to revise the core curriculum to be certain it addresses the "knowledge and skills students need to be successful in the 21st century." The THECB worked with the UEAC and received input from stakeholders and the public. The new core requirements were approved by the

THECB in October, 2011 and must be implemented by state universities beginning in the fall, 2014. The administration will recommend approval of the new core as shown in Attachment 13-146.

Conversion of the Associate of Applied Science in Radiography to a Baccalaureate Program

13-147. The administration will recommend the conversion of the Associate of Applied Science (AAS) in Radiography to the Bachelor of Science in Radiologic Technology (BSRT) (see Attachment 13-147). The demand for the BSRT degree versus the current AAS is high and the faculty and administration do not anticipate any loss of students or future applicants to the program. If approved, this change would be made for students entering the program in the spring, 2014. Students currently enrolled in the AAS program would continue through graduation in May, 2015.

Transition of the Master of Public Administration to a Master of Arts in Criminal Justice

13-148. The current Master of Public Administration (MPA) program is a standalone master's degree program with no undergraduate feeder program. While the program has been consistent in its enrollment, the demographic of the students (either criminal justice or healthcare) indicates the need for a master's degree with a different focus. The administration recommends that the Master of Public Administration degree program be transitioned to a Master of Arts in Criminal Justice (see Attachment 13-148).

MSU Student Handbook Change – Student Code of Conduct

13-149. A new Student Code of Conduct will be recommended for inclusion in the *MSU Student Handbook* as shown in Attachment 13-149.

Policy 3.146 – Protection of Human Subjects in Research

13-150. Changes to this policy will be recommended for approval as shown in Attachment 13-150. Language recommended for deletion is shown with an overstrike (--); new wording is shown in **bold and underlined** format.

Tenure

13-151. The administration will make recommendations concerning the awarding of tenure.

ACADEMIC AND STUDENT
AFFAIRS COMMITTEE
ATTACHMENTS

Candidates for Degrees

August 8, 2013

DILLARD COLLEGE OF BUSINESS ADMINISTRATION

Master of Business Administration

Moses Akongnui

Sonya R. Boddie

GORDON T. AND ELLEN WEST COLLEGE OF EDUCATION

Master of Arts

Lynn Anne Ducioame
Linwyse Joseph Stanislaus
Tiffany Lyntal Liburd

Nadine Samara Prevost
Roger G. Watts, Jr.

Master of Education

Tracy Marie Browning
Andrea Marie Clement
Kristen Nicole Prye
Nikki Lynn Grady

Amy Brooke Hunter
Melissa V. Alonzo Moore
Kristal Suzanne Robeson
Roxana Medrano Stanley

COLLEGE OF HEALTH SCIENCES AND HUMAN SERVICES

Master of Health Administration

Ganesh Krishna Boora
Rati Bhiwa Gandhale

Narsimha Rao Keetha

Master of Science in Exercise Physiology

Francis Arthur Bourgeois II

Prem Sundar Ulaganathan

Master of Science in Nursing

Joy Elizabeth Auld
Bryan Paul Barnes
Chellie Rae Clingan
Jennifer Renhae Dorsey
Brenda Sue Epperson
Terry Christopher Erwin
Vicki Elizabeth Jackson
April Janel Johnson
Dorothy Frances Krumbholz
Ida Gail Martin

Delisa Renee Morgan
Julie Marie Price
Amanda June Reece
Jennifer Ann Renner
Tarnara Jean Rice
Kimberly Suzanne Roberts
Joe Lawrence Sledge
Brandie Arlene Strange
Ashley Ann Hawley Walden

Master of Science in Radiologic Sciences

Carlton Brett Bruce
Rodney Carl Fisher, Jr.
Michelle Louise Joyner

Hung-Wen Liu
Ali Mari Majdalawi
Sherri L. O'Connor

**PROTHRO-YEAGER COLLEGE OF
HUMANITIES AND SOCIAL SCIENCES**

Master of Arts

Ayhan Baig
Bethany Alana Balzer
Meagan Jacquelyn Brem
Jessica Rae Cook

Amanda Michelle Cross
Alisa Renee Garner
Allison Mazur Strug

COLLEGE OF SCIENCE AND MATHEMATICS

Master of Science

Matthew Jay Farmer

Kalpana Devi Jambula

**DILLARD COLLEGE OF BUSINESS
ADMINISTRATION**

Bachelor of Business Administration

Bryce Layne Berryman
Holland Jon Brazier
Christine Elizabeth Childress
Yuri Lyle Kevin Christian
Jennifer Marie Coble
Jacobso Ismael Contreras
Sarah Allison Del Rio
Bradley Michael Dittmar
John Michael Fisher
Fernella Tithany Foye
Kimberly Letitia Friede

Jackson Howard Guidry
Sonia Stephanie Guzman
Zackery Phillip Hardin
Kareen C. La Touche
Jared Gregory Lytle
Matthew Mark Moore
Christopher John Nelson
Cynthia Eleiane Sims
Ashley Elizabeth Stefaniak
Christopher Glen Stovall

**GORDON T. AND ELLEN WEST
COLLEGE OF EDUCATION**

Bachelor of Arts

Danyelle Marie Vasquez

Bachelor of Science

Coryan Lamont Briggs

Bachelor of Science in Interdisciplinary Studies

David Alejandro Reyes

LAMAR D. FAIN COLLEGE OF FINE ARTS

Bachelor of Arts

Tolutomi Miller Agunbiade

**COLLEGE OF HEALTH SCIENCES
AND HUMAN SERVICES**

Bachelor of Science in Athletic Training

Chelsea Brooke Hoeltzel

Bachelor of Science in Criminal Justice

Jordan Angelia Cardwell
Christopher Taylor Casey
Clayton Len Collier
Eric de la Peña

Benjamin Michael Denney
Dawson Ariston Douglas
Taylor Paul Ledford
Brooke Nicole Ruhser

Bachelor of Science in Exercise Physiology

Brianne N. Cummins

Bryan Samuel Fox

Bachelor of Science in Nursing

Nakisha Rose Ice

Sommer Dawn Perez

Bachelor of Science in Radiologic Sciences

Thomas Mayo Bailey
Mary K. Battaglini
Kayla Lynne Berend
Donna Sue Bradley
Michelle Balderas Cryer
Emily Rae Dolan
Jessica G. Eckstrom

Felicia Mary Ellis
Shehin K. George
Jessica Rae Hague
Caleb Robert Phillips
Jennifer Marie Patterson Preston
Amelia Ann Swift
Desireé Sarah Tanner

Bachelor of Science in Respiratory Care

Stephenie Mercedes Crawford
Kristin Leigh Decker
Mark Viray Dula
Alisha Marie Harmon

Debra R. Jones
Kaitlan Leigh Morley
Misty Aleshia Roe

Bachelor of Social Work

Rachel Dawn Dowhower
Christina C. Roosmalen

Britt Carlton Rosenquist

**PROTHRO-YEAGER COLLEGE OF
HUMANITIES AND SOCIAL SCIENCES**

Bachelor of Applied Arts and Sciences

William Don Creel
Stephanie René Domenici
Roxanne Sheree Elmore
Phillip Fuller
Chaminda S. Galagoda
Kenny B. Gonzalez
Tony L. Griggs
Cody Joe Henderson
Russell Lee Jacks
Deborah Lynn Keller
Terry David Lynch
Jennifer Robyn McMillan
Russell Edward Nix

Timothy Shawn Odom
Logan Joshua Parrish
Lisa G. Pickett
Taylor Tarno Reid
Joseph Louis Rodriguez
Jeffrey Scott Samples
Erika Devi Soejoto
Jeffrey B. Spencer
Susan Stone
Stefanie Ann Tabor
John Paul Tollett
Steven T. Wetz

Bachelor of Arts

Nicholas Levi Caldwell
Amy Katherine Dean Cedrone
Sadie S. Ford
James Benton Hicks IV
Aziz Nzinga Nikolai Lake
Coby Travis Page

Andrea Jean Rasmussen
Chelsea Nicole Richardson
Leah Roberts
Kayla Leiann Starr
Shelbi Anne Stewart
Andi Jae Wisdom

Bachelor of Science

Ashley M. Brewton
Jason Alan Fawcett
Laiyatu B. Many
Sarah Ann Marten

Cassandra Oluebube Nwana
Amanda Beth Salts
Kimberly Renee Singleton
Heath Kegan Taylor-Gonzalez

COLLEGE OF SCIENCE AND MATHEMATICS

Bachelor of Science

Stephen Richard Ballenger
Azbia Bashir
Crispin Humberto Borunda, Jr.
Leona Elaine Eickman
Dwight Nicoll Fontenelle
Elizabeth Juarez

Richelle Nicole Lantz
Carlos Lopez, Jr.
Marsha Emma Solange McIntyre
Claire Marie Routledge
Jonathan Frank Webber

Bachelor of Science in Clinical Laboratory Science

John Tyler Ford
Kacy D. Oliver

Stephanie Robyn Seman

Bachelor of Science in Mechanical Engineering

Gillian Pascal Orion Harden

Core Curriculum Committee	2014 42-hour Core	Recommendation July 18, 2013	Status	Written Com	Oral Com	Visual Com	Critical Think	Quantitative	Personal Resp	Social Resp	Teamwork
Component Areas Communication (6 hrs)	Course	Title									
	ENGL/SPCH (1103)	Introduction to Communication	Recommended	X	X	X	X		X		X
	ENGL 1123	Academic Research & Writing	Recommended	X			X		X		X
Mathematics (3 hrs)	MATH 1053	Contemporary Mathematics	Recommended	X			X	X			
	MATH 1203	Mathematical Analysis for Business	Recommended	X			X	X			
	MATH 1233	College Algebra	Recommended	X			X	X			
Life/Physical Sciences (6 hrs)	MATH 1534	Precalculus	Recommended	X			X	X			
	MATH 1634	Calculus I	Recommended	X			X	X			
	BIOL 1103	Introduction to Biology	Recommended	X	X		X	X			X
	BIOL 1133	Anatomy & Physiology I	Recommended	X	X		X	X			X
	BIOL 1134	Anatomy & Physiology I	Recommended	X	X		X	X			X
	BIOL 1144	General Zoology	Recommended	X	X		X	X			X
	BIOL 1233	Anatomy & Physiology II	Recommended	X	X		X	X			X
	BIOL 1234	Anatomy & Physiology II	Recommended	X	X		X	X			X
	BIOL 1544	General Botany	Recommended	X	X		X	X			X
	CHEM 1103	Introductory Chemistry	Recommended	X	X		X	X			X
	CHEM 1141	General Chemistry I Lab	Recommended	X	X		X	X			X
	CHEM 1143	General Chemistry I	Recommended	X	X		X	X			X
	CHEM 1241	General Chemistry II Lab	Recommended	X	X		X	X			X
	CHEM 1243	General Chemistry II	Recommended	X	X		X	X			X
	CHEM 1303	General Organic Biological Chemistry	Recommended	X	X	X	X	X			X
Language, Philosophy, & Culture (3 hrs)	ENSC 1114	Foundations of Environmental Science	Recommended	X	X		X	X			X
	GEOS 1134	Physical Geology	Recommended	X			X	X			X
	GEOS 1234	Historical Geology	Recommended	X			X	X			X
	GNSC 1104	Life/Earth Science	Recommended	X			X	X			X
	GNSC 1204	Physical Science	Recommended	X			X	X			X
	PHYS 1144	General Physics I	Recommended	X	X		X	X			X
	PHYS 1244	General Physics II	Recommended	X	X		X	X			X
	PHYS 1533	Descriptive Astronomy	Recommended	X	X		X	X			X
	PHYS 1624	Mechanics, Wave Motion, & Heat	Recommended	X	X		X	X			X
	PHYS 2644	Electricity & Magnetism & Optics	Recommended	X	X		X	X			X
	ENGL 2413	World Literature I	Recommended	X			X		X	X	
	ENGL 2613	Survey of American Literature I	Recommended	X			X		X	X	
	FREN 1134	Elementary French I	Recommended	X	X		X		X	X	
	GERM 1134	Elementary German I	Recommended	X	X		X		X	X	
	HIST 1333	Western Civilization I	Recommended	X			X		X	X	
	HIST 1433	Western Civilization II	Recommended	X			X		X	X	
	PHIL 1033	The Primary Concerns of Philosophy	Recommended	X			X		X	X	
	PHIL 2033	Ethics	Recommended	X			X		X	X	
	SPAN 1134	Elementary Spanish I	Recommended	X	X		X		X	X	

					Written Com	Oral Com	Visual Com	Critical Think	Quantitative	Personal Resp	Social Resp	Teamwork
Creative Arts (3 hrs)	ART 1413	Art Appreciation	Recommended		X	X		X			X	X
	MCOM 2213	Appreciation of Film	Recommended		X			X			X	X
	MUSC 1033	Music Appreciation	Recommended		X	X		X			X	X
	MUSC 2733	Introduction to Western & World Music	Recommended		X			X			X	X
	THEA 1503	Appreciation of Theatre	Recommended		X			X			X	X
	THEA 2423	Dramatic Analysis	Recommended		X			X			X	X
American History (6 hrs)	HIST 1133	Survey of American History to 1865	Recommended		X			X		X	X	
	HIST 1233	Survey of American History since 1865	Recommended		X			X		X	X	
Government/ Political Science (6 hrs)	POLS 1333	American Government I	Recommended			X		X		X	X	
	POLS 1433	American Government II	Recommended			X		X		X	X	
Social/Behavioral Sciences (3 hrs)	ECON 1333	General Economics	Recommended		X			X	X		X	
	ECON 2333	Principles of Macroeconomics	Recommended		X			X	X		X	
	PSYC 1103	General Psychology	Recommended		X			X	X		X	
	SOCI 1133	Introductory Sociology	Recommended		X			X	X		X	
CAO Cultural & Global Understanding (3 hrs)	EDUC 2013	School & Society	Pending Review		X			X		X	X	
	FREN 1234	Elementary French II	Recommended		X	X		X		X	X	
	GERM 1234	Elementary German II	Recommended		X	X		X		X	X	
	LAST 2503	Introduction to Latin American Studies	Recommended		X			X		X	X	
	MCOM 1233	Introduction to Mass Communication	Recommended		X	X	X	X		X		X
	MCOM 2523	The Internet & Society	Recommended		X			X		X		X
	MUSC 2733	Introduction to Western & World Music	Recommended		X			X		X	X	
	POLS/WGST 2503	Intro to Women's & Gender Studies	Recommended		X			X		X	X	
	POLS 2523	Foundations of Government & Politics	Recommended		X			X		X	X	
	SOCI 2233	Social Problems	Recommended		X			X		X	X	
	SPAN 1234	Elementary Spanish II	Recommended		X	X		X		X	X	
CAO Undergraduate Inquiry & Creativity (3 hrs)	ART 1613	Ceramics for Non-Majors	Pending Review		X		X	X			X	X
	BUAD 1033	Foundations of Business	Pending Review		X	X	X	X	X		X	
	ENGL 2123	Rhetoric of Visuals & Infographics	Recommended		X	X	X	X		X		X
	MCOM 2833	Web Site Design	Recommended		X			X		X		X
	SCIE 2103	Interdisciplinary Science Research	Recommended		X			X	X			X
	THEA 1103	Acting for Non-Majors	Recommended			X		X			X	X
	THEA 1613	Performance Make-up	Recommended		X			X			X	X

Conversion of the Associate of Applied Science (AAS) in Radiography to a Bachelor of Science in Radiologic Technology (BSRT) Program

- The AAS program is a competitive admission program that accepts 45 students once each year.
- A second year AAS group is in progress. These students should graduate in May, 2014, and will not be affected by the degree change.
- A new AAS group was accepted in the spring, 2013, will begin classes this fall, and should graduate in May, 2015.
- If approved, the AAS degree program would be eliminated completely in 2016.
- If approved, the new BSRT program would begin in the spring, 2014.
- The new degree plan creates a BSRT degree that is identical to what students would receive if they completed the current AAS degree and the BSRS completion degree. The entry portion of the professional program is sequenced the same as the current AAS degree so as to continue the matriculation and board exam success rates. The other required and elective professional (BSRS) courses will be filled in around these as appropriate.
- Students accepted in the new BSRT program will progress through and graduate in four years (120 credit hours), with the first class graduating in the fall, 2016. With this schedule, there would not be any gaps in the continuity of the program or in the university's presence in the clinical affiliate sites.
- The demand for the BSRT versus the current AAS degree is high and should continue without any loss of students or future applicants to the program.

(CURRENT)
ASSOCIATE OF APPLIED SCIENCE IN RADIOGRAPHY CURRICULUM SEQUENCE

Summer Session I or Fall		Credit Hours
ENGL 1113	Rhetoric & Composition I	3
BIOL 1134*	Anatomy & Physiology I	4
RADS 1001^	Introduction to Rad Science	1
		Total Hours 8
Summer Session II or Fall		
ENGL 1123	Rhetoric & Composition II	3
BIOL 1234*	Anatomy & Physiology II	4
RADS 1011^	Rad Sci Med. Terminology	1
		Total Hours 8
Application Period		
January 1 to March 1		
Fall Semester		
RADS 1413	Basic Radiographic Procedures	3
RADS 1313	Principles of Radiographic Imaging I	3
RADS 1513	Radiographic Imaging Equipment	3
FINE ARTS/HUMANITIES ELECTIVE		3
MATH	College Level Math	3
		Total Hours 15
Spring Semester		
RADS 1423	Intermediate Radiographic Procedures	3
RADS 2123	Principles of Radiographic Imaging II	3
RADS 2233	Advanced Radiographic Procedures	3
RADS 1223	Patient Care	3
PSYC 1103 or SOCL 1133		3
		Total Hours 15
Summer Sessions I & II		
RADS 2114	Clinical Education I	4
CMPS 1013, 1033, or EDUC 1023		3
		Total Hours 7
Fall Semester - 2nd Year		
RADS 2215	Clinical Education II	5
RADS 2232	Advanced Medical Imaging	2
RADS 2711	Radiographic Pathology	1
RADS 2912	Special Topics	2
		Total Hours 10
Spring Semester - 2nd Year		
RADS 2315	Clinical Education III	5
RADS 2332	Radiologic Technology Seminar	2
RADS 2112	Radiation Biology and Protection	2
		Total Hours 9
		Grand Total 72

Proposed Bachelor's Degree in Radiologic Technology

Catalog Date 2012-2014

FALL - 14 hrs	SPRING- 15 hrs	SUMMER I & II
BIOL 1133 Anatomy & Physiology I	BIOL 1233 Anatomy & Physiology II	
ENGL 1113 Rhetoric & Composition I	ENGL 1123 Rhetoric & Composition II	
PSYC 1103 General Psychology OR SOCL 1133 Intro to Sociology	Math Core Course	
RADS 1011 Intro Medical Term	HIST 1233 History Since 1865	
RADS 1001 Intro Radiology	POLS 1433 American Government II	
POLS 1333 American Government I		
FALL- 15 hrs	SPRING – 14 hrs	SUMMER I & II - 6 HRS
APPLY TO PROGRAM AUGUST - SEPTEMBER		
HIST 1133 History To 1865	RADS 3203 Pathophysiology	
Humanities	RADS 4643 Health Law	
Fine Arts	RADS 3503 Research	RADS 3773 Radio Biology
Global Elective	Global Elective	RADS 4733 Sect Anatomy
RADS 4123 Data Analysis	RADS 3112 Rad Biol & Protect	
FALL – 12 hrs	SPRING – 12 hrs	SUMMER I & II - 7 hrs
RADS 3313 Princ Rad Imng I	RADS 3123 Prin Rad Imng II	
RADS 3413 Basic Rad Proc	RADS 3423 Int Rad Proc	RADS 4913 App Research
RADS 3513 Rad Imag Eqpt	RADS 3233 Patient Care	RADS 4114 Clin Educ I
RADS 4633 Cont Qual Improv	RADS 3223 Adv Rad Proc	
FALL-12 hrs	SPRING- 13 hrs	
RADS 4215 Clin Educ II	RADS 4315 Clin Educ III	
RADS 4232 Adv Med Imag	RADS 4332 Rad Tech Sem	
RADS 4912 Special Topics	RADS 3213 Adv Clinical Skills	
RADS Elective	RADS Elective	
	BSRT DEGREE- 120 HRS	

Electives

MAMMO TRACK

RADS 4753 Mammo

RADS 4763 Mammo QP

MRI TRACK

RADS 4743 MRI

RADS 4773 MRI Apps

ADM TRACK

RADS 4513 Admin & Supr

RADS 4623 RADS Qual Cpn

CT TRACK

RADS 4723 Principles of CT

RADS 4783 CT Apps

OTHER AVAILABLE ELECTIVES

RADS 3413 Cardio & Interventional

RADS 4523 PACS in Radiology

RADS 4713 Medical Ultrasound

RADS 4903 Selected Topics

RADS 3833 Bone Densitometry (Currently offered every other year)

Transition of the Master of Public Administration to a Master of Arts in Criminal Justice

- The current Master of Public Administration (MPA) program has three tracks: Administration of Justice, Health Services Administration, and Public Administration.
- While the MPA degree is designed as “Public Administration,” the Public Administration track has historically been the least enrolled (five or less students). The most widely used tracks are Health Services Administration (already a standalone master’s degree) and Administration of Justice.
- This proposed revision would eliminate the Public Administration track, shift the Health Services Administration students to the Master of Health Administration degree, strengthen the Administration of Justice track, and rename the program to more accurately reflect the nature of the degree.
- Should the recommended change be approved, it is anticipated that the majority of the current 22 MPA students will elect to transition into the current Master of Health Administration or the proposed Master of Arts in Criminal Justice programs. Faculty will work individually with current students who decide to remain in the Public Administration program and a plan will be developed to matriculate the students to graduation as MPA students.
- The proposed degree conversion incorporates the existing core of the Public Administration curriculum and the Administration of Justice track. Additional courses will be created to complete the refocusing of the degree to meet a Criminal Justice master’s curriculum.

Program Type: Master of Arts in Criminal Justice (MACJ)
Program Length: 36 Credit Hours

Writing Intensive Nature of the Degree

Due to the nature of criminology and criminal justice, all courses and degree requirements are designed to be writing intensive. As such, almost all course assignments and discussions will require writing at the scholar-practitioner level, and the utilization of APA 6th edition (the only exception is for legal writing, which requires Blue Book style). It is expected that upon successful completion of this degree a learner will be able to write at a level sufficient for refereed publication in the fields of criminology and/or criminal justice. Specifically, the following courses are noted as especially writing intensive (including all core courses):

- CRJU 5313---Critical Analysis of Justice Administration
- CRJU 5323---Perspectives in Criminology
- CRJU 5393---Legal Aspects of the Criminal Justice System
- CRJU 5383---Survey of Research Methods
- CRJU 5353---Global Terrorism
- CRJU 5413---Legal Research
- CRJU 6353---Police in Society
- CRJU 6433---The Ethics of Criminal Justice
- CRJU 6313---Comparative and International Criminal Justice
- CRJU 6333---Research Methods and Quantitative Analysis in Criminal Justice

Throughout the course of the learner's studies in the program, it is expected that the learner will complete no less than eight (8) major research papers and literature reviews.

Graduate Catalog Changes (in bold), effective Fall 2013

Master of Arts in Criminal Justice (MACJ)
Chair: Nathan R. Moran, Ph.D.
Graduate Coordinator: Nathan R. Moran, Ph.D.
Professor: Moran
Associate Professor: Fidelie
Assistant Professor: Atkins
Instructor: Paddack

Criminal Justice is a discipline that encompasses the preservation and protection of social order in a free society. It includes such principles as democracy, rule of law, constitutionalism, civil liberties, and the safeguarding of citizens against intimidation and oppression. The Criminal Justice curriculum, which is based on the University's liberal arts core, is designed to prepare students for higher education or entering careers in criminal justice. Graduates are expected to continue their personal and professional development in a variety of practical settings. To achieve this mission, four dimensions of development serve as a basis for the curriculum.

(1) Knowledge, Reasoning, Judgment: The Criminal Justice curriculum provides students the opportunity and assistance to acquire knowledge of the roles of policing, courts, laws, corrections, and international affairs as they contribute to social order. Students will gain

knowledge of the history, concepts, and critical issues in these areas through criminal justice required courses. The curriculum further provides a theoretical foundation of the discipline, combined with a thorough understanding of the scientific methods, as it applies to criminal justice. This combination is expected to sharpen the students' reasoning and judgment – qualities imperative to rational functioning in the discipline.

(2) Ability, Skills, Integration: The Criminal Justice curriculum provides students with the ability to achieve the professional goals of criminal justice. Students will learn how to prudently integrate knowledge and practice in criminal justice. Furthermore, the curriculum provides students with an opportunity to develop the individual and group skills necessary to meet various role expectations.

(3) Conduct, Professionalism, Ethics: The Criminal Justice curriculum will provide graduates with an appreciation for the complexity and dilemmas associated with the criminal justice profession. Criminal Justice students will be exposed to the moral and ethical dimensions of the various careers within the discipline and will be charged with the essential aptitudes necessary for their professional conduct.

(4) Vision, Change, Adaptation: The Criminal Justice curriculum will provide students with an understanding of the discipline as it currently exists and as it is envisioned in the future. The Criminal Justice student will be able to apply vision in the face of change and to respond to the evolving nature of criminal justice and society. Furthermore, students will be equipped with the tools of adaptation for making these changes

Degrees/Certificates

Master of Arts in Criminal Justice

Goals and Objectives

The Master of Arts in Criminal Justice is designed to prepare graduate students in conducting research and actively participating in the development of knowledge in the areas of criminological theory, crime control, and correctional and police administration. The curriculum is broad enough to satisfy these various interests. Students who are planning careers in law enforcement, corrections or rehabilitation, or who wish for a deeper understanding of crime and the criminal justice system should confer with the Graduate Program Advisor to develop a combination of elective courses which will support their particular career interests.

Admission Requirements

Admission to the Master of Arts program is based on the Admissions Committee's assessment of the applicant's scores on the Graduate Record Examination, the undergraduate academic record, and letters of recommendation from undergraduate professors. In some instances a personal interview will also be requested. Admission considerations include the following: (1) that the applicant has, or will soon have, an undergraduate degree from an accredited institution in an allied field; (2) official transcripts of all academic work previously undertaken; (3) at least two letters of recommendation from undergraduate professors; (5) a personal essay of the applicant's career goals and aspirations; and (6) international students are required to take the Test of English as a Foreign Language (TOEFL). A minimum score of 550 (paper-based), 213 (computer-based), or 79 (internet-based) is required.

A holistic review of each student's application will be completed on a competitive basis.

Direct Path Admission

Students graduating from Midwestern State University with an undergraduate degree in one of the following areas, and having an undergraduate GPA of 3.25 or greater, shall be automatically admitted into the Master of Arts in Criminal Justice Program (upon application to the University and the Department):

Criminal Justice, Bachelor's of Applied Arts and Sciences, Sociology, Social Work, Political Science, Psychology

Application for Re-Admittance

The department does recognize that in rare cases, situations may arise which result in course grades that may cause a student to be administratively dismissed from the program. In those cases, a student may apply to the department's academic review committee for re-admission after he or she has been officially dismissed from the program. The student must submit a letter requesting readmission with supporting documentation of ability to perform satisfactory academic work. Approval of the request will be based upon the student's written essay in his or her original application, the trend of undergraduate and graduate grades, professional work experience, letter of request, , and consideration of letters of recommendation. Approval of a re-admission request moves the student to conditional status with attendant requirements, which shall be evaluated based on a time schedule established by the department's academic review committee.

Requirements for Academic Good Standing

Any student who receives two grades of C or D, or a combination of C and D, or receives one grade of F will be administratively removed from the program. MACJ courses in which the student earns a grade of C or lower, may be repeated one time for a higher grade, with the approval of the Chair of the Department, in consultation with the Graduate Coordinator. A 3.0 overall grade point average is required for graduation, and students must have a grade of B or better in all courses in the major.

Degree Requirements

The Master of Arts degree in Criminal Justice is a 36-hour degree which does not include a thesis. No minor is required.

Required Courses (24 Hours)

CRJU 5313---Critical Analysis of Justice Administration
CRJU 5323---Perspectives in Criminology
CRJU 5393---Legal Aspects of the Criminal Justice System
CRJU 5383---Survey of Research Methods
CRJU 5353---Global Terrorism
CRJU 6353---Police in Society
CRJU 6433---The Ethics of Criminal Justice
CRJU 6313---Comparative and International Criminal Justice

Elective Courses (12 Hours)

Choose four courses from any 5000/6000 level graduate courses in CRJU.

Admission to Candidacy

Admission to Candidacy occurs when the student completes all course requirements.

Courses in Criminology and Criminal Justice

CRJU 5313 Critical Analysis of Justice Administration.

An analysis of the criminal justice system in the United States; role of justice agencies as part of societal response to crime; the knowledge base of criminal justice; issues, problems, trends.

CRJU 5323 Perspectives in Criminology.

Survey of the field of criminology emphasizing perspectives regarding the making of law, breaking of law and societal reactions to the breaking of law.

CRJU 5333 Courts as Organizations.

Critical evaluation of the dispensing of justice in America, using the systems theory approach, as well as current court policy.

CRJU 5343 Security and the Future.

Course will focus on meeting the changing demands of security in a global environment. Discussion emphasizing the understanding of how to design, implement, and integrate the security function in an every-changing world and the impact of major economic, demographic, and technological trends on developing strategies for security innovation and growth.

CRJU 5353 Global Terrorism.

Course will focus on philosophies, tactics, and targets of terrorist groups; discussion of emerging terrorism trends and the roles of the private sector and U.S. Government in responding to and preventing terrorism. Students will also gain insight on how terrorism influences U.S. Foreign Policy.

CRJU 5363 The Juvenile Offender.

Theoretical perspectives regarding the creation of childhood as a social construct and the etiology of juvenile offending. Particular attention is paid to the role of family, peers and school.

CRJU 5373 Community Based Corrections.

Techniques and procedures utilized in the supervision of adult and juvenile probationers and parolees, and other residents of community-based corrections facilities. Preparation of social history, pre-hearing, and pre-sentence investigation reports. Emphasis on practical problems confronting the probation and parole and other community-based corrections officer.

CRJU 5383 Survey of Research Methods.

The theory and application of social science research techniques and designs, with a focus on the interpretation and use of research findings.

CRJU 5393 Legal Aspects of the Criminal Justice System.

Aspects of law which are relevant to and essential for a better understanding of the criminal justice system and its related processes.

CRJU 5413 Legal Research.

Methods and techniques of research in the legal system. Designed to prepare students to locate, interpret and disseminate relevant statutory and case law as well as scholarly legal works.

CRJU 6313 Comparative and International Criminal Justice

The study of criminology and criminal justice in societies other than the United States. Emphasis is on the uncommon roots of criminal justice globally, comparative criminology, and international criminal justice trends.

CRJU 6323 Seminar in Organization and Administration.

The study of bureaucracy and complex organizations with strong emphasis on the concepts and practices of the organization and management of public agencies in the United States. Special consideration is given to the various philosophies, typologies, and models of administrative systems in criminal justice.

CRJU 6333 Research Methods and Quantitative Analysis in Criminal Justice.

Methods and techniques of research and research design; conducting and assessing research in the criminal justice agency management environment; translation of research findings to policy; informational resources readily available to the agency manager. Designed to prepare students to gather decision-relevant information.

CRJU 6343 Seminar in Leadership and Management.

Problems and alternative solutions in criminal justice management. The case study method and current readings provide an admixture of practical and educational experiences intended to foster and disseminate new ideas for management strategies, especially as this is impacted by leadership styles, human resources, and the environment.

CRJU 6353 Police in Society.

An examination of the evolution of police in modern society with a special emphasis given to the role of the police play in contemporary society. Current research examining the function of the police will be examined.

CRJU 6363 Seminar in Deviant Behavior.

Analysis of behavior which violates expectations that are shared and recognized as legitimate. Special attention is focused on societal reactions to such behavior.

CRJU 6373 Community Theory and the Administration of Justice.

This course examines the nature of criminal justice organizations as components of the political, social and economic inter-organizational networks that comprise communities. Topics such as the intersection of criminal justice, mental health, juvenile justice and educational systems are examined. The impact of criminal victimization and attributes of communities that foster crime are examined in detail. The processes that motivate and implement change in community based organizations are also addressed.

CRJU 6383 Seminar on Drugs, Society and Policy Issues.

This course will focus on issues and problems surrounding the problem of illicit drugs in society. Particular emphasis will be placed on policy related issues.

CRJU 6393 Internship in Criminal Justice.

A minimum of three months in an approved criminal justice setting. Designed to provide the graduate student with an opportunity to synthesize theory and practice.

CRJU 6413 Seminar in Criminology and Corrections.

Theory and problems in Criminology and Corrections. One or more term papers evidencing qualities of scholarship will be required.

CRJU 6423 Statistics for Criminal Justice Research.

Review of descriptive and graphical techniques; probability and sampling theory; the normal curve and statistical inference; Central Limit Theorem; Chi-square, T and F distributions; analysis of variance and linear regression.

CRJU 6433 The Ethics of Criminal Justice.

Ethics and moral philosophy in criminal justice including the role of natural law, constitutional law, code of ethics and philosophical principles. Strong emphasis will be put on examining the role of justice in a free society and the practical implications of justice to practitioners of police, courts and corrections.

CRJU 6443 Emergent Issues in Criminal Justice Leadership.

Addresses the effect of emergent perspectives in organization theory on public administration in general, and more specifically upon criminal justice management and leadership. Examines the impact of emergent technology upon criminal justice operations. Studies the integration of organization theory, principles of public administration, and community expectations of criminal justice leaders.

CRJU 6453 Program Evaluation for Criminal Justice Management.

Principles and techniques of program evaluation including models and case studies.

CRJU 6463 Legal Aspects of Criminal Justice Management.

An overview of the legal issues commonly facing managers in criminal justice agencies. Particular emphasis is placed on public employment law including the hiring, promoting, disciplining and discharging of employees, fair employment practices, and agency and administrator civil liability. Both state and federal statutory and case law are examined.

Table of Contents

Section 1: Introduction

Section 2: Jurisdiction over Student Conduct

Section 3: Violations of the Law

Section 4: Special Provisions

Section 5: Student Code of Conduct: The Policy

Section 6: Conduct Authority

Section 7: Special Conduct Procedures for Sexual Misconduct, Sexual Harassment and Other Forms of Discrimination

Section 8: Conduct Procedures

Section 9: Student Right to Know and Campus Security Act of 1990

Section 10: Alcohol and Drug Policy

Section 11: Sex Discrimination Policy

Section 12: Sexual Misconduct Policy

Appendix A: Alcohol, Illegal Drugs and the Law

Appendix B: Information Regarding the Impact of Alcohol and Other Drug Use

Appendix C: Information Regarding the University Sexual Conduct Policy

Appendix D: University and Community Resources for Victims of Sexual Harassment and Assault

Appendix E: Academic Misconduct Procedures

Midwestern State University students are responsible for knowing the information, policies and procedures outlined in this document. The university reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online for the most current versions of all policies and procedures.

Midwestern State University Student Code of Conduct

The *Midwestern State University Student Code of Conduct* is based upon the Model Code of the National Center for Higher Education Risk Management (NCHERM) authored by Brett A. Sokolow, Esq. Rights of use have been granted by NCHERM to Midwestern State University. No other use is permitted without the express permission of NCHERM.

Section 1: Introduction

Philosophy

The Midwestern State University community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Conduct is committed to an educational and developmental process that balances the needs of individual students with the needs of the Midwestern State University community.

A community exists on the basis of shared values and principles. At Midwestern State University, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Student Code of Conduct*. These standards are embodied within a set of core values that include integrity, social justice, respect, community, and responsibility. When members of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the *Student Code of Conduct*. Midwestern State University takes great pride in that it treats all students with the dignity and respect they deserve. The aspect of community is paramount and is reflected throughout the entire university community.

Ultimately, each member of the Midwestern State University community is expected to assume responsibility for his/her conduct and to assume reasonable responsibility for the behavior of others. On occasion, this will involve kind and courteous admonition done when one member observes another in inappropriate conduct. At other times, it will involve cooperation when the authorities are investigating instances of alleged misconduct.

The student conduct process at Midwestern State University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help bring their behavior into accord with our community expectations.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Fair process, within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of university policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Section 2: Jurisdiction over Student Conduct

Students at Midwestern State University are annually given a copy of the *Student Code of Conduct* in the form of a link on the Midwestern State University website; the student code of

conduct is contained in the Student Handbook, hard copies are available from the Office of Student Conduct, at the Clark Student Center Information Desk or in the residence halls. Students are charged with the responsibility of having read the provisions of the *Student Code of Conduct*. The *Student Code of Conduct* and the student conduct process apply to the conduct of individual students and university-affiliated student organizations. Because the *Student Code of Conduct* is based on shared values, it sets a range of expectations for Midwestern State University students no matter where or when their conduct may take place; therefore, the *Student Code of Conduct* applies to behaviors that take place on the campus, at university-sponsored events and may also apply off-campus when the administration determines in its discretion that the off-campus conduct affects a substantial university interest.

The *Student Code of Conduct* may be applied to conduct that takes place from the time a person is admitted as a student and continues until the student withdraws or graduates, including periods during semester breaks and between semesters. Further, the *Student Code of Conduct* applies to guests of community members whose host(s) may be held accountable for the misconduct of their guests.

Visitors to and guests of Midwestern State University are also protected by the *Student Code of Conduct* and may initiate grievances for violations of the *Student Code of Conduct* committed against them by members of the Midwestern State University community.

There is no time limit on reporting violations of the *Student Code of Conduct* as long as the offending student is still enrolled at Midwestern State University; however, the longer someone waits to report an offense, the harder it becomes for Midwestern State University officials to obtain information and witness statements and to make a determination regarding alleged violations. Though anonymous complaints are permitted, doing so may limit the university's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct and/or to Campus Police.

Midwestern State University email is the university's primary means of communication with students. **Students are responsible for all communication delivered to their Midwestern State University email address.**

Section 3: Violations of the Law

Alleged violations of federal, state and local laws are incorporated as offenses under the *Student Code of Conduct*. When a student is accused, arrested, charged, or indicted for an off-campus crime, the university may elect to take action for violation of the *Student Code of Conduct*.

When an offense occurs over which the university has jurisdiction, the university conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident. The university may pursue investigation and resolution of campus conduct complaints, regardless of whether the student participates, and the university may impose sanctions that need to be satisfied for a student to be considered in good standing.

When it has reasonable cause to separate a student from the community, the university may suspend a student for a reasonable time pending the scheduling of a campus hearing for violation of the *Student Code of Conduct*. The university reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint. The university will permit a student who receives an interim suspension to request a

meeting with the Vice President of Student Affairs and Enrollment Management to show cause as to why an interim suspension is not merited. Regardless of the outcome of this meeting, the university may still proceed with the scheduling of a campus hearing.

When criminal charges are pending, the university may be delayed or prevented from conducting its own investigation and moving forward with a campus hearing. When this happens, the university will delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information from law enforcement upon which to proceed. In cases governed by Title IX, this delay will be no longer than two weeks from notice of the incident.

Section 4: Special Provisions

A. Attempted Violations

In most instances, Midwestern State University will treat attempts to commit any of the violations listed in the *Student Code of Conduct* as if those attempts had been completed.

B. Misconduct Online

Students are cautioned that behavior conducted online, such as harassment or bullying via email, can subject them to university conduct action. Students must also be aware that blogs, web page entries on sites such as Google+, Facebook, LinkedIn, YouTube and Twitter and other similar online postings are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The university does not regularly search for this information but may take action if and when such information is brought to the attention of university officials.

C. University as Complainant

Midwestern State University reserves the right to initiate a complaint, to serve as complainant and to initiate conduct proceedings without a formal complaint by the victim of the alleged misconduct.

D. False Reports

Midwestern State University will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation and it may also violate state criminal statutes and civil defamation laws.

E. Group Violations

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this code by the organization or its members take place at organization-sponsored events, have received the consent or encouragement of the organization or of the organization's leaders or officers, or was known or reasonably should have been known to the membership or its officers. Hearings for student groups or organizations follow the same general student conduct procedures.

In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual.

F. Amnesty for Victims

The Midwestern State University community encourages the reporting of conduct code violations and crimes by victims. Sometimes, victims are hesitant to report to university officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that as many

victims as possible choose to report to university officials. To encourage reporting, Midwestern State University pursues a policy of offering victims of conduct code violations amnesty from minor policy violations related to the incident.

G. Bystander Intervention

The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. Midwestern State University encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble. For example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to Campus Police. Midwestern State University pursues a policy of amnesty for minor violations when students offer help to others in need.

H. Parental Notification

Midwestern State University reserves the right to notify the parents/guardians of dependent students regarding alcohol and other drug violations. The university may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Midwestern State University will attempt to contact the parents/guardians of a student to inform them of situations in which there is a health and/or safety risk. Midwestern State University also reserves the right to designate which university employees have a legitimate need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA) and will share information accordingly.

I. Notification of Outcomes

The outcome of a campus hearing is part of the education record of the accused student/respondent and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. In accordance with FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or nonforcible sex offense, the university will inform the alleged victim/complainant in writing of the final results of a hearing regardless of whether the university concludes that a violation was committed. Such release of information may only include the alleged student’s/respondent’s name, the violation committed and the sanctions assigned (if applicable). In cases of sex offenses, the rationale for the outcome will also be shared with all parties to the complaint.

In cases where the university concludes that a student violated a policy that would constitute a “crime of violence” or nonforcible sex offense, the university may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:

- a) Arson
- b) Assault offenses
- c) Burglary
- d) Criminal Homicide—manslaughter by negligence
- e) Criminal Homicide—murder and non negligent manslaughter
- f) Destruction/damage/vandalism of property
- g) Kidnapping/abduction
- h) Robbery
- i) Forcible sex acts

Students who bring any Title IX-related complaints against any member of the campus community will be informed in writing of the outcome of the complaint and any sanctions or responsive actions implemented.

J. Defenses

It is increasingly common for individuals accused of policy violations to defend their actions with explanations such as, but not limited to, prescription drug interactions, self defense and disability. The university's policy on defenses is that providing an explanation for a policy defense is equivalent to the admission of engaging in a policy violation. While explanations will not excuse an individual's commission of a policy violation, Midwestern State University will take the legitimacy of an individual's explanation into consideration in the determination of appropriate sanctioning.

Section 5: Student Code of Conduct: The Rules

A. Definitions

- a) The term "the university" refers to Midwestern State University.
- b) The term "student" includes all persons who have accepted admission to, enrolled at, are taking courses at, and/or have a continuing relationship with the university, including those who attend full- or part-time at the undergraduate, graduate, or non-matriculated level.
- c) The term "faculty member" refers to any person employed by the university to conduct instructional activities.
- d) The term "university official" includes any person employed by the university who is designated as an official or who holds administrative or professional supervisory responsibilities.
- e) The term "member of the university community" refers to any person employed by, volunteering for or attending the university as a student, faculty member, administrator, staff member, intern, or volunteer.
- f) The term "university property" includes all land, buildings, facilities, and other property in the possession of, owned or controlled, whether leased or rented, by the university.
- g) The term "organization" refers to any number of persons who have complied with the formal requirements for university registration, or who are members of university sponsored groups.
- h) The terms "Student Conduct Committee" or "SCC" refers to a body responsible for assisting in the interpretation and implementation of the *Student Code of Conduct*. Members are responsible for hearing complaints and ensuring that students receive the procedural fairness rights granted them.
- i) The term "Administrative Hearing Officer" refers to any persons authorized by the Director of Student Conduct or a delegated representative to determine whether a

student has violated the *Student Code of Conduct* and to impose sanctions. The Student Conduct Committee constitutes an Administrative Hearing Officer.

- j) The term “Appeals Panel” refers to any person or persons authorized by the Director of Student Conduct to consider a review or appeal of the decisions of an Administrative Hearing Officer, the SCC, and the Director of Student Conduct.
- k) The term “policy” is defined as the written rules of the university found in, but not limited to: the *Student Code of Conduct*, the Student Handbook, University Catalog, and Housing and Residence Life Handbook
- l) The term “working day” refers to a regular university business day. This does not include Saturday, Sunday or holidays as set forth by the Board of Regents. In the fall and spring semesters this would be Monday through Friday and during the summer I and II terms Monday through Thursday.

B. Core Values and Behavioral Expectations

The university considers the behavior described in the following sections as inappropriate for the Midwestern State University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, or non-matriculated. The university encourages community members to report to university officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Section 8: Conduct Procedures.

- a) *Integrity*: Midwestern State students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:
 - 1. Knowingly furnishing false, falsified or forged information such as falsification or misuse of documents, accounts, records, identification or financial instruments;
 - 2. Acts of academic dishonesty as outlined in the *Academic Misconduct Policy in Appendix E*.
 - 3. Unauthorized possession, duplication or use of means of access to any university building (i.e. keys, cards, etc.);
 - 4. Action or inaction by someone in collusion with another or others to violate these rules;
 - 5. Violations of positions of trust within the community; or
 - 6. Tampering with the election of any university-recognized student organization.
- b) *Community*: Midwestern State students honor and value their community. Behavior that violates this value includes, but is not limited to:

1. Misuse of access privileges to university premises or unauthorized entry to or use of buildings, including trespassing;
2. Misuse or unauthorized use of university or organizational names and images;
3. Knowingly taking possession of stolen property;
4. Intentional and unauthorized taking of university property or the personal property of a member of the university community;
5. Intentional and unauthorized destruction of, or damage to, university property or to the personal property of a member of the university community;
6. Violating the Midwestern State University Computer and Network Services Policy, found in the Student Handbook. Examples of actions which violate these policies include, but are not limited to:
 - Use of computing facilities to send harassing or abusive messages;
 - Use of computing facilities to interfere with the work of other community members;
 - Unauthorized access to a file or personal or group account;
 - Use of computing facilities to interfere with normal operation of the university computer system; or
 - Copying or transmitting copyrighted material when you are not legally authorized to do so. Anonymous or forged network news articles or email messages;
7. Unauthorized transfer of a file;
8. Unauthorized use of another individual's identification and password;
9. Gambling in any form by the use of cards, dominoes, billiards, dice, pool, table tennis, snooker, or any other means specifically defined by state law, shall be prohibited on university grounds or property or in approved student housing;
10. Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, and pellet guns), or other weapons or objects that could be construed as weapons such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than five and one-half (5 ½) inches;
11. Use of alarmed doors for entry into or exit from a Midwestern State University building, not during an emergency.

12. Failing to report a lost Midwestern State University identification card.

13. Violation of local, state, federal or campus fire policies including, but not limited to:

- Failure to evacuate a university-controlled building during a fire alarm;
- Improper use of university fire safety equipment; or
- Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on university property. Such action may result in a \$4,000 fine in addition to university sanctions;
- Intentionally or recklessly causing a fire which damages university or personal property or which caused injury to any member of the community.

c) *Social Justice*: Midwestern State students exemplify just and equitable treatment of all members of the community in their dealings and interactions. Behavior that violates this value includes, but is not limited to:

1. Disruption of university operations including obstruction of teaching, research, administration, other university activities, or other authorized non-university activities which occur on campus;
2. Obstruction of freedom of movement by community members or visitors;
3. Abuse or interference of, or failure to comply in, university processes including conduct code investigations and hearings; or
4. Abuse of the campus conduct system including, but not limited to:
 - Failure to appropriately respond to a letter of notice, or summons letter;
 - Failure to attend meetings scheduled for conduct code administration purposed;
 - Falsification, distortion or misrepresentation of information;
 - Failure to provide, destroying or hiding information during an investigation of an alleged policy violation;
 - Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;

- Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
 - Failure to comply with the sanction(s) imposed by the campus conduct system; or
 - Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
- d) *Respect*: Midwestern State students show positive regard for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:
1. Threatening, or causing, physical harm, written or verbal abuse or other conduct that threatens or endangers the health or safety of any person.
 2. Discrimination, defined as any distinction, preference, advantage for or detriment to an individual compared to others that is based upon an individual's actual or perceived sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities.
 3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
 4. Discriminatory Harassment, defined as detrimental action based on an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status that is unwelcome and unreasonably interferes with or limits a student's ability to participate in or benefit from the university's educational program or activities.
 5. Retaliatory Harassment, defined as any intentional, adverse action taken by an accused individual or allied third party, absent legitimate non-discriminatory purposes, that harms an individual as reprisal for filing or participating in a civil rights grievance proceeding.
 6. Bullying, or cyber bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; or spreading rumors with malicious intent;
 7. Hazing is a criminal violation under Texas law. A person may be found guilty of criminal conduct for hazing, encouraging hazing, permitting hazing, or having knowledge of the planning of hazing incidents and failing to report

in writing his/her knowledge to the Director of Student Conduct. Both failing to report hazing and hazing that does not result in serious bodily injury are Class B misdemeanors. Hazing that results in serious bodily injury is a Class A misdemeanor. Hazing resulting in a death is a state jail felony. An organization found guilty of hazing may be fined \$5,000 to \$10,000 or, for incidents causing personal injury or property damage, an amount double the loss or expenses incurred because of the hazing incident. It is not a defense to prosecution that the person hazed consented to the hazing activity. Any person reporting a specific hazing incident to the appropriate institutional official is immune from civil and criminal liability unless the report is in bad faith or malicious. This state law does not limit or affect an educational institution's right to enforce its own penalties against hazing. The Education Code defines hazing as "any intentional, knowing, or reckless act occurring on or off the campus of an educational institution, by one person or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization." The statute contains a list of conduct that constitutes hazing;

8. Violence between those in a continuing relationship of an intimate or romantic nature with one another;
9. Violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating or had cohabitated with the victim as a spouse, or a person similarly situated to a spouse, adult or youth victim protected by domestic or family violence laws
10. Stalking as defined as repetitive and/or menacing pursuit, following harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family of a member of the community;
11. Sexual misconduct including sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation (See Section 12: Sexual Misconduct Policy for further information);
12. Inappropriate conduct which is disorderly, disruptive, obscene or indecent while on campus or at functions sponsored, or participated in, by the university;
13. Failure to comply with the directives of university officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
14. Smoking or use of tobacco or tobacco-derived products in any area of campus;

- e) *Responsibility*: Midwestern State students are given, and accept, a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

1. Use, possession or distribution of alcoholic beverages except as expressly permitted by law and the university's Alcohol Policy (See Section 10 of this document for further information);
2. Use, possession or distribution of narcotics or other controlled substances or drug paraphernalia, except as expressly permitted by law;
3. Abuse, misuse, sale, or distribution of prescription or over-the-counter medications;
4. Assisting in, inciting or condoning the violation of university policies or local, state or federal laws;
5. Allegations of violation of local, state or federal laws which affect the substantial interests of the university community whether the violation occurs on or off-campus;
6. Intentional failure of any organized group to exercise preventative measures relative to violations of the *Student Code of Conduct* by its members;
7. Knowingly condoning or remaining in the presence of a clear violation of these rules without:
 - Leaving the area where the violation was occurring; or
 - Intervening or confronting the violation in an effort to stop it; or
 - Contacting the appropriate staff members to address the violation.
8. Violation of other published university policies or rules, including all Housing policies;

Section 6: Student Conduct Authority

The Vice President for Student Affairs and Enrollment Management is vested with the authority of chief conduct officer by the Board of Regents. The chief conduct officer appoints a Director of Student Conduct to oversee and manage the student conduct process. The chief conduct officer, Dean of Students, and Director of Student Conduct may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

The Director of Student Conduct or designee will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit. No complaint will be forwarded for a hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any information will not be forwarded for a hearing.

If a minor allegation can be addressed by mutual consent of the parties involved, on a basis acceptable to the parties involved and the Director of Student Conduct or designated administrative hearing officer, such disposition will be final and there will be no subsequent proceedings.

The Director of Student Conduct has discretion to refer a complaint for mediation. Any unsuccessful mediation can be forwarded for formal processing and hearing; however, at no time will complaints of physical sexual misconduct or violence be mediated as the sole institutional response. The Director of Student Conduct may also suggest that complaints that do not involve a violation of the *Student Code of Conduct* be referred for mediation.

If the complaint cannot be addressed in a manner mutually acceptable, or for incidents that are not minor, the Director of Student Conduct will refer the complaint to the Administrative Hearing Officer or the Student Conduct Committee (SCC). The decision of where to refer the complaint is at the sole discretion of the Director of Student Conduct, who may take into consideration the preferences of the parties to the complaint.

Assembly of the Student Conduct Committee (SCC)

The Director of Student Conduct will be responsible for assembling the SCC according to the following guidelines:

The membership of the Student Conduct Committee is comprised of a pool of at least six students, six faculty, and six staff/administrative members appointed and trained annually by the Director of Student Conduct.

To serve in the SCC pool, students must:

1. Be in academic good standing at the university and have completed 15 hours of academic credit with a cumulative GPA of at least 2.0.
 2. Be in conduct good standing throughout the term in which they serve.
Conduct good standing is defined as having no record of misconduct during the semester(s) in which a student wishes to serve on the SCC. A history of misconduct could disqualify a student for service.
- a) The Director of Student Conduct will have final authority to approve all those serving on the SCC.
 - b) The non-voting advisor to the SCC is the Director of Student Conduct with responsibility for training the SCC, conducting preliminary investigations, and ensuring a fair process for the complainant and accused student/respondent.
 - c) In the event of a resignation from the SCC, the Director of Student Conduct will solicit a replacement from the group from which the representative came.
 - d) Decisions made, and sanctions imposed, by the SCC or an Administrative Hearing Officer will be final and implemented, pending the normal review process. At the discretion of the Director of Student Conduct, implementation of sanctions may be stayed pending review.

For each complaint, a hearing panel will be chosen from the available pool, and is usually comprised of one student, one faculty member, and one staff member or administrator. Availability may determine a different composition for the hearing panel, and in complaints involving discrimination, sexual misconduct, or other sensitive issues, the Director of Student Conduct will usually use three administrative/staff members for the hearing panel. One of the staff members or administrators trained as an investigator serves as the non-voting chair of the panel and assures university procedures are followed throughout the hearing.

Administrative Hearing Officers

Administrative Hearing Officers are chosen from a pool of annual trained administrators or staff members selected by the Director of Student Conduct.

Appeals Panels

Three-member appeals panels are drawn from the SCC pool, with the only requirement being that they did not serve on the hearing panel for the initial hearing. Appeals Panels review appeals submitted by the Director of Student Conduct.

Interpretation and Revision

The Director of Student Conduct will develop procedural rules for the administration of hearings that are consistent with provisions of the *Student Code of Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include notice to the parties involved. The Director of Student Conduct may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*.

The Director of Student Conduct may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party.

Any question of interpretation of the *Student Code of Conduct* will be referred to the Director of Student Conduct whose interpretation is final.

The *Student Code of Conduct* will be reviewed and updated annually under the direction of the Dean of Students.

Section 7: Special Conduct Procedures for Sexual Misconduct, Sexual Harassment and Other Forms of Discrimination

A. Investigation of Sexual Misconduct, Sexual Harassment and Other Forms of Discrimination

The Title IX Coordinator, in consult with the Director of Student Conduct, will appoint an investigator for any complaint that falls under Title IX or involves any form of discrimination. The investigator(s) will take the following steps, if not already completed by the Coordinator or designee:

- In coordination with the Coordinator, initiate any necessary remedial actions on behalf of the victim;
- Determine the identity and contact information of the complainant, whether that person is the initiator of the complaint, the alleged victim, or a university proxy or representative;

- Conduct an immediate preliminary investigation to identify a complete list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
 - If the victim is reluctant to pursue the complaint, determine whether the complaint should still be pursued and whether sufficient independent evidence could support the complaint without the participation of the victim;
 - Notify the victim of whether the university intends to pursue the complaint regardless of their involvement, and inform the victim of their rights in the process and option to become involved if they so choose;
 - Preliminary investigation usually takes up to one week to complete;
- If indicated by the preliminary investigation and authorized by the Coordinator, conduct a comprehensive investigation to determine if there is reasonable cause to charge the accused individual, and to determine what specific policy violations should be alleged as part of the complaint;
 - If there is insufficient evidence through the investigation to support reasonable cause, the grievance will be closed with no further action;
 - A comprehensive investigation usually takes between one to three weeks;
- Meet with the complainant to finalize the complaint, which will be drawn up by the university as a result of this meeting;
- Commence a thorough, reliable and impartial investigation;
 - Prepare the notice of charges on the basis of the reasonable cause determination, which may be delivered prior to, during or after the accused individual is interviewed, at the discretion of the investigator(s);
- Interview all relevant witnesses, obtain statements from each, and have each witness sign their statements to verify them;
- Obtain all documentary evidence and information available;
- Obtain all physical evidence available;
- Complete the investigation by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Present the investigation report and findings to the accused individual, who may:
 - accept the findings,
 - accept the findings in part and reject them in part,
 - or may reject all findings;
- Share the findings and update the complainant on the status of the investigation and the outcome.

B. Findings

Where the accused individual is found not responsible for the alleged violation(s), the investigation will be closed. The complainant may request that the Title IX Coordinator re-open the investigation or convene a hearing. The decision to re-open an investigation or convene a hearing rests solely in the discretion of the Coordinator in cases such as this, and is granted only on the basis of extraordinary need.

C. Accused Individual Accepts the Findings

Where the accused individual accepts the finding that s/he violated university policy, the investigator will recommend appropriate sanctions/responsive actions for the violation that will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and the university community. If the accused individual accepts these sanctions/responsive actions, the process ends. The sanctions/responsive actions are implemented by the Director of Student Conduct.

If the accused individual accepts the findings but rejects the recommended sanctions/responsive actions, there will be an administrative hearing on the sanction/responsive actions, only. This will usually occur within 1-2 weeks from the end of the investigation. Administrative hearing procedures are detailed below.

The Coordinator, Director of Student Conduct, or investigator will make timely notification in writing to the parties of the outcome, any sanctions/responsive actions, and the rationale for the decision.

D: Accused Individual Rejects the Findings

Where the accused individual rejects the finding that s/he violated university policy, there will be an SCC hearing on the allegations within 2 weeks. At the hearing, the investigator(s) will present their findings to the SCC, the SCC will hear from the parties, and any called witnesses. The investigation findings will be considered by the SCC, but are not binding on the SCC, which renders an independent and objective finding within 2-3 business days of the hearing. Findings are provided to the Director of Student Conduct. SCC procedures are detailed in Section 8 below.

E. Special Hearing Provisions for Sexual Misconduct/Discrimination Complaints

All hearings under this section will be conducted by a three member staff/administrative panel drawn from the SCC and/or Administrative Hearing Officer pool. For sexual misconduct complaints (and other complaints of a sensitive nature), whether the alleged victim is serving as the complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room or allowing the alleged victim to testify from another room via live video (i.e. Skype), a closed circuit television or similar technology. While these options are intended to help make the alleged victim more comfortable, they are not intended to work to the disadvantage of the accused student/respondent.

The past sexual history or sexual character of a party will not be admissible by the other parties in hearings unless such information is determined to be highly relevant by the SCC Chair. All such information sought to be admitted will be presumed irrelevant and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request which must be received by the Director of Student Conduct in advance of the hearing.

While previous conduct violations of the accused student/respondent are not generally admissible as information about the present violation, the Director of Student Conduct or Title IX Coordinator may supply previous complaint information to the SCC, or may consider it in an administrative hearing, only if the following criteria is met:

- 1) The accused student/respondent was subject to a previous credible allegation and/or previously found responsible for a policy violation or crime;
- 2) The previous incident was similar to the present allegation; or
- 3) The information indicated a pattern of behavior by the accused student.
The alleged victim in any complaint alleging sexual misconduct will: be notified in writing of the outcome of a hearing and any sanctions assigned; have the right to a review if the appeal criteria is met; and be kept apprised of the status of the investigation.

Section 8: Conduct Procedures

Part of the education process is learning how to live in harmony with community members and within a system of standards established for and by the community. Students are accountable to students and others in the community for these standards through the procedures outlined below. This system is not a legal process but, rather, an administrative hearing system. Principles of fairness govern all such bodies. All students who violate these standards will be held accountable for their behavior through a process that assures the rights of both the complainant and the accused student/respondent.

A. Complaints

Any member of the university community, visitor or guest may file a complaint against any student for misconduct through the Office of Student Conduct.

Complaints will be presented to the Director of Student Conduct (or designee) and/or to the Title IX Coordinator, when appropriate. Additionally, these administrators may act on notice of a potential violation whether a formal complaint is made or not. All complaints can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The university has the right to pursue a complaint or notice of misconduct on its own behalf and to serve as complainant in the subsequent campus conduct process.

The Director of Student Conduct (or designee) will assume responsibility for the investigation of the alleged violation as described below in the section on Investigations.

B. Notice of Hearing

Once a determination is made that reasonable cause exists for the Director of Student Conduct (or designee) to refer a complaint for a hearing, notice will be given to the accused student/respondent. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice, or summons letter will:

- a) Include the alleged violation and notification of where to locate the *Student Code of Conduct* and university procedures for resolution of the complaint; and

- b) Direct the accused student/respondent to contact the Director of Student Conduct (or designated administrative hearing officer) within a specified period of time to respond to the complaint. This time period will, generally, be no less than two business days from the date of delivery of the summons letter.

A meeting with the Director of Student Conduct (or designated administrative hearing officer) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the accused student/respondent may indicate, either verbally or in writing, to the Director of Student Conduct (or designated administrative hearing officer), whether s/he admits or denies the allegations of the complaint.

C. Interim Suspension

Interim suspension, under the *Student Code of Conduct*, may be imposed by the Vice President for Student Affairs and Enrollment Management or designee when necessary to protect the health and safety of a student or of the community; preserve university property; pursue an investigation and/or hearing; prevent disruption of, or interference with, the normal operations of the university. Interim suspension will be used for short periods of time, pending a hearing for a *Student Code of Conduct* violation by either the Director of Student Conduct or Student Conduct Committee.

During an interim suspension, a student will be denied access to university housing and/or the university campus/facilities/events. As determined appropriate by the Director of Student Conduct, this restriction includes classes and/or all other university activities or privileges for which the student might otherwise be eligible. At the discretion of the Director of Student Conduct and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student/respondent.

D. Hearing Options & Preparation

The following sections describe Midwestern State University's conduct hearing processes. Except in a complaint involving failure to comply with the summons of the Director of Student Conduct (or designee), no student may be found to have violated the *Student Code of Conduct* solely as a result of the student's failure to appear for a hearing. In all such instances, conduct hearings will proceed as scheduled and the information in support of the complaint will be presented to, and considered by, the Director of Student Conduct, Administrative Hearing Officer or SCC presiding over the hearing.

Where the accused student/respondent admits to violating the *Student Code of Conduct*, or in instances where the accused student/respondent is facing a complaint for which the consequences do not include suspension or expulsion from the university, the Director of Student Conduct (or designated administrative hearing officer) may invoke informal resolution procedures to determine and administer appropriate sanctions without a formal hearing. This process is also known as an *administrative hearing*. In administrative hearings, complaints will be heard and final determinations will be made by the Director of Student Conduct or Administrative Hearing Officer.

Where the accused student/respondent denies violating the *Student Code of Conduct*, or in instances where the accused student/respondent is facing a complaint for which the consequences may include suspension or expulsion from the university, a *formal hearing* will be conducted as befits the gravity of the alleged offense and the serious nature of the consequences. This process

is known as a *Student Conduct Committee* (SCC) hearing. At the discretion of the Director of Student Conduct (or designee), a request by one or more of the parties to the complaint for an administrative hearing may be considered. Students who deny a violation for which an SCC hearing will be held will be given a minimum of seven (7) days to prepare for a formal hearing. Preparation for a formal hearing is summarized in the following guidelines:

- a) Notice of the time, date and location of the hearing will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- b) If there is an alleged victim of the conduct in question, the alleged victim may serve as the complainant or may elect to have the university administration serve as complainant. Where there is no alleged victim, the university administration will serve as complainant.
- c) If an accused student/respondent fails to respond to notice from the Director of Student Conduct (or designated administrative hearing officer), the Director of Student Conduct (or designated administrative hearing officer) may initiate a complaint against the student for failure to comply with the directives of a university official and give notice of this offense. Unless the student responds to this notice within two days by answering the original notice, an administrative hearing may be scheduled and held on the student's behalf and the student may be administratively withdrawn from attending classes or a disciplinary hold placed on the student's university account, deeming them ineligible to register for courses until such time as the student responds to the initial complaint.
- d) At least three (3) business days before any scheduled formal hearing, the following will occur:
 1. The accused student/respondent will deliver to the Director of Student Conduct (or designee) a written response to the complaint;
 2. The accused student/respondent and complainant will deliver to the Director of Student Conduct (or designee) a written list of all witnesses he/she wants the university to call at the hearing;
 3. The accused student/respondent and complainant will deliver to the Director of Student Conduct (or designee) all physical evidence he/she intends to use or needs to have present at the hearing and will indicate who has possession or custody of such evidence, if known;
 4. The complainant and the accused student/respondent will notify the Director of Student Conduct (or designee) of the names of any advisors who may be accompanying the parties at the hearing.

- e) The Director of Student Conduct (or designee) will ensure that the hearing information and any other available written documentation is shared with the complainant and the accused student/respondent at least two (2) business days before any scheduled hearing. In addition, the parties will be given a list of the names of all the members of SCC or hearing officers for the complaint in advance. Should either party object to any SCC or hearing officer, he/she must raise all objections, in writing, to the Director of Student Conduct immediately. Hearing officers will only be unseated if the Director of Student Conduct concludes their bias precludes an impartial hearing of the complaint. Additionally, any SCC or hearing officer who feels he/she cannot make an objective determination must recuse him/herself from the proceedings.

E. SCC Hearing Procedures

When a student faces potential suspension or expulsion from housing or from the university or at the discretion of the Director of Student Conduct, the process (i.e. the conducting of an SCC hearing) afforded is more rigorous and formal as befits the gravity of the alleged offense and the serious nature of the consequences.

The complainant and the accused student/respondent have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Director of Student Conduct no later than three (3) days prior to the scheduled hearing to arrange for another date, time and location.

- a) Except in cases of grave or unforeseen circumstances, if the accused student/respondent fails to give the requisite minimum three (3) day notice, or if the accused student/respondent fails to appear, the hearing will proceed as scheduled. If the complainant fails to appear, the complaint may be dropped unless the university chooses to pursue the allegation on its own behalf, as determined by the Director of Student Conduct.

The Student Conduct Committee will conduct SCC hearings according to the following guidelines:

- a) Hearings will be closed to the public.
- b) Admission to the hearing of persons other than the parties involved will be at the discretion of the Student Conduct Committee (SCC) and the Director of Student Conduct.
- c) In hearings involving more than one accused student/respondent, the standard procedure will be to hear the complaints jointly; however, the Director of Student Conduct may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.
- d) The complainant and respondent have the right to an advisor of his/her own choosing. Advisors may be chosen *only* from within the current Midwestern State University community, unless leave is granted by the Director of Student Conduct for an advisor from outside the community. In the rare instance where civil or criminal court proceedings are currently involving a student party to the complaint or at the

discretion of the Director of Student Conduct, legal counsel may be permitted to serve as an advisor. The advisor may not make a presentation or represent the complainant or respondent during the hearing.

- e) The complainant, the accused student/respondent, the SCC and the Director of Student Conduct (or designee) will have the privilege of presenting witnesses and questioning all parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the SCC Chairperson.
- f) Pertinent records, exhibits and written statements may be accepted as information for consideration by the SCC. Formal rules of evidence are not observed. The SCC Chairperson or Director of Student Conduct may limit the number of character witnesses presented or may accept written affidavits of character instead.
- g) All procedural questions are subject to the final decision of the Director of Student Conduct.
- h) After an SCC hearing, the hearing panel will deliberate and determine, by majority vote, whether it is more likely than not that the accused student/respondent has violated the *Student Code of Conduct*. Once a finding is determined, if the finding is that of a policy violation, the SCC will determine an appropriate sanction(s). The Director of Student Conduct (or designee) is responsible for informing the SCC of applicable precedent and any previous conduct violations or other relevant pattern information about the accused student/respondent. The SCC Chairperson will prepare a written deliberation report and deliver it to the Director of Student Conduct, detailing the finding. This report should conclude with any assigned sanctions. Notification will be made to the student/respondent in writing and may be delivered by one or more of the following methods: in person by the Director of Student Conduct (or designee); mailed to the local or permanent address of the student as indicated in official university records; or emailed to the student's university-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered.
- i) There will be a single verbatim record, such as an audio recording, for all SCC hearings. Deliberations will not be recorded. The record will be the property of the university and maintained according to the university's record retention policy.

F. Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the *Student Code of Conduct*:

- a) *Warning*: A written notice will be sent to the student(s) who violated university policies and/or rules. It specifies that inappropriate and unacceptable actions have occurred and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the university.
- b) *Restitution*: Compensation for damage caused to the university or any person's property or injuries to a person as a result of the conduct. This is not a fine but, rather,

a repayment for property destroyed, damaged, consumed, or stolen, or personal medical expenses.

- c) *Fines*: Reasonable fines may be imposed.
- d) *Community/University Service Requirements*: For a student or organization to complete a specific supervised university service.
- e) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- f) *Confiscation of Prohibited Property*: Items whose presence is in violation of university policy will be confiscated and will become the property of the university. Prohibited items may be returned to the owner at the discretion of the Director of Student Conduct and/or Campus Police.
- g) *Behavioral Requirement*: This includes required activities such as, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- h) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- i) *Restriction of Visitation Privileges*: May be levied on residential or non-resident student. The parameters of the restriction will be specified.
- j) *University Housing Probation*: The student is put on official notice that, should further violations of housing or university policies occur during a specified probationary period, the student may immediately be removed from university housing.
- k) *University Housing Reassignment*: The student is reassigned to another university housing facility. Housing personnel will decide on the reassignment details.
- l) *University Housing Suspension*: The student is removed from university housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to university housing may be specified. Under this sanction, a student is required to vacate university housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Housing. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for university housing, the student must gain permission from the Director of Housing (or designee).

- m) *University Housing Expulsion*: The student's privilege to live in, or visit, any university housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.
- n) *Eligibility Restriction*: The student is deemed "not in disciplinary good standing" with the university for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Conduct and terms of this conduct sanction may include, but are not limited to, the following:
 - 1. Ineligibility to hold any office in any student organization recognized by the university or hold an elected or appointed office at the university; or
 - 2. Ineligibility to represent the university to anyone outside the university community in any way including: participating in the study abroad program, attending conferences, or representing the university at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- o) *University Suspension*: The student is separated from the university for a specified period of time, and upon the satisfaction of specific conditions, after which the student is eligible to return. The student is required to vacate university housing and/or campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Conduct. This sanction may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Suspension on the student's official academic transcript.
- p) *University Expulsion*: The student is permanently separated from the university. The student is barred from being on campus and the student's presence at any university-sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This sanction may be noted as Conduct Expulsion on the student's official academic transcript.
- q) *Other Sanctions*: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Conduct or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Student Code of Conduct*:

- a) One or more of the sanctions listed above, specifically a) through i) and o) through q); and/or
- b) Deactivation, de-recognition, loss of all privileges (including university registration), for a specified period of time.

G. Final Review (Appeal Procedures)

Accused students/respondents and/or complainants may petition for a review of a decision within three (3) business days of issuance of an Administrative Hearing Officer's or SCC's written decision. All requests for review must be in writing and delivered to the appropriate

administrator as indicated in the written decision letter. For administrative hearings, petitions will generally be reviewed by the Director of Student Conduct. For SCC hearings, petitions will generally be reviewed by the Dean of Students. Any student who misses his/her initial hearing may not request a review of the initial decision.

If the indicated administrator determines that a complaint may be reviewed, every opportunity will be taken, where possible, to return the complaint to the original administrative hearing officer or hearing panel for reconsideration; however, if this is not possible, the complaint will be reviewed by the Appeals Panel. The original administrative hearing officer or hearing panel may support or change a decision. The review body will be deferential to the original decision-maker, making changes to the finding only where there is clear error. Reviews will only be considered for one or more of the following purposes:

- a) To consider new information which was unavailable at the time of the original hearing that could be outcome determinative;
- b) To assess whether a material deviation from written procedures resulted in an unfair outcome of the hearing;
- c) To decide if an assigned sanction(s) is substantially disproportionate to the offense committed;
- d) To determine that the finding does not accord with the information provided in the hearing; or
- e) To assess whether bias on the part of an Administrative Hearing Officer or hearing panel member(s) deprived the process of impartiality.

Except as required to explain the basis of new information unavailable at the time of a hearing, review of a SCC hearing will be limited to the verbatim record of the initial hearing and all supporting documents. Review of an administrative hearing will be limited to the written record of the hearing and all supporting documents. The Dean of Students will serve as the Appeals Panel's non-voting advisor.

H. Failure to Complete Conduct Sanctions

All students, as members of the university community, are expected to comply with conduct sanctions within the time frame specified by the Director of Student Conduct or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the university. In such situations, resident students will be required to vacate university housing within 24 hours of notification by the Director of Student Conduct, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Conduct. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Conduct.

I. Disciplinary Records

All conduct records are maintained by the university for seven (7) years from the time of their creation. Other than university suspension and expulsion, conduct sanctions will not be made a part of the student's permanent academic record, but will become a part of the student's private conduct record. Upon application to, and approval of the Director of Student Conduct, private

conduct records may be expunged seven (7) years after final disposition of complaints for which sanctions imposed did not include university housing suspension, university housing expulsion, university suspension, or university expulsion.

Section 9: Student Right to Know and Campus Security Act of 1990

The Student Right to Know and Campus Security Act of 1990 is a federal mandate which requires all current students and employees be provided with information on policies and procedures involving campus security, the reporting of criminal action or other emergencies, and the enforcement authority of security personnel. This information must also include descriptions of programs for students and employees about campus security and crime prevention, as well as statistics on the occurrence of specific crimes. Notification of the annual report is made by the Midwestern State Chief of Police and the full report is posted on the university website each October. Hardcopies are available from the Campus Police Department on request.

Section 10: Alcohol and Drug Policy

To comply with the Drug Free Schools and Communities Act of 1989 and subsequent amendments, students and employees of Midwestern State are informed that strictly enforced policies are in place which prohibits the unlawful possession, use or distribution of any illicit drugs, including alcohol, on university property or as part of any university-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state and federal law for any offenses involving illicit drugs on University property or at University-sponsored activities.

The university affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol abuse by students and employees could result in cognitive deficits, loss of productivity and other health risks. These risks include an increased risk of accidents which may result in death or permanent injury. Free, confidential counseling for alcohol and other drug abuse issues is available to students and employees through the Midwestern State University Counseling Center and Vinson Health Center. Other referral resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all which might include a fee.

Students exhibiting signs of excessive alcohol consumption will, at a Midwestern State University Campus Police officer's discretion, be transported via Emergency Medical Services (EMS) at the student's expense for medical attention. Refusal to cooperate with EMS personnel may result in arrest for Emergency Detention in order to ensure the student's health and safety and/or a conduct charge for failure to comply.

A. Policy on Parental Notification

Midwestern State University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.

The Midwestern State University alcohol policy expressly forbids possession and/or consumption of alcohol by students, employees or guests who are under the minimum legal drinking age of 21 years. Possession of drug paraphernalia and the use, manufacture, sale, or distribution of illegal drugs, whether on or off campus, by any student is also prohibited. In accordance with the Family Educational Rights and Privacy Act (FERPA), the Director of Student Conduct (or designee) reserves the right to notify the parents/guardians of students under

21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the Midwestern State University alcohol and drug policy.

B. Alcohol Policy

Alcoholic beverages are not allowed on campus except under the following conditions:

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

Guidelines for the Use of Alcohol on Campus

1. State Law regarding the use of alcoholic beverages must be observed. Violations of State law include the following:
 - a. Consumption of alcohol by an under-aged drinker.
 - b. Distribution of alcoholic beverages free of charge at an event in which a cover charge has been assessed.
 - c. Public intoxication.
 - d. Consumption of alcoholic beverages in a public place on Sunday between the hours of 2:15 A.M. and 12:00 noon and Monday through Saturday between the hours of 2:15 A.M. and 7:00 A.M.
2. Beverages at approved student organization events must be distributed by a TABC licensed third party vendor. A copy of the vendor's current license must be on-file with the Clark Student Center office prior to event approval.
3. Open containers of alcohol are not allowed in public areas of the campus, including the parking lots, walking path, and all other open-air spaces on the campus.

4. Selling, distributing, possessing, or consuming alcohol or alcoholic beverages at Midwestern State University athletic events held on property owned or leased by Midwestern State University is prohibited, whether the events are sponsored by Midwestern State or another educational institution or an organization or association outside the university.
5. Inappropriate and imprudent behavior related to the use of alcohol will result in disciplinary action.
6. Officers and advisors/sponsors of university organizations shall be held responsible for (1) possessing full knowledge of university policies related to the use of alcohol on campus and (2) ensuring that university policies are followed.

Code of Conduct Guidelines

Students who are 21 years of age or older are permitted to possess and consume alcohol in designated university housing rooms. Students who are of legal drinking age may not share or provide alcohol to any students, employees or guests who are under 21 years of age. Those under the minimum legal drinking age of 21 years are not permitted to possess or consume alcohol anywhere on university property or at university-sponsored events. Drinking games, and simulated drinking games (e.g. water pong) are prohibited on campus.

Examples of Violations of the University Alcohol Policy

- Purchasing alcohol by a person under the age of 21.
- Selling or providing alcohol to a person under the age of 21.
- Possessing either full or empty alcohol containers by a person under the age of 21.
- Consuming or appearing to have consumed alcohol by a person under the age of 21.
- Showing physical or mental impairment following or resulting from alcohol use.
- Possessing empty alcohol containers for decorative purposes.
- Using or possessing common sources of alcohol including, but not limited to kegs, party balls, wine boxes, etc.
- Participating in or being present during the occurrence of any drinking game.
- Possessing an open container of alcohol in a common area including, but not limited to bathrooms, hallways, lounges, elevators, lobbies or outdoor spaces.

“Failure to comply with the directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so” is considered unacceptable behavior for a Midwestern State student and a violation of the Midwestern State University *Student Code of Conduct*, which may result in conduct sanctions. An example of such inappropriate behavior includes refusing to submit to a breath test when requested by a police officer, whether on or off-campus.

A partial list of Midwestern State University alcohol policy violations and their subsequent sanctions is listed below.

a) *Minor in Possession/Consumption of Alcohol or Housing Alcohol Policy Violations:*

1. First Offense—Possible sanctions include, but are not limited to:

- Participation in an alcohol education activity and/or a Minor in Possession course, at the student's expense and as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Fine of \$50;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

2. Second Offense— Possible sanctions include, but are not limited to:

- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Fine of \$100;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

3. Third and Subsequent Offenses— Possible sanctions include, but are not limited to:

- Suspension or expulsion from university housing and/or the university;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

b) *Purchasing, Selling or Providing Alcohol to Minors:*

1. First Offense— Possible sanctions include, but are not limited to:

- Participation in an alcohol education activity at the student's expense and as determined by the Director of Student Conduct (or designee);
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Fine of \$100;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
- Eligibility restrictions;
- Suspension from university housing and/or the university;
- Community service hours to be performed at a specific location as determined by the Director of Student Conduct (or designee); and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

2. Second and Subsequent Offenses— Possible sanctions include, but are not limited to:

- Expulsion from the university;
- Notification of law enforcement authorities;
- Fine of \$200;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

c) *Driving Under the Influence/Driving While Intoxicated:* Midwestern State University is concerned about students who violate state and local laws regarding consumption

of alcohol and the operation of motor vehicles. In accordance with state law, the university abides by the legal definition of *intoxicated* as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol and subject to penalties under that offense.

1. First Offense— Possible sanctions include, but are not limited to:

- Loss of driving and/or parking privileges on campus for a specified period of time;
- Participation in an alcohol education activity and/or a Minor in Possession course, at the student’s expense and as determined by the Director of Student Conduct (designee);
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Community services hours to be performed at a specific location as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Fine of \$100;
- Notification of parents/guardians of students under the minimum legal drinking age of 21 years;
- Eligibility restrictions; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

2. Second and Subsequent Offenses— Possible sanctions include, but are not limited to:

- Suspension or expulsion from the university;
- Notification of law enforcement authorities;
- Fine of \$200

- Notification of parents/guardians of students under the minimum legal drinking age of 21 years; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

C. Illegal Drug Policy

The following sections describe MSU's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off university property or at university-sponsored events in accordance with federal, state and local laws. Examples of violations include:

- Misusing over-the-counter drugs.
- Misusing or sharing prescription drugs.
- Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
- Possessing paraphernalia (i.e., rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing illegal drugs from one person to another.
- Using mail services to purchase, pass, or distribute illegal drugs.

This policy provides flexibility for the university in addressing drug-related offenses which occur on or off-campus. Moreover, it permits the university to address its fundamental mission of holistic education and the development of human potential. While recognizing that there is a need to address violations related to the use or possession of controlled substances, the university must address the education and well-being of all its students and employees. In addition to university imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on university property or at university activities.

Safe Harbor

The university has a Safe Harbor rule for students. The university believes that students who have a drug and/or addiction problem deserve help. If any Midwestern State University student brings their own use, addiction or dependency to the attention of university officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

Violations of the University Illegal Drug Policy

A partial list of Midwestern State University drug policy violations and their subsequent sanctions is listed below.

a) *Manufacture, Sale or Distribution of Illegal Drugs:*

1. First Offense—Possible sanctions include, but are not limited to:

- Expulsion from housing or the university;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Fine of \$200;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

b) *For the Possession or Use of Drug Paraphernalia, Synthetic Substances and/or Illegal Drugs:* Drug paraphernalia (e.g. bongs), illegal drugs, and synthetic substances (e.g. K2, Spice) whose common purpose is to replicate the effects of illegal substances are prohibited on campus.

1. First Offense—Possible sanctions include, but are not limited to:

- Immediate removal from university housing;
- Suspension from the university for a period of not less than the remainder of the semester in which the infraction occurred;
- Participation in a drug education activity, at the student's expense and as determined by the Director of Student Conduct (or designee);
- Fine of \$100;
- Mandated substance abuse assessment by an approved agency and required compliance with the assessing counselor's evaluation;
- Observation of one or more sessions of the County Misdemeanor or Felony Drug Court as determined by the Director of Student Conduct (or designee);
- Authorship of a research/reflection essay;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

2. Second Offense— Possible sanctions include, but are not limited to:

- Expulsion from the university;
- Notification of parents/guardians of students under 21 years of age and older dependent students;
- Fine of \$200;
- Notification of law enforcement authorities; and/or
- Other sanctions as determined by the Director of Student Conduct (or designee).

Section 11: Sex/Gender Discrimination Policy

Midwestern State University is committed to complying with all requirements as set forth by Title IX of the Education Amendments of 1972 ("Title IX"). As such, discrimination on the basis of sex or gender will not be tolerated in any of MSU's education programs or activities. Such discrimination includes, but is not limited to: sexual harassment; sexual violence; sex or gender-based bullying; hazing; stalking; dating violence, domestic violence, and failure to provide equal opportunity in admissions, activities, employment or athletics.

The Midwestern State Title IX Coordinator will be informed of, and oversee, all complaints of sex discrimination and is responsible for identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Questions or concerns regarding Midwestern State and Title IX may be directed to one or more of the following resources:

Midwestern State University Title IX Coordinator

Name: Matthew Park, Associate Vice President of Student Affairs/Dean of Students

Contact Info: Clark Student Center, Room 104
(940) 397-7500
matthew.park@mwsu.edu

Midwestern State University Deputy Title IX Coordinator

Name: Dail Neely, Director of Student Conduct/Clark Student Center

Contact Info: Clark Student Center, Room 116
(940) 397-6273
dail.neely@mwsu.edu

United States Department of Education

Office for Civil Rights

Phone: (800) 421-3481

Email: ocr@ed.gov

Midwestern State University will make every effort to successfully complete the grievance process for complaints of sex discrimination over a period of 60 days or less. All parties involved

are entitled to periodic status updates on the progress of the complaint and any subsequent appeals.

During the investigation and/or grievance process for complaints of sex discrimination, the university may take a number of interim actions in order to ensure the preservation of a complainant's school experience and the overall university environment. These actions may include, but are not limited to: issuance of university no contact order on the accused individual; residence hall/apartment room change for one or more involved parties; changes in academic schedules or assignments for one or both parties and interim suspension of the accused student/respondent.

To read more about Title IX of the Education Amendment of 1972, please visit:
<http://www.dol.gov/oasam/regs/statutes/titleix.htm>.

Section 12: Sexual Misconduct Policy

Midwestern State University maintains a policy of zero tolerance for sexual misconduct regardless of the sexual orientation or gender identity of individuals engaging in sexual activity. Members of the university community, guests and visitors have the right to be free from sexual violence. When an allegation of sexual misconduct is brought to the administration, and an accused student/respondent is found to have violated this policy, serious sanctions will be imposed to ensure that such actions are never repeated. All members of the university community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Midwestern State University sexual misconduct policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy has dual purposes; it serves as a measure to determine, after-the-fact, if behaviors trespassed on community values and as a guide for students on the expectations Midwestern State University has, preventatively, for sexual communication, responsibility and respect.

While the policy below is quite detailed and specific, the expectations of this community can be summarized in this simple paragraph: Consent is clear sexual permission and can only be given by one of legal age. Consent can be given by word or action, but non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Consent to one form of sexual activity should not, and cannot, be taken as consent to any other sexual activity. Individuals who consent to sex must be able to fully understand what they are doing. Under this policy, "No" always means "No" and "Yes" may not always mean "Yes." For example, when alcohol or other drugs are used, a person will be considered unable to give valid consent if the person cannot appreciate the *who, what, where, when, why, or how* of a sexual interaction. In addition, silence—without clear actions demonstrating permission—cannot be assumed to indicate consent.

Finally, there is a difference between seduction and coercion; coercion is defined in this policy as unreasonably pressuring another person for sex. Coercing someone into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

A. Violations of the university Sexual Misconduct Policy

Sexual misconduct is a serious offense and such violations are subject to any combination of conduct sanctions. Conduct procedures with individuals found responsible for violation of the nonconsensual sexual intercourse policy face a recommended sanction of university suspension

or university expulsion. A partial list of Midwestern State University sexual conduct policy violations is listed below.

- a) *Sexual Harassment*: Gender-based verbal or physical conduct that has the effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or educational environment. There are two types of sexual harassment:

1. *Hostile Environment* includes situations in which there is harassing conduct that is sufficiently severe, pervasive/persistent and objectively offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and objective (a reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on all the circumstances. These circumstances could include, but are not limited to:

- The frequency of the speech or conduct;
- The nature and severity of the speech or conduct;
- Whether the conduct was physically threatening;
- Whether the speech or conduct was humiliating;
- The effect of the speech or conduct on the alleged victim's mental and/or emotional state;
- Whether the speech or conduct was directed at more than one person;
- Whether the speech or conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct unreasonably interfered with the alleged victim's educational or work performance;
- Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct deserves the protections of academic freedom.

2. *Quid Pro Quo* sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature where submission to, or rejection of, such conduct results in educational or employment action.

b) *Nonconsensual Sexual Intercourse* (or attempts to commit the same):

- Any sexual intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person, without consent and/or by physical force.

c) *Nonconsensual Sexual Contact* (or attempts to commit the same):

- Any intentional sexual touching, however slight, with any object, by a person upon another person, without consent and/or by physical force.

d) *Sexual Exploitation*: Taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

1. Prostituting another student;
2. Non-consensual video or audio recording of sexual activity;
3. Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to be witness to one's consensual sexual activity;
4. Engaging in voyeurism (Peeping Tommmery); and/or
5. Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.

e) *Retaliation* exists when an individual harasses, intimidates or takes other adverse actions against a person because of the person's participation in an investigation of discrimination or sexual misconduct or their support of someone involved in an investigation of discrimination or sexual misconduct. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. The university will impose sanctions on any individual found to be engaging in retaliation.

B. Confidentiality and Reporting Sexual Misconduct

University officials, depending on their roles at the university, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations and these resources will take action when you report victimization to them. Most resources on campus fall in the middle of these two extremes; neither the university nor the law requires them to divulge private information that is shared with them, except in the rare circumstances. The following describes the three reporting options at Midwestern State University:

- a. *Confidential Reporting:* If you would like the details of an incident to be kept confidential, you may speak with on-campus counselors, campus health service providers, off-campus rape crisis resources, or off-campus members of the clergy/chaplains who will maintain confidentiality. Campus counselors in the Counseling Center are available to help you free of charge and can be seen on an emergency basis during normal business hours.
- b. *Private Reporting:* You may seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These resources include employees without supervisory responsibility or remedial authority to address sexual misconduct, such as hall directors, faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you and can help you make decisions about who can help you best. Some of these resources, such as resident assistants (RAs), are instructed to share incident reports with their supervisors. If your personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect your privacy to the greatest extent.
- c. *Formal Reporting Options:* You are encouraged to speak to university officials, such as the Title IX Coordinator, Director of Student Conduct, Campus Police, Director of Human Resources, Academic Deans, Athletic Head Coaches, and Vice Presidents to make formal reports of incidents of sexual misconduct. You have the right, and can expect, to have incidents of sexual misconduct taken seriously by the university when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve your rights and privacy.

C. Federal Timely Warning Obligations

Victims of sexual misconduct should be aware that university administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Appendix A

Alcohol, Illegal Drugs and the Law

In accordance with the Drug Free Schools and Campuses Drug Prevention Program Certification, MSU has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by its students and employees on school premises or as part of any of its activities. MSU recognizes the importance of information about drug and alcohol abuse. Therefore, provided here for the benefit of each student and employee, are standards of conduct and legal and disciplinary sanctions for unlawful possession or distribution of illicit drugs and alcohol abuse.

Drug and alcohol abuse counseling and referral are available at the MSU Counseling Center. Additional information, both on the effects of specific drugs and alcohol and drug counseling resources in Wichita Falls and surrounding areas, is available in the Counseling Center and the Vinson Health Center.

Legal Sanctions

Students or employees found in violation of any university rule or any local state or federal law regarding the use, possession, or distribution of alcohol or other drugs (as defined by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act, and the Texas Alcoholic Beverage Code, Chapter 1) will be subject to legal penalty in addition to any appropriate university personnel or disciplinary action. The most common state law violations and their consequences are:

OFFENSE	TYPE	PENALTY
Alcohol Consumption or Possession (Secs. 106.04 and 106.05.)	Misdemeanor 1st Violation 2nd Violation	\$25 to \$200 Not less than \$500 but not more than \$1000
Purchasing for or Furnishing Alcohol to a Minor (Sec. 10606.)	Misdemeanor	\$100 to \$500
Public Intoxication (Texas Penal Code, Sec. 42.02)	Class C Misdemeanor	Up to \$500 fine
Other Drugs Drug Possession	Varies according to placement of the drug on schedules and in possession	Up to \$10,000 fine and 5-99 years in jail

Penalties for drug possession are governed by the Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act. Specific penalties may vary depending on the type and amount of drug.

Appendix B

Information Regarding the Impact of Alcohol and Other Drug Use and Risks of Alcohol Use

The following is a partial list of the adverse effects of alcohol use on the individual and society arranged by source.

***The Truth about Alcohol: Tips for Teens* (U.S. Department of Health & Human Services, 2003)**

- a) *Alcohol affects your brain.*
“Drinking alcohol leads to a loss of coordination, poor judgment, slowed reflexes, distorted vision, memory lapses, and even blackouts.”
- b) *Alcohol affects your body.*
“Alcohol can damage every organ in your body. It is absorbed directly into your bloodstream and can increase your risk for a variety of life-threatening diseases, including cancer.”
- c) *Alcohol affects your self-control.*
“Alcohol depresses your central nervous system, lowers your inhibitions, and impairs your judgment. Drinking can lead to risky behaviors, including having unprotected sex. This may expose you to HIV/AIDS and other sexually transmitted diseases or cause unwanted pregnancy.”
- d) *Alcohol can kill you.*
“Drinking large amounts of alcohol can lead to coma or even death. Also, in 1998, 35% of traffic deaths of 15- to 20-year-olds were alcohol-related.”

***Top Ten Myths about Alcohol* (National Institute on Alcohol Abuse and Alcoholism: National Institutes of Health)**

- a) Can you hold your liquor? That is not a good thing. “If you have to drink increasingly larger amounts of alcohol to get a ‘buzz’ or get ‘high,’ you are developing tolerance. This increases your vulnerability to many serious problems, including alcoholism.”
- b) “One in three 18- to 24-year-olds admitted to emergency rooms for serious injuries are intoxicated. And alcohol is also associated with homicides, suicides, and drownings.”

***The Naked Truth: Alcohol and Your Body* (FactsOnTap.org)**

- a) “The amount of alcohol it takes to make you pass out is dangerously close to the amount of alcohol it takes to kill you.”
- b) “A hangover is caused partly by the body’s being poisoned by alcohol and partly by the body’s reaction to withdrawal from alcohol.”

Harmful Interactions: Mixing Alcohol with Medicines (U.S. Department of Health & Human Services)

- a) “Some medicines that you might never have suspected can react with alcohol, including many medications which can be purchased ‘over-the-counter’—that is, without a prescription. Even some herbal remedies can have harmful effects when combined with alcohol.”
- b) “Mixing alcohol with certain medications [both prescription and over-the-counter] can cause nausea and vomiting, headaches, drowsiness, fainting, or loss of coordination. It can also put you at risk for internal bleeding, heart problems, and difficulties in breathing. In addition to these dangers, alcohol can make a medication less effective or even useless, or it may make the medication harmful or toxic to your body.”
- c) “Alcohol and medicines can interact harmfully even if they are not taken at the same time.”
- d) “Medications are safe and effective when used appropriately. Your pharmacist or other health care provider can help you determine which medications interact harmfully with alcohol.”

Risks of Drug Use

The following is a partial list of the adverse effects of drug use on the individual and society.

Marijuana...It Can Leave You Breathless! (Texas Commission on Alcohol and Drug Abuse)

- a) Marijuana contains over 400 different chemicals including THC.
- b) “THC, the active ingredient in marijuana, remains in the fat cells of the body from 14 – 30 days.”
- c) Marijuana use...
 - 1. Slows reaction time;
 - 2. Impairs thinking;
 - 3. Interferes with coordination;
 - 4. Impairs comprehension skills;
 - 5. Impairs mathematical skills;
 - 6. Impairs reading skills;
 - 7. Impairs verbal skills; and
 - 8. Can lead to psychological dependency.

- d) "Long term, regular use of marijuana can have a permanent, negative effect on attention span, concentration, memory, judgment and logical thought."
- e) "Smoking one marijuana cigarette is as harmful to the lungs as smoking approximately 4 - 5 regular cigarettes. Smoking both greatly increases the risk of developing emphysema, cancer and other lung diseases."
- f) "Regular use of marijuana can affect fertility in males as it can suppress testosterone production."

Drugs & Pregnancy...No Way to Start a Life! and Drug Abuse & Pregnancy (Texas Commission on Alcohol and Drug Abuse)

- a) The "use of marijuana during pregnancy may result in low birth weight and smaller length and head circumference in babies."
- b) "[B]abies whose mothers smoked marijuana during pregnancy may have vision problems and shorter attention spans. Also, THC, the ingredient in marijuana that causes the 'high,' accumulates in the mother's milk and transfers to nursing infants where it could cause harm to the baby's development."
- c) The "use of cocaine during pregnancy increases the risk of hemorrhage and premature delivery. Chronic use of cocaine causes increased risk of spontaneous abortion."
- d) "Nursing babies of cocaine abusers can also receive doses of cocaine through their mother's milk."
- e) "Mental retardation and abnormal facial features have been seen in babies whose mothers used inhalants or solvents in combination with alcohol while they were pregnant."
- f) "The use of solvents during pregnancy has also been linked to central nervous system defects in newborns."
- g) "Heroin use during pregnancy increases the likelihood of stillbirths and neonatal deaths, and babies born to opiate-addicted mothers experience withdrawal symptoms such as restlessness, tremulousness [tremors], sweating, vomiting, diarrhea, high-pitched crying, frantic fist sucking and seizures."

Inhalants...Deadly Fumes! (Texas Commission on Alcohol and Drug Abuse)

- a) "Products such as spray paint, glues, felt-tip markers, typewriter correction fluid, poppers and RUSH are considered inhalants."
- b) "The immediate effects of sniffing inhalants are disorientation, confusion, feelings of drunkenness, possible hallucinations, incoherence and loss of memory."
- c) "Sniffing inhalants can cause unpredictable or violent behavior in some persons. In other cases, it may cause someone to become withdrawn and isolated."

- d) "Inhalant abuse can cause permanent brain, liver, heart and lung damage."

Amphetamines...A Dead End Street! (Texas Commission on Alcohol and Drug Abuse)

- a) "Amphetamines are used to treat some forms of Attention Deficit Disorder (ADD) and narcolepsy."
- b) The term *amphetamines* refers to three related drugs: amphetamine, dextroamphetamine and methamphetamine.
- c) Street names for amphetamines include: speed, white crosses, uppers, and crystal.
- d) Health risks associated with amphetamine use:
 - 1. Brain damage;
 - 2. Skin Disorders;
 - 3. Lung Disease;
 - 4. Delusions;
 - 5. Paranoia;
 - 6. Malnutrition;
 - 7. Ulcers;
 - 8. Heart Disease; and
 - 9. Hallucinations.

Steroids

"Synthetic anabolic steroids are drugs which act like the male hormone, testosterone...Some athletes use steroids to increase their strength, muscle mass, and endurance. While not all athletes use steroids, many weight lifters and body builders do...Also, some non-athletes who want well-defined muscular shape and attractive over-all body appearance use steroids."

- a) A partial list of the adverse side-effects experienced by male users includes:
 - 1. Enlarged breasts;
 - 2. Permanent premature hair loss;
 - 3. Shrinkage of the testicles;
 - 4. Risk of heart and blood vessel disease; and
 - 5. Sterility.

a) A partial list of the adverse side-effects experienced by female users includes:

1. Male-sounding voice;
2. Growth of permanent facial hair;
3. Reduction in breast size;
4. Male-like muscle growth;
5. Increased sex drive; and
6. Permanent sterility.

b) A partial list of the adverse side-effects shared by male and female users includes:

1. Pimples & skin blemishes;
2. Inability to release body heat through sweating;
3. Abnormal blood clotting;
4. Unusually aggressive behavior;
5. Violent rages;
6. High blood pressure;
7. Liver dysfunction;
8. Depression and frustration;
9. Drug dependency; and
10. Liver cancer.

Appendix C

Information Supplementing the University Sexual Misconduct Policy

In addition to the information provided in the university Sexual Misconduct Policy, students should know that rape is a crime and should be reported to civil authorities. Rape is often thought of as a violent attack on a woman by a madman who uses a weapon to threaten his victim, but this description does not apply to the majority of rapes that take place in the United States. "Victims of rape and sexual assault report that in nearly 3 out of 4 incidents, the offender was not a stranger...two thirds of the victims 18 to 29 years old had a prior relationship with the rapist" (Greenfield, 1997). Therefore, university students are more likely to be victimized by someone they know, and perhaps trust, than by someone who is a stranger. Both men and women can be victims. Non-consensual intercourse by a person one knows is defined as *date rape* or *acquaintance rape*, both of which are as serious a crime as stranger rape.

Frequently Asked Questions

The following are some of the most commonly asked questions regarding the university's Sexual Misconduct Policy and procedures.

a) *Does a complaint remain confidential?*

Reports made to licensed counselors, health service providers and clergy will be kept confidential. All other reports are considered private. The privacy of all parties to a complaint of sexual misconduct will be maintained, except insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where information is shared, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted.

In all complaints of sexual misconduct, the complainant will be informed of the outcome. In some instances, the administration also may choose to make a brief announcement of the nature of the violation and the action taken, to the community, though personally identifying information about the victim will not be shared. Certain university administrators are informed privately (e.g., the President of the University, Title IX Coordinator, Vice President of Student Affairs and Enrollment Management, Chief of Police, Director of Student Conduct, Director of the Counseling Center etc.). The university must statistically report the occurrence on campus of any of six major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

b) *Will my parents/guardians be told?*

No, not unless you tell them. Whether you are the complainant or the accused student/respondent, the university's primary relationship is to the student and not to the parent/guardian; however, in the event of major medical, conduct action, or academic jeopardy, students are strongly encouraged to inform their parents. University officials may directly inform parents when requested to do so by a student, or in a life-threatening situation, or if an accused student has signed the permission slip at registration which allows such communication.

c) *Will I have to confront the alleged perpetrator?*

Yes, if you file a formal complaint, but not directly. Sexual misconduct is a serious offense and the accused student/respondent has the right to question the accuser; however, the university does provide options for allowing questioning without direct contact, including closed-circuit testimony, video interview (i.e. Skype), using a room divider or using separate hearing rooms, etc.

d) *Do I have to name the alleged perpetrator?*

Yes, if you want formal conduct action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint. One should consult the complete privacy policy described in Section 12: Sexual Misconduct Policy of the *Student Code of Conduct* to better understand the university's legal obligations regarding information which is shared with various university officials.

e) *What should I do if I am accused of sexual misconduct?*

First, *do not* contact the alleged victim. You may immediately want to contact someone in the campus community who can act as your advisor. You may also contact the Director of Student Conduct, who can explain the university's procedures for dealing with sexual misconduct complaints. You may also want to talk to a confidential counselor in the Counseling Center.

f) *What should I do about legal advice?*

Victims of criminal sexual assault need not retain a private attorney to seek prosecution because legal issues will be handled through a representative from the local District Attorney's office. You may want to retain an attorney if you are the accused student/respondent or are considering filing a civil action against the alleged perpetrator.

g) *What should I do about changing university housing rooms?*

If you want to move, or have the accused student moved, you may request a room change. Room changes under these circumstances are considered emergencies. It is the university's policy that in emergency room changes, the student is moved to the first available suitable room. Other accommodations available to you might include:

1. Assistance from university support staff in completing the relocation;
2. Arranging to dissolve a housing contract and pro-rating a refund;
3. Exam, paper or assignment rescheduling;
4. Taking an incomplete in a class;
5. Transferring class sections;

6. Temporary withdrawal; and/or

7. Alternative course completion options.

h) *What should I do to preserve evidence of a sexual assault?*

Physical information of a sexual assault must be collected within about 120 hours of the assault for it to be useful in a criminal prosecution. If you believe you have been a victim of a sexual assault, you should go to a hospital emergency room before washing yourself or your clothing. A sexual assault health professional (a specially trained nurse called a SANE) at the hospital is on call and will counsel you. If you go to the hospital, local police will be called but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you should you decide later to exercise it.

The hospital staff will collect information, check for injuries and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet. (Plastic containers do not breathe, and may render forensic information useless.) If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as information. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear information for the police to collect.

k) *Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?*

No, not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

i) *Will a student be sanctioned when reporting an act of sexual misconduct if the student has illegally used drugs or alcohol?*

No. The university offers amnesty in such situations. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

l) *What should I do if I am uncertain about what happened?*

If you believe that you have experienced non-consensual sexual contact, but are unsure of whether it was a violation of the university's sexual misconduct policy, you should contact the Title IX Coordinator and/or Director of Student Conduct. The university employs licensed counselors who can help you to define and clarify the event(s), and advise you of your options.

Risk Reduction Tips

Tips like these tend to make victims feel blamed if a sexual assault occurs. It is never the victim's fault, and these tips are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization. That said, only a rapist or an empowered bystander can intervene to prevent a rape or assault. Generally, an assault by a known offender will follow a four-step pattern:

- a. An individual's personal space is violated in some way. For example, the perpetrator may touch the victim in a way that does not feel comfortable.
- b. If the victim does not express discomfort, the perpetrator may begin to view the victim as an easy target because she/he is not acting assertively.
- c. The perpetrator may take the victim to a location that is secluded and where the victim is vulnerable.
- d. The victim feels trapped or unable to be assertive and is raped or assaulted.

Decisive action early in an encounter may be the key to avoiding rape. An individual who can combine assertiveness and self-defense skills, who is self-confident and definite in his/her interactions with others, is less likely to become a victim of rape. If the individual can assertively defend his/her rights initially, he/she has a better chance of avoiding being raped than does a person who resorts to techniques such as pleading or trying to talk the perpetrator out of it. If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

- a. Make your limits known before things go too far.
- b. Give clear messages. Say "yes" when you mean yes and "no" when you mean no. Leave no room for misinterpretation. Tell a sexual aggressor "NO" clearly and loudly, like you mean it.
- c. Try to extricate yourself from the physical presence of a sexual aggressor.
- d. Grab someone nearby and ask for help.
- e. Be responsible for your alcohol intake/drug use and realize that alcohol/drugs lower your sexual inhibitions and may make you more vulnerable to someone who views a drunk or high person as a sexual opportunity.
- f. Watch out for your friends and ask that they watch out for you. A real friend will get in your face if you are about to make a mistake. Respect them if they do.
- g. Be aware of any nonverbal messages you may be sending that conflict with what you are saying. Notice your tone of voice, gestures and eye contact.
- h. Be forceful and firm when necessary. Don't be concerned with being polite. Your passivity may be interpreted as permission or approval for this behavior.
- i. Do not acquiesce to something you do not want just to avoid unpleasantness. Do not allow "politeness" to trap you in a dangerous situation. This is not the time to be concerned about hurt feelings.

- j. Trust your feelings or instincts. If a situation does not feel comfortable to you or you feel anxious about the way your date is acting, you need to respond. Leave immediately if necessary.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- a. Do not make assumptions about:
 - a. Consent;
 - b. Someone's sexual availability;
 - c. Whether a person is attracted to you;
 - d. How far you can go; or
 - e. Whether a person is physically and mentally able to consent to you.
- b. Clearly communicate your intentions to your sexual partner and give him/her a chance to clearly relate his/her intentions to you.
- c. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading your partner. Perhaps your partner has not figured out how far he/she wants to go with you yet. You need to respect the timeline with which your partner is comfortable.
- d. Do not take advantage of someone's drunkenness or drugged state, even if he/she did it to him/herself.
- e. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- f. Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.
- g. On this campus, silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
- h. Do not force someone to have sex with you, or have sex with a partner who has not clearly consented to you by words or actions unmistakable in their meaning.

References

Greenfield, L.A. (1997). Sex offenses and offenders [Electronic version]. *U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics*. Retrieved July 26, 2010, from <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1146>.

Appendix D

University and Community Resources for Victims of Sexual Harassment and Assault

Midwestern State University Campus Resources

- University Police
Dan Williams, Chief of Police, (940) 397-4239 dan.williams@mwsu.edu
Stephanie Estrada, Secretary, (940) 397-4239 stephanie.estrada@mwsu.edu
- Counseling Center
Dr. Pam Midgett, Director, (940) 397-4618 pam.midgett@mwsu.edu
- Vinson Health Center
Tiffany Kosse, Medical Office Manager, (940) 397-4231 tiffany.kosse@mwsu.edu or vinson@mwsu.edu

Dr. Keith Williamson, Medical Director and University Physician, (940) 397-4231 keith.williamson@mwsu.edu
- Title IX Coordinator
Matthew Park, Associate Vice President of Student Affairs/Dean of Students, (940) 397-7500 matthew.park@mwsu.edu

Debbie Coughran, Assistant to the Associate Vice President of Student Affairs/Dean of Students, (940) 397-7500 debbie.coughran@mwsu.edu
- Deputy Title IX Coordinator
Dail Neely, Director of Student Conduct/Clark Student Center, (940) 397-6273 dail.neely@mwsu.edu

Melissa Moore, Assistant to the Director of Student Conduct/Clark Student Center, (940) 397-6273 melissa.moore@mwsu.edu

Community Resources

First Step, Inc. - First Step provides comprehensive services to victims of sexual assault and domestic and family violence, including an abuse prevention program. Their services are offered free of charge and include a 24-hour crisis hotline, 24-hour emergency shelter, confidential counseling, legal advocacy, and emergency transportation. The hotline phone number is (800) 658-2683. The regular office phone number is (940) 723-7799. First Step is located at 624 Indiana Avenue, Wichita Falls, TX 76301.

United Regional Health Care System
1600 Eleventh Street
Wichita Falls, TX 76301
(940) 764-7000

Kell West Regional Hospital
5420 Kell Boulevard
Wichita Falls, TX 76308
(940) 692-5888

Crime Victim Compensation – Attorney General's Office - (800) 983-9933

Appendix E

ACADEMIC MISCONDUCT POLICY & PROCEDURES

Academic Dishonesty : Cheating, collusion, and plagiarism (the act of using source material of other persons, either published or unpublished, without following the accepted techniques of crediting, or the submission for credit of work not the individual's to whom credit is given). Additional guidelines on procedures in these matters may be found in the Dean of Students office.

- a. The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition without permissions, of tests or other academic material belonging to a member of the university, faculty, or staff.
 - b. The term "plagiarism" includes, but is not limited to, the use by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
 - c. The term "collusion" means collaboration with another person in preparing work offered for credit if that collaboration is not authorized by the faculty member in charge.
- I. After an alleged incident of Academic Dishonesty occurs, the instructor does the following:
- a. Informs the student of the academic sanction to be imposed
 - b. Informs the student of his/her right to appeal the sanction
 - c. Notifies the department chair of the incident and the sanction imposed.
- II. The department chair then reports the incident and the sanction to the following parties:
- a. Dean of Students
 - b. Dean of the College
 - c. Dean of Graduate Studies (if the incident occurred in a graduate course)
 - d. Registrar (if the sanction is a course grade of F).

Note: if the faculty member is a department chair, the dean assumes the role of the department chair in addition to the role of dean. If the faculty member is a dean, the Provost assumes the role of the dean.

III. The student accepts the academic sanction or appeals the sanction to the department chair in writing no later than five (5) working days after being notified of the sanction.

IV. If the student appeals the sanction imposed by the instructor, the department chair investigates the incident and consults with the instructor and student. If the chair and instructor do not agree on the disposition, the appeal proceeds directly to the dean. If the chair and instructor agree on the disposition of the appeal, the chair notifies the following parties of any change in the sanction:

- a. Student
- b. Instructor
- c. Dean of Students
- d. Dean of the College
- e. Dean of Graduate Studies (if the incident occurred in a graduate course)
- f. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).

V. The student accepts the academic sanction imposed by the instructor and department chair or appeals the sanction to the dean of the college in writing no later than five (5) working days after being notified of the department chair's decision.

VI. If the student appeals the decision of the instructor and department chair, or if the chair and the instructor did not agree on an academic sanction, the dean of the college investigates the incident, consults with all parties, decides the disposition of the sanction, and informs the following parties of the decision:

- a. Student
- b. Instructor
- c. Department Chair
- d. Dean of Students
- e. Dean of Graduate Studies (if the incident occurred in a graduate course)
- f. Provost
- g. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).

VII. The student accepts the academic sanction imposed by the dean of the college or appeals the decision of the dean of the college to the Academic Appeals Committee in writing no later than five (5) working days after being notified of the dean of the college's decision.

VIII. If the student appeals the decision of the dean of the college, the Academic Appeals Committee investigates the incident and holds a hearing. The Academic Appeals Committee may remove the sanction, confirm the sanction, or impose a different academic sanction, and may refer the case to the Student Conduct Committee with a recommendation for a conduct sanction in addition to the academic penalty. The chair of the Academic Appeals Committee informs the following parties of the decision:

- a. Student
- b. Instructor
- c. Department Chair
- d. Dean of Students
- e. Dean of the College
- f. Dean of Graduate Studies (if the incident occurred in a graduate course)
- h. Provost
- i. Registrar (if the sanction is a course grade of F or if a sanction of F is revoked).

IX. The Student Conduct Committee considers exclusively whether to add disciplinary sanctions to the academic sanction imposed beforehand and selects and imposes the sanction(s). The chair of the Student Conduct Committee informs the following parties of the decision:

- a. Student
- b. Instructor
- c. Department Chair
- d. Dean of Students
- e. Dean of the College
- f. Dean of Graduate Studies (if the incident occurred in a graduate course)
- g. Provost.

Policy 3.146 PROTECTION OF HUMAN SUBJECTS IN RESEARCH

Date Adopted/Most Recent Revision: 11/07/03

A. Purpose

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

B. Review

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

C. ~~Policy/Procedure~~

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

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

1. ~~a.~~ Federal Requirements

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

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

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

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

- a. ~~(1)~~ One (1) member from the Wichita Falls community.
- b. ~~(2)~~ At least six (6) faculty members (one from each of the six colleges) from Midwestern State University and a Chairperson. Members of the committee will be appointed by the ~~President~~ Provost from a list of candidates from each of the six colleges as recommended by the ~~Faculty Senate~~ Dean of each college. Colleges that routinely conduct research with human participants and generate a higher volume of IRB applications may request that the Provost appoint a second faculty member from that college to the committee. Members are appointed for 2-year terms.
- c. The IRB chairperson will be selected from IRB members with at least one year of experience serving on the board and appointed by the Provost. Another faculty member from the Chairperson's college will be appointed to replace the Chairperson as the college representative to the IRB.
- d. Members will complete the training described in Section H below prior to serving.

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

1. The federal code defines research as: "a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge".

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

E. 2. Criteria for Categorization of Research

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

1. a. Research Exempt from Review

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

- a. (1) The research will be conducted only in established or commonly accepted educational settings (like classrooms) and it involves normal educational practices such as research on regular and special educational education instructional strategies, or research on the effectiveness of, or the comparison among instructional techniques, curricula, or classroom management methods.
- b. (2) The research will be conducted using only questionnaire or interview survey methods and the subjects are elected or appointed public officials or candidates for public office.
- c. (3) The research is limited to the collection and study of data, documents, records, pathological or diagnostic specimens that are available to the public.

- d. {4} The research is limited to the collection and study of data obtained using only the following techniques and the ~~date~~ data or information obtained will be recorded in such a manner that subjects cannot be identified, directly or indirectly, through identifiers linked with the subjects.
 - (1) ~~a.~~ The data will be obtained through the use of educational tests (cognitive, diagnostic, aptitude, achievement, etc.); or
 - (2) ~~b.~~ The data will be obtained by observing the public behavior of subjects; or
 - (3) ~~c.~~ The data will be obtained using survey or interview procedures; or
 - (4) ~~d.~~ The data will be obtained from existing documents, records, and pathological or diagnostic specimens.
- e. {5} The research is limited to the collection and study of data obtained by:
 - (1) ~~f.~~ Observing the public behavior of the participants; ~~or~~ Using or using survey or interview procedures.
 - (2) ~~g.~~ The information collected about the subjects' behavior does not involve sensitive subjects such as illegal or immoral conduct, drug or alcohol abuse, sexual behavior, mental illness, or other possible personally embarrassing subjects;
 - (3) ~~h.~~ The information collected about subjects, if it became known to outsiders, could not reasonably be expected to place the subject at risk of civil or criminal liability, or be damaging to the subjects' social or financial standing or employability.

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

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

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

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

(1) Research on drugs for which an investigational new drug application (21 CFR Part 312) is not required. (Note: Research on marketed drugs that significantly increases the risks or decreases the acceptability of the risks associated with the use of the product is not eligible for expedited review.)

(2) Research on medical devices for which (i) an investigational device exemption application (21 CFR Part 812) is not required; or (ii) the medical device is cleared/approved for marketing and the medical device is being used in accordance with its cleared/approved labeling.

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

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

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

c. Prospective collection of biological specimens for research purposes by noninvasive means. Examples: (a) hair and nail clippings in a nondisfiguring manner; (b) deciduous teeth at time of exfoliation or if routine patient care indicates a need for extraction; (c) permanent teeth if routine patient care indicates a need for extraction; (d) excreta and external secretions (including sweat); (e) uncannulated saliva collected either in an unstimulated fashion or stimulated by chewing gumbase or wax or by applying a dilute citric solution to the tongue; (f) placenta removed at delivery; (g) amniotic fluid obtained at the time of rupture of the membrane prior to or during labor; (h) supra- and subgingival dental plaque and calculus, provided the collection procedure is not more invasive than routine prophylactic scaling of the teeth and the process is accomplished in accordance with accepted prophylactic techniques; (i) mucosal and skin cells collected by buccal scraping or swab, skin swab, or mouth washings; (j) sputum collected after saline mist nebulization.

d. Collection of data through noninvasive procedures (not involving general anesthesia or sedation) routinely employed in clinical practice excluding procedures involving x-rays or microwaves. Where medical devices are employed, they must be cleared/approved for marketing. (Studies intended to evaluate the safety and effectiveness of the medical device are not generally eligible for expedited review, including studies of cleared medical devices for new indications.) Examples: (a) physical sensors that are applied either to the surface of the body or at a distance and do not involve input of significant amounts of energy into the subject or an invasion of the subject's privacy. (b) weighing or testing sensory acuity (c) magnetic resonance imaging; (d) electrocardiography, electroencephalography, thermography, detection of naturally occurring radioactivity, electroretinography, ultrasound, infrared imaging, doppler blood flow, and echocardiography; (e) moderate exercise, muscular strength testing, body composition assessment, and flexibility testing where appropriate given the age, weight, and health of the individual.

e. Research involving materials (data, documents, records, or specimens) that have been collected, or will be collected solely for nonresearch purposes (such as medical treatment or diagnosis). (NOTE: Some research in this category may be exempt. This listing refers only to research that is not exempt.)

f. Collection of data from voice, video, digital, or image recordings made for research purposes.

g. Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies. (NOTE: Some research in this category may be exempt. This listing refers only to research that is not exempt.)

c. Research Subject to Full Committee Review

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

3. Review Procedures

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

a. Exempt Research

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

b. Research Subject to Full Committee Review

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

may have regarding the proposal. Attendance by the investigator(s) at this committee meeting is not required.

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

3. Informed Consent

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

4. Protocol Submission and Processing for Review.

- a. Investigators must submit, at minimum, the following items for review as part of a standard protocol submission:
- (1) Application for Use of Human Subjects in Research protocol form
 - (2) Advertisement/recruitment materials that will be used to solicit participation in the study.
 - (3) Informed Consent documents reflecting the exact language that will be used to obtain participant consent. See IRB website for guidance on informed consent issues.
 - (4) Printed materials used for data collection (such as survey instruments or measures).
 - (5) Any relevant grant applications tied to the protocol request.
- b. To facilitate the transfer of proposals, investigators are required to consolidate all of their material into one electronic file (completed application, any recruitment materials, consent form, and instruments such as interview questions, surveys, tests, experimental manipulations, etc.)

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

5. Training

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

6. Records

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

7. Midwestern State University IRB Procedural Manual

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

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

FINANCE COMMITTEE

Finance Committee

Membership

Mike Bernhardt, Chairman

Jane Carnes

Charles Engelman

Jeff Gregg

Reading and of Minutes

13-152. The minutes of the Finance Committee meeting May 9, 2013, will be recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 13-152.

Summary of Financial Support 9/1/12-7/10/13

13-153. This report is shown as Attachment 13-153 and will be presented as information only.

Review and Acceptance of Financial Reports

13-154. The administration will recommend the April, May, and June, 2013, Financial Reports for acceptance.

Investment Report

13-155. The administration will recommend the third quarter FY 2013 investment report for acceptance.

Investment Policy Review

13-156. The administration will recommend revisions to Policy 4.182, Investment Policy – Operating Funds, pursuant to the legislative change presented in Item 13-128 (see Attachment 13-156).

University Accounts/Signature Authorizations

13-157. The administration will recommend the following individuals be authorized to sign on university bank accounts, with two signatures required on all checks drawn from university accounts:

Dr. Jesse Rogers, President

Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance

Ms. Gail Ferguson, Controller

Ms. Valarie Maxwell, Director of Budget and Management

Mr. Chris Stovall, Assistant Controller

The administration will further recommend continued authorization for the President, Vice President for Business Affairs and Finance, and Controller or their designees to purchase and sell investment instruments in accordance with the Texas Public Funds Investment Act and the Board of Regents' Investment Policy, and perform all other normal banking transactions. Investment transactions may be authorized by verbal orders but must also be approved in writing by the President or the Vice President for Business Affairs and Finance.

The administration will finally recommend the board continue to authorize the President, the Vice President for Business Affairs and Finance, the Provost and Vice President for Academic Affairs, and the Director of Human Resources to sign appropriate personnel retirement documents.

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

13-158. The administration will recommend approval of the following list of brokers/dealers, investment vehicles, and asset holding accounts for fiscal year 2014. The proposed brokers/dealers have filed certifications acknowledging the university's investment policy as required.

Brokers/Dealers

First Southwest Company, Austin
JP Morgan Securities, Inc., Houston
LF Rothschild/RBC Dain
Raymond James (formerly Morgan Keegan & Company)
Vining-Sparks, IBG, Austin
Wells Fargo, Dallas

Asset Holding Accounts

JP Morgan Chase
TD Ameritrade
Charles Schwab

Other Investment Vehicles/Overnight Cash Pools

Citibank (Public Funds account)
First National Bank (CDs)
First United Bank (CDs)
JP Morgan Chase High Balance Savings
LOGIC, Dallas
Texpool, Austin

FY 2012-2013 Item \$50,000 & Under

13-159. In accordance with Board policy, the president authorized the following increase to the current budget. The administration will recommend ratification of this budget change.

From Account:

To Account:

<u>Number</u>	<u>Title</u>	<u>Number</u>	<u>Title</u>	<u>Purpose</u>	<u>Amount</u>
33011	Housing	34830	Housing	APOGEE ResNet contract	\$50,000
3001	Reserves	34831	Administration	(housing internet service)	
Total					\$50,000

Review of Personnel Reports and Salary/Title/Position Changes in 2012-2013 Budget

13-160. The reports of personnel changes in April, May, and June, 2013 will be presented for information as shown in Attachment 13-160. Additionally, salary and position changes approved by the president will be presented for ratification as shown below.

<u>Current Position</u>	<u>Action</u>	<u>Additional Funding</u>	<u>Annual Budget Increase (Decrease)</u>	<u>Net Current FY Actual Cost(Savings)</u>
Eleven staff positions	Filled positions above and below budget.		\$ (17,628)	\$ (6,394)
Secretary II, Nursing	Additional 1.0 FTE and salary	Private donation	19,248	4,812
Secretary I, Respiratory Care	Additional 1.0 FTE and salary	Private donation	18,192	4,548
Total			\$ 19,812	\$ 2,966

Operating Budget for Fiscal Year 2014

13-161. The operating budget for the 2013-2014 fiscal year, which was previously distributed to the Board of Regents, will be recommended for approval.

Modification of University Organization Chart

13-162. A new university organization chart will be presented as shown in Attachment 13-162. Modifications to the chart reflect the structure and titles included in the Operating Budget presented in Item 13-161.

FINANCE COMMITTEE
ATTACHMENTS

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

	9/1/2012 10/19/2012	10/20/2012 1/17/2013	1/18/2013 4/15/2013	4/16/2013 7/10/2013	Total Year to Date
MSU University Development	\$ 374,396	\$ 813,141	\$ 5,088,498	\$ 207,434	\$ 6,483,469
Gifts in Kind	\$ 12,550	\$ 46,600	\$ 5,323	\$ 19,435	\$ 83,908
MSU Endowments		\$ 121,350	\$ 400	\$ 1,500	\$ 123,250
Contributions to MSU Foundation	\$ 9,500	\$ 158,028	\$ 24,977	\$ 47,510	\$ 240,015
Contributions to MSU Charitable Trust				\$ 500	\$ 500
President's Excellence Circle					
2011-2012	\$ 2,644	\$ 3,241	\$ 2,491		\$ 8,376
2012-2013	\$ 19,050	\$ 145,650	\$ 34,500	\$ 153,532	\$ 352,732
2013-2014				\$ 1,000	\$ 1,000
Grants	\$ 47,977	\$ 78,383	\$ 6,800	\$ 5,000	\$ 138,161
Wichita Falls Museum of Art	\$ 1,250	\$ 26,850	\$ 8,788	\$ 12,796	\$ 49,684
Contributed Art	\$ 33,347	\$ 978	\$ 37,516		\$ 71,841
Land from the MSU Foundation			\$ 700,000		\$ 700,000
Annual Fund	\$ 72,178	\$ 151,033	\$ 62,096	\$ 43,664	\$ 328,971
Phonathon Contributed Services	\$ 1,130	\$ 388	\$ 25		\$ 1,543
Alumni Association					
1836 (2012-2013 memberships)	\$ 6,075	\$ 475	\$ 440	\$ 255	\$ 7,245
(604 lifetime members)	\$ 2,200	\$ 1,600	\$ 1,200	\$ 900	\$ 5,900
Athletics					
Mustangs Athletic Club	\$ 39,267	\$ 119,925	\$ 17,880	\$ 18,742	\$ 195,814
Corporate Sponsors -Cash	\$ 37,862	\$ 41,875	\$ 9,338	\$ 4,588	\$ 93,663
Contributed Services	\$ 66,000	\$ 4,300			\$ 70,300
Fantasy of Lights	\$ 27,805	\$ 28,263	\$ 8,100	\$ 9,550	\$ 73,718
Contributed Services	\$ 1,818	\$ 200			\$ 2,018
Scholarship Funds from Outside Sources	\$ 135,376	\$ 198,274	\$ 106,758	\$ 37,749	\$ 478,157
TOTAL	\$ 890,426	\$ 1,940,554	\$ 6,115,128	\$ 564,155	\$ 9,510,264

Policy 4.182 INVESTMENT POLICY – OPERATING FUNDS

Date Adopted/Most Recent Revision: 11/16/2012

A. Purpose

The purpose of this investment policy is to establish cash management and investment guidelines for the investment and protection of university operating funds in order to ensure that the university's investments are duly authorized, properly managed, and adequately protected. This policy will be reviewed annually by the Board of Regents. 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 operating funds invested by Midwestern State University to ensure compliance with university standards, the Public Funds Investment Act (TX Govt. Code 2256), Texas Education Code 51.0031, 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). The university's chief financial officer shall also provide a report within six months of the end of each legislative session on any changes to the Public Funds Investment Act passed that session.

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 frequently as the market dictates 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 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. Endowment funds are to be invested in accordance with the university's separate Investment Policy – Endowment Funds.
8. 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.
9. 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. 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.

F. 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 personal business relationship or relationship within the second degree of affinity or consanguinity with an individual or 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.

G. 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, unless invested according to Texas Education Code Section 51.0031 which allows the Board of Regents to contract with another institution under prudent person investment standards.

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 with a maturity of 10 years or less.
- 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 having a main office or branch office 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 having a main office or branch office 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.

H. 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 and will include monitoring any rating changes in the university's investments. 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), unless the funds are invested under Texas Education Code Section 51.0031, for which the reporting will be provided by the contracted institution. The university Internal Auditor will perform a compliance audit at least once every two years with results reported to the State Auditor, President, and the Board of Regents not later than January 1 of each even-numbered year on those

funds held locally and not invested through contract according to Texas Education Code Section 51.0031.

I. **Interest Rate Risk Measurement**

The university will measure on a quarterly basis the interest rate risk of its securities. The university will monitor and be aware of the overall interest rate and market value risk it is taking.

Summary of the Personnel Position Status Reports for 9/1/12 – 6/30/13

September 2012 Changed Instructor to Program Coordinator, IELI
Net position change: 0 (-1 Regular Faculty; +1 Professional Non-Faculty)
Ratified by Board of Regents, 11/16/12

Changed Coordinator to Secretary II, Continuing Education
Net position change: 0 (-1 Professional Non-Faculty; +1 Clerical and Secretarial)
Ratified by Board of Regents, 11/16/12

October 2012 Changed Director of Medical Services to Medical Office Manager, Vinson Health Center
Net position change: 0 (-1 Executive; +1 Professional Non-Faculty)
Ratified by Board of Regents, 2/15/13

Changed Secretary I to Publications Specialist, Marketing and Public Information
Net position change: 0 (-1 Clerical and Secretarial; +1 Professional Non-Faculty)
Ratified by Board of Regents, 2/15/13

November 2012 New Temporary Position – Assistant Director, Marketing and Public Information
Net position change: +1 (Professional Non-Faculty)
Ratified by Board of Regents, 2/15/13

March 2013 Temporary Position Deleted – Assistant Director, Marketing and Public Information
Net position change: -1 (Professional Non-Faculty)
Ratified by Board of Regents, 5/10/13

June 2013 New Position (Donor Funded) – Secretary I, Respiratory Care
Net position change: +1 (Clerical and Secretarial)
Presented for Ratification by Board of Regents, 8/9/13

New Position (Donor Funded) – Secretary II, Nursing
Net position change: +1 (Clerical and Secretarial)
Presented for Ratification by Board of Regents, 8/9/13

Total net new positions as of 6/30/13 = +2.00

MIDWESTERN STATE UNIVERSITY
 PERSONNEL POSITION STATUS REPORT
 April 30, 2013

POSITIONS	APPROVED BUDGET			POSITIONS			SALARY		TOTAL POSITIONS		FILLED POSITIONS		VACANT POSITIONS		TOTAL CURRENT	
	9/1/2012	FTE	AMOUNT	ADDED	FTE	AMOUNT	(SAVED)	ADDED	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
EXEC, ADMIN & MANAGERIAL	46.50		4,355,175	(1.00)		(55,512)		9,892	44.50	4,299,663	44.50	4,211,083	1.00	98,472	45.50	4,309,555
REGULAR FACULTY	242.21		14,689,690	(1.00)		(41,236)		69,876	241.21	14,648,454	226.52	14,355,095	14.69	363,235	241.21	14,718,330
PROFESSIDNAL NON-FACULTY	129.09		5,341,662	2.00		92,580		(4,694)	131.09	5,434,242	127.09	5,286,653	4.00	142,895	131.09	5,429,548
CLERICAL AND SECRETARIAL	100.21		2,287,548	0.00		1,056		(14,612)	100.21	2,288,604	87.30	2,015,921	12.91	258,071	100.21	2,273,992
TECH & PARAPROFESSIONAL	22.00		983,904					(72)	22.00	983,904	22.00	983,832	0.00	0	22.00	983,832
SKILLED CRAFT	33.00		1,098,766					(4,773)	33.00	1,098,766	33.00	1,093,993			33.00	1,093,993
SERVICE & MAINTENANCE	66.00		1,317,217					(7,702)	66.00	1,317,217	59.00	1,180,238	7.00	129,277	66.00	1,309,515
POLICE	14.00		480,637						14.00	480,637	13.00	461,341	1.00	19,296	14.00	480,637
GRAND TOTALS	653.01		30,554,599	0.00		-3112.00		47,915	653.01	30,551,487	612.41	29,588,156	40.60	1,011,246	653.01	30,599,402

MIDWESTERN STATE UNIVERSITY
PERSONNEL POSITION STATUS REPORT

May 31, 2013

POSITIONS	APPROVED BUDGET			POSITIONS			TOTAL POSITIONS			SALARY (SAVED)			FILLED POSITIONS			VACANT POSITIONS			TOTAL CURRENT POSITIONS		
	9/1/2012	FTE	AMOUNT	ADDED	FTE	AMOUNT	FTE	AMOUNT	ADDED	FTE	AMOUNT	ADDED	FTE	AMOUNT	ADDED	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
EXEC, ADMIN & MANAGERIAL	46.50		4,355,175	(1.00)		(55,512)	45.50	4,299,663	9,892	44.50	4,211,083	1.00	98,472	45.50		4,309,555					
REGULAR FACULTY	242.21		14,689,690	(1.00)		(41,236)	241.21	14,648,454	69,876	226.52	14,355,095	14.69	363,235	241.21		14,718,330					
PROFESSIONAL NON-FACULTY	129.09		5,341,662	2.00		92,580	131.09	5,434,242	(4,694)	127.09	5,286,653	4.00	142,895	131.09		5,429,548					
CLERICAL AND SECRETARIAL	100.21		2,287,548	0.00		1,056	100.21	2,288,604	(16,871)	87.30	2,013,662	12.91	258,071	100.21		2,271,733					
TECH & PARAPROFESSIONAL	22.00		983,904				22.00	983,904	(72)	22.00	983,832	0.00	0	22.00		983,832					
SKILLED CRAFT	33.00		1,098,766				33.00	1,098,766	(5,478)	33.00	1,093,288			33.00		1,093,288					
SERVICE & MAINTENANCE	66.00		1,317,217				66.00	1,317,217	(7,702)	59.00	1,180,238	7.00	129,277	66.00		1,309,515					
POLICE	14.00		480,637				14.00	480,637	(600)	13.00	460,741	1.00	19,296	14.00		480,037					
GRAND TOTALS	653.01		30,354,599	0.00		-3112.00	653.01	30,551,487	44,351	612.41	29,584,592	40.60	1,011,246	653.01		30,595,838					

MIDWESTERN STATE UNIVERSITY
 PERSONNEL POSITION STATUS REPORT
 June 30, 2013

POSITIONS	APPROVED BUDGET			POSITIONS			SALARY			TOTAL POSITIONS			FILLED POSITIONS			VACANT POSITIONS			TOTAL CURRENT		
	9/1/2012		ADDED (DELETED)	ADDED			(SAVED)			TOTAL POSITIONS			FILLED POSITIONS			VACANT POSITIONS			TOTAL CURRENT		
	FTE	AMOUNT		FTE	AMOUNT		ADDED			FTE	AMOUNT		FTE	AMOUNT		FTE	AMOUNT		FTE	AMOUNT	
EXEC, ADMIN & MANAGERIAL	46.50	4,355,175		(1.00)	(55,512)		9,892			45.50	4,299,663		44.50	4,211,083		1.00	98,472		45.50	4,309,555	
REGULAR FACULTY	242.21	14,689,690		(1.00)	(41,236)		69,876			241.21	14,648,454		226.52	14,355,095		14.69	363,235		241.21	14,718,330	
PROFESSIONAL NON-FACULTY	129.09	5,341,662		2.00	92,580		(4,688)			131.09	5,434,242		127.09	5,266,659		4.00	142,895		131.09	5,429,554	
CLERICAL AND SECRETARIAL	100.21	2,287,548		2.00	38,496		(20,205)			102.21	2,326,044		89.30	2,047,768		12.91	258,071		102.21	2,305,839	
TECH & PARAPROFESSIONAL	22.00	983,904					(72)			22.00	983,904		22.00	983,832		0.00	0		22.00	983,832	
SKILLED CRAFT	33.00	1,098,766					(5,478)			33.00	1,098,766		33.00	1,093,288					33.00	1,093,288	
SERVICE & MAINTENANCE	66.00	1,317,217					(8,302)			66.00	1,317,217		59.00	1,179,638		7.00	129,277		66.00	1,308,915	
POLICE	14.00	480,637					(600)			14.00	480,637		13.00	460,741		1.00	19,296		14.00	480,037	
GRAND TOTALS	653.01	30,554,599		2.00	343,280.00		40,423			655.01	30,588,927		614.41	29,618,104		40.60	1,011,246		655.01	30,629,350	

**Midwestern State University Reporting of Personnel Changes
Fiscal Year 2012-2013 - April- June**

I. ENTERING EMPLOYEES

1. Yvonne Julie Allison – Custodian, Facilities Services – 04/15/13
2. Jessica Beggs – Medical Office Coordinator, Vinson Health Center – 04/29/13
3. Ryan Sperry – Police Communication Operator – 05/06/13
4. Tarl Phillips – Duplicating Equipment Operator, Print Shop – 05/06/13
5. Randy Case – Assistant Professor, Respiratory Care – 06/01/13
6. Robert Dixon – Custodian, Clark Student Center – 06/01/13
7. Anthony Gallina – Admissions Evaluator, Admissions – 06/01/13
8. Joseph McNeely – Library Assistant II, Moffett Library – 06/01/13
9. Christina Nugent – Secretary II, Respiratory Care – 06/01/13
10. Mary Pattie Redder – Secretary II, Dillard College of Business – 06/01/13
11. Stacey Smith – Secretary II, Nursing – 06/01/13
12. Marsha Higgins – Registrar Assistant I, Registrar – 06/05/13
13. Jessica Gallant - Registrar Assistant I, Registrar – 06/10/13
14. Tiffany Gunnels – Administrative Assistant, Registrar – 06/17/13

II. EXITING EMPLOYEES

1. Daniel Leslie – Assistant Director, Small Business Development Center – 04/12/13
2. Heather Primavera – Assistant Coach, Women's Soccer – 04/19/13
3. Candice Haynes – Registrar Assistant I, Registrar – 04/19/13
4. Charlene Ballenger – Assistant to Registrar – 05/24/13
5. Cathy Ficznier – Administrative Assistant, Registrar – 05/24/13
6. Vanessa Genung Bramlett – Assistant Professor, Nursing – 05/31/13
7. Susan Button – Instructor, English – 05/31/13
8. Duron Cranford – Instructor, Nursing – 05/31/13
9. Katherine Gilbert – Instructor, Foreign Languages – 05/31/13
10. Evon Haley – Teller II, Business Office – 05/31/13
11. Kenneth Hendrickson – Professor, History – 05/31/13
12. Lynn Hoggard – Professor, Foreign Languages – 05/31/13
13. Dana Mills – Assistant Professor, Biology – 05/31/13
14. Paul Nagel – Associate Professor, Education – 05/31/13
15. Thomas Raulston – Instructor, Dillard College of Business – 05/31/13
16. Karlene Rogers – Registrar Assistant III – 06/24/13
17. Hilary Coenen – Honors Program Coordinator – 06/30/13
18. Gidget Pettibon – International Services Specialist, International Services – 06/30/13

III. RETIRING EMPLOYEES

1. Susan Trotter – Telecommunications Assistant, Telecommunications – 04/03/13
2. Larry Archambo – Professor, Music – 05/31/13
3. Martha Burger – Associate Professor, Education – 05/31/13
4. Norval Crews – Assistant Professor, Music – 05/31/13
5. Barbara Curran – Assistant Professor, Dental Hygiene – 05/31/13
6. Susan Greenway - Secretary II, Counseling – 05/31/13
7. Sue Hambrook – Secretary II, Respiratory Care – 05/31/13
8. Donald Henschel – Professor, Theatre – 05/31/13
9. Marsha May – Assistant Professor, Math – 05/31/13
10. Steve Shelton – Construction Administrator/Inspector, Facilities Services – 05/31/13
11. David Spencer – Internal Auditor, Office of the President – 05/31/13
12. Marvin Hambrook – Residence Hall Maintenance Technician – 06/30/13

**Summary of University Organization Chart Changes
2013-2014 Budget – Effective 9/1/13**

President's Area

- Remove Human Resources (move to VPBAFA area)

Provost and Vice President for Academic Affairs' Area

- Change Associate Vice President for Outreach and Engagement to Associate Vice President for Academic Affairs and Graduate Dean
- Move the Graduate School and Moffett Library to report to the AVPAA/Graduate Dean
- Remove Bachelor of Applied Arts & Sciences program box (now overseen by the Dean, Prothro-Yeager College of Humanities & Social Sciences)
- Remove Extended Education and Intensive English Language Institute boxes (overseen by the Director, Continuing, Professional & Distance Education, now in VPAIE area)

Vice President for Student Affairs and Enrollment Management's Area

- Change Associate Vice President for Student Affairs to Associate Vice President for Student Affairs and Dean of Students
- Change Dean of Students/Clark Student Center to Student Conduct and Clark Student Center and move box under AVPSA
- Add Bookstore box under VPSAEM

Vice President for Business Affairs and Finance's Area

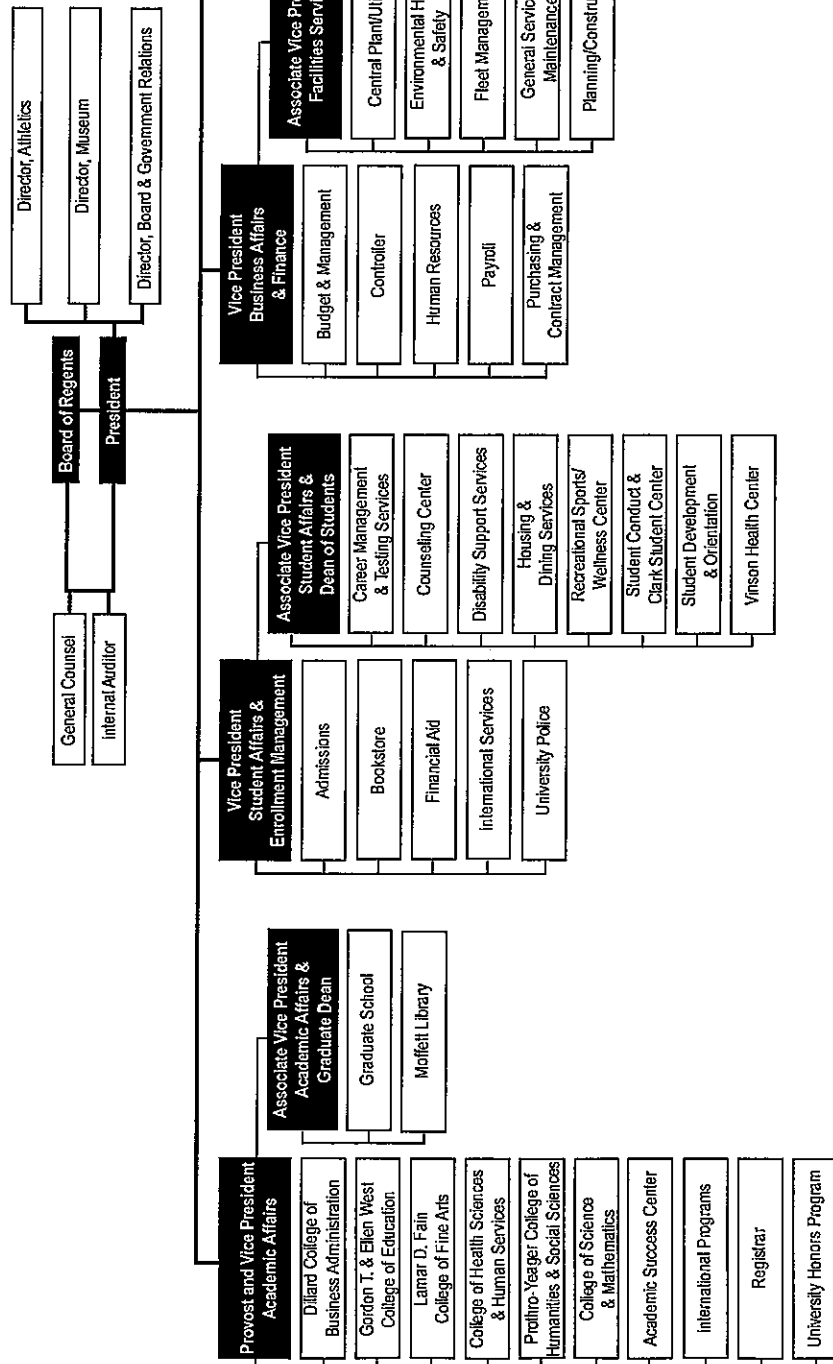
- Add Human Resources (moved from President's area)
- Change Purchasing to Purchasing and Contract Management
- Remove Physical Plant (to avoid redundancy)

Vice President for University Advancement & Public Affairs Area – No Change

Vice President for Administration & Institutional Effectiveness

- Add Continuing, Professional, and Distance Education (will include Extended Education and the Intensive English Language Institute)

Midwestern State University Organization Chart



AUDIT, COMPLIANCE, AND
MANAGEMENT REVIEW
COMMITTEE

Audit, Compliance, and Management Review Committee

Membership

Sam Sanchez, Chairman
Tiffany Burks
Charles Engelman
Jeff Gregg

Reading and Approval of Minutes

13-163. The minutes of the Audit, Compliance, and Management Review Committee meeting May 9, 2013, will be recommended for approval of the committee as shown in the minutes' section of this agenda as Minutes Attachment 13-163.

Audit Activities

13-164. A search for a new Internal Auditor is currently underway. Information will be presented concerning the process. The approval of the Internal Audit Plan for FY 14 will be postponed until the November Board meeting.

Contract Management Activities and Contract Authorization

13-165. The committee will receive information concerning contract management and review activities. Additionally, the board will be asked to approve an agreement with the Texas Commission on Environmental Quality (TCEQ). The TCEQ has requested permission to install a continuous air monitoring station on MSU property. The administration has proposed a portion of unused land at the Fantasy of Lights warehouse off of State Highway 79. The ~2000 square foot facility would be installed and eventually removed at no cost to the university. The proposed facility would be approximately the size of a semi-trailer, including a ten meter tall weather tower. All utility costs to operate the station would be borne by TCEQ. The administration will request authorization to enter into an Air Monitoring Site Agreement as shown in Attachment 13-165.

MSU Policies and Procedures Manual Changes

13-166. Changes to the *MSU Policies and Procedures Manual* will be recommended for approval. Language recommended for deletion is shown with an overstrike (--); new wording is shown in **bold and underlined** format.

- A. Policy 3.349 - Employee Background Checks – changes will be recommended to bring the policy up-to-date with current practices (see Attachment 13-166A).
- B. Policy 4.112 - Alcoholic Beverages – changes will be recommended to bring the policy up-to-date with current practices and laws (see Attachment 13-166B).
- C. Policy 4.152 - Police Department Administration and Regulatory Ordinances – changes will be recommended to reflect current practices and new state laws (see Attachment 13-166C).
- D. Policy 4.163 – Use of Tobacco Products – the recommended change will address the use of e-cigarettes and other tobacco derived products on MSU property (see Attachment 13-166D).

E. New Policy - Employee Workplace Bullying – this proposed policy addresses workplace bullying (see Attachment 13-166E).

F. Policies Recommended for Deletion (see Attachment 13-166F).

1. Policy 3.325 – Vehicle Registration for Faculty and Staff – information contained in this policy is now included in the revised Policy 4.152 shown in Item 13-166C.
2. Policies 4.116, 4.117, and 4.118 – Building Use and Fee Schedules – with the deletion of these policies, the responsibility for approving campus rental procedures and rates will be moved to the Administrative Council.

AUDIT, COMPLIANCE, AND
MANAGEMENT REVIEW
COMMITTEE ATTACHMENT

Air Monitoring Site Agreement
Site Name: Wichita Falls MWSU
TCEQ Contract #: 582-13-33864

Air Monitoring Site Agreement
Site Name: Wichita Falls MWSU
TCEQ Contract #: 582-13-33864

Midwestern State University (hereafter the "Licensor") hereby agrees to permit the North Texas Commission (hereafter the "Licensee" or the "NTC") to locate and/or operate a continuous air monitoring station on land owned by the Licensor, as described below. In consideration for such permission, the Licensor will have full access, via the TCEQ web page (<http://www.tceq.state.tx.us/nav/data/aq-data.html>), to the monitoring information gathered by NTC or TCEQ from the air monitoring station situated at the Site.

1. Equipment Site Location at the Property ("the Site")

The equipment is located on the property of the Licensor which is at or near the GPS coordinates Latitude 33.848641° North, Longitude -98.506138° West (See Attachment A for map of location). The address for the site will be determined when electricity is installed.

2. Term

The term of this Agreement is five years from the date this Agreement is executed, and at the end of the term, this Agreement automatically renews for additional five-year periods thereafter, unless written notice of Termination is provided by one of the parties. Notice of termination from NTC does not affect TCEQ's rights and duties or Licensor's rights and duties in relation to TCEQ. Notice of termination from TCEQ does not affect NTC's rights and duties or Licensor's rights and duties in relation to NTC.

3. Air Monitoring Equipment

The proposed method of monitoring is with canisters in trailers or traffic boxes and/or a continuous air monitoring system housed in an aluminum utility trailer with metal roof plus auxiliary equipment outside the trailer, including a 10-meter weather tower. The station requires approximately 2000 square feet of ground space covered with a site pad (e.g., six inches of limestone). The trailer is environmentally controlled and contains instrumentation as deemed appropriate by the NTC as well as peripherals required for the proper operation of the instruments. Additional trailers containing air monitors and outside peripherals may also be added within the 2000 square foot site.

4. Provision for Utilities

The NTC or its contractors will arrange and pay for phone and electrical installation and service.

5. Occupation of the Station

The station and equipment normally will be unmanned, except for routine maintenance visits by NTC or its contractors (except for visits described under Section 6, "Right of Access") occurring approximately three times per week.

Air Monitoring Site Agreement
Site Name: Wichita Falls MWSU
TCEQ Contract #: 582-13-33864

6. Right of Access

The NTC or its contractors have the right of ingress and egress to the property, during regular working hours and when issues related to the site arise, including equipment and utility malfunctions and emergencies, subject to the Licensor's property management policies and practices and not inconsistent with the Licensor's primary use of the Property and other operations incident thereto, of which NTC is on notice.

7. Liability and Indemnity

The NTC acknowledges that it is not an agent, servant, or employee of the Licensor, and that it is responsible for its own acts and deeds and for those of its agents, servants or employees.

8. Restoration of Property

The NTC shall make reasonable repairs and/or replace any property of the Licensor damaged by the NTC's operations conducted at the Site. Upon removal of the NTC equipment, and at the request of the Licensor, the NTC shall restore the Site to the condition it was in prior to the installation of the monitoring equipment. If the Licensor requests that NTC leave any items in place and NTC agrees to leave the item(s) in place, such as the site pad, the Licensor will be solely responsible for the items left in place, in the condition that they are left in place.

9. Specific Provisions Regarding TCEQ

TCEQ has the option to operate an air monitoring station at the Site (either by installing its own air monitoring station or by taking responsibility for an air monitoring station previously installed and/or operated by NTC or another party subject to this Agreement). If TCEQ exercises this option, TCEQ shall notify Licensor in writing, specifically describing the air monitoring equipment for which TCEQ will be responsible. TCEQ at any time may transfer responsibility for an air monitoring station at the Site to NTC, by either: sending a written notification signed by TCEQ and NTC to Licensor, or permitting NTC to operate the air monitoring station on a regular or routine basis.

If and to the extent that TCEQ exercises the option to operate an air monitoring station at the Site, TCEQ has the same rights and duties under this Agreement as NTC, except as follows:

Liability and Indemnity. The TCEQ acknowledges that it is not an agent, servant, or employee of the Licensor, and that it is responsible for its own acts and deeds and for those of its agents, servants, or employees to the extent provided by the Texas Tort Claims Act, Civ. Rem & Prac. Code, Title 5, Chapter 101 (Vernon's 2011), provided the legislature appropriates funds to satisfy any such claims. Any provision in this Agreement creating a debt against the State is void ab initio. Further, in no way do the foregoing declarations waive the State's sovereign immunity.

Restoration of Property. The TCEQ shall make reasonable repairs and/or replace any property of the Licensor damaged by the TCEQ's operations conducted at the Site, to the extent funds are made available by the Texas Legislature for such purpose. Upon removal of the TCEQ equipment, and at the request of the Licensor, the TCEQ shall restore the Site to the condition it was in prior to the installation of its monitoring equipment, to the extent funds are made available by the Texas Legislature for such purpose. If the Licensor requests that TCEQ leave any

Air Monitoring Site Agreement
Site Name: Wichita Falls MWSU
TCEQ Contract #: 582-13-33864

items in place, such as the site pad, TCEQ shall make reasonable efforts to do so. If items are left in place at the Licensor's request, the Licensor shall be solely responsible for the items left in place, in the condition that they are left in place.

Sovereign Immunity. The Licensor agrees that by entering this Agreement, TCEQ does not waive the State's sovereign immunity relating to suit, liability, and the payment of damages. The parties agree that all claims, suits, or obligations arising under or related to this Agreement are subject and limited to the availability of funds appropriated by the Texas legislature for that respective claim, suit, or obligation.

10. Rights and Duties of TCEQ Employees, Agents, and Contractors

TCEQ's employees, agents, and contractors have the rights of occupation of the station and access.

11. Rights and Duties of TCEQ Grantee

TCEQ has the option to authorize a TCEQ grantee (other than NTC) to operate an air monitoring station at the Site (either by the grantee installing its own air monitoring station or by assuming responsibility for an air monitoring station previously operated on the Site by NTC, TCEQ, or another party subject to this Agreement). If TCEQ exercises this option, TCEQ shall notify Licensor in a writing specifically identifying the air monitoring station and signed by TCEQ and the grantee. With respect to an air monitoring station that the designated grantee locates and/or operates on the Site (and for which it does not transfer responsibility), or for which it assumes responsibility, the designated grantee has the same rights and duties as NTC has with respect to air monitoring stations that NTC locates and/or operates on the Site, or for which NTC assumes responsibility. If the designated grantee is a governmental entity with sovereign immunity, restrictions on its liability, ability to indemnify, or funding, the entity's sovereign immunity and restrictions shall apply under this Agreement.

12. Equipment Title

All equipment installed at the Site by an entity or equipment at the site for which an entity assumes ownership (whether or not said equipment constitutes a fixture under Texas Property Code) shall remain the property of the entity, unless another written agreement states otherwise.

13. Notice of Termination and Removal of Equipment

The Licensor may terminate this Agreement as to all parties and designated grantees or individually as to NTC, to TCEQ, or to individual, designated grantees. If the Licensor wishes to terminate this Agreement in total and reclaim possession and use of the Site, or terminate this Agreement as to one or more parties or a designated grantee, the Licensor shall give the Notice of Termination to the entity whose rights and duties are being terminated and provide a copy to entities whose rights and duties are not being terminated. The NTC or TCEQ or a designated grantee each may terminate their own rights and duties under this Agreement by written Notice of Termination to the Licensor. The terminating entity shall provide a copy of the Notice of Termination to entities whose rights and duties are not being terminated. All Notices of Termination are effective on the 90th day following the delivery of the Notice of Termination. Prior to the 90th day following the delivery of the Notice of Termination, the entities to which the

Air Monitoring Site Agreement
Site Name: Wichita Falls MWSU
TCEQ Contract #: 582-13-33864

Notice applies shall each remove the equipment for which they are responsible.

If the rights and duties under this Agreement are terminated as to all entities, Licensor shall make a reasonable effort to assist NTC, TCEQ, and designated grantee (if any) in locating an alternative Site in the general vicinity.

14. Severability

The fact that a particular provision is held under any applicable law to be void or unenforceable in no way affects the validity of other provisions and the Agreement will continue to be binding on all of the parties. Any provision that is held to be void or unenforceable will be replaced with language that is as close as possible to the intent of the original provision.

15. Legal Construction

The provisions of this Agreement are hereby declared covenants running with the Site and are fully binding on all successors, heirs, and assigns of the Licensor and NTC who acquire any right, title, or interest in or to the Site or any part thereof. Any person who acquires any right, title, or interest in or to the Site, or any part hereof, thereby agrees and covenants to abide by and fully perform the provisions of this Agreement with respect to the right, title or interest in such Site.

16. Entire Agreement

This Agreement constitutes the entire agreement of the parties as to the subject matter contained herein and may not be changed, modified, discharged, or extended except by written instrument duly signed by all of the parties.

Air Monitoring Site Agreement
Site Name: Wichita Falls MWSU
TCEQ Contract #: 582-13-33864

IN WITNESS WHEREOF, NTC, TCEQ, and Licensors have signed this Agreement.

North Texas Commission

By:

Signature

Printed Name

Title

Date Signed

Licensors

By:

Signature

Printed Name

Title

Date Signed

**Texas Commission on Environmental
Quality**

By:

Signature

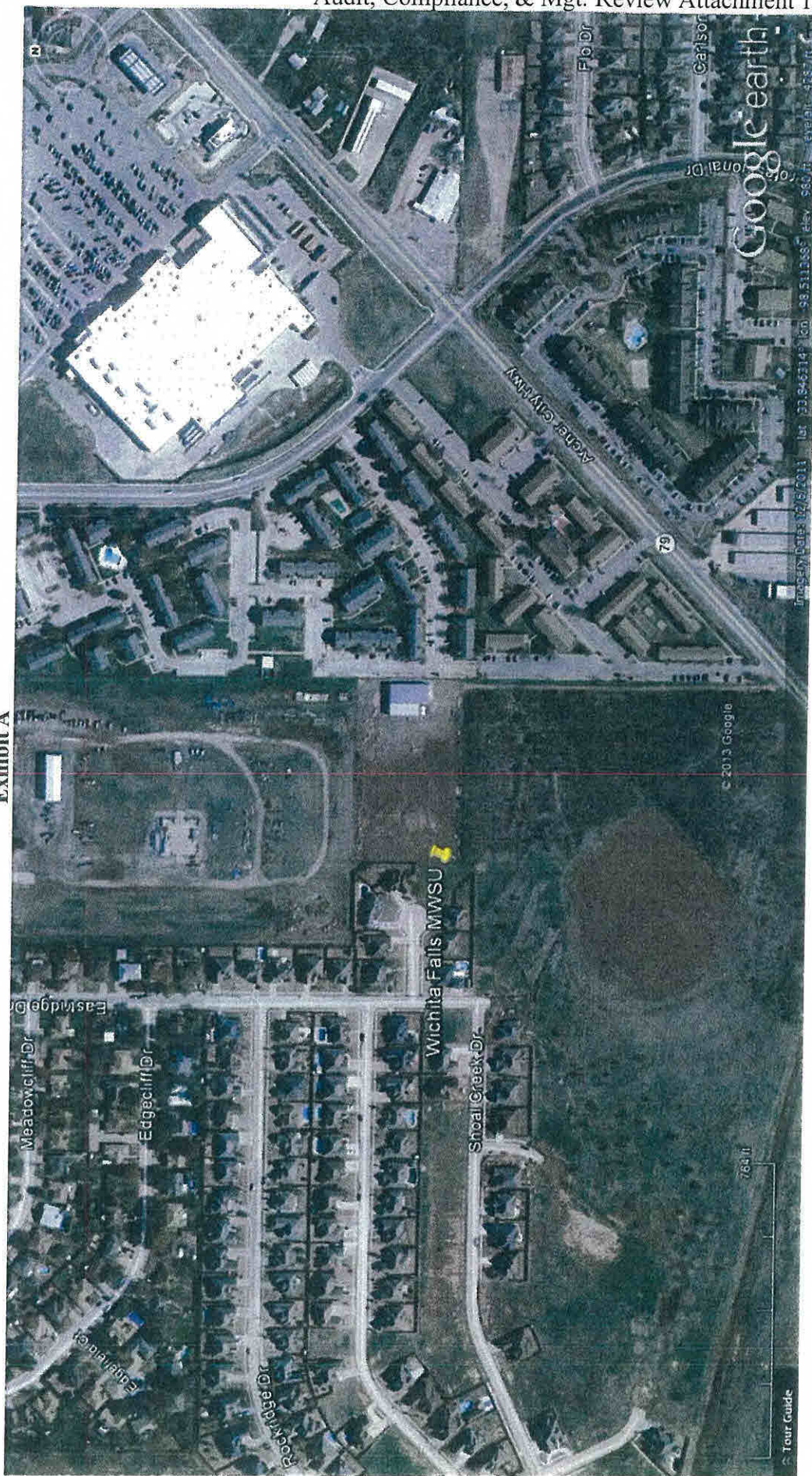
Printed Name

Title

Date Signed

Air Monitoring Site Agreement
Site Name: Wichita Falls MWSU
TCEQ Contract #: 582-13-33864

Exhibit A



Policy 3.349 EMPLOYEE CRIMINAL BACKGROUND CHECKS – EMPLOYEES AND VOLUNTEERS

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

A. General

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

B. Definitions

1. **Applicant.** An applicant is an individual who applies for an open position at Midwestern State University. Within the scope of this policy, the term applies to all external and internal applicants who are finalists for positions. ~~designated as security sensitive.~~ Additionally, for the purpose of this policy, the term applicant applies to current Midwestern State University employees who transfer to, or are promoted to, ~~or have a position reclassified to a security sensitive~~ another position. The term applicant applies to candidates for both benefits-eligible and non-benefits eligible positions, including student employment and unpaid volunteer positions, but does not apply to persons hired through temporary employment agencies who are not considered to be employees of the university.
2. **Security Sensitive Position.** All employment and unpaid volunteer positions have been designated Positions determined to be security sensitive by the President in consultation with the Director of Human Resources as defined and authorized by Texas Government Codes 411.094 and Texas Education Code 51.215. ~~shall be designated as security sensitive by the appropriate senior university administrator after consultation with the Director of Human Resources.~~
3. **Criminal Background Check.** A criminal background check consists of criminal history information collected directly by the university through the appropriate law enforcement agencies or indirectly through private vendors that offer national criminal background check services.
4. **Criminal History Information.** Criminal history information is a record of information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, and other formal criminal charges and their dispositions. Texas Government Code 411.082
5. **Youth Camp Employees and Volunteers.** Any employee, university affiliate, volunteer, or student observer who will be present at a camp or other event or facility hosting or involving minor children must submit to a criminal background check each year. The check shall be conducted prior to permitting an individual to work, volunteer, or be present with unsupervised access to minors.

C. Procedures

1. Finalists selected for interview in a ~~designated security sensitive~~ position will be investigated prior to the issuance of a written offer, notice of employment, or contract.

2. Background checks for current employees who are promoted, transferred, or reclassified ~~into positions designated as security sensitive~~ will be requested by the Human Resources Department upon notification of the proposed change in employment status unless the employee has successfully completed a criminal background check by the university within the most recent ~~eighteen~~ twelve month period.
3. A criminal background check will not be required of a current faculty member upon promotion into another faculty rank or consideration for faculty tenure.
4. The designation as a security sensitive position shall be included in the position's job description, announcements, and advertisements.
5. Prior to conducting the criminal background check, the Human Resources Department will obtain a signed, written consent and release form from the applicant.
6. The criminal background check will be requested upon receipt of the signed consent form and the results will be reported to the Human Resources Department.
7. The hiring supervisor in consultation with the Director of Human Resources shall be responsible for making a decision to hire, promote, transfer, reclassify, or retain the applicant based in part upon an evaluation of the contents of the criminal history report.
8. The subject of the background check has the right to challenge the accuracy and completeness of the report and to submit additional information relating to the criminal record.

D. Confidentiality

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

E. Penalties for Misuse

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

F. Use of Private Vendors

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

G. **Employee Disclosure**

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

H. **Nondiscrimination**

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

Disclosure of a criminal offense will not automatically exclude or disqualify an applicant from consideration for employment. The relevance of the applicant's criminal history to the employment decision will be determined on a case-by-case basis in consideration of the following factors:

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

Policy 4.112 ALCOHOLIC BEVERAGES

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

A. General

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

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

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

1. State Law regarding the use of alcoholic beverages functions must be observed conform to state law. Violations of State law include the following:
 - a. Consumption of alcohol by an under-aged drinker.
 - b. Distribution of alcoholic beverages free of charge at an event in which a cover charge has been assessed.
 - c. Public intoxication.
 - d. Consumption of alcoholic beverages in a public place on Sunday between the hours of 2:15 A.M. and 12:00 noon and Monday through Saturday between the hours of 2:15 A.M. and 7:00 A.M.
2. State law prohibits the sale of alcoholic beverages without a liquor license. This shall include the free distribution of alcoholic beverages in connection with a function for which a cover charge has been assessed.
3. Public intoxication is considered to be offensive and in violation of this policy. Inappropriate and imprudent behavior will result in disciplinary action.
4. Texas state law prohibits the consumption of alcoholic beverages in a public place at any time on Sunday between the hours of 2:15 a.m. and 12:00 noon and on all other days at any time between the hours of 2:15 a.m. and 7:00 a.m.
5. Alcoholic beverages may be served at scheduled university events only with prior approval by the Dean of Students. Applications for approval must be submitted in writing ten (10) days prior to the event. Approval will be based upon organizational planning, frequency of event, groups served by the activity, activity focus, the use and distribution of alcohol as part of the event, and event supervision. Applications for alcohol use must be submitted to the Office of the Dean of Students.

- ~~6. Alcoholic beverages at approved university events must be distributed under such conditions which ensure compliance with state law with regard to consumption, intoxication, drinking age, distribution, sale, etc. BYOB functions will be limited to beer and wine only. Kegs are prohibited unless approval is received from the Dean of Students for a registered activity.~~
 - ~~7. It shall be a violation to possess, sell, distribute, or consume alcoholic beverages at athletics events, while on property owned or leased by Midwestern State University, whether sponsored by the university or an outside organization.~~
 - ~~8. It is the responsibility of university organizations, organizational officers and advisors, and individuals to be aware of these guidelines and their application to individual, as well as organizational activities.~~
-
2. Beverages at approved student organization events must be distributed by a Texas Alcoholic Beverage Commission (TABC) licensed third party vendor. A copy of the vendor's current license must be on-file with the Clark Student Center office prior to event approval.
 3. Open containers of alcohol are not allowed in public areas of the campus, including the parking lots, walking path, and all other open-air spaces on the campus.
 4. Selling, distributing, possessing, or consuming alcohol or alcoholic beverages at Midwestern State University athletic events held on property owned or leased by Midwestern State University is prohibited, whether the events are sponsored by Midwestern State or another educational institution or an organization or association outside the university.
 5. Inappropriate and imprudent behavior related to the use of alcohol will result in disciplinary action.
 6. Officers and advisors/sponsors of university organizations shall be held responsible for (1) possessing full knowledge of university policies related to the use of alcohol on campus and (2) ensuring that university policies are followed.

Policy 4.152 POLICE DEPARTMENT ADMINISTRATION AND REGULATORY ORDINANCES

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

A. Statutory Authority

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

B. Police Administration and Supervision

1. There is hereby established at Midwestern State University a Police Department under the control and supervision of a Chief of Police appointed by the President and reporting to the Vice President for Student Affairs and Enrollment Management.
2. Officers of the University Police Department are to be bona fide peace officers, bonded and commissioned by the Board of Regents of said university as peace officers. Any officer commissioned hereunder is hereby vested with all the powers, privileges, and immunities of peace officers while on the property under the control and jurisdiction of MSU or otherwise in the performance of their duties within their legal jurisdiction as defined by law.
3. It shall be the duty of the University Police Department to enforce all regulations of the university applicable to street traffic and vehicle regulations, all state laws applicable on all the properties under the control and jurisdiction of the university, and to make arrests for traffic violations, to investigate traffic accidents, and to cooperate with other state and area officers in the administration of traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties especially imposed by these regulations and to assist in the prosecution of those persons charged with violations of law or causing or contributing to such traffic accidents.
4. The University Police Department shall keep records of all violations of traffic regulations of the university and all state vehicle laws of which any person has been charged on university property, together with the record of final disposition of all alleged offenses. All forms for records of violations and notices of violations shall be serially numbered, and all records and reports shall be public records.
5. It shall be the duty of the University Police Department to maintain a suitable record of all traffic accidents, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver.
6. All of the general and criminal laws of the State of Texas are declared to be in full force and effect within the areas under the control and jurisdiction of Midwestern State University and enforcement of these laws shall be the duty of the offices of the Police Department of the University.
7. It shall be the duty of the officers of the University Police Department to enforce all university regulations stated herein or hereinafter concluded and such other federal, state, and municipal laws applicable on areas under the control and jurisdiction of the university.
8. The Chief of Police, or his designated assistants, shall have the authority to place temporary traffic control devices and barricades in any area, or upon any drive or street, for the purpose of altering the normal route of vehicular travel or regular parking, when necessary for safety purposes or special functions.

9. The Chief of Police is hereby authorized to allocate and determine the location of all Loading Zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours of prohibition where applicable.
10. Abandoned and unclaimed personal property coming into possession of the Midwestern State University Police Department shall be disposed of in accordance with these provisions:

a. **Perishable Items (edibles)**

Perishable items shall be destroyed after twenty-four (24) hours.

b. **Alcoholic Beverages**

i. **Beer**

- a) Open beer and beer that has been chilled and allowed to later reach room temperature shall be destroyed after twenty-four (24) hours.
- b) Beer that has not been chilled and is unopened shall be kept for six (6) months and, if unclaimed, shall be destroyed.

ii. **Other Distilled Spirits**

Wine, ale, malt liquor, and all other distilled spirits, including liquor shall be destroyed after twenty-four (24) hours if container has been opened and after six (6) months if container has not been opened.

c. **Articles of Clothing**

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

d. **Books**

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

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

e. **Jewelry**

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

f. **Other Property**

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

g. **Account for Proceeds**

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

property. All records of the sale of abandoned and unclaimed property will be kept in accordance with MSU Business/Purchasing Office policies.

h. **Records**

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

i. **Evidence**

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

j. **Bicycles**

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

C. **Traffic and Vehicle Regulations**

1. **Jurisdiction**

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

2. **Penalty**

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

3. **Registration**

- a. All students, faculty, staff, and employees of the university who operate a motor vehicle on the campus must register the vehicle on campus and obtain a university registration decal or hang tag before such persons are allowed to park their vehicle on university property. Parking lots #14, 16, 18, ~~19~~, 21 and parking spaces on Tee Pee Drive and Louis J. Rodriguez Drive in front of Sunwatcher Village Apartments shall be reserved for MSU residents only. Residents shall obtain a university resident decal that MUST be placed on the vehicle. All registration decals are to be obtained from the University Police Department. Parking Lots # 4 (Police Department), 6 South (north side of practice football fields), 8, 1S (South Campus), and 19 may be used by Commuter students or Resident students.
- b. A motor vehicle registration fee of fifty dollars (\$50) per year will be assessed to students enrolled for college credit hours who wish to operate a motor vehicle on the university campus. The Administrative Council may assess a reasonable

fee of a lesser amount for certain programs, non-credit courses, or off-campus extension type programs.

- c. A motor vehicle registration fee of twenty-five dollars (\$25) will be assessed to students operating a motor vehicle on the university campus who enroll for either one or both summer sessions provided they have not previously registered the vehicle during that academic year. **The vehicle registration permit will be valid for the remainder of the school year, expiring on August 31.**
- d. A motor vehicle registration fee of twenty-five dollars (\$25) will be assessed to those students who are not enrolled for summer classes, but are on campus as student workers and are not benefit eligible. This fee will be applicable for either/or both summer semesters. This applies to students who have not previously registered a vehicle during the academic year.
- e. A motor vehicle registration fee of twenty-five dollars (\$25) per year will be assessed for those students auditing a class and for students enrolled in Intensive English Language Institute courses. Students enrolled in Continuing Education courses over eight hours in length will pay a motor vehicle registration fee of fifteen dollars (\$15) per semester.
- f. Students who operate more than one (1) motor vehicle on the university campus may register one additional vehicle for a fee of twenty-five dollars (\$25).
- g. Two (2) or more persons will not be permitted to register the same vehicle.
- h. Reserved hang tags will be available to all benefit eligible faculty, ~~and~~ staff, ~~adjunct faculty~~, and graduate teaching assistants who appear on the approved list from the Human Resources Department who wish to operate a motor vehicle on the university campus. **With the exception of individuals employed in a student classification, each employee who operates a motor vehicle on campus is required to purchase a reserved hang tag.** The motor vehicle registration fee for those individuals will be:
 - 1. \$150 per year for the associate vice presidents and deans for special reserved parking;
 - 2. \$250 per year for the president and vice presidents for special reserved parking; and,
 - 3. \$50 per year for all others.
- i. **All temporary workers, part time workers and adjunct instructors who work less than half-time, are not benefit eligible or employed in a student classification and who operate a motor vehicle on campus shall purchase a motor vehicle registration reserved hang tag for twenty-five dollars (\$25).**
- j. **A motor vehicle registration fee of twenty-five dollars (\$25) will be assessed to new employees operating a motor vehicle on the university campus who begin employment after May 31 and before August 31. The registration fee of fifty dollars (\$50) will be assessed for the new fiscal year.**
- k. The replacement fee for a lost hang tag is twenty-five dollars (\$25).
- l. Faculty/staff and administrative officials may purchase a motorcycle decal for twenty-five dollars (\$25).
- m. Graduate assistants who appear on the approved list from the Human Resources Department and wish to operate a motor vehicle on the university campus will be required to purchase a student decal for a motor vehicle registration fee of fifty dollars (\$50) per year.

- n. No decal shall be displayed on any vehicle other than that vehicle to which it is registered.
 - o. Reserved hang tags are issued to the individual employee and may be transferred to another vehicle operated by that employee but cannot be transferred to another employee.**
 - p. Retired faculty and staff are eligible to be issued one **non-expiring** retired faculty/staff parking permit at no cost.
 - q. Retired employees who maintain part-time employment status with the university shall continue to use standard faculty and staff registration hang tags subject to all rules and regulations.**
 - r. Vehicles rented, leased, or loaned to the university which do not have exempt license plates may be registered by employees in the department having control of the vehicle in addition to their personal vehicles. University vehicles and other government vehicles having official or exempt license plates need not be registered.
 - s. Only vehicles upon which the special symbol, tab, or other device indicating disabled person, issued by the State of Texas or any other state, and being operated by or for the transportation of a disabled person, shall be allowed to park in spaces designated specifically for the physically handicapped. This does not negate the requirement of a university vehicle registration decal or hang-tag for those persons connected with the university as students or employees. Texas Transportation Code Chapter 681, Privileged Parking, is in full force on the campus of Midwestern State University.
 - t. The registration decal or hang tag does not assure anyone that parking spaces will be available at all times.
 - u. The university assumes no responsibility for vehicles or their contents when parked on campus.**
 - v. Once a vehicle registration hang tag is issued no refund will be given. If an employee opts to make monthly payments for their registration fee and terminates employment with a balance due the remaining balance will be deducted from their final compensation payment.**
 - w. Any student, faculty or staff member who registers a vehicle in accordance with Texas Transportation Code 504.202 and 681.008, relating to Disabled Veterans vehicle registration, shall be required to register the vehicle with the MSU Police Department but cannot be charged a fee for the vehicle registration permit or hang tag.**
4. **Required Display of University Decal or Hang Tag**
- a. The student or resident decal must be permanently affixed to the outside left of the rear windshield. On two (2) wheel vehicles, the decal shall be affixed to the rear fender. Where these provisions are not possible because of vehicle design, arrangements shall be made with the University Police Department to place the decal in some convenient location mutually agreed upon by the owner and the Police Department on a semester by semester basis.
 - b. Upon selling, trading, or otherwise changing ownership of a vehicle, the registration decal must be turned in to the University Police Department. This must be done before an additional vehicle can be registered. Duplicate registration decals may be purchased for a fee of Five dollars (\$5.00) providing that the voided decal is turned in to the University Police Department.

- c. Applications for the privilege of operating a motor vehicle on the campus each semester must be secured beginning with the registration for classes during that semester.
- d. Not displaying a decal will have a tolerance period at the beginning of each semester until the university's first (1st) class day after late registration. All other offenses are still enforceable during the "No Decal" tolerance period.
- e. Faculty, staff members, and graduate teaching assistants MUST display the university parking hang tag in the front windshield of the vehicle when parked on campus.

5. Moving Vehicle Regulations

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

6. Parking

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

- e. It shall be a violation to park or stand a vehicle adjacent and parallel to a legally parked vehicle (double parking).
- f. It shall be a violation to deface or alter a decal that is in force.
- g. It shall be a violation to park in any of the following places:
 - i. Areas bordered in yellow except for purposes indicated
 - ii. On any lawn
 - iii. On any curb or sidewalk
 - iv. Any area bordered in red (no parking anytime)
 - v. Within fifteen (15) feet of a fire hydrant.
 - vi. In front of or in any service drive
 - vii. Any space marked "No Parking"
 - viii. In a student space (non-reserved with a reserved decal, or a reserved space with a student decal). NOTE: Exception to this will be between 5:00 p.m. and 7:00 a.m. daily and all day Saturdays, Sundays and holidays when a MSU registered vehicle may park in any space, except special reserved (i.e., President, Visitor, Wheelchair, etc., which are reserved at all times for purposes stated on sign).
- h. Parking in a Loading Zone - No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials or passengers in any place marked as a loading zone. In no case shall the stop for loading exceed thirty (30) minutes.
These areas are bordered in yellow.
- i. It shall be a violation to park an inoperable motor vehicle on university property. An inoperable motor vehicle is one which has been wrecked, dismantled, or abandoned, **or is mechanically inoperable.** The University Police may impound any inoperable motor vehicle seven (7) days after notification has been attached to the vehicle.
- j. ~~Any commissioned Police Officer of the University Police Department is authorized to remove a vehicle from university property to the nearest garage or place of storage, under the circumstances hereinafter enumerated, at the owner's expense:~~
 - 1. ~~When any vehicle is left unattended where such vehicle constitutes an obstruction to traffic.~~
 - 2. ~~When any vehicle is illegally parked so as to block the entrance to any driveway, or block the free movement by pedestrians on any sidewalk.~~
 - 3. ~~When any vehicle is illegally parked in a clearly marked fire zone or wheelchair handicapped space.~~
 - 4. ~~When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by law, required to take the person arrested before a magistrate immediately.~~
- i. **Faculty/Staff parking is marked with the word "RESERVED" painted on the pavement. Only persons with a Faculty/Staff hang tag may park in these spaces. Faculty/Staff may park in the following areas marked "RESERVED": Lot 1 North, 2, 3, 4, 5, 7 (West side of Hardin Bldg.), 9, 10, 15, 17, 20, Council Drive, Comanche Drive, Nocona Trail, and South Campus on the east side of the Wellness Center.**
- k. **Specific areas for motorcycle parking are located in the following: Lot 1 North and South, Lot 2, 19, 20, 21 and Comanche Drive and Council Drive.**

7. Penalty for Violations

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

- a. Penalty for all parking violations shall be twenty dollars (\$20) first offense for all Class I violations; forty dollars (\$40) for all Class II and Class III violations; and fifty dollars (\$50) for all Class IV violations.
- b. The first offense penalty for failure to display registration decal shall be the registration fee for the appropriate decal.
- c. All fees for vehicle registration and citations are due ~~within seventeen (17) calendar days from the date the citation was issued.~~ in accordance with MSU Business Office Policy. An additional fee will be assessed in accordance with the MSU Business Office late fee policy.
- d. The following procedures shall be followed by a person who receives a citation for violation of university traffic or criminal regulations:
 - i. Report to University Police Office where the violation fee will be accepted.
 - ii. All traffic and parking fees are to be paid at the University Police Office between 8:00 a.m. and 5:00 p.m., weekdays only. These fees may also be submitted by mail provided that the University Police Department is contacted to determine the exact amount of the fee.
 - iii. The person charged with the violation should contact the University Police ~~within seventeen (17) calendar days~~ upon receipt of the citation and either pay the ticket or file an appeal. Failure to comply with the payment or the appeal of the citation constitutes reason for disciplinary action and a complaint may be filed in City or Justice of the Peace Court for the violation.
 - iv. Should a student wish to contest a ticket, he/she may appeal in writing to the Student Traffic Appeals Committee through the Dean of Student's Office within seventeen (17) calendar days from the day the ticket was issued for all violations. In the absence of the duly appointed, functioning Traffic Appeals Committee, the Vice President for Student Affairs and Enrollment Management and Dean of Students shall serve as the appeals committee to hear the case.
 - v. Should any member of the faculty or staff wish to contest a traffic citation, appeal in writing may be made to the Faculty/Staff Traffic Appeals Committee Chairperson within seventeen (17) calendar days from the date the ticket was issued for all violations. A hearing shall be held at the convenience of the committee and the results shall be forwarded to the Police Department and the faculty/staff member filing the appeal within five (5) calendar days after the determination is rendered. The determination of the committee shall be final, except that the charge will be filed in the Justice or Municipal Courts should the cited person fail to follow the dictates of the Traffic Committee. The Traffic Committee shall consist of three (3) faculty members and three (3) staff members appointed by the President.

8. Impoundment (Wheel Lock and Tow Away)

A. Impoundment in Place (wheel Lock)

- 1. A vehicle may be impounded in place if:**

- a. It is parked anywhere on campus without displaying a current permit and has 5 or more unresolved citations; or
 - b. The owner or operator violates the terms of a conditional release; or
 - c. It is parked illegally in a handicap space without displaying a proper permit; or
 - d. The owner or operator illegally uses a handicap permit to obtain parking privileges; or
 - e. It is parked displaying an unauthorized, altered, lost or stolen parking permit; or
 - f. There is failure to display a current valid vehicle license plate; or
2. An officer or University Police Parking Attendant shall place a notice on the driver's window of any vehicle in which an immobilizing device is attached. This notice shall be placed in a conspicuous location so the operator will see the notice prior to entering the vehicle.
 3. A vehicle impounded in place shall be released if:
 - a. The owner or operator agrees to pay for all outstanding citations on the vehicle plus an impound fee of \$50.00, purchases a valid permit, as applicable, and provides current proof of liability insurance; and
 - b. The University Chief of Police or his/her designee authorizes the release of the vehicle.
- B. Impoundment (Tow Away)
1. A vehicle impounded in place may be towed away if:
 - a. Disposition of all citations for the vehicle is not made within five (5) days of the impoundment; or
 - b. The owner or operator removes or attempts to remove the impounding equipment attached to the vehicle. Attempting to, or removal of an immobilizing device attached to a vehicle by the University Police Department is a criminal offense; such offense is classified as a Class B Criminal Mischief or Theft. If immobilization device is damaged or lost due to removal, the individual will be charged with the replacement cost for the device. The University shall not be liable for any damage caused to a vehicle by attempting to remove the immobilizing device or by the operator attempting to drive the vehicle with the immobilizing device still attached.
 2. A vehicle may be towed if:
 - a. It is parked in a manner that impedes or is dangerous to vehicular or pedestrian traffic or endangers any life or property (e.g., vehicle on fire, leaking fuel, etc.); or
 - b. It is parked or stopped in any driving lane, fire lane or loading zone; or
 - c. It is parked with disregard to official signage, barricades, or traffic cones; or

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

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

 - a. The driver of any authorized emergency vehicle except an ambulance may:

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

10. Definitions

- a. **Campus**
Campus shall include all property bounded by Hampstead Lane on the north, Taft Boulevard on the east, Midwestern Parkway on the west and Louis J. Rodriguez Drive on the west, and on university property south of Midwestern Parkway and west of Taft Boulevard.
- b. **Vehicle**
Vehicle shall be every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or street, except devices moved by human power or used exclusively upon stationary rails to tracks.
- c. **Motor Vehicle**
Motor vehicle shall include all vehicles which are self-propelled. All such vehicles must be registered.
- d. **Student**
Student shall include all persons enrolled in credit and non-credit courses.
- e. **Parking Tickets**
Parking tickets are issued to the automobile, not the operator, and are the responsibility of the person to whom the vehicle is registered. Students, employees, faculty, staff and administrative personnel are also responsible for any vehicle operated by them regardless of the state vehicle ownership registration.
- f. **Visitor**
Visitor shall be defined as one who has no affiliation, association, or relationship with the university as a student, faculty, staff, or employee.
- g. **Authorized Emergency Vehicles**

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

- i. One yellow beacon ray
 - ii. Three safety flares, burnable type or glass-reflector type
 - iii. One broom
 - iv. One shovel
 - v. A radio capable of sending and receiving on the police frequency
 - vi. Safety four-wheel brake lock
 - vii. Heavy-duty steel chains
 - viii. A heavy-duty tie rope
 - ix. One four-pound dry chemical fire extinguisher
 - x. Minimum of \$25,000 and \$50,000 Public Liability Insurance.
- h. **Right of Way**
The privilege of the immediate use of the roadway.
- i. **Park**
The stopping or standing vehicle, whether occupied or not.
- j. **Person**
Every natural person, firm, co-partnership, association, or corporation.
- k. **Driver**
Every person who drives or is in actual physical control of vehicle.
- l. **Pedestrian**
Any person afoot.
- m. **Police Officer**
Every officer of the University Police Department or any officer authorized to direct or regulate traffic or to arrest for violations of traffic regulations and those persons described as peace officers in the Texas Code of Criminal Procedure.
- n. **Street or Highway**
The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- o. **Roadway**
That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the curb or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
- p. **Traffic Control Signal**
Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed.
- q. **Moving Violation**
Any violation where a vehicle is being operated by a driver or occupied by a person in the driver's position of the vehicle.
- r. **Parking Violation**
Any violation where the vehicle is not being operated by a driver, including all registration violations.
- s. **Loading Zone**

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

t. **Holidays**

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

u. **Impoundment**

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

11. General Information

- a. All thefts, accidents, and offenses that occur on campus should be reported immediately to the University Police Department or to the Officer on duty.
- b. A record of all serial numbers on valuables should be kept. Mark auto accessories so they may be identified. Write your name and address on all textbooks.
- c. Keys or valuables should not be left in cars. Always keep your car locked.

D. Other Offenses

1. Firearms, Fireworks, and Explosives

Possession of ~~firearms~~, fireworks or explosives of any description ~~including handguns with a permit~~ is hereby prohibited on university grounds or property or in approved student housing. **A person with a concealed handgun permit in accordance with Texas Law may possess a handgun and/or ammunition as long as the item(s) are concealed within a vehicle. Handguns or other firearms are prohibited outside of a vehicle, or within a vehicle without a concealed handgun permit, on property owned, leased, or rented by Midwestern State University.**

2. Gambling

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

3. Unlawful Demonstration and Assembly

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

4. Parades and Processions

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

5. Obstructing Streets, Sidewalks, and Building Entrances

It shall be unlawful for any person or for any grouping or assemblage of persons whose standing, remaining, or congregating upon any street, sidewalk, or building entrance on university properties obstructs, prevents, or interferes with the free and unobstructed use of

said street, sidewalk, or building entrance by other persons to fail or refuse to move on or to disperse upon being ordered to do so by an peace officer of Midwestern State University, other peace officer of the State of Texas, or a duly authorized university official.

6. Trespassing

It shall be unlawful for any person to trespass upon the grounds or use the facilities of the university without the express consent and permission of the university. It shall further be unlawful for any person or persons having legitimate access to the buildings and facilities to enter into or use such buildings and facilities during prohibited hours as promulgated and amended from time to time by the university administration. Only resident students and their registered guests are authorized to enter University Housing facilities.

7. Solicitation

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

8. Dangerous Activities

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

9. Alcoholic Beverages at Athletic Events

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

10. Dog Leash Policy

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

11. Skateboarding

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

12. Rollerblading and Roller Skating

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

13. Penalty

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

E. Assistance to other Governmental Agencies

1. The President of Midwestern State University is authorized to provide law enforcement officers to assist other governmental entities, counties or municipalities in time of dire need. This assistance may be provided only when the mayor or other official authorized to declare a state of civil emergency in this said governmental entity, county or municipality, considers additional law enforcement officers necessary to protect health, life, and property in the governmental entity, county or municipality because of disorder, riot, threat of concealed explosives, or unlawful assembly characterized by force or violence or a threat of force or violence by three (3) or more persons acting together without lawful authority, or during a time of natural disaster or man-made calamity. In the event of the absence of the President, the next person in line of authority may enact this resolution. Midwestern State University may enter into a Mutual Aid Law Enforcement Task Force Agreement to cooperate in criminal investigations and law enforcement.
2. While Midwestern State University Police Officers are in the service of another governmental entity, county or municipality pursuant to this section, they shall be peace officers of such other governmental entity, county or municipality and be under the command of the law enforcement officer therein who is in charge as such governmental entity, county or municipality, with all of the powers of a regular law enforcement officer in such other governmental entity, county or municipality, as fully as though they were within the boundaries of Midwestern State University.
3. Any Midwestern State University Police Officer who is ordered to perform police duties outside the territorial limits of Midwestern State University shall be entitled to the same wages, salaries, pensions, and all other compensations and other rights for such service, including injury or death benefits the same as though the service had been rendered within the limits of Midwestern State University and shall also be paid for any reasonable expenses of travel, food or lodging that he/she may incur while on duty outside such boundaries.
4. All wages and disability payments, pension payments, damage to equipment and clothing, medical expenses, and expenses of travel, food and lodging, shall be paid by Midwestern State University. Upon making such payments, Midwestern State University shall, when it is so requested, be reimbursed by the governmental entity, county or municipality whose authorized official requested these services out of which the payments arose.

F. Invalid or Unenforceable Provisions

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

G. Severance

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

Policy 4.163 USE OF TOBACCO PRODUCTS

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

A. Policy

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

B. Specifications

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

C. Enforcement

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

Proposed New Policy

Policy X.XXX Human Resources EMPLOYEE WORKPLACE BULLYING

A. Purpose

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

B. Definition

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

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

C. Prevention

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

D. Grievance Procedures

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

E. Disciplinary Action

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

Related Policies:

Policy 3.143 Faculty Grievance Procedure

Policy 3.218 Grievance Procedures for Non-teaching Employees

Policy 3.228 Staff Employee Disciplinary Procedures

3.325 Student Affairs and Enrollment Management

VEHICLE REGISTRATION FOR FACULTY AND STAFF

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

A. General

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

B. Retired Part-Time Employees

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

C. Retired Non-Employees

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

4.116 Student Affairs and Enrollment Management

BUILDING USE POLICY & FEE SCHEDULE - INTERNAL GROUPS & ORGANIZATIONS

Date Adopted/Most Recent Revision: 2/19/99

A. General

Midwestern State University is allocated funds by the State of Texas for its operations as they related to its primary mission of education. Student-sponsored groups and organizations are required to fund the costs, utilities, custodial help, etc., incurred, above university education costs, by activities which the groups or organizations sponsor.

B. Determination of Charges:

1. Generally, an approved (internal) group or organization will not be charged the utility costs for the use of a facility if it is used within normal hours of operation (See Policy 4.115). Scheduling for any event or activity is required, even though no charges are assessed, through the Clark Student Center Office.
2. Normal room custodial support will be provided within regular building hours at no additional cost. Extra costs, e.g., special cleanup, when incurred, will be billed to the using group.
3. For events outside normal hours of operation, internal groups and organizations will be charged for actual costs for each hour or fraction thereof that the facility is required beyond the normal hours. (See chart below.) Additional charges will be added whenever additional custodial support is required, i.e., set up or clean up.
4. Charges to internal groups will be determined by the Clark Student Center Office from the approved rates. The Center Office will identify the appropriate student group to be billed and provide this information to the University Business Office to initiate billing.

C. Fee Schedules

Building Use Utility / Custodial Charges	
Building / Room	Hourly Charge
CSC Comanche Suites	\$ 9.85
CSC Comanche	\$3.29
CSC Comanche II	\$6.56
CSC Caddo Meeting Room	\$4.98
CSC Apache Meeting Room	\$4.98
CSC Cheyenne Meeting Room	\$4.98
CSC Wichita I & II	\$9.96
CSC Wichita I	\$4.98
CSC Wichita II	\$4.98
CSC Clark Hospitality	\$6.50
CSC Shawnee Theater	\$6.71
CSC Kiowa Ex-Students Dining Room	\$3.66
CSC Atrium	\$9.00
CSC Mesquite Dining Room	\$11.29

Fain Fine Arts Foyer	\$46.06
Fain Fine Arts - B114	\$46.06
Fain Fine Arts - C111	\$32.66
Sikes Lake Classrooms / Restrooms	\$20.75
Sikes Lake Restrooms	\$14.29
Fowler Hall 110	\$16.22
Ligon Coliseum	\$79.38
Ligon Coliseum w/ Dressing Rooms	\$104.64
Ligon Hall-Don Platt Gymnasium	\$50.21
Bolin Hall - 100	\$18.54
Bolin Hall 127	\$17.45
Hardin Hall - 2nd Floor North	\$21.90
Hardin Hall - 2nd Floor South	\$19.77
Hardin Hall - 2nd Floor East	\$21.23
Hardin Hall - 2nd Floor West	\$17.95
Fain Fine Arts Auditorium	\$42.73
Fain Fine Arts Auditorium & Storage	\$51.87
Bea Wood Theater	\$46.06

4.117 Student Affairs and Enrollment Management
~~BUILDING USE POLICY & FEE SCHEDULE—OUTSIDE GROUPS~~
~~Date Adopted/Most Recent Revision: 11/10/00~~

~~A.—General~~

~~Midwestern State University is first and foremost an institution of higher education. As a member of the Texas System of Colleges and Universities, it has been charged with providing the best educational opportunities possible to the people of Texas and, in particular, to those living within its primary service area. All university resources, to include buildings and grounds, must be considered essential to this educational mission, and no other purposes, internal or external, may take precedence.~~

~~B.—Public Use~~

~~The university does recognize that as a member of the North Texas community it has a certain obligation to make its physical resources available to the public whenever it can do so without interfering with its primary mission. Consequently, requests for the use of the university by outside individuals, groups, or organizations will be considered on a case-by-case basis.~~

~~C.—Order of Priority~~

~~The university must charge a fair and reasonable fee for the use of its facilities, but the university itself does not profit from these charges. Yearly projected rental fees and service charges are deducted from the total amount of money made available to the university each year by the state for maintenance and upkeep. Therefore, since the university receives no direct financial benefit and, in fact, may have to interrupt or delay other projects to provide support services, highest priority must be given to requests which will provide a legitimate public service or promote the cultural enrichment of its students. These requests will be considered according to the guidelines in Section D of this policy.~~

~~D.—Guidelines for use by Outside Groups:~~

- ~~1.—Outside groups may request the use of university facilities at any time; however, requests will not be officially scheduled until August 1, for the academic year beginning September 1 and ending August 31.~~
- ~~2.—Off-campus requests for the scheduling of events in D. L. Ligon Hall, including the Coliseum, will be initiated with the Vice President for Student Affairs and Enrollment Management or the appropriate staff designate. On-campus requests by university organizations for scheduling events in the D. L. Ligon Hall, D. L. Ligon Coliseum, Recreational Sports Fields, and Sikes Lake Center will be initiated with the Chair of Athletic Training & Exercise Physiology. A common scheduling calendar will be maintained and distributed to the Director of Athletics and the Chair of Athletic Training & Exercise Physiology.~~
- ~~3.—Requests for the scheduling of events in all other campus buildings will be initiated with the Vice President for Student Affairs and Enrollment Management or the appropriate staff designate.~~
- ~~4.—All requests will be made in writing and will include a description of the event(s), the dates and times of the event(s), and a description of the required university services and equipment. Copies of all approvals will be forwarded to the Telecommunications Office and to the Office of Marketing and Public Information.~~

5. ~~All off campus organizations will be required to pay a building use fee based on an hourly rate which includes a service charge, custodial services, utilities, and labor associated with the movement of equipment. A minimum charge will be required. The charge for work done by university tradesmen (if required by the activity) will be in addition to the standard building use fee and will be based on the hourly use fee table (see following) which will be updated periodically as recommended by the Associate Vice President for Facilities Services and approved by the Administrative Council.~~
6. The Vice President for Student Affairs and Enrollment Management or the appropriate staff designate may schedule the use of buildings by placing the event on the Master Calendar provided:
 - a. ~~That the requested event will not conflict with any scheduled classes (see semester schedule of classes);~~
 - b. ~~That no irreconcilable conflicts will exist with university sponsored events such as recreational sports activities, intercollegiate athletics activities, continuing education classes, student government meetings, fraternity/sorority activities, etc.;~~
 - c. ~~That the nature of the requested event is obviously consistent with the physical constraints of the facilities to be used;~~
 - d. ~~That the university can provide all university services at the times requested; and~~
 - e. ~~That the event is in the best interest of the university.~~
7. ~~In the event that one or more of the conditions outlined in sections 5 and 6 are not met, the matter will be referred to the Administrative Council. The President, on recommendation of the Administrative Council, may waive or modify the conditions.~~
8. ~~For advertising purposes only, outside groups may use the university's name to identify the location of the activities, as long as the language clearly reflects that the university is not sponsoring, promoting, or approving the event.~~
9. ~~Any outside group or any individual member(s) thereof using university facilities will be held liable for any destruction of or damage to any property of the university.~~
10. ~~Midwestern State University cannot be held liable for any form of injury to any individual or for the loss of or injury to the property of any individual, organization, or group using the facilities of the university.~~
11. ~~For any event open to the public or any event with an estimated attendance of 250 or more persons, the university may require that an outside group secure general liability insurance. The Vice President for Student Affairs and Enrollment Management will make the final determination. If required, the liability insurance will be in the amount of \$500,000 combined single limit with MSU listed as an additional insured. A copy of a certificate of insurance must be furnished to the university no later than 72 hours prior to the scheduled event.~~

Building Use Fee Schedules for Non-Profit Public Service Organizations

Building Use Utility / Custodial Charges		
<u>Building / Room</u>	<u>Minimum Charge (First Four Hours)</u>	<u>Extra Hours (Per Hour)</u>
CSC Comanche Suites I & II	\$385.00	\$49.50
CSC Comanche I*	\$192.50	\$33.00
CSC Comanche II*	\$247.00	\$44.00
CSC Wichita I*	\$77.00	\$22.00
CSC Wichita II*	\$77.00	\$22.00
CSC Wichita I & II*	\$137.50	\$44.00
CSC Cheyenne Meeting Room*	\$77.00	\$22.00
CSC Caddo Meeting Room*	\$77.00	\$22.00
CSC Apache Board Room*	\$77.00	\$22.00
CSC Shawnee Theatre*	\$110.00	\$22.00
Mesquite Dining Room*	\$110.00	\$23.10
Kiowa Ex-Students Dining Room*	\$82.50	\$18.70
CSC Atrium*	\$137.50	\$33.00
Clark Hospitality Room*	\$82.50	\$20.90
CSC Booth Space*	\$17.60	\$4.40
D. L. Ligon Coliseum	\$979.00	\$110.00
D. L. Ligon Coliseum w/Dressing Room	\$1182.50	\$165.00
Don Flatt Gymnasium	\$476.50	\$77.00
Bolin Hall—Room 100	\$132.00	\$22.00
Bolin Hall—Room 127	\$126.50	\$22.00
Hardin Hall—Akin Auditorium	\$275.00	\$44.00
Hardin Hall—Rooms 201–207	\$137.50	\$24.20
Hardin Hall—Rooms 211–212	\$126.50	\$22.00
Hardin Hall S—Room 216	\$154.00	\$27.50
Fain Fine Arts Auditorium	\$302.50	\$49.50
Fain Fine Arts Auditorium & Stage	\$385.00	\$60.50
Bea Wood Theater	\$330.00	\$55.00
Fain Fine Arts Foyer	\$286.00	\$49.50
Fine Arts—Room B114	\$132.00	\$22.00
Fain Fine Arts—Room C111	\$235.50	\$33.00
Sikes Lake Center Classrooms & Restrooms	\$302.50	\$49.50
Sikes Lake Center Restrooms	\$110.00	\$198.00
Fowler Hall—Room 110	\$132.00	\$22.00

*Set-up/clean-up included at no extra charge

**Or 10% of sales, whichever is greater.

Building Use Fee Schedules for Profit / Non-Public Service Organizations

<u>Building Use Utility / Custodial Charges</u>		
<u>Building / Room</u>	<u>Minimum Charge (First Four Hours)</u>	<u>Extra Hours (Per Hour)</u>
CSC Comanche Suites I & II	\$440.00	\$71.50
CSC Comanche I*	\$192.50	\$44.00
CSC Comanche II*	\$302.50	\$55.00
CSC Wichita I*	\$88.00	\$20.90
CSC Wichita II*	\$88.00	\$20.90
CSC Wichita I & II*	\$159.50	\$44.00
CSC Cheyenne Meeting Room*	\$88.00	\$20.90
CSC Caddo Meeting Room*	\$88.00	\$20.90
CSC Apache Board Room*	\$88.00	\$20.90
CSC Shawnee Theatre*	\$110.00	\$22.00
Mesquite Dining Room*	\$159.50	\$34.10
Kiowa Ex-Students Dining Room*	\$99.00	\$22.00
CSC Atrium*	\$159.50	\$33.00
Clark Hospitality Room*	\$92.40	\$22.00
CSC Booth Space*	\$27.50	\$5.50
D. L. Ligon Coliseum	\$1595.00	\$165.00
D. L. Ligon Coliseum w/Dressing Room	\$1980.00	\$247.50
Don-Flatt Gymnasium	\$770.00	\$132.00
Bolin Hall—Room 100	\$165.00	\$44.00
Bolin Hall—Room 127	\$148.50	\$38.50
Hardin Hall—Akin Auditorium	\$440.00	\$110.00
Hardin Hall—Rooms 201—207	\$242.00	\$60.50
Hardin Hall—Rooms 211—212	\$241.50	\$49.50
Hardin Hall S—Room 216	\$242.00	\$60.50
Fain Fine Arts Auditorium	\$495.00	\$121.00
Fain Fine Arts Auditorium & Stage	\$605.00	\$132.00
Bea Wood Theater	\$660.00	\$137.50
Fain Fine Arts Foyer	\$495.00	\$137.50
Fine Arts—Room B114	\$192.50	\$121.00
Fain Fine Arts—Room C111	\$346.50	\$66.00
Sikes Lake Center Classrooms & Restrooms	\$395.00	\$71.50
Sikes Lake Restrooms	\$126.50	\$22.00
Fowler Hall—Room 110	\$165.00	\$49.50

*Set up/clean-up included at no extra charge

**Or 10% of sales, whichever is greater.

4.118 Provost and Vice President for Academic Affairs

~~BUILDING USE POLICY AND COST TABLE – AUDITORIA AND THEATER~~

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

~~A. General Guidelines~~

~~The Akin Auditorium, the Fain Fine Arts Theater, the Bea Wood Studio Theater, and the Bea Wood Amphitheater are intended primarily for the activities and programs for the academic areas concerned. Facilities may be used by campus and non-campus related organizations and groups according to the policies described below:~~

- ~~1. Following programs and rehearsals where use of the stage is required, the entire stage area, including the backstage and wings, must be restored to proper order.~~
- ~~2. At the termination of all classes, productions, and rehearsals, the instructor or director in charge is responsible for restoration to proper order as outlined in the preceding item.~~
- ~~3. In booking facilities, proper allowances of time must be reserved for the regularly scheduled operation of custodial and maintenance services.~~

~~B. Set Up and Maintenance~~

~~1. General Programs~~

~~When programs require no scenery or props, other than the general drapes, lighting, piano, and rostrum, the custodian will set up, operate, and restore order.~~

~~2. Productions~~

~~For plays, band and choir concerts, talent shows, etc. involving sets, props and staging other than that specified above, the production directors will be entirely responsible for provision and operation, and for restoring the area to proper order at the close of the show and rehearsals.~~

~~C. Master Calendar~~

~~1. Reservations~~

~~The Master Calendar is maintained in the Student Center Office. Reservations are made through that office by deans, department chairs and coordinators, student organization presidents, and official representatives of other groups.~~

~~2. Priority Scheduling~~

~~Beginning on April 15 each year, events can be scheduled on the Master Calendar for the following academic year:~~

~~a. Bea Wood Amphitheater, Bea Wood Studio theater, and the Fain Fine Arts Theater~~

- ~~1. Annual recurring events of the communications and theatre programs.
Schedule Period: April 15 – April 30.~~
- ~~2. Annual recurring events of the music program. Schedule Period: May 1 – May 15.~~

~~3.—Artist Lecture Series Schedule Period: April 15—May 15.~~

~~4.—Other academic programs: Schedule Period: May 16—May 30.~~

~~5.—Student organizations: Schedule Period: June 1—July 31.~~

~~6.—Other groups, including off-campus organizations: Schedule Period:
August 1 and thereafter.~~

~~Off-campus organizations and groups must be approved by the Office of
the Vice President for Student Affairs and Enrollment Management in
consultation with the academic areas affected.~~

~~b. Akin Auditorium~~

~~1.—Annual recurring events of the music program.~~

~~2.—Annual recurring events of the communication and theatre programs.~~

~~3.—Artist Lecture Series.~~

~~4.—Other academic programs.~~

~~5.—Student organizations.~~

~~6.—Other groups, including off-campus organizations.~~

~~3.—Scheduling After July 31~~

~~After July 31, the scheduling of Akin Auditorium must be cleared with the Chair of the
Music Department. The scheduling of Bea Wood Amphitheatre, Bea Wood Studio
Theatre, and Fain Fine Arts Theatre must be cleared with the Chair of the Theatre
Department.~~

~~4.—Scheduling After Completion of Master Calendar~~

~~After the Master Calendar has been completed in August, those organizations or
program areas wishing to schedule an event must call the appropriate office to reserve
the needed facilities. A letter will follow confirming that the reservations have been
made. Then the custodian, the technical director (if applicable), maintenance, central
plant, and Dean of Students/Director of Clark Student Center will be furnished the
necessary information.~~

~~D.—Cost Table Definitions~~

~~1.—Set Crew~~

~~Students capable of hanging and running drops and flown scenery, winches, curtains,
orchestra lift, fire curtain, traps, etc.: minimum wage.~~

2. Lighting Crew

Students capable of hanging, focusing, gelling, and controlling stage lighting equipment: minimum wage.

Cost Table for Fain Fine Arts Theater

<u>Set Up Hours</u>	<u>Rehearsal hours**</u>	<u>Running Hours</u>
Set Crew 4-10 as needed	2-3 as needed	2-3 as needed
Light Crew 4-10	2-3 as needed	2-4 as needed
Instrument Use	\$1.00 per hour each	\$1.00 per hour each
Trouper Followspot	\$20.00 per hour each	\$20.00 per hour each
Color Media (\$2.00 per frame for requesting replacements. \$0.40 per hour each)	\$0.40 per hour each	\$0.40 per hour each
Lamps	\$0.60 per hour each	\$0.60 per hour each
Sound System	\$20.00 per hour	\$20.00 per hour

Cost Table for Bea Wood Studio Theater and Bea Wood Amphitheater

<u>Set Up Hours</u>	<u>Rehearsal hours**</u>	<u>Running Hours</u>
Set Crew	As needed	As needed
Light Crew	As needed	As needed
Instrument Use	\$1.00 per hour each	\$1.00 per hour each
Trouper Followspot	\$20.00 per hour each	\$20.00 per hour each
Color Media	\$0.40 per hour each	\$0.40 per hour each
Lamps	\$0.60 per hour each	\$0.60 per hour each

Cost Table for Akin Auditorium

<u>Set Up Hours</u>	<u>Rehearsal hours**</u>	<u>Running Hours</u>
Set Crew	As needed	As needed
Light Crew	As needed	As needed
Instrument Use	\$1.00 per hour each	\$1.00 per hour each
Color Media	\$0.40 per hour each	\$0.40 per hour each

*These rates apply when theatrical lighting and equipment are in use. For straight rehearsals under work lights, no theatrical charge is made.

**All rates listed are only theatrical. Cost of building maintenance, chairs, lecterns, clean-up, etc. are dealt with by MSU campus maintenance.

BOARD OF REGENTS
MEETING AGENDA

Board of Regents Meeting Agenda
August 9, 2013
9:00 a.m.

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

The Board of Regents of Midwestern State University may deliberate and take action regarding any item on this agenda. This meeting will be continuous in that the Board reserves the right to take any agenda item out of the order or sequence that is listed below. 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

Introduction of Visitors

Opening Comments

Public Comment

A public comment period will be provided in accordance with MSU Policy 2.22.

Reading and Approval of Minutes

13-167. Minutes of the regular Board of Regents meeting May 9, 2013, will be recommended for approval as shown in the minutes' section of this agenda as Minutes Attachment 13-167.

Reading and Approval of Minutes

13-168. Minutes of the regular Board of Regents meeting May 10, 2013, will be recommended for approval as shown in the minutes' section of this agenda as Minutes Attachment 13-168.

Reading and Approval of Minutes

13-169. Minutes of the special Board of Regents meeting June 26, 2013, will be recommended for approval as shown in the minutes' section of this agenda as Minutes Attachment 13-169.

Executive Committee Consent Agenda, Items and Report

Academic and Student Affairs Committee Consent Agenda, Items and Report

Finance Committee Consent Agenda, Items and Report

Audit, Compliance, and Management Review Committee Consent Agenda, Items and Report

Board of Regents Meeting Dates – 2013-2014

13-170. The board will discuss the dates for the 2013-2014 quarterly Board of Regents meetings. The proposed dates are as follows:

November 7 and 8, 2013
February 13 and 14, 2014
May 8 and 9, 2014
August 7 and 8, 2014

President's Report and Discussion

13-171. Dr. Rogers will present information to the board concerning various university matters, including:

- A. Legislative Update
- B. Portal Presentation

Executive Session

13-172. The Board of Regents will convene in Executive Session as necessary to consider the following matters permissible under Chapter 551 of the Texas Government Code as necessary, including:

- A. Consult with and seek the legal advice of its attorney about pending or contemplated litigation or a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code.
- B. Deliberations about Real Property – to deliberate the purchase, exchange, lease, or value of real property;
- C. Deliberations Regarding Gifts and Donations; and
- D. Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee.

Closing Comments

Adjournment

MINUTES

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Executive Committee
May 9, 2013**

The Executive Committee of the Board of Regents, Midwestern State University, met in the J. S. Bridwell Board Room, Hardin Administration Building, Wichita Falls, Texas, at 1:35 p.m., Thursday, May 9, 2013. Executive Committee members in attendance were Mr. Shawn Hessing, Chairman; Mr. Mike Bernhardt, Vice Chairman; Mr. Kenny Bryant, Secretary; and Mrs. Jane Carnes, Member-at-Large. Other regents attending the meeting were Mrs. Tiffany Burks (via teleconference), Mr. Charles Engelman, Dr. Lynwood Givens, Mr. Jeff Gregg, and Student Regent Holly Allsup.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; Dr. Howard Farrell, Vice President for University Advancement and Public Affairs; and Dr. Robert Clark, Vice President for Administration and Institutional Effectiveness. Other university personnel attending the meeting included Mr. Kyle Owen, Associate Vice President for Facilities Services; Mr. Matt Park, Associate Vice President for Student Affairs; and Dr. Pam Morgan, Associate Vice President for Outreach and Engagement. Additional university personnel attending were Dr. Jim Owen, Chairman of the Faculty Senate; Mr. Charlie Carr, Director of Athletics; Mr. Barry Macha, General Counsel; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Dawn Fisher, Assistant Director of Human Resources; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Mr. Randy Kirkpatrick, Chief Information Officer; Dr. Michael Mills, Director of Housing and Dining Services; Ms. Julie Gaynor, Director of Marketing and Public Information; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the student body were Mr. Anthony Gallina, outgoing Student Government Association (SGA) president and Ms. Melody Coffee, incoming SGA President. Representing the news media were Ms. Ann Work, reporter for the *Times Record News*, and Ms. Michelle Dixon and Mr. Rod Spencer, with KFDX-TV III.

Chairman Hessing called the meeting to order at 1:35 p.m.

Reading and Approval of Minutes

13-89. The minutes of the Executive Committee meeting February 14, 2013 were approved by the committee as presented.

Campus Master Plan and Construction Update

13-90. Mr. Hessing noted that information regarding major construction projects and an update on smaller projects was included in the agenda. Mr. Hessing noted that the Gantt chart was very helpful and would be included in the report each meeting.

Capital Expenditure Plan (MP1) Report - FY 2014-2018

13-91. Mr. Hessing stated that each year the Texas Higher Education Coordinating Board (THECB) requests an update of the university's five-year plan for construction, land acquisition, information resource projects, and major repair and renovation projects. The proposed MP1 report was included in board members' folders and was presented for their approval (see Attachment 1).

Dr. Rogers noted that the list is presented in as close to priority order as possible although it is difficult to predict availability of funds and needs during the next five years. He added that the Moffett Library project of \$30 million is still under consideration by the legislature.

Mr. Bernhardt moved approval of this item as presented. Mr. Bryant seconded the motion.

Mr. Engelman asked if an overall plan of the Moffett Reconstruction Project was available. Dr. Rogers responded that a final plan had not yet been developed. Ms. Barrow added that a concept statement was included in the Legislative Appropriations Request (LAR). Mr. Engelman indicated that he had been pushing for a better computing cloud for the campus and had wondered if that might be included as part of the project. Dr. Rogers responded that technology would definitely be included in the project. Mr. Engelman asked about Wi-Fi service throughout the campus. Ms. Barrow noted that Dr. Clark would provide a technology update later in the meeting.

There being no further discussion the motion was approved.

Drought Alternative Water Well Project

13-92. Mr. Hessing reported that the Board of Regents previously authorized \$75,000 for the design and construction of a well water distribution system. He noted that bids received put the project at \$85,000. The administration requested authorization to increase the amount of the project by \$10,000 with utility savings used to fund the additional cost.

Mr. Bryant moved approval of this item as presented. Mrs. Carnes seconded the motion.

Mr. Bryant asked how many wells were included in the project. Mr. Owen stated that two existing wells would be included in the project. He noted that the project would provide the system to pull the water out of the ground, store the water, and spray the water. Mr. Bryant asked what would be used to store the water. Mr. Owen responded that the water would be stored in 8,000 gallon tanks. Mr. Engelman asked about the depth and supply of the Seymour Water Aquifer. Mr. Owen responded that the current wells are 29 foot wells and they produce a good supply of water. Mr. Engelman expressed his concern that if a large number of people and businesses begin using the Seymour water, it could put a drain on the supply and deeper wells would be needed. Mr. Owen responded that this was a consideration; however, when the city approved Stage 4 restrictions there will not be any other option if we are to water these expensive fields. Mrs. Carnes asked about the restrictions on the use of this water. Mr. Owen stated that

the water would be used for the two sand-based football fields. He commented that the water would not be good for the soccer or softball fields because they are clay based and the water contains high levels of salt.

There being no further discussion, the motion was approved.

Consideration of Possible Addition of Baseball at MSU and Baseball Stadium Architect Selection

13-93. Mr. Hessing noted that the administration and a group of community supporters have worked as an exploratory committee to consider the possible future addition of men's baseball at MSU, as previously authorized by the Board of Regents. Pledges have been made to support this project and the administration needs board action to move forward in the process. Mr. Hessing asked Dr. Rogers to provide an update on the matter.

Dr. Rogers reported that the committee has met numerous times and interest in bringing baseball to Midwestern State continues. He noted that pledges have been made by foundations and individuals. He added that a contract with an architect is needed to determine what type of facility could be built and the approximate cost.

Mrs. Carnes moved that the board authorize the administration to proceed with raising funds for the possible addition of baseball at MSU and to work with the Executive Committee of the board to select an architect for the design of a baseball stadium as presented. Mr. Bernhardt seconded the motion.

Dr. Rogers reported that a donor had provided funds to pay for an architect to provide renderings and cost estimates. He added that if the project does not move forward, no additional work would be done. However, if funds are available and the project moves forward, the architect would continue to work through the design and construction phases. Mr. Bryant asked if an architect would recommend placement of the stadium. Dr. Rogers responded that they would make recommendations on all aspects, including the location.

Dr. Givens stated that the discussions to this point had been limited to the cost of building a stadium. He noted that additional costs are involved that may pale in comparison to the building costs. He indicated that he would like to see other implementation costs as well. Mr. Hessing added that the cost projections should include maintenance of the facility as well as a five-year plan of overall costs of the team. Mr. Hessing asked Mr. Carr if projected costs of fielding a team could be presented to the board in August. Mr. Carr indicated that the information would be provided.

Mr. Gregg asked if the university could possibly field a team and play at Hoskins Field if a stadium on campus proved to be too expensive. Dr. Rogers responded that in discussions with the exploratory committee it was not considered to be an option.

Mr. Hessing asked Ms. Barrow if the motion needed to be modified in order to ask Mr. Carr to bring the business plan of a baseball team to the August meeting. Ms. Barrow responded that it did not and that she would be certain it was included on the agenda.

There being no further discussion, the motion was approved.

Technology Update

13-94. Mr. Hessing reported that during the February board meeting, Mr. Sanchez asked for an update on campus technology at this meeting. Dr. Clark introduced Mr. Randy Kirkpatrick, new Chief Information Officer at MSU. Dr. Clark then reported on the following.

- A. Classroom Technology – during FY 13, approximately \$250,000 was expended to upgrade technology in 10 classrooms. These rooms were selected and prioritized by the provost and deans. Plans continue to upgrade 10 additional classrooms in FY 14.
- B. Campus Wireless Technology – work continues to upgrade the infrastructure of wireless capability on campus. Dual wireless controllers have been installed to help handle the wireless traffic on campus and network access controllers were added to assist with the security of the network. External access points have been installed to increase accessibility on campus.
- C. Telephone Switch Replacement – the switch hardware is arriving and training classes have been completed. It is anticipated that the new system will be implemented June 21 and the phone interruption should be 12-16 hours only.
- D. Portal Project – this project has been moving well throughout the year. Students should have access to the portal May 20.

Mr. Bryant asked how prospective students will use the portal. Dr. Lamb responded that prospective students will use the portal that is part of the Recruiter product. Once a student is admitted he will move into the Banner system and will have access to the portal Dr. Clark mentioned.

Mr. Hessing noted that this item was presented as a point of information only.

Campus Housing Internet Service

13-95. Mr. Hessing reported that the administration issued a Request for Proposal (RFP) for a vendor to provide turnkey wired and wireless internet solutions for campus housing. He asked Dr. Lamb to provide information regarding this matter. Dr. Lamb reported that campus housing is not completely wireless at this time. He stated that this service would cost the institution approximately \$500,000 during the next three years. He added that a ratification item would likely appear on the August agenda to spend \$50,000 out of Housing Reserves so that the project can be completed by August 1. He reported that the remainder of the cost would be paid through housing rental income during the next three

years. He asked Dr. Michael Mills, Director of Housing and Dining Services, to provide additional information regarding this project.

Dr. Mills reported that students have repeatedly indicated through housing surveys that wireless is needed. The responses to the RFP were evaluated and Apogee Advanced Resident Solutions was selected. They are the leading provider for higher education in the country. Apogee will provide more than seven times the band width available now. The students will have a 24/7 dedicated support center with an on-site campus coordinator on campus during move in and orientation. At the end of the three-year contract, all of the upgrades and infrastructure they have installed will be the property of MSU.

Mr. Hessing noted that this item was presented as a point of information only.

Bookstore Contract

13-96. Mr. Hessing reported that the university had solicited proposals from qualified vendors for the operation of the bookstore on the campus of Midwestern State University. He noted that an information sheet was presented as shown as Attachment 2. Dr. Lamb reported that Barnes and Noble College Booksellers have operated the MSU bookstore since 1988. He stated that the current contract expires at the end of May, 2013, and a Request for Proposal (RFP) was issued. A committee of faculty, staff, and students evaluated the proposals that were submitted. Based on the evaluation by the committee members, the administration recommended that the Follett Higher Education Group be engaged to operate the on-campus bookstore beginning June 1, 2013. Dr. Lamb noted that Follett is the largest on-campus bookstore provider in the country. He added that Follett put forth the best financial considerations for the institution and have the strongest resources of any company responding to the RFP. The proposed contract would be for five years with an option of five one-year period extensions after the original five years.

Mr. Bryant moved approval of this contract with Follett Higher Education Group to operate the MSU on-campus bookstore beginning June 1, 2013, as presented. Mr. Bernhardt seconded the motion.

Mr. Hessing noted that as he reviewed the matter the compelling considerations were the size of the company, the financial considerations they offered, and the recommendations the firm received.

There being no further discussion the motion was approved.

Holiday Schedules for Staff Employees – 2013-2014

13-97. The holiday schedules for Midwestern State University staff employees for the 2013-2014 fiscal year were recommended for approval as presented in the agenda. Ms. Weakley reported that the state designates a certain number of holidays for state employees. Institutions of higher education are allowed to determine when those holidays are taken. If a holiday falls on a Saturday or Sunday, the university is not allowed to count that day as a holiday; that is the reason the holidays fluctuate in number

each year. Ms. Weakley noted that the administration plans to operate on a four-day work schedule during the summer of 2014. Some of the employees will continue to work a five-day schedule and that is why two different holiday schedules are presented for approval. She explained that the difference in the two schedules is Memorial Day and the Fourth of July. For those people working the four-day schedule the employees will work forty hours during those two weeks and will take the two holidays during Spring Break.

Mr. Bernhardt moved approval of the holiday schedules as presented. Mrs. Carnes seconded the motion and it was approved.

Adjournment

The Executive Committee discussion concluded at 2:15 p.m.

Reviewed for submission:



Shawn Hessing, Chairman
Midwestern State University
Board of Regents Executive Committee

ATTACHMENT:

1. Bookstore Contract Information Sheet

Midwestern State University
Capital Projects - MP 1
Fiscal Years 2014-2018
Item 13-91

Executive Committee
May 9, 2013
Attachment 1 – Page 1

<u>Project Name</u>	<u>Priority</u>	<u>Project Cost</u>	<u>Sources</u>
Moffett Building Reconstruction	1	\$30,000,000	Future Tuition Revenue Bond Funding Request
Christ Academy Facilities Renovation	2	\$4,000,000	Higher Education Assistance Fund (HEAF) & Private Funds
University Police Station Building	3	\$1,000,000	Higher Education Assistance Fund Bond
New Student Residence Hall and Housing Offices*	4	\$18,000,000	Housing Student Rental Income
Clark Student Center Food Service Addition*	5	\$2,000,000	Auxiliary Services
Bolin Science Hall Expansion	6	\$3,000,000	Future Tuition Revenue Bond Funding Request
J.S. Bridwell Hall Expansion	7	\$8,000,000	Future Tuition Revenue Bond Funding Request
Fain Fine Arts Center ADA & Fire Safety Renovation	8	\$10,000,000	Future Tuition Revenue Bond Funding Request
New Academic Classroom/Athletic Administration Building	9	\$1,900,000	HEAF, HEAF Bond, and Private Funds
Hardin Building Infrastructure Renovation	10	\$10,000,000	Higher Education Assistance Fund Bond
Baseball Stadium	11	\$4,000,000	Private Funds
Total		\$91,900,000	
Projects <\$1 MM not reported to THECB.			
*Qualification and cost based on sufficient enrollment and demand.			

**Bookstore Contract
Agenda Item 13-96**

Midwestern State University has contracted with Barnes & Noble College Booksellers, Inc., to operate its on-campus bookstore since 1988. The current contract with Barnes & Noble expires May 31, 2013. As such, a Request for Proposals for an on-campus bookstore operator was issued. Four companies submitted proposals:

1. Barnes & Noble College Bookstores, Inc.
2. Follett Higher Education Group
3. Neebo
4. Texas Books

A committee consisting of the following individuals evaluated the proposals and made a recommendation to the Vice President for Student Affairs and Enrollment Management:

1. Dail Neely, Dean of Students, Chair
2. Dr. Terry Patton, Dean, Dillard College of Business Administration
3. Dr. Kristen Garrison, Assistant Professor of English
4. Kyle Williams, Assistant Director of Athletics, Development
5. Kyle Contreras, Accountant III, Business Office
6. Anthony Gallina, Student Government Association President

The committee utilized a point system for the proposals, with a score of “1” being the lowest and a score of “5” being the highest. Following is the committee’s rating matrix:

Vendor	Financial Statement	Electronic Platform	Experience at MSU	Financial Agreement	Marketing Plan	Market Strength	References	Total
B&N	2	5	5	3	4	4	4	27
Follett	5	4	1	5	4	5	5	29
Neebo	1	1	1	4	3	2	N/A	12
Tx Books	1	1	1	2	2	2	N/A	9

Given the committee’s rating of each company, the administration intends to recommend that the Follett Higher Education Group be engaged to operate the on-campus bookstore beginning June 1, 2013. In forming this recommendation, the following were considered:

- Follett realized the most points in the rating matrix.
- Follett operates more than 930 on-campus bookstores.
- Follett is the largest contract bookstore operator in the State of Texas, with some 67 stores.
- Follett has the highest Dun and Bradstreet rating of any college bookstore management company (5A2).
- Follett’s financial offer to MSU is some \$200,000 greater than Barnes & Noble over a five-year period.
- Follett had the strongest references of the two companies.

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Academic and Student Affairs Committee
May 9, 2013**

The Academic and Student Affairs Committee of the Board of Regents, Midwestern State University, met in regular session in the J. S. Bridwell Board Room, Hardin Administration Building, Wichita Falls, Texas, at 2:15 p.m., Thursday, May 9, 2013. Academic and Student Affairs Committee members in attendance were Dr. Lynwood Givens, Chairman; Mr. Kenny Bryant; and Mrs. Tiffany Burks (via teleconference). Other regents attending the meeting were Mr. Mike Bernhardt, Mrs. Jane Carnes, Mr. Charles Engelman, Mr. Jeff Gregg, Mr. Shawn Hessing, and Student Regent Holly Allsup.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; Dr. Howard Farrell, Vice President for University Advancement and Public Affairs; and Dr. Robert Clark, Vice President for Administration and Institutional Effectiveness. Other university personnel attending the meeting included Mr. Kyle Owen, Associate Vice President for Facilities Services; Mr. Matt Park, Associate Vice President for Student Affairs; and Dr. Pam Morgan, Associate Vice President for Outreach and Engagement. Additional university personnel attending the meeting were Dr. Jim Owen, Chairman of the Faculty Senate; Mr. Charlie Carr, Director of Athletics; Mr. Barry Macha, General Counsel; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Dawn Fisher, Assistant Director of Human Resources; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Mr. Randy Kirkpatrick, Chief Information Officer; Dr. Michael Mills, Director of Housing and Dining Services; Ms. Julie Gaynor, Director of Marketing and Public Information; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the student body were Mr. Anthony Gallina, outgoing Student Government Association (SGA) president and Ms. Melody Coffee, incoming SGA President. Representing the news media was Ms. Ann Work, reporter for the *Times Record News*.

Chairman Givens called the meeting to order at 2:15 p.m.

Reading and Approval of Minutes

13-98. The minutes of the Academic and Student Affairs Committee meeting February 14, 2013, were approved by the committee as presented.

Faculty Report

13-99. Dr. Jim Owen, Chairman of the MSU Faculty Senate, reviewed the information contained in his written report (see Attachment 1). He noted that the report included a roster of the Faculty Senate members and officers for the 2013-14 academic year.

Mrs. Carnes asked how long the TURNITIN software program had been in existence. Dr. Owen responded that he first used the program in 2009. He stated that the program is made up of a data base of several million papers and reference materials. Mrs. Carnes asked about the expense of the program. Dr. Stewart responded that the annual cost of the standalone program for university use is \$14,000. She added that the system will be purchased for the upcoming year. Mrs. Carnes asked why students would have access to the program. Dr. Owen responded that students can use the software prior to turning a paper in to check for originality and appropriate references.

Dr. Givens thanked Dr. Owen for his work on behalf of the Faculty Senate.

Staff Report

13-100. Mr. Dirk Welch, Chairman of the MSU Staff Senate, reported on the following:

- a. Dr. Clark and Dr. Rincon-Zachary were special guests at the March Staff Senate meeting and presented information regarding the Southern Association of Colleges and Schools (SACS) accreditation process and the university's new undergraduate research initiative, EURECA.
- b. Dr. Rogers and Dr. Stewart spoke to the Staff Senate at the May meeting and reported on overall university matters
- c. Mr. Randy Canivel in Recreational Sports and Wellness and the MSU Police Department were given "You Make a Difference Awards" during the spring semester.
- d. In March, the Staff Senate endorsed a Student Senate resolution supporting the improvement of the campus environment through recycling initiatives and efforts.
- e. At the May meeting, the Staff Senate unanimously adopted a statement addressing the future of staff raises and other institutional priorities. Three objectives were included in the statement:
 - 1) Support of faculty raises and the hope that the savings from those staff that participate in the Voluntary Separation Program would be used to support staff raises in the future.
 - 2) Support for the initiation of a staff salary enhancement plan as has been accomplished for the faculty.
 - 3) With regard to the addition of a collegiate baseball program at MSU, the staff has been assured that the addition of this program would not inhibit faculty or staff salary enhancements during the next three years.

Mr. Welch stated that the staff understands the challenging financial climate that MSU faces and noted that the staff is appreciative of the administration's commitment to avoid

furloughs and layoffs. He indicated appreciation to the administration and the board for the past salary enhancements and one-time incentive payments.

Student Government Report

13-101. Dr. Givens noted that the report would be given by the outgoing Student Government Association (SGA) President Anthony Gallina who would then introduce the incoming SGA President, Melody Coffee.

Mr. Gallina noted that he would graduate Saturday and expressed appreciation for the opportunity to serve this year as SGA President. He noted that the Faculty Senate also approved the recycling resolution that began with the Student Senate and, as Mr. Welch reported, was approved by the Staff Senate. He then introduced Ms. Coffee and reported that she served as SGA Vice President in the current year.

Ms. Coffee reported that she graduated from Woodrow Wilson High School in East Dallas and is a senior at MSU majoring in mechanical engineering. She stated that she was excited to serve as SGA president and looked forward to continuing the work of the SGA in the coming year.

Dr. Givens congratulated Mr. Gallina on his graduation and asked about his future plans. Mr. Gallina responded that he would like to teach high school and coach basketball at some point in the future. He noted that he has enjoyed working in recreational sports at MSU and hopes to find a similar university position in the short term. Dr. Givens thanked Mr. Gallina for the work he has done and wished him success in the future.

Athletics Report

13-102. Mr. Charlie Carr, Director of Athletics, presented the following information.

- a. Luke Joyce, Elena Bennett, and Shelbi Stewart received the Marie Morgan Award as MSU's Outstanding Student Athletes.
 - 1) Luke is a men's tennis player from South Africa, majors in mechanical engineering, and maintains a 3.7 grade point average. Luke was awarded the International Tennis Association/Arthur Ashe, Jr. Award for Leadership and Sportsmanship on May 8.
 - 2) Elena is a four-year starter for the softball team and a two time all American and two time academic all American, including the Daktronics and National Fast-pitch Coaches' Association All-America awards.
 - 3) Shelbi is a four-year letter winner in women's volleyball. She garnered Lone Star Conference first-team honors in the fall.
- b. Student athletes contributed more than 3,000 hours of community service this past year. The men's basketball team and women's cross country/track team earned the Community Service Team Awards.

- c. Seven student athletes were honored as Academic All-Americans during the year. Nine athletes earned 4.0 grade point averages while 124 of the 330 student athletes were named to the Dean's List.
- d. Ten of the 13 teams qualified for post-season play; five teams were Lone Star Conference champions, and five teams were runners up. The women's basketball team was one shot away from advancing to the Elite Eight. The men's basketball team played in the regional tournament for the fourth consecutive year. The men's tennis team advanced to the Elite Eight while the women's team advanced to the Sweet 16. The men's and women's golf teams qualified for the regional tournament again this year. Tennis Coach Scott Linn and Golf Coach Jeff Ray did exemplary jobs and continue to represent MSU well. These two men coach two teams with only the assistance of one graduate assistant each.

Mr. Bryant asked if the MSU football game against Tarleton State University at Cowboys Stadium would be televised. Mr. Carr responded that the game was scheduled for September 14 at 4 p.m. and that it would be televised.

Dr. Clark added that the MSU Cycling Team recently competed in the collegiate road nationals in Utah and one of the MSU women won the national time trials. He noted that the team finished in the top ten of the 58 teams that competed.

May 2013 Graduating Class

13-103. Dr. Givens reported that the administration had recommended approval of the list of candidates for May 2013 graduation as presented in the agenda. He noted that 712 students were on the list in 2013 compared to 670 students on the list for 2012.

Mr. Bryant moved approval of the list as presented. Mrs. Burks seconded the item and it was approved.

Academic Department Reorganizations

13-104. Dr. Givens noted that the administration had recommended the reorganization of academic departments as presented in the agenda. He asked Dr. Stewart to comment on the recommended changes.

Dr. Stewart reported that with regard to the Dillard College of Business Administration, the administration proposed moving Legal Studies from its current department into a Management, Marketing, and Legal Studies department. She noted that this change would result in efficiency. Dr. Stewart commented that the second change dealt with the West College of Education. The College currently has three departments, including a Department of Educational Leadership and Technology. This department has been reduced from five faculty to one faculty owing to retirements and reassignments. She noted that the university no longer offers a major in Educational Technology but continues to offer the subject as a minor. A standalone department is no longer necessary.

Mrs. Burks moved approval of this item as presented. Mr. Bryant seconded the motion and it was approved.

Joint Physics Degree Plan

13-105. Dr. Givens noted that since the elimination of the MSU physics degree program the faculty and administration have worked to develop a joint degree in physics. He asked Dr. Stewart to comment on this proposal.

Dr. Stewart reported that physics programs at eight Texas universities were determined to be low-producing and were eliminated by the Texas Higher Education Coordinating Board (THECB). Faculty from those eight institutions, including Midwestern State University, joined together to form the Texas Physics Consortium (TPC). The purpose of TPC is to jointly offer a baccalaureate degree in physics. The consortium believes that with the combined physics majors from the eight institutions the degree program will meet the graduate numbers set by the THECB. Dr. Stewart noted that an MSU faculty member participated in the development of the program curriculum. The courses will be taught throughout the state via interactive telecourses. The administration requested authorization to join the TPC and offer this joint physics degree, assuming approval by the THECB.

Mr. Bryant moved approval of this item as presented and Mrs. Burks seconded the motion.

Mr. Hessing asked if there were additional costs involved with offering the program. Dr. Stewart responded that a donor contributed funds for the technology room that was needed. She added that everything is in place to deliver the courses.

Dr. Givens asked if the MSU students would receive a Bachelor of Science in Physics Degree or if there would be some type of caveat on the diploma. Dr. Stewart responded that the diploma would display Midwestern State University, the student's name, the degree in physics, and a list of the consortium members. She added that MSU would count the semester credit hours and the graduation numbers for its students. Dr. Givens commended the faculty and administration for their effort to make this come to pass.

There being no further discussion, the motion was approved.

MSU Policies and Procedures Manual Changes

13-106. Dr. Givens noted that three policy changes and one new policy were recommended for approval. He asked Dr. Rogers to comment on the recommendations. Dr. Rogers presented information regarding items a-c and Mr. Matthew Park explained item d.

- a. Policy 2.393, Staff Senate Purpose and Constitution – the Staff Senate requested this change which would allow the election of officers to take place in August rather than May.

- b. Policy 3.317, Academic Emeritus Status – Faculty and Administration – the recommended change would require an individual to serve at Midwestern State for ten consecutive years in a full-time position to be considered for academic emeritus status.
- c. Policy 4.125, Records Management Policy – records management oversight responsibilities were previously moved to the President's Office and the change had not been reflected in the manual.
- d. New Policy 4.xxx, Web Accessibility – the university is required to ensure that its online information and programs are accessible to persons with disabilities. Mr. Park reported that the MSU policy was crafted after the policies of the University of Texas at Austin and Texas A&M University.

Mr. Bryant moved approval of these policy changes as presented. Mrs. Burks seconded the motion and it was approved.

Emeritus Status

13-107. Dr. Rogers explained that emeritus status is an honorary designation for retiring faculty and staff. An individual must have "faithfully served the university for a minimum of ten years" to be considered for emeritus status.

Faculty Promotions

13-108. Dr. Rogers reported that once each year faculty members are reviewed for promotion and tenure. He noted that at any point in time there are a large number of faculty that meet the minimum standards for promotion. He added that it is the responsibility of each faculty member to study the criteria and counsel with his department head and dean to determine if he should be considered for promotion. He stated that the process is very rigorous. The process begins with recommendations from the department head, the college promotion and tenure committee, the dean, the university committee, the provost, and the president. This is one of the most thorough evaluations the faculty receive. He stated that a limited number of faculty apply for promotion each year.

Faculty Tenure

13-109. Dr. Rogers stated that faculty members applying for tenure are thoroughly reviewed in the same process as with promotions. Tenure has been reviewed by the courts and is very well defined in the law. The law requires that only the Board of Regents may award tenure. He noted that prior to receiving tenure, a faculty member may be dismissed without cause. Tenure guarantees a faculty member the right to due process before they can be dismissed. Dr. Rogers noted that a faculty member receives a large vote of confidence from the university when they are given tenure. He stated that MSU maintains rigorous review standards.

Recess

The committee meeting recessed at 3:05 p.m. Mr. Hessing noted that the committee would reconvene later in the day to consider items in closed session.

Executive Session

Mr. Hessing announced that the Board of Regents would go into closed session as allowed by the Texas Government Code Chapter 551, Section 551.071, Consultation with Attorney, to consider Item 13-88a (Consult Attorney about Litigation or Settlement Offer), and Section 551.074, Personnel Matters, to consider Items 13-88d (Personnel Matters), 13-107 (Emeritus Status), 13-108 (Faculty Promotions), and 13-109 (Faculty Tenure). The closed session was properly announced at 4:05 p.m. Mr. Hessing, Mr. Bernhardt, Mr. Bryant, Ms. Carnes, Mrs. Burks (via teleconference), Mr. Engelman, Dr. Givens, Mr. Gregg, Ms. Allsup, Dr. Rogers, Dr. Stewart, Dr. Fowlé, Dr. Lamb, Dr. Clark, Dr. Farrell, Mr. Macha, Mr. Spencer, and Ms. Barrow remained for the discussion.

Open Meeting Resumes

The closed session ended at 4:46 p.m. with an announcement by Mr. Hessing that no action was taken during the Executive Session. The open meeting resumed at 4:47 p.m.

Emeritus Status

13-107. Mr. Bryant moved that the following individuals be granted emeritus status upon their retirement.

- Dr. Larry Archambo – Professor of Music – 25 years
- Ms. Carol Bisbee – Assistant Professor of Social Work – 16 years
- Dr. Martha Burger – Associate Professor of Educational Leadership – 12 years
- Dr. Mary Ann Coe – Professor of Educational Technology – 16 years
- Mr. Norval Crews – Assistant Professor of Music – 43 years
- Ms. Barbara Curran – Assistant Professor of Dental Hygiene – 15 years
- Dr. Ronald Fischli – Professor of Theatre – 23 years
- Dr. Richard Fleming – Associate Professor of Physics – 24 years
- Mr. Don Henschel – Professor of Theatre – 43 years
- Mr. James Hoggard – Professor of English – 47 years
- Dr. Millie Gore Lancaster – Professor of Special Education – 20 years
- Ms. Marsha May – Assistant Professor of Mathematics – 31 years
- Ms. Annette Medford – Assistant Professor of Respiratory Care – 16 years
- Ms. Barbara Ramos Merkle – Director of Admissions – 30 years
- Ms. Jane Stewart – Assistant Professor of Nursing – 11 ½ years

Mrs. Burks seconded the motion and it was approved.

Faculty Promotions

13-108. Mr. Bryant moved approval of the following faculty promotions.

From the Rank of Instructor to Assistant Professor:

Amanda Nimetz, M.S. Academic Success Center

From the Rank of Assistant Professor to Associate Professor:

Laura Fidelie, J.D. Criminal Justice

Dale McDonald, Ph.D. Engineering

Edward Schultz, Ph.D.	Special Education
Laura Spiller, Ph.D.	Psychology
Grace Zhang, Ph.D.	Management Information Systems

From the Rank of Associate Professor to Professor:

Nathan Moran, Ph.D.	Criminal Justice
Chris Shao, Ph.D.	Marketing

Mrs. Burks seconded the motion and it was approved.

Faculty Tenure

13-109. Mr. Bryant recommended the following individuals be granted tenure.

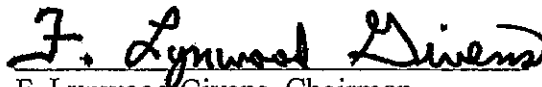
• Betty Bowles, Ph.D.	Nursing
• Catherine Gaharan, Ph.D.	Accounting
• Nathan Jun, Ph.D.	Philosophy
• Jane Leach, Ph.D.	Nursing
• Dale McDonald, Ph.D.	Engineering
• Sugumaran Narayanan, Ph.D.	Political Science
• Jeff Stambaugh, Ph.D.	Management
• Lynette Watts, Ph.D.	Radiologic Sciences
• Jie Zhang, Ph.D.	Management Information Systems

Mrs. Burks seconded the motion and it was approved.

Adjournment

There being no further business, the Academic and Student Affairs Committee discussion concluded at 4:48 p.m.

Reviewed for submission:



F. Lynwood Givens, Chairman
Midwestern State University
Board of Regents Academic & Student Affairs Committee

ATTACHMENT:

1. Faculty Senate Report



MIDWESTERN STATE UNIVERSITY
Faculty Senate

Summary of Faculty Senate Activities: February 2013 through May 2013

The Faculty Senate has held six meetings since the previous report and covered the following topics:

1. At the February meeting, Julie Gaynor made a presentation covering the MSU Branding recommendations to the Faculty Senate, similar to her presentation at the Regents' February meeting. There continue to be some questions along the lines of who is authorized to use which logo and for what purposes.
2. Dr. Magaly Rincon-Zachary discussed the EURECA program plans, focusing particularly on faculty participation with students in research activities and encouraging faculty members to identify and recruit students who exhibit interest in their particular research preferences.
3. The Faculty Senate approved the final version of the Faculty Satisfaction Survey instrument for distribution to the MSU faculty later in February.
4. Faculty access to the Satisfaction Survey instrument closed on 28 FEB 13 and preliminary results were available for the March Faculty Senate meeting. Several Senators volunteered to provide a more thorough review and synthesis of the information at the April meeting.
5. Dean Johnston (The College of Health Sciences and Human Services) and Dean Patton (Dillard College of Business Administration) committed funds from their colleges to acquire access to TURNITIN, a software program through which professors can receive an electronic assessment of written papers regarding plagiarism and other potential errors. MSU faculty are testing this service through the summer terms with the expectation that it will prove suitable for university investment starting with the fall 2013 term. As writing expectations of students rise, a service of this type becomes increasingly beneficial and important to faculty.
6. The Desire-to-Learn (D2L) program continues to receive mixed reviews by the MSU faculty, with favorable reports continuing to increase. Most faculty continue to experience some learning curve issues but also seem to find assistance and training options that help increase their confidence in using the system.
7. The Texas Council of Faculty Senates (TCFS) held its spring meeting and discussed several topics, including Faculty Senate participation in university governance and issues related to post-tenure review. As budget and other resources shrink, faculties throughout Texas are becoming increasingly active in university governance issues and their impact on academic activities. The MSU Faculty Senate has begun reviewing Senate charters and constitutions from other Texas universities with the expectation that in the next year, we may suggest recommendations regarding our role in MSU governance.

8. Dr. Stewart provided a briefing for the Faculty Senate regarding the SACS reaffirmation committee report, which we were all relieved and thankful to hear, was quite positive.

9. Jenny Denning and Patrick Weaver from the MSU Bookstore reported on two new options that are available for faculty through the bookstore's website:

- a) a program named Enlight, through which faculty members can access a large number of textbooks related to their respective disciplines to request desk copies and/or review for potential adoption.
- b) a program named Xanadu, which can help develop customized textbooks and can access information from out-of-print as well as old editions for inclusion. Professors can also develop and include text materials, worksheets, assignments, and other aspects – and have the customized text available within six weeks for the initial printing and within two weeks thereafter.

10. The Faculty Senate reviewed a list of faculty recommended for emeritus status and, with the addition of two names, approved these recommendations.

11. The Faculty Senate unanimously endorsed acquisition of TURNITIN by MSU and discussed the possibility of having it integrated into D2L. Integration will reduce the number of processing steps and can provide student access to the software.

12. Results from the Faculty Satisfaction Survey were reviewed and discussed at the April meeting but because of time constraints, a special meeting of the Faculty Senate was held on 02 MAY 13 for the purpose of a thorough review of the summary. At this meeting, the Senate adopted a summary document for distribution to the entire faculty.

13. The Faculty Senate received a communication from the Faculty Senate chair at Texas A&M International (Laredo) regarding higher education funding expectations in the Texas budget now under consideration by the Texas legislature. This letter basically focused on the funding loss in the 2011-12 budget and lack of funding restoration that appears to be developing in the 2013-14 budget. A recommendation that TCFS member schools contact their respective representatives and request additional funding for higher education be included in the current budget document.

14. The May meeting agenda is limited to the election of Faculty Senate officers for the next academic year. The roster for the 2013-14 Faculty Senate roster and the officers elected for that term is attached.

15. A special Faculty Senate meeting was held on 07 MAY 13 to address faculty concerns with respect to the selection of Dr. Ben Carson as the commencement speaker for the May 2013 graduation. The Faculty Senate adopted a motion recommending the inclusion of faculty and student representatives in the review and selection of future commencement speakers.

Respectfully,

Jim Owen, Chair
MSU Faculty Senate

* = Executive Committee Member

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Finance Committee
May 9, 2013**

The Finance Committee of the Board of Regents, Midwestern State University, met in regular session in the J. S. Bridwell Board Room, Hardin Administration Building, Wichita Falls, Texas, at 3:15 p.m., Thursday, May 9, 2013. Committee members in attendance were Mr. Mike Bernhardt, Chairman; Mrs. Jane Carnes; Mr. Charles Engelman; and Mr. Jeff Gregg. Other regents attending the meeting were Mr. Kenny Bryant, Mrs. Tiffany Burk (via teleconference connection), Dr. Lynwood Givens, Mr. Shawn Hessing, and Student Regent Holly Allsup.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; Dr. Howard Farrell, Vice President for University Advancement and Public Affairs; and Dr. Robert Clark, Vice President for Administration and Institutional Effectiveness. Other university personnel attending the meeting included Mr. Kyle Owen, Associate Vice President for Facilities Services; Mr. Matt Park, Associate Vice President for Student Affairs; and Dr. Pam Morgan, Associate Vice President for Outreach and Engagement. Additional university personnel attending were Mr. Dirk Welch, Chairman of the Staff Senate; Mr. Charlie Carr, Director of Athletics; Mr. Barry Macha, General Counsel; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Dawn Fisher, Assistant Director of Human Resources; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Ms. Julie Gaynor, Director of Marketing and Public Information; 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 Bernhardt called the meeting to order at 3:15 p.m.

Reading and Approval of Minutes

13-110. The minutes of the Finance Committee meeting February 14, 2013, were approved by the committee as presented.

Summary of Financial Support 9/1/12-4/15/13

13-111. Mr. Bernhardt asked Mrs. Carnes to highlight some of the major gifts received since the last meeting of the board. Mrs. Carnes presented the following information.

- a) Mr. and Mrs. Joe Prothro supported the MSU Akin Music Series with gifts of \$10,000 from the Joe and Dale Prothro Family Fund and \$30,000 from the Perkins Prothro Foundation.

- b) Mrs. A. R. Dillard Jr. donated the "Spirited Thunder" Mustang sculpture by J. Chester Armstrong to the Museum collection. This piece is valued at \$33,000 and will be displayed in the foyer of the Dillard College of Business Administration.
- c) The E. Paul and Helen Buck Waggoner Foundation continued its support of health science scholarships through a gift of \$15,000.
- d) The Cowan Legacy Choir contributed \$10,000 to the MSU Foundation for choir scholarships.
- e) First Bank donated \$10,000 for equipment to support the petroleum engineering option in the McCoy School of Engineering.
- f) Falls Distributing Company contributed \$10,000 to the Charles Ramser Scholarship fund.

Mrs. Carnes stated that MSU continues to receive support from the community and the board is grateful for this support. She encouraged board members to write thank you notes to the donors listed.

Mr. Bernhardt noted that this item was presented as a point of information only.

Review and Acceptance of Financial Reports

13-112. Mr. Bernhardt reported that the administration recommended acceptance of the January, February, and March, 2013 financial reports. He asked Dr. Fowlé to comment on these reports. Dr. Fowlé reported that during the current fiscal year through March 31, revenue had increased by \$1.2 million over FY 12 for a total of \$62 million. This increase is attributed to the generosity of university donors. Expenses for the same time period are within \$200,000 of revenues after transfer, although expenses are approximately \$1.5 million more than FY 12. This increase in expenses can be tied to the one-time two percent salary bonus, enhanced enrollment initiatives, and additional athletic playoff expenses. Dr. Fowlé reported that the administration continues to monitor the plan that was presented to the board in November.

Mr. Engelman moved acceptance of the reports as presented. Mr. Gregg seconded the motion and it was approved.

Investment Report

13-113. Mr. Bernhardt asked Dr. Fowlé to comment on the second quarter investment report. Dr. Fowlé stated that the average return on the university's operating cash was .81%. She added that operating cash at the end of February totaled \$38 million. She reported that the second part of the report provides information on returns for endowed funds.

Dr. Fowlé reported that the administration worked to get a bill filed with the Texas Legislature (Senate Bill 1019) that would provide an opportunity for MSU to achieve a

greater return on its operating cash. Current law requires a governing board with less than \$25 million in endowed funds under its control to invest its operating cash as required by the Texas Public Funds Investment Act. A governing board that meets the \$25 million threshold may invest operating cash under the prudent person's standard. Dr. Fowlé explained that while MSU receives benefit from more than \$25 million in endowed funds, a portion of these funds is held by the MSU Foundation, Inc. and the MSU Charitable Trust. These funds are thus not controlled by the MSU governing board. MSU, Stephen F. Austin University, and Texas Southern University do not meet the \$25 million threshold in endowed funds under the control of the governing board. All other senior institutions in Texas are within a system and the system governing boards oversee more than \$25 million in endowed funds for the system. Senate Bill 1029 was passed by the Texas Legislature and is awaiting approval by the Governor. This legislation would allow the MSU Board of Regents to contract with another governing board that meets the \$25 million standard, and invest MSU's cash with them. Dr. Fowlé reported that MSU currently earns \$250,000 each year on its operating cash, which is less than a one percent yield. She noted that the systems appear to earn near three percent and MSU's yield at three percent could be an additional \$500,000. Mr. Hessing asked if that would be a net increase. Dr. Fowlé responded that it could be, depending on the amount of cash invested and the specifics of the approved contract. She noted that the amount of operating cash fluctuates throughout the year and that she anticipated MSU could invest in the range of \$22-25 million with a system. She stated that an item would likely be placed on the August Board agenda for consideration by the board.

Mr. Engelman asked what the other boards are investing in to achieve the three percent. Dr. Fowlé responded that each are different depending on what the investment policies allow. She added that they can invest in anything that meets the prudent person's standard.

Mr. Gregg moved the acceptance of the investment report as presented. Mrs. Carnes seconded the motion.

Mr. Hessing commended Dr. Fowlé for recommending the change through the legislative process. Mr. Bernhardt added his thanks to Dr. Fowlé and to Ms. Barrow for her work in getting the bill through the legislative process.

There being no further discussion the motion was approved.

FY 2012-2013 Item \$50,000 & Under

13-114. Mr. Bernhardt noted that one budget change was presented for ratification and asked Dr. Rogers to comment on this item. Dr. Rogers reported that funds were transferred from Student Service Fee Reserves to replace furniture in the Arrowhead Lounge in the Clark Student Center. He added that the Center is heavily used and he recommended ratification of this transfer of funds.

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

Review of Personnel Reports and Salary/Title/Position Changes in 2012-2013 Budget

13-115. The reports of personnel changes in January, February, and March, 2013 were presented for information, and salary and position changes approved by the president were presented for ratification. Dr. Rogers reviewed the changes that were included in the agenda document. He noted that an unbudgeted faculty position in the West College of Education was filled during the spring semester. He added that additional duties were given to Dr. Magaly Rincon-Zachary to oversee the Quality Enhancement Plan (QEP). This resulted in a salary adjustment.

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

Digital Catalog Management Software

13-116. Mr. Bernhardt reported that Midwestern State University has continued to publish hard copies of the university's catalogs and has seen the demand for these items diminish. The administration recommended the purchase of Digital Architecture's Acalog, a digital academic catalog management software. The agenda noted that the first-year cost of the software would be \$54,134, to include licensing, hosting-support-upgrades, and catalog transition. The source of funds would be the university's Publication Fee.

Dr. Stewart reported that the majority of colleges and universities have moved to an electronic catalog. The MSU catalogs are currently online in PDF form and searches and modifications are difficult. With this software, the catalogs will be updated more readily and will be more streamlined and efficient.

Mrs. Carnes moved approval of this item as presented. Mr. Gregg seconded the motion.

Mr. Engelman asked what kind of savings would be achieved. Dr. Stewart responded that in time the university would see a savings in printing, paper costs, and man hours.

There being no further discussion, the motion was approved.

Budget Discussion 2013-2014/ Mandatory and Non-Mandatory Fees Review and Recommendations

13-117. Mr. Bernhardt reported that during the February board meeting the administration recommended waiting until the May meeting to recommend tuition and fees for the fall. He noted that while the legislature has not finalized the appropriations bill, the administration is prepared to recommend items for the board's consideration. He asked Dr. Rogers and Dr. Fowlé to discuss budget planning for FY 14.

Dr. Rogers noted Attachment 1 which contained information regarding budget planning and recommendations. He reported that much of the budget planning is dependent on enrollment. While the freshman class will likely increase, the number of students graduating has also increased. He noted that total enrollment will likely increase very

slightly or remain the same. Dr. Rogers stated that the administration's top priority for the FY 14 budget is salary increases for the staff and faculty. The anticipated increase in salaries, including benefits, totals approximately \$1.1 million. He noted that in the budget plan for FY 14, each scenario indicates a budget shortfall. He added that no additional revenue from the state is shown in this budget plan. Dr. Rogers reported that the Senate version of the appropriations bill would provide approximately \$1 million in new money for MSU. The House version of the bill would hold appropriations level for MSU. He noted that the outcome would be determined by a conference committee. He indicated his hope that MSU would receive an increase of at least \$500,000. He added that MSU would also likely receive approximately \$260,000 in one-time relief for the funds lost by the university for the Hazelwood Act exemptions. Dr. Rogers noted that the university has carry-forward savings and a reserve in undesignated gift funds. He stated that while the administration would prefer to not use savings or reserves, the funds are available should additional funding from the state not be appropriated.

Dr. Rogers stated that the administration was not going to recommend increasing tuition during the upcoming year. He noted that fee restructures and new fees in high-cost programs would be recommended. He asked Dr. Fowlé to present the recommended changes.

Dr. Fowlé noted the information contained in Attachment 1. The first page was the budget plan and the second page was a comparison of tuition and fees for the current fiscal year. Page three provided information gathered through a survey of universities regarding anticipated tuition and fee changes for FY 14. The next page presented the proposed fee recommendations. Item I proposed the elimination of a series of fees and the creation of a University Services Fee. She reported that this change would simplify student billing statements, provide more flexibility, and allow the administration to budget funds based on the priorities of the university. She noted that a final sheet in the packet presented a summary of the fees to be eliminated, which totaled \$45.12 per semester credit hour equivalent. She stated that the new University Services Fee would be set at this amount, resulting in no increase to the students.

Dr. Fowlé noted that Item II outlined proposed instructional enhancement fees in engineering, dental hygiene, and nursing. Dr. Stewart explained that these fees were recommended owing to the high cost of administering these programs. She added that these three areas were the most out of line in terms of fees paid and the cost of the programs. Dr. Fowlé reminded the board that instructional enhancement fees can be used only for instructional costs.

Dr. Fowlé stated that Item II was a recommended increase of the Graduation Fee. She noted that this fee had not been increased since 1993.

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

Mr. Gregg stated that he did not understand the use of mandatory and non-mandatory when describing fee increases. He indicated that if a student wanted to take those particular courses and graduate he would have no choice but to pay the fees. Dr. Fowlé explained that non-mandatory is a term used by the Texas Higher Education Coordinating Board (THECB) and refers to fees that are not charged across-the-board to all students. She agreed that the wording was confusing and that different terminology would be used in the future.

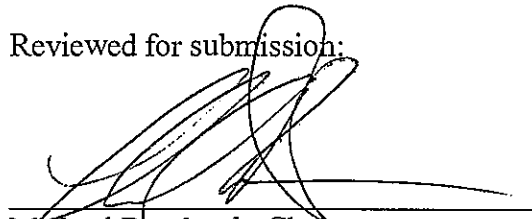
Mr. Bernhardt thanked the administration for their work in recommending a flat budget for students and working to increase pay for the staff and faculty.

There being no further discussion, the motion was approved.

Adjournment

The Finance Committee discussion concluded at 4:00 p.m.

Reviewed for submission:

A handwritten signature in black ink, appearing to read "Michael Bernhardt", is written over a horizontal line.

Michael Bernhardt, Chairman
Midwestern State University
Board of Regents Finance Committee

ATTACHMENT:

1. Budget Planning and Recommendations Packet

Budget Plan for FY14

As of May 5, 2013

	Worse Case	Most likely	Best Case
	5850	5900	5950
	<u>FY2014</u>	<u>FY2014</u>	<u>FY2014</u>
Enrollment			
Revenue Shortfall			
E&G	-1,156,450	-1,156,450	-1,156,450
Designated tuition	-558,609	-558,609	-558,609
Enrollment change from 5900	-200,000	0	200,000
Shortfall in USF funding	-370,000	-300,000	-230,000
One-time funding depleted from private foundation and mineral fund	-540,000	-540,000	-540,000
Total Shortfall	-2,825,059	-2,555,059	-2,285,059
 New budgeted expenses			
QEP	-234,000	-234,000	-234,000
Scholarships above gift funds	-200,000	-200,000	-200,000
Distance Education Initiative	-100,000	-100,000	-100,000
Athletic travel	-55,000	-55,000	-55,000
Additional recruiting expenses	-374,000	-374,000	-374,000
Total new expenses	-963,000	-963,000	-963,000
 Pay and benefit changes			
Summer School reduction	572,108	572,108	572,108
Back out one-time FY12 pay increase	500,000	500,000	500,000
Est. insurance & retirement cost increase	-200,000	-200,000	-200,000
Faculty - \$500K a year + promotions and benefits	-655,200	-655,200	-655,200
Staff - 2% pool+ pay plan adjustments and benefits	-400,000	-400,000	-400,000
Total Pay increases	-183,092	-183,092	-183,092
 Total Needed	-3,971,151	-3,701,151	-3,431,151
 Proposed Budget Solutions			
Course Fee balances	257,944	257,944	257,944
Swap library expenses to HEAF	550,000	550,000	550,000
Centralize and additional interest earning	500,000	500,000	500,000
Other salary/operating expense reductions	351,000	351,000	351,000
Electrical contract savings	125,000	125,000	125,000
Use of E&G budgeted savings carryforward	779,930	779,930	779,930
Total Changes	2,563,874	2,563,874	2,563,874
 Net balance	-1,407,277	-1,137,277	-867,277

Academic Charges
Tuition, Mandatory Fees, and Average College and Course Fees
15 Semester Credit Hours

	Fall 2012
The University of Texas at Dallas	\$5,796
The University of Texas at Austin *	\$4,895
Texas Tech University	\$4,857
University of Houston	\$4,676
The University of Texas at Arlington *	\$4,646
University of North Texas *	\$4,572
Texas A&M University *	\$4,542
The University of Texas at San Antonio	\$4,494
Texas State University-San Marcos	\$4,386
Lamar University	\$4,272
Sam Houston State University	\$4,195
Prairie View A&M University	\$4,158
Texas A&M University at Galveston	\$4,071
Stephen F. Austin State University	\$4,009
Texas Woman's University	\$3,844
Texas A&M University-Corpus Christi	\$3,839
Texas Southern University	\$3,823
Midwestern State University	\$3,800
Angelo State University	\$3,747
University of North Texas at Dallas *	\$3,675
The University of Texas at Tyler	\$3,611
Texas A&M University-San Antonio	\$3,570
Texas A&M University-Kingsville	\$3,557
The University of Texas at El Paso	\$3,554
Texas A&M International University	\$3,439
Tarleton State University	\$3,430
West Texas A&M University	\$3,402
Texas A&M University-Commerce	\$3,360
The University of Texas of the Permian Basin	\$3,354
Texas A&M University - Central Texas	\$3,240
Texas A&M University-Texarkana	\$3,160
University of Houston-Clear Lake	\$3,141
The University of Texas-Pan American	\$3,136
The University of Texas at Brownsville	\$3,132
University of Houston-Victoria	\$3,103
Sul Ross State University	\$3,046
University of Houston-Downtown	\$3,012
Statewide Totals	\$3,853

* University has flat-rate tuition plans

Source: THECB Tuition and Fee Report 03/19/2013

Survey of Tuition and Fee Increases for FY14

Institution	Amount of Increase
Midwestern	No increases (other than differential instructional enhancement for Nursing, Dental Hygiene and Engineering)
TX Southern	3% overall increase on 15 hours
Stephen F. Austin	11.4% Designated tuition, overall increase of 6.1%
TWU	3.95% designated tuition, 3% housing increase
PVAMU	New sports complex fee - \$15/SCH
Tarleton	Differential tuition in Business, Engineering and Nursing, increase in athletic fee from \$10 to \$16/SCH
TAMUI	Recreational Sports Fee increase - \$48 to \$82/SEM, Athletic fee increase from \$15.50 to \$17/SCH
TAMU	University Advancement Fee Increase of \$2.42 per hour, new \$75 one-time student conference fee (for new freshmen/transfer), seven new program fees
TAMUG	Differential tuition in one area, advising fee \$2.5/SCH inc, Computer use Fee \$1/SCH inc, new student conference fee inc from \$75 to \$100, vessel use fee inc .50/SCH, parking fee \$150 to \$165 faculty, staff students
TAMU-T	Technology fee from \$10-\$15, New Green Fee \$5/SEM, New Athletic Fee \$9/SCH
WTAMU	Differential tuition for Bus and Eng, Eliminate Distance Ed Fee. Increase technology fee from \$11 to \$19/SCH.
TX A&M Commerce	No increases
TX A&M Corpus Christi	No increases
TX A&M Kingsville	No increases
TX State	Slight increase being considered
Sam Houston	Increased 3.95% in Spring 2013, will not increase in Fall 2013. BDR approved 3.95 increase for Fall 2014
UH Clear Lake	3.8% being considered, no decision yet.
UH Victoria	3.95% Increase being considered
UT-A	2.6% overall increase
UT	No increases
UT-B	2.6% overall increase
UT-D	3.8% overall increase
UT-El Paso	2.2% overall increase
UT-PA	2.4% overall increase
UT-PB	2.4% overall increase
UT-SA	1.7% overall increase
UT-T	2.1% overall increase

Mandatory and Non-Mandatory Fee Recommendations
(effective with registration for the fall 2013 semester, unless otherwise noted)

I. Proposed Mandatory Fee Elimination and Addition – see attached

- A. It is recommended that the Technology, Energy Surcharge, Library, Wellness Center, Academic Support, Publication, Medical Service, and International Education fees be eliminated, effective with the fall 2013 semester. The total amount of these fees on a semester hour basis is \$45.12 per semester credit hour.
- B. University Services Fee – This new fee would be used to cover various university services including, but not limited to, technology, library, publications, advising, international education, tutoring, supplemental instruction, and student support. Creation of this fee simplifies the billing process and provides additional flexibility to the university in budget management. The new proposed fee would be \$45.12 per semester credit hour.

II. Proposed Non-Mandatory Fee Additions

Beginning with the spring, 2013, program course fees were replaced by an Instructional Enhancement Fee to be charged for courses offered within each academic college. During the spring semester, the administration has reviewed funding generated by each program area. The three academic programs identified below require an additional, differential instructional enhancement fee for students enrolled in these specific courses. These new fees will be in addition to the college instructional enhancement fee that is already in place.

- A. Engineering Differential Instructional Enhancement Fee – The senior design projects for engineering have been funded the past several years by one-time gift funds from a local foundation. The current budget for these projects is \$25,000 a year. The new proposed differential fee would be \$9 per semester credit hour for all engineering courses to cover the senior design projects. This fee would generate approximately \$26,730 each year.
- B. Dental Hygiene Differential Instructional Enhancement Fee – The instructional and operating costs for dental hygiene are greater than the funds generated by students enrolled in dental hygiene courses. Growth in the program is not possible owing to the size of the facilities and faculty. A differential instructional enhancement fee for semester credit hours generated by dental hygiene courses is proposed at \$32 per semester credit hour and would generate approximately \$36,800 each year. With the addition of this fee, students will pay instructional enhancement fees equal to the course fees previously charged.
- C. Nursing Differential Instructional Enhancement Fee – The instructional and operating costs for nursing, including the Regional Simulation Center, are greater than the funds generated by students enrolled in nursing courses. A new differential instructional

enhancement fee charged by semester credit hour for nursing courses of \$25 is recommended and would generate approximately \$288,750 annually. With the addition of this fee, students will pay less in instructional enhancement fees than the course fees previously charged.

III. Proposed Non-Mandatory Fee Increase

- A. Graduation Fee – The university graduation fee was last increased in 1993. University costs associated with graduation exceed the funds that are collected and the administration recommends the fee be increased from \$20 to \$30 for student filing for graduation after September 1, 2013.

Midwestern State University
Proposed University Services Fee Data ~ Effective Fall 2013

	Flat Fee	Per Hour Fee	Current Per Hour Equivalent
<i>Elimination of the following fees:</i>			
Technology Fee	\$ -	\$ 17.00	\$ 17.00
Energy Surcharge Fee	-	13.00	13.00
Library Fee	-	8.00	8.00
Wellness Center Fee	-	1.00	1.00
Academic Support Fee	-	4.00	4.00
Publication Fee	5.00	-	0.44 *
Medical Service Fee	15.00	-	1.33 *
International Education Fee	4.00	-	0.35 *
	\$ 24.00	\$ 43.00	\$ 45.12
<i>Creation of new fee:</i>			
University Services Fee w/no increase			\$ 45.12

*Divided by 11.3 for average semester credit hours students take per semester

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

**Audit, Compliance, and Management Review Committee
May 9, 2013**

The Audit, Compliance, and Management Review Committee of the Board of Regents, Midwestern State University, met in regular session in the J. S. Bridwell Board Room, Hardin Administration Building, Wichita Falls, Texas, at 4:00 p.m., Thursday, May 9, 2013. Committee members in attendance were Mr. Jeff Gregg, Acting Chairman; Mrs. Tiffany Burks (via teleconference); and Mr. Charles Engelman. Other regents attending the meeting were Mr. Mike Bernhardt, Mr. Kenny Bryant, Mrs. Jane Carnes, Dr. Lynwood Givens, Mr. Shawn Hessing, and Student Regent Holly Allsup.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; Dr. Howard Farrell, Vice President for University Advancement and Public Affairs; and Dr. Robert Clark, Vice President for Administration and Institutional Effectiveness. Other university personnel attending the meeting included Mr. Kyle Owen, Associate Vice President for Facilities Services; Mr. Matt Park, Associate Vice President for Student Affairs; and Dr. Pam Morgan, Associate Vice President for Outreach and Engagement. Additional university personnel attending the meeting were Mr. Dirk Welch, Chairman of the Staff Senate; Mr. Charlie Carr, Director of Athletics; Mr. Barry Macha, General Counsel; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Dawn Fisher, Assistant Director of Human Resources; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Ms. Julie Gaynor, Director of Marketing and Public Information; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the news media was Ms. Ann Work, reporter for the *Times Record News*.

Acting Chairman Gregg called the meeting to order at 4:00 p.m.

Reading and Approval of Minutes

13-118. The minutes of the Audit, Compliance, and Management Review Committee meeting February 14, 2013, were approved as presented.

Report on Audit Activities

13-119. Mr. Gregg noted that Mr. David Spencer, Internal Auditor, was one of the employees taking advantage of the Voluntary Separation Program. He added that Mr. Spencer would be leaving MSU at the end of May. On behalf of the Board of Regents, Mr. Gregg thanked Mr. Spencer for his service to the university.

Mr. Spencer stated that it had been an honor working at MSU. He reported that the university received a clean report on the Southern Association of Colleges and Schools (SACS) audit by the State Auditor's Office (SAO). He noted that he was working on

the annual investment audit and was finalizing his work so that the next auditor would have a clean start. He thanked the board for their support during his tenure at MSU.

Mr. Gregg noted that this item was presented as a point of information only and no action was necessary.

Contract Management Activities and Contract Authorization

13-120. Mr. Macha reported that the contract administration procedures were fully implemented. He added that between August 1, 2012 and April 30, 2013, more than 400 contracts were placed in the new software system. He commended the Purchasing Office for their work with the new system.

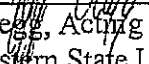
He noted the two memoranda of understanding that were presented in the agenda for consideration. He stated that these contracts were brought at the request of the MSU Chief of Police Dan Williams. The contracts will allow the MSU police department to participate in a data sharing information network with other law enforcement agencies throughout Texas. There will be no cost to Midwestern State University. He added that the program is funded through the North Central Texas Council of Governments and managed by Tarleton State University.

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

Adjournment

The Audit, Compliance, and Management Review Committee discussion concluded at 4:05 p.m.

Reviewed for submission:



Jeff Gregg, Acting Chairman
Midwestern State University
Board of Regents Audit, Compliance, and
Management Review Committee

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS
May 9, 2013**

The Board of Regents, Midwestern State University, met in regular session in the Lounge of the Wichita Falls Museum of Art at Midwestern State University, Wichita Falls, Texas, at 12:15 p.m., Thursday, May 9, 2013. Regents in attendance were Mr. Shawn Hessing, Chairman; Mr. Mike Bernhardt, Vice Chairman; Mr. Kenny Bryant, Secretary; Mrs. Jane Carnes; Mr. Charles Engelman; Dr. Lynwood Givens; Mr. Jeff Gregg; and Student Regent Holly Allsup.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; Dr. Howard Farrell, Vice President for University Advancement and Public Affairs; and Dr. Robert Clark, Vice President for Administration and Institutional Effectiveness. Other university personnel attending the meeting included Mr. Kyle Owen, Associate Vice President for Facilities Services; Mr. Charlie Carr, Director of Athletics; Mr. Barry Macha, General Counsel; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Ms. Julie Gaynor, Director of Marketing and Public Information; and Ms. Debbie Barrow, Director of Board and Government Relations. Also attending the meeting was Dr. Francine Carraro, Director of the Museum. Representing the student body were Mr. Anthony Gallina, outgoing Student Government Association (SGA) President, and Ms. Melody Coffee, incoming SGA President. Representing the news media was Ms. Ann Work, *Times Record News*.

Chairman Hessing called the meeting to order at 12:15 p.m.

Opening Comments

Mr. Hessing noted that this was the first stop of the board meeting. He indicated that following the first item the board would move to the Board Room for the remainder of the meeting.

Public Comment

Mr. Hessing 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 added that no one had signed up to speak.

Wichita Falls Museum of Art at Midwestern State University Update, Strategic Plan, and Assessment Program

13-85. Mr. Hessing stated that Dr. Francine Carraro, Museum Director, would provide an update and lead the board in a short exercise. Dr. Rogers reported that Dr. Carraro holds a doctorate in American Studies from the University of Texas at Austin, a degree in art history from Southern Methodist University, and a degree in art from Hendrix College. He noted that Dr. Carraro has led three museums and spent 10 years as an art historian at Texas State University.

Dr. Carraro presented information regarding the museum as shown in Attachment 1. She pointed out the Empty Bowls program was initiated in 2012 in partnership with the Priddy Foundation and the MSU Art Department to benefit the Wichita Falls Area Food Bank. She noted that partnerships include university departments and the community. She reported that more than 3,000 items are included in the Museum's Permanent Collection. Dr. Carraro stated that a copy of the Museum's Strategic Plan Update was presented to the Board of Regents in the fall 2012. She noted that the Museum recently partnered with the Dillard College of Business Administration in the development of a new marketing plan. This study focused exclusively on the perceptions of MSU students about the Museum. She added that the students and faculty were excited about the project and they plan to do a similar study in the fall focusing on community perceptions. She indicated her hope that these studies would provide insight into how the museum can best serve the university and the community.

Dr. Carraro discussed the Museum Assessment Program (MAP), which is part of the American Alliance of Museums (AAM) accreditation process. She noted that the Museum had been involved with a MAP self-study and a site visit is scheduled for June 26 and 27. As part of this process, individuals in attendance were asked to participate in an exercise regarding Governing Authority Collections Responsibility. At the conclusion of the exercise, Dr. Carraro reviewed the correct responses (see Attachment 2) with the group.

The Board members walked through the Museum and viewed the construction that was underway, as well as the galleries.

Recess

The meeting recessed at 12:55 p.m. and participants moved to the Hardin Administration Building for the continuation of the meeting.

The Board of Regents, Midwestern State University, reconvened in regular session in the J. S. Bridwell Board Room of the Hardin Administration Building at 1:20 p.m. Regents in attendance were Mr. Shawn Hessing, Chairman; Mr. Mike Bernhardt, Vice Chairman; Mr. Kenny Bryant, Secretary; Mrs. Tiffany Burks (via teleconference); Mrs. Jane Carnes; Mr. Charles Engelman; Dr. Lynwood Givens; Mr. Jeff Gregg; and Student Regent Holly Allsup.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; Dr. Howard Farrell, Vice President for University Advancement and Public Affairs; and Dr. Robert Clark, Vice President for Administration and Institutional Effectiveness. Other university personnel attending the meeting included Mr. Kyle Owen, Associate Vice President for Facilities Services; Mr. Matt Park, Associate Vice President for Student Affairs; and Dr. Pam Morgan, Associate Vice President for Outreach and Engagement. Additional university personnel attending were Dr. Jim Owen, Chairman of the Faculty Senate; Mr. Charlie Carr, Director of Athletics; Mr. Barry Macha, General Counsel; Mr. David Spencer, Internal Auditor; Ms. Dianne Weakley, Director of Human Resources; Ms. Dawn Fisher,

Assistant Director of Human Resources; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Mr. Randy Kirkpatrick, Chief Information Officer; Dr. Michael Mills, Director of Housing and Dining Services; Ms. Julie Gaynor, Director of Marketing and Public Information; Ms. Cindy Ashlock, Executive Assistant to the President; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the student body were Mr. Anthony Gallina, outgoing Student Government Association (SGA) president and Ms. Melody Coffee, incoming SGA President. Representing the news media were Ms. Ann Work, reporter for the *Times Record News*, and Ms. Michelle Dixon and Mr. Rod Spencer, with KFDX-TV III.

Chairman Hessing reconvened the meeting at 1:20 p.m. and Ms. Gaynor introduced the guests.

Opening Comments

Mr. Hessing noted that Mrs. Burks and Mr. Sanchez would be joining the meeting by telephone. He reported that Tiffany's husband Glenn was graduating from the Harvard National Security Fellowship in Boston on Friday and extended congratulations to Glenn on this achievement. He added that Sam was with a legal case and would join the meeting if possible. Mr. Hessing recognized Mr. Bryant to make a comment. Mr. Bryant expressed his appreciation to Dr. Rogers for his work with a local individual to help him return to MSU. He noted that the man had fallen on hard times and thanked Dr. Rogers for his concern and assistance.

Public Comment

Mr. Hessing 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 had signed up to speak.

Discussion of Higher Education Issues

13-86. Mr. Hessing reported that he had asked that this item be placed on every regular meeting agenda to give the board an opportunity to discuss higher education issues.

Mr. Hessing noted that the cost of higher education is a topic that continues to be at the forefront of discussions throughout the state and nation. He encouraged board members to look at an article in the May 6, 2013 *Wall Street Journal* regarding this matter. He noted that the article reported on enrollment shortfalls throughout the United States. Mr. Hessing reported that the state appropriations bill continues to work its way through the legislative process. He noted that the matter would be discussed fully later in the meeting. He added that one of the bills that is also continuing through the legislative process would require each institution to establish fixed tuition plans for incoming students.

Dr. Rogers reported that Midwestern State planned to increase its offering of online courses and programs. He noted that beginning in the 1970's, MSU was a pioneer in delivering instruction to individuals who could not attend class on campus.

Mr. Hessing commented on the Texas Higher Education Coordinating Board (THECB) almanac that was recently sent to the board members. He noted that this document

contained a great deal of good information and encouraged everyone to review it (<http://www.theccb.state.tx.us/index.cfm?objectid=26AEABDA-D2CC-4D37-5AB48345339DFCE1>).

Mr. Hessing noted that campus safety and security continues to be a matter of concern and discussion. He stated that MSU historically funded campus police operations through parking revenues. These revenues were also used to maintain streets and parking lots. He noted that at some point in the future the board would need to discuss ways to provide adequate financial support for campus police and security. Dr. Rogers added that he was proud of the campus police and their efforts to provide a secure campus. He noted that funding had not kept up with the needs and tuition and fees are now used to support the campus police operation as well as the upkeep of parking lots.

Naming of University Facilities

13-87. Mr. Hessing reported that the administration did not have any recommendations at this time and the item would not be considered.

Executive Session

13-88. Mr. Hessing noted that the board would meet in Executive Session later in the day.

Recess

The meeting recessed at 1:35 p.m.

Executive Session

Mr. Hessing announced that the Board of Regents would go into closed session as allowed by the Texas Government Code Chapter 551, Section 551.071, Consultation with Attorney, to consider Item 13-88a (Consult Attorney about Litigation or Settlement Offer), and Section 551.074, Personnel Matters, to consider Items 13-88d (Personnel Matters), 13-107 (Emeritus Status), 13-108 (Faculty Promotions), and 13-109 (Faculty Tenure). The closed session was properly announced at 4:05 p.m. Mr. Hessing, Mr. Bernhardt, Mr. Bryant, Ms. Carnes, Mrs. Burks (via teleconference), Mr. Engelman, Dr. Givens, Mr. Gregg, Ms. Allsup, Dr. Rogers, Dr. Stewart, Dr. Fowlé, Dr. Lamb, Dr. Clark, Dr. Farrell, Mr. Macha, Mr. Spencer, and Ms. Barrow remained for the discussion.

Open Meeting Resumes

The closed session ended at 4:46 p.m. with an announcement by Mr. Hessing that no action was taken during the Executive Session. The open meeting immediately resumed.

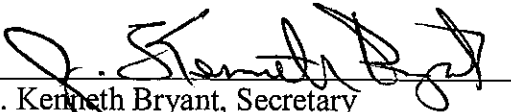
Executive Session

13-88. No action was taken with regard to this item.

Adjournment

The meeting adjourned at 4:47 p.m.

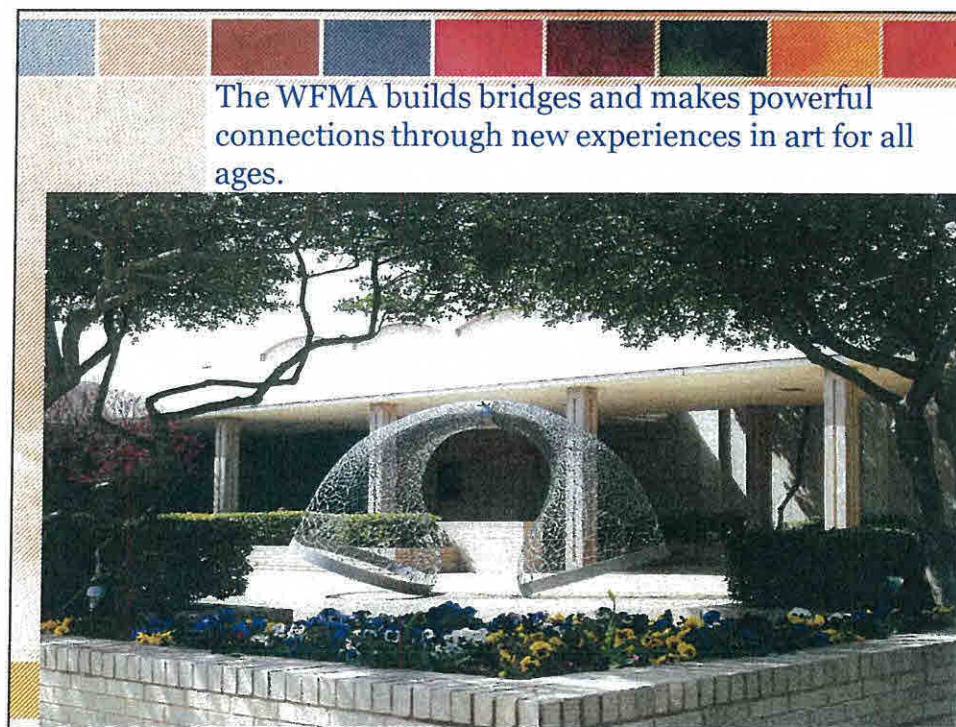
Reviewed for submission:



J. Kenneth Bryant, Secretary
Midwestern State University
Board of Regents

ATTACHMENTS:

1. Museum Presentation
2. Museum Exercise – Governing Authority Collections Responsibility



Building Bridges and Making Connections!

With the Community


- Opened in 1967, joined MSU in 2005
- Empty Bowls to benefit the Food Bank
- WFISD, school tours
- Teacher Training Workshops
- Museum Admission is Free

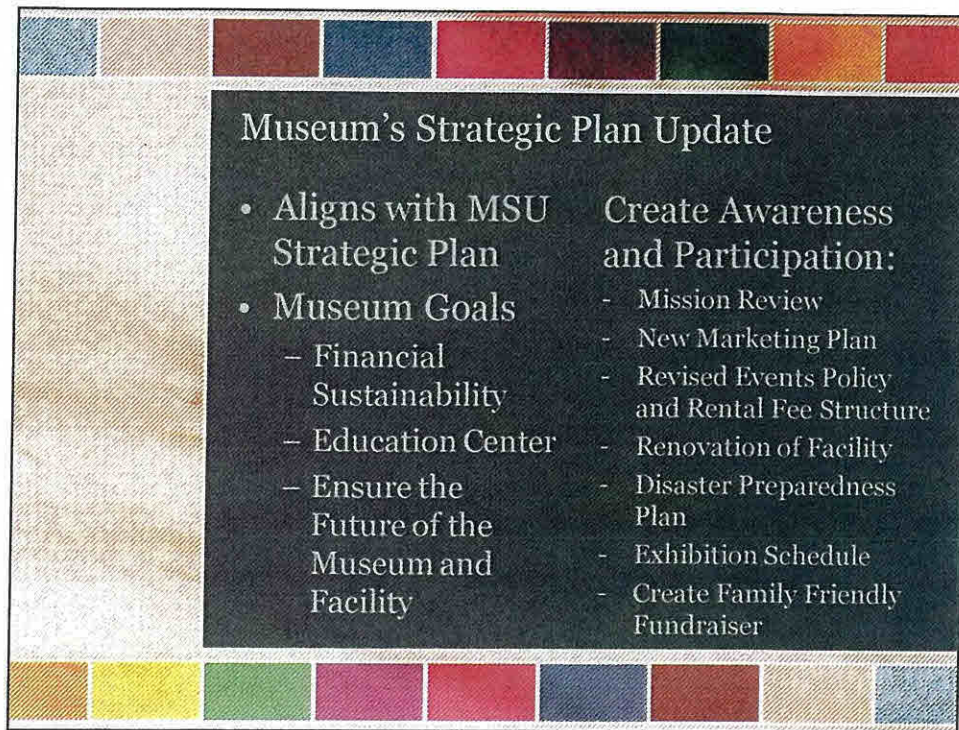
Through Partnerships

- Wichita Falls Art Association
- Boys and Girls Clubs of Wichita Falls
- The Forum
- The Kemp Center for the Arts
- Fain College of Fine Arts
- Mustangs Athletic Club
- Moffett Library
- Dillard College of Business Administration
- MSU Center for Continuing Education

A bundle of colored pencils, including black, green, yellow, and red, is shown resting on a colorful geometric pattern of squares and triangles in shades of green, red, blue, and yellow.

- Exploring American Art Past, Present and Future
- Excellent Permanent Collection
- Engaging Exhibitions
- A Resource for Art Education

A large, abstract sculpture made of dark, textured material, possibly metal or stone, stands in a grassy park area. The sculpture has a central vertical element with several horizontal branches extending outwards, resembling a stylized tree or a modern architectural structure. In the background, there are trees and a paved path.



Museum's Strategic Plan Update

- Aligns with MSU Strategic Plan
- Museum Goals
 - Financial Sustainability
 - Education Center
 - Ensure the Future of the Museum and Facility

Create Awareness and Participation:

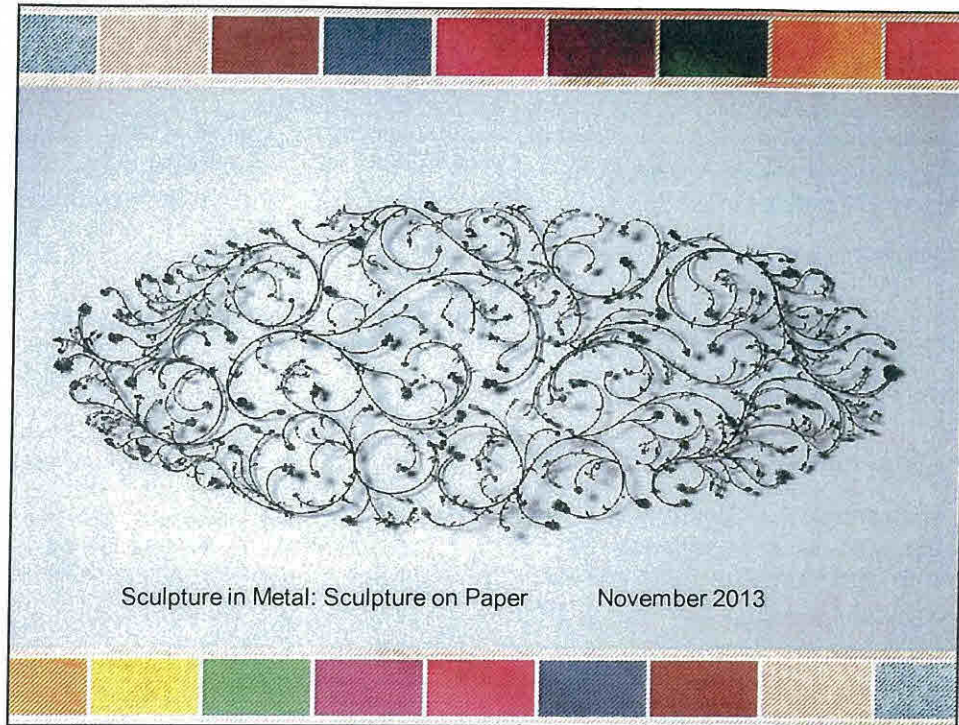
- Mission Review
- New Marketing Plan
- Revised Events Policy and Rental Fee Structure
- Renovation of Facility
- Disaster Preparedness Plan
- Exhibition Schedule
- Create Family Friendly Fundraiser



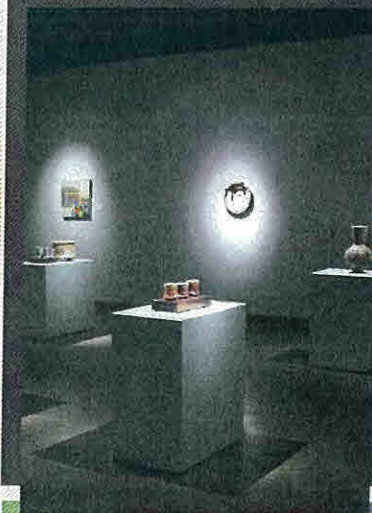
MAP Museum Assessment Program:

- Committee includes staff from Museum, Library, MSU Facilities and Art Department
- Preparation for Re-accreditation with AAM
- Evaluate current systems for collections care
- Implement an Institutional Plan
- Museum's Permanent Collection Stewardship
 - Collection Development Plan
 - Collection Management Policy

Site Visit June 26 and 27



Exhibitions



- Planning Two Years in Advance
- Seeking Grants to Support
- One Gallery Devoted to Rotating Permanent Collection
- Touring Two Exhibitions
 - Edward Curtis
 - Caldecott Collection

Educational Outreach

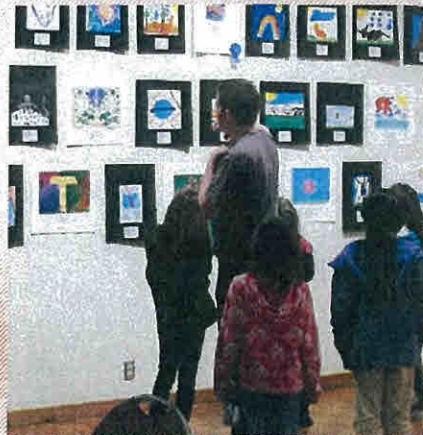
WFISD and Home-school students participate in outreach visits and school tours

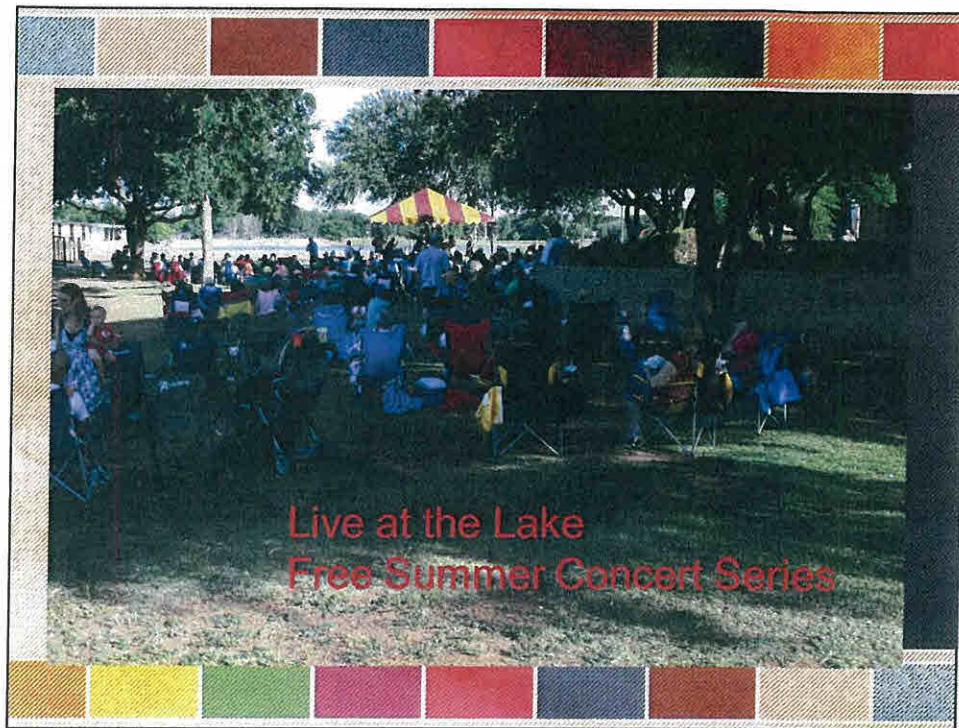
50 Educators will attend teacher workshops in 2013 funded by The Priddy Foundation



Youth Art at WFMA

- National Art Competition for the Boys and Girls Clubs of Wichita Falls, Exhibition Program





Museum Budgetary Considerations	
Annual Budget Aligns with Strategic Plan	Funding of Acquisitions and Accessions to Permanent Collection:
Monitor & Hold Expenses	- No MSU Funds or State Funds used to purchase Art Works for the Museum's Permanent Collection
Seek Grants for Existing Programs	- Private Donations from Collectors Circle fund Acquisitions
Seek Funds from New Sources for Programs	- Funds garnered from De-Accessions must be applied to New Acquisitions



Governing Authority Collections Responsibility

LEGAL ISSUES

- A. Who is legally responsible for setting policy regarding collections in a university museum?
- ☐ Museum Staff
 - ☐ Museum Director/CEO
 - ☒ Governing Authority (e.g., Board of Regents)
 - ☐ Governing Authority (e.g., Museum Advisory Board)
- B. Who is legally responsible for the manner in which this collections policy is implemented?
- ☐ Staff
 - ☐ Museum Director/CEO
 - ☒ Governing Authority (e.g., Board of Regents)
 - ☐ Governing Authority (e.g., Museum Advisory Board)
- C. Who has legal oversight of the Museum's governance?
- ☐ The Chairperson of your Governing Authority (e.g., Board of Regents)
 - ☐ The Chairperson of your Governing Authority (e.g., Museum Advisory Board)
 - ☐ The Museum's Advisory Board
 - ☒ The Attorney General of Texas
 - ☐ The museum's lawyer
 - ☐ The Attorney General of the United States
- D. Which of the following best describes your museum's legal relationship to its collections:
- ☐ It owns them, as it owns its buildings and other assets
 - ☒ It holds them in trust for the public
- E. Does your museum have Directors and Officers insurance to protect you against any personal liability arising from your service on the Governing Authority?
- ☒ Yes, **through the university** ☐ No ☐ Don't know

ETHICAL ISSUES

- F. Does your museum have a code of ethics approved by the Governing Authority?
- ☒ Yes, **through the university** ☐ No ☐ Don't know
- G. Which of the following actions would not be considered acceptable for a member of the governing authority under your collections policy and code of ethics?
- ☒ Borrowing material from the collections for private use
 - ☒ Obtaining material deaccessioned from the collections
 - ☐ Donating material to the collections and claiming a tax deduction for the value of the donated material **Must be done within the proper process**
 - ☐ Collecting material similar to that held in the museum's collections – **individual must declare it.**
 - ☒ Selling products or services to the museum
- H. Which of the following are true under your collections policy:
- ☐ All art works acquired by MSU are accessioned into the permanent collection of the Museum.
 - ☐ Any and all gifts of art are accepted from donors
 - ☐ A central database catalogues every artwork on the MSU campus – **not yet but will be soon**
 - ☒ The Museum's permanent collection of more than 3000 objects is catalogued and digitized – **process is 91% complete**

**MINUTES
BOARD OF REGENTS
MIDWESTERN STATE UNIVERSITY**

May 10, 2013

The Board of Regents, Midwestern State University, met in regular session in the J. S. Bridwell Board Room, Hardin Administration Building, Wichita Falls, Texas, at 9:00 a.m., Friday, May 10, 2013. Regents in attendance were Mr. Shawn Hessing, Chairman; Mr. Mike Bernhardt, Vice Chairman; Mr. Kenny Bryant, Secretary; Mrs. Tiffany Burks (via teleconference); Mr. Charles Engelman; Dr. Lynwood Givens; Mr. Jeff Gregg; and Student Regent Holly Allsup.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; Dr. Howard Farrell, Vice President for University Advancement and Public Affairs; and Dr. Robert Clark, Vice President for Administration and Institutional Effectiveness. Other university personnel attending the meeting included Mr. Matt Park, Associate Vice President for Student Affairs; Mr. Charlie Carr, Director of Athletics; Mr. David Spencer, Internal Auditor; Mr. Barry Macha, General Counsel; Ms. Dianne Weakley, Director of Human Resources; Ms. Dawn Fisher, Assistant Director of Human Resources; Mr. Dirk Welch, Chairman of the MSU Staff Senate; Ms. Gail Ferguson, Controller; Ms. Valarie Maxwell, Director of Budget and Management; Mr. Steve Shipp, Director of University Development; Ms. Julie Gaynor, Director of Marketing and Public Information; 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, *Times Record News*.

Chairman Hessing called the meeting to order at 9:00 a.m. and Ms. Gaynor introduced the guests.

Opening Comments

Mr. Hessing welcomed everyone to the meeting and thanked them for their participation, discussion, and action at the committee meetings Thursday. He noted that Mrs. Burks was attending the meeting by phone and Mr. Sanchez would join the meeting if possible. He added that Mrs. Carnes was unable to attend because she was traveling.

Mr. Hessing acknowledged Ms. Holly Allsup, who has served as student regent this past year. He thanked her on behalf of the board for her participation and involvement. Ms. Allsup indicated that it had been her pleasure to serve. She added that she planned to continue working on her MBA at MSU.

Public Comment

Mr. Hessing 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

13-121 & 122. Minutes of the Board of Regents meetings February 14 and February 15, 2013, were approved as presented.

Executive Committee Report

Mr. Hessing noted the items presented at the Executive Committee meeting for committee approval and information only. Information concerning these items may be found in the minutes of the Executive Committee meeting held May 9, 2013.

Item Presented for Committee Approval Only

13-89. Committee Minutes

Items Presented for Information Only

13-90. Campus Master Plan and Construction Update

13-94. Technology Update

13-95. Campus Housing Internet Service

Executive Committee Consent Agenda

Mr. Hessing recommended the following items approved by the Executive Committee and placed on the Consent Agenda for the board's consideration.

13-91. Capital Expenditure Plan (MP1) Report – FY 2014-2018 – approved plan as presented.

13-92. Drought Alternative Water Well Project – authorized increasing the approved project amount by \$10,000, from \$75,000 to \$85,000.

13-93. Consideration of Possible Addition of Baseball at MSU and Baseball Stadium Architect Selection - authorized the administration to proceed with raising funds for the possible addition of baseball at MSU and to work with the Executive Committee of the Board of Regents to select an architect for the design of a baseball stadium.

13-96. Bookstore Contract – approved engaging the Follett Higher Education Group to operate the on-campus bookstore beginning June 1, 2013.

13-97. Holiday Schedules for Staff Employees – 2013-2014 – approved schedules as presented.

Mr. Hessing asked if any member wanted to remove any items from the Consent Agenda. There being none, Mr. Bernhardt seconded Mr. Hessing's motion to approve the Consent Agenda as presented. The motion was approved.

Academic and Student Affairs Committee Report

Dr. Givens noted the items presented at the Academic and Student Affairs Committee meeting for committee approval and information only. Information concerning these items can be found in the minutes of the committee meeting held May 9, 2013.

Item Presented for Committee Approval Only

- 13-98. Committee Minutes

Items Presented for Information Only

- 13-99. Faculty Report
13-100. Staff Report
13-101. Student Government Report
13-102. Athletics Report

Academic and Student Affairs Committee Consent Agenda

Dr. Givens recommended the following items that were approved by the Academic and Student Affairs Committee and placed on the Consent Agenda for the board's consideration.

- 13-103. May 2013 Graduating Class – approved the list of candidates for graduation.
- 13-104. Academic Department Reorganizations – approved the reorganization of certain academic departments as presented, effective with the fall 2013.
- 13-105. Joint Physics Degree Plan – authorized MSU's participation in the Texas Physics Consortium (TPC) as presented.
- 13-106. *MSU Policies and Procedures Manual Changes* – approved changes to the policies noted below as presented:
- A. Policy 2.393 – Staff Senate Purpose and Constitution
 - B. Policy 3.317 – Academic Emeritus Status/Faculty and Administration
 - C. Policy 4.125 – Records Management Policy
 - D. NEW POLICY – Web Accessibility
- 13-107. Emeritus Status – approved emeritus status for the following individuals:
- Dr. Larry Archambo – Professor of Music – 25 years
 - Ms. Carol Bisbee – Assistant Professor of Social Work – 16 years
 - Dr. Martha Burger – Associate Professor of Educational Leadership – 12 years
 - Dr. Mary Ann Coe – Professor of Educational Technology – 16 years
 - Mr. Norval Crews – Assistant Professor of Music – 43 years
 - Ms. Barbara Curran – Assistant Professor of Dental Hygiene – 15 years
 - Dr. Ronald Fischli – Professor of Theatre – 23 years
 - Dr. Richard Fleming – Associate Professor of Physics – 24 years
 - Mr. Don Henschel – Professor of Theatre – 43 years
 - Mr. James Hoggard – Professor of English – 47 years
 - Dr. Millie Gore Lancaster – Professor of Special Education – 20 years
 - Ms. Marsha May – Assistant Professor of Mathematics – 31 years

- Ms. Annette Medford – Assistant Professor of Respiratory Care – 16 years
- Ms. Barbara Ramos Merkle – Director of Admissions – 30 years
- Ms. Jane Stewart – Assistant Professor of Nursing – 11½ years

13-108. Faculty Promotions – approved the following promotions:

From the Rank of Instructor to Assistant Professor:

Amanda Nimetz, M.S. Academic Success Center

From the Rank of Assistant Professor to Associate Professor:

Laura Fidelie, J.D. Criminal Justice

Dale McDonald, Ph.D. Engineering

Edward Schultz, Ph.D. Special Education

Laura Spiller, Ph.D. Psychology

Grace Zhang, Ph.D. Management Information Systems

From the Rank of Associate Professor to Professor:

Nathan Moran, Ph.D. Criminal Justice

Chris Shao, Ph.D. Marketing

13-109. Faculty Tenure – approved granting tenure to the following faculty:

Betty Bowles, Ph.D. Nursing

Catherine Gaharan, Ph.D. Accounting

Nathan Jun, Ph.D. Philosophy

Jane Leach, Ph.D. Nursing

Dale McDonald, Ph.D. Engineering

Sugumaran Narayanan, Ph.D. Political Science

Jeff Stambaugh, Ph.D. Management

Lynette Watts, Ph.D. Radiologic Sciences

Jie Zhang, Ph.D. Management Information Systems

Mr. Hessing asked if there were items any member wanted to remove from the Consent Agenda. There being none, Mr. Gregg seconded Dr. Givens' motion to approve the Consent Agenda as presented. The motion was approved.

Finance Committee Report

Mr. Bernhardt noted the items presented at the Finance Committee meeting for committee approval and information only. Information concerning these items can be found in the minutes of the Finance Committee meeting held May 9, 2013.

Item Presented for Committee Approval Only

13-110. Committee Minutes

Item Presented for Information Only

13-111. Summary of Financial Support

Finance Committee Consent Agenda

Mr. Bernhardt recommended the following items approved by the Finance Committee and placed on the Consent Agenda for the board's consideration.

13-112. Financial Reports – accepted the monthly financial reports for January, February, and March, 2013.

13-113. Investment Report – accepted the second quarter 2013 Investment Report.

13-114. FY 2013 Item \$50,000 & Under – ratified the budget change as presented.

13-115. Personnel Reports and Changes in 2012-2013 Budget – ratified the changes as presented.

13-116. Digital Catalog Management Software – authorized the purchase of Digital Architecture's Acalog at a cost of \$54,134 as presented.

13-117. Budget Discussion 2013-2014/Mandatory and Non-Mandatory Fees Review and Recommendations – approved the following, as presented.

- A. Eliminating the Technology Fee, the Energy Surcharge, the Library Fee, the Wellness Center Fee, the Academic Support Fee, the Publication Fee, the Medical Service Fee, and the International Education Fee, effective with the fall 2013 semester; the total amount of these fees on a semester hour basis is \$45.12 per semester credit hour.
- B. Adding a University Services Fee of \$45.12 per semester credit hour, effective with the fall 2013 semester.
- C. Adding an Engineering Differential Instructional Enhancement Fee of \$9 per semester credit hour for all engineering courses, effective with the fall 2013 semester.
- D. Adding a Dental Hygiene Differential Instructional Enhancement Fee of \$32 per semester credit hour for all dental hygiene courses, effective with the fall 2013 semester.
- E. Adding a Nursing Differential Instructional Enhancement Fee of \$25 per semester credit hour for all nursing courses, effective with the fall 2013 semester.
- F. Increasing the Graduation Fee from \$20 to \$30 for students filing for graduation after September 1, 2013.

Mr. Hessing asked if there were items any member wanted to remove from the Consent Agenda. There being none, Dr. Givens seconded Mr. Bernhardt's motion to approve the Consent Agenda as presented. The motion was approved.

Audit, Compliance, and Management Review Committee Report

Mr. Gregg noted the items presented at the Audit, Compliance, and Management Review Committee meeting for committee approval and information only. Additional information concerning these items can be found in the minutes of the committee meeting held May 9, 2013.

Item Presented for Committee Approval Only

13-118. Committee Minutes

Item Presented for Information Only

13-119. Audit Activities

Audit, Compliance, and Management Review Committee Consent Agenda

Mr. Gregg recommended the following item approved by the Audit, Compliance, and Management Review Committee and placed on the Consent Agenda for the board's consideration.

13-120. Contract Management Activities and Contract Authorization – authorized Memoranda of Understanding between the MSU Police Department and the North Central Texas Council of Governments and Tarleton State University as presented.

Mr. Hessing asked if any member wanted to remove this item from the Consent Agenda. There being none, Mr. Engelman seconded Mr. Gregg's motion to approve the Consent Agenda as presented. The motion was approved.

Other Business

Nominating Committee for Board Officers for the 2013-2014/2014-2015 Biennium

13-123. Mr. Hessing reported that in February he appointed a committee made up of Mrs. Carnes, Dr. Givens, and Mr. Gregg to make recommendations at this meeting concerning the election of board officers. On behalf of the nominating committee, Mr. Gregg moved approval of re-electing the current slate of officers for the upcoming biennium effective September 1, 2013 as shown below.

Chairman	Shawn Hessing
Vice Chairman	Mike Bernhardt
Secretary	Kenny Bryant
Member-at-Large, Executive Committee	Jane Carnes

Mr. Engelman seconded the motion and it was approved.

President's Report and Discussion

13-124. Dr. Rogers noted that he had asked Ms. Barrow, Dr. Clark, and Dr. Stewart to provide information on three important topics as presented below.

A. Legislative Update – Ms. Barrow presented the following information concerning the legislative session.

- 1) Seventeen days remain in the legislative session and action deadlines are passing each day. Many bills can no longer be voted on because of these deadlines, although the opportunity to attach topics to other bills remains.
- 2) The Appropriations Bill has been in the hands of the conference committee for two weeks. While the committee originally set May 10 as the deadline for voting the bill out of the committee, negotiations seem to have stalled. The Governor announced earlier in the week that unless the budget included \$1.8 billion in tax relief, \$2 billion for water, and provided no fee increases for transportation, he would call a special session to deal with the budget.
- 3) A one-time appropriation to address a portion of the universities' costs associated with the Hazlewood Exemption is included in the supplemental appropriations bill. The amount of money in the current bill for Midwestern State University is \$266,000. The bill has passed the House of Representatives and is waiting to be heard by the Senate Finance Committee. There is also discussion of a \$200 million endowment being established to help offset some of the Hazelwood cost to institutions of higher education. However, during FY 12 the statewide Hazlewood exemption totaled more than \$110 million. This matter will likely be studied during the interim.
- 4) Senate Bill 16, the Tuition Revenue Bond bill, passed the Senate and was referred to the House Appropriations Committee. The bill includes authorization for the Moffett Library project in the amount of \$29.9 million.
- 5) A bill allowing a licensed individual to transport or store guns and ammunition in a private vehicle on campus has passed the Senate and the House of Representatives. While minor differences in the bill will need to be worked out by a conference committee, the bill will likely pass and be signed by the Governor. The current bill that would allow individuals to carry guns on campus, House Bill 972, includes an opt-out provision. Should the bill pass in its current form, university chancellors or presidents would be authorized to adopt rules prohibiting guns on campus, following consultation with law enforcement, students, staff, and faculty.
- 6) Senate Bill 1019, which will allow the MSU Board of Regents to contract with another university board for the investment of MSU's operating cash, has been approved by the Senate and the House and has been sent to the Governor for signature. Senator Craig Estes, Representative James Frank, and their staff members worked on this legislation that will provide additional interest earnings for MSU.
- 7) A bill continues moving through the process that would require board meetings to be broadcast through the MSU website beginning with the February 2014 meeting.
- 8) The legislative session ends May 27 and the Governor will have until June 16 to veto any of the passed legislation. Ms. Barrow will provide the board with a summary of key legislation after the June 16 deadline.

- B. Southern Association of Colleges and Schools (SACS) Accreditation Update – Dr. Clark reported that the onsite visiting committee was on campus April 9-11 and the committee's final report was just received. He stated that everything went very well. MSU's Quality Enhancement Plan (QEP) was accepted and two minor recommendations were received. Dr. Rincon-Zachary, Director of Undergraduate Research, is busy gathering proposals for the Enhancing Undergraduate Research Endeavors & Creative Activities (EURECA) program and a committee will review proposals during the summer. Dr. Clark expressed his appreciation to the campus community for their work and support during the SACS reaccreditation process. He added special thanks to his assistant, Peggy Brennan, for her efforts.

Dr. Rogers thanked Dr. Clark for his work and leadership. Mr. Hessing added thanks on behalf of the Board of Regents. He reported that he had an opportunity to visit with SACS committee members during their onsite visit and they were very positive in their comments.

- C. New Core Curriculum Requirements Presentation – Dr. Rogers stated that he had asked Dr. Stewart to present this report. He reported that MSU was one of the first universities in Texas to develop a common core of learning in the 1970's. He noted that the core curriculum tends to be a controversial subject in that faculty members feel very strongly about their individual subjects. The state is very interested in students being able to transition smoothly from community colleges to senior institutions and from one senior institution to another.

Dr. Stewart presented information as shown in Attachment 2 and added the following comments.

- 1) The core curriculum provides the foundational knowledge, skills, and intellectual approaches that allow students to select an appropriate major field of study. The selection of the core curriculum is faculty driven.
- 2) Dr. Stewart noted the differences between the current core and the new core as shown in slides two through ten. She added that in the new core each institution must make certain that the courses included under the main categories meet certain skills, objectives, and outcomes.
- 3) With this change, the core will be reduced from 47 hours to 42 hours. Additionally, core courses will be limited to courses in which any student can register, which would be lower level courses. This requirement allows for the transfer of more community college courses.
- 4) The current core curriculum includes two hours under the category of Institutionally Designated Options. MSU has used activity courses, marching band, or other co-curricular activities to meet this requirement. However, this option has been replaced by six hours of Component Area Options. The committee decided to use those six hours to introduce specific liberal arts courses into the curriculum. The two areas they decided to emphasize were Cultural & Global Understanding and Undergraduate Inquiry & Creativity.

The area of Undergraduate Inquiry & Creativity provided an opportunity for students to create, inquire, discover, or conduct research.

- 5) The proposed core will be submitted to the Texas Higher Education Coordinating Board (THECB) in August and will go into effect for students entering in the fall 2014. Additional courses will be added to the core as they are submitted by faculty and approved by the committee.

Dr. Givens asked if all students must take the core curriculum in order to graduate from Midwestern State University. Dr. Stewart responded in the affirmative. Dr. Givens asked if the committee had received input from outside consultants or industry professionals with regard to the courses that should be included in the core. Dr. Stewart noted that consultants talked to the faculty about the core and the committee worked closely with the THECB advisor. Dr. Rogers added that the THECB worked for three years on this change and received input from outside consultants and business and industry representatives.

Mr. Hessing asked about guidelines that were provided to institutions by the THECB. Dr. Stewart responded that in the history of the core requirement this was the least amount of prescription given by the THECB for the development of the core by each institution. This will allow universities to include interdisciplinary courses within the core. She added that transfer students who complete the core at another institution will enter MSU as "core complete" and will not have to complete any of MSU's core requirements. She noted that students who transfer and are not "core complete" will be required to fill in the missing components of the core.

Mr. Gregg expressed his concern that a business course is no longer required as part of the core. He stated that it was important for graduating students to have received some type of financial literacy instruction. Dr. Stewart indicated agreement and reported that she would look to the business faculty to propose courses that would fit within the core and would have a business focus.

Dr. Stewart noted that core requirements continue to be very heavy in history, government, and political science because the requirements for those specific courses appear in statute. Dr. Clark noted that several years ago a staff member at the THECB conducted a survey and found that the state of Texas was the only state that mandates six hours of history and six hours of political science for graduates of public universities. He added that it would take legislation to change that requirement.

Dr. Givens stated his concern that the state continues to push students toward completing their core courses in community colleges and the long-term effect this will have on four-year institutions. He indicated his fear that universities will see more remedial students owing to the lack of standardization in certain subject areas such as mathematics. Dr. Givens asked if institutions would be able to not accept a course taken at another institution. Dr. Stewart responded that if the course is a part of the core curriculum the institution cannot deny credit. She

added that if the course is not in the core the institution can prescribe what courses need to be taken. The core is something that is statewide.

Mr. Hessing asked if the core would be finalized or if it would continue to be fluid. Dr. Stewart responded that it would continue to change as faculty members develop and propose new courses for inclusion in the core.

Dr. Givens asked if education that is totally on line would be accepted as part of the core curriculum. Dr. Stewart responded in the affirmative.

Dr. Stewart noted that the Board of Regents would be asked to endorse this plan in August prior to it being sent to the THECB for approval. Ms. Barrow referred the board to the THECB website for additional information regarding the core curriculum change process

(<http://www.thecb.state.tx.us/index.cfm?objectid=6AB82E4B-C31F-E344-C78E3688524B44FB>).

Executive Session

13-125. There being nothing to discuss in executive session, no action was necessary.

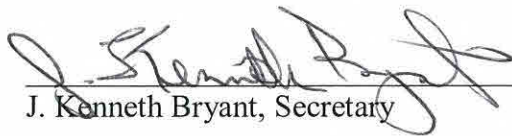
Closing Comments

Mr. Hessing thanked the regents for their participation in the meetings. He added that the next regular board meetings would be held August 8 and 9, 2013.

Adjournment

There being no further business, the meeting was adjourned at 9:53 a.m.

I, J. Kenneth Bryant, 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 May 10, 2013.


J. Kenneth Bryant, Secretary

ATTACHMENT:

1. Core Curriculum Presentation

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

(Texas Higher Education Coordinating Board Rules Chapter 4, Subchapter B, Section 4.28)

The Core Curriculum Committee, consisting of faculty members from each academic college, propose the following course recommendations for the 42-hour core that is to be implemented in Fall 2014 as mandated by the THECB.

The proposed core was developed collaboratively across colleges with the understanding that additional courses may be recommended for inclusion in the future. The Core Curriculum Committee would like to emphasize the need for additional course options, designed from an interdisciplinary perspective, for inclusion in the Component Area Option of Undergraduate Inquiry and Creativity.

2012-2013 Core Curriculum Committee

Dr. Julie Wood, Chair
Dr. Kristen Garrison, English
Dr. Bob Hannel, Economics
Dr. Emily LaBeff, Sociology
Ms. Elizabeth Lewandowski, Theatre
Mr. Mark McClendon, Institutional Research

Dr. Stacia Miller, Education
Ms. Liz Minden, Mass Communication
Dr. Karen Polvado, Nursing
Dr. Chris Shao, Marketing
Dr. Mike Shipley, Biology
Dr. Dawn Slavens, Mathematics

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
Communication 9 hrs	From 9 hrs to 6 hrs	Content: Courses in this category focus on developing ideas and expressing them clearly, considering the effect of the message, fostering understanding, and building the skills needed to communicate persuasively. Skills: Courses involve the command of oral, aural, written, and visual literacy skills that enable people to exchange messages appropriate to the subject, occasion, and audience. Objectives: The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Teamwork, and Personal Responsibility.	Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information. Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication. Teamwork - to include the ability to consider different points of view and to work effectively with others to support a shared purpose or goal. Personal Responsibility - to include the ability to connect choices, actions and consequences to ethical decision-making.
ENGL 1113 and 1123 And 3 hours from SPCH 1133, 1233, or 2423	Communication 6 hrs ENGL/SPCH Hybrid ENGL 1123		

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
Mathematics 3 hrs MATH 1053, 1203, 1233, 1433, 1534, 1634, 1734, 2033, 2043	Mathematics 3 hrs MATH 1053, 1203, 1233, 1534, 1634	Content: Courses in this category focus on quantitative literacy in logic, patterns, and relationships. Skills: Courses involve the understanding of key mathematical concepts and the application of appropriate quantitative tools to everyday experience. Objectives: The following three Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, and Empirical and Quantitative Skills.	Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information. Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication. Empirical and Quantitative Skills - to include the manipulation and analysis of numerical data or observable facts resulting in informed conclusions.

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
Science 6 hrs BIOL 1134, 1144, 1234, 1544 CHEM 1103, 1141 and 1143, 1203, 1241 and 1243 ENSC 1114 GEOS 1134, 1234 *GNSC 1104, 1204 (*teacher certification students only) PHYS 1144, 1244, 1533, 1624, 2104, 2204, 2644	Life & Physical Sciences 6 hrs BIOL New Intro BIOL 1133, 1134, 1144, 1233, 1234, 1544 CHEM 1103, 1143/1, 1243/1, 1303 ENSC 1114 GEOS 1134, 1234 GNSC 1104, 1204 PHYS 1144, 1244, 1533, 1624, 2644	Content: Courses in this category focus on describing, explaining, and predicting natural phenomena using the scientific method. Skills: Courses involve the understanding of interactions among natural phenomena and the implications of scientific principles on the physical world and on human experiences. Objectives: The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Empirical and Quantitative Skills, and Teamwork.	Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information. Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication. Empirical and Quantitative Skills - to include the manipulation and analysis of numerical data or observable facts resulting in informed conclusions. Teamwork - to include the ability to consider different points of view and to work effectively with others to support a shared purpose or goal.

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
Humanities & Visual and Performing Arts 9 hrs <p>Six hours from English literature, history, humanities, philosophy, or two semesters of one foreign language; any courses in art history, music history, or theatre history may also be accepted in fulfillment of the humanities requirement: ENGL 2413, 2423, 2613, 2623, 2723, 2813, 2823, 1433, 3133, HUMN 2013, 2023, 2033, 2043, 2053 or 4000-level counterparts provided no 4000-level course repeats the corresponding 2000 level course PHIL 1033, 1533, 2033, 2233, 2633 FREN/GERM/SPAN 1134, 1234</p>	From 9 hrs to 6 hrs Language, Philosophy, & Culture 3 hrs <p>FREN /GERM/ SPAN 1134 ENGL 2413, 2613 HIST 1333, 1433 HUMN 2013, 2023, 2033 PHIL 1033, 2033</p> <p>And 3 hrs from Creative Arts (next slide)</p>	<p>Content: Courses in this category focus on how ideas, values, beliefs, and other aspects of culture express and affect human experience.</p> <p>Skills: Courses involve the exploration of ideas that foster aesthetic and intellectual creation in order to understand the human condition across cultures.</p> <p>Objectives: The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.</p>	<p>Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information.</p> <p>Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication.</p> <p>Personal Responsibility - to include the ability to connect choices, actions and consequences to ethical decision-making.</p> <p>Social Responsibility - to include intercultural competence, knowledge of civic responsibility, and the ability to engage effectively in regional, national, and global communities.</p>

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
<p>3 hours from ART 1413, MUSC 1033, THEA 1503, MCOM 2213</p> <p>Or</p> <p>3 hours from ART 1113, 1123, 1313, MUSC 1603/1601, THEA 1403</p> <p>Or</p> <p>3 hours from MUSC 1001 and/or 1021</p>	Creative Arts 3 hrs <p>ART 1413 MCOM 2213 MUSC 1033 MUSC New THEA 1503, 2423</p>	<p>Content: Courses in this category focus on the appreciation and analysis of creative artifacts and works of the human imagination.</p> <p>Skills: Courses involve the synthesis and interpretation of artistic expression and enable critical, creative, and innovative communication about works of art.</p> <p>Objectives: The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Teamwork, and Social Responsibility.</p>	<p>Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information.</p> <p>Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication.</p> <p>Teamwork - to include the ability to consider different points of view and to work effectively with others to support a shared purpose or goal.</p> <p>Social Responsibility - to include intercultural competence, knowledge of civic responsibility, and the ability to engage effectively in regional, national, and global communities.</p>

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
Social & Behavioral Sciences 18 hrs HIST 1133 and 1233	From 18 hrs to 15 hrs American History 6 hrs HIST 1133, 1233 And 6 hrs from Government/ Political Science (next slide) And 3 hrs from Social and Behavioral Sciences (following next slide)	Content: Courses in this category focus on the consideration of past events and ideas relative to the United States, with the option of including Texas History for a portion of this component area. Skills: Courses involve the interaction among individuals, communities, states, the nation, and the world, considering how these interactions have contributed to the development of the United States and its global role. Objectives: The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.	Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information. Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication. Personal Responsibility - to include the ability to connect choices, actions and consequences to ethical decision-making. Social Responsibility - to include intercultural competence, knowledge of civic responsibility, and the ability to engage effectively in regional, national, and global communities.

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
POLS 1333 and 1433	Government/Political Science 6 hrs POLS 1333, 1433	Content: Courses in this category focus on consideration of the Constitution of the United States and the constitutions of the states, with special emphasis on that of Texas. Skills: Courses involve the analysis of governmental institutions, political behavior, civic engagement, and their political and philosophical foundations. Objectives: The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Personal Responsibility, and Social Responsibility.	Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information. Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication. Personal Responsibility - to include the ability to connect choices, actions and consequences to ethical decision-making. Social Responsibility - to include intercultural competence, knowledge of civic responsibility, and the ability to engage effectively in regional, national, and global communities.

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
ECON 1333, 2333, or 2433 And 3 hours from PSYC 1103 or SOCL 1133	Social & Behavioral Sciences 3 hrs PSYC 1103 SOCL 1133 ECON 1333, 2333	Content: Courses in this category focus on the application of empirical and scientific methods that contribute to the understanding of what makes us human. Skills: Courses involve the exploration of behavior and interactions among individuals, groups, institutions, and events, examining their impact on the individual, society, and culture. Objectives: The following four Core Objectives must be addressed in each course approved to fulfill this category requirement: Critical Thinking Skills, Communication Skills, Empirical and Quantitative Skills, and Social Responsibility.	Critical Thinking Skills - to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information. Communication Skills - to include effective development, interpretation and expression of ideas through written, oral, and visual communication. Empirical and Quantitative Skills - to include the manipulation and analysis of numerical data or observable facts resulting in informed conclusions. Social Responsibility - to include intercultural competence, knowledge of civic responsibility, and the ability to engage effectively in regional, national, and global communities.

Academic Affairs

Office of the Provost and
Vice President for Academic Affairs



Core Curriculum Framework for 2014

Current Core (47 hrs)	2014 (42 hrs) Foundational Component Areas	2014 Content, Skills, Objectives	2014 Assessment
Institutionally Designated Option 2 hrs Two different EXPH activity courses Or One semester of marching band and one EXPH activity course Or Two semesters of marching band	From 2 hrs to 6 hrs Component Area Option 6 hrs Cultural & Global Understanding (3 hrs) <i>FREN/GERM/SPAN 1234</i> <i>EDUC 2013</i> <i>LAST 2503</i> <i>MCOM 1233/MCOM New 2</i> <i>MUSC New</i> <i>POLS 2523/POLS/WGST 2503</i> <i>SOCL 2233</i> Undergraduate Inquiry & Creativity (3 hrs) <i>ENGL 2123</i> <i>MCOM Web</i> <i>SCIE 2103</i> <i>SOCL 1133</i> <i>THEA 1103</i>	Courses used to complete the Component Area Option must meet the definition and criteria specified in one or more of the foundational component areas. Cultural & Global Understanding (3 hrs) Limitation: Select courses that encompass cultural diversity and living within a global society. Outcome: Students have an opportunity to explore the theme from a broad-based perspective through survey and interdisciplinary courses. Requirement: Courses must be open to all students. Undergraduate Inquiry & Creativity (3 hrs) Limitation: Select courses that provide students, under faculty member supervision, the opportunity to create, inquire, discover, or conduct research. Outcome: Students have an opportunity to complete a project, creative piece of work, or research study. Requirement: Courses must be open to all students.	The Core Objectives required in the corresponding foundational component area apply to each course used to fulfill the Component Area Option.

**MINUTES
MIDWESTERN STATE UNIVERSITY
BOARD OF REGENTS**

June 26, 2013

The Board of Regents, Midwestern State University, met in special session in the J. S. Bridwell Board Room, Hardin Administration Building, Wichita Falls, Texas, at 10:00 a.m., Wednesday, June 26, 2013. Board members in attendance at the university were Mr. Mike Bernhardt, Vice Chairman; Mr. Kenny Bryant, Secretary; Mrs. Jane Carnes; Mr. Charles Engelman; and Ms. Shelby Davis, new Student Regent. Regents attending the meeting via teleconference connection were Mr. Shawn Hessing, Chairman; Mrs. Tiffany Burks; Dr. Lynwood Givens; Mr. Jeff Gregg; and Mr. Sam Sanchez.

Administrative staff members present included Dr. Jesse W. Rogers, President; Dr. Betty Stewart, Provost and Vice President for Academic Affairs; Dr. Marilyn Fowlé, Vice President for Business Affairs and Finance; Dr. Keith Lamb, Vice President for Student Affairs and Enrollment Management; and Dr. Howard Farrell, Vice President for University Advancement and Public Affairs. Other university personnel attending the meeting included Mr. Kyle Owen, Associate Vice President for Facilities Services; Mr. Matt Park, Associate Vice President for Student Affairs; Mr. Barry Macha, General Counsel; Dr. James Owen, Chairman of the MSU Faculty Senate; Mr. Dirk Welch, Chairman of the MSU Staff Senate; Mr. Steve Shipp, Director of University Development; and Ms. Debbie Barrow, Director of Board and Government Relations. Representing the news media were Ms. Ann Work, *Times Record News*, and Mr. James Parish, KAUZ-TV.

Chairman Hessing called the meeting to order at 10:02 a.m. Ms. Barrow introduced individuals in attendance and Mr. Hessing welcomed Ms. Davis to service on the Board of Regents.

Public Comment

Mr. Hessing 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 had signed up to speak.

Architect Selection – Baseball Stadium

13-126. Mr. Hessing reported that the board previously authorized the administration to proceed with the process of selecting an architectural firm to design and provide preliminary cost estimates for the construction of a baseball stadium. Twelve proposals were received and evaluated by members of the Architectural Selection Committee. The board was previously sent information regarding the process (see Attachment 1). Mr. Hessing presented the administration's request for authorization to negotiate with Secord & Lebow to provide architectural services for this project, with the understanding that if an acceptable contract could not be negotiated, the matter would be considered at the August board meeting.

Dr. Fowlé noted that the administration developed a Request for Qualifications (RFQ) as required by the state of Texas. She added that the state requires that the evaluation of qualifications be accomplished without consideration of price. Mr. Owen reported that architects were encouraged to partner with firms that had experience with baseball

stadium design. Mr. Owen reviewed the information contained in Attachment 1. He noted that at each phase of the process Secord & Lebow had the highest score, based largely on their experience with baseball/softball field design and the experience of their partner firm with baseball stadium design in the \$1-3 million price range.

Mr. Bernhardt moved approval of this item as presented. Mrs. Burks seconded the motion.

Mr. Gregg asked if Secord and Lebow's pricing was comparable to that of the other firms that submitted proposals. Dr. Rogers responded that the state requires agencies to choose an architect based on qualifications and to negotiate a price after the selection has been made. Dr. Fowlé added that the administration had not looked at prices from any of the firms. She noted that there are standard charges for these types of services and the institution would expect the price offered to be within a standard range. She stated that architectural pricing was generally between eight and twelve percent of the project cost and this was dependant on the price, scope, size, and complexity of the project. She added that if the price was not within this range, the institution and firm would attempt to negotiate an acceptable price. According to the recommendation, if an acceptable rate could not be agreed upon the administration would bring another recommendation to the board in August.

There being no further discussion, the motion was approved.

Clark Student Center Improvements

13-127. Mr. Hessing reported that Follett Higher Education now provides on-campus bookstore operations for Midwestern State University. The contract with Follett resulted in the university receiving a one-time payment of \$250,000. He noted that the agenda included a request for the use of \$205,794 for Clark Student Center (CSC) improvements.

Mr. Lamb presented a power point presentation which outlined the request and showed photographs of worn areas in the CSC (see Attachment 2).

Mr. Bryant moved approval of this item as presented. Mrs. Carnes seconded the motion.

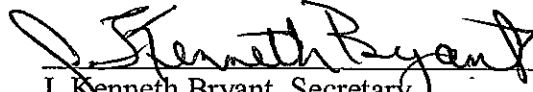
Mr. Bernhardt asked how the balance of the funds would be used. Dr. Lamb responded that a portion of the funds would be spent on recruiting items and an item would likely be presented for board ratification in August. He added that any remaining funds would be held in a Bookstore Reserve Fund.

There being no further discussion, the motion was approved.

Adjournment

There being no further business, the meeting was adjourned at 10:19 a.m.

I, J. Kenneth Bryant, 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 June 26, 2013.


J. Kenneth Bryant, Secretary

ATTACHMENTS:

1. Architect Selection Process– Baseball Stadium
2. Clark Student Center Improvements

Midwestern State University
Qualification Tabulation Sheet
Architectural Services
RFQ #735-13-6162
Round 1

Board of Regents Meeting Minutes

June 26, 2013

Attachment 1 – Page 1

Evaluation Criteria
Mandatory
Evidence that the firm is currently licensed/registered to provide services in State of Texas.
Demonstrated knowledge of local building codes.
Certified statement that the firm is not debarred, suspended, or otherwise prohibited from professional practice by any Federal, State, or Local agency.
Successful completion of athletic projects. (Weight 30%)
Profiles of the principals, baseball experience. (Weight 30%)
Past performance shows quality and schedule compliance. (Weight 10%)
Higher Educational Experience, particularly in Texas. (Weight 15%)
Overall Team Approach. (Weight 5%)
Request for Qualifications completeness. (Weight 10%)

Evaluation Committee Member	Firm A	Firm B	Firm C	Firm D	Firm E	Firm F	Firm G	Firm H	Firm I	Firm J	Firm K	Firm L
Dr. Fowle	86	94	56	57	80	45	88	90	97	92	85	75
Kyle Owen	87	88	59	77	95	42	80	87	87	65	96	54
Charlie Carr	75	84	64	72	85	42	74	80	80	67	81	54
Dr. S. Azzouz	88	82	60	75	93	60	85	85	92	75	97	60
Dr. Lamb	88	83	59	76	95	48	90	93	88	75	95	70
Dr. McClintock	85	87	60	75	91	40	91	93	82	70	90	60
Average	84.8	86.3	59.7	72.0	89.8	46.2	84.7	88.0	87.7	74.0	90.7	62.2

Yellow denotes top five

Letter Sent to Five Semi-Finalist Firms

Midwestern State University has reviewed the Request for Qualifications that your firm submitted for the Baseball Facility to be built. Five semi-finalists have been selected to provide answers to the following questions:

1. For clarification, please provide information on how each of the following services will be provided by your firm: (a) landscape architecture, (b) costing, (c) MEP, (d) structural design, (e) civil engineering, (f) geotech, and (g) audio visual design. List the subcontracting firm or identify it as in-house. If a firm is a HUB vendor, identify it as such.
2. Describe your firm's effort to integrate the new stadium's design into the existing campus architecture and landscaping.
3. Provide project examples of where your firm has experience designing projects to fit in a limited amount of space. How does your firm approach such challenges?
4. Identify your firm's approach to developing cost estimates for projects.
5. How does your firm develop value engineering ideas?
6. Identify projects and strategies where your firm was involved with assisting in fundraising activities in order for the project to be funded and successful.
7. If you are teamed with another firm to assist in the design, describe how they will support your efforts.
8. List the firm's experience designing baseball facilities ranging in value from –\$1.5 MM to –\$3.5 MM.

Answers should be limited to 1-2 paragraphs per question; question 1 may require a paragraph per item.

BASEBALL QUESTIONNAIRE REVIEW SUMMARY (Round 2)

	Firm B	Firm E	Firm H	Firm I	Firm K
<u>Committee Member</u>					
Dr. Fowle	98	70	80	100	95
Charlie Carr	97	95	90	93	98
Dr. Azzouz	80	82	76	79	86
Dr. McClintock	84	85	81	88	95
Dr. Lamb	Unavailable	Unavailable	Unavailable	Unavailable	Unavailable
Kyle Owen	75	77	71	78	82
	87	82	80	88	91
First Round Scores	86.3	89.8	88	87.7	90.7

Letter Sent to Two Finalist Firms

Midwestern State University has reviewed the Request for Qualifications that your firm submitted for the Baseball Facility to be built. Your company has been selected as a finalist to the evaluation process. Please be prepared to come to the Daniel Building at 8:30 AM, Wednesday, June 12, 2013, to present your firm, in a one hour Q&A session. Be prepared to answer the following questions:

1. Highlight your team's experience with NCAA Division II baseball projects of similar size (\$1.5-\$3.5 MM).
2. Clarify experience your subcontractors have with baseball stadiums.
3. Elaborate on the history of your firm working projects with the subcontractors you have selected for your team.
4. How has your firm reviewed MSU's campus in search of a preferred baseball stadium location?
5. What difficulties do you observe with site planning and construction related to this project?
6. How will safety be considered as part of the design process, particularly how it relates to traffic flow in/out of a site?
7. Provide examples of creative problem solving your firm has experienced on projects and how value engineering was incorporated into this process.
8. Provide examples of your firm's beautification efforts (i.e., landscaping or building design) on a project.
9. Provide examples of designs that did not work out as well as you desired. What did you learn from them?
10. Describe your approach toward working with clients and how you will develop the design criteria?
11. If you are teamed with another firm, describe your approach to working with your design partner.
12. Provide examples/plans of how your firm will assist with fundraising activities.



Clark Student Center Improvements

Board of Regents
June 26, 2013

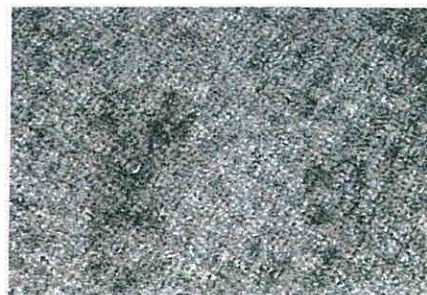
Technology Upgrades	\$26,092
<i>Cheyenne Meeting Room</i>	
Audio/Visual Equipment Upgrades	\$5,000
Campus Card	\$39,523
<i>CBORD Server & Software Upgrade</i>	
Condensate Receiver & Pump Replacement	\$20,000
Flooring Replacement	\$39,679
<i>Carpet & Tile</i>	
Dining Area Booths	\$40,500
<i>Upholstery Replacement</i>	
Atrium Furniture Replacement	\$35,000

Total Request \$205,794

Condensate Receiver & Pump Replacement



Flooring Replacement (*Carpet*)



Flooring Replacement (*Tile*)



Dining Area Booths (*Upholstery Replacement*)



Atrium Furniture Replacement

