



**Administrative Council
Midwestern State University
Approval via Electronic Vote**

March 12, 2025

Meeting No. 25-02

The Administrative Council approved the policies listed below via email during the voting period March 4, 2025 – March 12, 2025. Notification of approval was received from the following members: Ms. Debbie Barrow, Dr. Marcy Brown Marsden, Mr. Paul Chappell, Ms. Dawn Fisher, Dr. Kristen Garrison, Ms. Julie Gaynor, Ms. Ashley Hurst, Dr. Keith Lamb, Mr. Kyle Owen, Mr. Matthew Park, Mr. Jeff Spoeri, Mr. Chris Stovall, and Mr. Kyle Williams.

- I. MSU OP 04.11: Wichita Falls Museum of Art at Midwestern State University
- II. MSU OP 14.09: Disposition of Surplus, Obsolete, or Uneconomically Repairable Property
- III. MSU OP 36.01: Key Authorization
- IV. MSU OP 52.23: Nepotism
- V. MSU OP 54.01: Purchase of Goods and Services
- VI. MSU OP 60.01: Housing Policy


Stacia Haynie, Chair


Betsy Tucker, Secretary



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”)

OP 04.11: Wichita Falls Museum of Art at Midwestern State University

Approval Authority:	President
Policy Type:	University Operating Policy and Procedure
Policy Owner:	Provost and Vice President for Academic Affairs
Responsible Office:	Director, Wichita Falls Museum of Art at Midwestern State University
Next Scheduled Review:	10/01/2026. This OP will be reviewed in October of even-numbered years, or as needed, by the Director of the Museum and the Provost and Vice President for Academic Affairs with substantive revisions forwarded to the President.

I. Policy Statement

Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System, is the parent organization of the Wichita Falls Museum of Art at Midwestern State University (“Museum”), which serves the students and faculty of the University and the community of Wichita Falls, as currently codified by the Texas Legislature in *Texas Education Code*, Title 3, Subtitle F, Chapter 109, Subchapter F, Section 109.254.

II. Purpose

The purpose of this OP is to ensure understanding and a standardized approach concerning the organization and responsibilities of the Museum.

III. Definitions (specific to this policy)

For purposes of this policy:

- A. *American Alliance of Museums (“AAM”)*:** An organization that supports and celebrates commitment to standards that ultimately permit accreditation by AAM and alignment with a culture of excellence.
- B. *Curation*:** The process of selecting, organizing, and caring for the items in a collection or exhibition.
- C. *Deaccessioning*:** Deliberate and careful process by which the Museum permanently

removes an item from its collection. Reasons for deaccessioning include duplication, irrelevance to the Museum's mission, or deterioration beyond repair.

- D. *Education Resource Collection:*** A teaching collection that consists of original artworks and reproductions that serve to educate students and museum visitors from the community in the fundamentals, elements, and principles of art. Artworks from the Education Resource Collection may be used for hands-on educational opportunities, for teaching and demonstration purposes, and in exhibitions as didactic material to illustrate techniques or to assist in elucidating an issue. This collection may include artworks that are not appropriate for or quality of the Permanent Collection.
- E. *Permanent Collection:*** Objects or pieces of art collected and owned by the Museum and regarded as assets of the Museum. The Permanent Collection includes objects of distinguished quality and artistic significance.
- F. *Rotating Exhibitions:*** Temporary exhibitions that allow the Museum to showcase a wide range of art, engage diverse audiences, and offer new educational opportunities. These exhibitions reflect the Museum's commitment to artistic diversity and ongoing cultural enrichment for the University and Wichita Falls community.

IV. Policy/Procedure

A. Introduction

1. As the governing authority of MSU and the parent organization of the Museum, the University certifies that it:
 - a. Values the Museum as an intellectual and educational resource.
 - b. Regards the Museum and its collections as essential components of providing high-quality education through a range of academic programs while fostering an environment that supports innovation, community engagement, and research.
 - c. Is committed to the Museum's continued success in fulfilling its mission and meeting its public trust responsibilities, especially concerning the collections.
 - d. Is committed to following AAM guidelines and the Museum's Code of Ethics concerning the Museum's collections, the use of deaccession proceeds, and collecting and gift-acceptance policies.
2. The Museum is part of the University's academic program and a conduit to the community, providing a teaching and learning environment through the preservation and presentation of art and cultural heritage and exhibitions, events, and programming to the public.
 - a. The Museum is a valuable resource for undergraduate, graduate, and individual study courses, faculty, students, and researchers. Student opportunities further enhance the value of the Museum to the University's programs.

- b. Museum facilities serve as agents for research and exhibit programs and the academic activities of departments.
 - c. The general public can participate in the Museum's scholarly activities through special tours and programs that supplement regular visiting hours. The non-University community can enjoy public programs designed for all visitors.
3. The Museum is committed to the following principles:
- a. Generate excellence in public and academic programming;
 - b. Expand and deepen community engagement and expand audience engagement at the state, national, and international levels;
 - c. Foster and enhance museum-based research;
 - d. Engage in sustainable funding, including cultivation of a more extensive donor base and creating revenue streams;
 - e. Acquire and maintain quality collections; and
 - f. Sustain high standards of museum professional practices.
4. The Museum features educational exhibits from a wide range of sources.
- a. The Permanent Collection includes art, history, and cultural artifacts.
 - b. Traveling exhibitions are temporarily presented at the Museum through partnerships with other institutions. They enhance the Museum's collections and provide access to non-museum holdings that might otherwise be unavailable to local audiences.
 - c. The Education Resource Collection assists in teaching MSU students and Museum visitors from the community.

B. Museum Activities and Facilities

- 1. The activities and facilities of the Museum are a part of the University's teaching, research, and outreach, and public engagement.
- 2. The Museum conducts regional to international transdisciplinary research following its mission statement and scope of collections.
- 3. The University contributes to the Museum's development by securing donations or purchasing art. The University also shares in providing appropriate financial, human, and physical resources to support the Museum's mission and areas of association between the University and the Museum. The collaboration also serves as a conduit for monetary gifts to enlarge the Museum facility or for grant applications consultants/partners and the University business office on grant reporting that supports art acquisitions, exhibits, public programming, and collections care. Grant applications are submitted in consultation and cooperation with the University's Office of Sponsored Programs and Research.

4. The University serves as the holder of title to the following properties utilized in the operation of the Museum, to include:
 - a. The Museum building(s);
 - b. Equipment and installations;
 - c. All materials and collections purchased with state funds;
 - d. All materials and collections secured by staff whose salaries are paid by state funds; and
 - e. All materials and collections specifically donated to the University or acquired with donor funds.
5. The Museum will strive to maintain accreditation already earned and overseen by the AAM in Washington, D.C., and reflects in practice the priorities established by the AAM. This includes the current emphasis on visitor experience, visitor service, public programming, and outreach.
6. The Museum's leadership, staff, and students seek to create an atmosphere that demonstrates best professional standards of ethics, transparency, respect, and collaboration and are held accountable for their efforts.

C. Museum Governance

1. The Texas Legislature, in Chapter 109 of the Education Code, has delegated to the Board of Regents of the Texas Tech University System ("Board") the power and authority to govern, control, and direct the policies of MSU. The Chancellor is appointed by the Board and is directly accountable to the Board for the management and operation of the system administration and component institutions under the direction of the Board. The President of MSU is appointed by the Board with a recommendation from the Chancellor.

It is the policy of the President to delegate specified authority to administrators to facilitate the management of the University while still retaining the responsibility and accountability vested in the President. The Provost and Vice President for Academic Affairs is appointed by the President, subject to input from the Chancellor, and reports to the President, and serves as a key member of the University's senior leadership team and President's Cabinet. The President has delegated the authority to oversee the Museum to the Provost and Vice President for Academic Affairs.

2. The Museum is administered by an Executive Director, who is recommended by the Provost and Vice President for Academic Affairs and hired with approval by the MSU President.
3. The Museum Advisory Board ("MAB") has the opportunity to provide advice and consultation in the process of selecting the Executive Director.

4. The Executive Director of the Museum is a direct report to the MSU Provost and Vice President for Academic Affairs.
5. The MAB is comprised of community leaders approved by the MSU President. The MAB makes policy recommendations concerning the community mission of the Museum and helps to determine and achieve the Museum's fundraising goals.

D. Use of Museum Space and Facilities

1. The Museum offers a variety of programs and activities and serves as an extension of the University's research and instructional academic functions. Selected facilities of the Museum may be made available on approval of the Executive Director.
2. The collections of the Museum are held in trust for the people of Texas. Use of Museum collections for loan purposes (exhibition, research, conservation) must follow established Museum procedures and be approved by the Executor Director, and follow the guidelines of the Collections Management Policy.
3. Access to areas other than public spaces is restricted to the Museum staff, student workers, and volunteers. Only paid University staff may be issued keys to Museum facilities.
4. Rental of the Museum space is subject to fees and other costs associated with rental (cleaning, staffing, equipment, setup, supplies). A contract must be signed in advance of an event in accordance with University operating policies and procedures.

V. Related Statutes, Rules, Policies, Forms, and Websites

[Texas Education Code, Title 3, Subtitle F, Chapter 109, Subchapter F, Sec. 109.254 \(University Museum\)](#)

TTU System [Regents' Rule 08.00.5](#)

[MSU OP 04.03: Art Acquisition Policy](#)

[MSU OP 04.12: Collections Management Policy for the Wichita Falls Museum of Art at
Midwestern State University \(in development stage\)](#)

[MSU OP 30.01: Approval and Execution of University Contracts](#)

[MSU OP 54.04: Disposition of Surplus and Obsolete Property](#)

VI. Responsible Office

Contact: Director, Wichita Falls Museum of Art at Midwestern State University

Phone: (940) 397-8900

E-mail: WFMA@msutexas.edu

VII. History

14 April 2025: Adopted and approved by MSU President Stacia Haynie as Operating Policy/Procedure (OP) 04.11: Wichita Falls Museum of Art at Midwestern State University.



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”)

OP 14.09: Disposition of Surplus or Salvage Property

Approval Authority:	President
Policy Type:	University Operating Policy and Procedure
Policy Owner:	Vice President for Administration and Finance
Responsible Offices:	Assistant Vice President and Controller Director of Purchasing and Contract Management
Next Scheduled Review:	03/01/2027. This OP will be reviewed in October of odd-numbered years by the Assistant Vice President and Controller and the Director of Purchasing and Contract Management with substantive revisions forwarded to the Vice President for Administration and Finance and on to the President for approval.

I. Purpose

The purpose of this OP is to establish policy and procedures for the disposal of surplus, obsolete, or uneconomically repairable property for Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System, and to comply with *Texas Education Code* Section 2175.304 (Surplus and Salvage Property).

II. Definitions

- A. **Auxiliary Enterprise:** Furnishes goods or services to students, faculty, staff and the general public for a fee, and are managed as a self-supporting activity. Examples include, but are not limited to: residence halls, food services, intercollegiate athletics, and college stores.
- B. **Capital Equipment:** Tangible, non-expendable property that has an estimated useful life of more than one year, a value of \$5,000 or more per unit, and is assigned an MSU inventory tag.
- C. **Controlled Property:** The Comptroller of Public Accounts (“CPA”) has defined controlled property as certain property that, due to the nature of the asset, is required to be managed by the state and assigned an MSU inventory tag. Controlled property includes handguns and rifles regardless of acquisition cost and certain other property with an acquisition cost of \$500 to \$4,999.

D. **Data Processing:** Information technology equipment and related services designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means. The term includes:

- (1) central processing units, front-end processing units, miniprocessors, microprocessors, and related peripheral equipment such as data storage devices, document scanners, data entry equipment, terminal controllers, data terminal equipment, computer-based word processing systems other than memory typewriters, and equipment and systems for computer networks;
- (2) all related services, including feasibility studies, systems design, software development, and time-sharing services, provided by state employees or others; and
- (3) the programs and routines used to employ and control the capabilities of data processing hardware, including operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

Texas Government Code Section 2054.003 (3).

E. **Federal Equipment:** Capital equipment acquired or fabricated through federal grants, contracts, and cooperative agreements.

F. **Non-inventory Items:** Furniture or other consumable supplies that are neither controlled items nor items that meet capitalization thresholds of \$5,000 or greater.

G. **Personal Property:** Includes:

- (1) personal property lawfully confiscated and subject to disposal by a state agency; and
- (2) personal property affixed to real property, if its removal and disposition is for a lawful purpose under *Texas Government Code* Chapter 2175 (Surplus and Salvage Property) or another law.

H. **Salvage Property:** Personal property that through use, time, or accident is so damaged, used, time, or accident is so damaged, used, or consumed that it has no value for the purpose for which it was originally intended.

I. **Surplus Property:** Personal property that exceeds the University's needs and is not required for its foreseeable needs. The term includes used or new property that retains some usefulness for the purpose for which it was intended or for another purpose.

III. Policy/Procedure

A. Policy Statement

1. In accordance with *Texas Government Code* Section 2175.304:

- a. MSU is required to establish written procedures for the disposition of surplus or salvage property of the University. The procedures shall allow for the direct

transfer of materials or equipment that can be used for instructional purposes to a public school or school district, or an assistance organization designated by the school district, at a price or for other consideration to which MSU and the public school or school district or the assistance organization agree or for no consideration as MSU determines appropriate;

- b. The procedures established under Subsection 1.a above must give preference to transferring the property directly to a public school or school district or to an assistance organization designated by the school district before disposing of the property in another manner. If more than one public school or school district or assistance organization seeks to acquire the same property on substantially the same terms, MSU shall give preference to a public school that is considered low-performing by the commissioner of education or to a school district that has a taxable wealth per student that entitles the district to an allotment of state funds under Subchapter [E](#), Chapter [48](#), *Texas Education Code*, or to the assistance organization designated by such a school district;
 - c. MSU may donate to an assistance organization any surplus or salvage property that:
 - (1) is not disposed of under Subsection (b); and
 - (2) has no resale value; and
 - d. Notwithstanding Subsections 1.a and 1.b, MSU may donate data processing equipment that is surplus or salvage property to a public or private hospital located in a rural county. For purposes of this subsection, "rural county" has the meaning assigned by Section [2175.487.301](#).
2. Property that becomes surplus or salvage will be disposed of under the control of the MSU Assistant Controller/Property Manager and Director of Purchasing and Contract Management in accordance with [Texas Government Code, Chapter 2175](#), [Texas Government Code, Chapter 614](#), and [Federal Uniform Guidance 2 CFR 200](#). This includes all types of property except for the following:
 - a. Glass or items without an inventory tag (not capital or controlled assets) that are broken or otherwise unusable that should be recycled or otherwise disposed of. For additional requirements for the disposal of glass waste from laboratories – See [MSU OP 34.16: Handling of Sharps and Sharp Objects](#).
 - b. Disposal of Radioactive Materials and Radiation Producing Devices – See [MSU OP 34.20: Procurement, Usage, and Disposal of Radioactive Materials, Radiation Producing Devices, and Lasers](#).
 - c. Disposal of batteries, paint, chemicals, and other hazardous materials – See [MSU OP 34.15: Hazardous Material Spills](#) and [MSU OP 34.16: Handling of Sharps and Sharp Objects](#).
 - d. Transfers of capital or controlled assets between MSU departments other than Property Surplus or capital or controlled transfers to other agencies – See [MSU OP 14.09: Property Management](#).
 - e. Transfers of non-inventory items between MSU departments.

- f. Deaccessions of the Wichita Falls Museum of Art at Midwestern State University – See [MSU OP 04.11: Wichita Falls Museum of Art at Midwestern State University](#) and [MSU OP 04.12: Collections Management Policy for the Wichita Falls Museum of Art at Midwestern State University](#). Proceeds from the sale of deaccessioned items will be used solely and restricted for the purchase or acquisition of another work or works for the Permanent Collection of the Wichita Falls Museum of Art at Midwestern State University. Such funds, including any related earnings and appreciation, will be tracked separately by the Controller's Office until fully expended. Items identified for donation to another entity will require written approval of the MSU President and the Vice President for Administration and Finance.

B. Disposal of Surplus or Salvage Property

1. General Procedure for Disposal of Surplus/Salvage Property

- a. Regarding property to be declared as surplus, the administrator will report equipment that is carried on departmental inventories to the property surplus manager by following the [Declaration of Surplus Form](#). To request pickup of surplus property not inventoried, send an e-mail to property.surplus@msutexas.edu with details of property to be removed.
- b. Upon receipt of the form and after removal from inventory, the equipment will be transferred to the MSU warehouse where it will be available for transfer to other departments on a non-reimbursable basis. Requests to view surplus equipment can be made by contacting Purchasing and Contract Management.
- c. Surplus capitalized equipment carried on the inventory (valued at \$5,000 or more) may be transferred at no cost to any MSU department upon completion of the [Request for Equipment Transfer between Departments Form](#) approved by the property manager.
- d. Surplus equipment that is not carried on inventory (valued at less than \$5,000) and it is not controlled equipment may be transferred to any MSU department at no cost, upon completion of the [Declaration of Surplus Form](#) requesting the property transfer. The requesting department is responsible for coordinating the transfer of surplus equipment.
- e. Controlled assets (any firearm, regardless of cost, and the following items, if above \$500: data projectors, stereo systems, cameras, video recorders/laser disk players, televisions, VCRs, camcorders, computers, printers, and laptops) have alternative disposal methods to comply with state laws. Please contact the property manager for assistance at property.surplus@msutexas.edu.
- f. Under certain circumstances, very unique and specialized equipment that is declared surplus may be sold but only when it is of greater monetary benefit to the University for the individual sale of such equipment and has approval of the Vice President for Administration and Finance and the President using the [Approval to Sell Unique or Specialized Equipment Form](#).
- g. To accomplish a transfer to an external state agency organization, the administrator will complete an [Approval to Sell Unique or Specialized](#)

[Equipment Form](#) and forward it to the property manager. When a transfer to another state agency is to be made on a reimbursable basis, the property manager will assist in processing the necessary billing.

2. Property Surplus Sales Procedures

- a. Property Surplus will conduct sales, as needed, and the items not sold (after an auction) will be donated, destroyed, or disposed of by Property Surplus.
- b. Auctions
 - (1) Auctions will be conducted when enough merchandise is available, as determined by the Director of Purchasing and Contract Management.
 - (2) Purchasing and Contract Management will develop a descriptive listing of all items available for an online auction or to be used by an auctioneer.
 - (3) Surplus items sold at auction will be assigned a minimum bid.
 - (4) Lot numbers will identify all merchandise for live auctions, if applicable.
 - (5) An auctioneer will sell all items by the lot number.
 - The auctioneer will provide detailed documentation of total gross sales and expenses, including original receipts for expenses.
 - Purchasing and Contract Management will receive the check from the auctioneer for the net auction proceeds and forward it to the Business Office for deposit.

Purchasing and Contract Management staff may remove any item from an auction prior to its disposal if a MSU department expresses a need for the item.

3. Scrap Metal

Purchasing and Contract Management will store and coordinate disposal of all scrap metal with proceeds deposited into the general unexpended plant fund. An exception to this requirement is the demolition or renovation of campus buildings and facilities. The contractor may dispose of scrap items as part of the scope of the project.

4. Tires

MSU Facilities Services will dispose of all used tires.

5. Batteries, Paint, Chemicals, and Other Hazardous Materials

The Risk Management and Safety Manager will coordinate with the Chemical Safety Manager of the University's McCoy College of Science, Mathematics, and Engineering on the disposal of batteries, paint, chemicals, and other hazardous materials.

6. Law Enforcement Vehicles

In accordance with Texas Government Code Section Sec. 2175.908 (Sale or Transfer of Law Enforcement Vehicle):

- a. Except as provided by Subsection b, MSU may not sell or transfer a marked patrol car or other law enforcement motor vehicle to the public unless the University first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle, including any police light, siren, amber warning light, spotlight, grill light, antenna, emblem, outline of an emblem, and emergency vehicle equipment.
- b. MSU may not sell or transfer a marked patrol car or other law enforcement motor vehicle to a security services contractor who is regulated by the Department of Public Safety and licensed under Chapter 1702, *Texas Occupations Code*, unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer.

7. Removal of Data from Data Processing Equipment

MSU's Office of Information Technology is responsible for permanently removing data from data processing equipment before disposing of or otherwise transferring the equipment.

C. Other Surplus/Salvage Property

1. General Procedure

Other surplus property that has a substantial salvage value will be sold at public auction after it has been determined that the equipment cannot be used by any other MSU department. Surplus property not sold will be donated or disposed of as deemed appropriate by the Director of Purchasing and Contract Management with the prior written approval of the Vice President for Administration and Finance and the President. Such prior authority must be obtained if a department has surplus property for which it would be advantageous to the University to make special provisions for disposal.

2. Exceptions

a. Exceptions

Instances may arise where it is not economically feasible to move surplus property from the department to the surplus sale holding area or where it becomes necessary to dispose of surplus property without waiting to advertise formally for bids. In such cases, Purchasing and Contract Management may sell the property in the manner most advantageous to MSU needs.

b. Disclaimer

Where bids are solicited for sale of surplus property, MSU shall reserve the right in all instances to reject any and all bids and to waive any or all formalities.

c. Disposition of Proceeds

(1) Institutional Funds

Any proceeds from the sale of surplus property will be used first to defray the direct costs of the sale. Any remainder will be credited to the general unexpended plant fund for general campus use, unless prior written approval is obtained by the Vice President for Administration and Finance.

(2) Federal Funds

The sale of surplus property purchased with funds from a federally sponsored project shall be subject to the applicable federal property management regulation (2 CFR Part 200 or equivalent), which generally requires that the proceeds be returned to the sponsoring agency. Prior approval by the Director of Sponsored Programs and Research and the Vice President for Administration and Finance must be obtained before equipment purchased with funds from federally sponsored projects is offered for sale.

D. Disposal of Final Federal Property Inventory

1. Grant

All property purchased under a project that has been funded by a federal grant transfers to MSU at the end of that grant unless the award specifies otherwise.

2. Contract

If property is not transferred to MSU per the federal contract instructions, MSU may negotiate with the funding agency at the end of the contract to transfer said equipment to support another federal grant.

IV. Related Statutes, Rules, Policies, Forms, Websites

Related Statutes/Rules:

[Federal Uniform Guidance 2 CFR 200](#)

[Texas Government Code, Chapter 614.0505 – 614.055 \(Purchase of Firearm or Uniform of a Peace Officer\)](#)

[Texas Government Code, Chapter 2175.304 \(Surplus and Salvage Property\)](#)

Related MSU Policies/Procedures (OPs):

[MSU OP 34.16: Handling of Sharps and Sharp Objects](#)

Related Forms:

[Inter-Agency Property Transfer Request](#)

[Online Instructions for Moving Inventory Items to Surplus Request to Transfer Property to another Institution](#)

V. Responsible Offices

Contact: Assistant Vice President and Controller

Phone: 940-397-4273

E-mail: chris.stovall@msutexas.edu

Contact: MSU Director of Purchasing and Contract Management

Phone: 940-397-4277

E-mail: tracy.nichols@msutexas.edu

VI. Revision History

03 Aug. 2007: MSU Policy 4.121 (Disposition of Surplus or Salvage Property) is adopted by the MSU Board of Regents.

05 Aug. 2021: Renumbered by the MSU Board of Regents as Operating Policy/Procedure (OP) 54.04: Disposition of Surplus or Salvage Property.

09 May 2025: Completely revised pursuant to an internal audit and to align with TTU System, and renumbered as OP 14.09: Disposition of Surplus or Salvage Property. Adopted and approved by MSU President Stacia Haynie.



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”) OP 36.01: Key Authorization

Approval Authority: President
Policy Type: University Operating Policy and Procedure
Policy Owner: Vice President for Administration and Finance
Responsible Office: Facilities Services
Next Scheduled Review: 01/31/2027

I. Policy Statement

The purpose of this Operating Policy/Procedure for Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System, is to provide increased security of University facilities, establish guidelines for key use, and provide for the central administration, control, and issuance of all University keys.

II. Reason for Policy

This OP provides a standard key control system common to the entire University for the issuance and management of all keys to University facilities. It is administered by Facilities Services (FS) through the Lock Shop with University keys and key records issued and maintained by the locksmith.

III. Application of Policy

This policy applies to all University students, faculty, and staff.

IV. Definitions (specific to this policy)

For purposes of this policy:

- A. **Department** is a large organization that deals with a particular area of study or work, such as a college or business unit under a vice president, dean, associate vice president, director, chief of police, etc. Smaller sub organizations, such as the Mathematics Department, are not considered Departments in this OP.

- B. **Administrative Head** is the individual who has the primary responsibility for the operation of a Department, such as the President, a vice president, a dean, an associate vice president, a director, or the Chief of Police, etc. This individual is responsible for monitoring the distribution of keys to individuals in their Department. Department chairs, assistant directors, coaches, etc. are not considered Administrative Heads.
- C. **Building Owner** is the individual responsible for coordinating access into and throughout a building. This person can be designated by the president, but is normally the individual who has the primary responsibility for the operation of the largest Department occupying the building, such as a vice president, a dean, an associate vice president, a director, the Chief of Police, etc. Department chairs, assistant directors, coaches, etc. are not considered Building Owners. See Building & Building Owner Listing in section VI of this OP for information on building owners for specific buildings.
- D. **Assistant to the Associate Vice President for Facilities Services (AAVPFS)** is the administrative assistant in Facilities Services who offices in JS Bridwell 106F. This person serves as the backup to the locksmith for the distribution and receipt of keys.

V. Procedures and Responsibilities

A. Central Key Control

1. The following responsibilities are assigned to the Lock Shop personnel:
 - a. Program, develop, and assign all keyway systems for University facilities.
 - b. Maintain a central key control file and up-to-date records of keys issued for all locks and spaces, except for residential facilities (see section V.J) and non-University keys (see section V.I).
 - c. Supervise and arrange all keying and re-keying of University facilities.
 - d. Coordinate the key issue records.
 - e. Process all key requests including receiving, cutting, and issuing of all keys. Receive all keys to new facilities or locks from contractors or vendors.
 - f. Perform all lock work, except those required under construction projects.
 - g. Report all lost keys to the MSU Police Department Chief and Associate Vice President for Facilities Services, Building Owners, and applicable Administrative Heads if the keyholder has not previously notified these areas.
 - h. Process keys for terminating, transferring, and promoting personnel.

- (1) Upon request, promptly provide Human Resources and Administrative Heads a key inventory for personnel they submit as terminating, transferring, or promoting personnel.
 - (2) Obtain scheduled termination, transfer, or promoted date for stated personnel. (Ideally this will be submitted by Human Resources or Administrative Head when requesting a key inventory.)
 - (3) Receive, record, and issue receipts for returned keys.
 - (4) Immediately notify Human Resources and Administrative Heads when any of the keys are returned.
 - (5) Immediately notify Payroll of fines for personnel who have not returned all of their keys by the termination date provided by Human Resources or the Administrative Head.
 - (6) Immediately notify the Administrative Head, Building Owner, Human Resources, Associate Vice President of Facilities Services, and MSU Police Department Chief of any keys that were not returned by the termination, transfer, or promotion date.
 - (7) Four weeks after the termination, transfer, or promotion date issue an invoice to the Administrative Head for lost key charges for any keys that were not returned. A key audit will need to be completed and an authorization to deduct pay will need to be signed for current employees prior to charges being implemented.
 - (8) Pick up any keys left in Human Resources on a monthly basis.
 - (9) Human Resources will send a list of terminated, transferred, and promoted employees monthly for the Lock Shop to verify all of the keys have been returned.
 - i. Perform periodic key audits (at least every two years) by emailing a list of issued keys and personnel to the Administrative Heads. The Administrative Heads or their representative must visibly verify possession of each key issued to personnel. Discrepancies are to be forwarded to the locksmith who will notify personnel of the action required to correct the discrepancy.
 - j. Notify AAVPFS to clear electronic holds from student records when keys are returned.
2. The following responsibilities are assigned to Administrative Heads:
- a. Authorize the issuance of keys within their Department to assigned personnel by signing a Key Request Form obtained at the Lock Shop or the AAVPFS. The Key Request Form is currently a hard copy document, but may be changed to online in the future.

- b. Verify the Building Owner's signature is on the Key Request Form prior to submission to the Lock Shop. Note, the form must be signed by both the Administrative Head and the Building Owner in order for a key to be issued.
 - c. Request terminating employees return all keys to the Lock Shop or the AAVPFS.
 - d. Immediately report to the Lock Shop personnel any key holders who have left the University or have transferred to another Department or activity. The last day of work should be shown in the report (emails are acceptable). The report should be in written form and the Department should retain a copy.
 - e. Participate in periodic key audits (at least of every two years) by themselves or a representative visibly verifying possession of each key issued to personnel. Discrepancies are to be forwarded to the locksmith who will notify personnel of the action required to correct the discrepancy.
3. The following responsibilities are assigned to Building Owners:
- a. Manage the general security of their building by reviewing all key requests related to their building. Note, their signature will be required in the building owner space on a Key Authorization Form even if they are also signing in the Administration Head space.
4. The following responsibilities are assigned to individual key holders:
- a. Submit to the Lock Shop or AAVPFS a fully completed Key Authorization Form with signatures of both their Administrative Head and the Building Owner in order to obtain keys. By signing the Key Authorization Form, the requestor agrees to return the keys when they leave employment with MSU, or they agree to have lost key charges (see section V.D.6) deducted from their final paycheck up to a maximum of \$500.
 - b. Personally pick up authorized keys from the Lock Shop and sign the Key Request Form when the keys are received. Key holder will need to show a photo ID to receive any keys.
 - c. Maintain security of all University keys issued.
 - d. Promptly report lost keys in writing to aavpfs@msutexas.edu and include information about where the key may have been lost and whether it was lost with any other identifying items that might tie it to MSU.
 - e. Return keys to the Lock Shop when leaving the University or transferring to another Department. Keys should **not** be turned in to the Administrative Head, Building Owner, or Human Resources. The Lock Shop or the AAVPFS will issue receipts for the returned keys.
 - f. Retain the receipt for keys issued and for keys returned after receiving these documents from the Lock Shop.

- g. Each key is state property entrusted to the individual for his/her exclusive use. Defacing, marking, altering, duplicating, loaning, or selling of any University key is prohibited.
- 5. The following responsibilities are assigned to Human Resources:
 - a. For employees voluntarily terminating, transferring, or promoting, Human Resources will:
 - (1) Send a clearance meeting email to the employee which includes instructions to return their keys to the Lock Shop.
 - (2) Send an email to the Lock Shop (copy the AAVPFS) requesting a key inventory list for the terminating employee. Lock Shop (or AAVPFS in their absence) will send the key inventory list to Human Resources.
 - b. For employees involuntarily terminated, Human Resources will:
 - (1) Send an email to the Lock Shop (copy the AAVPFS) requesting a key inventory list for the terminating employee. Lock Shop (or AAVPFS in their absence) will send the key inventory list to Human Resources. Per section V.C.4, the employee's Administrative Head or designee will collect the keys and return them to the Lock Shop, or the Department will be responsible for lost key charges.
 - c. Immediately notify the Lock Shop when they receive any keys.
 - d. Send a list of terminated, transferred, promoted, and newly hired employees to the Lock Shop every month.
- 6. The following responsibilities are assigned to the office of the Registrar:
 - a. Generate a list of graduating students a minimum of six weeks prior to commencement and forward it to the AAVPFS.
 - b. After receiving a list of graduating students that have been issued keys from the AAVPFS, notify graduating students with University issued keys to return the keys to clear their record, otherwise their records will be on "hold" until the keys are received or payment is received for the lost keys. The "hold" will result in a student's records such as transcripts and diploma not to be released.

Exception: Students receiving federal government grants cannot have their transcripts withheld per federal regulations, although class registration can be prevented. The issuing Department is responsible for lost key fees in these instances if the key is not returned.
- 7. The following responsibilities are assigned to the AAVPFS or designee:
 - a. The AAVPFS shall perform the following tasks when the locksmith is unavailable to complete the task in the desired time frame.

- (1) Issue keys to personnel and students which includes obtaining approved Key Request Forms.
 - (2) Receive returned keys and issue key receipts.
 - (3) Upon request, promptly provide Human Resources and Administrative Heads a key inventory for employees they submit as terminating, transferring, or promoting personnel.
 - (4) Immediately notify Human Resources and Administrative Heads when any keys are returned by terminating, transferring or promoting personnel.
 - (5) Immediately notify Payroll of fines for personnel who have not returned all of their keys by the termination date provided by Human Resources or the Administrative Head.
 - (6) Immediately notify the Administrative Head, Building Owner, Human Resources, Associate Vice President of Facilities Services, and MSU Police Department Chief of any keys that were not returned by the termination, transfer, or promotion date.
- b. Deliver all received keys and issued Key Request Forms to the designated lock box in Bridwell 106F or to the locksmith on a daily basis.
 - c. Using the graduating students list provided by the office of the Registrar, generate a list of graduating students that have been issued keys, notify the Registrar of these student's names, and place an electronic "hold" on their records.
 - d. Remove electronic "holds" on student records when the student returns all of their keys as verified by the locksmith.

B. Key Levels and Eligibility

1. The **great grand master** key will be issued only upon approval of either the President or the Vice President for Administration and Finance. A great grand master operates a majority of the locks for multiple buildings and areas of campus. The key is available for issuance to personnel whose job duties require access to the majority of campus buildings on a regular basis. In cases where the job duties of a position require issuance of a great grand master, there is no need for replacement personnel of the position to obtain re-approval from the President or the Vice President for Administration and Finance.
2. The **building master** key (usually referred to as "grand master" in key control terminology) will operate the majority of locks within a building. The key is available for issuance only when one Department occupies the entire building and, then, only to the Administrative Head and designee(s) (maximum of 3).
3. The **departmental master** key (also referred to as a "master" in key control terminology) is the highest-level key available for issuance to a Department

member when more than one Department occupies a building. The departmental master key will operate all locks to spaces assigned to a Department within that building. The issuance of this key will be made only to the Administrative Head and other limited Department personnel.

4. **Building entrance door** keys are issued for building access to those individuals who must work or have access to a building outside of normal working hours. Any individual can have a building entrance key as long as their Administrative Head and the Building Owner approve. Issuance of building entrance keys to students or those who need the key infrequently is highly discouraged and will not occur if the building has card access.
5. **Individual room** keys are those that will operate individual door locks or two or more door locks keyed alike. Anyone can have an individual room key as long as their Administrative Head and the Building Owner approve.
6. **Maintenance** keys are used for tunnels, mechanical equipment rooms, and custodial rooms and are keyed to specific keyways and are not available for Departmental use. These areas are the assigned responsibility of Facilities Services. Building occupants normally will not have access to these areas.
7. **Information Technology (IT)** keys are used for IT closet access and are keyed to specific keyways and are not available for Departmental use. These areas are the assigned responsibility of IT. Building occupants normally will not have access to these areas.
8. Keys will be issued only to individuals who present a valid Key Request Form approved by the appropriate personnel and photo identification. Lock Shop personnel will have the authority to challenge any request they deem questionable and, for certain areas, may contact the appropriate personnel for confirmation or justification. For key issuance situations not defined by this policy, the Associate Vice President for Facilities Services will decide on the best resolution.
9. Keys are issued to students at the discretion and approval of the appropriate Administrative Head and the Building Owner. The student and the Administrative Head share joint responsibility, not the Building Owner, to ensure that each key is immediately returned to the Lock Shop when the student no longer has a need for the key. Under no circumstances shall a student be issued a great grand master or building master key.
10. Multiple copies of keys will not be issued to be stored and distributed by the Department or the Administrative Head.
11. An individual key holder will be authorized only one key per room or space.

12. The reproduction of University keys is prohibited, except by the University locksmith. Individuals who violate this policy or who reproduce keys or allow them to be reproduced without authorization shall be subject to disciplinary action and/or possible termination of employment. Students who violate this policy will be subject to disciplinary action and/or dismissal from the University. If it has been determined by the University that keys were illegally reproduced and the security of University facilities has been jeopardized, the individual who reproduced the keys will be responsible for the cost of re-keying.

C. Procedures for Receiving and Returning Keys

1. No charge or deposit is required for the issuance of keys.
2. Key Request Forms are available at the Lock Shop or the AAVPFS. A Key Request Form must be delivered to the Lock Shop, JS Bridwell 107Z, or to the AAVPFS in-person between the hours of 8:00 a.m. to 12:00 and 1:00 p.m. to 4:30 p.m. Telephone requests will not be honored. All keys will be issued from the Lock Shop or the AAVPFS or designee; no keys will be delivered to requesting Departments. When the key is ready to be issued, the Lock Shop will contact the Department for them to notify the individual, eliminating the necessity of individuals contacting the shop for a status on their request.
3. Keys will be returned to the Lock Shop or the AAVPFS or designee by the individual to whom they were issued. The Lock Shop will issue a receipt to the key holder and update the records showing the key(s) has been returned. The key holder should keep this receipt as a part of his/her personal records. If the key holder is not able to return the keys to the Lock Shop, the keys can be promptly delivered by others and a receipt will be issued to the person returning the keys. It is the responsibility of the key holder to retrieve possession of this receipt for their records since it is their only proof the key has been returned.
4. The Administrative Head or designee of the key holder will be responsible for notifying the Lock Shop of the termination or transfer of any student worker, staff, or faculty member to whom keys have been issued, and will instruct the individual to return the key(s) to the Lock Shop. The Lock Shop or the AAVPFS will notify Human Resources when they have received all of the keys issued to an employee. If all of the keys have not been returned, the Lock Shop will notify Payroll (copying Human Resources) to deduct the cost of the lost keys (Section V.D.6) and any re-keying charges from the employee's final paycheck up to a maximum of \$500. Re-keying costs are ultimately the individual's Department's responsibility, not the Building Owner, if a terminating employee fails to return his/her keys.
5. Keys returned to the Lock Shop by an individual that do not match the ones in the Lock Shop's records will not permit clearance of the individual's records. The individual will still be responsible for key replacement charges noted in Section V.D.6.

6. For graduating students who need to retain keys until the graduation ceremony or are a full-time employee who is graduating and was issued keys only to perform their job duties, a note from the Administrative Head should be submitted to the Lock Shop or the AAVPFS requesting permission to release the hold on their account. The Administrative Head becomes responsible for returning the graduating student's key to the Lock Shop or paying the lost key charges shown in V.D.6 if the key is not returned.
7. If a Department is occupying new facilities or if a large area has been re-keyed and a large quantity of keys are required for issue, the Lock Shop may make special arrangements with the department receiving the keys. All individuals receiving keys must submit a signed Key Request Form. When the keys are ready, Lock Shop personnel will deliver and issue them at a prearranged time. Those individuals not present at the time of this special issue will be required to pick up the keys at the Lock Shop or the AAVPFS.

D. Loss or Theft of University Keys

1. The loss or theft of keys should be reported via email to aavpfs@msutexas.edu and include information about where the keys were possibly lost, and whether they had any identifiable markings on them or on the ring to which they may have been attached. The Lock Shop will record and identify the locks affected by the lost keys.
2. The Lock Shop will notify the Building Owner, the Administrative Head, the Associate Vice President for Facilities Services, and the MSU Police Department Chief of the loss and affected locks within the building so they can evaluate the potential security breach associated with the lost keys. These individuals will decide whether re-keying is necessary. In the case of lost great grand master keys, the President will also be included in the evaluation process.
3. The responsible Department will be charged for any required re-keying.
4. In situations where building master keys are lost or stolen, large portions if not all of the building, may require re-keying. This scope of work will require a contractor to re-key the building under the direction of the Lock Shop. The Department or contractor that lost the keys will be charged. The costs of re-keying for the loss of a building master key can cost an estimated \$10,000-\$35,000 depending on the size of the building. The Department will also be responsible for costs associated with security in the building while it is being re-keyed.
5. In the case of students, the Lock Shop will notify the AAVPFS to place a hold on the student's account so they can no longer register for classes or receive their transcript until payment for the lost keys has been made to the business office.

Once payment is made, the student must bring a copy of the payment receipt to the Lock Shop or AAVPFS so the AAVPFS can release the hold.

Exception: Students receiving federal government grants cannot have their transcripts withheld per federal regulations, although class registration can be prevented. The issuing Department is responsible for lost key fees in these instances if the key is not returned.

6. Charges for lost or stolen keys (employees and students):

Great Grand Master Key	\$200.00
Building Master Key	\$150.00
Department Master Key	\$100.00
Outside Door Key (includes Residence Halls)	\$100.00
Student Room/Apartment Key	\$100.00
Interior/Individual Room Key	\$100.00
Post Office Box Key	\$25.00
Padlock or Gate Key	\$25.00

E. Transfer of Keys

Under no circumstances will any key be transferred from one individual or Department to another. All keys will be returned to the Lock Shop or the AAVPFS, with reissuance made only by the Lock Shop.

F. Issuance of Keys to Contractors and Non-MSU Personnel

1. Any contractor providing services on the University campus will check out keys at Facilities Services through the locksmith. Approval must be given by the Director of Construction or Associate Vice President for Facilities Services.

Contractors will be required to complete a Contractor Key Issuance Form before keys will be issued. Contractors shall return the keys to the Lock Shop or the AAVPFS upon completion of their project and before the project's final invoice will be approved.

2. Keys can be issued to non-MSU personnel or students (i.e., Credit Union personnel, Texas Tech University personnel working full time at MSU, etc.) provided a Key Request Form is completed. Approval by the Administrative Head of the Department the non-MSU person is working for and the Building Owner are required. The Administrative Head is responsible for ensuring the person returns the key to the Lock Shop or AAVPFS when they no longer work at MSU.

G. Temporary Issuance of Keys to Facilities Services Employees

Building master keys are sometimes required to effectively and efficiently complete maintenance tasks and can be issued to Facilities Services employees with approval of their superintendent. All keys issued by the Lock Shop will be signed out upon issuance and signed in upon return by the requester on the same business day of issuance unless other arrangements are approved with the Lock Shop.

H. Request for Special Keying or Key Changes

1. Special security keying of specified rooms may be permitted with the written request of the Building Owner. Such special keying will remain within the building master keying system and will be set up by the Lock Shop. Any requests to remove a room or area from the building master key system must be approved by Facilities Services' locksmith and the Associate Vice President for Facilities Services. Keys for such areas will be made available to the MSU police department. Areas removed from the building master key will not receive custodial or maintenance services except by special arrangements. The cost of specialty re-keying will be the responsibility of the requesting Department.
2. Private locks, individually- or Department-owned, will not be installed on building facilities. Only Lock Shop personnel will remove, install, change, or repair any lock used for space control. Any unauthorized locks installed by an individual or Department, including padlocks installed for space control, will be removed and confiscated by the Lock Shop. The cost of new locks and/or any repairs to doors, door frames, etc., caused by lock installations will be charged to the Department. At the discretion of the Building Owner, the individual responsible for the installation of any unauthorized locks may be charged for the cost of the new locks and repairs.
3. The cost of re-keying a room, area, or building will be the responsibility of the requesting Department when the re-keying is a result of the Department's desire to change locks or a Departmental initiated renovation. Any re-keying must be approved by the Building Owner.

4. The only exception where the Department will not pay for a lock or key change will be for new construction, renovation projects, or scheduled work by Facilities Services to meet the requirements of a new restricted keyway program. Normal maintenance on existing locks or keying systems will not result in a Departmental charge in educational and general (E&G) areas.

I. Non-University Keys

1. A non-University key is any key that does NOT provide access to a campus building or campus exterior spaces. Examples of non-University keys are ones for Departmental equipment, files, desks, cabinets, etc.
2. Departments will retain, manage, and secure all non-University keys within their Departments; the Lock Shop does not control or track these keys.
3. Any service relating to a non-University lock or key is the responsibility of the Department. Services can be coordinated in-house with Facilities Services for a quoted price or outsourced through an outside vendor.

J. Keys to Student Rooms in Residential Facilities

1. Residence Life and Housing is responsible for the control, issuance, and retrieval of all residential facilities keys.
2. Replacement keys to student rooms or apartments are to be kept in locked and secured cabinets at each residential facility. Students will report lost or stolen keys to the hall director or designee. The hall director or designee will issue a replacement key and notify the Lock Shop on the next regularly scheduled work day. All lost, broken, or stolen keys for student rooms or apartments will be handled by the hall director unless replacement keys are not available. If replacement keys are not available, Residence Life and Housing will be liable for locksmith charges.
3. In the event of lost or stolen keys in residence halls, all affected doorways will be rekeyed for security reasons at the student's cost, unless determined otherwise by the Director of Residence Life and Housing.
4. It is the responsibility of Residence Life and Housing to control and maintain the necessary spare keys for all student rooms or apartments in the event of lost keys after normal working hours. Residence Life and Housing is responsible for installing replacement re-keyed cores.
5. Rooms where cores are replaced for security reasons must have the old keys returned to the Lock Shop or AAVPFS in an organized and timely manner.

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

Related Forms:

Building & Building Owner Listing

[Key Authorization Form](#)

[Key Return Receipt Form](#)

[Contractor Key Issuance Form](#)

VII. Responsible Office

Contact: Associate Vice President for Facilities Services

Phone: (940) 397-4648

E-mail: AVPFS@msutexas.edu

Contact: Lock Shop

Phone: (940) 397-4743

E-mail: lockshop@msutexas.edu

VIII. Revision History

- 11/10/1989: Adopted and approved by the MSU Board of Regents as Policy/Procedure 4.138: Key Authorization.
- 02/11/2000: Revisions made only in wording according to the transition from divisions to colleges (division director changed to dean or chair, division changed to college or program, coordinator to chair, etc.) and adopted and approved by the MSU Board of Regents.
- 11/05/2010: Revisions adopted and approved by the MSU Board of Regents include: (1) requiring adjunct faculty and temporary staff employees to turn in their University keys to Facilities Services upon termination of their employment; and (2) making it the responsibility of each administrator to recover all University keys issued to a student upon termination of the student's employment and if the student fails to return the keys issued, the administrator must notify Facilities Services which will notify the Business Office to place a hold on the student's record.
- 02/11/2011: Revised to require adjunct faculty and temporary staff employees to return their University keys upon termination of their employment and the failure to retrieve and forward keys to Facilities Services that results in departmental security being compromised and rekeying of locks is the responsibility of the department.
- 08/04/2017: Revised to eliminate the maximum fee that could be charged per incident and update titles and references related to Residence Life and Housing.
- 08/05/2021: Comprehensive revision and renumbering of *MSU Policies and Procedures Manual* which is renamed *Operating Policies and Procedures*

OP 36.01

Manual of Midwestern State University. Former MSU Policy/Procedure 4.138 is renumbered by the MSU Board of Regents, effective September 1, 2021 (when MSU became a component institution of the TTU System), as MSU Operating Policy/Procedure (“OP”) 36.01: Key Authorization.

03/26/2025: Completely revised to improve campus security and in accordance with the interim report of the TTU System Audit Services’ advisory engagement related to the SimpleK Key Management System Implementation at MSU, and adopted and approved by MSU President Stacia Haynie.



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (OP)

OP 52.23: Nepotism

Approval Authority: President
Policy Type: University Operating Policy and Procedure
Policy Owner: Vice President for Administration and Finance
Responsible Office: Human Resources Director
Next Scheduled Review: 09/01/2026

I. Purpose

The purpose of this Operating Policy/Procedure (“OP”) is to establish procedures to implement the policy on nepotism (employment of relatives) for Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System, in accordance with the [Texas Government Code, § 573](#), and [Section 03.01.11, TTU System Regents' Rules](#).

II. Review

This OP will be reviewed in September of even-numbered years by the Human Resources Director with substantive revisions forwarded through the Vice President for Administration and Finance to the President.

III. Application

This OP will apply to all MSU employees, including students and part-time or temporary positions.

IV. Policy/Procedure

A. General Policy

1. All appointments shall be made on the basis of qualifications and suitability of the appointee, subject to applicable statutes and the provisions of Section 03.01.11, *Regents' Rules*.
2. Prohibition Applicable to TTU System and System Component Officials.

No person related to any member of the Board of Regents (“Board”), to any component institution's President, or to the Chancellor within the second degree

by affinity (marriage) or within the third degree by consanguinity (blood) shall be eligible for appointment to any position in the TTU System.

- a. The above does not apply to any employee who has been continuously employed for thirty or more days prior to the appointment of a member to the Board, a President, or the Chancellor who is related to the employee within a prohibited degree, and it does not apply to honorary or non-remunerative positions.
- b. Any employee who has been continuously employed for less than thirty days prior to the appointment of a member to the Board, a President, or the Chancellor who is related within a prohibited degree will be removed from the individual's position.
- c. When good cause exists, the Board may grant an exception to this prohibition.

3. Prohibition Applicable to Administrators, Supervisors, and Others

No person related to an administrator within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which an administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of an individual may be made only by the Board upon recommendations of the President and the Chancellor and, then, only when the administrator in question does not directly supervise the person to be appointed.

4. No employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of an individual related to the employee within a prohibited degree.
5. If the appointment, reappointment, reclassification, or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the employee shall become the responsibility of the next higher administrative supervisor.
6. If the appointment, reappointment, reclassification, or promotion of an employee makes the employee an administrative supervisor over an employee who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the subordinate employee shall become the responsibility of the next higher administrative supervisor.
7. The provisions of subsections 5 and 6 shall apply to situations where two employees marry, and one spouse is the administrative supervisor of the other.
8. All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree will be reported to the Board as an information item.

9. Exception: The provisions of the policy do not apply to the appointment or employment of a personal attendant by any member of the Board, a President, the Chancellor, or an employee for attendance on the officer or employee who, because of physical infirmities, is required to have a personal attendant.
10. Enforcement: An individual who is appointed in violation of this policy will be removed from the individual's position.

B. Definitions

Persons related within the prohibited degrees are identified in the following definitions:

1. Affinity (Marriage)
 - a. First degree: The employee's spouse, the spouse's children and parents, and the spouses of the employee's children and parents.
 - b. Second degree: The brothers, sisters, grandparents, and grandchildren of the employee's spouse, as well as the spouses of the employee's brothers, sisters, grandparents, or grandchildren.
2. Consanguinity (Blood)
 - a. First degree: The employee's parents and children.
 - b. Second degree: The employee's brothers, sisters, grandparents, and grandchildren.
 - c. Third degree: The employee's great-grandparents, great-grandchildren, aunts, uncles, nephews, and nieces.

C. Procedures

1. All new employees are required, at the time of new employee on-boarding, to acknowledge they have read and understood the nepotism laws and procedures associated with Midwestern State University and the TTU System. This can be found in Section 03.01.11, *Regent's Rules*, at <http://www.texastech.edu/board-of-regents/regents-rules/chapter-03-personnel.pdf>
2. The name and relationship of all University employees to whom a new employee is related within the third degree by consanguinity or the second degree by affinity will be listed on the new employee's initial appointment form.
3. The initial appointment of an individual related to an administrator within a prohibited degree to a position in an area of responsibility over which the administrator has appointive authority, in whole or in part, will require the approval of the Board of Regents. In order to secure that approval, the administrator must complete an *Application for Waiver of Nepotism* and submit it through administrative channels to the President and the Chancellor for their recommendation so it can be submitted to the Board of Regents for approval. Any

employment offer made to an individual related to the hiring administrator within a prohibited degree will be contingent upon the Board of Regents' approval.

4. In the event an employee's marriage, reappointment, reclassification, promotion, or reassignment places the employee under an administrative supervisor who is related within a prohibited degree, or makes the employee an administrative supervisor over an employee who is related within a prohibited degree, the employee's administrator must complete an *Application for Waiver of Nepotism* and submit it through administrative channels to the President and the Chancellor for their approval so it can be reported to the Board of Regents as an information item.
5. Administrative officers are responsible for ensuring that no appointment is made in their area of responsibility in violation of this policy.
6. The Director of Human Resources is responsible for interpreting the nepotism policy.

D. Fines and Penalties (Per Texas Government Code, Section 573)

Violation of the nepotism statutes is a misdemeanor involving official misconduct and subjects the violator to a fine of not less than \$100 or more than \$1,000 and removal from Midwestern State University employment.

V. Related Statutes, Rules, Policies, Forms

Texas Government Code, Section 573 Degrees of Relationship; Nepotism Prohibitions

Section 03.01.11, TTU System Regents' Rules

Application for Waiver of Nepotism

VI. Responsible Office

Contact: Human Resources Director

Phone: (940) 397-4221

E-mail: Human.Resources@msutexas.edu

VII. Revision History

10 Nov. 1989: MSU Policy 3.323 - Nepotism: Full-Time Employees is adopted and approved by the MSU Board of Regents.

12 May 1995: Recommendation by the Board of Regents that authorizing legislation be added as a reference to the policy.

5 Aug. 2021: Policy 3.323 - Nepotism: Full-Time Employees is renumbered by the MSU Board of Regents as Operating Policy/Procedure (OP) 52.23: Nepotism: Full-Time Employees; and Policy 3.324 - Nepotism: Part-Time Employees is renumbered as OP 52.24.

14 April 2025: Former OP 52.23: Nepotism: Full-Time Employees is completely revised to align with TTU System *Regents' Rules* and renamed OP 52.23: Nepotism; and OP 52.24: Nepotism: Part-Time Employees is deleted. Adopted and approved by MSU President Stacia Haynie.



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”)

OP 54.01: Purchase of Goods and Services

Approval Authority: President
Policy Type: University Operating Policy and Procedure
Policy Owner: Vice President for Administration and Finance
Responsible Offices: Director of Purchasing and Contract Management
Next Scheduled Review: 03/01/2027

I. Purpose

The purpose of this Operating Policy/Procedure (“OP”) of Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System, is to establish the procedures to be followed when purchasing goods and/or services.

II. Review

This OP will be reviewed in March of odd-numbered years, or as needed, by the Director of Purchasing and Contract Management with recommendations for revision forwarded through the Vice President of Administration and Finance to the President by April of the same year.

III. Policy/Procedures

A. General Policy

1. This policy will apply when using all sources of funds for the procurement of goods and/or services.
2. All procurement of goods and services must have a clear business purpose that supports the mission of Midwestern State University (“MSU” or “University”) and must follow all state and federal laws, [Texas Tech University \(TTU\) System Regents’ Rules](#), [Texas Tech University System Regulations](#), [TTU System Contract Management Handbook](#), and MSU Operating Policies and Procedures Manual.
3. Only the Director of Purchasing and Contract Management and other MSU personnel designated by the President, may commit MSU to the procurement of goods and services.

4. Departments are required to verify appropriate use of funding for all procurement of goods and/or services.
5. State and federal laws and MSU Operating policies and procedures strictly prohibit splitting procurement limits to circumvent the requirements outlined in this OP.
6. All procurements must comply with [MSU OP 54.03: Historically Underutilized Businesses \(“HUBs”\)](#) and with [Human Resources Code, Chapter 122](#), relating to purchases from people with disabilities.
7. The Director of Purchasing and Contract Management or their designee has the authority to make any exception to this policy, which in their determination, are essential for the continued operations of MSU and do not violate any state & federal laws, [TTU System Regents’ Rules](#) and [TTU System Regulations](#).
8. In the event of any conflict between this OP and any state or federal procurement regulations, state and/or federal procurement regulations shall prevail.
9. All information technology procurements of goods and/or services must be reviewed by the Information Technology Department.

B. Definitions

1. Best Value: Factors to be considered in determining best overall value for the system or the component institution in accordance with [Texas Education Code § 51.9335](#).
2. Bid: An offer to contract submitted in response to an invitation for bid. The term bid may also be referred to as a response.
3. Conflict of Interest: A conflict of interest refers to a situation in which an employee’s financial, professional, or other personal considerations may directly or indirectly affect, or have the appearance of affecting, the employee’s judgement in exercising any duty or responsibility, including the conduct or reporting of research, owed to the University.
4. Contract: A legally binding written agreement executed between the University and a third party in which the parties agree to perform in accordance with the obligations therein. Contracts include, but are not limited to:
 - a. Letter Agreement
 - b. Co-operative Agreements
 - c. Memorandums of Understanding (MOU)
 - d. Interagency Contracts
 - e. Interlocal Contracts
 - f. Easements
 - g. Licenses
 - h. Leases
 - i. Purchase Orders

5. Contractor: An entity or individual that has a contract to provide goods or services to the University. The term contractor may be used interchangeably with the term “vendor.”
6. Emergency Procurement: Emergencies occur as the result of unforeseeable circumstances and may require an immediate response to avert an actual or potential public threat. If a situation arises, in which compliance with normal procurement practices is impracticable or contrary to the public interest, an emergency purchase may be warranted to prevent a hazard to life, health, safety, welfare, or property or to avoid undue additional cost to the institution.
7. Exempt Purchase: Certain goods or services that are exempt from the competitive procurement rules, either by statute or if the exemption is in the best interest of the public.
8. Goods: Supplies, materials, or equipment as defined in [Texas Government Code § 2155.001](#). Goods do not include services or real property.
9. Procurement (Procure): Purchasing, renting, leasing, or otherwise acquiring any goods and services, including all functions that pertain to the acquisition through contract closeout.
10. Proposal: A response to a request for proposals (RFP) and intended to be used as a basis to negotiate a contract award.
11. Proprietary Purchase: A good or service produced or marketed by a contractor having the exclusive right to manufacture or sell it.
12. Purchase Order: A legal document issued to a contractor that formalizes the terms and conditions of any purchase of goods and/or services.
13. Quote: A document setting forth an offer to sell goods or services at a certain price under specified conditions.
14. Response: A submission to the system or an institution from a potential contractor in response to a solicitation.
15. Scope of Work (SOW): A detailed written description of the conceptual requirements contained within the specifications.
16. Service(s): Service as defined in [Texas Government Code § 2155.001](#). The furnishing of labor, time, and effort by a contractor or auxiliary enterprise, including for a construction project, which may involve, to a lesser degree, the delivery, or supply of goods.
17. Solicitation: A method or process used to obtain responses for the purpose of gathering information or entering into a contract.
18. Specification(s): Description of the requirements for goods or service, including the scope of work, to be fulfilled by a contractor.

19. **Vendor:** An individual, business, or governmental entity that has a contract to provide goods or services to the state of Texas – used interchangeably with the term “contractor.”

C. Procurement Conflict of Interest and Code of Ethics

All employees must be in compliance with [Texas Government Code § 572](#), [TTU System Regents’ Rules Chapter 03](#) and MSU OP 54.05: Conflict of Interest Relating to Purchasing, Payments and Contracts and Texas.

D. Policy for Purchasing and Contracting Office Staff

With regard to contracting, all employees must comply with [TTU System Regents’ Rules Chapter 07](#), [TTU System Regulations 07.03](#), [MSU OP: 30.03 Consultants](#), and [MSU OP 30.04: Professional Services](#).

E. Policy for Vendors

1. Pursuant to [Texas Education Code § 51.9335](#), an institution of higher education may acquire goods or services by the method that provides the best value to the institution, including:
 - Competitive Bidding
 - Competitive Sealed Proposals
 - Catalog Purchase (CISV)
 - Group Purchasing Programs
 - Open Market Contract
2. In compliance with [Texas Education Code § 51.9335](#) determining best value to an institution of higher education, the institution shall consider:
 - Purchase Price
 - Reputation of the vendor and the vendor’s goods or services
 - Quality of the vendor’s goods or services
 - Extent to which the goods or services meet the institution’s needs
 - Vendor’s past relationship with the institution
 - Impact on the ability of the institution to comply with the laws and rules relating to historically underutilized businesses (HUBs) and to the procurement of goods and services from persons with disabilities (TIBH)
 - Total long-term cost to the institution of acquiring the vendor’s goods or services
 - Any other relevant factor that a private business entity would consider in selecting a vendor, and
 - Use of material in construction or repair to real property that is not proprietary to a single vendor, unless the institution provides written justification in the request for bids for use of the unique material specified.

3. All procurement of goods and services that require a contract or contract amendment will be reviewed in accordance with [MSU OP 30.01: Approval and Execution of University Contracts](#).
4. Purchase orders are not intended to be used strictly as a payment tool; therefore, the purchase order must be created prior to the commitment or obligation. Purchase orders submitted after the commitment has been made and /or after the goods or service are received will constitute non-compliance.
5. In accordance with Executive Order GA-48, any vendor that submits a bid or proposal with respect to a contract for goods or services to MSU, an institution of higher education, the vendor is required to certify that it and, if applicable, any of its holding companies or subsidiaries, is not:
 - a. Listed in Section 889 of the 2019 National Defense Authorization Act (NDAA); or
 - b. Listed in Section 1260H of the 2021 NDAA; or
 - c. Owned by the government of a country on the U.S. Department of Commerce's foreign adversaries list under 15 C.F.R § 791.4; or
 - d. Controlled by any governing or regulatory body located in a country on the U.S. Department of Commerce's foreign adversaries list under 15 C.F.R. § 791.4.
6. In accordance with *Texas Government Code* Section 2155.076, any actual or prospective bidder, offeror, proposer, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest such grievance to the University's Purchasing and Contract Management Office. All protests will strictly adhere to the MSU Purchases and Contracts Protest Procedures attached in section IV of this OP 54.01 and documentation about the purchasing process used in the event of a protest must be retained in accordance with MSU records retention policies (see MSU OP 02.34: Records Management Policy).

F. Purchasing Methods

1. Procurement Card: Orders for small dollar amount commodities may be purchased with a University credit card, known as a procurement card (PCard). These purchases may not exceed the established credit limits of the PCard. See [MSU Procurement Card Guide](#) for guidelines and applications.
2. Purchase Requisition: If other delegated purchasing methods are not applicable to the purchase, a Purchase Requisition must be used. Depending on the spend level, competitive bidding may be required in order to obtain possible cost savings.
3. Standing Orders (Annual Purchase Orders): Standing orders are established for departments with a need for repetitive procurements of the same goods or services during a fiscal year. Individual orders are placed by the ordering department, referencing the purchase order. Invoices for the individual orders are forwarded to the Purchasing Office for processing against the standing order. Standing orders must

be renewed yearly. Standing order limits are subject to bid requirements noted in this OP.

4. Unauthorized Procurement: An employee shall not make any unauthorized/non-compliant purchase, commitment, or promises of any kind purporting to bind MSU for any goods or services without an authorized purchase order, PCard purchase, and/or contract.
5. The Purchasing Office is under no obligation to authorize payment for expenditures not made in compliance with this operating policy. The financial responsibility for any such payment may become the personal liability of the employee who made the improper procurement or transaction.

G. Procurement Methods

1. Preferred Procurement Contracts
 - a. Texas Industries for the Blind and Handicapped (TIBH): Commodities and/or services that are available through the Texas Council for Purchasing from People with Disabilities (currently TIBH) must be purchased through this entity when state-appropriated funds are being used unless non-utilization of TIBH can be adequately justified. Purchases from TIBH are considered part of the set-aside program and are not subject to bidding or price comparisons. Contact the Purchasing Department for assistance when purchasing via [Texas Smartbuy](#).
 - b. Texas Correctional Industries (TCI): Purchases from TCI are considered part of the set-aside program and are not subject to bidding or price comparison.
 - c. State of Texas Contracts: The Texas Comptroller of Public Accounts establishes contracts, including managed term contracts, Texas Multiple Scheduled Award System (TXMAS) and Department of Information Resources (DIR) contracts for goods and services. MSU may utilize State of Texas Contracts without additional bidding.
 - d. Purchasing Cooperatives (Group Purchasing): MSU is a member of numerous purchasing cooperatives, which allow purchases to be made directly with the vendor as the bidding and/or negotiation process has already occurred. The cooperative contract number must be listed on the quote. These cooperatives are accessible on the [Purchasing/Contract Management \(Resources\)](#) webpage.
 - e. General Services Administration (GSA): The GSA Advantage is the federal government's online catalog and ordering system. Vendors can extend pricing and contract terms to governmental agencies. Bids or proposals are not required when utilizing GSA contracts. The GSA contract number must be listed on the quote.
 - f. MSU Negotiated Contracts: The Purchasing Office has awarded competitive contracts to several vendors based upon a competitive solicitation process. These contracts must comply with the [MSU OP 30.02: MSU Contract Management Handbook](#), [Texas Tech University System Regulations](#), [Texas Tech Regents'](#)

[Rules, and Texas Tech University System Contract Management Handbook](#). Bids or proposals are not required for procurement utilizing an MSU-negotiated contract.

- g. Other State Agency Contracts: MSU may purchase from contracts that have been through a solicitation process by another state agency and authorized per the agency's solicitation document.
- h. Interagency and Interlocal Agreements: The purchase of goods or services from another state agency is handled as an *Interagency Agreement* and is allowed so long as neither agency exceeds its duties and responsibilities or the limitation of its appropriated funds.

The purchase of goods or services from a political subdivision such as a city or county government, school district, or junior or community college is handled as an *Interlocal Agreement* and is allowed so long as neither agency exceeds its duties and responsibilities or the limitation of its appropriated funds.

2. Proprietary Procurement

- a. Proprietary Procurement: A proprietary procurement represents the purchase of a specific item that is available from only one vendor who is the sole manufacturer and/or distributor. When the specification requirement limits consideration to one manufacturer, one product, or one service provider, and the amount of the purchase exceeds \$15,000 (either in a one-time procurement or repetitive procurements of the same goods or services during a fiscal year), a written justification must be provided, as required by state and federal law and university policy. Price and personal preferences are not acceptable as determining factors.

The Proprietary Purchase form must be included as an additional form with the requisition, to assist in the justification process. The department representative must state why the unique scope of work for the goods or services are required, detail the unique features of the goods or services, note the reason competing goods or services are not satisfactory, and any other relevant information to support the sole source documentation.

- b. Professional and Consultant Services: Procurement of professional and/or consulting services must comply with [Texas Government Code 2254](#) and, [MSU OP 30.03: Consultants](#), [MSU OP 30.04: Professional Services](#).
- c. Request for Qualifications (RFQ): A RFQ is generally used for professional services wherein the respondents are evaluated based solely on their qualifications and skills. A fair and reasonable price is negotiated after a selection based on qualifications is made.
- d. Competitive Solicitations: Competitive solicitation is defined as the process of inviting and obtaining bids from competitive sources. Competitive bidding is considered a level of competition at which (2) or more vendor's products/services will meet the specifications and terms and conditions of the bid. Competitive

bidding requires all requirements be included in the specifications and the best value is typically, but not always the low bid meeting the specifications. Any consideration other than price must be specifically stated in the bid and must be measured and documented during the evaluation process.

- e. Competitive Sealed Proposals: Competitive Sealed Proposals are typically large purchases and are utilized when several options may meet the University's needs or when other considerations may be more important than price. Specifications are typically limited and a Statement of Work details required specification and results desired. Vendors may submit a variety of possibilities to achieve the desired results. Factors to be used in evaluating the proposals are often included in the Request for Proposal (RFP).
- f. Purchase of Surplus Property: MSU surplus property is available from the University Warehouse/Central Receiving at no charge to University Departments (for University Use Only). Disposal of surplus property will comply with [MSU OP: 54.04 Disposition of Surplus or Salvage Property](#).
- g. State & Federal Surplus Equipment is available for a nominal fee. Purchases for state or federal surplus property should be initiated through the purchase requisition process.
- h. Purchase of Used Equipment:
 - (1) As a rule, a department should purchase new equipment, but sometimes it is necessary or advantageous to purchase used or demonstrator equipment. The most common reasons are as follows:
 - the inability to secure new equipment
 - the lack of adequate funds for new equipment
 - used equipment will satisfy the university's need at a substantial savings.
 - (2) Purchases of used and demonstrator equipment are to be processed as follows:
 - Bids must be obtained following the appropriate procedures applicable to the total purchase amount.
 - If only one bid is received, submit a proprietary justification statement.
 - Provide a letter or signed statement from the bidder(s) guaranteeing quality and condition of the merchandise offered.
 - Provide a letter from an authorized person connected with the ordering department that:
 - States that the equipment has been personally examined, and
 - Describes the condition and value of the equipment.
 - Forward the purchase/requisition form and all of the above applicable documents to the Purchasing and Contract Management Department ("Purchasing Department").

H. Procurement Requirements (Bidding Limits)

1. Current solicitation limits per fiscal year, regardless of the source of funds are:

a. **\$0 - \$15,000:**

- (1) Purchases within this range do not require competitive bids; however, requisitioning departments are encouraged to obtain more than one bid.
- (2) Purchases from historically underutilized businesses (HUB) are encouraged to the fullest extent possible.
- (3) The Purchasing Department has the discretion to seek competitive bids if warranted.
- (4) Purchase Requisitions should be forwarded to the Purchasing Department.
- (5) Departments **DO NOT HAVE** the authority to place orders with vendors on items requested on a purchase requisition.
- (6) A purchase order will be forwarded to the vendor from the Purchasing Department.

b. **\$15,000.01 - \$50,000.00:**

- (1) Departments **DO NOT HAVE** authority to purchase goods or services within the stated dollar limit.
- (2) Departments are to forward purchase requisitions to the Purchasing Department for processing.
- (3) In accordance with [34 TAC § 20.82](#), the University, as a state agency, must solicit at least three informal bids, including at least two from HUBS.
- (4) State agencies must, to the extent possible, solicit bids from vendors on the CMBL and vendors in the HUB Directory. If a state agency is unable to locate two HUBS, it must make a note in the contract file.
- (5) The department shall not enter into an agreement with the vendor, i.e. purchase the item without a purchase order issued by the Purchasing Department.
- (6) When submitting a requisition, ordering departments are asked that clear specifications accompany the requisition when routed to the Purchasing Department.
- (7) The department can recommend vendors to the Purchasing Department. The recommendations should accompany the requisition. The Purchasing Department will then solicit vendors through a bidding process. The Purchasing Department will notify the department of the bid results.
- (8) The Purchasing Department will evaluate the bid responses and notify the department of their selection, pending departmental approval.

- (9) Upon departmental approval, the best valued vendor will be notified.
- (10) The item(s) being purchased may be from a single or multiple vendors.

c. **Over \$50,000.00:**

- (1) Departments **DO NOT HAVE** authority to purchase within the stated dollar limit.
 - (2) Expenditures within the stated dollar limit require the solicitation of formal bids on the [Electronic State Business Daily \(ESBD\)](#).
 - (3) All requisitions must be sent to the Purchasing Department for processing.
 - (4) The departments can provide a list of recommended vendors but are not allowed to solicit a bid.
 - (5) Formal bid invitations will be sent to vendors by the Purchasing Department.
 - (6) The standard solicitation and vendor response time for formal bid invitations is a maximum of 21 business days. After such time, the Purchasing Department will notify the department of the bid results. A vendor will be selected and a purchase order will be issued. The entire process can take between 4-6 weeks.
- 2. Formal solicitation responses will be obtained by the Purchasing Office on procurements in excess of \$50,000 that do not conform to one of the other procurement types listed in this OP.
 - 3. Purchases that require a signed contract must adhere to [MSU OP 30.02: Contract Management Handbook](#) and [Texas Tech University \(TTU\) System Contract Management Handbook](#).

I. Exception from Bidding and Price Comparison

- 1. Bids are not required if printing and binding are done by the MSU Print Shop. Competitive bidding is required in order to procure external printing and binding services.
- 2. Proprietary Purchases adequately justified (request in excess of \$50,000 may require a formal solicitation if required by the Purchasing Office).
- 3. Emergency Procurements
 - a. Emergency procurements are a result of unforeseeable circumstances and may require an immediate response to avert an actual or potential public threat. If a situation arises in which compliance with normal procurement practices is impracticable or contrary to the public interest, an Emergency Procurement may be warranted to prevent a hazard to life, health, safety, welfare, or property or to avoid undue additional cost to the University.

- b. An emergency purchase requires a letter of justification stating:
 - The reason for the emergency purchase by explaining what the emergency is and/or what caused the emergency;
 - The financial or operational damage that will occur if needs are not satisfied immediately (do not just state there will be a loss or damage); and
 - Why the needs were not or could not be anticipated so that items could be procured through regular procurement procedures.
4. Other Exempt Purchases
- Purchases exempt from the competitive bidding process include:
- a. Advertising
 - b. Artwork
 - c. Conference expense; expenses related to conference room services such as audio/visual/network and food services. (Does not include goods purchased for attendees or transportation services.)
 - d. Freight
 - e. Goods and services provided by the Texas Correctional Institute (TCI)
 - f. Goods and services for an organized activity when such exemption represents the best value to the University
 - g. Hotels and conference rooms
 - h. Intra-agency payments
 - i. Internal repairs
 - j. Internal purchases from Texas Tech University System and its component institutions
 - k. Lecturers/guest speaker's fees for one time only, not for continuous engagements
 - l. Legislative information services; bill analysis services
 - m. Library materials for MSU library, when such exemption represents the best value to the University
 - n. Membership fees and dues
 - o. Moving expenses (employee)
 - p. Newspaper and magazine subscriptions, books, videos, and software direct from the publisher
 - q. Postal Services
 - r. Purchases from Federal agencies
 - s. Purchases from local governments or quasi-governmental agencies
 - t. Purchases from other state agencies, including public institutions of higher education
 - u. Purchases from Texas Industries for the Blind and Handicapped (TIBH) must be considered when using state appropriated funds (HEF)
 - v. Rental of exhibit space; such as booths for display purposes
 - w. Software renewals
 - x. Student travel (expenses related to student travel)
 - y. Training services

- z. Travel (all travel operating policies must be followed)
- aa. Utilities

J. Prohibited Procurements

1. Purchases from Employees
2. Personal Procurements – A purchase of goods and services, the requirement for which is not for the University or any of its purposes, but personal to the person making/requesting the purchase.
3. Vendors on Hold – (per [Texas Government Code § 2107.008](#) & [2252.903](#)) Warrant Hold Status should be verified prior to the contract start date. The Purchasing Office will perform this task when purchasing for a department. The end user is responsible when completing a purchase under delegated purchasing authority.

K. Advance Payments

1. Generally, prepayment is not authorized for the purchase of supplies, materials, equipment, or services. When utilizing state-appropriated funds, there are a few exceptions:
 - a. Library purchases for the University libraries
 - b. Database and other published materials necessary for the efficient operation of the institution's library
 - c. Payments to federal and other state agencies
 - d. Lease payments
 - e. Subscriptions (up to six weeks in advance)
 - f. Rental fees for a meeting room or exhibit booth
 - g. Annual maintenance agreements
 - h. Registration fees
2. When institutional funds are being used, advance payments will be made to vendors only when no practical alternative exists to satisfy a need, when definite prices savings can be realized, or when it is in the best interest of the university to do so. Advance payments will not be made to vendors who sell to some classes of customers without advance payments, but require such payments from the university, unless there is no alternative and the payments are approved in advance by the University Controller.

L. Late Payments

1. Payment Deadline -- A state agency's payment is overdue by the 31st day after the later of the following (in accordance with [Texas Government Code § 2251.021](#)):
 - the date the agency receives the goods;
 - the date the vendor completed performing its services for the agency;
 - the date the agency receives a correct invoice for the goods and services.

2. Liability for Interest -- If MSU does not mail or electronically transmit a payment to a vendor or the vendor's financial institution by the applicable due date, then MSU is liable to the vendor for interest in compliance with the following provisions:
 - Beginning on the day after the payment is due, daily interest accrues on the unpaid balance at the rate of 1.0% per month unless otherwise contracted. The interest ceases to accrue on the date MSU mails or electronically transmits the payment to the vendor or the vendor's financial institution;
 - Effective September 1, 1999, the State of Texas Comptroller's Office shall compute interest imposed on the state agencies for late payment. The interest will be paid at the time the payment is made on the principal. The Comptroller shall also submit the interest payment with the net amount due for goods and services. The Comptroller or a state agency may not require a vendor to petition, bill, or wait an additional day to receive the interest due.
3. If a department recognizes any reason for which a payment should not be processed, the department is responsible for immediately notifying the Purchasing Department so that the following dispute procedures may be initiated.
4. Disputes Between State Agencies and Vendors -- If a department believes that an invoice from a vendor is erroneous (e.g. the invoice does not match the items ordered/received, is not understandable, or does not reference the corresponding order number, the University's full name, number and delivery address), the University must notify the vendor in writing by the 21st day after receipt of the invoice. If a dispute between the University and vendor is resolved in the vendor's favor, the University is liable to the vendor for interest on the invoice. This interest must be calculated from the original due date of the payment, as if no dispute ever existed. If a dispute between the University and a vendor is resolved in the University's favor, the vendor must submit a corrected invoice to the University.

Note: A purchase order must be issued prior to placing an order for commodities or services with a vendor. An invoice received with a purchase order request will be considered non-compliant. An invoice which is received by the Purchasing Department that is dated before the date the purchase order is issued will be considered non-compliant.

If a department has instructed a vendor to bill directly to the department instead of the Purchasing Department, then the ordering department is responsible for documenting on the invoice by date stamp or other method, the date the invoice was received by the ordering department. It is imperative that ordering departments approve and submit invoices to the Purchasing Department as soon as possible to allow sufficient time for payment. Delays in forwarding the invoice for payment by the ordering department may cause late payment fees to be charged to the ordering department.

M. Receipt of Goods and Services

1. All commodities purchased through the Purchasing Office using a purchase order must be delivered to Central Receiving. The following purchases may be excluded from this delivery requirement:

- Items being delivered under delegated purchase authority to the library, bookstore, or food services
 - Delegated purchases made using the procurement card (PCard)
 - Items which require installation by the contractor
 - Items specifically authorized for delivery directly to the ordering department by the Purchasing Office
 - Items marked as Toxic and/or Hazardous Materials. These items will be routed to Central Receiving to count the boxes and compare to the freight bill. Central Receiving will either direct the delivery company to the ordering department to complete the delivery or deliver the package(s) themselves. The ordering department is responsible for opening and inspecting the items. The ordering department will be responsible for notifying Central Receiving of any discrepancies or damaged goods. Timely submittal of receiving information is essential to effectively handle freight claims, shortages, or discrepancies.
2. Ordering departments meeting the exemptions above are responsible for submitting direct delivery of goods documentation to Central Receiving and invoices (payment documentation) to the Purchasing Office.
 3. Departments failing to forward received invoices to the Purchasing Office (Accounts Payable) in a timely manner may be responsible for late payment penalties/interest.
 4. Requisitioning departments must inspect all shipments delivered by Central Receiving against the purchase orders and report any discrepancies to the Purchasing Office. Any discrepancy, including non-compliance with specifications, shortages, overages, and any damages must be reported immediately, but no later than 15 days after receipt of goods and/or services.
 5. Substitution of items called for in a contract is not permitted without the Purchasing Office's prior approval. No approval will be granted unless substituted items are of equal quality and are offered at the same or lower price.
 6. Items and/or services must comply with the written specifications contained within the purchase order and/or contract. Failure to do so by the vendor will result in non-payment to the vendor.

N. Notification to Purchasing

Notify the Purchasing Department when any of the following situations occur:

- Reporting Vendor Performance - When an ordering department first experiences a relatively minor problem or difficulty with a vendor, the department should contact the Purchasing Department. The Purchasing Department will immediately contact the vendor to attempt an informal resolution to the problem. If the initial attempt is unsuccessful then the Purchasing Department will follow the guidelines established by the Texas Comptroller of Public Accounts Statewide Procurement Division (SPD) for reporting vendor performance.

- Cancellation of Orders - Items or orders may be canceled without the consent of the vendor due to failure to fulfill their contractual obligations. If cancellation is requested by an ordering entity for some other reason through no fault of the vendor, the vendor's permission to cancel is necessary.
- Shipments from Canceled Orders - Ordering departments are not under any obligation to accept shipments from canceled orders. However, if it is in the ordering department's best interest to accept the shipment, the order should be reinstated. If the ordering department does not want the shipment, then they should notify the vendor and handle it in the same manner they would any item not ordered.
- Shortages - Any shortages of shipping containers, cartons, etc. are to be noted on the shipping document and the shipment accepted.
- Inspecting Merchandise - When merchandise is being delivered to a department, under one of the exemptions listed in Section (m), when unpacked, uncrated, etc., it should be checked against a copy of the purchase order for concealed damages, shortages, and compliance with the order's specifications. The carrier cannot be held responsible unless shipments are checked immediately upon arrival, and written reports are made to the carrier within 15 days of receipt.
- Substitutions - Substitutions must be approved by the Texas Comptroller of Public Accounts Statewide Procurement Division (SPD), on term contracts. All other orders, the Purchasing Department must approve the substitution after checking with the ordering department for approval.
- Failure to Meet Specifications - Notify the vendor in writing and request that the problem be corrected. A copy of all correspondence should be sent to the Purchasing Department. If it is a formal bid which was processed by the Purchasing Department, the original notification of failure should be mailed to the vendor by the Purchasing Department. Payment to the vendor should be withheld until the merchandise meets or exceeds all specifications without exception.
- Change Orders - As defined per MSU OP 30.01: Approval and Execution of University Contracts (section III) and section III.B.12 of this OP, a Purchase Order is 'a legal document issued to a contractor that formalizes the terms and conditions of any purchase of goods and services.' A purchase order cannot be amended by the vendor and/or ordering department without first contacting the Purchasing Department and initiating the change order process. Amending a purchase order without proper authorization may be considered unauthorized (non-compliant) and processed accordingly.

IV. Related Constitutional Provisions, Statutes, Rules, Policies, Forms, and Websites

Related Codes:

- [Texas Government Code 572.001](#)
- [Texas Government Code 2107.008](#)
- [Texas Government Code 2251.021](#)

- [Texas Government Code 2155.001](#)
- [Texas Government Code 2252.903](#)
- [Texas Government Code 2254.001](#)
- [Texas Education Code 51.9335](#)
- [Human Resources Code, Chapter 122](#)
- [34 Tex. Admin. Code § 20.82](#)

Related Executive Orders

[Executive Order GA-48 \(Nov. 19, 2024\)](#)

Related University Policies and Procedures:

- [Texas Tech University System Regulations](#)
- [Texas Tech Regents' Rules](#)
- [Texas Tech University System Contract Management Handbook](#)
- [MSU Procurement Card Guide](#)
- MSU OP 30.02: MSU Contract Management Handbook
- MSU OP 30.03: Consultants
- MSU OP 30.04: Professional Services
- MSU OP 54.03: Historically Underutilized Businesses (HUB)
- MSU OP 54.04: Disposition of Surplus or Salvage Property
- MSU OP 54.05: Conflict of Interest Relating to Purchasing, Payments and Contracts

Websites

- [Texas Smartbuy](#)
- [Purchasing/Contract Management \(Resources\)](#)
- [Electronic State Business Daily \(ESBD\)](#)

Forms

[MSU Executive Order EO-GA-48 Vendor Certification](#)

[MSU Purchases and Contracts Protest Procedures](#)

V. Responsible Offices

Contact: Vice President of Administration and Finance
Phone: 940-397-4237

Contact: Director of Purchasing and Contract Management
Phone: 940-397-4277
E-mail: tracy.nichols@msutexas.edu

VI. History

14 Dec. 2022: Adopted and approved by MSU President JuliAnn Mazachek as MSU Operating Policy/Procedure (“OP”) 54.01: Purchase of Goods and Services.

These policies and procedures were previously contained in the University's fiscal regulations and procedures.

14 April 2025: Revisions include:

- (1) adding section III.E.6 that any actual or prospective bidder, offeror, proposer, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract may formally protest such grievance to the University's Purchasing and Contract Management Office and all protests will strictly adhere to the MSU Purchases and Contracts Protest Procedures attached in section IV of this OP 54.01;
- (2) raising the requirement for written justifications for proprietary procurements in section III.G.2.a for purchases exceeding \$15,000 (previously it was \$10,000);
- (3) raising solicitation limitations per fiscal year in section III.H.1: \$0 - \$15,000 (previously it was \$10,000), \$15,000.01 - \$50,000.00 (previously it was \$10,000.01 - \$24,999.000), and Over \$50,000.00 (previously it was \$25,000.00 and above);
- (4) raising the requirement for obtaining formal solicitation responses in section III.H.2 from \$25,000 to \$50,000;
- (5) eliminating the provision in section III.I.1 concerning bids not being required for printing and binding by the print shop because it has been closed; and
- (6) adding in section III.N that a purchase order cannot be amended by the vendor and/or ordering department without first contacting the Purchasing Department and initiating the change order process - amending a purchase order without proper authorization may be considered unauthorized (non-compliant) and processed accordingly.

Adopted and approved by MSU President Stacia Haynie.



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”)

OP 60.01: Housing Policy

Approval Authority:	University President
Policy Type:	University Operating Policy and Procedure
Policy Owner:	Vice President for Enrollment Management and Student Affairs
Responsible Office:	Residence Life and Housing
Next Scheduled Review:	February 1, 2027. This OP will be reviewed every two years, or as needed, by the Director of Residence Life and Housing with revisions recommended to the Associate Vice President for Student Affairs and Dean of Students and substantive revisions forwarded to the Vice President for Enrollment Management and Student Affairs and on to the University President.

I. Policy Statement

This policy sets forth the requirements and procedures for the required housing and dining of students at Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System. The Director of Residence Life and Housing is responsible for the maintenance of this policy, and for responding to questions posed regarding this policy.

II. Reason for Policy

This policy promotes clarity, transparency, compliance, accountability, and shared understanding of administrative operating policy and procedural protocols governing on-campus housing eligibility and the required on-campus housing residency and dining plans for students attending MSU.

III. Application of Policy

This policy applies to all students attending the University.

IV. Procedures and Responsibilities

A. Housing Eligibility and Undergraduate On-Campus Residency Requirement

1. The University requires enrolled undergraduate students to live in University housing until they have earned a total of 60 semester credit hours.
2. The on-campus residency requirement applies to undergraduate students enrolled in 12 or more semester credit hours during the respective fall or spring semester.
3. Compliance with the University housing policy is a condition of enrollment, as set forth in the Student Handbook, the Undergraduate or Graduate Catalog, and approved by the Board of Regents. Failure to comply with the on-campus housing eligibility and undergraduate residency requirement may result in a student being placed in a non-compliance status and charged for all applicable housing and dining plan fees.
4. It is the responsibility of the student to update any incorrect information regarding their permanent address and personal contact information in their my.MSUTEXAS portal/WebWorld with the Office of the Registrar.
5. On-campus housing for University employees, including administration, faculty, staff, and other University employees generally is not provided. Special permission may be granted by the Director of Residence Life and Housing in exceptional circumstances.
6. On-campus housing for married couples or families (e.g. students living with dependent children) is not provided.
7. On-campus housing for students under the age of emancipation for a minor in Texas is not provided.
8. Registered sex offenders and individuals convicted of any felony are not permitted to live in University-owned or controlled housing, which includes on-campus residence halls and apartments.

B. On-Campus Residency Exemption Criteria and Process

1. Subject to verification and authorization by the University, students are eligible to live off campus provided any one of the following exemption categories listed below is satisfied:
 - a. Students living with a parent or legal guardian within 60 miles of the campus and commuting to class;
 - b. Students who are married and are living with their spouse;
 - c. Students who have dependent children and are living with their children;
 - d. Students who have accumulated at least 60 semester credit hours of college academic credit prior to the first day of classes for the housing period of a respective semester;
 - A high school concurrent, dual credit, or international baccalaureate student who has earned more than 60 or more semester credit hours of college credit is required to live in university housing at MSU during their

first year of post-high school enrollment unless otherwise exempted per this policy.

- e. Students who have reached the age of 21 prior to the first day of classes for the housing agreement period of a respective semester;
 - f. Students enrolled part-time in 11 semester credit hours or less for the respective fall or spring semester;
 - g. Students enrolled exclusively in an online distance education program.
2. To request an on-campus housing exemption, a student must submit an Exemption Request Form, along with all required documentation, to the Office of Residence Life and Housing. Residence Life and Housing personnel will review the request and send the approval/denial notice to the student's university email account.
 3. Deadlines for the submission of on-campus housing exemption requests are listed in the current Residence Life and Housing Handbook
 4. An exemption request will not be approved for the then current semester after a student has already moved into the residence halls or apartments.
 5. In unusual and extenuating circumstances, the Director of Residence Life and Housing may grant exceptions to the undergraduate residency requirement. A student seeking an exception must contact the Office of Residence Life and Housing to obtain the required forms.
 6. Evidence of deliberate falsification of information, data, or any materials submitted, or providing false or erroneous information in connection with an application for exemption from the on-campus housing requirement will be grounds for disciplinary action. Such action may include, but is not limited to, revocation of a previously approved exemption, restitution of room and dining plan fees, and/or probation, as determined by the Director of Student Rights and Responsibilities, or designee, and in accordance with the Code of Student Conduct of MSU.
 7. Signing an off-campus lease will not relieve the student of contractual housing and/or dining obligations that may have been assumed with the University. Students will be expected to comply with all provisions of the signed housing agreement.

C. Dining Plan Requirement

1. A student residing in a University residence hall is required to purchase a residential student dining plan for the respective semester of the housing agreement period. A listing of residential student dining plans, including current rates, is available on the [Residence Life & Housing website](#).
2. A student residing in a University apartment is not required to purchase a residential student dining plan due to availability of a full kitchen in each

apartment unit. However, an apartment student may choose to purchase either a residential, or apartment/commuter dining plan for the respective semester of the housing agreement period.

3. In unusual and extenuating circumstances, the Director of Residence Life and Housing may grant exceptions to the dining plan requirement. All requests must be made in writing and accompanied by appropriate documentation. During the time an exception request is being reviewed, the student will remain on their current meal plan. Request forms are available from the Office of Residence Life and Housing. Deadlines for the submission of dining plan requirement exemption requests are listed in the current Residence Life and Housing Handbook

D. Housing Application Process

1. University housing, including residence halls and apartments, like all other campus services and facilities, are available to adult students regardless of sex, race, color, national origin, religion, age, disability, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories, classes, or characteristics.
2. Applications for admission to the University, and the application for University Housing, are separate processes. To sign up for University Housing, students must first be admitted to the University. Students are encouraged to sign up for housing as soon as they are notified of their completed University admission status and receive their University identification number and portal login credentials. To complete the housing sign-up process, please visit the [Residence Life & Housing website](#).
3. Students sign a *Housing Reservation Commitment & Agreement* for the entire academic year (fall and spring semesters), or a summer-only agreement. For students admitted to the University to begin coursework in the spring, Residence Life & Housing offers a spring-only agreement. Any student wishing to move off campus or cancel their housing agreement should consult the *Housing Reservation Commitment & Agreement* for the cancellation provisions, including applicable deadlines and penalties.
4. The University agrees to provide a room and dining plan only after the student has submitted the required application, properly signed the *Housing Reservation Commitment & Agreement*, and paid the advance payment.
5. Students requesting housing between academic terms may submit a request for break housing by completing the appropriate online request form through the online Housing portal. Break housing requests are available to currently enrolled students with a housing agreement on file for the academic term immediately following the break period. Students approved for break housing are subject to a nightly charge. Approval of break housing requests is not guaranteed. A requesting student may be assigned to a different building and/or room for break housing. Exceptions to break housing eligibility or charges may be granted at the discretion of the Director of Residence Life and Housing, or their designee.

Requests for exceptions must be submitted in writing prior to the start of the break period and will be considered on a case-by-case basis.

E. Rates, Fees and Advance Payment

1. Housing and dining plan rates are based on a per person charge. Rates are reviewed and approved by the University President each academic year. All rates are subject to change, with appropriate notice. The most recent rates are posted on the [Residence Life & Housing website](#).
2. All housing and dining plan charges are billed in a combined account with the University tuition and fees. These accounts are managed by the Business Office. A student is responsible to pay the housing and dining plan fees and any associated billed charges (i.e., late/improper check-out charges, damage charges, lock change charges, break housing charges, etc.) based on the payment schedule established by the Business Office.
3. Students with academic year (e.g. fall and spring) housing agreements are charged 60 percent of the academic year housing rate for the fall semester, and 40 percent for the spring semester. Students entering the residence halls for the spring semester with a spring-only agreements are charged 50 percent of the academic year rate.
 - a. Students demonstrating financial need or financial hardship may request a 50/50 billing request in writing prior to the start of the housing agreement period for the fall semester. If approved, room charges will be billed equally (50/50) between the fall and spring semesters. The 50/50 billing request form is available upon request from the Office of Residence Life and Housing.
4. Advance Payment
 - a. A \$250 advance payment is required with all new student housing applications in order to receive a confirmed housing assignment.
 - b. Students assigned to housing will have their \$250 advance payment credited to their student account after the university census date (12th class day) of the respective semester when the student begins residing in University housing.
 - c. The \$250 advance payment is refundable if the student cancels their housing application prior to the deadline for a respective semester published in the Housing Reservation Commitment & Agreement.
 - d. Students who cancel their housing agreement after the deadline for a respective semester published in the Housing Reservation Commitment & Agreement will forfeit their advance payment.
5. Enrolled students who are required to reside on campus per this policy, but who have not signed up for campus housing, may be assessed the semi-private room rate for Killingsworth or Pierce Hall on their MSU student account for the then current semester.

6. Students residing in campus housing who academically withdraw from the university must submit a formal housing cancellation through their online Housing portal within 24 hours of their withdrawal. Approved housing cancellations may be eligible for a prorated refund of room and board charges, based on the date of cancellation and refund schedule outlined in the *Housing Reservation Commitment & Agreement*. Exceptions may be considered at the discretion of the Director of Residence Life and Housing.
7. For additional details and information on housing and dining fees, deposits, and cancellation procedures, please review the *Housing Reservation Commitment & Agreement* and *Residence Life and Housing Handbook* on the [Residence Life & Housing website](#).

V. Related Statues, Rules, Polices, Forms, and Websites

MSU Student Handbook
Residence Life and Housing Handbook
Housing Reservation Commitment & Agreement

VI. Responsible Office

Residence Life and Housing
Phone: (940) 397-4217
E-mail: housing@msutexas.edu

VII. Revision History

04 April 2025: Adopted and approved by MSU President Stacia Haynie as MSU OP 60.01: Housing Policy.