THE TEXAS STATE UNIVERSITY SYSTEM

RULES AND REGULATIONS

LAMAR UNIVERSITY
LAMAR INSTITUTE OF TECHNOLOGY
LAMAR STATE COLLEGE ORANGE
LAMAR STATE COLLEGE PORT ARTHUR
SAM HOUSTON STATE UNIVERSITY
SUL ROSS STATE UNIVERSITY
TEXAS STATE UNIVERSITY

Adopted September 1, 1980
Amended May 29, 2026

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CHAPTER I. THE BOARD OF REGENTS

1. LEGAL HISTORY.

The 32nd Legislature, 1st Called Session in 1911, provided for the control and management of the normal schools by a State Normal School Board instead of by the State Board of Education. This enabling statute was amended in 1913, 1923, 1929, 1949, 1965, 1969, 1975, and 1995 to form the present Board of Regents of The Texas State University System.

The 38th Legislature of 1923 changed the name of the State Normal Schools to State Teacher's Colleges, and the 59th Legislature changed the name to State Senior Colleges. In 1969, the name of each college was changed to university. The 64th Legislature in 1975 changed the name of the Board of Regents, State Senior Colleges, to the present name of Board of Regents of The Texas State University System.

In 1965, legislative change provided that the Board of Regents be organized into Local Committees, with the Local Committee of each Component meeting at least once each year on the campus to plan for future growth and development of that Component. These laws were codified as *Articles 2644, 2644a,* and *2647* of *Vernon's Texas Civil Statutes* (*V.T.C.S.*). A recodification was done in 1971, with titles of *Subtitle E., Chapter 95*, "Administration of the State Senior College System," and *Chapter 96*, "Institutions of The State Senior College System." *Article 2647*, as recodified in *Chapter 95, Subtitle E*., provides for the composition of the Board of Regents, responsibility of the Board, meetings of the Board, authority for the formation of *Rules and Regulations* in the governance functions, and the power to acquire land. In 2005, the legislature created a place on the Board for a non-voting student regent, *Education Code, Section 51.355*. In 2021, the Board, by Rule, established that the Local Committees of each Component shall be comprised of the entire Board of Regents.

2. AUTHORITY.

2.1 Extent of Authority. The Texas Legislature, which is given the duty and authority to provide for the maintenance, support, and direction of The Texas State University System, has delegated to the Board of Regents in *Vernon's Texas Codes Annotated*, the power and authority, in broad terms, to administer the System. The following selected excerpts from *Texas Education Code* provide examples of the authority vested in the Board:

2.2 Board Responsibilities. The organization, control, and management of the State University System is vested in the Board of Regents of The Texas State University System.[1] The Board is responsible for the general control and management of the Components in the system and may erect, equip,

[1] *Education Code, Section 95.01.*

and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge Presidents or principals, teachers, treasurers, and other employees; and fix the salaries of the persons so employed; and perform such other acts as in the judgment of the Board contribute to the development of the Components in the System or the welfare of their students.[2] The Board has authority to promulgate and enforce such rules, regulations, and orders for the operation, control, and management of the system and its Component institutions as the Board may deem either necessary or desirable. When a power is vested in the Board, the Board may adopt a rule, regulation, or order delegating such power to any officer, employee, or committee as the Board may designate.[3] The Board is responsible for regularly reviewing institutional missions and strategic plans.

2.3 Limitations on Authority. The Board has no authority except as delegated to it by law. Knowledge of the limitations of its authority is imputed to all persons, firms, and corporations dealing with the Board.

2.4 Degrees, Certificates and Diplomas

2.41 Award. The *Texas Education Code, Section 95.24*, authorizes the Board to determine conditions for the award of degrees, certificates and diplomas. The Board hereby delegates to the President of each Component authority to grant degrees, certificates and diplomas upon the recommendation of the respective faculty, deans, and provosts. All such degrees, certificates and diplomas shall bear the signatures of the Component President, the System Chancellor, and the Chairman of the Board of Regents.

2.42 Revocation. The Board hereby provides notice that the granting of any degrees, certificates or diplomas is specifically conditioned upon the truth of representations made by the student in the admission process and also upon honesty in completion of his or her academic work. When the Board determines that a degree, certificate, diploma, or admission to the institution and/or the academic program was obtained through fraud, mistake, or academic dishonesty, the Board may revoke the degree, certificate, or diploma, provided the Component has afforded the degree, certificate, or diploma recipient due process of law.

3. GENERAL EDUCATION CURRICULUM REVIEW.

3.1 The Board shall conduct a comprehensive review of each Component's general education curriculum at least once every five years. The comprehensive review will be conducted in accordance with all applicable statutory requirements.

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[2]*Education Code, Section 95.21 (a).*

[3]*Education Code, Section 95.21 (b).*

3.2 Not later than January 1 of each year a review is conducted under this section, the Board shall certify its compliance with this section to the Texas Higher Education Coordinating Board and each standing legislative committee and subcommittee with primary jurisdiction over higher education.

Last modified August 8, 2025

4. ADDITIONAL POWERS, DUTIES AND RESPONSIBILITIES.

4.1 The Board shall approve or deny the hiring of an individual for the position of provost, or deputy, associate or assistant provost for each Component.

4.2 The Board may overturn any hiring decision for the position of vice president or dean for each Component.

4.3 The Board shall annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report for the applicable academic year on its decision to approve or deny any hiring of an individual for the position of provost, or deputy, associate or assistant provost or its decision to overturn any hiring of an individual for the position of vice president or dean.

Last modified August 8, 2025

5. COMPOSITION.

The Board of Regents of The Texas State University System is composed of nine members appointed by the Governor of Texas with the advice and consent of the State Senate. Board members are appointed to serve six-year terms expiring February 1 of odd-numbered years, with three members being appointed biennially.

On or after February 1 of each year, the Governor selects a non-voting student regent to serve a one-year term. The student regent has the same powers and duties as members of the Board of Regents, including the right to participate in meetings of the Board, except that he or she may not: a) vote on any matter before the Board; b) make or second any motion before the Board; c) be counted in determining whether a quorum exists; or, d) be counted in determining the outcome of any vote before the Board.

The Board of Regents of The Texas State University System governs the following Components:

5.1 Universities:

5.11 Lamar University in Beaumont;

5.12 Sam Houston State University in Huntsville, The Woodlands and Conroe;

5.13 Sul Ross State University in Alpine, Del Rio, Eagle Pass, and Uvalde;

5.14 Texas State University in San Marcos and Round Rock;

5.2 Two-year Colleges or Institutes:

5.21 Lamar Institute of Technology in Beaumont;

5.22 Lamar State College Orange; and,

5.23 Lamar State College Port Arthur.

6. MEETINGS.

All meetings of the Board of Regents shall be open to the public and publicly announced as required by the *Open Meetings Act*.[4] A majority of the members of the Board shall constitute a quorum, and no formal action shall be taken by the Board in the absence of a quorum. Proxies shall not be recognized. Parliamentary procedures in Board meetings shall conform to Robert's Rules of Order when not in conflict with System rules.

6.1 Regular Meetings. Regular meetings of the Board of Regents shall be held quarterly at such time and place as a majority of the Board shall determine.

6.2 Special Called Meetings. Special called meetings of the Board may be called by the Chairman or by a majority of the members of the Board. Business not stated in the agenda for a special called meeting may be transacted only by consent of a majority of the members of the Board. Telephone conference meetings, as permitted by statute, may be used for called meetings.

6.3 Voting. Any regent, including the presiding officer, may make, second, and/or vote on a matter properly before the Board or any committee thereof, provided the regent is not otherwise ineligible to do so because of the ethics provisions of *Chapter VIII* of these *Rules and Regulations* or of state law.

6.4 Executive Session. In accordance with *Government Code, Chapter 551*, the Board of Regents may go into executive session to discuss legal and personnel matters. In accordance with *Section 551.071* of the *Open Meetings Act*, the Board reserves the right for legal briefing from the Board's attorney during executive session. Executive sessions of the Board of Regents may be held with the consent of the majority of those members present. No action will be taken by the Board while it is in executive session.

[4] *Government Code, Chapter 551*.

6.5 Each member of the Board, the Component Institutions, and the System Administration shall receive a copy of the Board Agenda at least fourteen days in advance of a regular meeting of the Board. A copy of the Board Agenda shall remain permanently on file in the System Administration Office.

6.51 Concurrently with the posting of the Board Agenda on the web site of the Secretary of State, the Chancellor shall provide a copy to the Board of Regents.

6.52 For every meeting of the Board of Regents, whether it is a regular, special called, or telephonic meeting, the Chancellor shall place, on the TSUS website, a link to the Agenda posted on the website of the Secretary of State.

6.6 Public Appearances before the Board. Any person wishing to address the Board shall file a request in writing with the System Administration, stating the subject matter to be discussed with the Board not less than five (5) working days before the date of the requested appearance, so as to permit sufficient time to effect an *Open Meetings Act* posting. Customarily, such appearances are limited to five (5) minutes although the Chairman may extend or limit the time. This S*ubparagraph* notwithstanding, the Board will not grant appearances to faculty, staff or student grievants who have not exhausted their Component remedies or appeals.

7. OFFICERS OF THE BOARD OF REGENTS.

The officers of the Board shall include a Chairman, Vice Chairman, Chancellor, and such other officers as the Board may from time to time elect or appoint.

7.1 Elected Officers and Responsibilities.

7.11 Chairman of the Board. The Chairman of the Board shall be elected from the membership of the Board at the regular November Board meeting, or at the immediately subsequent Board meeting, to serve a one-year term to commence immediately upon election. He or she shall appoint the membership of all Board committees, and otherwise perform such other duties as a board chairman customarily performs.

7.12 Vice Chairman of the Board. The Vice Chairman shall be elected from the membership of the Board at the regular November Board meeting, or at the immediately subsequent Board meeting, to serve a one-year term to commence immediately upon election.

The Vice Chairman shall preside over meetings of the Board in the absence of the Chairman and shall succeed to the rights and powers of the Chairman in the event the Chairman is absent temporarily from the State.

7.13 Vacancies. If for any reason the office of the Chairman or Vice Chairman becomes vacant, the Board shall meet as soon as practicable (in a special called meeting if necessary) and elect a successor to fill the unexpired term of office.

7.14 A Board member who has served consecutive terms as Vice Chairman and Chairman of the Board is not prohibited from serving in such elected positions in the future.

7.2 Appointed Officers and Responsibilities

7.21 Chancellor. The Chancellor for the System shall be appointed by the Board of Regents, serve as secretary to the Board, and hold office without a fixed term and at the pleasure of the Board.

See *Chapter II, Subparagraph 3.1*, for a description of the duties and responsibilities of the Chancellor.

7.22 Chancellor Vacancy. A vacancy which occurs in the office of Chancellor shall be filled by an interim appointment. As soon as practicable after learning of the vacancy, the Chairman of the Board shall convene a special called meeting to recommend an Interim Chancellor to serve until a new Chancellor is selected in accordance with law and these *Rules and Regulations*.

7.23 Other Employees. All other employees of the System Administration Office shall be employed without fixed terms by the Chancellor.

8. COMMITTEES OF THE BOARD OF REGENTS.

The Chairman of the Board, as soon as practical following his or her election, shall appoint at least three, but not more than four, Board members, including the Committee Chair, to each of the following standing committees, to terms consecutive with the Chairman's term of office: Planning and Construction, Academic and Health Affairs, Finance and Audit, and Rules and Regulations. Vacancies on the committees may be filled by appointment by the Chairman.

8.1 Committee Meetings. In the absence of a Committee member or members at a scheduled meeting of any Committee, the Committee Chair may ask other regents to serve *ad hoc* on the Committee. In the event that no Committee member is present for a scheduled Committee meeting, the Chancellor may either reschedule the meeting, if feasible, or refer all Committee business to the full Board for consideration and disposition.

8.2 Planning and Construction Committee. This Committee has primary responsibility for establishing, in consultation with the Chancellor, the Board's planning and construction agendas and for making recommendations to the Board regarding the planning, construction, maintenance, and use of System and Component buildings and other physical facilities.

For further information concerning construction, see *Chapter III, Paragraph 4*, Construction Procedures.

8.3 Academic and Health Affairs Committee. The Academic and Health Affairs Committee has primary responsibility for oversight of the academic well being of the colleges and universities, including a college of osteopathic medicine, comprising the Texas State University System.

For further information concerning the duties of this committee, see *Chapter III, Paragraph 5*, Academic and Health Affairs Procedures.

8.4 Finance and Audit Committee. This Committee has oversight of all the System and Component financial and audit matters and is responsible for making recommendations to the Board respective to:

8.41 Approval of budgets, bond sales, depository contracts, and all other financial matters;

8.42 Direct oversight of the System's internal audit function, including, but not limited to, the hiring, terms and conditions of employment, and termination of the System Chief Audit Executive; approval of his or her budgets; and, review and approval of annual audit plans and reports.

The Committee shall meet at least once a year with the System Chief Audit Executive.

For information concerning financial affairs, see *Chapter III, Paragraph 6*, Financial Affairs for information concerning audits, see *Chapter III, Paragraph 7,* The Audit Function.

8.5 Rules and Regulations Committee. This Committee has primary responsibility for reviewing such proposed changes to these *Rules and Regulations* as the Chancellor may propose on his or her own initiative or upon the recommendation of a Regent, Vice Chancellor, or Component President.

For further information, see *Chapter X, Paragraphs 4 Amendment* and *6 Mandatory Periodic Review of Rules.*

8.6 Local Committees. The Board of Regents, in its entirety, constitutes the Local Committees of the Board. In satisfaction of certain requirements of *Texas Education Code section 95.23*, the following shall occur:

8.61 Each Component President shall submit quarterly written reports to the Board providing an update of the operations of the institution.

8.62 Each Component President shall present to the Board, in a public meeting of the Board, an annual update on the institution.

8.7 Component Master Plan Committees. The Chairman of the Board shall appoint a regent to each Component's Master Plan Committee. *See Chapter III, Paragraph 4*.

9. HONORARY DOCTORATES.

The Board of Regents retains exclusive authority for the conferring of honorary doctoral degrees, in accordance with the following guidelines:

(a) The granting of honorary doctoral degrees shall be by unanimous consent of the Board members attending a regular or special called meeting.

(b) Such honorees shall have attained national or statewide prominence or stature in scholarly achievement, attainments that demonstrate unusual creativity, or distinguished service.

(c) Honorees, who are System administrative officials, faculty, staff, or elected or appointed public officials, shall normally be granted such degrees only after the employment or public service has concluded.

10. SELF-ASSESSMENT.

At least once every three years, the Board shall conduct a self-assessment in fulfilling the fiduciary and other imperatives of Texas *Education, Section 51.352* and other applicable law. The Board shall take and implement such actions as it deems reasonable and necessary to improve its performance and the betterment of the System and its Components.

11. COMPLAINTS FILED WITH THE THECB OFFICE OF OMBUDSMAN.

Upon being notified of a complaint filed against a Component, the Board shall respond to the complaint in accordance with applicable statute and the published provisions established by the Texas Higher Education Coordinating Board Office of Ombudsman.

Last modified August 8, 2025

CHAPTER II. SYSTEM ADMINISTRATION

1. FUNCTION.

1.1 Definition. The Texas State University System, under the leadership of the Chancellor, provides a variety of services and assistance to the Board, its committees and Components.

1.2 Policies and Guidelines. The Board of Regents shall promulgate *Rules and Regulations*, pursuant to which the Chancellor may implement policies or guidelines, which shall be adhered to by the System Components.

1.3 Resolutions. Resolutions or declarations of employee organizations based on less than a majority of the organization's eligible membership shall not be considered by the Component or System.

2. LOCATION.

The System Administration Office:

O.Henry Hall
601 Colorado Street
Austin, Texas 78701
(512) 463-1808
(512) 463-1816 (fax)

3. OFFICERS OF THE SYSTEM ADMINISTRATION.

3.1 Chancellor. The Chancellor is the chief executive officer of The Texas State University System, whose duties are performed under the authority delegated by the Board of Regents. The Chancellor shall have ultimate authority and responsibility for all System Components, acting through chief executive officers regarding matters delegated to them and serve as secretary to, but not be a member of, the Board.

The Board shall select the Chancellor by majority vote. The Chancellor shall hold office without a fixed term and at the pleasure of the Board. At its regular meeting in May of each year, the Board will evaluate the general performance and effectiveness of the Chancellor. This evaluation shall take place before a quorum of the full Board of Regents and in executive session, unless the Chancellor requests a public evaluation. Nothing herein shall be construed to limit the Board's authority to evaluate and meet with the Chancellor at other times regarding his or her performance.

The Chancellor shall assume administrative responsibilities for the System Administration; recommend to the Board the hiring of Component Presidents, the selection of which shall be in accordance with applicable statutes, the terms and conditions of their employment, and, when

appropriate, terminate their employment; maintain the permanent records of the System; advise and assist the Board and Components with legal, financial, personnel, academic and health programs, governmental relations, development, planning and construction; employ, maintain and, when appropriate, terminate System Administration staff; and, create, eliminate or restructure such System Administration functions or positions as he or she judges appropriate. The Chancellor recommends for Board approval the budget for the System Administration, including the audit office budgetary allocation. The Chancellor shall facilitate and assist with all of the Board's activities and represent the Board and System Components where appropriate.

3.2 Vice Chancellor and General Counsel. The Vice Chancellor and General Counsel is the Chief Legal Affairs Officer for The Texas State University System who performs duties under the authority delegated by the Board of Regents through the Chancellor. The Vice Chancellor and General Counsel shall be a member of the State Bar of Texas and is responsible for assisting, monitoring and carrying out all legal activities of the System including, but not limited to, litigation, policies, System procedures, handbooks, manuals, legal opinions, hearings and appeals. In addition to legal responsibilities, the Vice Chancellor and General Counsel shall be responsible for monitoring Equal Employment Opportunities; and Ethics.

3.3 Vice Chancellor for Governmental Relations. The Vice Chancellor for Governmental Relations ("VCGR") is the chief governmental relations officer of the Texas State University System, performing duties under authority delegated by the Board of Regents through the Chancellor. The VCGR reviews, assists, and advises with matters involving governmental entities, legislation, legislative relations, biennial appropriation requests, legislative presentations, and public relations.

3.4 Vice Chancellor and Chief Financial Officer. The Vice Chancellor and Chief Financial Officer is the chief financial officer of the Texas State University System, performing duties under the authority delegated by the Board of Regents through the Chancellor. The Vice Chancellor and Chief Financial Officer is responsible for reviewing, advising, and assisting with Component budgets, budget changes, annual financial reports, investment reports, investment policies, biennial appropriations requests and reports, bond sales, funding sources for contracts, insurance coverage and responsibility for planning, construction, maintenance, and use of buildings and other physical facilities, including, but not necessarily limited to, long-term planning and construction and administration of policies in the subject area. The Vice Chancellor and Chief Financial Officer shall also assist both internal and external auditors and the Chief Audit Executive with Component audits.

3.5 Chief Audit Executive. The Chief Audit Executive ("CAE") is the chief auditor and an administrative officer of TSUS who is answerable directly to the Board of Regents through the Finance and Audit Committee. The CAE is responsible for overseeing the Office of Internal Audit and for hiring, setting the terms and conditions of employment, and termination of all System and Component-housed auditors. The CAE, who shall be under the day-to-day supervision of the Chancellor, must be a Certified

Public Accountant or a Certified Internal Auditor. The CAE is responsible for the System's internal audit function and performs special studies and analysis of data as directed by the Board and/or as requested by the Chancellor. At least annually, the Board shall assess the CAE's effectiveness.

3.6 Vice Chancellor for Academic and Health Affairs. The Vice Chancellor for Academic and Health Affairs is the chief academic officer of The Texas State University System who performs duties under the authority delegated by the Board of Regents through the Chancellor. The Vice Chancellor for Academic and Health Affairs is responsible for providing system-wide leadership, assistance, and coordination among the system Components in maintenance, enhancement, and promotion of academic, research and service programs, in addition to performing the following specific duties: representing the System on academic matters before professional, grant-making, regulatory, and oversight bodies; encouraging an academic environment that serves the geographic, economic, and cultural diversity of the state; and coordinating initiatives relating to data usage and content delivery utilizing various technologies.

3.7 Vice Chancellor for Marketing and Communications. The Vice Chancellor for Marketing and Communications (VCMC) is the chief communications officer of the Texas State University System, who performs duties under the authority delegated by the Board of Regents through the Chancellor. The VCMC oversees the development of internal and external communications resources that increase awareness and enhance the reputation of the System and its component institutions. The VCMC is the System's principal media contact, responsible for the timely and accurate dissemination of public information. The VCMC also advises System leadership on communication strategies and messages that enhance the System's response to policy and operational issues.

Last modified August 8, 2025

4. OPERATIONS.

4.1 Employment.

4.11 Nepotism Rule.

No individual may be employed in the System Administration who is related within the first degree of consanguinity to a member of the Board of Regents, or to an employee in the System Administration. The restrictions of *Government Code, Chapter 573* shall govern the employment of any relative of a member of the Board of Regents. This rule is not retroactive.

4.12 Retirement Programs.

The Board of Regents authorizes the System Administration to make retirement programs available to its employees through the Teacher Retirement System of Texas, the Employees Retirement System of Texas, and optional retirement programs.

4.2 Expenses and Allowances. Reimbursement of travel and related expenses shall be allowed for employees of the System Administration, in accordance with Texas *Government Code, Chapter 660*.

4.3 Financial Reports. All financial records of System and Component administrations shall be kept and maintained in conformity with recommendations of the State Auditor and the State Comptroller of Public Accounts.

4.31 Annual Operating Budget. Summaries of the proposed Annual Operating Budgets for the subsequent fiscal year shall be prepared and submitted to the Board at its August meeting for review and approval. The proposed operating budgets shall be prepared in accordance with Texas Education Code Section 51.0051; the General Appropriations Act, Special Provisions Relating Only to State Agencies of Higher Education, Section 6.1; and, TSUS Administration guidelines.

4.4 Staff Development Program Rules.

4.41 Definition. This program is to provide training through workshops, seminars, institutes, training sessions, extension courses, Component courses (with or without academic credit), and other special programs or activities offered either within or outside the State as authorized by *Government Code, Chapter 656*. Such programs must be of concentrated, precise content and designed to improve the individual's professional or technical knowledge in the performance of the individual's present or prospective duties and responsibilities. This program is for selected individual staff members and will be provided on the basis of need of the System and to the extent funds are available.

4.42 Objectives. To improve and enhance the individual's professional and technical knowledge and ability in the performance of the individual's present or prospective duties and responsibilities.

4.43 Program Elements. This program is generally the type that meets the following criteria: relatively short term, specific in content, and presented outside the employing agency.

4.5 Holiday Schedules. Holiday Schedules for the Component Institutions and System Administration shall be approved by the Chancellor prior to the beginning of the fiscal year. Any changes to an approved Holiday Schedule require subsequent approval from the Chancellor.

5. MINUTES OF THE BOARD MEETINGS.

The Chancellor shall assure that minutes are prepared and kept of the proceedings of all meetings of the Board of Regents. The minutes shall be indexed as to subject matter and Components. Copies of the minutes should be distributed within thirty working days of a Board meeting to all members of the Board of Regents and the President of each System Component. After approval by the

Board, the Chancellor shall timely distribute the minutes to such other state agencies as may be required by law, including but not necessarily limited to the Texas Archives Library.

CHAPTER III. SYSTEM - COMPONENT OPERATIONS

1. ITEMS REQUIRING BOARD APPROVAL.

The following items shall be submitted to the Board of Regents for approval.

1.1 Contracts.

1.11 Except as provided in Chapter III, paragraph 10, contracts, purchases, and agreements in the amount of $2 million or more, whether said amount is income or expenditure.

1.12 Financial institution depository contracts. All financial institution depository contracts shall be administered through the Office of the Vice Chancellor and Chief Financial Officer.

1.13 Contracts and agreements with support or development foundations.

1.14 Amendments, Modifications, Renewals or Extensions. Amendments, modifications, renewals or extensions of contracts and agreements previously approved by the Board must be submitted to the Board if the change exceeds the authorization granted by Board motion. Such items shall undergo the same System Administration review as the original contracts and agreements. This subparagraph shall not apply to options to renew or extend for specified term(s) that were part of a contract or agreement approved by the Board.

1.2 Faculty Matters. Faculty matters, including but not limited to appointment, reappointment, granting of tenure, changes in tenure or employment status, development and other leaves, and termination.

1.3 Financial Matters.

1.31 Operating budgets (including Component employee salaries). Adjustments to the annual operation budgets shall be provided to the Board of Regents as an "informational item" on a semi-annual basis.

1.32 Proposals for issuance of bonds.

1.33 Capital leasing projects.

1.4 Mandatory Tuition and Fees, including but not limited to:

1.41 Designated Tuition, including for Dual Credit and Early College High School courses in an amount in excess of the established Financial Aid for Swift Transfer rate set by the Texas Higher Education Coordinating Board.

1.42 Board Authorized Tuition.

1.43 Medical Center Fee.

1.44 Student Center Fee.

1.45 Transportation Fee.

1.46 Student Services Fee.

1.47 Course Fee.

1.48 International Education Fee.

1.49 Records/Publications Fee.

1.4(10) Library Fee.

1.4(11) Advising Fee.

1.4(12) Computer/Technology Fee.

1.4(13) Institutional Services Fee.

1.4(14) Intercollegiate Athletics Fee.

1.4(15) Recreational Sports Fee.

1.4(16) Establishment of a Program Fee and any increase in excess of the amount authorized by Chapter IV, subparagraph 2.2(17).

1.4(17) Residence Hall and Meal Plan Rates.

1.4(18) Statutory Tuition. Statutory tuition for students concurrently enrolled at any component institution shall be waived in accordance with *Texas Education Code 54.216*.

1.5 Curriculum Matters.

1.51 Census day enrollment reports.

1.52 Degree program additions, deletions, and changes, except as provided by Chapter III, paragraph 5.1.

1.53 Organizational structure changes that result in a new school or college.

1.54 Out-of-state course offerings.

1.6 Admission Requirements/Standards. Student admissions standards, entrance requirements, and degree qualifications as determined, prescribed and recommended by each Component as specified in *Chapter VI, Paragraph 2* of these *Rules and Regulations.*

1.7 All other curriculum matters requiring board approval pursuant to *Chapter III, paragraph 5.12*.

1.8 Gift Acceptance.

1.81 Gifts of real property regardless of value in excess of delegated authority in 1.9.

1.82 Other gifts which exceed Presidential authority in value except cash and securities. When necessary to comply with donor desires, and when recommended by the President of the Component, such gifts may be accepted prior to the next Board meeting but will be reported to the Board at its next regular meeting.

1.9 Real Property.

1.91 Purchases, Exchanges, Leases, Sales, or Easements. The Board retains authority to approve all purchases, exchanges, leases, or sales of real property, or the granting of easements on, Components' real property, except for ground leases of five (5) years or less and delegations stated in *Paragraph 1.92*.

1.92 Delegation of Authority re Real Property. The Chancellor is delegated authority to approve a purchase, exchange, lease, or sale of, or easement on, real property valued up to $3,000,000; provided the Vice Chancellor and General Counsel has approved the operative documents as to legal form. The President of each Component is delegated authority to purchase, exchange, lease, or sell real property valued up to $500,000; provided the Vice Chancellor and General Counsel has approved the operative documents as to legal form.

1.(10) Naming of Buildings. See *Paragraph 9* of this *Chapter.*

1.(11) Proposed Legislation. Proposed legislation on behalf of the System or its Components, unless, during a legislative session, the Chancellor, after consultation with the Board Chair, determines that the best interests of the System or its Component(s) require pursuit of legislative action.

1.(12) Attorney General Requests. Requests for Attorney General Opinions pertaining to Component or System operations must be requested by the Board Chairman, unless, in the Chancellor's judgment, the best interests of the System or of a Component require immediate action. In such a case, the Chancellor shall notify the Board Chairman prior to, or as soon as practicable after filing the request, and share the same with the full Board.

1.(13) Athletics.

1.(13)1 The addition or reduction of university-supported athletic teams, excluding campus recreation club teams.

1.(13)2 Changes in athletic association classification.

1.(14) Construction Matters.

1.(14)1 Prior to submission to the Board for consideration and approval, the following items must be first submitted to and approved by the Vice Chancellor and Chief Financial Officer in consultation with the Chancellor:

(a) Component Comprehensive Facilities Master Plan and any amendments thereto.

(b) A Capital Improvements Program (CIP) encompassing the next six years of construction projects needed to preserve, enhance, and add to facilities assets in line with the approved Master Plan. A Component may amend its CIP at any time with Board approval. It is anticipated that the Board will review and approve a revised six-year CIP prior to the beginning of each Fiscal year.

1.(14)2 Each construction project in excess of $8 million shall require specific Board approval at each of the following stages:

(a) Provision for the project on the Master Plan (See Chapter III, paragraph 4);

(b) Inclusion of the project on the CIP;

(c) At the completion of the Design Development phase (prior to submission of the project to the Texas Higher Education Coordinating Board, when required under Coordinating Board Rules), and prior to starting construction of the project.

1.(14)3 Delegation of Contracting Authority for Capital Projects. The Board delegates to the Chancellor and Presidents authority to enter into contracts for the design and construction of capital projects in accordance with the TSUS Policies and Procedures Manual for Planning and Construction. The Chancellor is authorized to promulgate policies, and otherwise conduct any and all activities necessary to make each project ready for approval by the Board at the stages listed above. The Chancellor may further delegate his authority to appropriate System Administration staff and/or to the Component Presidents.

1.(14)4 As soon as practicable after the time each project previously approved by the Board is completed, the Vice Chancellor and Chief Financial Officer shall submit a comprehensive Project Completion Report to the Board.

Last modified: May 29, 2026

2. RELATIONSHIP BETWEEN SYSTEM AND COMPONENTS.

2.1 System Affiliation. It is the policy of the Board that membership in the Texas State University System by the Components is to be made readily known to those who interact with any Component of our system.

2.11 Publications. All official printed documents (including, by way of example only, letterhead, email letterhead, electronic/internet websites, publications and reports, catalogs, handbooks, and campus master plans), created, maintained, or circulated by any System Component, shall prominently state that the Component is member of The Texas State University System.

2.12 Identification of Regents and Chancellor. Magazines, books, newsletters, annuals and similar publications, shall include the names and home cities of current regents and of the Chancellor.

2.13 Format. Placement of System affiliation shall appear prominently on a single line on the cover and the first page of all such documents and publications.

2.14 Off Campus Signage and Advertisements. Off-campus advertising or signage in which the Component's name appears shall clearly state that the Component is a member of the Texas State University System.

2.2 Component Communication with Board and System. No Component shall prohibit communication between any member of the Board of Regents or member of the System Administration and any employee or student of the Component. Any direction or instruction from the Board member or System Administration employee will be made to the Component President or a representative designated by the President.

3. LEGAL AFFAIRS.

The Office of the General Counsel is designed to provide positive support to the Board, System and Component administrations in the effective discharge of their respective responsibilities. The Vice Chancellor and General Counsel shall have responsibility for all System and Component legal affairs, including, but not limited to, hiring and termination of attorneys, setting of salaries, and otherwise establishing terms and conditions of employment. He or she will be responsible for establishing the annual budgets and staffing levels for the Office of General Counsel subject to approval of the Chancellor.

The following items shall be subject to review, approval, and/or monitoring by the Vice Chancellor and General Counsel or his or her designee prior to execution or implementation:

3.1 All motions for contracts and agreements (as defined in *Chapter III, Paragraphs 1.11* and *1.12*) must conform to the format requirements set forth in *Paragraphs 10.4* and *10.5* of this *Chapter*, and be reviewed by the Vice Chancellor and General Counsel and Vice Chancellor and Chief

Financial Officer prior to submission to the Board of Regents. The subject contract or agreement, once authorized, must be reviewed and approved as required in *Paragraphs 10.4* and *10.5.* Other contracts and agreements involving the Components may be reviewed at the discretion of the Component or as requested by the Vice Chancellor and General Counsel. The Board may postpone consideration of a motion for a contract to a subsequent meeting to enable the Board an opportunity to review and discuss the contract document.

3.2 All legal opinions, in whatever form, submitted to the Board of Regents or to be issued for the review of or for reliance upon by parties outside the System or its Components.

3.3 All lawsuits brought against or for the System or a Component, together with the resolution or settlement thereof, shall be monitored and/or approved by the System Administration and Vice Chancellor and General Counsel.

3.4 Modifications of the student and employee handbooks and other policy-setting documents of the Component.

3.5 Personnel contracts.

3.6 Major disciplinary proceedings initiated against faculty, staff, or students which involve hearings or appeals shall be transmitted as soon as practicable. If an emergency situation exists, the Component shall inform the System Administration or Vice Chancellor and General Counsel of any action taken as soon as possible. Occurrence reports on any employee of a Component against whom disciplinary action is contemplated, exclusive of disciplinary warnings, shall be provided to such office as soon as possible.

3.7 Retention, supervision and monitoring of outside legal counsel.

3.8 Communications and interactions with the Attorney General's Office or other legal, contractual, or regulatory dealings with state, federal or private organizations, including but not necessarily limited to the NCAA, athletic conferences, and similar agencies.

3.9 Sting operations on campus to be conducted by Component or outside law enforcement personnel.

4. CONSTRUCTION PROCEDURES & PUBLIC ART PROGRAM.

The Office of the Vice Chancellor and Chief Financial Officer shall maintain a Policies and Procedures Manual for Planning and Construction to govern the administration of the system-wide planning, design, and construction program. These policies and procedures require compliance with all applicable Federal and State laws and regulations and shall list all the current building codes that designs will be required to follow. The Board may direct changes to the Texas State University System's published policies and procedures at its discretion.

More information on construction matters can be found in Subparagraph 1.(14).

4.1 Component Master Plan Committees.

4.11 Composition. Each president shall establish and chair (or otherwise designate a chair for) a Component Master Plan Committee whose members shall be approved by the Chancellor or his/her designee. All Component constituents shall be represented, including but not necessarily limited to the Board of Regents, which shall be represented by a Regent to be appointed by the Chairman (*see Chapter I, Subparagraph 8.7*); the System Administration Office; Component academic, fiscal, student affairs, facilities/planning/construction representatives; faculty; staff; students; and members of the local community (for example, civic, governmental, business and industry leaders).

4.12 Responsibilities. The primary responsibility of each Component Master Plan Committee shall be to make recommendations to the President and the Chancellor regarding the development of a Campus Master Plan.

4.2 Public Art Program. In accordance with *Government Code 444.029*, the Board of Regents directs that one percent of each new major construction project with a total project cost of $1 million or greater be allocated for the acquisition of works of public art.

4.21 Definitions as used in this section.

(1) "Public art" refers to any visual, pictorial, graphic or sculptural work of art that is commissioned or purchased for purposes of public display.

(2) "Collection" refers to the collective group of artwork owned by the Institution on prominent display in the public realm but does not include museum or gallery owned works.

4.22 Public art commissioned under the Public Art Program shall not include university logos or branding and should not be predominantly a university color. Public art should retain a residual value as noted by the professional art community.

4.23 Projects that consist solely of improvements to campus infrastructure, athletic fields, greenhouses, parking facilities, utility plants, chillers, offices and facilities located off-campus are exempt from the one percent allocation for the acquisition of works of public art. The final decision as to whether a specific project is exempt from having to allocate one percent for the acquisition of works of public art shall be made by the Chancellor.

4.24 Guidelines for Acquisition. The Chancellor may promulgate guidelines or policies that address the following:

(1) The work's provenance, i.e., is it well known and can its authenticity or genuineness be clearly established;

(2) Whether the vendor or owner can establish clear legal ownership, title, and copyright to the work, as well as his or her right to sell it;

(3) Whether the artist, living or dead, has achieved recognition or renown through an exhibition history or a provenance of being in public or private collections or museums;

(4) The work's exhibition history or published references, if any;

(5) If the artist is not well known, whether the work has aesthetic value or historical significance;

(6) The contribution an individual work of art can be expected to make to the Component's educational mission, as well as to its existing collection of public art;

(7) The Component's ability to assure the proper long-term care of the individual work of public art, including security, conservation, and maintenance;

(8) Whether the work is in context with the proposed location or building;

(9) Such other factors as appropriate.

4.25 Director of Public Art. The Director of Public Art shall administer the Public Art Program.

4.26 Location of the Art. These works of public art shall be located at or near the site of the construction project or the funds may be aggregated, as described in *subparagraph 4.27*.

4.27 Aggregation of Funds. As permitted under the law and applicable to the source of funds, the funds may be aggregated and expended pursuant to a comprehensive art and aesthetic improvement plan.

4.28 Approval Process. A Committee on Public Art will be created and promulgate its operating procedures establishing the criteria for membership, duties, and terms of each committee member. A Component President shall select and/or approve a majority percentage of the committee members. Prior to execution of a contract for design and fabrication or acquisition of public art, the Public Art Director will bring recommendations from the Committee on Public Art to the President. The Public Art Director will bring the President's recommendation to the Chancellor for response.

4.29 Deaccessions. In order to increase the value of the Collection and recognizing the responsibility associated with acquiring and

maintaining public art under the Public Art Program, non-binding recommendations for deaccessions will be made by the Director of Public Art to the Component President.

4.2(10) Inclusion of campus public art funded through means other than the one percent of major construction projects. In order to increase the value of the Collection, any permanent artwork proposed for an exterior public location or prominent interior location should be reviewed by the Committee on Public Art for inclusion in the Collection. The approval process should follow 4.28.

(a) Inclusion of statues, sculptures or other artistic representations in the Public Art Collection. If a new commission or gift to the Collection involves a statue, sculpture or other artistic representation that depict specific individuals(s) or honors any individual, group, foundation, corporation or other entity, the Committee on Public Art should review the proposal and make a non-binding recommendation to the President and Chancellor for approval.

4.2(11) The Chancellor may adjust the one percent allocated for public art to align with the overall project.

Last modified May 29, 2026

5. ACADEMIC AND HEALTH AFFAIRS PROCEDURES.

5.1 General Curriculum Policies. Each of the Components shall follow the curriculum policies of the Board of Regents and Texas Administrative Code Title 19, Part 1, Chapters 2, 4, and 5.

5.11 Vice Chancellor Approval. The Vice Chancellor for Academic and Health Affairs approves (1) administrative program change requests and (2) requests regarding new certificate, associate, baccalaureate, and master's degree programs that would be eligible for administrative approval by the Texas Higher Education Coordinating Board staff as outlined in 19 *Texas Administrative Code* Part 1, Rules 2.110 – 2.121.

5.12 Board Approval. Doctoral programs or other substantive proposals or changes not meeting the criteria for approval by the Vice Chancellor for Academic and Health Affairs must be approved by the Board of Regents' Academic and Health Affairs Committee and forwarded to the Board of Regents for final approval.

5.13 Reporting. The Office of Academic and Health Affairs will provide annually to the Board of Regents a list of academic degree program approvals made by the Vice Chancellor for Academic and Health Affairs.

5.14 Approval Delegated to Component Presidents. Non-substantive changes in academic degree programs not requiring review by the Texas Higher Education Coordinating Board may be approved by the component Presidents.

5.15 Program Change Definitions.

5.15(a) Substantive Changes in Degree Requirements. A change to academic degree program requirements resulting in 50% or more revised content. For baccalaureate degree programs, the 50% change threshold shall be calculated exclusive of the 42 semester credit hours (SCH) core curriculum.

Substantive changes in academic degree program requirements shall not become effective until approved by the Board of Regents and published in the appropriate catalog. However, students may be given the benefit of any action reducing or modifying the requirements for their degrees immediately upon Board approval.

5.15 (b) Non-substantive Changes in Degree Requirements. Changes to academic degree program requirements resulting in less than 50% revised content. Non-substantive program change requests generally meet the following criteria: (1) no implications for changes in institutional role and scope, (2) no significant new costs, (3) no issues of unnecessary duplication with programs at other institutions, and (4) potential for high quality programming based upon institution's previous experience in the same or closely related field of study.

5.15(c) Administrative Program Change Requests. Requests for administrative program changes to include program title, degree designation, Classification of Instruction Program (CIP) code, total semester credit hours, organizational structure changes that do not result in a new school or college, instructional sites, program planning authority and closures, core curriculum, and modality.

5.16 Graduate Programs. Each request for a graduate program shall be evaluated on the need of the program and qualifications of the faculty.

5.17 Deletions. Any course which has not been taught at any time for the previous three years, as designated by the Coordinating Board, shall be dropped unless authorized for continuation by the Academic and Health Affairs Committee.

5.18 Committee Considerations. The Academic and Health Affairs Committee shall give consideration to actions that support strategic goals.

5.19 Off-Campus Courses. Off-campus courses shall be offered only in accordance with guidelines approved by the Coordinating Board.

5.1(10) Short Courses. The Components shall not offer or allow a student to register for any short courses (any course taught over a period of less than three weeks) where the combined academic credit to be earned for all course work attempted would exceed an average of one semester credit hour per contact week.

5.1(11) Before any course previously authorized by the Board of Regents and the Coordinating Board can continue to be taught, the course syllabus shall be reviewed once a year by the appropriate departmental chair or head.

5.1(12) Out-of-Country Courses or Programs. As a condition of being permitted to take or participate in Component approved out-of-country courses or programs, a student shall first execute a liability waiver and release of claims in favor of the Board of Regents, the Component, and their respective officers and employees.

5.1(13) Comprehensive Review. The Board of Regents shall conduct a comprehensive review of the general education curriculum at least once every five years.

5.2 Faculty Academic Workload Policy. Faculty have a fundamental role in fostering student success and advancing our Component institutions. Teaching, research, creative activity, and service are important elements of faculty academic workloads and will vary due to differences in each Component institution's mission.

5.2.1 Component Faculty Workload Policy. Each Component institution will develop a faculty workload policy for that Component consistent with general policies developed by the Texas Higher Education Coordinating Board and Texas Education Code 51.402. The policy will establish the faculty workload standards, provide guidelines for adjustments of workloads reflecting different kinds of instruction, and provide a schedule for awarding equivalent teaching load credit for the assignment of other academic duties.

5.2.2 Academic Workload Monitor. Each Component president shall designate the individual who will monitor workloads, prepare and review appropriate workload reports, and submit the reports to the president for approval.

5.2.3 Faculty Workload Reports. Within 30 days of the end of each academic year, faculty workload reports shall be filed with the Board.

5.3 Other Reports. The Academic and Health Affairs Committee shall examine reports on the academic well-being of the Component institutions on a regular basis, including, but not limited to, student enrollment, student success, and faculty workload.

5.4 Health Specific Policies. The Academic and Health Affairs Committee shall consider, report on, and make recommendations to the Board of Regents regarding:

5.41 Health related programs;

5.42 Sam Houston State University College of Medicine (COM):

5.421 Substantive aspects of policies and programs related to the academic and health philosophy and objectives of the COM;

5.422 Matters relating to medical education;

5.423 Proposed changes to the COM's mission statement;

5.424 Bylaws and rules and regulations of the medical staff; concerning mechanisms and controls for the achievement and maintenance of high standards of professional practices in and at the hospital, clinic, or patient-care facility, provided the Committee shall have first counseled with the Vice Chancellor for Academic and Health Affairs and submitted such bylaws, rules, regulations and standards for legal review prior to implementation per the System *Rules and Regulations*;

5.425 Matters affecting the library as well as the research, training and community service activities of the COM;

5.426 Effect of System Policies and *Rules and Regulations*. In the event of conflict between COM policies or the *Rules and Regulations*, the latter shall govern. By way of example and not limitation, capital improvement projects, acceptance of gifts, due process and other policies impacting faculty/staff and students, policies requiring review and approval of contracts, spending authority and audit matters shall remain subject to University and System policies and *Rules and Regulations*.

See *Chapter I, Subparagraph 6.3*, for the enabling authority of the Academic and Health Affairs Committee.

Last modified August 8, 2025

6. FINANCIAL AFFAIRS.

6.1 Insurance Coverage. The Texas State University System is authorized to purchase insurance policies for the System and its Components as provided by this *Subparagraph* or for other purposes that may be specifically authorized by statute.

6.11 Blanket Fidelity Bonds. Blanket fidelity bonds shall be required to cover all employees of the Components under the governance of the Board. The System's Vice Chancellor and Chief Financial Officer is responsible for coordinating acquisition of the blanket fidelity bonds.

6.12 Director's and Officer's Liability Insurance. Director's and officer's liability insurance shall be required to cover all regents, directors and officers of the System and its Components. The System's Vice Chancellor and Chief Financial Officer is responsible for coordinating acquisition of the Director's and Officer's coverage.

6.13 Intercollegiate Athletic Activities. The Components are authorized to purchase policies of insurance providing for the medical care, treatment, and services for injuries sustained by students while participating in or during supervised practices for intercollegiate athletic activities and to pay the premiums for such insurance out of the Component's auxiliary funds.

6.14 Automobile Liability and Physical Damage. The Components are authorized to purchase liability insurance to insure their administrative officers and other employees from liability arising from the use, operation, and maintenance of automobiles, trucks, tractors, power equipment, aircraft and motor boats or watercraft that are or may be used in the operation of the Component. The System's Vice Chancellor and Chief Financial Officer is responsible for coordinating acquisition of this coverage.

6.15 Property, Equipment Breakdown and Terrorism Insurance. The Components are authorized to purchase insurance for equipment, buildings, and facilities, as allowed by statute. The System's Vice Chancellor and Chief Financial Officer is responsible for coordinating acquisition of this coverage.

6.2 Debt Issuance Services

6.21 Bond Counsel. The Board shall employ bond counsel to advise and represent it in all matters pertaining to the issuance or proposed issuance of debt of any type, the pledge of institutional credit, the assumption of deferred fiscal obligations, or the encumbrance of facilities of any Component under the governance of the Board.

6.22 Financial Advisor. The Board shall employ a financial advisor to provide financial advice and represent the Board in concert with

bond counsel in all matters pertaining to the issuance or proposed issuance of debt of any type, the pledge of institutional credit, the assumption of deferred fiscal obligations, and the encumbrance of facilities of any Components under the governance of the Board.

6.3 Institutional Funds. All institutional funds not required to be deposited in the State Treasury must by law be deposited in official depository banks for safekeeping or invested in accordance with the current Depository Funds Policy and Investment Policy for Operating Funds and Endowment Funds adopted by the Board of Regents.

Depository agreements with official depository banks shall be negotiated, as necessary, with those banks approved by the Board and in accordance with the then current policies of the Board.

6.31 Depository banks selected shall furnish adequate securities to assure safety of these funds. Institutional funds shall be deposited in the depository banks as soon as possible, but in no event later than seven days from the date of collection. Demand deposits and time deposits will be maintained in accordance with the current policies of the Board.

6.32 The Board and the Component Presidents may not, by law, borrow money from any person, firm, or corporation to be repaid from institutional funds except as specifically authorized by the Legislature.

6.33 As permitted by statute, interest received from depository banks for funds on deposit shall be credited to the appropriate accounts in relationship to the sources of the balances on deposit.

6.4 State Appropriated Funds - Including Local Funds in State Treasury. The Board delegates authority to the Chancellor for the System Administration and the Presidents for their respective Components to approve disbursements from the State Treasury. The Chancellor and Presidents are permitted to delegate this authority to other personnel by submitting a letter and signature card to the State of Texas Comptroller's Office. Local Funds in the State Treasury are to be accounted for and utilized for the Component's operation in accordance with *Education Code, Section 51.008*.

6.5 Disbursements. Each Component President is authorized to delegate approval authority for disbursements to one or more fiscal officers. At the time of approval, disbursements shall be supported by all relevant documentation.

6.6 Local Bank Accounts. The Board delegates authority to the Chancellor for the System Administration and the Presidents for their respective Components to establish local bank accounts. All local checks must be signed by at least one Component fiscal officer. Electronic signature(s) may be used. Checks and Automated Clearing House (ACH) payments in the amount of $100,000 or greater shall be reviewed by two fiscal officers prior to payment.

6.7 Financial Reports. All Component books, records, ledgers, and accounts shall be kept and maintained in conformity with requirements of the State Auditor and the State Comptroller of Public Accounts.

6.71 Annual Operating Budget. In accordance with Texas Education Code 51.0051, the President of each Component shall prepare and submit annually to the Board at its August meeting a proposed budget for the operation of the Component for the next fiscal period. The proposed operating budget shall be in the form and detail recommended by the Chancellor with the approval of the Board.

6.72 Annual Financial Report. The Annual Financial Report shall be prepared in accordance with the provisions of the statutes, the *General Appropriations Act (Article III-Special Provisions* and *Article IX-General Provisions)*, as may be amended or superseded, and with the requirements established by the Comptroller of Public Accounts. The reports shall be approved by the chief fiscal officer and submitted to the System Administration for inclusion in the Consolidated System-wide Report.

6.73 Investment Report. In accordance with Texas Education Code 51.0032, a quarterly investment report will be prepared by each Component as prescribed by The Texas State University System Investment Policy for Operating Funds and Endowment Funds.

6.8 Alcoholic Beverages Prohibited. In accordance with the General Appropriations Act, no funds under the control of intercollegiate athletics may be used to purchase alcoholic beverages.

6.9 Permanent and Quasi Endowments. The Board encourages creation of permanent endowments at System Components and authorizes each President to set the monetary levels required to establish such endowments. The establishment, abolishment and change to the corpus of a quasi-endowment is subject to Board approval.

6.(10) Travel.

6.(10)1 Each System Component and System Administration shall develop travel policies and procedures governing employee travel in conformity with applicable federal and state laws.

6.(10)2 Out-of-Country Travel. All out-of-country official System or Component travel requires advance approval by: the Component President, or their designee, for employees of each Component; the Chancellor, or their designee, for employees of System Administration; the Chancellor, or their designee, for Component Presidents; and the Board Chair for the Chancellor. Travel by Regents requires advance approval by the Chancellor, or their designee. Out-of-country travel is defined as travel outside of the borders of the United States, excluding travel to Mexico, Canada, and United States territories.

6.(11) Disposal of Property and Equipment. Each Component President may dispose of property or equipment considered surplus because it is obsolete or useless for the Component's needs or purposes. Prior to external disposal such items may be made available to other System Components.

6.(11)1 Each Component President shall establish written procedures to properly control the disposition of surplus or salvage property. These procedures shall incorporate the provisions of *Texas Government Code, Section 2175.304*.

6.(11)2 In accordance with *Texas Government Code, Section 2175.905, s*urplus information technology equipment, as defined by *Texas Government Code Section 2054.003(3)(A)*, not disposed of under other law shall be transferred to a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code; an assistance organization specified by the school district; or the Texas Department of Criminal Justice.

6.(11)3 Sales of property or equipment less than five years old and with a book value of $100,000 or more shall be approved in advance by the System Vice Chancellor and Chief Financial Officer.

6.(12) Tax Identification Numbers. Student and other organizations are prohibited from utilizing the Component's federal tax identification number(s). The only organizations that may utilize such number(s) are those that derive their existence and their funding solely from the Component. Examples include, but are not limited to, residence hall associations and student governments. To qualify for use of the tax number(s), the student or other organization's expenditures must be made from Component accounts and must have a business purpose related to the mission of the Component.

6.(13) Electronic Transactions. The Components of The Texas State University System are authorized to process business transactions through various electronic means. This includes, but is not limited to, direct deposit of wage and salary payments, in-coming and out-going wire transfers, ACH, credit/debit cards, and in-house processing. All electronic transactions must incorporate adequate security precautions and approvals so as to protect the financial integrity of each Component.

6.(14) Investment Policy. The Components of The Texas State University System may invest their funds in accordance with the Board approved *Investment Policy for Operating Funds and Endowment Funds*, which is hereby incorporated into these *Rules and Regulations*.

(1) The authority to sign Corporate Resolutions on behalf of The Texas State University System and its Components, confirming the person or persons authorized to approve investment transactions is delegated to the Vice Chancellor and Chief Financial Officer. Requests to the Vice Chancellor and Chief Financial Officer to authorize Component investment officers to

approve investment transactions shall be made by letter from the Component's President, in which the names of all persons being authorized to conduct such business for the Component are specified.

6.(15) Identity Theft Prevention Program ("Red Flags Rule"). Considering the size and complexity of its operations and accounting systems, as well as the nature and scope of its activities, each President shall assure that his or her Component develops an Identity Theft Prevention Program ("Program") that includes reasonable policies and procedures to detect, identify, mitigate, and prevent identity theft. The Program shall conform to the Federal Trade Commission's "Red Flags Rule" found in 16 CFR §681.

6.(15)1 Program Administrator. Each Component shall name a Program Administrator to be the primary administrator empowered to manage and execute all aspects of the Program, including the engagement of other institutional departments and personnel as necessary to detect, identify, mitigate, and prevent identity theft.

6.(15)2 Scope of Regulation. Each Component program shall minimally address the following areas, to the extent applicable to Component operations:

(1) Issuance of student identification cards that are part of a national debt card (such as Visa or MasterCard);

(2) Use of consumer reports or background checks;

(3) Handling of consumer accounts that involve multiple payments, including but not necessarily limited to the following:

(a) The federal Perkins Loan Program;

(b) The federal Family Education Loan Program;

(c) Institutional loan programs for students, faculty, or staff; or,

(d) Institutional tuition (or fee) installment payment plans (*Education Code, section 54.007*).

Last modified: May 29, 2026

7. THE AUDIT FUNCTION.

7.1 Internal Audits. The Texas State University System (System) internal audit function, rules and policies shall comply with the mandatory elements of the *International Professional Practices Framework (Internal Auditing Standards),* as promulgated by The Institute of Internal Auditors

and with the *Texas Government Code, Chapter 2102,* the *Texas Internal Audit Act.* The *Rules and Regulations*, as related to the audit function, shall serve as the Texas State University System Internal Audit Charter and the protocols under which the audit function shall operate. The Chief Audit Executive shall develop and maintain internal policies and procedures to comply with the audit function rules.

7.11 Definition of Internal Auditing. Internal auditing is an independent objective, assurance and consulting activity designed to add value to an organization; improve its operations; and otherwise assist accomplishment of its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of control, governance, and risk management processes.

7.12 Mission of Internal Audit. The mission of the internal auditing function is to enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

7.13 Independence and Objectivity of Auditors. Because of the critical nature of the internal audit function to the fiscal, administrative, and operational integrity of the System and its Components, the Chief Audit Executive and auditors under her or his direct or indirect supervision shall maintain their independence and objectivity of judgment. System auditors shall be ineligible to hold any other appointment or title, whether paid or unpaid, with the System or any of its Components.

7.14 Core Principles. The internal auditing function will adhere to the Core Principles as defined by the *International Professional Practices Framework*.

7.15 Code of Ethics. In addition to complying with the System Standards of Conduct (see *Chapter VIII*), System auditors are also expected to comply with the Code of Ethics outlined in the *International Professional Practices Framework.*

7.2 Board, Management and Internal Audit Responsibilities. The Board of Regents is primarily responsible for providing governance, guidance, and oversight of management within the System. Management is responsible for establishing and maintaining adequate internal controls to ensure achievement of System goals and objectives. The internal audit function is designed to provide positive support to the Board, System and Component administrations in the effective discharge of their respective responsibilities.

7.3 Reporting Structure. The Chief Audit Executive shall have sole responsibility for all System and Component audit functions and personnel, including, but not limited to, hiring and termination of audit staff, setting of salaries, and otherwise establishing terms and conditions of employment, and establishing the annual budget for the internal audit function, submitting the same to the Chancellor for approval. The Chief

Audit Executive will timely advise the Chancellor regarding desired audit budget initiatives.

7.4 Audit Space. The Chair of the Finance and Audit Committee and the Chief Audit Executive will examine annually whether the provision of on-campus office spaces for the audit function creates a perceived conflict of interest or otherwise poses an impediment to the auditors' independence.

7.5 Access. The Chief Audit Executive and auditors under her or his direct or indirect supervision shall have full, free, and unrestricted access to all activities, records, property, infrastructure, and personnel of System Administration and the Components. Any review, whether planned or unplanned, announced or unannounced, may involve the gathering of evidence and testimony from individuals within or outside the System.

7.6 Handling of Information Gathered.

7.61 Documents. Documents and information obtained during any audit or review shall be safeguarded and otherwise handled in a professionally responsible and confidential manner in accordance with Texas Law.

7.62 Criminal or Serious Policy Violations. Information obtained during any audit or review that may involve criminal or serious policy violations shall be communicated to the Board of Regents, the Chancellor, the Component President, and, where appropriate or otherwise required by law, to Component and/or outside law enforcement or other oversight agencies.

7.7 Nature and Scope of Work. The internal audit activity will evaluate and contribute to the improvement of governance, risk management, and control processes, utilizing a systematic and disciplined approach.

7.71 Assurance Services (Audits). Assurance services involve the objective assessment of evidence to provide an independent opinion or conclusion regarding an entity, operation, function, process, system, or other subject matter. The nature and scope of the assurance engagement are determined by the internal auditor. Examples include, but are not limited to:

(1) Determining the adequacy, efficiency, and effectiveness of System and Component governance, control and risk management processes;

(2) Reviewing the reliability and integrity of financial and operating information;

(3) Reviewing the effectiveness of processes established to ensure compliance with policies, procedures, and applicable laws and regulations;

(4) Evaluating processes related to information systems and data security; the development and deployment of

information systems; and the creation/modification of support infrastructures;

(5) Reviewing controls designed to safeguard System and Component assets;

(6) Evaluating economy and efficiency of resource utilization;

(7) Assessing achievement of results and outcomes as defined by established objectives, goals, and performance measures; and

(8) Performing follow-up work to ascertain and report on whether management has taken appropriate remedial action on internal and external audit findings or recommendations.

7.72 Consulting Services. Consulting services are advisory in nature and are generally performed at the specific request of management. Examples include but are not limited to:

(1) Reviewing client-prepared responses to external audit reports;

(2) Training on fraud prevention, internal controls, and risk assessment processes;

(3) Analyzing client or third-party prepared data; and

(4) Scribing client-facilitated risk assessment exercises.

7.73 Fraud Reviews and Internal Investigations of Suspected Defalcation, Misappropriation, and Other Irregularities. The Board of Regents has established an Anti-Fraud Policy in *Chapter VIII, Paragraph 1* of these *Rules and Regulations*. The Chief Audit Executive is charged with responsibility for coordinating review and investigative activities as necessary with Component Directors, Component police departments, the Office of Vice Chancellor and General Counsel, human resources office(s), and appropriate external law enforcement and other oversight agencies. The Chief Audit Executive will make every reasonable and lawful effort to protect the rights and the reputations of those involved in an internal audit or review involving allegations of fraud, including the employee/complainant who reports alleged fraud; the individual(s) interviewed; and the individual(s)/entity(ies) against whom the allegations were made.

Fraud review results are not routinely disclosed or discussed with anyone other than those who have a legitimate need to know. In the event that a review substantiates fraudulent or irregular activities, the Chief Audit Executive or his/her designee will communicate results in accordance with provisions outlined in the *Internal Auditing Standards*. The Chief Audit Executive will

communicate substantiated fraud or other irregularities committed by Texas State University System employees or contractors to the State Auditor's Office in accordance with Texas *Government Code §321.022*.

7.74 Emergency Appropriations. In the event a Component receives emergency appropriations from the state, the receipt, disbursement, and reporting of such appropriations will be subject to review by the Chief Audit Executive and Component auditors.

7.75 Intercollegiate Athletics. The internal audit function shall conduct periodic audits of intercollegiate athletics and related activities and report the same in accordance with processes established elsewhere in these *Rules and Regulations*.

7.76 Systemwide Compliance Program. The Systemwide compliance program is conducted under the auspices of the audit function and is designed to promote and encourage, through objective assessments and other activities, behavior and compliance with applicable policies, laws, and rules governing higher education.

7.8 Audit Risk Assessment and Audit and Compliance Plan Development.

7.81 Component Risk Assessment and Audit Plans. On an annual basis, each Component Director shall perform a risk assessment to be used in developing a Component Audit Plan for the subsequent fiscal year. The risk assessment process shall include input from Component management and utilize other procedures as may be necessary and reasonable to ensure that risks unique to the Component are considered and evaluated in the planning process. Component Audit Plans shall be submitted to the Chief Audit Executive for input and approval. Risk-based testing of contract administration shall be included in the Annual Audit Plan. An assessment as to whether the institution has adopted the rules and policies required by *Section 51.9337* of the Texas *Education Code* shall be performed annually.

7.82 System Administration Risk and Compliance Assessment and Audit Plan. The Chief Audit Executive shall solicit input from the Finance and Audit Committee, the Chancellor, and Vice Chancellors regarding the risk assessment to be used in developing an Audit and Compliance Plan for System Administration. Risk-based testing of contract administration shall be included in the annual Audit and Compliance Plan. An assessment as to whether System Administration has adopted the rules and policies required by *Section 51.9337* of the Texas *Education Code* shall be performed annually.

7.83 Consolidation of Audit Plans. The System Administration and Component Audit Plans shall be consolidated into a Systemwide Audit and Compliance Plan, which will be presented by the Chief Audit Executive to the Finance and Audit Committee for approval at the meeting to be held prior to the fourth quarter Board of

Regents meeting. The Finance and Audit Committee shall include discussion of the status of current and subsequent year Audit Plans and submit its recommendations for approval to the full Board.

7.84 Deviations from Audit and Compliance Plans. Circumstances may require deviations from the Audit and Compliance Plan. Component-level deviations may be recommended to the Chief Audit Executive by the Component Director or initiated by the Chief Audit Executive. The Chief Audit Executive shall promptly notify the Finance and Audit Committee and the Chancellor of such deviations, which may be approved, in writing, by the Chair of the Finance and Audit Committee. Investigations resulting from the TSUS Hotline or other fraud reporting mechanisms are not considered deviations from the Audit and Compliance Plan.

7.9 Audit and Compliance Reports.

7.91 Content. Consistent with provisions outlined in the *Internal Auditing Standards*, when formal audit and compliance reports are prepared, each report shall contain, at a minimum;

(1) A brief description of the scope and objectives of the project;

(2) A brief summary highlighting significant observations and/or recommendations;

(3) A summary of management responses and the total financial impact, if any, of recommendations (this summary shall be provided to the Finance and Audit Committee at each regular Board meeting); and

(4) A detailed discussion of the observations and recommendations, including management's written response as outlined in Paragraph 7.922.

Draft reports prepared by the Component Directors or the System Compliance Officer shall be submitted to the Chief Audit Executive for review and approval prior to submitting the draft reports to Component management.

7.92 Management Response.

7.921 Time for Response. Management must respond to each report within two weeks of the issuance of the report draft. Upon a showing of extenuating circumstances by management and the Component Director's recommendation, the Chief Audit Executive may extend the time for response.

7.922 Content of Response. Management responses to each report shall include:

(1) A statement of agreement or disagreement with each recommendation.

(2) In cases where management agrees to implement a recommendation, the response shall include a summary of planned actions, a timetable for implementation, and the names and titles of the individuals responsible for ensuring implementation of the recommendation.

(3) In cases where management does not agree to implement a recommendation, the response shall include justification for disagreement. In such cases, the Chief Audit Executive may include follow-up comments, addressing the adequacy of the justification provided.

(4) The President of a Component, who has an audit involving circumstances described in *Paragraph 7.93*, of this *Chapter* shall include in his or her quarterly Board report the status of the recommendations/findings until they have been verified and resolved by the Component Director to the Chief Audit Executive's satisfaction.

7.93 Distribution. The Chief Audit Executive shall review, approve, and timely distribute draft audit and compliance reports (internal and external) to System administrations, Finance and Audit Committee members, the Board of Regents and outside parties where applicable, including the Governor's Office, the Legislative Budget Board, and the State Auditor's Office. The Chief Audit Executive shall forward the draft reports, in their entirety to the Board of Regents in instances involving:

(1) Fraud, theft, or misappropriation of System resources exceeding $50,000;

(2) Significant instances of non-compliance with Component and/or System rules, policies or procedures, internal controls, state or federal regulations or laws;

(3) Situations in which a member of the audit staff has experienced undue management pressure or delay; or,

(4) Other circumstances (or amounts), which, in the Chief Audit Executive's discretion, are material and substantial.

7.(10) Communications.

7.(10)1 Quarterly Status Reports. The Component Directors and System Compliance Officer shall forward a summary of the status of management's implementation of audit and compliance recommendations in a format and time prescribed by the Chief

Audit Executive for inclusion in the quarterly Board agenda materials.

7.(10)2 Follow-Up Audit Work. The Chief Audit Executive shall prescribe a follow-up audit tracking system for use by internal audit employees to ensure timely follow-up on all audit recommendations.

7.(10)3 External Audit Communications. The Chief Audit Executive shall act as the System and Component general liaison with the State Auditor's Office. Each Component Director shall function as the on-site liaison between that Component and the State Auditor's Office or other external auditors. The Component Director shall notify the Chief Audit Executive of any external audit work, planned entrance and exit conferences, and significant audit issues promptly and timely upon notification by the State Auditor's Office or external auditors.

8. ELECTRONIC FINANCIAL TRANSACTIONS.

System Component financial obligations involving, but not necessarily limited to, procurement of goods and services; payroll payments and reimbursements to employees and others; processing of student loans, grants, work study and other payments; and other financial transactions requiring the outflow of funds, whether general revenue or institutional, shall be by electronic transfer to: a) the recipient's bank (or other financial institution) account; or, b) a reloadable debit card. Any person may elect in writing to receive payment by warrant or check rather than electronically.

9. NAMING INITIATIVES: FACILITIES, STATUES AND MONUMENTS, ACADEMIC PROGRAMS, AND BUILDING PLAQUES.

9.1 Naming of Component Facilities and Erecting of Statues or Monuments. The Board of Regents retains exclusive authority for the naming of buildings and other geographic areas on Component or System-owned or controlled property ("Facilities") or for the erecting of statues or monuments, in accordance with the following guidelines:

(1) Naming of facilities or erecting of statues or monuments shall be by unanimous consent of the Board members attending at a regular or special called meeting.

(2) Facilities shall be named or statues or monuments erected only for persons who have made outstanding or meritorious contributions to the Component or the System or who have attained the highest distinction in their respective fields of endeavor.

(3) Facilities may be named or statues or monuments erected for entities that have supported the Component or the System in an exceptional or noteworthy way.

(4) When the naming of facilities or the erecting of statues or monuments is contemplated as part of a special private-fund development effort or campaign, the prospective contributor shall be informed that any naming is subject to Chancellor and Board approval. Any brochures or other communications, in whatever form, that advertise naming opportunities shall clearly state that all such namings are subject to Board approval.

(5) Naming facilities or erecting statues or monuments in honor of Component or System administrative officials, faculty, staff, or elected or appointed public officials shall normally occur only after the employment or public service has concluded.

(6) Nothing in this Rule shall be construed to require Board approval of informal or functional names or designations of Facilities that do not contain the name of a person or entity.

9.2 Naming of Academic Programs. The Board of Regents retains exclusive authority for naming academic programs at the Components. Such honorees shall normally have attained national or statewide stature in their fields of endeavor or otherwise significantly contributed to the development of a Component.

9.3 Building Plaques. Building plaques shall be provided on all new buildings, major landscaping projects, and major renovations where the function of the building changes or the building is substantially renovated. Existing building plaques shall remain in the case of renovation projects.

The Building Plaque text shall contain the name of the building on the date of its dedication; the Component name; and the names of the Governor, the Regents, Chancellor, and Component President serving at the time of Board approval of the project; the year in which the project was approved by the Board; the Architect or Engineer; and the General Contractor or Construction Manager. The plaque is subject to approval by the Planning and Construction Committee Chairman in a format and design that complies with standards and guidelines approved in the System *Policies and Procedures Manual for Planning and Construction*.

9.4 Removing Names of Component Facilities. The Board of Regents retains exclusive authority for the removal of names of buildings and other geographic areas on Component or System-owned or controlled property ("Facilities") when such names of buildings and other geographic areas were previously approved by the Board of Regents.

9.5 Board Approval Withdrawn. When the board approves naming of a building for a former component President, signage for the building must be approved by the Chancellor in consultation with the Chair of the board. However, signage shall not be considered and approved until after the expiration of one year from the date the board approved the naming initiative for the President.

9.51 Board approval of a naming initiative for a President is deemed withdrawn if consideration and approval of the signage does not

occur within fifteen months of the date the board approved the naming initiative for the President.

10. CONTRACT REVIEW, APPROVAL, AND ADMINISTRATION.

10.1 Review Prior to Board Submission.

All contracts and agreements submitted to the Board or Chancellor shall be submitted for review by the Vice Chancellor and Chief Financial Officer and the Vice Chancellor and General Counsel. The Vice Chancellor and General Counsel shall advise the Board or Chancellor of any contract, purchase, or agreement that may have adverse legal ramifications.

10.2 Contracts Exempt from Board Approval. Contracts exempt from board approval [regardless of dollar value] but subject to Chancellor or President Authorization:

10.21 Governmental and foundation grants or agreements in which the donor or agency stipulates the purpose for which the funds are to be expended.

10.22 General goods and services agreements for:

(1) the bulk purchase of computers, office equipment, or routine office supplies,

(2) elevator maintenance, testing, or service,

(3) landscaping services,

(4) the renewal or extension of annual maintenance or subscription agreements for software, network services, or cloud-based services including but not limited to, SaaS, PaaS, and IaaS, or

(5) campus utility systems and life safety systems.

10.23 Library materials, such as books or periodicals, and subscription services.

10.24 Contracts for shipping, mailing, or printing services related to routine Component operations.

10.25 Contracts with outside organizations for continuing education or professional programs that use campus facilities.

10.26 Fuel purchased for Component operations.

10.27 Purchased utilities, including telecommunication services, water and waste hauling, but excluding electricity and natural gas (which are subject to approval by the Chancellor).

10.28 Contracts involving planning, design, renovation, or construction of buildings and other physical facilities, which are subject to Paragraph 1.(14) of this Chapter and the Texas State University System Policies and Procedures Manual for Planning and Construction.

10.29 "Employment Contracts" as described in *Paragraph 1.13* of *Chapter V*.

10.2(10) Athletic game contracts.

10.2(11) Contracts using a Group Purchasing Organization (GPO) as the procurement justification and no individual item exceeds $2 million.

10.2(12) Interagency agreements with, or through, the Texas Connection Consortium (TCC) and no individual item exceeds $2 million.

10.3 Record Retention for Contracts. The original or a copy of an executed contract shall be retained pursuant to the Texas State Records Retention Schedule by the signatory Component as a record of the Board.

10.4 Endorsement Format of Agreements. All contracts, purchases, and agreements approved by the Board of Regents shall be endorsed by the contractor, firm, or agency, by and through its authorized representatives. On behalf of the System, the contracts shall have signature blocks for the President or his or her designee; and a line indicating "APPROVED by the Board of Regents of the Texas State University System on [date] at [place]," with an attestation signature block for the Chancellor, as Secretary to the Board. The Vice Chancellor and Chief Financial Officer and the Vice Chancellor and General Counsel will indicate their respective reviews of contracts by initialing the contracts below the Chancellor's signature line.

10.5 Form of Motions for Contracts, Purchases and Agreements.

10.51 The Motion for any contractual agreement requiring Board approval shall contain the essential details of the transaction, including the following information:

(1) Parties to the Contract;

(2) Subject matter of the Contract;

(3) Duration of the Contract, including any potential Amendments extending the Contract; and,

(4) Price or not-to-exceed amount of the Contract, including any Amendments.

10.52 The Explanation to the Motion shall minimally include:

(1) The Subject Matter of the Contract, including the Purpose of the acquisition;

(2) The Source of Funding;

(3) A Statement that it has been or will be reviewed by the Vice Chancellor and Chief Financial Officer and the Vice Chancellor and General Counsel; and,

(4) A Statement verifying that the solicitation method and vendor selection process complies with applicable state laws, TSUS Rules and Regulations, and the TSUS Contract Management Handbook.

10.6 Regental Prerogative. Any Regent who wishes to see and/or discuss a contract or contracts may notify the Chancellor.

10.7 Chancellor-Approved Contracts.

The following contracts must be submitted to the Chancellor for approval:

(1) Contracts in amounts exceeding $500,000.

(2) Public Art, regardless of dollar value, acquired under Chapter 3, subparagraph 4 (Construction Procedures & Public Art Program).

(3) Contracts, purchases, and agreements, regardless of dollar value, for electricity or natural gas. Components are authorized, within Presidential spending authority limits, to execute Energy Future Strip agreements. The Component is required to send a copy of the executed agreement to the Vice Chancellor and Chief Financial Officer.

(4) Contracts or Agreements pursuant to Chapter V, Paragraph 4.212.

10.8 Presidential Approval.

(1) The President of each Component shall be delegated the responsibility and authority to enter into contracts, purchases, and agreements in the amount of $500,000 or less whether said amount is income or expenditure.

(2) The President may delegate power to contract, purchase, or enter into agreements in amounts of $500,000 or less to other employees of the Component. Such delegation must be specific and in writing to be effective. The President will remain responsible for all such delegated contracts, purchases, and agreements, and for the proper administration of all grants and agreements funded by private individuals, governmental agencies, and foundations, regardless of delegation of power to contract, purchase, or enter into agreements.

(3) The President shall not enter into any faculty or personnel contracts or agreements which are not subject to approval of the Board unless the authority for such action has been previously delegated to the President by the Board (see Paragraph 1.13 of Chapter 5).

10.9 Contract Vendor Employee Background Check Policies. System Components shall engage in due diligence in awarding contracts to vendors of services, who will maintain permanent staffing on the campus.

10.91 Due Diligence on Vendors. Before awarding a contract to a vendor of services, who will permanently place employees on the campus where such employees will be working with or around students, the Component shall:

(1) During the bidding or negotiation process, notify prospective vendors, in writing, of the requirements of this paragraph;

(2) Secure credit and criminal background checks on the vendor's officers and managers dealing with or on the campus; and,

(3) Research prior or pending claims against the vendor (e.g., negligent hiring claims).

10.92 Content of Contracts. All contracts in which the vendor permanently places employees on the campus, working with or around students, shall include the following provisions and requirements:

(1) A general liability policy, providing primary coverage and naming the Component, System, Regents, and their employees as additional insureds;

(2) Indemnity and/or hold harmless clauses, protecting the Component, the System, Regents, and their employees from third party claims, caused, in whole or in part, by the actions or omissions of vendor, its employees, or other persons that the vendor causes to be on the campus;

(3) A representation by the vendor that it has conducted the following background checks on its officers, employees, or other persons it causes to be on the campus:

(a) Sex offender and criminal history databases where the above individuals will be placed permanently on the campus, working with or around students;

(b) Criminal history and credit history background checks where the above individuals will be handling money, informational technology, or other security-sensitive areas as determined by the President;

(4) That the President may require the vendor to remove any person from the campus that, in his or her judgment, poses a danger to health or safety;

(5) An "independent contractor" clause.

10.(10) Contract Reporting

10.(10)1 Component Institutions must comply with contract reporting requirements set forth in the TSUS Contract Management Handbook.

10.(10)2 The Component or System Administration, as the case may be, shall verify (1) the accuracy of any information reported under *Subparagraph 10.51* that is based on information provided by a contractor, and (2) the delivery time of goods and services scheduled for delivery under the contract.

Last modified: May 29, 2026

11. COPYRIGHT POLICY.

11.1 Policy Statement and Purpose.

Copyright is the ownership and control of the intellectual property in original works of authorship. The purpose of The Texas State University System copyright policy is to outline the respective rights which a Component and members of its faculty, staff, and student body have in copyrightable materials created by them while affiliated with the Component and, if necessary, how those ownership rights shall be determined.

Copyright ownership shall remain with the creator of the work except as otherwise provided by *Subparagraph 11.2* of this policy.

Nothing in this policy precludes copyright owners/creators from entering into written agreements between or among themselves governing ownership, use, licensing, or sharing of revenues related to works owned by a Component, faculty, staff, or students. Provisions of this policy shall be considered the default provisions with respect to disputes over ownership where no separate written agreements are in place.

11.2 Ownership of Copyright.

11.21 Component faculty, staff, and students own the copyright of works they create on their own initiative and own time without the use of substantial Component resources.

11.22 Consistent with academic tradition, the Component shall grant to their faculty and staff the copyright of works they create within the scope of their employment which are created in the fulfillment of their teaching and scholarly responsibilities. The Component shall

retain a non-exclusive, nontransferable, perpetual, and royalty-free license to make educational uses of such works.

11.23 Students own the copyright in works created in their role as a student, including research papers, essays, theses, dissertations, published articles, and visual works of art and/or audio/visual/digital recordings of artistic performances. Works created at the direction of or under contract with Component faculty or staff as part of a student's employment with the Component are considered works for hire.

11.24 Where two or more individuals create a work and their contributions are inseparable, interdependent, and intended as a single work, the work shall be deemed a joint work. Copyright of the work shall be jointly owned by the creators. Each creator may individually register, enforce, or commercially exploit the copyright with or without approval by all joint owners, provided the other joint owners receive an equal share of any proceeds, unless otherwise agreed in writing.

11.25 If a work is directed or contracted by the Component on a work for hire basis, then the Component owns the copyright.

11.26 Copyright ownership in works that are created pursuant to sponsored or third-party research funding, including works funded by grants, shall be determined in accordance with the terms of any agreement governing such funding. If any such agreement is silent as to ownership, then the Component shall own the copyright of such works

11.3 Distribution of Copyright Royalties.

11.31 Royalty income received by a Component through the sale, licensing, leasing, or use of copyrightable material in which a Component has a property interest may be shared with the creator(s) and the Component where the material originated. When such sharing occurs, any distribution which grants the creator more than fifty percent (50%) of royalties shall require approval of the Board of Regents. In the event of multiple creators, the proper distribution of the fifty percent (50%) creators' share shall be determined by the creators through a written agreement

11.32 In the event that a creator contributes a personal work to a Component, a written agreement accepting such contribution shall be executed. The terms of the agreement shall include a statement governing the division of royalties between the Component and the creator.

11.33 In cases of extramural funding, the terms of the funding agreement shall govern the division of any royalties that may result from commercialization of materials resulting therefrom. In the event that the funding agreement vests royalty rights in a Component, and does not provide any royalty share for the creator, the creator

shall be entitled to the same proportionate share he or she would have received if the work had not been extramurally funded. Such a royalty payment to the creator, however, may not violate the terms of the funding agreement. Such share shall be a proportion of whatever share is owned by the Component under the terms of the funding agreement and this policy.

11.4 Revision of Materials. Materials owned by a Component under the terms of this policy shall not be altered or revised without providing the creator a reasonable opportunity to assume the responsibility for the revision. If the creator declines the opportunity to revise such material, the assignment of responsibility for the revision will be made by the President.

11.5 Withdrawal of Materials. Materials owned by a Component shall be withdrawn from use when the Component in consultation with the creator deems such use to be obsolete or inappropriate. No withdrawal or other discontinuance shall take place that would violate the terms of any licensing or other agreement relating to the materials.

11.6 Noncompetitive Use. Copyright of courseware developed without specific direction or significant support of the Component shall remain with the employee. No royalty, rent, or other consideration shall be paid to the employee or former employee when that courseware or a modification thereof is used for instruction by the Component. The employee or former employee shall take no action that limits the Component's right to use the instructional materials and shall provide written notice on the courseware itself indicating the Component's right of use. See *Chapter V, Paragraph 4.76* of these *Rules* for the policy on noncompetitive use of employee-owned courseware.

11.7 Use of Copyrighted Software.

The Texas State University System and its Components are committed to: (1) providing faculty, staff and students with the computer hardware and software necessary to perform their respective job tasks and instructional assignments; (2) protecting its computer environment from viruses; and, (3) maintaining compliance with the U.S. copyright laws and software license agreements and discouraging copyright infringement. This policy applies to all Component computer users, including faculty, staff, and students. Employees and students, who illegally duplicate software and/or its documentation or otherwise fail to comply with Component third party software license agreements, will be subject to disciplinary action up to and including termination of employment or expulsion from school.

11.71 The use of Component-owned or leased hardware or software is limited to Component business or instruction-related activities and incidental use (as authorized in TSUS Policy Guideline: Appropriate Use of Information Technology Resources [*Appendix A-2* of these *Rules and Regulations*]). Software that has not been purchased or licensed by the Component or for which the individual user cannot demonstrate or certify purchase or license for business or instructional use may not be loaded onto Component-owned or leased computers.

11.72 Copyright Compliance. Users of licensed software must read and comply with the license agreement. When a Component has contracted for a site or enterprise license, copying of the software media up to the number of licenses may be allowed, depending on the license agreement. The software user generally may:

(1) Make only one backup copy of the software for archival purposes. If the underlying license is discontinued, this copy must be destroyed.

(2) Make a copy if it is required as an essential step (and NOT AS A MERE CONVENIENCE) in installing the software on the computing equipment.

11.73 Federal law requires compliance with the following restrictions when using software acquired by the Component:

(1) A user shall not install software on more than one computer, unless written evidence exists that the Component has purchased the software and the license gives the purchaser the right to install it. Should a user find such software, the user should immediately uninstall the software, remove the files from the computer, and destroy any media copies.

(2) Manuals, and other copyrighted materials, shall not be copied without specific, written permission of the publisher.

(3) Upgrading a software package does not release the software user from the terms of the original agreement, unless the software developer changes the license agreement. The old version of the software may not continue to be used on a different computer or be distributed for use to others.

(4) When concurrent use is allowed by the license agreement, the number of concurrent users of a local area network (LAN) version of purchased software may not exceed the number of licensed users.

11.74 License Agreements. Each manufacturer includes a license agreement package with its software that details any restrictions on its use. Component users must comply with the vendor's license provisions regarding the use of the software, even though the individual user has not personally signed the license agreement. License agreements differ among the various software vendors and some may grant additional rights, such as allowing use on a portable or home computer. The Component shall hold the user responsible for reading, understanding and complying with provisions of the license agreement for each software package.

11.75 Component Responsibility. Each Component shall publish software copyright policies and operating procedures that articulate specific steps implementing this *Subparagraph 11.7* and covering, at a minimum, the following topics:

(1) Guidelines for use of Component computer hardware and software;

(2) Computer and Software Use—User Education;

(3) Software Selection, Budgeting & Acquisition;

(4) Software Inventory, Audit & Copyright Compliance.

12. PATENT POLICY.

12.1 Purpose. The Components within The Texas State University System are dedicated to instruction, research, and public service. It is the policy of the Board of Regents of the System that each Component carry out its scholarly work in an open and free atmosphere and publish results obtained therefrom freely. The Board recognizes that patentable inventions and discoveries may arise on occasion in the course of scholarly work conducted by the employees and students of its Component. It is the purpose of this policy to insure that such inventions and discoveries are used and controlled in a fashion that maximizes their benefit to the public, the inventor, and the System.

12.2 Applicability. This policy shall apply to all persons employed by a Component of The Texas State University System and to anyone using facilities owned or under the supervision of a Component in connection with the development of a patentable product.

12.3 Condition of Employment and Enrollment. The patent policy of the Board of Regents, as amended from time to time, shall be deemed to be a part of the conditions of employment of every employee of each Component, including student employees, and of the conditions of enrollment and attendance by every student at each Component.

12.4 Ownership. Except as otherwise described in this policy, every invention or discovery or part thereof that results from research or other activities carried out at a Component, or that is developed with the aid of the Component's facilities, staff, or through funds administered by the Component, shall be the property of the Component.

12.41 Student Ownership. Ownership of inventions or discoveries developed by students using Component facilities while engaging in coursework, including but not limited to capstone projects, senior design engineering projects, and maker space projects, may be owned by the student. The discovery or invention may not (1) be related to the student's roles, duties, or activities as an employee of a Component Institution, (2) list a co-inventor who is employed by a Component Institution, or (3) have been funded, in

whole or in part, by a sponsored program, grant, or contract received by a Component Institution. The inventor(s) of any such invention or discovery must disclose to the appropriate Component office.

12.5 Inventions Made on Own Time. Inventions or discoveries made by Component employees or students in their personal time and not involving the use of Component facilities are the property of the inventor except in case of conflict with any other applicable agreement.

12.51 For purposes of this policy, an individual's "personal time" shall mean time other than that devoted to normal or assigned functions in teaching, extension, Component service, or direction or conduct of research on Component premises or utilizing "Component facilities".

12.52 The term "Component facilities" shall mean any facility, including equipment and material, available to the inventor as a direct result of the inventor's affiliation with the Component, and which would not be available to a non-Component individual on the same basis.

12.53 Persons who claim that inventions or discoveries are made on personal time and without the use of Component facilities have the responsibility to disclose all such inventions to the Component in accordance with the disclosure procedures applicable to inventions made on Component time or with the use of Component facilities. It shall be the responsibility of the inventor to demonstrate the basis of the inventor's claim that only personal time and no Component facilities were utilized.

12.54 If the inventor so desires, inventions or discoveries made on personal time and without the use of Component facilities may be assigned to the Component. Under this arrangement, the procedures will be the same as for inventions or discoveries made by Component personnel on Component time or with the use of Component facilities and materials.

12.6 Patents Arising From Government Sponsored Research. Patents on inventions or discoveries arising from research financed by federal, state, or local government may be controlled by the terms of the grants and contracts specified by the government agency sponsoring the research, or by applicable law. In some cases, the sponsoring government agency may claim rights to patents resulting from the sponsored research.

12.61 Except as provided by law or by government-supported grants or contracts, or when no patent rights are claimed by the government agency, or when such rights are waived by the government, patents arising from government sponsored research are controlled by this Patent Policy.

12.62 When a patent arising out of research supported under government grants or contracts is owned by a Component that Component will,

if requested, agree to a non-exclusive royalty-free license for use of such patent by the sponsoring government agency.

12.63 If such a patent is owned by the sponsoring government agency, the Component shall be free to use the invention so covered for its own scientific and educational purposes without payment of royalty or other charge, consistent with applicable law.

12.7 Patents Arising From Research Sponsored by Non-Governmental Entities. Each Component must ensure that its facilities and the results of the work of its employees are applied in a manner which best serves the interests of the public. Likewise, the legitimate interests of a private sponsor who provides financial or other support to research carried out through the Component must be considered.

12.71 Components should normally reserve the right to ownership of patents on inventions or discoveries arising out of research supported in whole or in part by grants or contracts with non-governmental organizations or firms. Contracts or agreements which are entered into between a Component and such organizations or firms should contain clauses setting forth such a reservation unless deviations therefrom are requested by the sponsor and approved by the Component consistent with the public interest.

12.72 In the interest of fair treatment to the non-governmental sponsors of research, upon request special provisions may be negotiated which grant ownership of patents arising out of research sponsored by a non-governmental organization or firm to the sponsor of such research. In such cases, the Component should: (1) retain the right to use the invention or discovery for its own research, educational, and service purposes without the payment of royalty fees, (2) require the sponsor to use due diligence in the commercial use of the invention, and (3) retain the right to freely publish the results of its research after a reasonable period necessary to protect the rights of the parties and to allow for the filing of a patent application.

12.8 Component Patent Committee. The President of each Component shall appoint a Component Patent Committee, consisting of no less than three members, one of whom shall be designated by the President to serve as chairman of the Committee. Such Committee shall perform the duties delineated in this policy and such other duties as may be assigned to it by the President.

12.9 Duty to Disclose Discoveries and Inventions. All individuals covered by this policy have a duty to disclose in writing their inventions and discoveries promptly to the pertinent Component Patent Committee.

12.91 The duty to disclose arises as soon as the individual has reason to believe, based on his or her own knowledge or upon information supplied by others, that the invention or discovery may be patentable.

12.92 Certainty about patentability is not required before a disclosure should be made.

12.93 Individuals shall execute such declarations, assignments, or other documents as may be necessary in the course of invention evaluation, patent prosecution, or protection of patent rights, to insure that title in such inventions shall be held by the Component, where this policy indicates the Component shall hold title, or by such other parties as may be appropriate under the circumstances.

12.(10) Review By Patent Committee. The Component Patent Committee, after receiving disclosure of an invention, shall forward a recommendation to the Component President concerning such discovery. Such recommendation shall include: (1) the committee's opinion whether the Component has an ownership interest in the invention in question, or whether such invention was one developed on personal time and without use of Component facilities, and (2) whether and how the Component should assert and exploit its ownership interest in any invention or discovery.

12.(11) Waiver of Component Interests.

12.(11)1 If the Component President, after reviewing the recommendation of the Component Patent Committee, concludes that an invention or discovery is one developed on personal time and without the use of Component facilities, the President shall advise the inventor that the Component asserts no ownership interest in the invention or discovery.

12.(11)2 If the Component President, after reviewing the recommendation of the Component Patent Committee, concludes that a Component should not assert and exploit its interest in an invention developed on Component time or with the use of Component facilities, the inventor shall be notified that he is free to obtain and exploit a patent in his own right, and the Component shall not have any further rights, obligations or duties thereto except as it may specifically reserve.

12.(12) Patent Management. The President of each Component, or any person designated by him, is authorized to negotiate with reputable agencies or firms to secure for each Component arrangements for the management of inventions and discoveries in which the Component decides to assert and exploit its ownership interest.

12.(12)1 Such management may include, but is not limited to, competent evaluation of invention and discovery disclosures, expeditious filing of applications for patents, and licensing and administration of patents.

12.(12)2 A Component is authorized to administer its own patent management and licensing program without the use of a patent

management agent, if it determines that such arrangement may better serve Component and public interests.

12.(13) Licenses. The President of each Component may grant licenses for the use of inventions and discoveries in which the Component has an ownership interest.

12.(13)1 It is recognized under some circumstances the granting of an exclusive license may be appropriate because in the absence of such a condition some inventions or discoveries may not reach the market place for the public benefit.

12.(13)2 Normally, an exclusive license may be granted for a period not to exceed five years, although the President may grant a longer period of exclusive license when he deems it advisable.

12.(14) Royalties.

12.(14)1 In consideration of the disclosure and assignment of invention rights, the inventor, or the inventor's heirs, successors, and assigns, normally shall receive fifty percent (50%) of the net royalties or other net income arising from an invention or discovery, after a deduction for administrative and patent management costs. Administrative and patent management costs include, but are not limited to, the costs associated with the patenting, licensing, and protection of patent rights. The remaining fifty percent (50%) of net royalties shall accrue to the Component responsible for the invention or discovery. Special facts concerning an invention or discovery may warrant a different distribution of royalties.

12.(14)2 Agreements with respect to royalties shall be in writing and signed by the inventor and the President of the Component.

12.(14)3 Any agreement which grants the inventor more than fifty percent (50%) of the net royalties shall require approval of the Board of Regents.

12.(15) Disposition of Income. In the disposition of any net income accruing to a Component from patents, first consideration will be given to the promotion of research.

12.(16) Avoidance of Conflicts.

12.(16)1 Any employee covered by *Subparagraphs 12.(17)2, 12.(18)1,* or *12.(18)2* of this *Chapter* shall report in writing to the Component President, or his designee, the name of any business entity as referred to therein in which the person has an interest or for which the person serves as a director, officer, or employee and shall be responsible for submitting a revised written report upon any change in the interest or position held by such person in such business entity. These reports shall be accumulated in the office of the President (or designee), who

shall immediately thereafter file his report with the System Administration. Upon approval by the Board of Regents, the report shall be submitted to the Governor and Legislature as required by the *Texas Education Code, Section 51.912*).

12.(16)2 Prior to signing any consulting agreement that deals with patent rights, trade secrets, or the like, where any Component time, facilities, materials, or other resources are involved, Component personnel and students must bring the proposed agreement to the attention of the appropriate administrators of the Component and either obtain a waiver of Component rights or otherwise modify the consulting agreement to conform with this policy, as is determined by the Component in its discretion.

12.(17) Equity Interests.

12.(17)1 Owned by the Component. In agreements with business entities relating to rights in inventions and discoveries owned by a Component, the Component may receive equity interests as partial or total compensation for the rights conveyed.

12.(17)2 Owned by an Employee. In accordance with Texas *Education Code, Section 51.912*, and subject to review and approval by the President of a Component, employees of a Component who conceive, create, discover, invent, or develop inventions or discoveries may hold an equity interest in a business entity that has an agreement with the Component relating to the research, development, licensing or exploration of those discoveries or inventions.

12.(17)3 The Component may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the Component and a business entity relating to inventions and discoveries conceived, created, discovered, invented, or developed by the employee and owned by the Component.

12.(17)4 Dividend income and income from the sale or disposition of equity interests held by a Component pursuant to agreements relating to inventions and discoveries shall belong to the Component and shall be distributed in accordance with the provisions of this policy. Dividend income and income from the sale or disposition of an equity interest held by a Component employee pursuant to an agreement between the Component and a business entity relating to rights in inventions and discoveries conceived, created, discovered, invented, or developed by such employee shall belong to the employee.

12.(18) Business/Management Participation.

12.(18)1 By Employees. Any Component employee who conceives, creates, discovers, invents, or develops an invention or discovery shall not serve as a member of the board of directors or other governing board, or as an officer or an employee (other than as a consultant in accordance with Component and Regent policies and regulations) of a business entity that has an agreement with the Component relating to the research, development, licensing, or exploitation of that invention or discovery without prior review and approval by the President of the Component.

12.(18)2 For the Component. When requested and authorized by the Board of Regents, an employee may serve on behalf of the Board as a member of the board of directors or other governing board of a business entity that has an agreement with a Component relating to the research, development, licensing, or exploitation of inventions and discoveries.

13. ABANDONED AND UNCLAIMED PERSONAL PROPERTY.

Abandoned and unclaimed personal property of value, including, but not limited to, computers, tablets, cellular phones and other technologies capable of storing digitized data; state or federal identification; wallets; purses; credit cards; watches; jewelry; cameras; textbooks; or backpacks discovered on a System Component campus shall be immediately turned over to the campus security or police department for safekeeping and standardized handling. Other articles of property that do not meet the defined value shall be forwarded to the location designated by the Component for property storage. Property shall be considered abandoned if it appears from the circumstances under which the Component comes into possession of the property that the owner has thrown it away or has voluntarily left or lost it without any intent or expectation to regain it.

Abandoned and unclaimed personal property acquired by the campus security or police department of a system Component or the Component's property storage department shall be held for a minimum of one hundred and twenty (120) days from the time the property is acquired or discovered. If the property is reclaimed during that time, the Component may charge the owner a reasonable storage fee. Campus security or police will develop appropriate procedures to assure the return, if possible, of unclaimed personal property of value to the proper owners. Such procedures shall be published in all appropriate Component handbooks and catalogs.

After one hundred and twenty (120) days, and after appropriate property checks which reflect the value of the property have been made (such as, but not limited to the National Crime Information Center), all items of value and non-valued items may be sold as part of a normal Component surplus property sale.

14. INDEMNIFICATION OF REGENTS AND EMPLOYEES.

The System and/or the Components shall indemnify all members of the Board of Regents, former members of the Board of Regents, employees, former employees,

and persons serving on the board of a foundation, corporation, or association at the request and on behalf of the System or one of the Components in accordance with the provisions of the *Texas Civil Practice and Remedies Code, Chapter 104*.

15. REPORTING OF WRONGFUL OR FRAUDULENT CONDUCT.

The System's "*Anti-Fraud*" policy appears as part of the System *Ethics Code* in *Chapter VIII* of these *Rules and Regulations*.

16. USE OF AUTHORITY.

Power to Authorize Expenditures Out of System Funds. No expenditure from funds under the control of the Board or Component shall be made, no debt or obligation shall be incurred, and no promise shall be made in the name of the System, any of its Components, or of the Board by any member of the respective faculties or staffs of the System or any of its Components except:

16.1 In accordance with general or special budgetary apportionments authorized in advance by the Board and entered into its minutes; or,

16.2 In accordance with authority specifically vested by the Board in a committee of the Board; or,

16.3 In accordance with authority to act for the Board when it is so specifically vested in the Component President and with the monetary limitations as set forth by these *Rules and Regulations* or by special action by the Board.

16.4 It shall be the duty of the several Component administrative officers to see that all claims for payments of items not authorized as indicated above are refused and returned unpaid.

16.5 There shall be no sale to or purchase from the System or its Components by the Component President, unless purchased as surplus property and/or at a duly authorized public auction. This *Subparagraph* shall not apply to goods and services which the system or its Component universities make available for purchase by faculty and staff or on the open market by the general public.

17. "BEST VALUE" PROCUREMENT.

Section 51.9335(a)-(e) of the *Texas Education Code* authorizes institutions of higher education to use "best value" procurement process which provide greater autonomy and flexibility in the procurement of goods and services.

17.1 The System and each Component shall establish purchasing rules and guidelines based upon the procurement rules established by the Board. All procurements shall be made in accordance with all applicable federal, state and local laws, and System *Rules and Regulations*.

18. INTENTIONALLY LEFT BLANK

Last modified: May 29, 2026

19. INFORMATION TECHNOLOGY "IT".

19.1 Purpose. In order to assure that System and Component institutions' information resources are effectively and properly managed; to protect these assets against unauthorized access, disclosure, modification or destruction; and to assure the availability, integrity, and confidentiality of information, each Component institution shall develop and disseminate institutional policy statements consistent with the policies as referenced in *Subparagraph 19.2* (*see Texas Administrative Code, Title 1, Part 10, Chapter 202, Subchapter C (TAC 202)).*

19.2 Information Technology Policies. Information Technology Policies for the Texas State University System and Component institutions (TSUS IT Policies) shall be made available on the System's website. Each Component institution may adopt the TSUS IT policy statements as is or adapt the language and format to suit their institution. The TSUS IT Policies are to be considered the minimum policy requirement for each Component institution.

19.3 Electronic and Information Resource Accessibility. Each Component shall develop policies and mechanisms, providing for Electronic and Information Resource Accessibility including compliance; exceptions; training; Electronic Information Resources Accessibility Coordinator (EIRAC) designee; and, definitions (*see Appendix A-15*).

19.4 Central Review and Oversight. Each Component shall develop policies and mechanisms, providing for Information Resources Manager (IRM) and Information Security Officer (ISO) review and oversight, including the authorization to reject, of all Component information technology acquisitions, including, but not limited to, computing hardware, software, and hosting services, regardless of source of funds.

19.5 Authority and Responsibility. Questions related to information technology policies at any component institution should be addressed to the IRM at the component institution.

20. SMOKING AND TOBACCO POLICY.

20.1 Purpose. The Texas State University System is committed to providing a safe, healthy, and pleasant environment for its faculty, staff, and students. To that end, each Component shall develop a comprehensive institutional policy creating a smoke-free and tobacco-free environment on the premises of the Component.

20.2 Scope. The policy shall apply to all faculty, staff, students, employees of contractors, and visitors of the Component and shall address the use of

tobacco products, including smoke and smokeless tobacco, in Component owned or leased premises.

21. INTERCOLLEGIATE ATHLETICS.

21.1 Statement of Values. The Texas State University System Board of Regents believes that participation in athletics is an appropriate part of the academic experience and that a well-balanced intercollegiate athletics program in which both men and women enjoy equal opportunity to participate is likewise of institutional benefit. To this end, the Board is committed to assuring integrity and accountability in the administration of such programs while fostering careful institutional oversight of day-to-day operations.

21.2 General Principles. Consistently with the Association of Governing Boards of Colleges and Universities' 2007 *Statement on Board Accountability,* the Board adopts the following general principles:

(1) Individual Missions. Each Component's educational values, practices, and missions shall guide the decision to establish intercollegiate athletics programs and the standards by which they are conducted.

(2) Presidential Authority. Responsibility and authority for the administration of athletics departments, including all basic policies, personnel and finances are vested in the Presidents.

(3) Equal Treatment. Every student athlete shall receive fair and equitable treatment within the letter and spirit of *Title IX* of the *Education Amendments of 1972.*

(4) Funding Oversight. All funds raised and expended in connection with intercollegiate athletics programs shall be accounted for through the Component's accounting system. Athletics department budgets shall be developed and monitored in accordance with the Component's general budgeting procedures.

(5) Non-University Income. Income from non-Component sources for coaches and athletics administrators is subject to presidential review and approval. When the income involves Component's facilities, trade or service names or marks, the arrangement shall be memorialized in a written contract.

(6) Notification of Possible Major Infraction. Each Component shall have established processes to review information concerning potential major violations of NCAA or NJCAA legislation. One step in that process shall be the immediate notification by the Component to the Chancellor and the Vice Chancellor and General Counsel of the Component's receipt of a Notice of Inquiry from NCAA or NCJAA enforcement staff concerning a possible major violation since that could result in corrective, punitive, or disciplinary actions by the NCAA or NJCAA, the athletic

conference, or the Component itself. The notification shall include the nature of the alleged major infraction; the NCAA, NJCAA, conference, or institutional bylaw involved; the plan for investigating the allegation; and a corrective action plan. The Chancellor shall timely notify the Board as appropriate.

(7) Audit. See *Subparagraph 7.75* of this *Chapter*.

22. SEXUAL MISCONDUCT POLICY.

The System's "*Sexual Misconduct*" policy, formulated to address and redress the problem of sexual misconduct on Component campuses, is incorporated into, and made a part of these *Rules and Regulations* as *Appendix A-6*. Each System Component shall adopt this policy as its campus sexual assault policy.

23. CHILD ABUSE REPORTING POLICY AND TRAINING.

23.1 Purpose. The Texas State University System is committed to maintaining a supportive and safe educational setting, one that enhances the well-being of all members of its community and strives to create a secure environment for children.

23.2 Policy. Each Component shall adopt an institutional policy that governs: (i) the reporting of child abuse and neglect; and, (ii) training to detect the same (see, respectively, *Chapter 261, Family Code* and *Education Code, Section 51.9761.* The policy shall include the following provisions:

(1) A person having cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report to:

(a) any local or state law enforcement agency;

(b) the Department of Family and Protective Services; or

(c) the state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

(2) If a professional (as defined by *Section 261.101, Family Code*) has cause to believe that a child has been or may be abused or neglected (as defined by *Section 261.001* or *261.401, Family Code*) or that a child is a victim of an offense under *Section 21.11, Penal Code*, the professional shall make a report not later than the 48th hour after he or she first suspects abuse, neglect or other infraction. A professional may not delegate to or rely on another person to make the report.

(3) A person or professional shall make a report in the manner required by this Paragraph if he or she has cause to believe that an adult was

a victim of abuse or neglect and determines, in good faith, that disclosure of the information is necessary to protect the health and safety of another child or an elderly person (as defined in *48.002, Human Resources Code*):

(4) The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, a mental health professional, an employee or member of a board that licenses or certifies a professional, and an employee of a clinic or health care facility that provides reproductive services.

23.3 Training. Each Component institution shall provide training for employees who are professionals that includes:

(1) techniques for reducing a child's risk of sexual abuse or other maltreatment;

(2) factors indicating a child is at risk for sexual abuse or other maltreatment;

(3) the warning signs and symptoms associated with sexual abuse or other maltreatment and recognition of those signs and symptoms; and

(4) the requirements and procedures for reporting suspected sexual abuse or other maltreatment.

24. ACTIVE ATTACK RESPONSE AND TRAINING PLAN.

24.1 Purpose. The Texas State University System is committed to providing a safe environment for its faculty, staff and students. As active attack situations pose an unfortunate, ongoing threat to our campus communities, each System Component shall develop an Active Attack Response and Training Plan that addresses preparedness, response, management, mitigation, infrastructure and recovery after an active attack situation. At a minimum, the plan should be consistent with requirements outlined in Texas Education Code, Section 51.217(b) and include the following characteristics:

(1) Input from and collaboration with appropriate local emergency management personnel;

(2) A training program for personnel charged with emergency management and response;

(3) A program for conducting annual, mandatory training, exercises and drills;

(4) Communications and awareness Components, designed to reach a maximum number of faculty, staff and students;

(5) Prevention Components that address mental health, threat assessment and training; and,

(6) A requirement that compliance with the Plan shall be monitored by a System compliance officer and reported biennially to the Board through the Chancellor or his or her designee.

24.2 Scope. Each Component's policy shall apply to all faculty, staff, students and, if assigned to work on the campus permanently, employees of contractors.

CHAPTER IV. PRESIDENTS OF THE COMPONENTS

1. APPOINTMENT.

The Chancellor shall recommend to the Board a candidate for the presidency of each Component. The Board, by majority vote, at a lawfully-called meeting, shall appoint Component Presidents. The President shall not have tenure as President but may hold tenure as a member of the faculty of the Component.

2. AUTHORITY, DUTIES AND RESPONSIBILITIES.

2.1 Authority. The President shall be answerable to the Chancellor and shall have discretionary powers broad enough effectively to administer the Component within the policies and guidelines as set forth by the Chancellor and Board of Regents.

2.2 Delegation of Authority. The President of each Component has the following duties and responsibilities:

2.21 Developing and maintaining efficiency and excellence within the Component, including maintenance of appropriate accreditations.

2.22 Making recommendations to the Chancellor and the Board on Component matters that require Board approval.

2.23 Carrying out all Chancellor and Board orders affecting the Component.

2.24 Interpreting System policies to the faculty and staff; representing and interpreting the Component's programs, needs and interests to the Board and the general public.

2.25 Recommending appropriate operating budgets and supervising expenditures under approved budgets.

2.26 Nominating to the Chancellor and Board the appointment, reappointment, promotion, retention, or dismissal of all members of the faculty and administrative officers as defined in *Chapter V, subparagraph 1.123*.

2.27 Developing and maintaining efficient personnel programs for all employees.

2.28 Managing efficiently Component business affairs and physical property; recommending additions and alterations to the physical plant; and developing long range plans for all Component programs and physical facilities.

2.29 Serving as presiding officer at official meetings of Component faculty and staff and as an ex officio member of each college or school faculty.

2.2(10) Appointing campus committees, councils, and teams, and appointing or establishing procedures for the appointment of faculty, and staff. The authority of these bodies is limited to reviewing, offering suggestions, and making recommendations on matters related to their purpose. They will submit their reviews, recommendations and suggestions through channels to the President, who has responsibility and authority for making decisions, subject to the final authority of the Chancellor and the Board of Regents.

2.2(11) Causing to be prepared and submitted to the System Administration for review the faculty, staff, and student handbooks for the governance of the Component.

2.2(12) Leading private fund development support for the Component in accordance with policies and procedures established in these *Rules and Regulations*.

2.2(13) Administering all Component contracts, agreements, or purchases as delegated under the System *Rules and Regulations.*

2.2(14) Power to Suspend and Remove.

(a) Suspension and Removal in Non-Title IX Misconduct Matters. Suspending and removal, without prior notice or hearing, and immediately removing from the campus, any employee or student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the Component. As soon as practicable after removal, the President shall afford the affected person any hearing or grievance rights to which he or she may be entitled under these *Rules and Regulations*. Such rights are not waivable at the point of removal or while the affected person is receiving medical or mental health treatment.

(b) Suspension and Removal in Title IX Sexual Harassment Matters. An employee or student can only be suspended, without prior notice or hearing, and immediately removed from campus, if their presence poses an immediate threat to any person's health or safety. As soon as practicable after removal, the President shall provide the suspended person with notice and an opportunity to challenge the removal. The removal challenge does not include a hearing but is limited to an administrative review by an Administrator appointed by the President. The Appointed Administrator will review the relevant facts and written materials, if any, surrounding the emergency removal. This review will occur within 72 hours of the emergency

removal and the burden is on the suspended person to show why the removal should be lifted.

(c) A peace officer may take a person into custody and transport the person to the nearest, appropriate mental health facility if the officer has reason to believe and does believe that there is substantial risk to the person or to others unless the person is immediately restrained. The officer shall fully comply with the provisions of Texas *Health and Safety Code, Section 573.001 et sequitur*. Generally, such actions are not disciplinary or penal in nature, nor are they treated as interim suspensions or removals, unless the person has violated a policy or rule of the System or of the Component. See *Chapter VI, Subparagraph 5.(14)*.

(d) As soon as possible, the peace officer shall inform the appropriate Vice President (or designee) of actions taken regarding an affected person under *Subparagraph 2.2(14)(b)*.

2.2(15) Campus Police. Employing campus peace officers in conformity with the Texas Commission on Law Enforcement Officers and Standards and *Texas Education Code, Section 51.203* and recommending their approval to the Chancellor and to the Board.

2.2(16) Motor Vehicles. Promulgating rules governing operation and use of motor vehicles on Component property including vehicle registration fees, fines, and penalties.

2.2(17) Establishing Certain Tuition and Fees. Notwithstanding Chapter III, Subparagraph 1.4, establishing Certain Tuition and Fees as described below.

(a) Ancillary fees associated with the normal operations of the Institution, such as lab fees, non-academic fees, payment related fees, orientation or enrollment fees, international student operations fee, and any pass-through fees.

(b) Tuition and Mandatory Fee rates for 100% online academic programs to the extent the rate of those programs is competitively priced.

(c) Tuition and Mandatory Fee rates for students co-enrolled in continuing education courses at Centers or Institutes within a Component and the corresponding Component course.

(d) Differential Tuitions and Program Fees that are demonstrated to capture the additional direct cost to the component for the instruction of those degree programs above the standard tuition rate. However, the rate shall not

increase annually by more than the rate of inflation, as defined by the Higher Education Price Index (HEPI).

(e) Discount Rate for Tuition and Fees for courses at Sul Ross State University Rio Grande College from the Board of Regents approved rates for Sul Ross State University.

(f) Establishing mandatory fee rates not based on semester credit hours for abbreviated academic terms (i.e. Summer, May, Winter) in an amount proportional to the amounts established by the Board of Regents based on the length of the abbreviated term. If the component determines that there is a reason for an amount other than one based on proportional length, the fee shall be reported to the Board of Regents at the quarterly scheduled November board meeting after enactment by the president.

(g) Establishing designated tuition and mandatory fee rates for competency-based baccalaureate degree programs pursuant to *Education Code 51.3535*.

(h) A list of the programs and rates shall be provided to the Board of Regents as an Informational Item, at the November Board of Regents meeting.

2.2(18) Grants and Contracts. Accepting grants from and contracts with federal, state, and other government agencies and private foundations, advancing funds as necessary to finance such grants and contracts in which the Component will be reimbursed.

2.2(19) Highest Ranking High School Graduate Scholarships. Issuing scholarships each year to the highest ranking graduate of each accredited high school of this state, exempting the graduates from the payment of tuition during both semesters of the first regular session immediately following their graduation, in accordance with *Texas Education Code, Section 54.301.* This exemption is granted for any one of the first four regular sessions following the individual's graduation from high school when in the opinion of the Component's President, the circumstances of an individual case, including military service, merit the action.

2.2(20) General Property Deposit Scholarship. Issuing new and continuing scholarships from the General Property Deposit (GPD) forfeiture scholarships account per *Texas Education Code, Section 54.5021.* Future annual forfeiture of GPD may be directed to either the GPD forfeiture scholarship account, the GPD forfeiture endowment account, or a combination of the two, as allowed by statute. The President or a designee, is authorized to transfer funds annually from the endowment account to the scholarship account for the awards prescribed in the statute.

2.2(21) Senior Citizens Exemption. Exempting persons age 65 years and over from the payment of tuition for up to six hours per semester

or summer term, space permitting, per *Texas Education Code, Section 54.365.*

2.2(22) Distance Learning Fee Exemption. Waiving certain fees for students enrolled only in distance learning courses or other off-campus courses of each Component, per *Texas Education Code, Section 54.218.*

2.2(23) Disabled Peace Officer Exemption. Exempting disabled peace officers from tuition and required fees for undergraduate courses for which space is available, provided the student meets all criteria specified in *Texas Education Code, Section 54.352.*

2.2(24) Exemptions from Tuition. Exempting qualified students from the payment of tuition and/or required fees as may be authorized by *Texas Education Code, Chapter 54.*

2.2(25) Component Travel Policy. Establishing a travel policy for each Component's non-Education and general (E&G) funds to assure that travel expenditures are made in a manner that is uniformly and consistently applied across all non E&G funds.

2.2(26) Electronic Information Resources Accessibility Program. Managing an Electronic Information Resources Accessibility Program that serves the Component community in accordance with Texas *Government Code Chapter 2054* and *Administrative Code Chapters 206* and *213*.

2.2(27) Texas Academy of Leadership in the Humanities (TALH) Housing. The President of Lamar University is delegated authority to establish the housing policy for TALH, including determining the residence in which TALH students will live. (Texas Education Code 96.707(f)).

2.2(28) Review of Minor Degree and Certificate Programs.

(a) Once every five years, the Component president shall adopt and implement a process for reviewing the Component's minor degree and certificate programs to identify programs with low enrollment that may require consolidation or elimination. The review process will be in accordance with all applicable statutes and regulations.

(b) The Board shall approve or deny any decision made by the Component president to consolidate or eliminate a minor degree or certificate program.

2.2(29) Annual Evaluations. The Component president shall conduct annual evaluations for individuals who hold the positions of vice president, provost, dean, or a similar leadership position that oversees curriculum or student affairs for the component and

report to the Board regarding any decision to remove an individual from a position described by this paragraph.

2.2(30) A Component President is authorized to request a *Public Information Act*[5] (*PIA*) decision when such decision relates exclusively to the President's Component. The Chancellor is authorized to request a *PIA* decision when such decision relates to the System Administration or to two or more Components. All *PIA* decision requests shall be submitted through the Vice Chancellor and General Counsel, who shall designate a System *Public Information Act* Coordinator to work with Component *Public Information Act* Coordinators to manage submission of such requests.

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3. BENEFITS.

3.1 Housing. The President of each System Component is required to reside in housing furnished to him/her as the official residence of the President (if such housing is available) and to use such property as part of the official performance of his/her duties by holding official functions and other matters relative to the position occupied. The acquisition or disposal of a Component-owned residence for the President is subject to approval of the Board, unless the value of the residence is within the Chancellor's authority for Real Property. Any permanent modifications or improvements in excess of $5,000 in cost to a Component-owned residence for the President must receive prior written approval from the Chancellor. Routine repairs and maintenance do not require Chancellor approval.

3.2 Automobiles. The System and its Components are authorized to lease or purchase automobiles or otherwise provide automobile allowance for use by the Presidents and Chancellor in carrying out the duties and responsibilities of their respective offices.

4. VACANCIES.

The Chancellor may fill, by interim appointment, any vacancy that occurs in the position of President at any Component. The interim President shall serve until the Board approves a new President, pursuant to *Paragraph 1* above.

In emergency situations where it is apparent that the Component President will be unable to perform his/her duties for at least four (4) weeks, the Chancellor after conferring with the Board chair and vice chair may appoint an interim President to serve until the President is able to resume his/her responsibilities. The Component President shall keep on file in the System Administration Office, at

[5]*Government Code, Chapter 552*.

all times, the name of a designated second-in-command to act on his/her behalf when the President is not available.

5. SUBMISSIONS FOR BOARD APPROVAL.

5.1 The President of each System Component shall submit to the System Administration in writing items that he or she recommends be considered at a regular Board meeting not less than twenty-one (21) days in advance of the meeting, setting forth, in reasonable detail a) an explanation of each proposed Board order or recommendation; b) the cost and source of the funds involved; c) appropriate supporting enclosures; and d) proposed Board orders, drafted with clarity and brevity to reflect the precise action requested of the Board. Multifarious or dissimilar orders for Board consideration will not be accepted.

5.2 Any proposed order not timely submitted to the Chancellor shall also include written justification for the lack of timeliness as well as the ramifications of non-action by the Board, the merit of the order, and the cost and source of funds involved. The Chancellor shall determine whether or not to submit the same to the Board.

5.3 For curriculum information to be reported to the Board, see *Chapter III, Paragraph 5, Curriculum Procedures*.

6. EVALUATION.

6.1 The Chancellor shall review annually the general performance and effectiveness of each President, presenting to the Board his or her opinions, advice, and recommendations as to the President's employment, subsequent to which the Board shall meet with the Chancellor and President being evaluated. This evaluation shall take place before a quorum of the full Board of Regents, and in executive session, unless the subject President requests a public evaluation.

6.2 The Presidents of the Components shall periodically evaluate the effectiveness of all administrative officers who report directly to them and establish procedures for the evaluation of the effectiveness of all other administrators.

7. TERMINATION.

The Chancellor may, by interim action, terminate the appointment of a Component President when in his/her judgment the interests of the System or of the Component require termination. The President shall not have a right to a hearing before the Board unless he/she makes a *prima facie* showing that the decision to terminate constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States. If the President has tenure at the Component, termination as a member of the tenured faculty shall be only for good cause shown; and, he/she shall be entitled to a tenure revocation hearing as specified in *Chapter V*.

CHAPTER V. COMPONENT EMPLOYEES

1. COMPONENT EMPLOYEES.

1.1 Definitions.

A Component or System office employee is any person who is under the authority and in the paid service of a Component which is under the jurisdiction and control of the Board of Regents of The Texas State University System, other than independent contractors or consultants.

1.11 A faculty employee is an employee with a specified academic rank holding a teaching, research, clinical, and/or administrative appointment as determined by the President of the Component and approved by the Board of Regents (see *Paragraph 4* of this *Chapter*).

1.12 A staff employee is any employee other than a faculty employee.

1.121 Unclassified staff employees include administrative officers and other administrative and professional personnel who are serving without fixed terms and who are not included in the Component's classification plan (see *Paragraphs 3 and 5* of this *Chapter* and the exception provided for in *Subparagraph 1.13* of this C*hapter*).

1.122 Classified staff employees include those personnel who are appointed without fixed terms to those job classes in the Component's classification plan which requires similar duties, skills, and qualifications including but not limited to secretarial, clerical, technical, paraprofessional, protective service, skilled crafts, and labor/service/ maintenance (see *Paragraph 5* of this *Chapter*).

1.123 Administrative officers are Vice Presidents, Deans, and other administrative personnel with delegated executive authority as determined by the President.

1.13 Employment Contracts. Notwithstanding the Board's employment-at-will policy, in exceptional cases, where the Component President determines that the nature of the particular profession demands special consideration, the Component may enter into an employment contract for a term not greater than three (3) years with an individual as an unclassified staff member. If the employee is paid wholly from non-appropriated funds, the contract term may not exceed five (5) years. Contracts in excess of the President's authority shall be subject to the Chancellor's review and approval.

1.131 Each contract must include a provision permitting its termination for cause (as defined in the contract) without penalty.

1.132 An employee under such a contract may be reassigned to other duties within the Components, retaining his or her base salary for a period not to exceed one (1) year, after which he or she shall be compensated until the contract expires at a rate not to exceed the salaries of other similarly situated employees. If the compensation for the contract is paid from non-appropriated funds, Components may include contract buyout terms in lieu of a reassignment provision.

1.133 If an employee is also provided a concurrent teaching appointment, the System's *Rules and Regulations* related to faculty will govern the teaching appointment.

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2. GENERAL.

2.1 Employment.

2.11 Non-Discrimination Policy. The Texas State University System, including its Components, is an equal opportunity employer and complies with all applicable federal and state laws regarding non-discrimination, including *Title IX* of the *Education Amendments of 1972* and *Section 504* of the *Rehabilitation Act of 1973*. The Texas State University System, including its Components, is committed to a policy of non-discrimination and equal opportunity for all persons regardless of race, sex, color, religion, national origin or ancestry, age, marital status, disability, veteran status, or any other basis protected by federal or state law in employment, educational programs, and activities and admissions.

2.12 Hiring and Promotions.

2.121 The President or other administrative officers of the Component will investigate thoroughly the character, integrity, scholastic attainment, and other qualifications of prospective members of the administration before exercising any delegated authority for making appointments.

2.122 Each Component may require a physical examination, performed by qualified medical personnel approved by the Component, of applicants to be employed. The expense of the examination will be paid by the Component.

2.13 Terminations. The Components shall retain and submit to the System Administration specific reports on terminations of all full-time employees as requested by the System Administration.

2.131 The Board of Regents or the President of the Component may suspend without prior notice or hearing and immediately remove from the Component any employee whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the Component. The President shall as soon as possible notify the Vice Chancellor and General Counsel of such action. In such cases, the President will set a hearing before the appropriate administrator or committee on the employee's case as soon thereafter as is practicable unless otherwise waived by the employee.

2.132 Employees, including both faculty and staff, shall be subject to discipline and/or dismissal for violating Component policy relating to electronic network facilities such as local area networks and the Internet. Nothing herein shall be construed in derogation of the Board's employment-at-will policy.

2.133 Any employee of any Component of the System, including any member of the administration or faculty, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a Component of the System, shall be subject to dismissal as an employee. As used in this S*ubparagraph*, the words "force or violence" include but are not limited to such acts as "stand-ins," "sit-ins," and "lie-ins" when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

2.134 Every employee is expected to obey all Federal, State, and local laws, particularly *Texas Penal Code, Section 42.01* and *42.05* (Disorderly Conduct and Disrupting Meeting or Procession) and *Texas Education Code, Section 37.123* and *37.125* (Disruptive Activities and Exhibition of Firearms). Any employee who violates any provision of these four statutes is subject to dismissal as an employee notwithstanding any action by civil authorities on account of the violation.

2.135 The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every employee of the System and its Components. Any employee who violates the minimum standards of conduct required by any penal statute of Texas or the United States is subject to dismissal as an employee regardless of whether any

action is taken against the employee by civil authorities on account of such violation.

2.136 If action for dismissal of an employee is taken, the appropriate administrative officer shall proceed with the action in the same manner as would be the case of a violation by an employee of any other provision of these *Rules and Regulations* or a provision of the faculty or staff handbook of the Component.

2.14 Grievances. Each Component may establish a process consistent with this *Subparagraph* for grievances concerning an employee's wages, hours of work, or conditions of work. Such grievance process shall not involve formal hearings. Only a Component's president or the president's designee may be involved in decision-making regarding a faculty grievance. If a Component does not have a grievance process as provided herein, the Component shall use this grievance process, except for grievances pursuant to *Subparagraphs 4.4* and *4.5* of this *Chapter*.

2.141 Process. Every employee of each Component, individually or through a representative that does not claim the right to strike, shall be entitled to present grievances concerning such employee's wages, hours of work or conditions of work to the President or the President's designee. Such grievances shall not involve formal hearings and the decision made by the President or the President's designee shall be final.

2.142 Grievances involving allegations of discrimination. At Components that have an office specifically designated to hear claims of discrimination, the Component shall refer such claims to that office. At Components that do not have an office designated to hear claims of discrimination, if the hearing officer finds that the grievant has established a *prima facie* case of discrimination, the hearing officer shall provide the administration an opportunity to respond to the claims and determine whether the administration has stated a nondiscriminatory reason for its decision. A *prima facie* case is one presenting facts or documents that, so far as can be judged from first disclosure, would create a presumption of validity in the absence of response, contradiction or rebuttal by the Component. Unsubstantiated allegations shall not be sufficient to establish a *prima facie* case. The President or his or her designee shall make the final decision regarding a grievance involving an allegation of discrimination.

2.143 For all matters involving sexual misconduct, the Texas State University System Sexual Misconduct Policy controls.

2.2 Appointment of Relatives (Nepotism Rule).

2.21 Each appointment of an employee at a Component, whether on a full-time or part-time basis, shall be made solely with regard to the special fitness of the appointee subject to applicable statutes and subject also to the provisions of this *Paragraph* of the System's *Rules and Regulations*.

2.22 In accordance with the prohibition of *Government Code, Chapter 573*, no person related to any member of the Board of Regents within the second degree of affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position, employment, or duty with any Component of The Texas State University System, when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind.

2.221 *Government Code, Chapter 573* does not prohibit the reappointment or continued employment of any person who shall have been continuously employed in any such office, position, employment, or duty for a period of one (1) year prior to the appointment of the member of the Board of Regents related to such person within the prohibited degree, nor does it prohibit honorary or non-remunerative positions.

2.222 The prohibition of *Government Code, Chapter 573* applies to all programs administered under the Board of Regents and may not be waived.

2.223 When a person is allowed to continue employment because of the operation of the exception specified by *Subparagraph 2.221* of this *Chapter*, the Board member who is related to such person shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, re-employment, change in status, compensation, or dismissal of such person, if such action applies only to such person and is not taken with respect to a bonafide class or category of employee.

2.23 Even though the appointment of a person would not be prohibited by *Government Code, Chapter 573*, special arrangements for personnel actions must be made before a Component may employ any person related within the second degree of affinity or the third degree of consanguinity to another employee if:

(a) Such employment causes one relative to have a direct supervisory relationship over the other relative; or

(b) Such employment causes one relative to have authority over the salary or other terms of employment of the other.

This policy does not prohibit the reappointment or continued employment of any person related to another within either of the prohibited degrees who shall have been employed in a Component before the adoption of this policy. However, no System employee may approve, recommend, or otherwise act with regard to the appointment, reappointment, promotion, or salary of any person related within either of the prohibited degrees.

2.231 If the appointment, reappointment or continued employment of a person places such person under an administrative supervisor related within the above specified degree, all subsequent actions with regard to reappointment, promotion, or salary shall be the responsibility of the next highest administrative supervisor. It shall also be the responsibility of the next highest administrator to make a written review of the work performance of such employee at least annually and submit each review for approval or disapproval by the Component's appropriate Vice President in the case of classified employees or the President in the case of faculty or unclassified employees. When appropriate, the next highest administrator may delegate these responsibilities to another administrator who is neither related to the person subject to the personnel actions nor in that person's reporting line.

2.232 All situations covered by *Subparagraph 2.231* of this *Chapter* shall be reported annually in May through the Components' President's Report to the Board.

2.3 Retirement Plans.

2.31 Retirement Plans. The Board of Regents authorizes the System to make retirement plans available to each eligible employee.

2.32 Teacher Retirement System of Texas (TRS). TRS provides service and disability retirement benefits and death benefits. The plan is administered as a qualified governmental retirement plan under the provisions of Section 401(a) of the U.S. Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"). Employees who are half time or more and are expected to be employed for a period of 4 ½ months or more are generally required to participate in TRS, unless they qualify for and elect to participate in the Optional Retirement Program (ORP).

2.33 Optional Retirement Program (ORP). ORP is a portable, defined contribution retirement plan authorized by Chapter 830 of the Texas Government Code and Section 403(b) of the Internal Revenue Code. To be eligible to participate in ORP, an employee must be in a position that satisfies job-related criteria established by the Texas Higher Education Coordinating Board as interpreted by the system executive officer, is budgeted for full time

employment for at least 4 ½ months, and does not require student status as a condition of employment.

2.331 ORP Election. Each eligible employee is allowed 90 days from the date of employment or eligibility to elect to participate in ORP. The election to participate in ORP is a one-time, irrevocable, career-long election. If this election is not made on or before the first day of employment, a new employee is required to become a member of TRS with the right to change to ORP within 90 days and apply for a refund of the employee's TRS contributions. Any eligible employee not exercising the irrevocable one-time option to participate in ORP during the 90- day period is thereafter required to continue membership in TRS.

2.332 ORP Plan Document. The System shall have a written plan document approved by the Board in accordance with Section 403(b) of the Internal Revenue Code and consistent with Chapter 830 of the Texas Government Code.

2.333 Supplemental Employer Contribution Rate. The Board delegates to the Chancellor and the Presidents the authority to approve a supplemental employer contribution rate for the Optional Retirement Program in accordance with rules issued by the Texas Higher Education Coordinating Board.

2.34 Tax-Sheltered Annuities. As authorized by Texas Revised Civil Statutes Annotated Article 6228a-5, Sections 1 and 2, the Board has established a voluntary Tax-Sheltered Annuity Program pursuant to Section 403(b) of the Internal Revenue Code, for the benefit of all System employees. Student employees are not eligible to participate in the plan. The plan provides the opportunity to contribute a portion of an employee’s salary pre- or post-tax (Roth) to the tax-sheltered annuity as authorized by Section 403(b) of the Internal Revenue Code. There is no matching contribution from the system under this program and enrollment is solely at the discretion of each employee.

2.341 Tax-Sheltered Annuity Program Plan Document. The System shall have a written plan document approved by the Board for the Tax-Sheltered Annuity Program in accordance with Section 403(b) of the Internal Revenue Code.

2.342 Employees must execute salary reduction agreements on a prospective basis to participate in the tax-sheltered annuity plan. The maximum amount of salary that can be contributed each tax year is established by Internal Revenue Code Sections 402(g), 403(b), 415(c)(1)(A) and 415(c)(1)(B). The system reserves the right to discontinue or alter an employee's contributions as necessary.

2.35 Deferred Compensation Plan. As authorized by Chapter 609 of the Texas Government Code and Section 457(b) of the Internal Revenue Code, any eligible System employee may participate in the Texa$aver Deferred Compensation Plan administered by the Employees Retirement System of Texas. The plan provides an employee the opportunity to contribute a portion of their current salary pre- or post- tax (Roth) under a deferred compensation program (DCP) program, subject to the limitations established in Section 457 of the Internal Revenue Code. The Employees Retirement System of Texas (ERS) establishes rules and administers this program. Enrollment in the program is solely at the discretion of each employee, and there is no matching contribution from the system under this program. The system assumes no liability or responsibility for the income tax aspects of the DCP, the terms and provisions of any contract issued thereunder, monitoring of the financial stability of carriers, or the market condition of the participants' investments.

2.4 Standards of Conduct. Except as exempted by *Subparagraphs 12.(16), 12.(17)* and *12.(18)* of *Chapter III* of these *Rules and Regulations*, all Component employees shall adhere to the standards of conduct articulated in *Chapter VIII:*

2.41 No employee shall engage in any form of sexual harassment as defined by the Texas State University System Sexual Misconduct Policy found in these *Rules and Regulations*, or racial harassment as defined by *Subparagraph 4.3* of *Chapter VII* of these *Rules and Regulations*. As prescribed in *Paragraph 4.43* of *Chapter VII* of these *Rules and Regulations*, any employee who violates these rules prohibiting sexual and racial harassment shall be subject to discipline and/or dismissal from employment.

2.42 No contacts on behalf of the Component, its programs or the System to the Legislature shall be made without the specific approval of the Component President who shall inform the System Administration Office. Information, not considered under law to be confidential, which is requested by a member of the Legislature or committee or by any other state official or employee and which relates to proposed or pending legislation, shall be furnished to the requesting party and the System Administration Office informed of the request and information provided. The Presidents shall be responsible for advising their Component employees of this rule at the start of each legislative session. See also *Chapter VIII, Paragraph 6* of these *Rules and Regulations* pertaining to political activities.

2.43 Consensual Relationships. Consensual relationships between Supervisors, as defined herein, and their Supervisees, as defined herein, are prohibited unless the Supervisor discloses the relationship to his or her immediate supervisor and a plan to manage the conflict inherent in the relationship has been approved and documented. Disclosure of a relationship by the Supervisee does not relieve the Supervisor of the duty to report the consensual

relationship as soon as possible. Plans to manage a conflict may include, but are not limited to, reassignment of either party or other actions to change any conflict of interest or appearance of impropriety created because of the consensual relationship. Failure to disclose the relationship may result in disciplinary actions up to and including termination.

2.431 Consensual relationship means a mutually acceptable, romantic relationship or sexual interaction between a Supervisor and a Supervisee.

2.432 Supervisor means any employee who, has responsibility, as part of his/her job duties, to teach, instruct, supervise, manage, advise, counsel, oversee, coach, grade, train, or evaluate another employee in any way.

2.433 Supervisee means any employee or student who is taught, instructed, supervised, managed, advised, counseled, overseen, coached, graded, trained, or evaluated in any way by a Supervisor.

2.434 This policy applies to all Component faculty, staff, and students, including individuals serving as interns or volunteers.

2.5 Absences.

2.51 The President of each Component shall adopt policies and guidelines covering the authorized absences for all faculty and staff employees, including administrative officers. Such policies and guidelines shall be in accordance with the provisions of current statutes and these *Rules and Regulations*. A leave of absence granted to a faculty or staff employee by the President of the Component under the provisions of this *Subparagraph* shall not modify in any way the employment status of the employee as defined in *Chapter V, Paragraphs 1-5*, of these *Rules and Regulations* unless such modification in status is approved in advance by the Board of Regents. Unless approved in advance by the Board, upon expiration of the leave, the employee shall return to the same job classification, pay benefits, seniority and under the same conditions of employment as he held prior to the leave.

2.6 Power to Bind the System in Fixing Its Policies. No employee of the System or any of its Components, as an individual or as a member of any association or agency, has the power to in any way bind the System or any of its Components unless such power has been officially conferred in advance by the Board. Any action which attempts to change the policies or otherwise bind the System or any of its Components, taken by any individual or any association or agency, shall be of no effect whatsoever until the proposed action has been approved by the President concerned and ratified by the Board.

2.7 Payroll Deductions. The Components within The Texas State University System may make automatic payroll deductions from an employee's paycheck for any lawful purpose.

2.8 Honorary Titles and Resolutions for Retirees. Faithful and distinguished service by a retiring faculty member or administrator may be recognized by an appropriate resolution of the Board.

2.81 Long and distinguished service by a faculty member holding the rank of Professor or Associate Professor may be recognized upon retirement by conferral of the title of Professor Emeritus, Associate Professor Emeritus, Distinguished Professor Emeritus or Distinguished Associate Professor Emeritus as provided by *Subparagraph 4.9* of this *Chapter*.

2.82 Faithful and distinguished service by the President of a Component may be recognized by the Board upon retirement, or upon returning to full-time teaching if a tenured member of the faculty, by conferral of the honorary title President Emeritus of the Component, without remuneration or authority for this honorary title.

2.83 Faithful and distinguished service by an administrator, including a Vice President of a Component, Vice Chancellor of the System and Chancellor, may be recognized by the Board upon retirement by conferral of the honorary title, such as Vice President Emeritus, Vice Chancellor Emeritus or Chancellor Emeritus, without remuneration or authority for this honorary title.

Last modified August 8, 2025

3. ADMINISTRATIVE OFFICERS.

3.1 Employment.

3.11 Hiring. The President of each Component is authorized to employ administrative officers. Such officers shall not have tenure by virtue of their office and shall serve without fixed term and at the pleasure of the President.

3.2 Terminations.

3.21 Limited Right to Hearing. The President of a Component may terminate the employment of an administrative officer of the Component when in the President's judgment the interests of the Component require termination. An administrative officer shall not have a right to a hearing unless the officer makes a *prima facie* showing that the decision to terminate violates rights guaranteed by the laws or Constitution of the State of Texas or of the United States and requests an administrative hearing to review the allegations. In such case the administrative officer shall be afforded an opportunity to present allegations before a hearing

committee consisting of three impartial administrative officers of the Component appointed by the President. Such allegations shall be heard under the same procedures as in the case of dismissal of faculty for cause, with the following exceptions:

(1) The burden of proof is upon the affected administrative officer to establish at such hearing that the decision in question constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States.

(2) The President of the Component need not state the reasons for the questioned decision nor offer evidence in support thereof unless the affected administrative officer presents a prima facie case in support of such allegations. In such case, the hearing committee shall determine whether the President has no other reason for his decision.

(3) The hearing committee will make written findings on the material facts and a recommendation, which findings and recommendation shall be forwarded to the President and to the affected administrative officer. The administrative officer may appeal to the President and ultimately to the Board of Regents in accordance with the terms and procedures specified in *Subparagraphs 4.55* and *4.56* of this *Chapter*.

3.22 Tenured Faculty as Administrators. If the administrative officer has tenure at the Component by virtue of holding a past faculty position or otherwise, termination as a member of the tenured faculty shall be only for good cause shown, and the official shall be given a hearing if terminated from tenured faculty status.

3.3 Sexual Misconduct. Administrative officers shall comply with the System's "*Sexual Misconduct*" policy found in *Chapter III, Paragraph 22* and *Appendix A-6*.

4. FACULTY.

4.1 Employment.

4.11 Board Goals for Faculty. The Board of Regents strongly desires to maintain learned faculties who, by precept and example, will instruct and inspire their students and reflect credit upon the Component. The Board encourages scholarship, creative activity, research, and public service but affirms that the primary goal of each faculty member shall be to attain a greater proficiency in teaching.

4.12 Nominations. The President of each Component shall recommend to the Chancellor and the Board the employment or re-employment of faculty members to be awarded term or annual appointments,

advising in writing as to the tenure status, proposed academic rank, and highest degree of each nominee.

4.13 Appointments. All faculty appointments, including the granting of tenure, are subject to the approval of the Chancellor and the Board. At the earliest practicable Board meeting following the Governor's approval of the State's *General Appropriations Act*, the Board shall appoint the faculty and other teaching personnel to term or annual appointments for a specified period not to exceed one year, renewable annually for up to five years, contingent upon satisfactory annual performance evaluations, departmental need, and continuity of funding. The President shall advise each appointee in writing of the provisions and conditions of the appointment. If a faculty member has already been appointed by the Board for either a fall or spring semester, the contract may be extended for the summer or for additional special assignments during the same Fiscal Year by the President, unless the extension includes a change in academic rank or an increase in the base salary.

4.14 Reappointments. Written notice of a decision not to reappoint will be given to a tenure track faculty member not later than March 1st, of the first, or not later than December 15th of the second, academic year of probationary service. After two or more academic years, written notice shall be given not later than August 31st that the subsequent academic year will be the terminal year of appointment. The notice required by this *Subparagraph* is not applicable where termination of employment is for good cause under *Subparagraph 4.5* or for faculty members who are appointed on a term basis.

4.141 Reappointment or the award of tenure shall be accomplished only upon the President's written recommendation and the Chancellor's and the Board of Regent's approval. If the faculty member does not receive notice as prescribed in this *Chapter*, it shall be his or her duty to inquire as to the decision of the President, who shall without delay give the required notice to the faculty member. Failure of the Component to comply with the notice provisions of this *Chapter* shall not entitle a faculty member to *de facto* tenure, and these *Rules and Regulations* expressly prohibit the awarding of *de facto* tenure.

4.142 Each faculty member shall keep the President or his or her designee notified of the faculty member's current mailing address. Written notices required by *Subparagraphs 4.24* or *4.54* shall be sent by certified mail, return receipt requested. Notice shall be complete when deposited in the United States mail, addressed to the last known address given by the faculty member. The faculty member's failure or refusal to receive the notice is immaterial.

4.15 Vacancies. A President may fill, by interim appointment, a faculty vacancy, subject to the Chancellor's and Board of Regent's ratification.

4.2 Tenure.

4.21 Defined.

4.211 Definition of Tenure. Tenure means the entitlement of a faculty member to continue in the faculty member's academic position unless dismissed for good cause in accordance with provisions of these *Rules and Regulations*. Tenured faculty can expect those privileges customarily associated with tenure at their Component. Such privileges include a suitable office and workspace, serving as a principal investigator and conducting of research, teaching classes, and participating in faculty governance. However, tenure does not create a property interest in any attributes of the faculty position beyond the annual salary. By way of example only, tenure does not create a property interest in laboratory space, a particular office, the right to teach graduate students, or use of research materials or equipment. Only members of the faculty with the academic title of Professor, Associate Professor, or Assistant Professor may be granted tenure, unless the Component handbook recognizes the rank of Instructor as eligible for tenure.

4.212 Tenure Granted at Time of Appointment. In exceptional cases, tenure may be granted at the time of appointment to any of such academic ranks by the Board of Regents or may be withheld pending satisfactory completion of a probationary period of faculty service. For tenure to be granted at the time of appointment, the President shall submit a written justification and recommendation to the Chancellor for review. If the Chancellor supports the grant of tenure, he or she may authorize the President to offer the prospective faculty member tenure, subject to subsequent approval by the full Board.

4.22 Tenure Track Faculty. Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and/or Instructor (at Components where such is an academic rank eligible for tenure) shall be counted toward fulfillment of a required probationary period. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period. If the Component faculty handbook does not recognize the rank of Instructor as eligible for tenure, then no more than three (3) years service as Instructor shall be so counted.

4.23 Prior Service Credit. At the discretion of the Component, a maximum of three (3) years prior service at another institution of

higher education, including but not limited to General Academic Institutions and Health-Related Institutions, may be counted toward fulfillment of the required probationary period.

4.24 Maximum Probationary Service. The maximum period of probationary faculty service in tenure track status in any academic rank or combination of academic ranks shall not exceed six years of full-time academic service, unless the tenure clock has been tolled as provided in this *subparagraph*. Not later than August 31st of the last academic year of the maximum probationary period in effect at any Component, a tenure track faculty member shall be given written notice that the subsequent academic year will be the terminal year of employment or that, beginning with the subsequent academic year, tenure will be granted. Faculty members who have not been granted tenure by the Board of Regents shall not be entitled to tenure by virtue of being employed at the Component past the probationary period, i.e., such faculty members do not have *de facto* tenure.

4.241 Tolling of Tenure Clock. A Component may permit a tenure track faculty member to toll the tenure clock—that is, exclude not more than two academic years of countable service toward tenure—in order to accommodate one or more of the following exigencies or hardships: (a) Childbirth or adoption; (b) Dependent care (including children, parents, spouses, or other dependents); (c) The faculty member's own illness or other personal emergency; and/or, (d) The inability of the institution to provide agreed upon facilities for the faculty member's research.

4.242 Timing of Request. The request to toll shall, to the extent possible, occur prior to the occurrence of the event(s) stated in *Subparagraph 4.241* and, in any case, within one year of the event(s). Requests made after the Component provides written notice of commencement of the promotion and/or tenure review process will not be honored.

4.243 Faculty Member's Obligations. Per *Subparagraph 4.242*, the faculty member shall notify his or her chair and dean and make a written request to the chief academic officer to toll up to two years of service on the tenure clock, clearly explaining the basis(es) for the request—namely, why the exigency or hardship prevents or significantly impedes the faculty member's ability to make progress toward achieving tenure; stating the estimated duration of both the exigency or hardship and the tolling period requested; and providing such supporting documentation as the Component may require.

4.244 Chief Academic Officer's Obligations. The chief academic officer shall notify the faculty member, the chair/director, and the dean, and submit his or her recommendation to the System Vice Chancellor for

Academic and Health Affairs (VCAHA) for his or her decision. The recommendation shall include the faculty member's date of hire; process used to decide to request extension (such as executive committee approval or department chair recommendation); rationale to exclude the requested period of countable service; other facts or documentation relevant to the case; and the date by which the faculty member will be reviewed for tenure if the extension is approved.

4.245 Two Year Limitation. The total time excluded from countable service under this policy is two years (for example, a faculty member who tolls or excludes one year for childbirth or adoption and one year for dependent care has reached the maximum).

4.246 Components may, but are not required to, adopt a policy permitting tolling of the tenure clock for one additional year due to extraordinary circumstances such as a global pandemic as declared by the World Health Organization or other widespread state or federal natural disaster.

4.247 No Property Right Created. The tolling of the tenure clock under this policy lies within the sole discretion of the Component administration, subject to the VCAHA's approval, and creates no property right, contractual or other legal entitlement in a member of the faculty. The administration may deny a request when, in its judgment, the needs and best interests of the Component, its academic units, and/or its students so require; provided, that this policy shall not be applied in violation of Component or System non-discrimination policies.

4.248 Tenure and Promotion Criteria Unaltered. Chairs/ directors, deans, and chief academic officers shall ensure that all faculty members, tenure and promotion or other reviewing committees, and outside letter writers are informed that the criteria for tenure do not change when service has been excluded from a faculty member's probationary period.

4.25 Calculating Service. For purposes of calculating the period of probationary service, an "Academic year" shall be the approximate nine-month period from September through May as designated in the common calendar established by the Texas Higher Education Coordinating Board. One year of probationary service is accrued by at least nine months full-time academic service during any academic year, regardless of whether contracted on an annual basis or for a consecutive fall and spring semester. A faculty member shall be considered to be on full-time academic service if in full compliance with Board standards pertaining to minimum faculty workloads at general academic universities. If a faculty member is initially appointed during an academic year, the period of service

from the date of appointment until the beginning of the following academic year shall not be counted as academic service toward fulfillment of the maximum probationary period.

4.26 Non-tenured Faculty. No non-tenured member of the faculty should expect continued employment beyond the period of current appointment as approved by the Board of Regents. Any commitment to employ a non-tenured member of the faculty beyond the period of current appointment shall have no force and effect until approved by the Board. Non-tenured members of the faculty serve at the pleasure of the Component President and the Board, subject to the provisions of proper notice as required by these *Rules and Regulations*.

4.27 Non-reappointment and Denial of Tenure. A non-tenured faculty member, who is notified of non-reappointment in accordance with *Subparagraphs 4.14* or who is notified in accordance with *Subparagraphs 4.24* that tenure has been denied and that the subsequent academic year will be the terminal year of appointment, shall not be entitled to a statement of the reasons upon which the decision for such action is based.

4.28 Performance Reviews. Components shall develop and publish campus-specific faculty performance review policies.

4.281 Annual Review Policies. Each Component shall develop campus-specific annual review policies for non-tenured faculty members.

4.282 Performance Review of Tenured Faculty. Each tenured faculty member shall undergo a comprehensive performance evaluation process no more often than once every year but no less often than once every six years after the date the faculty member was granted tenure or received an academic promotion at the Component. The comprehensive performance evaluation shall be based on the professional responsibilities of the faculty member, in teaching, research, service, patient care, and administration as applicable and include peer review of the faculty member. Each Component shall develop campus-specific post tenure policies and procedures to determine whether a tenured faculty member is performing consistently at an acceptable professional level as well as a mechanism whereby a faculty member is informed of any deficiencies in any area of any evaluation and provided opportunity to improve performance through a short-term development plan that includes performance benchmarks for returning to satisfactory performance. Such policies and procedures shall be consistent with the tenure policies of this *Chapter* and *Education Code, Section 51.942* and shall accord faculty members fundamental due process, including the opportunity for referral of a termination based upon

evaluation to non-binding alternative dispute resolution, and a right of appeal in accordance with existing Component and Board policy.

4.3 Promotion.

4.31 Discretionary Nature of Promotion. The academic promotion of a faculty member is discretionary on the part of the President of the Component, the Chancellor and the Board of Regents. Faculty members do not have an entitlement to a prospective promotion rising to the level of a property interest, and the denial of a prospective promotion is not sufficiently stigmatic to constitute a liberty interest. No commitments, implied or otherwise, shall be made by any individual regarding faculty promotions without the prior written approval of the President, and all faculty promotions shall be subject to the approval of the Chancellor and Board of Regents. Faculty members who are not recommended for promotion shall not be entitled to a statement of reasons for the decision against the recommendation. However, supervisors are encouraged to offer suggestions for a program of professional development in teaching, scholarly or creative work, and leadership or service that may enhance the likelihood of promotion in the future.

4.32 Guidelines. The President of each Component shall develop minimum expectations and guidelines to be used in the evaluation of faculty for promotions, salary increases, reappointments, and tenure. Such guidelines shall include but not be limited to:

(1) Teaching in the classroom, laboratory, or seminar room;

(2) Studying, investigating, discovering, and creating;

(3) Performing curricular tasks auxiliary to teaching and research, e.g., serving on faculty committees, attending to administrative and disciplinary tasks, and promoting diligence and honest work in the student body;

(4) Advising and counseling of students, including the posting or publishing of office hours in such a manner as may be required by the President;

(5) Influencing beneficially students and citizens in various extracurricular ways; and,

(6) Patents or commercialization of research, where applicable.

Within the guidelines, a faculty member becomes eligible for promotion by meeting or exceeding standards of performance although such eligibility shall not entitle him or her to a promotion.

4.4 Faculty Grievances of Non-renewal or Termination of Employment.

4.41 Faculty Member Defined. For purposes of this *Paragraph*, "faculty member" means a person employed full-time by a System Component as a member of the faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. It does not include a person who holds faculty rank but spends the majority of his or her time engaged in managerial or supervisory activities, including a Chancellor, President, Provost, Vice President, Associate or Assistant Vice President, Dean, Associate or Assistant Dean.

4.42 Grievable Issues Pursuant to this *Paragraph*. A faculty member may present a grievance to a System Component's President on an issue related to non-renewal or termination of the faculty member's employment at the end of his or her contract period.

4.43 Termination Prior to End of Contract Period. Except where a faculty member's removal is pursuant to the Summary Dismissal process in Paragraph 4.53 herein, any faculty member, whose employment is terminated prior to the end of his or her contract period, shall be entitled to invoke the full due process procedures provided to tenured faculty under *Paragraph 4.5* of this *Chapter.*

4.44 Grievance Process. The President shall designate a member of his or her administration as a hearing officer to consider grievances under this *Chapter*.

4.441 No later than thirty (30) business days after the grievant learns (or in the exercise of reasonable care should have learned) of the action or condition giving rise to the grievance, he or she shall file the grievance on a form prescribed by the Component, providing supporting documentation, if any.

4.442 The hearing officer will meet with the grievant at a mutually convenient time to review any documentation or other evidence that the grievant may present in support of his or her position.

4.443 The hearing officer may not recommend changing the administration's action regarding non-renewal or termination of employment unless the grieving faculty member establishes a *prima facie* case that he or she has been denied a right guaranteed by the constitutions or laws of the United States or of the State of Texas. A *prima facie* case is one presenting facts or documents that, so far as can be judged from first disclosure, would create a presumption of validity in the absence of response, contradiction or rebuttal by the Component. Unsubstantiated allegations shall not be sufficient to establish a *prima facie* case.

4.444 If the hearing officer finds that the grievant has established a *prima facie* case, the hearing officer shall provide the administration an opportunity to respond to the claims; determine whether the administration has stated a non-discriminatory reason for its decision; and advise the President of his or her findings.

4.445 The President shall make the final decision regarding the grievance.

4.45 Not a Due Process Proceeding. A grievance under this *Paragraph* is not a due process hearing, requiring the formalities specified in *Paragraph 4.5* of this *Chapter*.

4.46 Component Procedures. A Component may not establish procedures that expand or contract the rights granted or materially alter processes described in this *Paragraph*. To the extent Component procedures conflict with the procedures in this *Paragraph*, the latter shall prevail. Existing Component policies on this subject matter are hereby revoked.

4.5 Termination and Due Process Procedures.

4.51 Grounds. Termination by a Component of the employment of a tenured faculty member and of all other faculty members before the expiration of the stated period of their appointment, except by resignation or retirement, will be only for good cause shown.

Good cause includes but is not limited to the following:

(1) Failure to work efficiently or effectively;

(2) Insubordination;

(3) Serious professional or personal misconduct, examples of which include but are not limited to:

(a) Conduct involving moral turpitude that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;

(b) Failure to secure and maintain Federal, State, or local permits required in the discharge of teaching, research, or other professional duties, including failure to maintain appropriate documentation;

(c) Willful destruction of Component property or violent disruption of the orderly operation of the campus;

(d) Violation of the System's ethics policy (*Chapter VIII* of these *Rules and Regulations)*, including

acceptance or solicitation of gifts that might tend to influence the discharge of one's professional responsibilities;

(e) Stealing and publishing as one's own the intellectual property of another;

(f) Misuse or misappropriation of state property, resources, funds, including funds held by a faculty member as part of official duties;

(g) Sexual harassment, as defined by *Subparagraph 4.4* of *Chapter VII* of these *Rules and Regulations;*

(h) Racial harassment as defined by *Subparagraph 4.3* of *Chapter VII* of these *Rules and Regulations.*

(i) Violations of any state or federal law or any provision of these *Rules and Regulations* substantially related to the performance of the faculty member's duties;

(j) Conviction of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration; and,

(k) Falsifying the faculty member's academic credentials.

(4) Professional incompetence and/or neglect of professional duties;

(5) Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree of the performance of duties or the meeting of responsibilities to the institution, or to students and associates;

(6) Illegal use of drugs, narcotics, or controlled substances. A faculty member who, by a preponderance of the evidence, under these *Rules and Regulations*, is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the President or the President's designee. That an employee is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting administrative enforcement of these *Rules and Regulations*. If, in the judgment of the President or the Board of Regents, the best interests of the students or the Component or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings;

(7) Intentionally or knowingly violating any Board or administrative order, rule, or regulation, including the provisions of *Chapter V, Subparagraph 2.134* of these *Rules and Regulations*. The employee is presumed to have knowledge of such Board or administrative order, rule, or regulation that is published in these *Rules and Regulations* or is a published policy of the Component.

(8) Continually or repeatedly failing to perform duties or meet professional responsibilities of the faculty member's position;

(9) Failing to successfully complete any post-tenure review professional development program; and

(10) Financial exigency or the phasing out of the component's programs requiring elimination of the faculty member's position.

4.52 Suspension. A President may, for good cause, suspend an accused faculty member pending immediate investigation or speedy hearing as hereinafter provided when the continuing presence of the faculty member poses a danger to persons or property or an ongoing threat of disrupting the academic process. An employee who is suspended or discharged from a particular duty or job at the Component may be suspended or discharged from all other duties or jobs in the Component for the same or other good cause. The President shall, as soon as possible, notify both the Chancellor and the Vice Chancellor and General Counsel of any such actions.

4.53 Summary Dismissal. Any faculty member may be summarily dismissed in accordance with this provision provided the summary dismissal is based on a finding that the faculty member committed serious professional or personal misconduct as defined in these *Rules and Regulations*.

4.531 Before being summarily dismissed, a faculty member will be provided with written notice of the allegations against the faculty member together with an explanation of the evidence supporting dismissal and an opportunity for the faculty member to respond to the allegations in a hearing with an administrator designated by the President.

4.532 The designated administrator will consider a faculty member's response and make a written determination whether summary dismissal will proceed. The designated administrator must include in his or her written determination a statement indicating that either a faculty member (i) is subject to summary dismissal, including the effective date of the dismissal and information regarding a faculty member's opportunity to appeal the decision post-dismissal; or (ii) is not subject to summary dismissal.

4.533 A faculty member will be promptly provided a copy of the designated administrator's written determination.

4.54 Hearing Tribunal. In all cases where the faculty member disputes the good cause grounds for termination and does not waive a hearing, the faculty member shall be informed in writing of the charges of good cause which, on reasonable notice, will be heard by a special hearing tribunal whose membership, including its chair, shall be appointed by the President from members of the faculty whose academic rank is equal to or higher than that of the accused faculty member. At such a hearing:

(1) The hearing tribunal shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any tribunal member, provided such challenge is made prior to the submission of any evidence to the tribunal. The faculty member shall have no right to disqualify such member from serving on the tribunal. Each such challenged member shall determine whether he or she can serve with fairness and objectivity in the matter. In the event the challenged member chooses not to serve, the President shall appoint a substitute.

(2) The faculty member shall have a right to attend the hearing; confront and cross-examine adverse witnesses; present relevant evidence on his or her own behalf; testify or choose not to testify; and, be assisted or represented by counsel. The hearing shall be closed although the faculty member may request that it be open to the public. Notwithstanding a faculty member's request, the tribunal may close all or a portion of a hearing to deliberate or if it appears likely that privacy interests of others are relevant and could be affected by an open hearing.

(3) The Component, through a representative and/or through counsel, shall have the right to attend proceedings; present witnesses and evidence against the faculty member; and, cross-examine the faculty member (if the faculty member testifies) and his or her witnesses.

(4) The hearing tribunal, by a majority of the total membership, shall make written findings on the material facts and a recommendation of the continuance or termination of the faculty member's tenure as well as any supplementary suggestions it may have concerning the case. The original of such findings, the recommendation, any supplementary suggestions, and the record of the hearing shall be delivered to the President and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.

(5) A stenographic or electronic record of the such record shall be made accessible to the faculty member.

4.55 Review by President. The President shall review the record, plus any additional written briefs the parties wish to submit, and render a decision, stating his or her reasons therefore in writing and communicating the same to the faculty member. The President may recommit the matter to the same tribunal to hear additional evidence and/or to reconsider its findings, recommendations, or suggestions, if any. The original findings, recommendations, and suggestions of the hearing tribunal, a transcript of the hearing, any briefs submitted, and the decisions, recommendations, findings, and suggestions of the President shall be delivered to the Board.

4.56 Appeal to the Board. Upon written request by the faculty member, received in the System Administration Office within thirty (30) calendar days of the faculty member's receipt of the President's decision, the Board shall review the record before it. Such request should specifically address any defects in procedure or substance which require reversal of the President's decision. The President may submit a written response to the request for review. By a majority of the total membership, the Board may approve, reject, or amend any decisions, findings, recommendations, and suggestions before it, or recommit the matter to the President for reconsideration or the hearing of additional evidence. The Board shall notify the faculty member in writing of the reasons for its decision.

4.6 Termination of Faculty Employment Under Special Circumstances. If, in the judgment and discretion of the Board, reductions in legislative appropriations for faculty salaries; governmentally mandated reductions in faculty positions; significant loss of enrollment; consolidation of departments or other reorganization; dropping of courses, programs, or activities for educational or financial reasons; or financial exigency make such action advisable, the employment of a faculty member who has been granted tenure or of any other faculty member before the expiration of the stated period of his or her employment, may be terminated in accordance with the provisions of this *Subparagraph*.

4.61 A faculty member whose employment will be recommended for termination under this *Subparagraph 4.6* shall be given:

(1) a statement of the basis for the decision to terminate the faculty member's employment, together with a description of the manner in which the recommendation of termination was made;

(2) access the information and data upon which the recommendation was based; and,

(3) an opportunity to respond consistent with the requirements of due process.

4.62 In cases involving the termination of faculty employment under the provisions of this *Subparagraph*, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:

(1) Whenever possible, faculty reduction will be accomplished through attrition;

(2) Within a designated program, the termination of the employment of a faculty member with tenure may not be recommended in favor of retaining a faculty member without tenure unless:

(a) The removal of a non-tenured faculty member would eliminate an essential part of a program or render a program dysfunctional; or,

(b) The removal of a non-tenured faculty member who is deemed to be of equal or greater merit than a tenured faculty member would jeopardize the advances achieved by the Component under its strategic plan.

4.63 A faculty member recommended for termination under the provisions of *Subparagraph 4.6* should be given the opportunity for appointment in a related area provided: (a) the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional retraining that will qualify him or her to do so; and (b) a position is available.

4.64 A faculty member whose position has been terminated will be given first consideration for rehiring, should the position be re-established within a three-year period.

4.65 The President of each Component shall develop and publish in the Component's faculty handbook the Component's policy regarding termination of employment under *Subparagraph 4.5*, subject to the reviews and approvals specified in these *Rules and Regulations*.

4.7 Rights and Responsibilities as a Teacher and as a Citizen.

4.71 Classroom. The faculty member is entitled to freedom in the classroom in discussing the faculty member's subject but should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject field.

4.72 Research and Publication. The faculty member is entitled to freedom in research and in the publication of the results in accordance with responsible academic and professional practices.

4.73 Licenses and Permits. The faculty member shall be responsible for securing and maintaining any and all federal, state, and local licenses and permits required for his or her classroom, research, or other professional activities.

4.74 Speaking as a Citizen. The faculty member is a citizen, a member of a learned profession, and an employee of an educational component supported by the State. When the faculty member speaks or writes as a citizen, the faculty member should be free from Component censorship or discipline; but, the faculty member's special position in the community imposes special obligations. As a person of learning and a faculty member of a state funded educational component, the faculty member should remember that the public may judge his or her profession and Component by his or her utterance. Hence, the faculty member should at all times be accurate, exercise appropriate restraint, and should show respect for the opinions of others.

4.75 Partisan Political Activities. The Board of Regents recognizes and affirms a faculty member's right to participate in political activities as long as such political activities do not interfere with the discharge of the duties and responsibilities that a member of the faculty owes to the System or a Component or otherwise involve the System or a Component in partisan politics. If, in the President's or Board's judgment, the interest of the System or a Component so require, they may grant a leave of absence without pay to a member of the faculty. If a member of the faculty, who has not been granted a leave of absence, wishes to engage in political activity that interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the faculty member should voluntarily terminate employment with the Component. If the faculty member does not voluntarily terminate his or her employment and the President or the Board finds that the faculty member's political activity interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the President or the Board shall terminate such faculty member's employment by the Component.

4.76 Non-competitive use of employee-owned courseware. (See *Chapter III, Paragraph 11.6* of these *Rules).* Courseware developed by an employee without specific direction or significant support of the Component institution shall not be sold, leased, rented, or otherwise used in a manner that competes with the instructional offerings of his/her own Component without the prior written approval of the chief academic officer of the Component. Should approval be granted to offer the course, course Components, or instructional support materials outside of the institution, the employee shall reimburse the Component for any use of its resources.

4.8 Terms and Conditions of Employment.

4.81 Faculty Development Leaves. The Board of Regents authorizes each President to implement a Faculty Development Leave Program pursuant to the provisions of *Texas Education Code, Chapter 51, Subchapter C* and approval of the Chancellor.

4.82 Absences. The following regulations, pertaining to faculty absences, authorized and unauthorized, are established for each Component and have been filed with the Texas Higher Education Coordinating Board as required by the *Texas Education Code, Section 51.108*. Each Component President is delegated authority to promulgate policies to implement the provisions of this *Subparagraph*, including the reporting of faculty absences and the granting of such sick leave, emergency leave, and/or other leave as may be authorized by statute or the *General Appropriations Act*. Component policies shall make provisions for the following:

4.821 Authorized Absences. A faculty member employed by a Component must discharge faithfully instructional duties and other responsibilities associated with faculty appointment, including the meeting of all scheduled classes. Absences from classes will be authorized only under the following conditions:

(1) Professional meetings when, in the judgment of the President or his/her designee, attendance at such a meeting would contribute to the improvement of teaching or scholarship at the Component;

(2) Personal or immediate family illness;

(3) Family emergencies;

(4) Specific assignments of the President of short duration (the Board of Regents discourages specific assignments which will cause a faculty member to be absent from assigned classes);

(5) Special circumstances where the President considers such absences to be for valid reasons and in the best interest of both the faculty member and the Component.

4.822 Unauthorized Absences. Unauthorized absences on the part of the faculty member are not permitted. Each Component shall regard such absences as a violation of the terms of the faculty member's appointment.

4.83 Outside Employment. The President of each Component shall approve and incorporate in the faculty handbook specific policies governing outside employment by all faculty members. These guidelines shall include but not be limited to the provisions and conditions of this S*ubparagraph*.

4.831 Faculty members should not be discouraged from accepting appropriate appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions as long as such activities do not conflict with the individual's work at the Component. The consideration to the System of such activity is the improvement of the individual through contact with the non-academic world. Faculty members should be discouraged from accepting regular employment outside the Component because such does not directly benefit the Component as indicated herein.

4.832 Conflict of interest must be avoided in all instances of outside employment. Conflict of interest means any outside activity which intrudes upon the faculty member's responsibility to the Component. See *Subparagraph 2.4* of this *Chapter* and *Chapter VIII* (*Ethics Code*).

4.833 No member of the faculty engaged in outside remunerative activities shall use in connection therewith the official stationery, supplies, equipment, personnel services, or other resources of the System or any of its Component universities. Nor shall such member of the faculty accept pay from private persons or corporations for tests, essays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character which involves the use of property owned by the System or its Components.

4.834 Every member of the faculty who gives professional opinions must protect the System and its Components against the use of such opinions for advertising purposes. That is, when work is done in a private capacity, the faculty member must make it clear to the employer that such work is unofficial and that, absent the President's prior approval, the name of the System and its Components are not in any way to be connected with the faculty member's name. Exceptions may be made for the name of the author attached to books, pamphlets, and articles in periodicals, and the identification of an individual in publications of corporations or companies related to service as a member of an advisory council, committee, or board of directors.

4.835 A faculty member (as defined in *Subparagraph 1.11* of this *Chapter*) may not engage in any outside work or receive compensation from an outside source that creates a conflict of interest with the faculty member's duties at the Component. A conflict of interest includes the actions prohibited in *Subparagraph 3.2* of *Chapter VIII* of these rules. The faculty member shall notify the President or his/her designee of such activity.

4.836 Reporting Requirements. Any faculty member who seeks to engage in remunerative employment or consulting outside of his or her primary employment relationship with the Component, shall notify and obtain written permission from the head of his or her department before beginning such outside employment or consulting. If his or her department head determines that the employment or consulting serves a public purpose and does not unreasonably interfere or conflict with the faculty member's obligations or duties to the Component, the department head may authorize the employment or consulting.

4.84 Textbooks and Other Course Materials. Policies which govern textbooks and other materials prescribed for use by students will be specified for each Component in the faculty handbook for that Component.

4.841 Generally, the individual faculty member or the academic department should have wide discretion in the choice of materials to be used in the courses offered by the department with the approval by the chairman or head of the department. Although the authorship of books, outlines, manuals, and similar materials by members of the faculty should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Where practicable and equitable, the charge for outlines, syllabi, and similar materials prescribed for the use of students should be borne by the instructional department concerned. Whenever a charge is authorized for such copied materials, the prices should be as low as possible, consistent with the payment of a fair and reasonable royalty to the author or authors. This charge must be considered in conjunction with the a incidental course fees or charges" such that students are not charged more than once for the same material(s).

4.842 Textbooks, notebooks, manuals, or other materials for the use of students of a Component, written or prepared by a member of the faculty of that Component, shall not be prescribed for the use of or sold to such students until such books, notes, manuals, or materials shall have been approved, with reasons stated, by the department head and approved by the academic Vice President. All such requests shall indicate the proposed prices and profits, and their authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given.

4.85 Acceptance of Money from Students. Faculty members shall not, without approval of the President or his/her designee, collect from students any fees or charges to be expended for Component purposes or sell to students books, notes, materials or supplies.

Faculty of the rank of lecturer or above, and other instructional personnel as designated by the Component President, may not accept pay from students for extra instruction or teaching of students registered in the Component. With prior written approval of the President or his or her designee, instructional employees below the rank of lecturer may accept pay from students for extra-class instruction or coaching but only in courses or sections of courses with which they have no instructional connection. The faculty handbook of the Component shall specify the procedure for approval at the Component level.

4.86 Knowledge of These *Rules & Regulations*. Each faculty member shall become acquainted with these *Rules and Regulations*, Component policies and faculty handbooks, catalogues, announcements of courses, other official publications, and printed or other material regularly prepared for the use of the faculty. The President shall have copies of these *Rules and Regulations*, Component policies and faculty handbook available at the President's office, the library, and other appropriate campus locations.

4.87 Faculty Leaving Administrator Role. An administrator, other than a department level chair, who holds a concurrent tenured faculty appointment, in good standing, may resume or assume a faculty appointment with all the rights and responsibilities of faculty in the department. Upon return to faculty status, the new salary shall be commensurate with the salary of other faculty with similar qualifications performing similar duties but shall not be greater than the salary of the highest paid faculty in the department.

(1) When a department does not have faculty with similar qualifications, the new salary shall not be greater than the salary of the highest paid faculty in the college.

4.9 Honorary Titles and *Emeritus* Faculty.

4.91 Honorary Titles. Several honorary titles - Regents' Professor, University Distinguished Professor, *Emeritus (*or distinguished *emeritus)* Status - recognize long and distinguished service.

4.92 Regents' Professor. Upon the recommendation of the Chancellor, the Board of Regents, from time to time, may bestow the title of "Regents' Professor" upon a very select number of tenured faculty members who have demonstrated the following:

(1) Excellence in teaching and exceptional dedication to students;

(2) National or international distinction and acclaim for academic achievement or scholarship; and,

(3) Notable contributions and commitment to their Component institutions and communities.

Upon retirement, a Regents' Professor shall automatically receive *Emeritus* faculty status.

4.93 University (College or Institute) Distinguished Professor. The President of each Component may establish criteria to recognize, annually, as "University (College or Institute) Distinguished Professors," a select number of outstanding professors or associate professors, who have achieved academic accomplishment and stature that exceeds the criteria for the granting of tenure. Upon retirement, a University Distinguished Professor shall automatically receive *Emeritus* faculty status.

4.94 *Emeritus* (or Distinguished *Emeritus*) Status. The President of each Component is authorized to bestow the following titles upon retired or retiring faculty:

(1) Professor *Emeritus,* Distinguished Professor *Emeritus*, or similar honorific titles*,* provided that the faculty member holds the rank of professor and has served the Component, with distinction, at least ten years.

(2) Associate Professor *Emeritus*, provided that the faculty member holds the rank of associate professor and has served the Component, with distinction, at least fifteen years.

Except for Regents' Professors and University Distinguished Professors, the conferring of *emeritus* status is not automatic upon retirement but shall be based upon individual distinction, exceptionally high quality service, and outstanding contributions to the Component which clearly demonstrate the individual's worthiness for the honor conferred.

4.95 Privileges and Perquisites of *Emeritus* Status. Although *Emeritus* status constitutes continued academic appointment without remuneration or authority, holders of the title of "distinguished professor *emeritus*" or "distinguished associate professor *emeritus*" shall be accorded the following privileges and perquisites:

(1) Use of the title "distinguished professor *emeritus*" or "distinguished associate professor *emeritus*."

(2) Membership (without vote) in the general faculty and in the college and department faculties in which membership was held at the time of retirement.

(3) Membership in the graduate faculty (without vote) if membership was held at the time of retirement.

(4) Eligibility for service on Component committees upon appointment by the President of the Component.

(5) Assignments of office space and use of laboratory facilities, when available, with the approval of the department head, dean of the college, and Provost and Vice President for Academic Affairs.

(6) Listing in the faculty directory and applicable publications.

4.96 Duration of Honorary Titles. The Board of Regents prefers and intends that honorary titles be held in perpetuity (for example, if a faculty member enjoying *emeritus* status is recalled to service in the interest of the Component after an intervening period, *emeritus* status is not affected); notwithstanding anything to the contrary in this *Paragraph 4.9*, conferring any such title shall not create a property right or entitlement in the holder. The Board reserves the right to revoke a title if, in its sole judgment and discretion, the best interests of the Texas State University System or of a Component warrant such action.

4.10 Faculty Council or Senate.

4.10(1) Exclusive power to establish faculty council or senate. Only the Board may establish a faculty council or senate at a Component. The President of each Component is authorized and encouraged to develop a process for creating and changing, as necessary, a faculty council or senate, incorporating applicable statutory language, that may be recommended to the Chancellor for consideration, and approved by the Board of Regents.

4.10(2) Policy governing the selection of members of the faculty council or senate. The following policy is adopted to ensure adequate representation of each college and school of the Component:

(1) only faculty members may be members of a faculty council or senate; and

(2) faculty council or senates are limited to not more than 60 members with at least two representatives from each college or school, including:

(a) one member appointed by the president; and

(b) the remaining members elected by a vote of the faculty of the member's respective college or school.

4.10(3) A faculty council or senate is advisory only and may not be delegated the final decision-making authority on any matter.

4.10(4) A faculty council or senate shall represent the entire faculty of the Component and advise the Component and System administration regarding matters related to the general welfare of the Component.

4.10(5) A faculty council or senate may not issue any statement or publish a report using the Component's official seal, trademark, or resources funded by the Component on any matter not directly related to the council's or senate's duties to advise the Component administration.

4.10(6) Service on the faculty council or senate is an additional duty of the faculty member's employment. Members of the faculty council or senate are not entitled to compensation or reimbursement of expenses for their role as members of the faculty council or senate unless the expense is on behalf of and approved by the Component.

4.10(7) A member of the faculty council or senate appointed by the Component president may serve up to six consecutive one-year terms and then may only be reappointed after the second anniversary of the last day of the member's most recent term.

4.10(8) A member of the faculty council or senate elected by a vote of the faculty serves a two-year term, staggered in a manner that allows approximately one-half of the elected members to be elected each year, and may only be reelected after the second anniversary of the last day of the member's most recent term.

4.10(9) A faculty member serving on the faculty council or senate may be immediately removed from the council or senate for:

(1) failing to conduct the member's responsibilities within the council's or senate's parameters,

(2) failing to attend council or senate meetings, or

(3) engaging in other similar misconduct.

4.10(10) A member of a faculty council or senate may be removed on recommendation of the Component's provost and approval by the Component's president.

4.10(11) Component President Appoints Officers. The Component president shall appoint a presiding officer, associate presiding officer, and secretary from the members of the faculty council or senate.

(1) The presiding officer shall preside over meetings of the faculty council or senate and represent the council or senate in official communications with the Component and System administration.

4.10(12) Meetings of the Faculty Council or Senate.

(1) For the avoidance of doubt, Chapter 2110, Government Code, does not apply to a faculty council or senate established under this section.

(2) The faculty council or senate shall conduct meetings at which a quorum is present in a manner that is open to the public and in accordance with procedures prescribed by the Component president.

(3) The faculty council or senate shall broadcast over the Internet live video and audio, as applicable, of each open meeting of the council or senate if more than 50 percent of the members of the council or senate are in attendance.

(4) The faculty council or senate shall adopt rules for establishing a quorum.

(5) The following shall be made available to the public on the Component's Internet website not later than the seventh day before a meeting of the faculty council or senate:

(a) an agenda for the meeting with sufficient detail to indicate the items that are to be discussed or that will be subject to a vote; and

(b) any curriculum proposals reviewed by the council or senate that will be discussed or voted on at the meeting.

(6) The names of the members in attendance must be recorded at a meeting in which the faculty council or senate conducts business related to:

(a) a vote of no confidence regarding a Component or System administrator; or

(b) policies related to curriculum and academic standards.

4.10(13) This section may not be construed to limit a faculty member from exercising the faculty member's right to freedom of association protected by the United States Constitution or Texas Constitution.

4.10(14) Component Presidents will propose rules consistent with this Policy and statutory requirements on the appointment or election of faculty members to the faculty council or senate, that may be recommended to the Chancellor for consideration, and approved by the Board of Regents

4.11 Shared Governance. Shared governance structures may not be used to obstruct, delay, or undermine necessary institutional reforms or serve as a mechanism for advancing ideological or political agendas.

4.12 No decision-making authority in hiring. A faculty member who does not serve in an administrative leadership position may not have final decision-making authority on the hiring of an individual for any faculty or administrative leadership position at the institution.

4.13 Miscellaneous Provisions.

4.13(1) Recruitment and Resignation of Faculty Members. Mobility of faculty members among colleges and universities is rightly recognized as desirable in American higher education. Yet, the departure of a faculty member always requires changes within a Component and may entail major adjustments on the part of the faculty member's colleagues, the administration, and students in the faculty member's field. Thus, each Component President shall establish procedures regarding the recruitment and resignation of faculty members. The standards set forth below are recommended:

(1) Recruitment Negotiations. Negotiations looking to the possible appointment of persons for the following fall semester who are faculty members of other universities in active service or on leave-of-absence and should be begun and completed as early as possible in the academic year and the appropriate other Component officers informed of such negotiations.

(2) Notification of Resignation. A faculty member should not resign later than May 15 or thirty days after receiving notification of the terms of continued employment for the following year, whichever date occurs later.

(3) Appointment Offer. To permit a faculty member to give due consideration and timely notice to his or her Component, an offer of appointment for the following fall at a Component should be made before May 1 whenever possible.

4.13(2) Retired Faculty. A full-time faculty member, who has retired from service from one of the Components in The Texas State University System and who held the title professor, associate professor, assistant professor, or instructor at the time of retirement, and who was in good standing as determined by the Component at the time of retirement, shall, in the sole discretion of the Component, be accorded the following privileges and perquisites at such Component:

(1) A faculty identification card denoting previous academic rank and the designation "Retired". In the case of holders of an emeritus title, the identification card shall denote the applicable emeritus title;

(2) Faculty library privileges;

(3) Use of Component dining services;

(4) Authority to purchase a faculty-staff activity card on the same basis as active faculty members;

(5) Parking privileges provided to active faculty members of the Component;

(6) Continued eligibility for Component group health and life insurance as provided by statute;

(7) Use of internal Component mail service and facilities; and,

(8) Other privileges for retired faculty approved by the President of the Component.

4.13(21) The continuation of any such privileges or perquisites accorded to a retired faculty member remains at the discretion of the Component, and a Component's decision to extend such privileges or perquisites does not create a property interest in those privileges or perquisites.

4.14 Sexual Misconduct. Faculty shall comply with the System's "*Sexual Misconduct*" policy found in *Chapter III, Paragraph 22* and *Appendix A-6*.

Last modified May 29, 2026

5. UNCLASSIFIED AND CLASSIFIED STAFF EMPLOYEES.

5.1 Employment.

5.11 Hiring. The President of each Component is authorized to hire all unclassified and classified staff employees and other non-faculty personnel. With the exception of employees hired under *Subparagraph 1.13* of this *Chapter*, all employees hired under the authority of this *Subparagraph* shall serve without a fixed term and at the pleasure of the President.

5.111 All hiring shall be made on the basis of merit. The President of the Component may investigate the character, integrity, scholastic attainment, and other qualifications of prospective employees before hiring them or before exercising any delegated authority for hiring them.

5.112 As provided in the *Constitution of the State of Texas*, *Article I, Section 4*, and by statute, no religious qualification shall be required for appointment to any office or position connected with the System or any Component thereof.

5.113 There shall be full compliance with statutory provisions requiring notification to employees.

5.114 Each Component may require a pre-employment, post-offer physical examination of applicants to be employed in regular positions if the physical examination is required of all applicants for a particular job position. The expense of the examination will be paid by the Component.

5.12 Salaries. The salary of each employee covered by *Subparagraph 5.11* of this *Chapter* shall be set by the President of the Component and in accordance with the approved budgets.

5.2 Terminations. The President of each Component is authorized to establish terms and conditions of employment, in accordance with law, and to terminate at any time the employment of any employee covered by *Subparagraph 5.11* of this *Chapter*.

5.3 Absences. The President of each Component shall adopt policies and guidelines covering the authorized absences for all personnel covered by *Paragraph 5* of this *Chapter*. Such policies and guidelines shall be in accordance with the provisions of current statutes and these *Rules and Regulations* (see *Subparagraph 2.51* of this *Chapter*).

5.4 Outside Employment. The provisions and conditions for outside employment by all classified and unclassified staff employees, including administrative officers, shall be the same as those established for faculty members under *Subparagraph 4.83* of this *Chapter*.

5.5 Acceptance of Money from Students. Administrative and staff employees shall not, without previous and special written approval of the Component administration, collect from students any fees or charges to be expended for Component purposes. Certain positions, such as cashiers and similar positions, may have this approval as part of their job descriptions. Acceptance of funds by Component employees, in any case, shall be only via official Component receipt mechanisms as approved by the Component's chief fiscal officer.

5.6 Sexual Misconduct. Unclassified employees and all classified employees shall comply with the System's "*Sexual Misconduct*" policy found in *Chapter III, Paragraph 22* and *Appendix A-6*.

6. EMPLOYEE TRAINING.

The President of each Component is authorized to expend public funds for the training and education of its employees where the training or education is related to the current or prospective duty assignment of the employee. Any Component-specific written regulations governing such training and education shall be in accordance with the provisions of Texas *Government Code, Sections 656.044 and 656.047*.

6.1 Seminars and Workshops.

6.11 Employees may take time off from regularly assigned duties to participate in seminars, workshops or similar training events of limited duration if the employee's supervisor determines that the seminar, workshop, or similar training events will enhance the employee's job performance.

6.12 Subject to availability, funds may be expended for employee participation in seminars, workshops or similar training events of limited duration if the following conditions are met:

6.121 The employee's supervisor has determined that the seminar, workshop, or similar event will enhance the employee's job performance;

6.122 Reimbursable expenses incurred (i.e., attendance charges, tuition course-related materials, and travel expenses) are determined to be cost-effective;

6.123 Travel expenses will be reimbursed if the necessity of travel is justified (e.g., the training is not available through a local source);

6.124 The travel request was approved by the employee's supervisor in advance of the training.

6.13 Travel expense reimbursement for seminars, workshops and similar training events must meet all applicable policies, rules and statutory provisions regarding travel by State employees.

6.2 Continuing Professional Education (CPE). Funds may be expended for continuing professional education required to maintain a professional license or certification for those positions which require such licenses or certificates and for positions in which licensure or certification is desirable. Employees in such positions may have time off from regularly assigned duties to satisfy CPE requirements. Expenditures for the training are subject to availability of funds.

6.3 College Courses. Subject to availability of funding, employees may be reimbursed for certain college courses if the following conditions are met.

6.31 The employee's supervisor has determined that the course will enhance the employee's job performance.

6.32 The course is taken in accordance with the Component's written policies and appropriate written approval is obtained prior to enrolling in the course.

6.4 Training Subject to *Subchapter D. Chapter 656, Title 6, Texas Government Code* (Restrictions on Certain Training).

6.41 "Training" means instruction, teaching, or other education received by a Component employee that is not normally received by other Component employees and that is designed to enhance the ability of the employee to perform the employee's job. The term includes a course of study at an institution of higher education if the employing Component spends money to assist the Component employee to meet the expense of the course of study or pays salary to the employee to undertake the course of study as an assigned duty. The term does not include training required either by state or federal law or that is determined necessary by the Component and offered to all employees of the Component performing jobs.

6.42 If an employee receives training, as defined in *Subparagraph 6.41* of this *Paragraph* that is paid for by a Component, and during the training period the employee does not perform the employee's regular duties for three or more months as a result of the training, then the employee must agree in writing before the training begins to:

6.421 Work for the Component following the training for at least one month for each month of the training period; or

6.422 Reimburse the Component for all the costs associated with the training that were paid during the training period, including any amounts of the employee's salary that were paid and that were not accounted for as paid vacation or compensatory leave.

6.43 An employee may make a written request to the President of his or her Component to waive the requirements in *Subparagraph 6.42* of this *Paragraph* and release an employee from the obligation to meet those requirements. Each President may authorize such a waiver if he or she finds that such action is in the best interest of the Component or is warranted because of an extreme personal hardship suffered by the employee.

6.44 If an employee does not provide the services required in *Subparagraph 6.42* of this *Paragraph*, provides those services for less than the required term, or fails to make any required payments and is not released from the obligation, the employee is liable to the Component for the obligated amount and reasonable expenses incurred in obtaining payment, including reasonable attorney's fees and other collection costs.

7. ACADEMIC EXCELLENCE: IN-PERSON TEACHING, ON CAMPUS OFFICE HOURS AND CAMPUS ENGAGEMENT.

7.1 In-Person Teaching. Full-time faculty, as defined by a Component, are required to teach in-person classes when a Component determines in-person teaching is appropriate.

7.2 On Campus Office Hours. Full-time faculty must maintain on-campus office hours as determined appropriate by a Component. All office hours must be approved in writing by an authorized Component administrator.

7.3 Campus Engagement. Full-time faculty must attend significant campus events, as designated by a Component. A faculty member's absence from such designated events must be approved in writing by an authorized Component administrator.

7.4 Disciplinary Action. This policy underscores the importance of in-person teaching, on-campus office hours, and attendance of faculty at campus activities. As faculty compliance with this policy is crucial in fostering a vibrant and engaging academic community, Components must take disciplinary action, up to and including termination, against faculty who fail to comply with the requirements of this policy.

7.5 Syllabi. Components shall establish requirements for course syllabi. Requirements shall be in accordance with *Texas Education Code, Section 51.974*.

Last modified: February 14, 2025

8. <u>POLICY ON THE DISCONTINUATION OF TENURE-TRACK APPOINTMENTS AT LAMAR INSTITUTE OF TECHNOLOGY, LAMAR STATE COLLEGE ORANGE AND LAMAR STATE COLLEGE PORT ARTHUR AND THE PRESERVATION OF EXISTING TENURE RIGHTS.</u>

8.1 Authority and Purpose.

Pursuant to the authority vested in the Texas State University System Board of Regents under applicable state law and institutional policies, this policy establishes a system-wide framework to discontinue the conferral of tenure for future faculty appointments at Lamar Institute of Technology (LIT), Lamar State College Orange (LSCO) and Lamar State College Port Arthur (LSCPA), while safeguarding the rights and status of faculty members at these components who have already been awarded tenure.

8.2 Policy Provisions.

8.21 Discontinuation of Tenure-Track Appointments at LIT, LSCO and LSCPA.

(a) No two-year component shall offer new tenure-track appointments.

(b) All faculty appointments at two-year component institutions shall be made under non-tenure-track or alternative appointment structures.

8.22 Preservation of Tenure Rights for certain faculty at LIT, LSCO and LSCPA.

(a) Faculty members at LIT, LSCO and LSCPA who have been awarded tenure prior to board approval of this policy shall retain their tenured status.

(b) All rights and privileges associated with tenure at these component institutions shall remain in full force and effect, subject to existing *Rules and Regulations.*

8.23 Faculty in Tenure-Track Status.

The administration at these member institutions may transition faculty who are in tenure-track status to alternative appointment structures as deemed appropriate by the component's administration.

Last modified: May 29, 2026

CHAPTER VI. STUDENT SERVICES AND ACTIVITIES

1. GENERAL PROVISIONS.

1.1 Application of Policies, *Rules and Regulations*. These *Rules and Regulations* apply to all Component Institutions and shall be implemented appropriately in the student handbook for each Component.

1.2 The "Chief Student Affairs Officer" means the administrator directly responsible for student affairs at each Component under authority delegated by the President.

1.3 A student is one who is currently enrolled at any of the Components of the System. These *Rules and Regulations* will also apply to any prospective or former student who has been accepted for admission or readmission to any Component while such individual is on the campus of any Component.

1.4 The "campus" is defined as all real property owned and/or controlled by that System Component.

2. ADMISSION STANDARDS AND REQUIREMENTS.

Student admissions standards, entrance requirements, and degree qualifications shall be determined and prescribed by each Component subject to the approval of the Board upon the recommendation of the Chancellor and of the Academic and Health Affairs Committee. Enrollment preference shall be given to residents of the State of Texas. Each Component shall implement a test-optional admission, and/or the American College Testing Program, and/or the Scholastic Aptitude Test, and/or the College Entrance Examination Board testing program as appropriate to its mission for entering first-time students after approval of the program by the Board. No otherwise qualified applicant for enrollment shall be denied admission on the basis of sex, religion, race, color, national origin, age, ancestry, marital status, veteran status, disability, or other criteria prohibited by law.

3. TUITION AND FEES.

Tuition, student fees, and room and board rates shall be established by each Component subject to approval by the Vice Chancellor and Chief Financial Officer, in consultation with the Chancellor, and the Board.

3.1 Student Services Fees. Each Component is authorized to charge and collect from students registered at the Component fees to cover the cost of student services which the Chancellor and Board deem necessary or desirable in carrying out the educational functions of the Component based on *Education Code, Section 54.503*.

3.2 Additional Mandatory Fees. Each Component is authorized to charge and collect from students registered at the Component other such mandatory fees as statutorily authorized.

3.3 Additional Voluntary Fees. Additional voluntary student services fees may be established with the approval of the President of the respective Component.

3.4 Installment Payments. Each Component shall provide optional installment payment plans for tuition and required fees in accordance with *Education Code, Section 54.007*. A Component may also provide an installment method of paying campus housing, food service, or room and board contracts. The Board may authorize assessment and collection of incidental fees for students utilizing this method of payment and/or late fees for students who are delinquent in their payment, provided such fees reasonably reflect the cost to the Component of handling these payments.

3.5 Reinstatement Fee. A student seeking reinstatement to a Component within the same semester after having withdrawn or been withdrawn shall pay a $50.00 reinstatement fee, in addition to late payment fees. Students on an installment plan must also pay all past due balances at the time of reinstatement.

3.51 Application of Component and all federal or state grants and loans provided to a student must be applied toward the full amounts due to the Component for the payment of tuition, fees, and other charges before installment payments are scheduled. This provision does not apply to Guaranteed Student Loan Program (GSLP), Parent Loans for Undergraduate Students (PLUS), Student Loan Supplement (SLS), or other similar funds, which shall be disbursed by the Component directly to the student in accordance with federal law and regulations.

3.52 Campus Housing, Food Service, Room and Board. Each Component is authorized to charge fees to students utilizing an installment method of paying campus housing, food service, or room and board contracts, with such fees not to exceed the fees charged under *Subparagraph 3.4* of this *Chapter* to students paying tuition and required fees in installments.

4. STUDENT GRANTS AND LOANS.

Pursuant to *Education Code, Chapter 56*, the following guidelines submitted to the Coordinating Board shall be utilized for awarding Texas Public Educational Grants, Emergency Tuition and Fees Loans, and Toward Excellence, Access, & Success (TEXAS) Grants by the Components in The Texas State University System.

4.1 Assessments for Grant and Loan Programs. Each Texas State University System Component shall set aside, each academic year, not less than 15 percent nor more than 20 percent out of each resident and 3 percent out of each nonresident student's tuition charge under *Education Code, Section*

54.051 as provided by the *General Appropriations Act* for the applicable academic year. Of the funds set aside pursuant to this *Paragraph*, not more than 90 percent shall be used for Texas Public Educational Grants and not more than 10 percent shall be used for emergency loans to students.

4.2 Approval of Guidelines. The guidelines for the award of grants shall be submitted to the Coordinating Board before any grants are made through this program.

4.3 Criteria for Awarding Grants.

4.31 Enrollment. Grants are to be made only to students who actually enroll in the term or terms for which the grant is awarded.

4.32 Need. Grants shall be based upon financial need of the applicant and may be used to aid students who may have demonstrable financial need.

4.33 Needs Analysis Procedures. Financial needs of students are to be determined by use of accepted needs analysis procedures, generally in use in other "needs based" financial assistance programs.

4.34 Separation of Funds. Funds set aside from resident student tuition charges may be used only for grants to resident students. Funds set aside from nonresident student tuition charges may be used only for grants to nonresident students. After the end of the sixth class week of each semester, a Component may transfer any excess funds set aside from tuition paid by resident or nonresident students to the fund set aside for grants awarded to the other class of students. Priority for awarding grants from any excess funds set aside from tuition paid by resident students shall be given to resident students.

4.35 Transfer of Funds. Any or all of the funds set aside for making Texas Public Educational Grants may be transferred to the Coordinating Board, to be used for matching federal or other grant funds for awarding to students at each Component, provided such amounts can be equally matched by funds held by the Coordinating Board and further provided unencumbered funds transferred are returned upon request of the Component President.

4.36 Full Use of Funds. At the end of a Fiscal Year, if the total amount of unencumbered funds that have been set aside under this program by a Component, together with the total amount of unencumbered funds transferred by the Component to the Texas Higher Education Coordinating Board exceeds 150 percent of the amount of funds set aside by the Component in the fiscal year, and the Component shall transfer the excess amount to the Coordinating Board for the purpose of awarding scholarships as provided by law to students at other universities.

4.37 Scholastic or Disciplinary Probation. Returning students who are not maintaining satisfactory academic progress and all students on disciplinary probation may be ineligible for grants.

4.4 Criteria for Awarding Loans.

4.41 Eligibility. Loans are to be made only to students accepted for enrollment as regularly admitted students and/or enrolled in good standing and maintaining satisfactory progress in a program leading toward a degree. Students paying tuition on a basis other than semester credit hours have the same eligibility criteria and loan terms as students paying tuition on the basis of semester credit hour loans. Students in default on other student loans and other financial obligations are ineligible, and students on disciplinary probation may be ineligible.

4.42 Need. Borrowers must evidence a need for the loan by submitting a loan application stating the purpose and amount of the loan requested and the method of repayment.

4.43 Emergency Loans. Eligible student borrowers shall be assisted in obtaining emergency loans based on the order in which their applications are received.

4.44 Maximum Loan Amount. The maximum loan amount per student for each semester shall not exceed the tuition, fees, and room and board charges assessed for the semester in which the student is enrolling. The Component may deduct the student's unpaid indebtedness, penalties, and late charges from the loan proceeds and apply them to this indebtedness. Loans may be made in amounts needed to make payments on an installment plan for tuition and fees, as authorized under *Section 54.007* of the *Education Code*.

4.45 Promissory Note. Each loan must be evidenced by a promissory note which must be executed prior to the disbursement of funds. A Component may require a borrower to secure a cosigner, who evidences' ability and willingness to repay in the event the borrower defaults.

4.46 Interest. A Component may charge interest on these loans at an annual rate not to exceed 5 percent during the initial term of the loan. Additional charges may be assessed under *Section 54.504* of the *Education Code* for late penalties and collection costs associated with collecting delinquent loans. All interest-bearing promissory notes must be executed by all students receiving loans through or from the Component. Appropriate truth-in-lending statements shall be included in the promissory note.

4.47 Repayment. Except as provided in *Subparagraphs 4.48* and *4.49* below, borrowers will have a maximum repayment period of 90 days from the date of execution of the promissory note. The repayment schedule should allow for three equal installments

within the 90-day period or a term note payable 90 days from the date the promissory note was executed. Repayment of loans for summer sessions will be determined proportionately by the length of the borrower's enrollment.

4.48 Deferred Repayment. A resident of Texas for tuition purposes, upon a finding that such individual would be deprived of an education due to a lack of financial ability, may defer repayment of the loan as allowed by law and in accordance with guidelines adopted by the Texas Higher Education Coordinating Board. Request for deferred repayment must be made in writing.

4.49 Forgiveness of Loans. A Component will forgive loans in accordance with guidelines adopted by the Texas Higher Education Coordinating Board for the determination of extreme financial hardship and other instances in which the public interest is served if a loan is forgiven.

5. STUDENT CONDUCT AND DISCIPLINE.

5.1 Acquaintance with Policies, Rules, and Regulations. Each student is expected to be fully acquainted and comply with all published policies, rules, and regulations of the Component and of The Texas State University System, copies of which shall be available to each student for review online and/or at various locations on each campus. Students are also expected to comply with all federal and state laws.

5.2 Student Misconduct. Each student is expected to act in a manner consistent with the Component's functions as an educational institution, including off campus conduct that is likely to have an adverse effect on the Component or on the educational process. Specific examples of misconduct for which students may be subject to disciplinary action include, but are not limited to, the following:

(1) Commission of an act that would constitute an offense under appropriate federal, state, or municipal law;

(2) Violation of any Regents' rule, regulation, or order or Component policy, rule, or regulation, including policies or contracts relating to residential living in Component-owned or operated facilities;

(3) Failure to comply with the direction of a Component official acting in the performance of his or her duties; or, failure to heed an official summons to the office of a Component official within the designated time;

(4) Giving false testimony or other evidence at a campus disciplinary or other administrative proceeding;

(5) Failure to meet financial obligations including but not limited to the issuance of a check to the Component or its contractors without sufficient funds;

(6) Unauthorized use or possession of ammunition, firearms, illegal knives (knives with blades longer than five and one-half inches, hand instruments designed to cut or stab another by being thrown, stilettos, poniards, Bowie knives, swords, and/or spears), or other illegal weapons on Component property (*see, Chapter VII, paragraph 4*);

(7) Conduct that endangers the health or safety of others on the campus, including, by way of example, unauthorized throwing of any objects in or from Component facilities;

(8) Stealing, destroying, defacing, damaging, vandalizing or misusing Component property or property belonging to another (*see, also, Chapter VII, paragraph 4*);

(9) Engaging in hazing or voluntarily submitting to hazing, including an initiation by an organization that involves any dangerous, harmful, or degrading act to a student;

(10) Possessing and/or using, without authorization according to the Component policy, intoxicating beverages in a classroom building, laboratory, auditorium, library building, faculty or administrative office, residence hall or apartment, intercollegiate and intramural athletic facility, or any other public campus area, or being intoxicated in any public area of the campus;

(11) Illegal gambling in any form on Component property;

(12) Illegal possession, use, sale, or distribution of any quantity, whether usable or not, of any drug, narcotic, or controlled substance;

(13) Advocating the conscious and deliberate violation of any federal, state, or local law. Advocacy means addressing an individual or group for imminent action and steeling it to such action as opposed to the abstract espousal of the moral propriety of a course of action;

(14) Forgery, alteration, theft, or misuse of Component documents, forms, records, or identification cards;

(15) Unauthorized possession, ignition, or detonation, on Component property, of any explosive device, fireworks, liquid, or object that is flammable or capable of causing damage to persons or property by fire or explosion;

(16) Unauthorized entry into or use of Component buildings, facilities, equipment, or resources, or possession or use of Component keys for unauthorized purposes;

(17) Failure to maintain a current official mailing address in the Registrar's office and/or giving a false or fictitious address to a Component office or official;

(18) Knowingly initiating, communicating, or circulating a false or baseless report or alarm of a present, past, or future bombing, fire, offense, or other emergency that would ordinarily cause action by others charged with dealing with emergencies; placing a person in fear of imminent serious bodily injury; or preventing or interrupting the occupation of a building, room, aircraft, automobile, or other mode of conveyance;

(19) Harassment where the individual threatens or bullies, in person, by telephone, electronically, in writing, or by other means, to take unlawful action against any person and by this action intentionally, knowingly, or recklessly annoys or alarms the recipient;

(20) Academic dishonesty (see *subparagraph 5.3*);

(21) Campus disruptive activities (see *subparagraph 5.4*) or disorderly conduct on Component-owned or controlled property or at a Component-sponsored or supervised function that inhibit or interfere with the educational responsibility of the Component community or the Component's social-educational activities shall include but not be limited to: using obscene language; making obscene gestures or displays that incite a breach of the peace; perpetrating fights, assaults, acts of sexual violence, abuse, or threats; or committing an act that causes a person to feel threatened. Such prohibition includes disorderly classroom conduct that obstructs, interferes with, inhibits and/or disrupts teaching and/or related classroom activities;

(22) Using authority granted by state law, System rule, or Component policy to deprive any person of his or her civil rights;

(23) Violation of Component policy relating to electronic network facilities such as local area networks and the Internet;

(24) Failure to acquire and maintain a Component-issued student photo identification (I.D.) card; failure to replace a lost/stolen I.D. card; and/or any falsification, misrepresentation or other misuse of the student I.D. card.

(25) Any attempt to commit these prohibited acts.

(26) Sexual Misconduct (*Chapter III Paragraph 22* and *Appendix A-6*).

5.3 Academic Honesty. The Component expects all students to engage in all academic pursuits in a manner that is above reproach and to maintain complete honesty and integrity in the academic experiences both in and out of the classroom. The Component may initiate disciplinary proceedings against a student accused of any form of academic dishonesty, including but not limited to, cheating, plagiarism, collusion, falsification of research data, or the abuse of resource materials on an examination or other academic work.

5.31 "Cheating" includes, but is not limited to:

(1) Copying from another student's test paper, a laboratory report, other report, or computer files, data listings, and/or programs;

(2) Using, during a test, materials not authorized by the person giving the test;

(3) Collaborating, without authorization, with another person during an examination or in preparing academic work;

(4) Knowingly, and without authorization, using, buying, selling, stealing, transporting, soliciting, copying, or possessing, in whole or in part, the contents of an unadministered test;

(5) Substituting for another student, permitting any other person; or otherwise assisting any other person to substitute for oneself or for another student in the taking of an examination or test or the preparation of academic work to be submitted for academic credit, placement, or qualification;

(6) Bribing another person to obtain an unadministered test or information about an unadministered test;

(7) Purchasing, or otherwise acquiring and submitting as one's own work any research paper or other writing assignment prepared by an individual or firm. This *Subparagraph* excludes purchase or acquisition of word processing services.

5.32 "Plagiarism" means the appropriation and the unacknowledged incorporation of another's work or idea into one's own work offered for credit.

5.33 "Collusion" means the unauthorized collaboration with another person in preparing work offered for credit.

5.34 "Abuse of resource materials" means the mutilation, destruction concealment, theft or alteration of materials provided to assist students in the mastery of course materials.

5.35 "Academic work" means the preparation of an essay, dissertation, thesis, report, problem, assignment, or other project that the student submits as a course requirement or for a grade.

5.36 Disciplinary Procedures for Academic Dishonesty.

(1) Academic Process. All academic dishonesty cases may be first considered and reviewed by the faculty member. If the

faculty member believes that an academic penalty is necessary, the faculty member may assign a penalty but must notify the student of his/her right to appeal, if any, after which the Component shall afford him/her the process to which he/she may be entitled under Component policy before final imposition of a penalty. At each step in the process, the student shall be entitled to written notice of the offense and/or of the administrative decision, an opportunity to respond, and an impartial disposition as to the merits of his/her case. After completion of the academic process, the academic officer making final disposition of the case may refer the matter to the Chief Student Affairs Officer for any additional discipline that may be appropriate.

(2) Disciplinary Process. In the case of flagrant or repeated violations, the Chief Student Affairs Officer may take such additional disciplinary action. No disciplinary action shall become effective against the student until the student has received procedural due process under *Subparagraph 5.6* and following except as provided under *Subparagraph 5.(15).*

(3) Honor Code. Notwithstanding *Subparagraph (1)* above, if a Component has adopted an Honor Code which includes an Honor Council that makes decisions on appeals of penalty grades issued by a faculty member and disciplinary action on cases of flagrant or repeated violations, the hearings which consider disciplinary action must afford the students procedural due process under *Subparagraph 5.6.* Appeals of academic decisions rendered by an Honor Council shall be heard by the Vice President for Academic Affairs and appeals of disciplinary decisions rendered by an Honor Council shall be heard by the Chief Student Affairs Officer. In the event of conflicts, these *Rules and Regulations* shall govern.

5.37 "Falsification of Data" means the representation, claim, or use of research, data, statistics, records, files, results, or information that is falsified, fabricated, fraudulently altered, or otherwise misappropriated or misrepresented.

5.4 Campus Disruptive Activities. Pursuant to *Education Code, Subsection 51.935* (Disruptive Activities), the Components shall adhere to the following *Rules and Regulations*:

5.41 No person or group of persons acting in concert may intentionally engage in disruptive activity or disrupt a lawful assembly on a Component campus. Disruptive activity means:

(1) Obstructing or restraining the passage of persons to the campus or an area of the campus or to an exit, entrance, or

hallway of any building without the authorization of the administration of the Component;

(2) Seizing control of an area of a campus or any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity; or

(3) Disrupting and/or preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the Component administration. A lawful assembly is disrupted when a person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or a reasonable fear of force or violence.

5.42 Any person who is convicted the third time of violating this statute shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction.

5.43 Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitution of the United States or the State of Texas.

5.5 Suspended, Expelled, and Dismissed Student Restriction. No student who has been suspended, expelled, or dismissed for disciplinary reasons from a Component of the System shall, during the applicable period of discipline, be eligible to enroll at any other System Component. The registrar of a Component shall: (1) Make an appropriate notation on the student's transcript to accomplish this objective; and (2) Remove the notation when the student's disciplinary record has been cleared.

5.6 Procedure for Administration of Discipline. The Chief Student Affairs Officer shall have primary authority and responsibility for the administration of student discipline at the Component and for investigating allegations that a student has violated System and/or Component *Rules and Regulations*, or specific orders and instructions issued by an administrative official of the Component.

5.61 The Chief Student Affairs Officer or his/her appointee hereto referred to as officer, will investigate the alleged violations. During the investigation, if the student is available, the officer will give the student an opportunity to explain the incident. If the officer concludes that the student has violated a System or Component policy, the officer will determine (but not assess) an appropriate disciplinary penalty.

(1) The officer will discuss his or her findings and his or her determination of an appropriate penalty with the student if the student is available and will give the student an opportunity either to accept or reject the officer's decision.

(2) If the student accepts the officer's decision, the student will so indicate in writing and waive his or her right to a hearing. The officer may then assess the disciplinary penalty.

(3) If the student does not accept the officer's decision or does not waive his or her right to a hearing, a disciplinary hearing will be scheduled in accordance with *Subparagraphs 5.7* and *5.(10)*.

5.62 If the student does not execute a written waiver of the hearing process, then the officer shall prepare a written statement of charges and of the evidence supporting such charges, including a list of witnesses and a brief summary of the testimony to be given by each, and shall send a notification of such charges and statement to the accused student by certified mail, return receipt requested, addressed to the address appearing in the Registrar's records, or shall hand deliver said document with the student signing a receipt.

5.7 Student Disciplinary Hearings. In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial person or committee, hereinafter called the hearing officer or hearing committee, selected in accordance with procedures adopted by the Component. Except in those cases where immediate interim disciplinary action has been taken under authority of *Subparagraphs 5.(14)*, the accused student shall be given at least five (5) class days written notice by the Chief Student Affairs Officer, or a designated appointee, of the date, time, and place for such hearings and the name or names of the hearing officer or hearing committee. Hearings held under *Subparagraph 5.(14)* will be held under the same procedures set forth below, but will be held as soon as practicable within twelve (12) class days after the disciplinary action has been taken unless otherwise agreed to by the student.

Upon a hearing of the charges, the Component representative has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. The hearing shall be conducted in accordance with procedures adopted by the Component that assure both parties (Component representative and accused student) the following minimal rights:

5.71 Both parties will exchange lists of witnesses, expected testimony, copies of documents to be introduced, and notice of intent to use legal counsel, at a reasonable time prior to the hearing.

5.72 Each party shall have the right to appear and present evidence in person and to be advised during the hearing by a designated representative or counsel of choice. Each party shall limit its presentation to relevant evidence. The accused student must attend the hearing if the student desires to present evidence. The hearing may proceed notwithstanding the accused student's failure to appear.

5.73 Both the Component representative and the accused student shall have the right to question witnesses. The accused student may question witnesses with the advice of a designated representative or counsel. All questions shall be limited to relevant evidence.

5.74 The hearing will be recorded. If either party desires to appeal the finding, a copy of the recording will be produced at the expense of the party appealing the finding, and both parties will be furnished a copy for appeals purposes only.

5.8 Student's Right to Challenge Impartiality. The accused student may challenge the impartiality of the hearing officer or a member of the hearing committee at any time prior to the introduction of any evidence. The hearing officer or member of the committee shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the challenged hearing officer or member of the hearing committee chooses not to serve, a substitute will be chosen in accordance with procedures adopted by the Component.

5.9 Determination of Hearing. The hearing officer or hearing committee shall render a decision to both parties as soon as practicable as to the guilt or innocence of the accused student and shall, if necessary, assess a penalty or penalties including, but not necessarily limited to:

(1) Verbal or written warning;

(2) Requirement that the student complete a special project that may be, but is not limited to, writing an essay, attending a special class or lecture, or attending counseling sessions. The special project may be imposed only for a definite term;

(3) Cancellation of residence hall or apartment contract;

(4) Disciplinary probation imposed for a definite period of time which stipulates that future violations may result in disciplinary suspension;

(5) Ineligibility for election to student office for a specified period of time;

(6) Removal from student or organization office for a specified period of time;

(7) Prohibition from representing the Component in any special honorary role;

(8) Withholding of official transcript or degree;

(9) Bar against readmission;

(10) Restitution whether monetary or by specific duties or reimbursement for damage to or misappropriation of Component, student, or employee property;

(11) Denial or non-recognition of a degree;

(12) Suspension of rights and privileges for a specific period of time, including access to electronic network facilities and participation in athletic, extracurricular, or other student activities;

(13) Withdrawing from a course with a grade of *W, F,* or *WF;*

(14) Failing or reduction of a grade in test or course, and/or retaking of test or course, and/or performing additional academic work not required of other students in the course;

(15) Suspension from the Component for a specified period of time. During suspension, a student shall not attend classes or participate in any Component campus activities;

(16) Loss of or ineligibility for student grant or loan;

(17) Expulsion from the Component. A student who is expelled from the Component is not eligible for readmission to the Component;

(18) Dismissal from the Component. A student, who is dismissed, is separated from the Component for an indefinite period of time;

(19) Recording sanctions in *Subparagraphs 5.9(9), (11), (13), (14), (15), (17),* and *(18)* may be made on a student's permanent transcript. The Component may maintain confidential records of all other sanctions and may consider any prior sanction received by a student in assessing a subsequent sanction. The Component shall develop a procedure for expunging those records not transcribed on a student's permanent transcript within a reasonable time not to exceed five (5) years after the student ceases to be enrolled;

(20) A student who, by a preponderance of the evidence, under these *Rules and Regulations*, is found to have illegally possessed, used, sold or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to discipline, ranging from mandatory, university or college approved counseling to expulsion. Mitigating or aggravating factors in assessing the proper level of discipline shall include, but not necessarily be limited to, the student's motive for engaging in the behavior; disciplinary history; effect of the behavior on safety and security of the university or college community; and the likelihood that the behavior will recur. A student who has been suspended, dismissed, probated or expelled from any system Component shall be ineligible to enroll at any other system Component during the applicable period of discipline. The registrar of each Component is authorized to make an appropriate notation on the student's transcript to accomplish this objective and to remove the notation when the student's disciplinary record has been cleared.

5.(10) Appeal. Neither party may appeal if the hearing officer or hearing committee determines that the allegations against the accused student are true but the only punishment assessed is verbal or written warning. In those cases, the determination of the hearing officer or hearing committee is final. However, in all other cases, either party may appeal to the Chief Student Affairs Officer. If the hearing officer has been an appointee designated by the Chief Student Affairs Officer or if the determination has been made by a hearing committee, the appeal will be made to the Chief Student Affairs Officer or designated appointee. If the Chief Student Affairs Officer has served as the hearing officer, the appeal will be made to the Vice President in charge of student affairs or to another Vice President (designated by the President) who has not been previously involved in the case. Written notice of appeal must be received by the appeal officer within five (5) Component business days after the decision. An appeal is not simply a rehearing of the original case. An appeal must be based on: 1) whether or not a fair hearing was afforded. A fair hearing includes notice of the alleged misconduct, and an opportunity to present evidence; 2) whether or not the sanctions levied were appropriate to the offense; 3) whether or not the finding was supported by the evidence; and/or 4) whether or not new evidence is introduced that was not available at the time of the hearing. Both parties may submit written arguments to support their positions. In order for the appeal to be considered, the appealing party must submit all necessary documentation, including written arguments, when appropriate, to the appeal officer within five (5) Component business days after giving notice of appeal. The timely written arguments and information submitted by a party shall be forwarded to the other party. The receiving party may have three (3) Component business days from receipt to provide written response. The appeal officer may approve, reject, modify the decision, or remand the matter to the original hearing officer or hearing committee for reconsideration. The appeal officer shall respond to the appeal within ten (10) Component business days after all the documentation was received and all testimony was heard, or he or she may postpone a decision for good cause.

5.(11) Review of the Vice President in charge of Student Affairs. The Vice President may review any disciplinary case and may approve, reject, modify the decision or remand the matter to the original hearing officer or committee for reconsideration.

5.(12) President's Right to Review. The President may review any disciplinary case, and approve, reject, or modify the decision or remand the matter to the original hearing officer or hearing committee for reconsideration.

5.(13) Board of Regents' Right to Review. The Board of Regents retains the right to review any disciplinary action and approve, reject, modify the decision, or remand the matter to the original hearing officer or hearing committee for reconsideration.

5.(14) Interim Disciplinary Action.

(a) Interim Disciplinary Action in Non-Title IX Sexual Misconduct Matters. In a matter involving Non-Title IX Sexual Misconduct, the Chief Student Affairs Officer, the Vice President in charge of student affairs, or the President of the Component may take immediate interim disciplinary action, including suspension, pending a Due Process hearing against a student for violation of a policy or rule of the System or of the Component when the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting the academic or business processes of the Component. The hearing, as provided in *Paragraph 5.7* of this *Chapter*, shall be held as soon as practicable after the suspension. See *Chapter IV, Subparagraph 2.2(14)* related to non-disciplinary removal from campus.

(b) Interim Disciplinary Action in Title IX Sexual Harassment Matters. In a matter involving Title IX Sexual Harassment, a student may only be suspended, without prior notice or hearing, and immediately removed from campus, if their presence poses an immediate threat to any person's health or safety. As soon as practicable after removal, the Chief Student Affairs Officer, the Vice President in charge of student affairs, or the President shall provide the suspended person with notice and an opportunity to challenge the removal. The removal challenge does not include a hearing but is limited to an administrative review by an Administrator appointed by the President. The Appointed Administrator will review the relevant facts and written materials, if any, surrounding the emergency removal. This review will occur within 72 hours of the emergency removal and the burden is on the student to show why the removal should be lifted.

(c) As soon as possible, the President shall inform the Chancellor and the Vice Chancellor and General Counsel of any actions taken under *Subparagraphs (a)* or *(b).*

5.(15) Civil Proceedings. Every student is expected to obey all Federal, State, and local laws and is expected to be familiar with the requirements of such laws. Any student who violates any provision of those laws is subject to disciplinary action, including expulsion, notwithstanding any action taken by civil authorities on account of the violation.

6. STUDENT ORGANIZATIONS.

6.1 Definition of Composition and Authority. An organization in which active membership is limited to students (recognizing that faculty and staff may also be members) of a Component may become a registered student organization at that Component by complying with the registration procedures established by the Component. Neither the organization nor its representatives may suggest that either is acting with authority or as an agent of the Component.

6.2 Faculty and Staff Advisors. Each registered student organization shall have a faculty or staff advisor, whose name shall be provided to the Component administration as a part of the student organization registration procedures. The organization shall immediately report in writing any change in its advisor. Advisors to registered student organizations that do not have their accounts and financial records kept by the Component shall not have control of the funds and financial records of the student organization. Such control includes, but is not limited to, receipting of funds, check signing authority, authorization of expenditures, and preparing bank reconciliations. Advisors may not expend their personal funds on behalf of a student organization and request reimbursement.

6.3 Disciplinary Action. Any student organization is subject to disciplinary action or revocation of registration as a student organization for violation of a System and/or of the Component rule or regulation or for failing to comply with the direction of a Component official acting in the performance of his or her duties.

6.4 Requirements for Organizations. The President of each Component of the System may issue regulations governing the eligibility of students to participate in organized activities. He or she shall require and enforce the following:

6.41 As a condition to being a registered student organization or group during an academic year, every registered student organization or group shall furnish, to the appropriate Component officer at the beginning of, or prior to each such academic year, a complete list of officers or other members of the organization or group who are authorized to speak for, or represent, the organization or group in its relations with the Component and who are authorized to receive for the organization or group official notices, directives, or information from the Components. Each such list shall be current and accurately updated throughout the semester by the organization or group, and it shall be conclusively presumed that the officers or members whose names are on the list most recently filed by the organization or group are authorized to speak for and represent the organization or group in its relations with the Component and are authorized to receive for the organization or group official notices, directives, or information from the Component.

6.42 Except for national honor societies which require outside members, no registered student organization or group may have any person as an active member who is not either a student or a member of the faculty or staff of the Component. Except pursuant to the provisions of *Chapter VII, Subparagraph 3.4*, no organization or group, whether registered or not, may use any facility of any Component of the System if it has as an active member any person who is not either a student or a member of the faculty or staff of the Component.

6.43 Any Component funds that are expended on behalf of student organizations will be maintained by the Component. Both the advisor of the organization and the designated officer of the organization must authorize any expenditures from the organization's account. All university funds (such as those generated by student service fees) expended for the benefit of student organizations must be expended from budgeted Component accounts.

6.44 All Component-provided funds of registered student organizations are subject to audit by the Component. Failure to maintain adequate records may be considered in determining whether a student organization may maintain its registered status.

6.45 Student organizations, their officers, and sponsors are responsible for assuring that they comply with all applicable Texas State University System, State, and Federal *Rules and Regulations*, including tax code compliance.

6.46 Each Component may develop applicable policies and procedures to promote fiscal integrity and accountability for student organizations.

7. PARTICIPATION IN STUDENT GOVERNMENT.

7.1 Student Government. The student governments currently authorized at the Components of the System are hereby approved. Student government has no existence separate and apart from the Component, and student government shall have only such jurisdiction and exercise only such powers as the Board may now, or hereafter, delegate to it through the Component President.

7.11 Constitutions and Bylaws Approved. The constitutions and bylaws of the several student governments in force at the date of adoption of these *Rules and Regulations* are hereby approved to the extent that they are not in conflict with such *Rules and Regulations*.

7.12 Mode of Amending Constitutions and Bylaws. An amendment to the constitution or bylaws of a student government may be adopted by an association in accordance with its constitution and bylaws, but the change shall not become effective until transmitted to and acted upon by the Chief Student Affairs Officer and approved by the Component President.

7.13 Amendment or Repeal by the Board of Regents. The Board shall amend or repeal any portion of the constitution and bylaws of a student government when, in the judgment of the Board, the interests of the particular Component shall require it.

7.14 Amendment or Repeal by the President. The President shall have the power to amend or repeal any provision in the constitution or bylaws of the student government, when in the President's

judgment, the interests of the Component require it. The action by the President shall be subject to review *Subparagraph 7.13*, above.

7.15 Persons Compensated by Student Government. All persons employed on salary or compensated for personal services in any manner by or under the direct supervision of the student government shall have the approval of the Chief Student Affairs Officer and shall be subject to prior approval by the President or a designated appointee both as to salary and as to qualifications. This authority shall not be exercised in a manner that would infringe upon the constitutionally protected rights of students.

7.16 Annual Financial Reports. The Chief Student Affairs Officer shall require the officially recognized student government to make available, on an annual basis, a complete financial report to the Component business officer, as well as such special reports as may be called for by such business officer. A duplicate copy of each report shall be filed with the Chief Student Affairs Officer.

7.2 Rights and Obligations of Student Government. The student government on each campus shall be a recognized forum of student opinion.

7.21 When a student government takes a position on issues directly related to a Component and its operations, it shall forward its recommendations to the Chief Student Affairs Officer and the President. This *Subparagraph* shall not prohibit the student government from free expression of its position.

7.22 When a student government takes a position on non-Component issues, it shall make clear the fact that it does not speak for the Component.

7.23 A student government may conduct polls, initiate petitions, and/or establish forums for debate or discussion; and, said action shall be regulated only as to time, place, and manner but shall be subject to *Chapter VII, Subparagraph 3.3.*

7.24 Officers of a student government may so identify themselves when they express their personal views, but they shall then make it clear that they are not speaking for the Component or for the student body; and, they shall make it clear they are not speaking for the student government unless the legislative body of that government has authorized the statement in advance.

7.3 Stipends. A Component may authorize the student government to grant fair and reasonable stipends to elected student body officers provided such stipends are paid from student fees and are first authorized by a one time referendum vote of the student body. Thereafter, stipends are subject to approval by authorized student governments. The granting by student governments of such stipends shall not establish an employer/employee relationship with the Component, and the subject student officers shall not receive employee benefits from the Component. The provisions of

Subparagraph 7.15 above shall apply to the setting of the compensation of student body officers.

7.4 President's Authority. The Component President has authority over all its activities, policies, contractual agreements, and financial matters of student government, provided said authority does not infringe on the free exercise of the constitutional rights of the students or the student government.

8. USE OF THE STUDENT CENTER.

The use of the student center or student union facilities on the campus of each Component shall be subject to reasonable and nondiscriminatory regulations as may be promulgated by that center's director or governing board and approved by the Chief Student Affairs Officer and the President.

9. STUDENT DEBTS.

9.1 Debts of Students or Organizations. Neither the System nor any Component is responsible for debts contracted by individual students or by student organizations. All students and student organizations are expected to conduct themselves honorably in all commercial transactions. Neither the System nor any Component will assume the role of a collection agency except for monies owed to the System or one of its Components; nor, will the System or any of its Components adjudicate disputes between students and creditors over the existence or the amounts of debts, except with the prior approval of the President of the Components or a designated appointee in those cases where the interests of the Component may be a factor.

9.2 Students' Financial Obligations. Students are expected to meet their financial obligations to the Component within the designated time allowed. Registration fees are payable at the time of registration, and students are not entitled to enter class or laboratory until their fees and deposits have been paid. Other charges and financial obligations are due at registration or within ten days after a bill is rendered by the Component or according to the special payment instructions that may be printed on the bill.

9.3 Penalties for Failure to Pay. Failure to pay in the allotted time the amount owed to the Component for tuition, fees, charges, or any other financial obligations may result in any or all of the following:

(1) Dismissal from the Component or other disciplinary actions;

(2) Withholding of future registration privileges;

(3) Withholding the issuance of grades or an official certified transcript;

(4) Withholding the conferring of a degree;

(5) Bar against readmission for the student;

(6) Assessment of late fees and/or reinstatement fees.

9.4 Non-Resident Foreign Student. Each Component is authorized to require that non-resident international students secure mandatory accident, sickness, catastrophic illness, evacuation and repatriation insurance as a condition of enrollment.

10. CORRECT ADDRESS.

Each student shall notify and assure that the Registrar's Office always has the student's correct and current mailing address on file. The student may provide the notice by any means, hard copy or electronic, that is directed by the Registrar. The Component or System's obligation or desire to provide any notice will be fulfilled by mailing to the student's current address on file with the Registrar's Office.

11. STUDENT IDENTIFICATION CARDS.

Each Component shall issue each student enrolled at the Component a student photo identification (I.D.) card, which grants access to or use of Component facilities, programs, activities, and financial disbursements**.**

11.1 The student must present his or her I.D. when seeking access to or use of Component facilities or amenities or when otherwise requested by a Component official.

11. 2 Any falsification, misrepresentation or other misuse of the student I.D. card is prohibited and shall be punishable under *Subparagraph 5.2* of this *Chapter* and/or the Component code of student discipline.

11. 3 Student I.D. Cards are nontransferable, that is, they may not be loaned, borrowed, or used by another person for identification on or off campus or for any of the purposes stated in this *Paragraph.* A student shall immediately report a lost or stolen I.D. card to the administrative official or office responsible for issuing the I.D. card.

12. STUDENT PARKING AND TRAFFIC.

All students are expected to obey the Component's parking and traffic regulations. Any student who receives a citation for violation of a Component's parking or traffic regulations shall be entitled to a hearing in front of a Component's traffic court or committee if the student makes a timely request. The hearing may consist of a personal appearance, a written statement, or both, as prescribed by the Component in its policies.

13. REGENTS' STUDENT SCHOLAR AWARD.

13.1 Purpose. The honorary title, Regents' Student Scholar, recognizes students who achieve excellence in academic and co-curricular endeavors at Component institutions.

13.2 Process. Not later than July 15 of each year, the President of each Component may nominate to the Chancellor one outstanding student. Upon the recommendation of the Chancellor, the Texas State University System Foundation Board of Directors may bestow each year the title of "Regents' Student Scholar" upon a select student or students who have demonstrated the following:

(1) Outstanding academic achievement and scholarship in his/her studies;

(2) Strong commitment to and leadership in co-curricular activities; and,

(3) Notable contributions to the Component institution and community.

At the time of graduation, a Regents' Student Scholar may be recognized at his/her Component institution's commencement ceremonies.

13.3 Eligibility. To be considered for selection, at a minimum, a student must have a 3.75 cumulative GPA, be enrolled full-time at a Component institution, and have earned 25 semester credit hours (for 2-year institutions) or 60 semester credit hours (for 4-year institutions). Additionally, the student must demonstrate active involvement in co-curricular campus and leadership activities, and not have been on academic or disciplinary probation at any time while attending the Component institution.

13.4 Benefits of Award. Award of such a title shall be accompanied by passage of a resolution by the Board of Regents, memorialized in the minutes of the meeting at which it was awarded, and the issuance of a commemorative medallion. A cash award from the Texas State University System Foundation shall be awarded.

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14. FOREIGN TRAVEL FOR EDUCATIONAL PURPOSES.

A Component Institution may approve faculty, staff or students to travel for educational purposes to a country or regions of a country listed with a Travel Advisory in accordance with this paragraph.

14.1 Student Travel. A Component Institution may approve a student to travel for educational purposes to countries listed with a Travel Advisory of "Level 1 or Level 2" due to any exigency and "Level

3 or Level 4 due to COVID-19" by the United States Department of State, provided,

(1) the Travel Advisory of "Level 3" or "Level 4" is not based on circumstances other than the prevalence of COVID-19 or any of its variants; and

(2) the traveler signs a waiver of liability, assumption of risk and hold harmless form, in a format approved by the Vice Chancellor and General Counsel.

In addition to the above, a Component may impose additional requirements for a student to travel for educational purposes to countries with a Travel Advisory of "Level 3 or Level 4 due to COVID-19 or any of its variants" by the United States Department of State.

14.2 Faculty and Staff Travel. A Component Institution may approve faculty and staff to travel for educational purposes to countries listed with a Travel Advisory of "Level 1, 2 or 3" due to any exigency and "Level 4 due to the prevalence of COVID-19 or any of its variants" by the United States Department of State, provided the traveler signs a waiver of liability, assumption of risk and hold harmless form, in a format approved by the Vice Chancellor and General Counsel. Travel to an area with a Travel Advisory "Level of 4" will not be approved if the "Level 4" designation by the United States Department of State is for any reason other than the prevalence of COVID-19 or any of its variants.

CHAPTER VII. GENERAL PROVISIONS FOR CAMPUS ACTIVITIES

1. SOLICITATION.

1.1 Definition. In these *Rules and Regulations* "Solicitation" means: (1) the sale or offer for sale of any property, goods, products or services, or (2) the receipt of or request for any gift or contribution.

1.2 Permitted Exceptions. Solicitation on the campus of any Component is prohibited, except for the following activities, provided the person engaging in such activities complies with the imperatives of *Subparagraphs 1.2* through *1.5*:

(1) The sale or offer for sale through vending machines operated by the Component or its subcontractor of: (1) any newspaper, magazine, or other publication in an area designated by the President or his/her designee; (2) food, drink and other items.

(2) The sale or offer for sale of any Component publication, book, or other material used in the academic work of the Component by the Component or its subcontractor in an area designated by the President or a designee.

(3) The operation by the Component or its subcontractor of: (1) a bookstore, specialty store, laundry, Component dining service, or other service maintained for the convenience of the Component's students, faculty, or staff; or (2) food, and drinks, souvenirs, and programs at athletic contests or other events sponsored or authorized by the Component.

(4) The advertisement of any activity, item, or product sponsored or authorized by the Component and approved by the President or his/her designee; advertisements appearing in any publication or sent through the United States or private postal service.

(5) The collection of tuition, charges and fees under *Subparagraph 1.4* of *Chapter III*.

(6) The collection by registered student, faculty, or staff organizations: (1) of membership fees or dues; or (2) of fees or contributions for the exhibition of movies or other programs, including fine arts and athletic events sponsored by the Component or by such organizations.

(7) Presidential-approved participation in: (1) nondiscriminatory activities on behalf of charitable organizations; or (2) events sponsored by a registered student, faculty, or staff organization or the Component that are authorized and scheduled in accordance with the facilities-use regulations of the Component. All signs, tickets, and literature advertising the event must identify the sponsoring organization. The Component may require that

members of the sponsoring organization solicit directly and may prevent organizations from using nonmembers to fund-raise, or solicit for the organization.

(8) Activities of agents of companies authorized by the Component to provide instruments, equipment, supplies, health insurance, optional retirement programs, tax-sheltered annuities, or other services to the Component or its employees.

1.3 Responsibilities for Permitted Exceptions. Persons engaged in the Solicitation activities listed in *Subparagraphs 1.1(1) – (8)* above are responsible for assuring that they maintain the portions of the campus and building they use in a clean, orderly and appealing in appearance and for assuring that their use:

(1) preserves an academic atmosphere and does not disrupt classes, Component programs, or other activities;

(2) maintains security and safety for persons and property, does not unreasonably expose persons on campus to crime; and avoids unlawful activities;

(3) protects the privacy of students, faculty, and staff, and protects them from deception, fraud and similar commercial exploitation;

(4) permits the free flow of pedestrian and vehicular traffic;

(5) preserves the beauty of the Component's campus, buildings, and facilities, and avoids unnecessary wear and tear on buildings, grounds, or facilities; and

(6) protects students, faculty, and staff from deception, fraud, and commercial exploitation.

1.4 Failure to Follow Rules. The President may prohibit persons or organizations from soliciting on campus if they fail to follow these rules. He or she may require that the student government and each registered student organization file a sworn statement disclosing: (1) the sources and amounts of money received from solicitation during the preceding or current semester or summer session, and (2) the payees, their Personal Identification Numbers (P.I.N.) or social security numbers, and amounts of expenditures of funds received from solicitations. Any student government or registered student organization failing to comply with the request of the President shall be prohibited from solicitation on the campus until such person organization comes into compliance.

1.5 Demonstrations, Publications, Posters, Etc. Reasonable and nondiscriminatory policies as to time, place, and manner may be promulgated by the President of the Component to authorize students, faculty, staff, and their registered organizations to petition, distribute publications, post signs, set up booths, and/or peacefully demonstrate on the Component campus. Such regulations shall prohibit any activity that would interfere with academic or Component programs.

2. USE OF SYSTEM FACILITIES.

2.1 By Component Organizations. Registered student, faculty, and/or staff organizations may use the Component's buildings and grounds in compliance with reasonable and nondiscriminatory *Rules and Regulations* approved by the Component President or a designee. Extracurricular use by students, faculty, or staff shall comply with local, State, and Federal law, System and Component regulations. Such activities shall not disrupt or disturb academic or other Component processes nor result in damage to or defacement of property. Registered student, faculty, or staff organizations may not enter into joint sponsorship of any on-campus project or program which involves financial commitments or the scheduling or use of facilities with non-students without prior written approval of the Component President or a designee.

2.2 By Outside Groups. Use of grounds and physical facilities of a System Component, especially auditoriums, gymnasiums, and large rooms, by outside individuals, groups, or associations (outside groups) shall be subject to the following rules as well as policies approved by the President or a designee:

2.21 Unrestricted use by outside groups of any Component facilities and grounds is not permitted. Whenever groups share in the use of Component buildings, it must be upon the invitation of the Component and under its joint sponsorship, and with the further understanding that all the conditions governing such sponsorship are to be set by the Component.

2.22 The Component will not enter into joint sponsorship of any project or program that is to result in private gain for the cooperating individuals, group, or associations, unless the President or a designee has reviewed the project or program and has determined that such joint sponsorship serves a public purpose and adequate contractual or other controls ensure its realization as required by *Article 3, Section 51*, of the *Texas Constitution*.

2.23 The Component will not enter into joint sponsorship of any program or activity in which the educational implications or benefits are not self-evident and which does not directly supplement the educational purposes of the System. The Component, when entering into joint sponsorship of any program or activity, reserves the right to approve advertising as well as news releases.

2.24 Established as a public body without regard to political affiliation or religious faith, a Component cannot be a joint sponsor with any non-campus organization for political or sectarian gatherings. However, the appearance by or on behalf of a candidate for public office may be authorized under conditions prescribed by the Board in *Paragraph 4* of this *Chapter*.

2.25 The authorization for use of a Component's facilities and grounds for functions other than the Component's own activities shall be at the sole discretion of the President or a designee and subject to the needs and the convenience of the Component which are always to have priority in the scheduling of facilities.

2.26 In the case of programs for which the Component is a joint sponsor with some other individual, group, or organization, the fee to be paid by the co-sponsor will be a matter for negotiation in each case, subject to final approval by the Component President or a designee and will be specified in the agreement providing for the joint sponsorship.

2.3 Use of Motor-Driven Vehicles or Equipment. The President of each Component shall promulgate a policy, specifying conditions for operation or use by students of Component owned, controlled or leased motor-driven vehicles or motor-driven equipment, and signed liability waivers in favor of the Component, the Board of Regents, the System, and their respective officers, employees, or agents.

3. SPEECH AND ASSEMBLY.

3.1 Definition. Freedom of inquiry and discussion is basic and essential to intellectual development, provided such freedoms are exercised in a manner that does not illegally derogate the rights of others or interfere with the academic programs and administrative processes of a Component. The grounds of all Components are limited public forums, subject to such reasonable time, place, and manner restrictions as the Component President may impose in accordance with applicable law (*see Subparagraphs 3.3* and *3.5* of this *Chapter*).

3.2 Off-Campus Speakers in Component Facilities. The freedoms of speech and assembly guaranteed by the *First and Fourteenth Amendments* to the *United States Constitution* shall be enjoyed by the students, faculty, and staff of the Components of The Texas State University System with respect to the opportunity to hear off-campus or outside speakers.

3.21 If a registered campus organization is sponsoring a campus speaker, it has the responsibility of making clear the fact that the organization, not the Component, is extending the invitation to speak and that any views the speaker may express are the speaker's own and not necessarily those of the System or of the Component.

3.22 Students, faculty, staff, and registered organizations campaigning for public office on behalf of candidates for public office must abide by the provisions of this *Paragraph*.

3.23 Speakers to be paid from state funds to speak on a Component campus shall speak in a facility that is open to the public. This *Subparagraph* does not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may obstruct or lessen in any

way the opportunity for the audience to see and hear the speaker. The number of students, faculty, staff, and guests may be limited to prevent a hazard to the safety of the audience.

3.24 Off-campus speakers who have not been sponsored or invited by a registered student, faculty, or staff organization or by the Component administration shall be prohibited from speaking to groups in campus facilities and buildings unless the speaker is speaking to an off-campus organization that has been authorized to meet on the campus.

3.25 With the prior written approval of the Component President, the Component may, at its sole discretion, lease or rent space in the student center or other appropriate buildings or grounds for political rallies and meetings provided that space is made available to legitimate political candidates in a nondiscriminatory fashion and the rent for such space is based on a fair market value.

3.3 Time, Place and Manner Restrictions. While freedom of speech and assembly is encouraged, the law recognizes that there is no absolute right to assembly or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech. The issuance of invitations to outside speakers shall be limited as follows:

3.31 A request to invite an outside speaker will be considered by the Component only when made by a registered student, faculty, or staff organization. No invitation shall be issued to an outside speaker without prior written concurrence of the Component President or a designee for scheduling of speaker dates and assignment of campus facilities.

3.32 Any speaker request shall be made in writing to the President or a designee by an officer of a registered student, faculty, or staff organization, or by an administrative officer of the Component, desiring to sponsor the proposed speaker not later than six (6) business days prior to the date of the proposed speaking engagement. This request shall contain the name of the sponsoring organization; the proposed date, time, and location of the meeting; the expected size of the audience; and the topic of speech. Any request not acted upon by the Component President or a designee within five (5) business days after submission shall be deemed granted.

3.33 A request made by a registered organization may be denied only if the Component President, or the authorized designee, determines, after proper inquiry, that the proposed speech will constitute a clear and present danger to the Component's orderly operation as defined in *Subparagraph 3.5.*

3.34 Where the request for an outside speaker is denied, the sponsoring organization may appeal to the President or an authorized designee in writing within three (3) business days of the denial. A hearing

within will be held within four (4) business days following the filing of its appeal before an impartial board or administrator appointed by the President for a *de novo* consideration of the request. Such board or administrator shall make a recommendation to the Component President, whose decision shall be final. If the President fails to decide the matter within seven (7) business days following the filing of the appeal, it shall be deemed granted, and the speaker's invitation may be issued by the organization.

3.35 Where the request for an outside speaker is granted and the speaker accepts the invitation, the sponsoring organization shall inform the President or a designee, immediately in writing of such acceptance. The President or a designee, may, at his or her discretion, require that the meeting be chaired by a member of the administration or faculty and that a statement be made at the meeting that the views presented are not necessarily those of the Component or of the sponsoring organization. By acceptance of the invitation to speak, the speaker shall assume full responsibility for any violation of law committed by the speaker while on campus.

3.4 Assembly on Component Grounds. Students enrolled at and employees of a Component may assemble and engage in free speech activities on the grounds of the campus. However, the Component President or a designee shall adopt reasonable, viewpoint neutral, nondiscriminatory policies as to time, place, and manner of such activities in accordance with applicable laws and may prohibit such activities if it is determined, after proper inquiry, that the proposed speech constitutes a clear and present danger as defined in *Subparagraph 3.5* below.

3.41 Designation of Public Forums. Notwithstanding paragraph 3.1 herein, the Board authorizes each Component President to designate any outdoor area(s) on the Component's campus that are public forums subject to reasonable time, place, and manner restrictions consistent with the First Amendment to the United States Constitution and Section 8, Article I, of the Texas Constitution.

3.5 Clear and Present Danger. Proposed speech which constitutes a clear and present danger to the Component's orderly operation by the speaker's advocacy (i.e., preparing the group addressed and steeling it to such action as opposed to the abstract espousal of the propriety of resort to force) may be prohibited. In determining the existence of a clear and present danger, the Component President, may consider all relevant factors, including whether, within the past five years such speaker has incited violence resulting in the destruction of property at any public institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution. There must be not only advocacy to action but also a reasonable apprehension of imminent danger to the essential functions and purposes of the Component.

3.6 Demonstrations, Publications, Posters. Reasonable and nondiscriminatory policies as to time, place, and manner may be promulgated by the President or a designee of the Component to authorize students, faculty, staff, and their registered Component organizations to petition, distribute publications, post signs, set up booths and/or peacefully demonstrate on the Component campus. Such regulation shall prohibit any activity that would interfere with academic or Component programs.

3.61 No group or person, whether or not a student or employee, shall publicly display, distribute, or disseminate on the Component campus any petition, handbill, or piece of literature, work, or material that is obscene or libelous, or that advocates the deliberate violation of any federal, state, or local law (see *Subparagraph 3.62*). Literature may not be distributed where the manner or form of said distribution constitutes disorderly conduct, disrupts classroom discussion, impedes the maintenance of public order, or constitutes a danger to the person distributing or disseminating the material or to any group or individual.

3.62 For the purposes of *Subparagraph 3.5*, advocacy means addressing the group for imminent action and steeling, bolstering, or bracing it to such action as opposed to the abstract espousal of the moral propriety of a course of action.

3.63 Any group or person, whether or not a student or employee, demonstrating on campus shall adhere to the provisions of *Education Code, Section 51.935,* as cited in *Chapter VI, Subparagraph 5.4,* of these *Rules and Regulations.*

3.7 Disruptive Activities. Disruptive activities are prohibited on a Component campus. See *Education Code, Section 51.935* and *Chapter VI, Subparagraph 5.4*. The Component President shall promptly utilize all lawful measures to halt and eliminate any and all such disruptive activities and shall immediately notify the Chancellor and the Chairman of the Board of Regents.

Last modified August 8, 2025

4. HEALTH AND SAFETY.

4.1 Alcohol Policy. System Components shall not sell, serve or permit the sale, service, or consumption of alcohol on campus, except in "special use" buildings or facilities designated by the President. Students who are 21 years of age or older, who do not reside in alcohol-free living areas may be permitted to have alcohol in their rooms, but not in common areas of residence halls. The President may restrict possession or consumption of alcohol (as permitted under this policy) to specified residential areas including apartments. Students who are permitted to have alcohol under this policy may not share or provide alcohol to students or other persons who are under 21. Nothing herein shall be taken as an assumption of risk or responsibility on the part of the Board of Regents of The Texas State University System, or its System Components for any injuries or damage,

of whatever kind, resulting from a student's possession or use of alcohol, whether such use is legal or illegal.

4.2 Student Health Programs. Components may establish student health centers and/or pharmacies to provide basic care and assistance only (as opposed to long-term medical facilities or the treatment of "major medical" problems) as well as information, educational programs and counseling through the student life areas of the Components on timely topics of interest and concern to the students.

4.21 Each physician providing medical and/or health care to students through a Component operated health center shall carry malpractice insurance in the amount of not less than $100,000 per occurrence or $300,000 total for bodily injury or death.

4.3 Racial Harassment. System Components shall provide equal educational opportunities for all students and equal employment opportunities for all applicants and employees and otherwise foster an environment free of racial intimidation, humiliation, and harassment. Racial harassment, as defined herein, is expressly prohibited.

4.31 Definition. "Racial Harassment" is defined as extreme or outrageous acts or communications that are intended to harass, intimidate, or humiliate students, faculty, staff or visitors on account of race, color, or national origin and that reasonably cause them to suffer severe emotional distress. No student, faculty, or staff employee is to engage in racial harassment of any person on the campuses of the Components or in connection with a Component-sponsored activity.

4.32 No student, faculty or staff person may use authority granted by state law, by System rule, or by Component policy to deprive any person of his or her civil rights on a Component campus or in connection with a Component sponsored activity.

4.33 If a violation of this policy is committed on campus and/or in connection with a Component-sponsored activity because of the race, color, or national origin of any person directly harmed by such violation, the violator's discriminatory purpose shall be treated as an aggravating factor for the purpose of determining the appropriate penalty.

4.34 Procedures for Redressing Racial Harassment Complaints of Students, Faculty, Staff or Visitors shall be in accordance with published procedures established by the Components. All complaints shall be considered informal until they are filed in writing. Once a disciplinary penalty is imposed, the accused, whether a student or a faculty member or a staff employee, shall have his/her full right to invoke applicable appeal procedures according to existing Component policies.

4.4 Sexual Harassment. No employee, student, or contractor of the System or a Component may sexually harass another person and will be subject to disciplinary action for a violation of this policy.

4.41 Sexual Harassment. Please refer to the Texas State University System Sexual Misconduct Policy.

4.42 In determining whether alleged conduct constitutes sexual harassment, the System or Component shall construe any act or omission within the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. Each determination shall be made from the facts on a case-by-case basis.

4.43 The System and each Component may not dismiss a complaint once registered with an appropriate authority until the case has been resolved by the System or Component. However, the System and each Component may take appropriate disciplinary action for any sexual harassment occurring in the employment or academic environment even in the absence of an individual complaint. Disciplinary action may consist of action up to and including termination of employment or, in the case of students, expulsion from a Component or from the System.

4.44 Each Component shall, on an annual basis, send an email to each student, professor, employee, administrator/staff member, containing the full content of the sexual and racial harassment policies along with procedures to address such situations.

4.45 Each Component shall adopt policy statements and procedures prohibiting sexual harassment and requiring prompt and appropriate corrective action for a violation of this policy and the relevant federal and State laws on sexual harassment.

4.46 To the fullest extent practicable, the System and Components shall keep complaints of sexual harassment and the terms of their resolution confidential.

4.47 If disciplinary action is imposed on an individual for engaging in sexual harassment, the individual may invoke the applicable due process or appeal procedures of the System and Components.

The relief provided by the System or Component to a complainant does not depend on any resolution of the complaint or disciplinary action against the accused individual.

4.5 Carrying of Handguns by License Holders. An individual possessing a valid License to Carry is entitled to carry a concealed handgun on the campus of a System Component, except where prohibited by the Component's Concealed Handgun Policy. Open carry is not permitted on campus. Each President shall establish such policy, which shall not generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus.

4.51 Not later than the 90th day following the date that a Component's Concealed Handgun Policy is established or amended, the Board of Regents shall review, and may amend, in whole or in part, by a vote of not less than two-thirds of the Board.

4.52 A Component's Concealed Handgun Policy shall be widely distributed to its students, staff, and faculty, including by prominently publishing its provisions on the Component's website.

4.53 Not later than September 1 of each even-numbered year, each Component Institution shall submit a report to the Texas Legislature and to the standing committees of the Legislature with jurisdiction over the implementation and continuation of Texas *Government Code 411.2031* that:

(1) Describes its Concealed Handgun Policy's provisions regarding the carrying of concealed handguns on the campus or campuses of the Institution; and

(2) Explains the reasons the Institution has established those provisions.

4.54 Such report shall be provided to the Chancellor and Board of Regents not later than August 1 of each even-numbered year.

4.6 Prohibition of Other Weapons. Except as provided in a System Component's Concealed Handgun Policy and in *Subparagraph 4.61* below, it is a violation of these *Rules and Regulations* to possess, carry or otherwise cause a firearm or other prohibited weapon, licensed or otherwise, concealed or otherwise, to be brought onto the premises of a System Component.

4.61 "Premises of a System Component" as used in this *Subparagraph* means a structure and the land (including parking lots, garages, or other appurtenances, on which the structure is situated) over which this Board has ownership or control. This prohibition extends to leased, borrowed or other facilities where a System or Component function, event, or activity takes or is taking place but does not apply to:

4.611 Presidentially–approved academic or other programs (for example, ROTC or administrator residences, wildlife management programs, or Component sponsored or approved events);

4.612 Law enforcement personnel, acting in performance of their duties;

4.613 The transporting of such firearms, handguns, or other prohibited weapons for registration with and storage by the

Component public safety office; or the President's home and grounds;

4.614 Permitted tracts of the Christmas Mountains area with a special access permit as outlined in the *System Christmas Mountains Ranch Policy*; or,

4.615 Transportation of a firearm or ammunition in a locked, privately-owned or leased motor vehicle by a person, including a student enrolled at the Component, who holds a license to carry a handgun under Texas *Government Code, Chapter 411, subchapter H*, and lawfully possesses the firearm or ammunition: a) on a street or driveway located on the campus of the Component; or b) in a parking lot, parking garage, or other parking area located on the campus.

4.62 "Prohibited Weapons" as defined by *Texas Penal Code, section 46.01*, includes the following:

4.621 "Club" meaning and instrument (for example, a blackjack, nightstick, mace, numbchuck or tomahawk) that is specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person;

4.622 "Explosive weapon," meaning any explosive or incendiary bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death, or substantial property damage, or for the principal purpose of causing such a loud report as to cause undue public alarm or terror (whether such a weapon is designed, made, or adapted for delivery or shooting);

4.623 "Firearm," meaning any device designed, made, adapted, or readily adaptable to expel a projectile through a barrel by using the energy generated by an explosion or burning substance (excluded are antique or curio firearms manufactured before 1899 or replicas thereof, provided they do not use rim fire or center fire ammunition), including, but not necessarily limited to handguns, machine guns, rifles, "zip guns," stun guns, and "short-barrel firearms";

4.624 "Knife," meaning any bladed, hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument;

4.625 "Location-restricted knife," meaning a knife with a blade over five and one-half inches.

4.626 "Knuckles," meaning any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles.

4.627 "Hoax bomb," meaning a device that: a) reasonably appears to be an explosive or incendiary device; or, b) by its design causes alarm or reaction of any type by policy, public safety, or other administrators at a System Component, who are charged with assuring campus safety;

4.628 "Chemical dispensing device," meaning a device (other than a chemical dispenser sold commercially for personal protection) that is designed, made, or adapted for the purpose of dispensing a substance capable of causing adverse psychological or physiological effect on a human being.

4.7 Registered Sex Offenders. Students, faculty or other employees subject to registry requirements of the *Sex Offender Registration and Notification Act, 42 U.S.C. Chapter 151, Part A, Subchapter I* and/or the requirements of Texas *Code of Criminal Procedure Chapter 62* must comply with the following:

4.71 Registered sex offenders shall promptly notify campus police/security of their employment or enrollment as required by the laws referenced in Subparagraph 4.6 above.

4.72 Residing in university housing is a privilege and not an entitlement. Registered sex offenders are not eligible to live in university housing.

5. PROHIBITED INITIATIVES – DIVERSITY, EQUITY, AND INCLUSION.

5.1 Definition. In these *Rules and Regulations,* the following definitions shall apply.

5.11 Diversity, Equity, and Inclusion office means an office, division, or unit of an institution of higher education established for the purpose of:

5.111 Influencing hiring or employment practices at the Component with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;

5.112 Promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;

5.113 Promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, except as expressly authorized by the TSUS's Office of General Counsel in accordance with a court order or state or federal law; or

5.114 Conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation except as expressly authorized by the TSUS Office of General Counsel in accordance with a court order or state or federal law.

5.12 Diversity, Equity, and Inclusion training includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation.

5.2 Prohibited Activities. Components shall not, except as required by federal law:

5.21 Establish or maintain a diversity, equity, and inclusion office;

5.22 Hire or assign an employee of the Component or contract with a third party to perform the duties of a diversity, equity, and inclusion office;

5.23 Compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, or inclusion statement;

5.24 Give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the component; or

5.25 Require any person to participate in diversity, equity, and inclusion training as a condition of enrolling at the Component or performing any Component function except training developed and approved by the TSUS Office of General Counsel in accordance with a court order or state or federal law.

5.3 Exceptions. The prohibitions stated herein do not apply to the following:

5.31 Academic course instruction;
5.32 Scholarly research or a creative work by a student or faculty;
5.33 An activity of a registered or recognized student organization;
5.34 Guest speakers;
5.35 Performers on a short-term engagement;
5.36 Policies, practices, procedures, programs or activities to enhance student academic achievement or postgraduate outcomes that are designed and implemented without regard to race, sex, color, or ethnicity;
5.37 Data collection;
5.38 Student recruitment or admissions

5.4 Disciplinary Action. Any employee or contractor who violates any of the provisions stated herein is subject to disciplinary action, up to and including, termination.

5.5 Each Component shall adopt a policy and implement a procedure to ensure compliance with the provisions stated herein.

5.6 Certification. A Component may not spend money appropriated for a state fiscal year until the Board of Regents, through System Administration, submits to the legislature and the Texas Higher Education Coordinating Board a report certifying the System's compliance with Texas Education Code section 51.3525(b) during the preceding state fiscal year. This section takes effect January 1, 2024, for money appropriated for the state fiscal year beginning September 1, 2024.

5.7 Audit. The Chief Audit Executive shall determine, during its annual risk assessment, whether an audit of Components' compliance with Texas Education Code section 51.3525(b) should be included in its annual Audit and Compliance Plan. Audit reports regarding compliance with these provisions shall be distributed to the board in accordance with Chapter III, Paragraph 7.93.

5.8 Designee. The Board designates the Chancellor or the Chancellor's designee to provide legislative testimony in accordance with Texas Education Code section 51.3525.

CHAPTER VIII. ETHICS POLICY FOR REGENTS AND EMPLOYEES OF THE TEXAS STATE UNIVERSITY SYSTEM

1. ANTI-FRAUD POLICY AND REPORTING OF WRONGFUL OR FRAUDULENT CONDUCT.

1.1 Anti-Fraud Statement. The Texas State University System does not tolerate any type of fraud, waste, or abuse. The System is committed to ensuring that our organization maintains the highest standards of ethical conduct and integrity throughout all aspects of its operations. As public servants, System and Component faculty and staff are guardians of the resources entrusted to them and have a responsibility to students, parents, alumni, donors, and the citizens of Texas to ensure that those resources are used efficiently and for their intended purposes. The System does not tolerate any form of retaliation against individuals providing information concerning suspected fraud, material waste, abuse, or other unethical behavior.

1.2 Chancellor and President Responsibilities. If the Chancellor has reasonable cause to believe that Component or System financial or inventoried resources may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operation of the Component or System, he or she shall timely and promptly report the reason or basis for the belief to the Chair of the Finance and Audit Committee and to the Chief Audit Executive. If a President has such reasonable cause, he or she shall report the same to the Chancellor and to the Chief Audit Executive.

1.3 Employee Responsibility. If an employee has reasonable cause to believe that Component or System financial or inventoried resources may have been lost, misappropriated, or misused, or that other fraudulent or unlawful conduct has occurred in relation to the operation of the Component or System, he or she shall timely and promptly report the reason or basis for the belief to the Component Internal Audit Director; to the System Chief Audit Executive; to the TSUS Hotline, the System's internet-based fraud reporting system; or to the State Auditor's Office.

1.4 Fraud Reporting Hotline. The System has established an internet-based reporting hotline, TSUS Hotline, to provide individuals with a confidential avenue for reporting concerns about potential waste, fraud, and abuse of resources, the lack of compliance with laws and regulations, or violations of the System's *Code of Ethics*. Reports filed through the TSUS Hotline are forwarded to and investigated by individuals who are independent of System management. The TSUS Hotline can be accessed through the Components' and the System Office's webpages. Except in rare circumstances, reports received through the TSUS Hotline will not be investigated if established complaint processes at the campus-level have

not been utilized. The *Texas Public Information Act* shall govern rules on disclosure of documents and records.

1.5 Reports to State Auditor's Office. The Texas State University System, through the Chief Audit Executive, will report suspected fraud or unlawful conduct to the State Auditor's Office (SAO) if he or she knows of facts pointing to fraud or unlawful conduct. Employees may report fraud involving state funds to the SAO through the TSUS Hotline; by accessing the SAO Fraud Reporting webpage; or by mail to the SAO.

2. BOARD EXPENSES AND ALLOWANCES.

2.1 Transportation, Meals, and Lodging.

2.11 Members of the Board of Regents are entitled to receive the following when traveling to conduct official business:

(1) reimbursement of expenses for meals and lodging as provided by law; and

(2) reimbursement for transportation and incidental expenses at rates specified in the General Appropriations Act for State employees.

2.12 Employees of The Texas State University System and its Components are entitled to receive the following when traveling to conduct official business:

(1) Actual costs of lodging and meals for in-state travel, except that such reimbursements may not exceed the current maximum established by law;

(2) For out-of-state travel, employees may receive actual costs for lodging and a per diem for meals not to exceed the locality-based allowance provided by the Federal Travel Regulations for lodging and meals unless the State Comptroller determines in advance of the travel that local conditions warrant a change in the lodging rate for a particular location.

2.2 Purpose of Travel. To qualify for travel reimbursements, the purpose of a trip must be "state business" or "official business" of The Texas State University System. State or official business is the accomplishment of a governmental function directly entrusted to The Texas State University System or one of its Components, including the reasonably necessary means and methods to accomplish that function.

2.3 Improper Travel Reimbursement. When a Regent or an employee engages in travel for which compensation is to be received from any source other than System funds, he or she shall not submit a claim under the provisions

of The Texas State University System travel regulations. A Regent or an employee who receives an overpayment for a travel expense shall reimburse The Texas State University System for the overpayment.

2.4 Travel Bonus (Frequent Flyer) Awards. Regents or employees who earn credit with airlines, hotels, car rental companies, etc. for official travel are not required to account for such credit or to use such for official travel only.

2.5 Official Travel by Spouses and Relatives of Regents or Employees. Spouses and other relatives of Regents or employees may qualify to have travel expenses paid by The Texas State University System if their presence at a function or on a trip is for an official purpose benefiting The Texas State University System and/or the State of Texas. In making a determination of whether the presence of a spouse or relative is for an official purpose, the factors to be considered are the nature and duties of the Regent's or employee's office, the traditional role, if any, of the spouse or relative, the purpose of the particular trip, and the spouse or relative's connection with that purpose.

2.6 Foreign Travel. A request by a Regent, System President, or System employee for travel outside of the United States, excluding Mexico or Canada, requires prior approval by the Chancellor.

2.7 Reimbursement of Expenses. Verified expense accounts shall be submitted to the Chancellor or appropriate Component official for processing and the same shall be subject to review and control of the Board.

3. CONFLICTS OF INTEREST.

3.1 Ethics Commission Financial Disclosure Statements. Each Regent, the Chancellor and the Presidents of the Components shall file a financial statement with the Texas Ethics Commission not later than April 30, each year in which such Regent, Chancellor or President has served in such capacity for any portion of the immediately preceding twelve (12) months on forms prescribed by the commission. Within thirty days of filing with the Texas Ethics Commission, each Regent and President shall notify the Vice Chancellor and General Counsel of their compliance with this provision.

3.2 Contracts Prohibited. Except as provided below, neither the System nor a Component thereof may enter into a contract in which a Regent or the Regent's spouse has a direct or indirect pecuniary interest.

3.3 Recusal Required for Certain Types of Contracts Involving Pecuniary Interests. If a Regent is a stockholder or director of a corporation seeking to enter into a contract with the System or a Component thereof, but owns or has a beneficial interest in no more than one percent of the corporation's outstanding capital stock, the contract may be executed so long as it is an affiliation agreement, license (including a license of intellectual property),

or sponsored research agreement, or it is awarded by competitive bidding or competitive sealed proposals. An interest owned by the Regent's spouse is considered to be a "beneficial interest." The affected Regent must disclose such interest in a public meeting of the Board of Regents and shall not vote on the contract or transaction.

3.4 Regent Disclosure of Personal or Private Financial Interest. A Regent who has a personal or private financial interest in a measure, proposal, or decision pending before the Board (other than a contract covered by *Subparagraph 3.3* of this *Chapter*) shall disclose such interest in a public meeting of the Board, and such disclosure shall be entered in the minutes of the Board. The Board may consider such measure, proposal, or decision, but any Regent having such an interest shall not vote or otherwise participate in such deliberation or action of the Board. This procedure may not be utilized for contracts covered by *Subparagraph 3.3* of this *Chapter*.

3.5 Potential Conflict of Interest of Regent. As soon as possible after becoming aware of any potential conflict of interest, a Regent shall disclose such fact and any other relevant information to the Board and to the Vice Chancellor and General Counsel. In such an event, the Vice Chancellor and General Counsel shall review the potential conflict and issue an opinion.

3.6 Contracts with Nonprofit Corporations. The Board is not precluded from entering into contracts or other transactions with nonprofit corporations merely because a Regent also serves on the board of or is a member of the nonprofit corporation. Other factors and interests, such as pecuniary or personal interests, may require disclosure and recusal, as described above.

3.7 Disclosure of Interest in Property to be Acquired. Regents, the Chancellor and the President of the Component are required to disclose any legal or equitable interest in property that is to be acquired with public funds. Such disclosure must be made at least 10 days before the date the property is to be acquired by purchase or condemnation.

4. CODE OF ETHICS.

4.1 Prohibited Actions of Regents. A Member of the Board of Regents shall not:

(1) Accept or solicit any gift, favor, or service that might reasonably tend to influence the Regent in the discharge of official duties or that the Regent knows or should know is being offered with the intent to influence the Regent's official conduct;

(2) Accept employment or engage in a business or professional activity the Regent might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her official position or otherwise withhold from the Board information in his or her possession that might

reasonably benefit him or her, financially or otherwise, whether directly or indirectly. Further, it is a violation of this *Rule* if the benefit inures to a third party or parties, in whose welfare the Regent is interested;

(3) Accept other appointments or any employment or compensation that could reasonably be expected to impair the Regent's independence of judgment in the performance of official duties;

(4) By his or her actions or through his or her silence, allow the Board to consider any matter in which he or she will benefit, financially or otherwise, whether directly or indirectly. Further, it is a violation of this *Rule* if the benefit inures to a third party or parties, in whose welfare the Regent is interested. The Regent shall refrain from commenting on the matter to the Board, its regents or employees; and leave the room while the Board deliberates and votes on the matter;

(5) Make personal investments that could reasonably be expected to create a substantial conflict between the Regent's private interest and the public interest;

(6) Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another; or,

(7) Commit acts of fraud, dishonesty, or illegality in office, including (by way of example and not limitation) assisting others to obtain personal or financial benefits to which they are not entitled by law or policy; forging or altering checks, bank drafts, or other documents, financial or otherwise; or, knowingly authorizing improper claims.

(8) Pecuniary Interest. No member of the Board of Regents shall enter into the discussion, make motions, or vote on a contract, purchase, or agreement of any character in which the member directly or indirectly has pecuniary interest. The provisions of *Government Code, Chapter 572* shall be observed.

4.2 Prohibited Actions of Employees. An employee of The Texas State University System or any of its Components shall not:

(1) Accept or solicit any gift, favor or service that might reasonably tend to influence the employee in the discharge of official duties;

(2) Use an official position to secure special privileges or exemptions for the employee or others, except as may be otherwise authorized by law;

(3) Accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the employee to disclose confidential information acquired by reason of such employee's official position or impair the

employee's independence of judgment in the performance of public duties;

(4) Disclose confidential information gained by reason of one's employment, or otherwise use such information for personal gain or benefit;

(5) Transact any business in an official capacity with any business entity of which the employee is an officer, agent, or member or in which the employee owns a controlling interest unless the Board of Regents has reviewed the matter and determined no conflict of interest exists;

(6) Make personal investments in any enterprise which could reasonably be expected to create a substantial conflict between the private interests of the employee and the public interests of his or her employer;

(7) Receive any compensation for services as a state employee from any source other than the State of Texas, except as otherwise permitted by law;

(8) Commit any act of fraud, dishonesty, or illegality in office, including (by way of example and not limitation) assisting others to obtain personal or financial benefits to which they are not entitled by law or policy; forging or altering checks, bank drafts, or other documents, financial or otherwise; knowingly authorizing improper claims; or,

(9) Engage in any form of sexual harassment or racial harassment as defined in these Rules and Regulations.

Last modified May 29, 2026

5. BENEFITS, GIFTS AND HONORARIA.

5.1 Definitions. A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare a Regent or an employee has a direct and substantial interest.

5.2 Bribery. A Regent or an employee shall not solicit, offer, or accept any benefit in exchange for his or her decision, opinion, recommendation, vote, or other exercise of official power or discretion.

5.3 Prohibited Benefits. A Regent or an employee shall not solicit, accept, or agree to accept any benefit from any person the Regent or employee knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the Regent's or employee's discretion. This prohibition does not apply to (1) gifts or other benefits conferred on account of kinship or a personal, professional, or business

relationship independent of a Regent's or employee's status, respectively, as a member of the Board or as an employee; (2) a fee prescribed by law to be received by a Regent or employee or any other benefit to which he or she is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a member of the Board or an employee of the System or a Component; (3) a gift, award, or memento that is received from a lobbyist who is required to make reports under Government Code, Chapter 305 and, (4) items having a value of less than $50, not including cash or negotiable instruments. A Regent or an employee who receives an unsolicited benefit that he or she is prohibited from accepting by law may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

5.4 Food, Lodging, Transportation, and Entertainment Received as a Guest. A Regent or employee may accept food, lodging, transportation, or entertainment from persons or entities he or she knows or reasonably should know are interested in or likely to become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of the Board's discretion only if the Regent or employee is a "guest" as defined by Texas law. A Regent or an employee is a "guest" if the person or a representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the Regent or employee. Regents, the Chancellor and the Presidents of Components are required to report any such benefits valued at over $250 on their annual disclosure statements filed with the Texas Ethics Commission.

5.5 Gifts or Benefits from Friends, Relatives, and Associates. Regents and employees may accept gifts or benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official status, so long as the benefit is not offered in exchange for official action or decision.

5.6 Gifts or Benefits from Outside Donors. A gift or benefit from an outside donor designated to supplement the salary of a specific Component or System employee shall be subject to approval by the Component or System CEO, before being presented to the Board of Regents for approval, as required by *Chapter III, Paragraph 1.33*. Gifts for the Presidents shall be subject to the Chancellor's approval, and gifts to the Chancellor shall be subject to the Board Chair and Vice Chair's approval prior to presentation to the full Board. Such gifts shall be made to the Component or System directly and earmarked for distribution to the employee through the payroll process. Salary supplements shall be reported to the State Auditor's Office and the U.S. Internal Revenue Service as required by law. The employee receiving the salary supplementation shall comply with the conflict of interest provisions for employees outlined in *Subparagraph 4.2* of the System's *Code of Ethics,* found in *Paragraph 4* of this *Chapter*.

5.7 Awards. Regents and employees may accept plaques and similar recognition awards.

5.8 Honoraria. Regents and employees may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide but for their official position or duties. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. However, they may accept the direct provision of or reimbursement for expenses for transportation and lodging incurred in connection with a speaking engagement at a conference or similar event, provided the Regent's or employee's participation is more than merely perfunctory. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted.

5.9 Gifts from and Travel to Foreign Adversaries. Notwithstanding any other provision herein, a System or Component employee may not:

5.91 accept any gift, regardless of value, from an entity associated with a country on the U.S. Department of Commerce's foreign adversaries list under 15 CFR § 791.4, or,

5.92 travel for business purposes to a country on the U.S. Department of Commerce's foreign adversaries list under 15 CFR § 791.4.

5.10 Reporting Violations of Ethics Policy. A Regent, System or Component employee may report violations of this ethics policy to the TSUS Hotline.

Last modified May 2, 2025

6. POLITICAL ACTIVITIES.

6.1 Use of System Funds, Personnel or Property. No Regent shall expend or authorize the expenditure of any State appropriated funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure.

6.2 Political Contributions. Regents may make personal contributions to candidates for office and political organizations, with one exception. A Regent may not expend more than $100 for the cost of correspondence to aid or defeat the election of a Speaker candidate.

6.3 Entertainment. If a System or Component employee provides tickets to a public official to allow the official and/or his guests to attend an event, an officer or employee of the System or a Component will serve as host to the official, and must attend the event.

6.4 Perishable Food Items. System or Component employees may provide Public officials with small, infrequent gifts of perishable food items delivered to their offices. These are not considered to be "benefits" for purposes of the provisions of the Penal Code prohibiting such.

6.5 Expenses for Public Officials. System Components may pay expenses in order to furnish information to state officials relevant to their official position, including presentations about the programs and services of The Texas State University System and its Components.

6.6 Use of Official Authority Prohibited. No System or Component employee may use his or her official authority or influence, or permit the use of a program administered by the System to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. No System or Component employee may do any act or attempt to interfere with anyone who seeks to pay, lend, or contribute private funds or private property to a person or political organization for political purposes. Any System or Component employee who violates either of these provisions is subject to immediate termination of employment, in accordance with the Government Code.

6.7 Use of System Funds or Property. No System or Component employee shall expend or authorize the expenditure of any System or Component funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure. No System or Component funds may be expended for the payment of full or partial salary of any employee who is also the paid lobbyist of any individual, firm, association, or corporation. System and Component facilities may be used as polling places for local, state, and national elections.

6.8 Voting and Political Participation. As employees of the State of Texas, System and Component employees have the rights of freedom of association and political participation guaranteed by the state and federal constitutions, except as limited by valid state laws. System and Component employees shall be allowed sufficient time off to vote in public elections without a deduction from pay or from accrued leave time.

6.9 Political Campaign Events on System Property. The Chief Executive Officers of the Components of The Texas State University System shall be responsible for promulgating rules for the regulation of political campaign meetings or speeches and other activities relating to political campaigns on property under their control. Such regulations shall be implemented by the Chancellor after approval by the Board of Regents.

6.10 Employees as Candidates and Officeholders. System and Component employees may run for election and serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts. No campaign activities may be conducted during official business hours unless the employee has requested and received permission to use leave time for such purpose. Any employee elected to such a position may not receive any salary for serving as a member of such governing bodies.

6.11 Political Contributions from Employees. System and Component employees may make personal contributions to candidates for office and political organizations, with the exception that no state employee may

contribute personal services, money, or goods of value to a candidate campaigning for speaker of the Texas House of Representatives.

7. USE OF AUTHORITY.

7.1 Misapplication of Property. A Regent shall not intentionally or knowingly misapply anything of value belonging to the government that comes into the Regent's custody or possession by virtue of his or her office with the intent to obtain a benefit or to harm another.

7.2 Nepotism. Regents are prohibited from appointing, voting for, or confirming the appointment of any person related to such Regent within the third degree by consanguinity (blood) or within the second degree by affinity (marriage) when the salary or compensation for such person is to be paid from public funds. All employment decisions must be made in compliance with *Chapter V, Subparagraph 2.2* of the System's *Rules and Regulations*.

7.3 Misuse of Official Information. A Regent shall not, in reliance on information to which he or she has access in his or her official capacity and which has not been made public: (1) acquire or aid another in acquiring a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or, (2) speculate or aid another in speculating on the basis of such information.

8. DUAL OFFICE HOLDING.

8.1 Non-Elective State or Federal Office. System and Component employees may hold non-elective offices with boards, commissions, and other state and federal entities provided that the holding of such office, (1) is of benefit to the State of Texas, or is required by state or federal law, and (2) is not in conflict with the employee's position. Such appointments must be approved by the responsible CEO of the Component. Prior to the Chancellor's or a CEO's accepting an invitation to serve in an additional non-elective office, the Board of Regents must determine that the appointment meets the two requirements stated above. The Board must also make an official record of any compensation to be received by the Chancellor or CEO from such appointment, including salary, bonus, per diem or other types of compensation.

8.2 Positions of Employment with Government Agencies. System and Component employees may hold other positions of employment with agencies, boards, commissions, or other entities of government so long as the holding of such positions is consistent with the prohibitions against dual office holding in the Texas Constitution. Special rules for multiple employments with the State are provided in *Chapter 667* of the *Government Code*. The person seeking dual employment must be informed of the special rules before that person becomes employed by more than one agency or institution. Consulting arrangements with federal, state, or local governmental agencies of a detached and

independent advisory nature are not considered to be appointments with such agencies.

9. TRAINING.

9.1 Training of Regents. Each Regent shall receive training regarding the duties and obligations of the office as required by statute.

9.2 Training of Employees. The System Administration shall conduct, in even numbered years, training sessions for the personnel of each Component responsible for ethics training in the various departments of such institutions. These training sessions will provide the trainees with the methods, policies and materials necessary to allow them to train each employee within their supervision or responsibility. Each Component is responsible for training each employee in the provisions of this Chapter VIII of these Rules and Regulations each biennium. The CEO of each Component will notify the Chancellor upon completion of the ethics training each biennium.

10. PROVISIONS RELATED TO EMPLOYEES ENGAGED IN PROCUREMENT OF GOODS AND SERVICES.

10.1 Expansion of Code of Ethics. This *Paragraph 10* expands and supplements the Code of Ethics contained in *Paragraphs 1-9* of this *Chapter*, for Components' officials and employees, including those officials and employees authorized to execute contracts for a Component or to exercise discretion in awarding contracts.

10.2 Adherence to Policies Relating to Procurement. All officials and employees authorized to execute contracts for a Component or to exercise discretion in awarding contracts shall adhere to all System and Component policies, handbooks, guidelines and protocols designed to promote ethical and lawful behavior in the procurement process.

10.3 Disclosure of Conflicts of Interest. Employees and officials involved in procurement or contract management for a Component shall promptly disclose to the Component any potential conflict of interest specified by state law or System or Component policy that is known by the employee or official with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor.

10.4 Prohibited Contracts. A Component may not enter into a contract for the purchase of goods or services with a private vendor with whom any of the following Component employees or officials have a financial interest:

(1) A member of the Board of Regents, unless, pursuant to *Education Code, Section 51.923(e),* the member does not have a "substantial interest" in the business entity or vendor;

(2) The Chancellor, President, Vice Chancellor and General Counsel, Chief Procurement Officer, or Procurement Director of the Component; or,

(3) A family member related to an employee or official described by *Subparagraph (2)* within the second degree of affinity or consanguinity.

10.41 A Regent, employee or official has a prohibited financial interest in a procurement if the Regent, employee or official:

(1) Owns or controls, directly or indirectly, or otherwise has an ownership interest of at least one percent in the entity seeking the contract or procurement, including the right to share in profits, proceeds, or capital gains; or

(2) Could reasonably foresee that a contract with such an entity might result in a financial benefit to the employee or official or to a third party or parties in whose welfare the employee or officer is interested.

10.42 A financial interest prohibited by this *Subparagraph* does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than one percent in a corporation.

10.5 Notice to Employees and Officials of Expected Standards of Conduct. Employees and officials, including those engaged in procurement of goods and services, are hereby put on notice that their primary responsibility is to accomplish the duties and responsibilities assigned to the positions they hold. All employees and officials shall comply with the standards of conduct found in these System *Rules and Regulations.*

10.6 Compliance with Law Required. Each official or employee of a Component is expected to obey all federal, state, local laws, and these System *Rules and Regulations* regarding ethics and shall be subject to disciplinary action for violation of those laws, rules and regulations.

10.7 Conflict of Interest Prohibited. Each employee or official of a Component is prohibited from having a direct or indirect financial or other interest; engaging in a business transaction or professional activity; or incurring any obligation that conflicts with the proper discharge of the employee's or official's duties related to the public interest.

10.8 Conflict of Commitment Prohibited. Each employee or official of a Component is prohibited from participating in activities outside the Component which interfere with the employee’s or official’s duties and responsibilities to the Component.

10.9 Outside Employment or Activities. Engaging in outside employment or activities, including board service, is not a right or entitlement and may be permitted when, in the sole judgment of the President or his/her designee, the employment or activity does not:

(1) Interfere with the employee or official's ability to perform his/her public responsibilities and duties because of demands upon the individual's time;

(2) Impair the employee or official's independence of judgment in fulfilling his/her public responsibilities and duties;

(3) Reasonably expect or require the employee or official to disclose confidential information acquired in or because of his/her public responsibilities and duties; or

(4) Reasonably expect or require the employee or official to advance a position or course of action that conflicts with his/her public responsibilities and duties or the best interests of the Component as determined by the President.

An employee or official, desiring to engage in outside employment or activities, shall, through his or her supervisor(s), make a written request to the President in which he/she addresses the above four factors with specificity, providing copies of pertinent documents and such other information as the President may require in order to make a decision.

10.10 Reporting of Conflicts of Interest. As soon as an employee or official discovers or learns that he/she may have a conflict of interest regarding a procurement or contract management, he/she shall:

(1) Promptly disclose the same to the President through his/her supervisors, providing the specifics of the conflict, including but not limited to, disclosure of the name(s) of the person(s) or entity(ies) involved; the exact nature of the relationship; and such other information or documents as the President may require;

(2) Discontinue work on the procurement or contract management in question and recuse him/herself from involvement in the same; and

(3) Expect that his/her supervisors will deny physical or electronic access to files and documents related to the procurement.

10.11 Acting as Agent Not Permitted. An official or employee of a Component may not act as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the Component.

10.12 Use of Component Resources. Component funds, personnel, facilities, property (real or personal) shall not be used for the personal use, benefit, or profit of any individual employee or official or for a third party in whose welfare the employee or official is interested. A more detailed policy governing use of Component resources shall be created.

10.13 Training Required. Training shall be mandated for officers and employees authorized to execute contracts for a Component or to exercise discretion in awarding contracts, including training in ethics, selection of appropriate procurement methods and information resources purchasing technologies.

10.14 Publication of Policies. The provisions of this *Chapter VIII, Paragraphs 4. 8, 9* and *10,* shall be included in the policies of all Components; published on their web pages; included in procurement contract manuals; and generally be made known to vendors seeking to provide goods and services.

10.15 Reporting to Board of Regents or Designee. A Component's contract management office or procurement director shall immediately report to the Chancellor, in his or her role as Secretary to the Board of Regents, any serious issue or risk that is identified with respect to a contract monitored under these *Rules and Regulations.*

11. DISCLOSURE, IN PUBLIC COMMUNICATIONS, OF SPONSORS OF CONTRACTED RESEARCH.

11.1 Disclosure Required. In any public communication the content of which is based on the results of sponsored research, a faculty member or other employee or appointee of a Component who conducted or participated in conducting the research, shall conspicuously disclose the identity of each sponsor of the research.

11.2 Definitions. In this Paragraph:

(1) "Component" refers to a System college, university, or institute that falls within the meaning of "institution of higher education" assigned by Section 61.003 of the Texas Education Code.

(2) "Public communication" means oral or written communication intended for public consumption or distribution, including:

(a) Testimony in a public administrative, legislative, regulatory, or judicial proceeding;

(b) Printed matter including a magazine, journal, newsletter, newspaper, pamphlet, or report; or

(c) Posting of information on a website or similar Internet host for information.

(3) "Sponsor" means an entity that contracts for or provides money or materials for research.

(4) "Sponsored research" means research:

(a) That is conducted under a contract with, or that is conducted under a grant awarded by and pursuant to a written agreement with, an individual or entity other than the Component conducting the research; and

(b) In which payments received or the value of materials received under that contract or grant, or under a combination of more than one such contract or grant, constitutes at least 50 percent of the cost of conducting the research.

12. DISCLOSURE OF INTERESTED PARTIES CONTRACTING WITH SYSTEM COMPONENTS.

A System Component may not enter into a contract with an individual or business entity that requires an action or vote by the Board of Regents or that has a value of at least $1 million, unless the business entity submits a disclosure of interested parties at the time the individual or business entity submits the signed contract to the Component. The Board will not approve any contract that is not accompanied by such disclosure statement and a representation by the Component that such statement was timely submitted to the Texas Ethics Commission as required by law.

12.1 Contracts Exempted. This *Paragraph 12* does not apply to a sponsored research contract, an interagency contract, or a contract related to health and human services if the value of the contract cannot be determined at the time the contract is executed and any qualified vendor is eligible for the contract.

12.2 Disclosure Form. The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission and shall include:

(1) A list of each interested party for the contract of which the contracting business entity is aware; and

(2) The signature of the authorized agent of the contracting business entity, acknowledging that the disclosure is made under oath and under penalty of perjury.

12.3 Submission to Texas Ethics Commission. The Component shall submit a copy of the disclosure to the Texas Ethics Commission not later than the 30th day following the date the Component receives a disclosure of interested parties required under this *Paragraph 12*.

CHAPTER IX. PRIVATE SUPPORT ORGANIZATIONS

1. GENERAL.

1.1 The Board of Regents recognizes that there are legally constituted private organizations whose sole or primary purpose is to benefit The Texas State University System, its Components, or teaching, research and other activities within those Components. For the purposes of this *Chapter*, such an organization shall be called a "private support organization." Examples of private support organizations include, but are not limited to, development foundations, alumni associations, parents' associations and athletics booster organizations. The rules herein shall govern the relationship between such organizations and the System and its Components.

1.2 Trusts, endowments, foundations and similar entities established by a testamentary instrument for the benefit of the System, a system Component, or an activity of a Component are not considered private support organizations for the purposes of these rules. Such an entity shall be administered according to the provisions of the instrument creating it.

2. PROVISION OF SYSTEM EQUIPMENT AND FACILITIES TO PRIVATE SUPPORT ORGANIZATION.

2.1 The Board of Regents by written contract may provide a private support organization with office space, telephone service, utilities, and the use of other Component equipment and facilities.

3. SERVICE BY OFFICER OR EMPLOYEE OF THE SYSTEM ON BEHALF OF A PRIVATE SUPPORT ORGANIZATION.

3.1 Members of the Board of Regents or other officers or employees of the System or a Component may serve in similar management or decision making positions with a private support organization.

3.2 Officers and employees of the System or a Component may perform administrative tasks for a private support organization outside of their regular working hours. The Board of Regents by written contract may authorize officers and employees as a part of their regular duties to perform administrative tasks for a private support organization. Administrative tasks include, but are not limited to, activities such as the receiving, receipting, acknowledging, and reporting of gift funds received by the private support organization, but do not include the solicitation of funds on behalf of the private support organization.

3.3 Officers or employees whose duties routinely include the solicitation of funds on behalf of a Component may solicit funds on behalf of a private support organization if such practice is approved by the Board of Regents

and made the subject of written contract between the Board of Regents and the private support organization.

3.4 Officers or employees whose duties do not routinely include the solicitation of funds on behalf of the Component may solicit funds on behalf of a private support organization outside of regular working hours. The Board of Regents by written contract may authorize such officers and employees as a part of their regular duties to solicit funds on behalf of the private support foundation.

3.5 Any member of the Board of Regents, or officers or employees of the System or a Component serving in a management or decision making position with a private support organization, or rendering services of any kind whatsoever to a private support organization, shall receive no salary or benefit for such service from the private support organization unless the receipt of such salary or benefit is approved by the Board of Regents, provided however that the reimbursement by a support foundation of the actual travel, lodging, and other expenses incurred by an individual while rendering such service does not require approval by the Board of Regents.

3.6 The Chancellor shall be an *ex officio* member of any systemwide private support foundation seeking affiliation with the System under this *Chapter*.

4. ADMINISTRATION AND INVESTMENT OF FUNDS HELD BY PRIVATE SUPPORT ORGANIZATION.

4.1 Funds and property received directly by a private support organization from a donor are not subject to control by the Board of Regents until such organization relinquishes control of the funds to the Board. Gifts of funds or property to the System, a System Component, or an activity of a Component from a private support organization may be accepted under the same conditions as a gift from any other donor.

4.2 No gift funds or property received by the System or a Component may be remitted to a private support organization unless such transfer of funds is approved in writing by the donor and the Board of Regents. In such cases, the private support organization shall manage the funds or property in accordance with instructions given by the donor and the Board of Regents.

4.3 The trustees of private support organizations will provide the Board, through the Component President or Chancellor (in the case of a system organization), an annual report.

5. CONTRACTS WITH PRIVATE SUPPORT ORGANIZATIONS.

5.1 Any contract with a private support organization must be approved by the Board of Regents and must: (a) provide adequate consideration to the public, (b) serve a public purpose, and (c) enable the Board of Regents, through the Chancellor, to maintain sufficient control over any public

resources provided by the contract to ensure the public purpose therein is met.

5.2 Contracts between the Board of Regents and a private support organization on which members of the Board of Regents serve will not be approved unless specific statutory language authorizes execution of a contract with the private support organization.

5.3 Contracts between the Board of Regents and a private support organization on which the members of the Board of Regents do not serve will be approved only if:

(1) A majority of the trustees or directors of the private support organization are System or Component officers or employees;

(2) The trustees or directors are appointed or approved by the Board of Regents, or

(3) The Board of Regents has approved the constitution, bylaws, or other governing instrument of the organization which specifies the selection procedures for the organization's trustees and directors.

CHAPTER IX – A. PRIVATE SUPPORT ORGANIZATIONS CREATED AFTER MAY 2023

1. GENERAL.

1.1 The Board of Regents recognizes that there are legally constituted private organizations whose sole or primary purpose is to benefit The Texas State University System, its Components, including the Component's teaching, research and other activities. For the purposes of this *Chapter*, such an organization shall be called a "private support organization." Examples of private support organizations include, but are not limited to, development, research, and athletic foundations, alumni and parents' associations and athletic booster organizations. As these private support organizations exist solely for the purpose of serving the Component, the Board of Regents has promulgated the rules of this Chapter which shall govern the relationship between such organizations and the System and its Components.

1.2 Trusts, endowments, foundations, and similar entities established by a testamentary instrument for the benefit of the System, a Component, or an activity of a Component are not considered private support organizations for the purposes of these rules. Such an entity shall be administered according to the provisions of the instrument creating it.

2. PRIVATE SUPPORT ORGANIZATIONS MUST SECURE CEO APPROVAL.

2.1 A memorandum of understanding must be reviewed and approved by the System or Component CEO, or their designee(s).

3. APPROVAL OF PRIVATE SUPPORT ORGANIZATION GOVERNANCE DOCUMENTS.

3.1 A private support organization must obtain approval of its governing instrument, including its constitution and bylaws, from the System and Component at least once every ten years, and when substantive changes are made to such governing instruments.

3.2 A Component must maintain a website identifying all private support organizations that support the Component. The website must clearly indicate the private support organization's status as a 501(c)(3), and as a separate entity than the System or Component it supports. The website must identify all board members, staff, and mission.

4. MISSION STATEMENT OF PRIVATE SUPPORT ORGANIZATION.

4.1 A private support organization's mission must be aligned with the strategic priorities of the supported Component and/or System.

4.2 A private support organization's existence and mission must be to promote, advance, support, encourage, sponsor, aid, and advocate solely for the Component and/or System it supports pursuant to an MOU.

4.3 A private support organization must obtain System and Component approval of its mission statement at least once every ten years, and when substantive changes are made to such mission statement.

5. AUDIT REQUIREMENTS OF PRIVATE SUPPORT ORGANIZATION.

5.1 A private support organization shall have an external financial statement opinion audit performed every two years by a Certified Public Accounting (CPA) firm. As required by Texas Government Code 321.020, prior to contracting with a private auditor, the private support organization shall obtain delegated authority from the State Auditor's Office through the System's Office of Internal Audit. The audit report shall be provided to the System or Component CEO, or their designees, and the Office of Internal Audit for review within thirty days of its issuance by the CPA firm.

5.2 A private support organization shall permit representatives of the supported Component and/or System, during the term of an MOU, to audit or examine any pertinent or relevant accounting and financial books, documents, papers and records of the private support organization, as determined necessary by the supported Component and/or System.

6. OPERATIONS OF PRIVATE SUPPORT ORGANIZATION.

6.1 Officers and employees of the System or a Component may perform administrative tasks for a private support organization outside of their regular working hours as stated in an MOU approved by the Component or System CEO.

6.2 Officers and employees of the System or a Component may perform, as part of their regular work duties, administrative tasks for a private support organization as stated in an MOU approved by the Component or System CEO, provided the private support organization reimburses the Component or System a reasonable amount for such administrative tasks.

6.2.1 Administrative tasks include, but are not limited to, activities such as the receiving, receipting, acknowledging, and reporting of gift funds received by the private support organization, but do not include the solicitation of funds on behalf of the private support organization.

6.3 Officers or employees whose duties routinely include the solicitation of funds on behalf of the System or a Component may solicit funds on behalf of a private support organization if such practice is expressly stated in an MOU.

6.4 Officers or employees whose duties do not routinely include the solicitation of funds on behalf of the System or a Component may solicit funds on behalf of a private support organization if such practice is expressly stated in an MOU.

6.5 An annual report of the private support organization's operations shall be presented to the Texas State University System Board of Regents as an Informational item at a board meeting.

7. OFFICERS AND DIRECTORS OF PRIVATE SUPPORT ORGANIZATIONS.

7.1 Compensation. Any member of the Texas State University System Board of Regents, or officers or employees of the System or a Component serving in a management or decision-making position with a private support organization, or rendering services of any kind to a private support organization, shall receive no salary or benefit for such service from the private support organization unless the receipt of such salary or benefit is specified in the Memorandum of Understanding.

7.1.2 Notwithstanding subparagraph 7.1, a Regent, officer or employee of the System or Component serving in a management or decision-making position with a private support organization, or rendering services to a private support organization may be reimbursed by the organization for actual travel, lodging, and meal expenses incurred by the individual while rendering such service without approval by the Board of Regents.

7.2 Composition of Board of Directors. The minimum and maximum number of board directors of a private support organization shall be stated in the organization's governing instrument but in no event shall the minimum number of board directors be less than five.

7.3 Staggered terms for Board of Directors. Staggered terms for board directors of a private support organization shall be stated in the organization's governing instrument. A board director's term may be no longer than four years and a board director may not serve more than two consecutive four-year terms. A board director who has served two consecutive terms is required to remain off the board for a period of, at least, two years before being eligible to serve as a director of the board.

7.4 Appointment of Board of Directors. The process for appointment of a private support organization's board of directors shall be stated in the organization's governing instrument. Nomination and appointment of all such board directors is subject to the approval of the System or Component CEO.

7.5 System or Component CEO as non-voting member. The System or Component CEO, or their designees may, at their discretion, serve as non-voting directors of a private support organization's board.

7.6 Fiduciary Training of Board of Directors. All directors, officers, members of a private support organization shall attend training focused on conflicts

of interest and board members' fiduciary duties and responsibilities. Said training must be completed by a board director within 120 days of their appointment or reappointment to the board. The training will be provided and/or approved by the Texas State University System Office of General Counsel. Directors who have received comparable training within five (5) years are exempt from the training requirements of this Chapter.

7.7 Fiduciary Duties and Obligations. Private support organization's governing instrument shall describe the fiduciary duty and obligations of all board members and shall require each board member to perform as a reasonably, prudent, board member when acting in such capacity. Components may provide assistance with the requirements of this paragraph.

8. ADMINISTRATION AND INVESTMENT OF FUNDS HELD BY PRIVATE SUPPORT ORGANIZATION.

8.1 Ownership of Funds and Property. Funds and property received directly by a private support organization from any source are not subject to control by the Texas State University System Board of Regents until such organization relinquishes control of the funds to the Board.

8.2 Acceptance of Gifts of funds and Property. Gifts of funds or property to the System, or a Component, from a private support organization are subject to the provisions of the Texas State University System Rules and Regulations.

8.3 Transfer of funds or property. No gift funds or property received by the System or a Component may be remitted to a private support organization unless such transfer of funds or property is approved in writing by the donor, if any, and the System or Component CEO or their designee(s). In such cases, the private support organization shall manage the funds or property in accordance with a written donor agreement, if any.

9. DISSOLUTION OF PRIVATE SUPPORT ORGANIZATION.

9.1 Asset Distribution. In the event of the dissolution of the private support organization, or in the event the private support organization ceases to be a 501(c)(3) organization, the assets remaining in the organization, after payment or making provision for payment of any fees or expenses properly chargeable to the organization, shall be distributed to the System or Component supported by the organization. Distribution shall occur as soon as reasonably practicable but in no event shall asset distribution to the System or Component take longer than 120 days after the organization's dissolution or loss of 501(c)(3) status.

10. APPLICATION OF RULE GOVERNING PRIVATE SUPPORT ORGANIZATION.

10.1 Application of Rule. This Chapter applies to all new private support organizations as of May 2023. While all private support organizations in existence as of May 2023 are strongly encouraged to comply with this Chapter, private support organizations in existence prior to May 2023 will continue to be governed by the Rules and Regulations in effect at the time the private support organization was established.

10.2 This Chapter does not apply to programs known as Name Image Likeness (NIL) collectives or similar NIL programs.

11. REQUIRED PROVISIONS OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH A PRIVATE SUPPORT ORGANIZATION.

11.1 In addition to the requirements of this Chapter, the MOU with a private support organization should include a provision that:

(a) explains the relationship between the support organization and the System or Component and how the support organization will serve the entity's mission;

(b) names the System or Component CEO, or their designees, as primary institutional contact for the support organization; names the System or Component Chief Financial Officer, or their designees, as primary financial contact to the support organization; and names the System or Component CEO, or their designees, as the primary fundraising contact for the support organization;

(c) defines the support organization's role in fundraising, if any, and delineates oversight responsibilities, as related to prospect management, gift acceptance, receipting and stewardship of funds, by the support organization and the System or Component;

(d) identifies the specific services provided by the support organization in support of System or Component's mission or priorities and the payment or consideration, if any, provided to the support organization in exchange for such specific services;

(e) describes the System or Component resources provided for use by the support organization and the costs, if any, charged the support organization for such resources;

(f) identifies the employment arrangements of shared staff between the support organization and the System or Component;

(g) describes records, including alumni and donor records, owned by the System or Component or the support organization;

(h) requires all parties to comply with FERPA and recognizes the System or Components obligation to comply with the Public Information Act;

(i) describes the reporting obligations of the support organization including a requirement for an external–audit and the right to audit by the System or Component;

(j) describes the terms, process and frequency by which the support organization's funds or grants will be provided to the System or Component;

(k) describes the terms under which the support organization will be allowed to use the System or Component's name, service marks, branding, and other System or Component proprietary property;

(l) describes the mechanism for avoiding and resolving conflicts of interests involving the support organization's staff and board;

(m) requires indemnification by the support organization of the System or Component; and

(n) describes the circumstances for termination of the MOU and for the disassociation of the support organization from the System or Component and the distribution of foundation assets in accordance with this Chapter and the organization's governing instrument.

CHAPTER X. ENACTMENT AND AMENDMENT

1. REPEAL OF EXISTING RULES AND EFFECTIVE DATE.

All rules, regulations, orders, and resolutions heretofore enacted by the Board which are in conflict with these System's *Rules and Regulations* are hereby repealed. The *Rules and Regulations* shall become effective on September 1, 1980, to the extent that they do not conflict with existing contracts and agreements approved by the Board.

2. APPLICATION OF RULES.

The System's *Rules and Regulations* apply to and govern the Board and all employees and agencies directly under its control, the System Administration of The Texas State University System, and the Components comprising The Texas State University System.

3. OFFICIAL COPY.

3.1 The official copy of the System's *Rules and Regulations* shall be maintained on file in the System Administration.

3.2 Copies of these *Rules and Regulations* shall be furnished to members of the Board, the Presidents of the Component, and such other persons and offices as the Board shall designate.

4. AMENDMENT.

The *Rules and Regulations* herein provided may be amended by a majority vote of the members of the Board of Regents at any regular meeting or at a special called meeting of the Board. Proposed amendments may be submitted in writing to the Chancellor by the Presidents of the System, officers of the System Administration, or a member of the Board of Regents. Copies of proposed amendments shall be sent to each Component President and reviewed by the Council of Presidents for recommendation to the *Rules and Regulations* Committee through the Chancellor. The *Rules and Regulations* Committee will submit to the full Board, for its consideration, any proposed amendments at the May Board Meeting. Emergency amendments may be considered by the Board as general motions at any Board Meeting. The Chancellor shall incorporate all adopted amendments into the appropriate *Paragraphs* of the *Rules and Regulations* and mail same to each individual who has copies of the *Rules and Regulations* immediately following the adoption of the amendments. Should all or any part of the foregoing *Rules and Regulations* conflict with any constitutional, statutory, or legislative appropriation provisions, they shall be amended to conform therewith.

4.1 The Chancellor is authorized to make minor and non-substantive editorial changes to these *Rules and Regulations* as necessary to

keep the *Rules* current and correct. In the event such editorial changes are necessary, the Chancellor will ensure that members of the Board, administrative officers, and members of the public have ready access to the current version of the *Rules and Regulations*.

5. INVALIDITY OF CONFLICTING RULES AND PROCEDURES.

All rules and procedures contained in handbooks and other policy statements at the System's Components are invalid insofar as they conflict with these *Rules and Regulations*. Whenever the policies or procedures at a Component differ from the policies or procedures set forth in these *Rules and Regulations*, these *Rules and Regulations* will control, and the differing policies or procedures at the Component will be disregarded.

6. ANNUAL REVIEW OF RULES.

A comprehensive review of the *Rules and Regulations* will be performed annually at the direction of the Chair of the Rules and Regulations Committee and the Vice Chancellor and General Counsel. The Vice Chancellor and General Counsel will establish and distribute the amendment schedule and solicit input from all components for amendments to the Rules and Regulations. All revisions to the *Rules and Regulations* will be presented to the Board of Regents through the Rules and Regulations Committee for approval at any regular meeting or at any special meeting called for that purpose.

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EDUCATION CODE CHAPTER 95, SUBTITLE E

ADMINISTRATION OF THE TEXAS STATE UNIVERSITY SYSTEM

SUBCHAPTER A. ADMINISTRATIVE PROVISIONS

§ 95.01. BOARD OF REGENTS. The organization, control, and management of the state university system is vested in the Board of Regents, Texas State University System. Acts 1971, 62nd Leg., p. 3218, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.	Board vested with authority over system.

§ 95.02. BOARD MEMBERS: APPOINTMENT, QUALIFICATIONS, TERMS. The board is composed of nine members appointed by the governor with the advice and consent of the senate. The members hold office for terms of six years, with the terms of three members expiring February 1 of odd-numbered years. Each member of the board shall be a qualified voter; and the members shall be selected from different portions of the state. Acts 1971, 62nd Leg., p. 3218, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1983, 68th Leg., p. 2837, ch. 484, art. III, § 3, eff. June 19, 1983.	Board terms expire February 1 of odd-numbered years.

§ 95.03. BOARD MEETINGS. The board shall provide for regular meetings for the transaction of business pertaining to the affairs of the state university system. The chairman or a majority of the members of the board by petition may at any time call a special meeting of the board and fix the time and place thereof. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.	Regular Meetings: Required. Special Meetings: Either chair or board majority may call.

§ 95.04. PER DIEM; EXPENSES. Members of the board shall receive a per diem payment as provided by the legislature and shall in addition be reimbursed for the actual expenses incurred by them in the performance of their duties. Payment shall be made out of the appropriation for the support and maintenance of the state university system as the board may direct. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.	Board members receive per diem plus expenses.
§ 95.05. QUORUM. Five members of the board shall be a quorum for the transaction of business at any meeting and, unless a greater number is required by the board's rules, the act of a majority of the members present at any meeting shall be the act of the board. Added by Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983.	Quorum is five members. Majority of those present acts for the board.

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§ 95.06. SYSTEM CENTRAL ADMINISTRATION OFFICE; EXECUTIVE OFFICER. (a) The central administration office of the university system shall provide oversight and coordination of the activities of each component institution within the system. (b) The board shall appoint an executive officer of the university system and determine the executive officer's term of office, salary, and duties. (c) The executive officer shall recommend a plan for the organization of the university system and the appointment of a president for each component institution within the system. (d) The executive officer is responsible to the board for the general management and success of the university system, and the board shall cooperate with the executive officer to carry out that responsibility. (e) In addition to other powers and duties provided by this code or other law, the central administration office of the system shall recommend necessary policies and rules to the governing board of the system to ensure conformity with all laws and rules and to provide uniformity in data collection and financial reporting procedures. Added by Acts 1989, 71st Leg., ch. 464, § 3, eff. June 14, 1989.	Chancellor Duties: oversight and coordination, recommendation of policies.
SUBCHAPTER B. POWERS AND DUTIES OF BOARD § 95.21. GENERAL RESPONSIBILITIES AND AUTHORITY OF BOARD. (a) The board is responsible for the general control and management of the universities in the system and may erect, equip, and repair buildings; purchase libraries, furniture, apparatus, fuel, and other necessary supplies; employ and discharge presidents or principals, teachers, treasurers, and other employees; fix the salaries of the persons employed; and perform such other acts as in the judgment of the board contribute to the development of the universities in the system or the welfare of their students. (b) The board has authority to promulgate and enforce such rules, regulations, and orders for the operation, control, and management of the university system and its institutions as the board may deem either necessary or desirable. When a power is vested in the board, the board may adopt a rule, regulation, or order delegating such power to any officer, employee, or committee as the board may designate. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.	Board granted. Plenary authority over system institutions, including rule-making power.
§ 95.22. INSPECTION OF UNIVERSITIES. The board as a whole or by committee shall visit each university under its control and management at least once during each scholastic year, inspect its work, and gather information which will enable the board to perform its duties intelligently and effectively. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.	By committee or as a whole, Board must visit each university annually.
§ 95.23. LOCAL COMMITTEES OF BOARD. At least once a year each local committee of the board shall meet on the campus of the institution for which the local committee is responsible for reporting to the board. At the meeting, the local committee shall confer with the institution's officials and carefully examine all phases of the operations of the institution. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.	Each institution has a local committee that must meet annually with campus officials.
§ 95.24. ADMISSION; DIPLOMAS AND CERTIFICATES. The board may determine the conditions on which students may be admitted to the universities, the grades of certificates issued, the conditions for the award of certificates and diplomas, and the authority by which certificates and diplomas are signed. Acts 1971, 62nd Leg., p. 3219, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.	Board determines conditions of admissions and graduation.

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§ 95.25. TEACHING CERTIFICATES. Diplomas and teachers certificates of each of the system universities authorize the holders to teach in the public schools. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.	Graduates "authorized" to teach in public schools. Probably obsolete in view of state certification.
§ 95.27. ANNUAL REPORT TO GOVERNOR. The board shall make an annual report to the governor showing the general condition of the affairs of each university in the system and making recommendations for its future management and welfare. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.	Board must submit annual report to governor, including recommendations.
§ 95.28. DISBURSEMENT OF FUNDS. All appropriations made by the legislature for the support and maintenance of the system universities, for the purchase of land or buildings for the universities, for the erection or repair of buildings, for the purchase of apparatus, libraries, or equipment of any kind, or for any other improvement of any kind shall be disbursed under the direction and authority of the board. The board may formulate rules for the general control and management of the universities, for the auditing and approving of accounts, and for the issuance of vouchers and warrants which are necessary for the efficient administration of the universities. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.	Board disburses all legislative appropriations and may create structure to accomplish this. COMMENT: § 95.29 Suggests that central, fiscal and legislative functions were intended.
§ 95.29. FINANCIAL STATEMENTS AND RECOMMENDATIONS. The board shall file in each house of the legislature at each of its regular biennial sessions a statement of the receipts and expenditures of each of the system universities, showing the amount of salaries paid to the various teachers, contingent expenses, expenditures for improvements, and other items of expense. The board shall also file its recommendations for appropriations for the universities. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975.	Board must account biennially to legislature as to financial operations and make recommendations.
§ 95.30. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the system universities the lands necessary and proper for carrying out their purposes, in the manner prescribed in Title 4, Chapter 21, of the Property Code. The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Section 21.021 of the Property Code. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1987, 70th Leg., ch. 403, § 1, eff. Sept. 1, 1987.	Board has power of eminent domain in order to fulfill a public purpose.
§ 95.31. ACQUISITION OF LAND; PROCEDURES. The board may acquire land, including the improvements thereupon, needed for the proper operation of a system university. The acquisition may be by grant, purchase, lease, exchange, gift, devise, or by condemnation. If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. Acts 1971, 62nd Leg., p. 3220, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1161, ch. 434, § 4, eff. June 19, 1975; Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983; Acts 1987, 70th Leg., ch. 403, § 1, eff. Sept. 1, 1987.	Board may acquire land by any lawful means, including condemnation, i.e., by eminent domain.

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§ 95.32. DORMITORIES. (a) The board may enter into contracts with persons, firms, or corporations for the erection of dormitories at a university, and may purchase or lease lands and other appurtenances for the construction of the dormitories, provided that the state incurs no liability for the buildings or the sites. (b) The board may make contracts with reference to the collection and disposition of the revenue derived from the dormitories in the acquisition, management, and maintenance of the buildings. (c) The board may adopt rules and regulations it deems reasonable requiring any class or classes of students to reside in the dormitories or other buildings. Absolute management and control of the dormitories constructed is vested in the board. Acts 1971, 62nd Leg., p. 3221, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1162, ch. 434, § 5, eff. June 19, 1975.	Board has broad powers to erect and pay for dormitories and to require students to live in them.
§ 95.33. MANAGEMENT OF PROPERTY. The board of regents of the Texas State University System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, the Texas State University System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of the Texas State University System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. Added by Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.	Board alone owns, manages and controls system property. Can sell land at fair market value. May grant grazing leases not to exceed 10 years.
§ 95.34. DONATIONS, GIFTS, GRANTS, AND ENDOWMENTS. (a) The board may accept donations, gifts, grants, and endowments for the universities under its control to be held in trust and administered by the board for the purposes and under the directions, limitations, and provisions declared in writing in the donation, gift, grant, or endowment, not inconsistent with the laws of the state or with the objectives and proper management of the universities. All money accepted under the authority of this section shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds. (b) The board may deposit in one or more appropriate accounts created by the board all funds received as administrative fees or charges for services rendered in the management and administration of any trust estate under the control of the board. The funds so received as administrative fees or charges may be expended by the board for any educational purpose of the university system or universities in the system. Added by Acts 1979, 66th Leg., p. 1447, ch. 636, § 1, eff. June 13, 1979. Amended by Acts 1983, 68th Leg., p. 3050, ch. 524, § 1, eff. Sept. 1, 1983.	Board may accept and manage gifts, grants, and endowments.

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§ 95.36. MANAGEMENT AND LEASE OF LAND. (a) The board may lease for oil, gas, sulphur, ore, and other mineral development all land under its control. The board may make and enter into pooling agreements, division orders, or other contracts necessary in the management and development of its land. All leases, pooling agreements, division orders, or other contracts entered into shall be on terms which the board deems in the best interest of the system and the system universities. No lease shall be sold for less than the royalty and rental terms demanded at that time by the General Land Office in the sale of oil, gas, and other mineral leases of the public lands of the State of Texas. (b) Except as provided in Subsection (c) of this section, any money received by virtue of this section and the income from the investment of such money shall be deposited in a special fund managed by the board to be known as the Texas State University System special mineral fund. Money in the fund is considered to be institutional funds, as defined by Section 51.009, of the system and its component institutions and is to be used exclusively for those entities. All deposits in and investments of the fund shall be made in accordance with Section 51.0031. Section 34.017, Natural Resources Code, does not apply to the fund. (c) All money received by virtue of the lease of land given to the board by a will, instrument in writing, or other means shall be deposited to the credit of one or more special funds created by the board for the university system or universities in the system. The board shall designate one or more depositories for the money received and shall accord money deposited in them the same protection by the pledging of assets of a depository as is required for the protection of public funds. Money deposited in a special fund may be used by the board for payment of principal and interest on revenue bonds or notes issued by the board and for any other use or purpose which in the judgment of the board may be for the good of the university system or the universities in the system. Added by Acts 1983, 68th Leg., p. 3053, ch. 524, § 2, eff. Sept. 1, 1983. Amended by: Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. 1), § 55.04, eff. September 28, 2011.	Board has plenary authority to lease land, including oil, gas, and other mineral interests. Texas GLO approval not required but Board instructed not to sell for less than GLO rate. Monies to be deposited into special, earmarked funds in state treasury. Board has broad discretion in expending non-earmarked funds.
§ 95.37. DELINQUENT STUDENT LOAN ACCOUNTS; VENUE. A suit by the Texas State University System on its own behalf or on behalf of a component institution of the Texas State University System to recover a delinquent student loan, account, or debt owed to the Texas State University System or a component institution of the Texas State University System shall be brought in Travis County. Added by Acts 1987, 70th Leg., ch. 403, § 2, eff. Sept. 1, 1987.	Lawsuits to collect delinquent loans are filed in Travis County.

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EDUCATION CODE CHAPTER 96, SUBTITLE E

INSTITUTIONS OF THE TEXAS STATE UNIVERSITY SYSTEM

SUBCHAPTER A. SUL ROSS STATE UNIVERSITY

§ 96.01. SUL ROSS STATE UNIVERSITY. Sul Ross State University is a coeducational institution of higher education located in the city of Alpine, with an upper-level educational center known as Sul Ross State University Rio Grande College operated in the cities of Del Rio, Eagle Pass, and Uvalde. The university is under the management and control of the Board of Regents, Texas State University System. Acts 1971, 62nd Leg., p. 3222, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 1995, 74th Leg., ch. 118, § 2, eff. May 17, 1995.	Sul Ross State University and Rio Grande College (RGC) are created.
§ 96.02. REFERENCE TO UVALDE STUDY CENTER. A reference in law to the Uvalde Study Center of Sul Ross State University means Sul Ross State University Rio Grande College. Added by Acts 1995, 74th Leg., ch. 118, § 3, eff. May 17, 1995.	Probably obsolete provision, clarifying that Uvalde Study Center and RGC are the same entity.

SUBCHAPTER B. – VACANT SUBCHAPTER

SUBCHAPTER C. TEXAS STATE UNIVERSITY-

§ 96.41. TEXAS STATE UNIVERSITY. Texas State University is a coeducational institution of higher education located in the city of San Marcos. It is under the management and control of the Board of Regents, Texas State University System. Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975; Acts 2003, 78th Leg., ch. 386, § 2, eff. Sept. 1, 2003; Acts 2013, 83rd Leg., R.S., Ch. 30 (S.B. 974), Sec. 2, eff. Sept. 1, 2013.	TXST is created.

SUBCHAPTER D. SAM HOUSTON STATE UNIVERSITY

§ 96.61. SAM HOUSTON STATE UNIVERSITY. (a) Sam Houston State University is a coeducational institution of higher education located in the city of Huntsville. It is under the management and control of the Board of Regents, Texas State University System. (b) The board may not change the name of the university. Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts 1975, 64th Leg., p. 1160, ch. 434, § 3, eff. June 19, 1975. Amended by: Acts 2007, 80th Leg., R.S., Ch. 675 (H.B. 1418), Sec. 1, eff. June 15, 2007.	SHSU is created.

§ 96.62. UNIVERSITY AIRPORT. (a) The board may construct or otherwise acquire without cost to the state or the university an airport for purposes of cooperation with the national defense program and for instruction in aeronautics. (b) The board may acquire by purchase, lease, gift, or by any other means, and may maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest in property, necessary or convenient to the exercise of the powers conferred by this section. The board has the power of eminent domain for the purpose of acquiring by condemnation any real property, or any interest in real property, necessary or convenient to the exercise of the powers conferred by this section. The board shall exercise the power of eminent domain in the manner provided by general law, including Title 52, Revised Civil Statutes of Texas, 1925, except that it shall not be required to give bond for appeal or bond for costs. Acts 1971, 62nd Leg., p. 3223, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.	Board may acquire or construct an airport if at no cost to the state. Airport to be used for national defense programs and for aeronautics instruction.
§ 96.63. JOSEY SCHOOL OF VOCATIONAL EDUCATION. (a) The Josey School of Vocational Education is a division of Sam Houston State University and is under the direction and control of the Board of Regents, State Senior Colleges. (b) The administration of the school is under the direction of the president of Sam Houston State University. (c) The school shall provide vocational training for individuals over the age of 18 who cannot qualify scholastically for college entrance and for other persons who desire to avail themselves of short intensive courses in vocational education in the following fields: agriculture, home management, distributive education, photography, plumbing, sheet metal work, machine shop, auto mechanics, furniture, electrical appliances, air conditioning and refrigeration, printing, radio, garment making, interior decorating, light construction contracting, photoengraving, watchmaking, and other trades of like nature. The training in these subjects shall be organized so that the courses may be completed in from 9 to 24 months. Courses may also be offered in English and mathematics and other subjects which will contribute to the vocational training of the student. Vocational courses in government, designed to prepare workers in various county, city, and state offices, may also be offered. (d) The rate of tuition charged students shall be the actual cost of teaching service, not to exceed $500 per scholastic year of nine months. Scholarships may be awarded by the board to worthy indigent students who might greatly benefit from the training offered. The amount of the scholarships may vary according to the needs of the individuals, but in no case may it reduce the tuition payment by the student to a point less than the tuition fee regularly charged students at the state senior colleges. Acts 1971, 62nd Leg., p. 3224, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.	Creates a junior college at SHSU to provide vocational training to persons age 18 who do not qualify scholastically for college.

§ 96.64. BILL BLACKWOOD LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS. (a) The Bill Blackwood Law Enforcement Management Institute of Texas is created for the training of police management personnel. The headquarters of the institute are at Sam Houston State University. The institute is under the supervision and direction of the president of Sam Houston State University and shall be operated and managed as a joint program between Sam Houston State University, Texas A&M University, and Texas Woman's University. (b) The president may establish rules relating to the institute. (c) The president shall establish reasonable charges for participation in institute training programs by participants who are not residents of this state. The participation costs of participants who are residents, including tuition, books, room, board, and travel costs, shall be paid from the Bill Blackwood Law Enforcement Management Institute of Texas fund. Participation in the institute training programs is open to every eligible resident of this state, whether or not the person is sponsored by an employing law enforcement agency. (d) The Bill Blackwood Law Enforcement Management Institute of Texas fund is in the state treasury. The president shall use the fund in administering the institute. (e) The board of regents of the Texas State University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the institute to be financed by the issuance of bonds in accordance with Subchapter B, Chapter 55. The board of regents may pledge irrevocably to the payment of those bonds a portion of the proceeds of the Bill Blackwood Law Enforcement Management Institute of Texas fund. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding. Added by Acts 1989, 71st Leg., ch. 4, § 2.39(a), eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 19, § 1, eff. April 11, 1991; Acts 1991, 72nd Leg., ch. 561, § 26, eff. Aug. 26, 1991. Renumbered from V.T.C.A. Government Code, § 415.091 to 415.099 and amended by Acts 1993, 73rd Leg., ch. 1047, § 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 876, § 1.02, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 895, § 2, eff. Sept. 1, 1997.	Blackwood Law Enforcement Management Institute headquartered and under the supervision and direction of the president. Institute is joint with Texas A&M and Texas Woman's University. Institute fund is kept in state treasury.

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Sec. 96.641. INITIAL TRAINING AND CONTINUING EDUCATION FOR POLICE CHIEFS AND COMMAND STAFF. (a) The Bill Blackwood Law Enforcement Management Institute of Texas shall establish and offer a program of initial training and a program of continuing education for police chiefs. The curriculum for each program must relate to law enforcement management issues. The institute shall develop the curriculum for the programs. The curriculum must be approved by the Texas Commission on Law Enforcement. (a-1) The institute may establish and offer a continuing education program for command staff for individuals who are second in command to police chiefs. The command staff continuing education program must satisfy the requirements for the police chief continuing education program under Subsection (a). (b) Each police chief must receive at least 40 hours of continuing education provided by the institute under this section each 24-month period. The Texas Commission on Law Enforcement by rule shall establish a uniform 24-month continuing education training period. (c) An individual appointed or elected to that individual's first position as chief must receive not fewer than 80 hours of initial training for new chiefs in accordance with Subsections (d) and (e). (d) A newly appointed or elected police chief shall complete the initial training program for new chiefs not later than the second anniversary of that individual's appointment or election as chief. The initial training program for new chiefs is in addition to the initial training and continuing education required by Chapter 1701, Occupations Code. The Texas Commission on Law Enforcement by rule shall establish that the first continuing education training period for an individual under Subsection (b) begins on the first day of the first uniform continuing education training period that follows the date the individual completed the initial training program. (e) The institute by rule may provide for the waiver of: (1) the requirement of all or part of the 80 hours of initial training for new chiefs to the extent the new chief has satisfactorily completed equivalent training in the 24 months preceding the individual's appointment or election; or (2) the continuing education requirements of Subsection (b) for an individual who has satisfactorily completed equivalent continuing education in the preceding 24 months. (f) An individual who is subject to the continuing education requirements of Subsection (b) is exempt from other continuing education requirements under Subchapter H, Chapter 1701, Occupations Code. (g) In this section, "police chief" or "chief" means the head of a police department. (h) The chief of a municipal police department must be licensed as a peace officer by the commission no later than one year after the date that the chief is appointed to the position of police chief. The commission shall establish requirements for licensing and for revocation, suspension, cancellation, or denial of peace officer license for a police chief. (i) A police chief who does not comply with this section cannot continue to be the chief. (j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on asset forfeiture under Chapter 59, Code of Criminal Procedure. The program must include an examination of the best practices for educating peace officers about asset forfeiture and monitoring peace officers' compliance with laws relating to asset forfeiture. (k) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for: (1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling; (2) implementing laws and internal agency policies relating to preventing racial profiling; and (3) analyzing and reporting collected information. (*l*) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. (continued on following page)	Institute provides training and continuing education for police chiefs. State requirements for continuing education for police chiefs are detailed.

The program must include an examination of the best practices for: (1) monitoring peace officers' compliance with internal agency policies relating to de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and (2) implementing internal agency policies relating to those techniques. (m) A police chief may not satisfy the requirements of Subsection (l) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. Added by Acts 1997, 75th Leg., ch. 770, § 1, eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 929, § 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, § 3, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, § 14.740, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1275, § 2(47), eff. Sept. 1, 2003. Amended by: Acts 2005, 79th Leg., Ch. 393 (S.B. 1473), Sec. 2, eff. September 1, 2005.Acts 2007, 80th Leg., R.S., Ch. 278 (H.B. 486), Sec. 1, eff. June 15, 2007. Acts 2011, 82nd Leg., R.S., Ch. 602 (S.B. 244), Sec. 1, eff. September 1, 2011. Acts 2011, 82nd Leg., R.S., Ch. 602 (S.B. 244), Sec. 2, eff. September 1, 2011. Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.16, eff. May 18, 2013.	
Sec. 96.645. CORRECTIONAL MANAGEMENT INSTITUTE OF TEXAS. (a) In this section, "institute" means the Correctional Management Institute of Texas. (b) The Correctional Management Institute of Texas is established for the training of criminal justice professionals. The headquarters of the institute are at Sam Houston State University. The institute is under the supervision and direction of the president of Sam Houston State University. (c) The president of Sam Houston State University may establish rules relating to the institute. (d) The president of Sam Houston State University shall establish reasonable charges for participation in institute training programs by participants who are not residents of this state. The participation costs of participants who are residents of this state, including tuition, books, room, board, and travel costs, shall be paid from the Correctional Management Institute of Texas and Criminal Justice Center Account in the general revenue fund. (e) The institute may provide fee-based training and professional development programming using funds other than appropriated funds. Added by Acts 2013, 83rd Leg., R.S., Ch. 614 (S.B. 1313), Sec. 1, eff. June 14, 2013.	Institute provides training and continuing education for criminal justice professionals.

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96.65. CRIME VICTIMS' INSTITUTE. (a) In this section: (1) "Close relative of a deceased victim" has the meaning assigned by Article 56A.001, Code of Criminal Procedure. (2) "Guardian of a victim" has the meaning assigned by Article 56A.001, Code of Criminal Procedure. (3) "Institute" means the Crime Victims' Institute. (4) "Victim" has the meaning assigned by Article 56A.001, Code of Criminal Procedure. (b) It is the intent of the legislature to create an institute to: (1) compile and study information concerning the impact of crime on: (A) victims; (B) close relatives of deceased victims; (C) guardians of victims; and (D) society; (2) use information compiled by the institute to evaluate the effectiveness of criminal justice policy and juvenile justice policy in preventing the victimization of society by crime; (3) develop policies to assist the criminal justice system and the juvenile justice system in preventing the victimization of society by crime; and (4) provide information related to the studies of the institute. (c) The headquarters of the institute are at Sam Houston State University in Huntsville, Texas. The institute is under the supervision and direction of the president of Sam Houston State University. d) The institute shall: (1) conduct an in-depth analysis of the impact of crime on: (A) victims; (B) close relatives of deceased victims; (C) guardians of victims; and (D) society; (2) evaluate the effectiveness of and deficiencies in the criminal justice system and the juvenile justice system in addressing the needs of victims, close relatives of deceased victims, and guardians of victims and recommend strategies to address the deficiencies of each system; (3) determine the long-range needs of victims, close relatives of deceased victims, and guardians of victims as the needs relate to the criminal justice system and the juvenile justice system and recommend changes for each system; (4) assess the cost-effectiveness of existing policies and programs in the criminal justice system and the juvenile justice system relating to victims, close relatives of deceased victims, and guardians of victims; (5) make general recommendations for improving the service delivery systems for victims in the State of Texas; (6) advise and assist the legislature in developing plans, programs, and legislation for improving the effectiveness of the criminal justice system and juvenile justice system in addressing the needs of victims, close relatives of deceased victims, and guardians of victims; (7) make computations of daily costs and compare interagency costs on victims' services provided by agencies that are a part of the criminal justice system and the juvenile justice system; (8) determine the costs to attorneys representing the state of performing statutory and constitutional duties relating to victims, close relatives of deceased victims, or guardians of victims; (9) make statistical computations for use in planning for the long-range needs of the criminal justice system and the juvenile justice system as those needs relate to victims, close relatives of deceased victims, and guardians of victims; (10) determine the long-range information needs of the criminal justice system and the juvenile justice system as those needs relate to victims, close relatives of deceased victims, and guardians of victims; (11) enter into a memorandum of understanding with the Texas Crime Victim Clearinghouse to provide training and education related to the outcome of research and duties as conducted under Subdivisions (1)-(10); (12) issue periodic reports to the attorney general and the legislature on the progress toward accomplishing the duties of the institute; and (13) engage in other research activities consistent with the duties of the institute. (e) The institute shall cooperate with the Criminal Justice Policy Council in performing the duties of the institute. (f) The institute may enter into memoranda of understanding with state agencies in performing the duties of the institute. (g) Local law enforcement agencies shall cooperate with the institute by providing to the institute access to information that is necessary for the performance of the duties of the institute. (continued on next page)	Creates Crime Victims' Institute to study effects of crime on victims, their families and society and to assist the state criminal justice system in formulating policy in this area.

(h) The president of Sam Houston State University may employ personnel as necessary to perform the duties of the institute. (i) The institute may contract with public or private entities in the performance of the duties of the institute. (j) The institute may accept gifts, grants, donations, or matching funds from a public or private source for the performance of the duties of the institute. The legislature may appropriate money to the institute to finance the performance of the duties of the institute. Money and appropriations received by the institute under this subsection shall be deposited as provided by Section 96.652. Added by Acts 1995, 74th Leg., ch. 485, § 1, eff. Sept. 1, 1995. Redesignated and amended from V.T.C.A., Government Code §§ 412.001, 412.002, 412.011 to 412.016 by Acts 2003, 78th Leg., ch. 927, § 1, eff. Sept. 1, 2003. Amended by Acts 2019, 86th Leg., ch. 469 (H.B. 4173), § 2.23, eff. Jan. 1, 2021.	
§ 96.651. CRIME VICTIMS' INSTITUTE ADVISORY COUNCIL. (a) In this section: (1) "Advisory council" means the Crime Victims' Institute Advisory Council. (2) "Victim" has the meaning assigned by Article 56A.001, Code of Criminal Procedure. (b) The Crime Victims' Institute Advisory Council is created as an advisory council to the Crime Victims' Institute. (c) The advisory council is composed of the attorney general and the following individuals, each of whom is appointed by the governor: (1) a victim; (2) a member of the house of representatives; (3) a member of the senate; (4) a county judge or district judge whose primary responsibility is to preside over criminal cases; (5) a district attorney, criminal district attorney, county attorney who prosecutes felony offenses, or county attorney who prosecutes mostly criminal cases; (6) a law enforcement officer; (7) a crime victims' assistance coordinator; (8) a crime victims' liaison; (9) a mental health professional with substantial experience in the care and treatment of victims; (10) a person with broad knowledge of sexual assault issues; (11) a person with broad knowledge of domestic violence issues; (12) a person with broad knowledge of child abuse issues; (13) a person with broad knowledge of issues relating to the intoxication offenses described by Chapter 49, Penal Code; (14) a person with broad knowledge of homicide issues; (15) a person with broad knowledge of research methods; and (16) a designee of the governor. (d) The advisory council shall select a presiding officer from among the council members and other officers that the council considers necessary. (e) The advisory council shall meet at the call of the presiding officer. (f) Appointed members of the advisory council serve for staggered two-year terms, with the terms of eight of the members expiring on January 31 of each even-numbered year and the terms of eight members expiring on January 31 of each odd-numbered year. (g) Service on the advisory council by a public officer or employee is an additional duty of the office or employment. (h) A member of the advisory council serves without compensation for service on the council but may be reimbursed for actual and necessary expenses incurred while performing council duties. (i) The advisory council may establish advisory task forces or committees that the council considers necessary to accomplish the purposes of this section and Sections 96.65 and 96.652. (j) The advisory council shall advise the Crime Victims' Institute on issues relating directly to the duties of the institute as set forth under Section 96.65(d). Added by Acts 1995, 74th Leg., ch. 485, § 1, eff. Sept. 1, 1995. Redesignated and amended from V.T.C.A., Government Code § 412.051 to 412.057 by Acts 2003, 78th Leg., ch. 927, § 1, eff. Sept. 1, 2003. Amended by: Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 2.24, eff. January 1, 2021.	Creates an advisory panel to the Crimes Victims' Institute.

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§ 96.652. CRIME VICTIMS' INSTITUTE ACCOUNT; AUDIT; REPORT. (a) The Crime Victims' Institute account is an account in the general revenue fund. (b) The Crime Victims' Institute may use funds from the Crime Victims' Institute account to carry out the purposes of this section and Sections 96.65 and 96.651. (c) The comptroller shall deposit the funds received under Section 96.65 to the credit of the Crime Victims' Institute account. (d) Funds spent are subject to audit by the state auditor. (e) The Crime Victims' Institute shall prepare a complete annual financial report as prescribed by Section 2101.011, Government Code. Added by Acts 1995, 74th Leg., ch. 485, § 1, eff. Sept. 1, 1995. Redesignated and amended from Government Code § 412.081, 412.082 by Acts 2003, 78th Leg., ch. 927, § 1, eff. Sept. 1, 2003. Amended by: Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 19, eff. September 1, 2013.	Institute account is in the general revenue fund. Institute must report on and account for funds annually to the governor and legislature.
§ 96.66. SAM HOUSTON STATE UNIVERSITY COLLEGE OF OSTEOPATHIC MEDICINE. (a) In this section: (1) "Board" means the board of regents of the Texas State University System. (2) "College" means the Sam Houston State University College of Osteopathic Medicine established under this section. (3) "University" means Sam Houston State University. (b) The Sam Houston State University College of Osteopathic Medicine is a college of the university and is under the management and control of the board with degrees offered under the name and authority of the university. (c) The board may prescribe courses leading to customary degrees and may adopt rules for the operation, control, and management of the college as necessary for conducting a college of osteopathic medicine of the first class. (d) The provost of the university, on behalf of the board, may execute and carry out an affiliation or coordinating agreement with any other entity or institution. (e) The board may solicit, accept, and administer gifts and grants from any public or private source for the use and benefit of the college. (f) In addition to the college's facilities, the board may enter into agreements under which additional facilities used in the college's teaching and research programs, including libraries, auditoriums, research facilities, and medical education buildings, may be provided by a public or private entity. (g) A teaching hospital considered suitable by the board may be provided by a public or private entity. The hospital may not be constructed, maintained, or operated with state funds. (h) Notwithstanding any other law, the university is not entitled to receive any formula funding for the college. Added by Acts 2019, 86th Leg., R.S., Ch. 294 (H.B. 2867), Sec. 1, eff. May 29, 2019.	Establishes the SHSU College of Osteopathic Medicine.

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SUBCHAPTER E. LAMAR UNIVERSITY AND RELATED INSTITUTIONS

§ 96.701. LAMAR UNIVERSITY. Lamar University is a coeducational institution of higher education located in the city of Beaumont. The university is under the management and control of the board of regents, Texas State University System. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995.	L U is created.
§ 96.702. SPINDLETOP MEMORIAL MUSEUM. The board may create the Spindletop Memorial Museum at Lamar University and may administer the museum as the board considers appropriate. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995.	Board may create museum on campus.
§ 96.703. LAMAR INSTITUTE OF TECHNOLOGY. (a) In the city of Beaumont, the board shall establish and maintain a lower-division institution of higher education as a separate degree-granting institution to be known as Lamar Institute of Technology. (b) The primary purpose of the institute is to teach technical and vocational courses and related supporting courses. The board may confer degrees appropriate to the institute's curriculum. (c) Repealed by Acts of 2009, 81st Leg., R.S., Ch. 287, Sec. 17, eff. September 1, 2009. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 767, § 1, eff. June 18, 1999; Acts 2001, 77th Leg., ch. 1212, § 2, eff. June 15, 2001. Amended by: Acts 2009, 81st Leg., R.S., Ch. 287 (H.B. 51), Sec. 15, eff. September 1, 2009.	LIT created as a lower-division institution of higher education that is degree granting and focused on technical and vocational instruction and related supporting courses.
§ 96.704. LAMAR STATE COLLEGE--PORT ARTHUR AND LAMAR STATE COLLEGE--ORANGE. (a) The board shall establish and maintain coeducational lower-division institutions of higher education as separate accredited degree-granting institutions in the counties of Jefferson and Orange, to be known as Lamar State College-- Port Arthur and Lamar State College-- Orange, to teach only freshman- and sophomore-level courses. (b) The board may acquire, construct, or otherwise make provision for adequate physical facilities for use by Lamar State College-- Port Arthur and Lamar State College-- Orange and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property tendered by any reason for the use and benefit of the school. (c) The board with approval of the Texas Higher Education Coordinating Board may prescribe courses leading to customary degrees. The board may make other rules and regulations for the operation, control, and management of Lamar State College-- Port Arthur and Lamar State College-- Orange as are necessary for each institution to be a first-class institution for freshman and sophomore students. (d) Nothing in this section shall be construed to limit the powers of the board as conferred by law. (e) For Lamar State College-- Port Arthur and Lamar State College-- Orange, the board may expend funds allocated to Lamar University under Chapter 62 for any of the purposes listed in Section 17, Article VII, Texas Constitution, in the same manner and under the same circumstances as expenditures for those purposes for other separate degree-granting institutions. (f) A reference in state law to Lamar University at Port Arthur means Lamar State College--Port Arthur. A reference in state law to Lamar University at Orange means Lamar State College--Orange. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 767, § 2, eff. June 18, 1999.	LSC-PA and LSC-O created as lower division schools, separate and independent from LU. Board has authority to construct facilities and curriculum. Board may use some of LU's Higher Education Assistance Fund for LSC-O and LSC-PA.
§ 96.705. APPLICATION OF OTHER LAW. All other provisions of law, including provisions for student fees, applicable to institutions of the Texas State University System apply to Lamar University and its educational centers. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995.	Lamar institutions subject to all laws affecting TSUS.

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§ 96.706. HAZARDOUS WASTE RESEARCH CENTER. (a) The Hazardous Waste Research Center is established at Lamar University at Beaumont. The center is under the authority of the board of regents of the Texas State University System. The center may employ such personnel as are necessary. (b) The center shall carry out a program of research, evaluation, testing, development, and demonstration of alternative or innovative technologies that may be used in minimization, destruction, or handling of hazardous wastes to achieve better protection of human health and the environment. (c) The center shall provide coordination of the activities of a consortium of Texas universities initially consisting of the Texas Engineering Experiment Station of The Texas A&M University System, the University of Houston, The University of Texas at Austin, and Lamar University at Beaumont, and other entities that may become affiliated. (d) The center shall develop and maintain a database relevant to the programs of the center. (e) The programs of the center may include: (1) primary and secondary research; (2) collection, analysis, and dissemination of information; (3) the development of public policy recommendations; (4) training related to the handling and management of hazardous waste; (5) evaluation of technologies for the treatment and disposal of hazardous wastes; 6) demonstration projects and pilot studies of processing, storage, and destruction technologies; and (7) other services consistent with the purposes of the program. (f) In carrying out its established programs, the center may enter into agreements with: (1) the members of the Texas Consortium; (2) other universities in Texas, Louisiana, Mississippi, Alabama, Florida, and other states; (3) private research organizations; and (4) industry. (g) A policy board is created to determine the policies for program research, evaluation, testing, development, demonstration, intellectual property rights, and peer review. The policy board consists of each member of the consortium. The governing board of each institution of higher education belonging to the consortium shall appoint an individual to serve as a member of the policy board. (h) The institutions of higher education that are members of the policy board shall appoint an advisory council to develop recommendations on the priorities for research and to serve as a resource group on the projects. Each institution shall appoint two members from private industry and two other members to serve for terms to be set by the policy board. (i) The center shall seek grant and contract support from federal and other sources to the extent possible and accept gifts and donations to support its purposes and programs. (j) The center may receive state-appropriated funds as considered appropriate by the legislature. (k) Disbursement of funds received by the center on behalf of the consortium shall be on an equitable basis and in accordance with policy determined by the policy board subject to laws of the state and policies of member institutions. Disbursement policy shall recognize the need for core program support at each consortium institution, matching requirements for federal grants and contracts, general administration, and new initiatives. Disbursement of funds received in response to specific proposals shall be in accordance with those proposals. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995.	Center for research and study of hazardous waste is created at LU. Center coordinates activities of consortium of Texas universities, including UT-Austin, A&M and UH. Each participating university's board of regents appoints a delegate to the center's policy board. Each policy board member, in turn, appoints four members (two from private industry) to serve as the member's delegates on the board.

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§ 96.707. TEXAS ACADEMY OF LEADERSHIP IN THE HUMANITIES. (a) The Texas Academy of Leadership in the Humanities is established as a two-year program at Lamar University at Beaumont for secondary school students selected under this section. The academy is under the management and control of the board of regents of the Texas State University System. (b) The goals of the academy are to: (1) provide gifted and talented secondary school students with accelerated academic experiences to ensure success as undergraduates with advanced standing; (2) encourage those students to develop their full leadership potential and their ethical decision-making capabilities; (3) provide those students with academic and social role models and mentors to motivate them to pursue academic excellence and self-direction; (4) provide a model setting for the training of teachers in the educational materials and methods appropriate for gifted learners; (5) encourage the cooperation of business leaders and Lamar University staff to provide practical settings and experiences for those students through independent study, shadowing, and mentorship; (6) establish a setting to support necessary research to determine the academy's effectiveness and to disseminate results of that research; and (7) promote the active involvement of parents in all educational programs of the academy. (c) To be eligible for admission to the academy, a student must: (1) complete and file with the board, on a form prescribed by the board, an application for admission and a written essay on a topic selected by the board; (2) have successfully completed 10th grade in school; (3) be nominated by a teacher, school administrator, parent, community leader, or another secondary school student; (4) submit to the board two written recommendations from teachers; (5) have a composite score on an assessment test that is equal to or greater than the equivalent of 1,000 on the Scholastic Aptitude Test; (6) have a language score on an assessment test that is equal to or greater than the equivalent of 550 on the Scholastic Aptitude Test; and (7) have complied with any other requirements adopted by the board under this subchapter. (d) The board shall recruit minority secondary school students to apply for admission to the academy. (e) The board shall select for admission to the academy eligible students based on additional testing required by the board and on a personal interview by a selection committee appointed by the board. If the board selects an eligible student for admission to the academy, the board shall send written notice to the student and the student's school district. (f) The board shall establish a tuition and fee scholarship for each student who enrolls in the academy. A student who enrolls in the academy is responsible for room, board, and book costs and must live in a residence determined by board rule. (g) The academy courses are taught by the faculty members of Lamar University. The board may employ additional staff for the academy. (h) The board shall provide each student enrolled in the academy with a mentor who is a faculty member at Lamar University to assist the student in completing the student's course of study in the academy. (i) A student of the academy may attend a college course offered by Lamar University and receive college credit for that course. (j) The board may accept gifts and grants from a public or private source for the academy. (k) For each student enrolled in the academy, the academy is entitled to allotments from the Foundation School Program under Chapter 48 as if the academy were a school district without a tier one local share for purposes of Section 48.266. Added by Acts 1995, 74th Leg., ch. 1061, § 7, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1071, § 25, eff. Sept. 1, 1997. Amended by: Acts 2015, 84th Leg., R.S., Ch. 695 (H.B. 771), Sec. 1, eff. September 1, 2015. Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 3.070, eff. September 1, 2019.	A two-year accelerated program for gifted high school juniors and seniors is created on campus; upon completion, these students will have earned two years of college credit.

§ 96.708. LAMAR UNIVERSITY CENTER FOR EXCELLENCE IN DEAF STUDIES AND DEAF EDUCATION. (a) In this section: (1) "Board" means the board of regents of the Texas State University System. (2) "Center" means the Lamar University Center for Excellence in Deaf Studies and Deaf Education. (b) The board shall establish the Lamar University Center for Excellence in Deaf Studies and Deaf Education for the purposes of advancing deaf education programs in Texas by: (1) collaborating with the Department of Assistive and Rehabilitative Services and the Texas School for the Deaf to assess deaf education needs in this state and strategies to address those needs; (2) studying bilingual education programs for the deaf; (3) studying improved teacher training; and (4) studying the incorporation of technology into deaf education. (c) The center shall develop a strategic plan to guide and evaluate the center's progress toward achieving the purposes of the center in accordance with this section. The strategic plan must: (1) describe the goals, objectives, and performance standards for each of the center's programs and how those programs help the center to achieve its purposes; (2) assess the needs of the center's programs and faculty; and (3) assess the center's need for new initiatives. (d) The organization, control, and management of the center are vested in the board. (e) The board shall select a location for the center at Lamar University. (f) The board may solicit, accept, and administer gifts and grants from any public or private source for the use and benefit of the center. (g) The board may use any available funds, including legislative appropriations made to Lamar University for instruction, operations, or infrastructure support, federal funds, or gifts or grants to establish or operate the center. Added by Acts 2005, 79th Leg., Ch. 1009 (H.B. 868), Sec. 1, eff. June 18, 2005.	Establishes the Center for Excellence in Deaf Studies and Deaf Education at LU.

Appendices A-2 through A-5

Repealed
August 12, 2021

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TEXAS STATE UNIVERSITY SYSTEM SEXUAL MISCONDUCT POLICY AND PROCEDURES

1. Introduction

1.1. Institutional Values. The Texas State University System (TSUS), its colleges, and universities (collectively referred to as "System" and/or "Components" and used interchangeably herein) are committed to creating and maintaining educational communities in which each individual is respected, appreciated, and valued. The System's focus on tolerance, openness, and respect is key in providing every member of the TSUS community with basic human dignity free from all forms of Sexual Misconduct, including Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Any report of behavior that threatens our institutional values and breaches this Policy shall be promptly investigated and remediated in accordance with principles of law, fairness, and equity to all Parties involved.

1.2. Purpose of Policy. The purpose of this Policy is to ensure that:

1.2.1. Sexual Misconduct is not tolerated on any System property or in any System Education Program or Activity;

1.2.2. System offices and Components maintain an environment that promotes prompt reporting of all forms of Sexual Misconduct and the timely and fair resolution of Sexual Misconduct Complaints or Reports;

1.2.3. Components take prompt and appropriate action to eliminate Sexual Misconduct, prevent its recurrence, and remedy its effects;

1.2.4. System offices and Components comply with all applicable federal and state laws regarding Sexual Misconduct – including sexual discrimination – in higher education; and,

1.2.5. The System and Components have a uniform Policy that defines and describes prohibited sexual conduct, establishes procedures for processing Complaints or Reports of Sexual Misconduct, permits appropriate sanctions, and identifies available resources.

1.3. Notice of Sexual Misconduct Violations. Sexual Misconduct as

defined in the Glossary constitutes a violation of this Policy. Students and Employees reported as having engaged in Sexual Misconduct are subject to investigation for violating this Policy. Should an investigation result in a Finding that this Policy was violated, the violator may be subject to sanctions as defined herein.

1.4. Applicability of this Policy. This Policy applies to all students, faculty, staff, and Third Parties within the System or its Components' Education Programs or Activities and prohibits Sexual Misconduct, as defined in the Glossary, committed by or against students, faculty, staff, or Third Parties.

1.4.1. This Policy applies to:

All incidents of Sexual Misconduct (including Title IX Sexual Harassment and Non-Title IX Sexual Misconduct) occurring on or after the effective date of this Policy; and

All incidents of Title IX Sexual Harassment, regardless of when they occurred or were reported.

1.4.2. All incidents of Non-Title IX Sexual Misconduct occurring prior to the effective date of this Policy, regardless of when such allegations are reported, are controlled by the Policy in effect at the time the incidents occurred.

1.4.2.1. Incidents of Non-Title IX Sexual Misconduct occurring over a period of time are controlled by the Policy in effect at the time the last incident occurred.

1.5. Supersedes Existing Policies. In the case of allegations of Sexual Misconduct, this Policy supersedes any conflicting Sexual Misconduct procedures and policies set forth in other Component policies.

1.6. Equal Access. Each Component shall ensure, to the greatest extent practicable, equal access for Students enrolled at or Employees of the institution who are persons with disabilities. The Component shall make reasonable efforts to consult with a disability services office of the Component, advocacy groups for people with disabilities, and other relevant stakeholders to assist the Component with complying with the Component's duties under this Policy.

1.7. First Amendment Rights. Freedom of speech and principles of academic freedom are central to the mission of institutions of higher education. Constitutionally protected expression cannot be considered

Sexual Misconduct under this Policy.

1.8. Biennial Policy Review. This Policy shall be reviewed each biennium and, with approval of the System's governing board, shall be revised as necessary.

1.9. Notice of Non-Discrimination. The System complies with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in Education Programs or Activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; Campus Sexual Violence Elimination Act (SaVe); Violence Against Women Act (VAWA); and the Clery Act. Sexual Misconduct constitutes a form of sex discrimination prohibited by Title IX and Title VII.

1.10. Extent of Authority. This Policy applies to all incidents of Sexual Misconduct. However, provisions of the Policy that do not apply to Title IX Sexual Harassment are so indicated, as are provisions of the Policy that are exclusive to Title IX Sexual Harassment.

1.11. Employment at Will. Nothing herein to the contrary shall be construed in derogation of the Texas State University System Board of Regents' employment-at-will policy.

2. Definitions

A Glossary with definitions of Title IX and Non-Title IX-related offenses and other terms used in this Policy is attached.

3. Provisions Applicable to the Title IX Sexual Harassment & Non-Title IX Sexual Misconduct Grievance Processes

3.1. Equitable Treatment. A Component's response to an allegation of Sexual Misconduct must treat Complainants and Respondents equitably by offering Supportive Measures to Complainants and Respondents, and by following a grievance process as described herein against a Respondent prior to the imposition of any disciplinary sanctions or other actions that are not Supportive Measures.

3.2. Standard of Evidence.

3.2.1. Presumption of Non-Responsibility. Any person accused of

Sexual Misconduct under this Policy is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

3.2.2. Preponderance of the Evidence Standard. The Decision Maker will weigh the admissible evidence using the preponderance of the evidence standard.

3.3. Conflicts of Interest. Any individual designated by a Component as a Title IX Coordinator, Investigator, Decision Maker, Informal Resolution Facilitator, Appellate Authority, or Campus Administrator may not have a conflict of interest or bias for or against Complainants or Respondents generally, or against an individual Complainant or Respondent. The Title IX Coordinator shall not serve as Decision Maker, Informal Resolution Facilitator, or Appellate Authority.

3.4. Promptness. The Component shall make every reasonable effort to ensure that the resolution of a Sexual Misconduct Complaint or Report occurs in as efficient a manner as possible, with an expectation that the process (exclusive of any appeal procedures) will generally be completed within one hundred and twenty (120) calendar days of the date a Complaint or Report is submitted.

3.5. Modification of Deadlines. The Title IX Coordinator may modify any deadlines contained in this Policy as necessary to accomplish the purposes stated and for good cause, including, but not limited to, complexity of the investigation and to accommodate semester breaks.

3.6. Immunity/Amnesty. Reporting, investigating, and adjudicating incidents of Sexual Misconduct is of paramount importance. The Component does not condone underage drinking, illegal use of drugs, or other criminal behavior. However, the Component will not take any disciplinary action for prohibited conduct in relation to or concurrently with an incident of Sexual Misconduct, against a person who is enrolled with or employed by the Component for any violation of the Component's applicable code of conduct, provided:

3.6.1. the person acts in good faith;

3.6.2. the violation of the code of conduct arises out of the same facts or circumstances as a Complaint or Report of Sexual Misconduct;

3.6.3. the violation of the code of conduct is not punishable by

suspension or expulsion; and,

3.6.4. the person is not reporting his or her own commission or assistance in the commission of Sexual Misconduct.

3.7. Prohibition on Providing False Information. Any individual who knowingly makes a false Complaint or Report under this Policy, or knowingly provides false information to Component officials, or who intentionally misleads Component officials who are involved in the investigation or resolution of a Complaint or Report shall be subject to disciplinary action. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this Policy does not constitute retaliation prohibited by Section 3.14 herein. A determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

3.8. Supportive Measures (Including Immediate and Appropriate Corrective Action).

3.8.1. Generally. When an incident of Sexual Misconduct is reported, the Component will consider Supportive Measures while the incident is investigated and adjudicated. The determination of appropriate Supportive Measures in a given situation must be based on the facts and circumstances of that situation. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures, and the duration of such measures. Supportive Measures may include, but are not limited to:

3.8.1.1. Counseling provided by a counselor who does not provide counseling to any other person involved in the incident, including a person who reports an incident of Sexual Misconduct, as long as the Component employs a sufficient number of counselors;

3.8.1.2. extensions of deadlines or other course-related adjustments;

3.8.1.3. without any academic penalty, modifications of work or class schedules or assignments, including the option of dropping a course in which both Parties are enrolled;

3.8.1.4. campus escort or transportation services;

3.8.1.5. mutual restrictions on contact between the Parties;

3.8.1.6. changes in work or housing locations;

3.8.1.7. leaves of absence;

3.8.1.8. restrictions from specific activities or facilities; and,

3.8.1.9. increased security and monitoring of certain areas of the campus.

3.8.2. Orders of Protection. The Component will honor any order of protection, no contact order, restraining order or similar lawful order issued by any criminal, civil, or tribal court.

3.8.3. Confidentiality of Supportive Measures. The Component shall maintain as confidential any measures provided to the Complainant and/or Respondent, to the extent allowed by law and to the extent that maintaining such confidentiality will not impair the ability to provide the measures.

3.8.4. Emergency Removal. Emergency removal of an Employee or Student prior to a final decision in a Sexual Misconduct matter must comply with System Rules and Regulations Chapters IV § 2.2(14), V § 2.131, and VI § 5.(14). A Component may remove a Respondent from the Component's Education Program or Activity on an emergency basis, provided that the Component undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The removal challenge does not require a hearing and the burden is on the Respondent to show why the removal should be rescinded.

3.8.5. Administrative Leave. Nothing herein precludes a Component from placing a non-student employee Respondent on administrative leave with or without pay during the pendency of the grievance or any judicial process.

3.8.6. Supportive Measures when Anonymity is Required. The

Component's inability to take disciplinary action against an alleged Respondent because of a Complainant's insistence on anonymity will not restrict the Component's ability to provide appropriate measures for the reasonable safety of the Component community.

3.8.7. Unreasonable Burden. Supportive Measures may not impose an unreasonable burden on the other Party.

3.8.8. Failure to Adhere to Supportive Measures. Failure to adhere to the parameters of any Supportive Measures may be considered a separate violation of this Policy and may result in disciplinary sanctions.

3.9. Informal Resolution

3.9.1. Eligibility for Informal Resolution. Informal Resolution is available after a Formal Complaint has been filed in a Title IX Sexual Harassment incident or a Report has been received in a Non-Title IX Sexual Misconduct incident. Informal Resolution may be pursued if:

3.9.1.1. both Parties are willing to engage in Informal Resolution and consent to do so in writing;

3.9.1.2. the Complainant and the Respondent are both Students or are both Employees of the Component;

3.9.1.3. the Title IX Coordinator agrees that Informal Resolution is an appropriate mechanism for resolving the Complaint; and

3.9.1.4. the Component provides written notice to the Parties in accordance with Section 3.9.2.1.

3.9.2. Informal Resolution Procedures.

3.9.2.1. Notice. The Title IX Coordinator shall provide written notice to the Parties of the availability of informal resolution, including:

3.9.2.1.1. the allegations;

3.9.2.1.2. the requirements of the informal resolution process, including the circumstances under which the Parties are precluded from resuming a Formal

Complaint arising from the same allegations;

3.9.2.1.3. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and,

3.9.2.1.4. the Parties' right to withdraw consent to informal resolution at any time prior to reaching an agreement, and resume the grievance process.

3.9.2.2. Scheduling. When a Sexual Misconduct Complaint or Report meets the requirements for informal resolution, the Title IX Coordinator will make the requisite arrangements. Informal resolution may take place at any point in the grievance process after a Formal Complaint is filed and any time prior to reaching a determination regarding responsibility.

3.9.2.3. Referral for Investigation. The Title IX Coordinator will terminate informal resolution and continue the investigation if:

3.9.2.3.1. The Parties are not able to reach an agreement prior to the exhaustion of the administrative process,

3.9.2.3.2. One or more of the Parties withdraws consent to informal resolution, or,

3.9.2.3.3. Title IX Coordinator determines that informal resolution is no longer appropriate.

3.9.2.4. Agreements. Informal resolutions will be reduced to writing, and signed by both Parties. Agreements will be maintained by the Title IX Coordinator and disclosed only as necessary to implement the provisions of the agreed resolution or as required by law.

3.9.2.5. No Waiver. A Component may not require as a condition of enrollment or continuing enrollment,

or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Sexual Misconduct consistent with this Policy.

3.9.2.6. No Recording and no use of statements. No recording of the informal resolution will be made and all statements made during the informal resolution process may not be used for or against either Party should the Parties be unable to reach an informal resolution and resume the grievance process. Failure to comply with an informal resolution agreement may result in disciplinary action.

3.10. Withholding of Transcript. The Component may not issue a transcript to a student Respondent until the institution makes a final determination of responsibility.

3.11. Remedies. Remedies for a Finding of a violation of this Policy must be designed to restore or preserve equal access to the Component's Education Program or Activity to the Complainant. Such remedies may include the same individualized services described in Section 3.8 as "Supportive Measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

3.11.1. The Title IX Coordinator is responsible for the effective implementation of remedies.

3.11.2. Any remedy that does not directly affect the Respondent must not be disclosed to the Respondent.

3.12. Sanctions. Sanctions for a Finding of a Policy violation will depend upon the nature and gravity of the misconduct and/or any record of prior discipline for Sexual Misconduct. Sanctions include, but are not limited to, the following:

3.12.1. Students

3.12.1.1. no-contact orders;

3.12.1.2. probation (including disciplinary and academic probation);

3.12.1.3. expulsion from campus housing;

3.12.1.4. restricted access to activities or facilities;

3.12.1.5. mandated counseling (this may include, but not be limited to education programs and batterer intervention);

3.12.1.6. disqualification from student employment positions;

3.12.1.7. revocation of admission and/or degree;

3.12.1.8. withholding of official transcript or degree;

3.12.1.9. bar against readmission;

3.12.1.10. monetary restitution;

3.12.1.11. withdrawing from a course with a grade of W, F, or WF;

3.12.1.12. relevant training;

3.12.1.13. suspension;

3.12.1.14. deferred suspension;

3.12.1.15. written warning; or

3.12.1.16. expulsion.

3.12.2. Employees

3.12.2.1. withholding a promotion or pay increase;

3.12.2.2. reassigning employment, including, but not limited to demotion in rank;

3.12.2.3. terminating employment;

3.12.2.4. barring future employment from System or Component;

3.12.2.5. temporary suspension without pay;

3.12.2.6. compensation adjustments;

3.12.2.7. no-contact orders;

3.12.2.8. relevant training; or,

3.12.2.9. recommendation to revoke tenure.

3.13. Notification of Finding to Postsecondary Institutions. On request by

another postsecondary educational institution, a Component shall provide to the requesting institution information relating to a determination by the Component that a student enrolled at the Component violated this Policy.

3.14. Retaliation. No Component or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a Complaint or Report, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Any person, who believes that she or he has been subjected to Retaliation, should immediately report this concern to the Title IX Coordinator.

3.14.1. By the Component

3.14.1.1. A Component may not discipline or discriminate against an employee who in good faith makes a Report of Sexual Misconduct as required by this Policy.

3.14.1.2. Subsection 3.14.1.1 does not apply to an employee who perpetrates or assists in perpetrating an incident of Sexual Misconduct.

3.14.2. By Others. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

3.15. Confidentiality

3.15.1. The identity of the following individuals is confidential and not subject to disclosure under the Texas Public Information Act, unless such individual(s) waive nondisclosure in writing:

3.15.1.1. an alleged victim of an incident of Sexual Misconduct;

3.15.1.2. a person who reports an incident of Sexual Misconduct;

3.15.1.3. a person who sought guidance from the Component concerning such an incident;

3.15.1.4. a person who participated in the Component's investigation of such an incident; or,

3.15.1.5. a person who is alleged to have committed or assisted in the commission of Sexual Misconduct, provided that after completion of the investigation, the Component determines the Complaint or Report to be unsubstantiated or without merit.

3.15.2. The identity of the individual(s) referenced in Section 3.15.1 may only be disclosed to the following:

3.15.2.1. a Component, as necessary to conduct an investigation and resolution of the investigation;

3.15.2.2. the person or persons alleged to have perpetrated the incident of Sexual Misconduct defined in this Policy, to the extent required by other law;

3.15.2.3. a law enforcement officer, as necessary to conduct a criminal investigation;

3.15.2.4. potential witnesses to the incident, as necessaryto conduct an investigation; or,

3.15.2.5. a health care provider in an emergency situation, as determined necessary by the Component.

3.15.3. Information reported to a health care provider or other medical provider employed by a Component is confidential, and may be shared by the provider only with the Complainant’s consent. The provider must provide aggregate data or other non-identifying information regarding incidents of Sexual Misconduct to the Component’s Title IX Coordinator.

3.15.4. Breaches of confidentiality or privacy committed by Employees receiving a Complaint or Report of alleged Sexual Misconduct or investigating the Report of alleged Sexual Misconduct may result in disciplinary sanctions.

3.15.5. Release of information to the individuals referenced in

Section 3.15.2 shall not be construed as a voluntary disclosure for purposes of the Texas Public Information Act.

3.15.6. If there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions.

4. Reporting Incidents of Sexual Misconduct

4.1. General Information. Each Component will identify and provide complete contact information for their Title IX Coordinator and all Deputy Coordinators in various locations, including but not limited to the Component's website; the Student's handbook; the Dean of Students Office; Human Resources; and Campus Police or Security; or their equivalents. Once a Complaint or Report of Sexual Misconduct is received by the Component, the Title IX Coordinator will determine the appropriate grievance process for resolution.

4.2. Victim Reporting Options. Although a victim of Sexual Misconduct may decline to report the incident, the Component supports, encourages, and will assist those who have been the victim of Sexual Misconduct to report the incident to any of the sources below. The alleged victim may use a pseudonym form when making a report to a law enforcement agency.

4.2.1. Title IX Coordinator. Any incident of Sexual Misconduct may be brought to the attention of the Title IX Coordinator. The Title IX Coordinator will discuss with the reporting Party the options for:

4.2.1.1. Filing a Formal Complaint of a Title IX Sexual Harassment incident, if applicable; or,

4.2.1.2. Filing a Report of a Non-Title IX Sexual Misconduct incident, if applicable.

4.2.2. Responsible Employee. An individual may report alleged Sexual Misconduct to a Responsible Employee.

4.2.3. Official with Authority. An individual may report alleged Sexual Misconduct to an Official with Authority. A Report to an Official with Authority will

impose Actual Knowledge on the Component provided the reported incident of Sexual Misconduct meets the definition of Title IX Sexual Harassment. Each Component will identify and provide contact information of the Official with Authority in various locations, including but not limited to the Component's website and the applicable online handbooks.

4.2.4. Component Police or Security. An individual may report an incident of Sexual Misconduct to the Component police or security. Although the Component strongly encourages reporting Sexual Misconduct to the police, a victim may request administrative action by the Component with or without filing a police report. Filing a police report does not obligate the victim to continue with criminal proceedings or Component disciplinary action. Components shall provide to the victim the contact information for the campus police or security personnel.

4.2.5. Campus Security Authority. A Report of Sexual Misconduct may be made to a Campus Security Authority (CSA) as defined in each Component's Annual Security Report. All CSAs will promptly inform the Title IX Coordinator of the Complaint or Report and comply with all other reporting obligations required by the Clery Act.

4.2.6. Local Law Enforcement. An individual may, but is not required to, report an incident of Sexual Misconduct directly with local law enforcement agencies. At the victim's request, the Component will assist the victim with reporting the incident of Sexual Misconduct to law enforcement.

4.2.7. Electronic Reporting. Each Component shall provide an option for electronic reporting of an incident of Sexual Misconduct. The electronic reporting option must:

4.2.7.1. enable an individual to report the alleged offense anonymously; and

4.2.7.2. be easily accessible through a clearly identifiable link on the Component's internet

website home page. (For more information on anonymity, see Section 4.2.8 and Section 4.8.)

4.2.8. Anonymous Reports. Individuals who chose to file anonymous reports are advised that:

4.2.8.1. it may be very difficult, and in some cases, not possible for the Component to investigate an anonymous Report; and

4.2.8.2. filing a Report is not necessary in order to secure Supportive Measures through the Component.

4.3. Preservation of Evidence. Preservation of evidence is critical in incidents of Sexual Misconduct. If you experience sexual violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) within 4 days of the incident. With the victim's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of the nearest hospital that provides SAFE services.

4.4. Employee Mandatory Reporting. A Responsible Employee who has knowledge of Sexual Misconduct must report promptly to the Title IX Coordinator all relevant details known to the Employee about the alleged Sexual Misconduct shared by the Complainant or Reporting Party. A Responsible Employee must share all information relevant to the investigation, and if applicable, redress of the incident, including whether the Complainant has expressed a desire for confidentiality in reporting the incident.

4.4.1. Before a Complainant reveals any information to a Responsible Employee, the Employee should inform the Complainant of the Employee's reporting obligations. If the Complainant requests anonymity and confidentiality,

the Employee should refer the Complainant to Confidential Employees. A Responsible Employee may not honor a request for anonymity or confidentiality.

4.4.2. A Responsible Employee should not share information with law enforcement without the Complainant's consent, unless the Complainant has also reported the incident to law enforcement.

4.4.3. If the Complainant reports an incident to the Responsible Employee and requests confidentiality or no investigation, the Employee should tell the Complainant that the Component will consider the request, but cannot guarantee that the Component will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the Responsible Employee will inform the Title IX Coordinator of the Complainant's request for confidentiality or no investigation.

4.4.4. A Responsible Employee will promptly report to the Title IX Coordinator all incidents of Sexual Misconduct, provided:

4.4.4.1. the employee is in the course and scope of employment at the time the employee witnesses or receives information regarding the occurrence of Sexual Misconduct;

4.4.4.2. the employee reasonably believes the incident constitutes Sexual Misconduct; and,

4.4.4.3. the incident of Sexual Misconduct was committed either by or against an enrolled Student or an Employee of the Component at the time of the Sexual Misconduct.

4.4.5. A Component may expand, but shall not narrow, the reporting obligations of Responsible Employees under this subsection.

4.4.5.1. A Component that expands the reporting obligations of a Responsible Employee shall inform such Responsible Employees of their mandatory reporting obligations.

4.5. Termination for Failure to Report or Making a False Report. A

Component shall terminate an Employee it determines to have either:

4.5.1. knowingly failed to make a report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking when the Responsible Employee was required to do so; or

4.5.2. knowingly made a false Report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking with intent to harm or deceive.

4.6. No Report Required. An Employee is not required to report an incident of Sexual Misconduct to the Title IX Coordinator if:

4.6.1. the Employee was the victim of such conduct; or,

4.6.2. the Employee received information due to a disclosure made at a public awareness event sponsored by a Component or by a Student organization affiliated with the Component.

4.7. Confidential Employees. Each Component will identify and provide contact information for Confidential Employees in various locations, including but not limited to the Component's website and appropriate online handbooks. These Confidential Employees will assist in a crisis and provide information about possible resources, some of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, Component disciplinary action, immigration services, and criminal prosecution. Training for Confidential Employees may be through their professional organizations, if any, or through the Title IX Coordinator.

4.7.1. A Confidential Employee who receives information about an incident of Sexual Misconduct shall report to the Title IX Coordinator only the type of incident reported.

4.7.2. A Confidential Employee shall also provide such information to the Component's Clery Act Coordinator for purposes of the Component's Annual Security Report.

4.8. Request for Anonymity by Complainant.

4.8.1. When considering reporting options, Complainants should be aware that Confidential Employees are permitted to honor a request for anonymity and can maintain confidentiality.

4.8.2. With the exception of Confidential Employees, Component personnel have mandatory reporting and response obligations, regardless of the Complainant's request for anonymity or confidentiality.

4.8.3. The Complaint or Report shall be used as an anonymous Report for data collection purposes under the Clery Act.

5. Classifying Sexual Misconduct Matters, Possible Dismissals, and Transfers

5.1. Title IX Coordinator's Role in Classifying Sexual Misconduct. The Title IX Coordinator shall review all allegations of Sexual Misconduct to determine if the allegation will be classified as Title IX Sexual Harassment or Non-Title IX Sexual Misconduct at any point during the grievance process.

5.2. Title IX Sexual Harassment. Allegations of Sexual Misconduct shall be classified as Title IX Sexual Harassment provided:

5.2.1. the Sexual Misconduct meets the definition of Title IX Sexual Harassment;

5.2.2. the Sexual Misconduct occurred against a person participating in or attempting to participate in a Component's Education Program or Activity; and,

5.2.3. the Sexual Misconduct occurred against a person located within the United States.

5.3. Non-Title IX Sexual Misconduct. Sexual Misconduct that does not meet all the requirements in Section 5.2 does not constitute Title IX Sexual Harassment and shall be classified as Non-Title IX Sexual Misconduct.

5.4. Mandatory Dismissal of Formal Complaint. If a Formal Complaint has been submitted by a Complainant and the Sexual Misconduct described in the Formal Complaint does not meet all the requirements in Section 5.2, the Title IX Coordinator shall dismiss the Formal Complaint for purposes of the Title IX Sexual Harassment process.

5.4.1. If a Formal Complaint is dismissed for failing to meet the requirements in Section 5.2, a Component may address such Non-Title IX Sexual Misconduct through

the Non-Title IX Sexual Misconduct provisions of this Policy.

5.4.2. If the allegation does not meet the definition of Sexual Misconduct, the Component may address the misconduct through the applicable code of conduct process.

5.5. Permissive Dismissal of Formal Complaint and/or Transfer to Alternative Disciplinary Process.

5.5.1. A Component may, but is not required to, dismiss a Formal Complaint or any allegations therein, if at any time during the Title IX Sexual Harassment investigation or live hearing:

5.5.1.1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;

5.5.1.2. if the Respondent is no longer enrolled or employed by the Component; or,

5.5.1.3. specific circumstances prevent the Component from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

5.5.2. Any matter permissively dismissed by the Component may require transfer to the Non-Title IX Sexual Misconduct process. Prior to dismissal, the Title IX Coordinator must determine whether the allegations, if proven, mandate transfer to an alternative disciplinary process. Component shall expedite the disciplinary process, as necessary, to accommodate both Parties' interests in a speedy resolution.

5.5.2.1. If a Student withdraws or graduates from a Component pending a disciplinary charge alleging that the Student violated this Policy, the Component may not end the disciplinary process or issue a transcript to the student until the Component makes a final determination of responsibility.

5.5.2.2. On request by another postsecondary educational institution, a Component shall provide to the requesting institution information relating to a determination by the Component that a student enrolled at the Component violated this Policy.

5.6. Permissive Dismissal of Non-Title IX Sexual Misconduct Allegations and/or Transfer to Alternative Disciplinary Process.

5.6.1. A Component may, but is not required to, dismiss a report or any allegations therein, if at any time during the investigation or hearing:

5.6.1.1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Report or any allegations therein; or,

5.6.1.2. specific circumstances prevent the Component from gathering evidence sufficient to reach a determination as to the Report or allegations therein.

5.6.2. Any matter permissively dismissed by the Component may require transfer to an alternative disciplinary process. Prior to dismissal, the Title IX Coordinator must determine whether the allegations, if proved, mandate such a transfer.

5.7. Notice of Dismissal. Upon a dismissal required or permitted under this Policy, the Component must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the Parties, including information regarding the procedures for appealing the dismissal.

6. Title IX Coordinator's Role during Pre-investigation of Sexual Misconduct.

6.1. Receipt of Allegation. Upon receipt of an allegation of Sexual Misconduct, the Title IX Coordinator shall:

6.1.1. promptly contact the Complainant to discuss the availability of Supportive Measures, Complainant's wishes with respect to Supportive Measures, and the availability of Supportive Measures with or without the filing of a Formal Complaint or Report;

6.1.2. explain to the Complainant the process for filing a Formal Complaint or Report;

6.1.3. provide an electronic and/or hard copy of this Policy which explains the process and rights of all Parties;

6.1.4. request additional information regarding the reported incident;

6.1.5. explain the investigatory process;

6.1.6. explain the options for reporting to law enforcement authorities, whether on campus or local police;

6.1.7. discuss Complainant's request for anonymity and confidentiality, if such has been requested, and explain that confidentiality may impact the Component's ability to investigate fully;

6.1.8. discuss the Parties' consent to release and share documents and/or the need for non-disclosure agreements;

6.1.9. determine whether the Complainant wishes to pursue informal resolution; and,

6.1.10. refer the Complainant, as appropriate, to the counseling center or other resources, including but are not limited to, law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, student financial aid, alternative disciplinary processes, and visa and immigration assistance.

6.2. Complainant's Request Not to Investigate an Incident of Sexual Misconduct. If the Complainant does not wish to have an incident of Sexual Misconduct investigated, the Title IX Coordinator shall discuss this request with Complainant before the Title IX Coordinator makes a decision on whether to proceed with the investigation.

6.2.1. In deciding whether to proceed with such an

investigation, the Title IX Coordinator will make an individualized assessment, taking into account the Complainant's wishes not to proceed as well as other relevant factors including, but not limited to:

6.2.1.1. the seriousness of the alleged conduct;

6.2.1.2. whether violence or weapons were involved;

6.2.1.3. the age of the victim;

6.2.1.4. whether other Complaints or Reports have been made against the alleged Respondent; and,

6.2.1.5. whether the alleged incident poses a risk of harm to others.

6.2.2. The Component may investigate the alleged incident of Sexual Misconduct in a manner that complies with the applicable confidentiality provisions in this Policy.

6.2.3. If a Component decides not to investigate, the Component shall take any steps it determines necessary to protect the health and safety of its community in relation to the alleged incident.

6.2.4. A Component shall inform a Complainant of its decision to either investigate or not investigate the allegations.

6.3. Non-Title IX Sexual Misconduct. Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment shall be classified as Non-Title IX Sexual Misconduct. Non-Title IX Sexual Misconduct may be handled by the Title IX Coordinator's Office or an office or individual(s) the Component determines appropriate to address such Non-Title IX Sexual Misconduct.

7. Title IX Sexual Harassment Grievance Process

7.1. Filing a Formal Complaint. Incidents of Sexual Misconduct should be reported as per Section 4 of this Policy. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator under this Policy and any additional method designated by the Component.

7.2. Cases Initiated by the Title IX Coordinator. If the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party.

7.3. Notice of Allegations. In response to a Formal Complaint the Component must give written notice of the allegations to the Parties. This notice must include:

7.3.1. notice of the Component's grievance process, including informal resolution;

7.3.2. sufficient details of the allegations known at the time;

7.3.3. identities of the Parties involved;

7.3.4. the conduct allegedly constituting Title IX Sexual Harassment;

7.3.5. the date and location of the alleged incident;

7.3.6. a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

7.3.7. that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;

7.3.8. that the Parties may inspect and review evidence gathered during the process;

7.3.9. that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,

7.3.10. the availability of Supportive Measures to the Complainant and Respondent.

7.4. Right to Advisor

7.4.1. Each Party may be accompanied by an Advisor of their choice to any related meeting, interview, or proceeding. The Advisor may be, but need not be, an attorney who may provide support, guidance, or advice to the Party. The Advisor may not otherwise directly participate in any meeting, interview, or proceeding except for the limited purpose of conducting cross- examination (as more fully explained in Section 7.11.3) at a live hearing, if any.

7.4.2. If a Party does not have an Advisor to conduct cross-examination at the live hearing, the Component will provide the Party with an Advisor, who need not be an attorney, for the limited purpose of conducting cross-examination at the live hearing.

7.4.3. Each Party's Advisor is requested to meet with the Title IX Coordinator to discuss hearing procedure and protocols prior to the live hearing, if any.

7.5. Informal Resolution. Informal Resolution of Formal Complaints shall be in accordance with Section 3.9 herein.

7.6. Consolidation of Complaints

7.6.1. A Component may consolidate Formal Complaints as to allegations involving the same circumstances.

7.6.2. A Component may consolidate Formal Complaints involving allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations arise out of the same facts or circumstances.

7.7. Investigation

7.7.1. Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

7.7.2. Information Gathering. Investigator will gather and review information from Complainant, Respondent, and Witnesses. Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.

7.7.3. Equal Opportunity to Present Evidence and Witnesses. All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A Component may not restrict the ability of either Party to discuss the allegations under investigation, or to gather and present relevant evidence.

7.7.4. Burden on the Component. The burden of proof and the

burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Component and not on the Parties. However, a Component cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.

7.7.5. Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

7.7.6. Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding and evidence gathering activities, each Party and their respective Advisors must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including the evidence upon which the Component does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

7.7.6.1. Each Party and their Advisor will be sent such evidence in electronic format or hard copy. Each Party will have ten (10) calendar days from the date they are notified to inspect, review, and respond to the evidence.

7.7.6.2. The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.

7.8. Investigative Report. Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When Investigator is not the Title IX Coordinator, the Investigative

Report will be submitted to the Title IX Coordinator to ensure all elements of the investigation have been completed. The Title IX Coordinator will forward the Investigative Report to the Decision Maker.

7.9. Notice of Hearing. Upon completion of the Investigative Report, the Title IX Coordinator will send the Notice of Hearing and the Investigative Report to all Parties and their Advisors. The Notice of Hearing and Investigative Report will be sent no less than ten (10) calendar days prior to the scheduled hearing to allow all Parties an opportunity for response.[1]

7.10. Pre-Hearing Instructions. The following items should be provided to the Decision Maker no later than three (3) calendar days prior to the date of hearing and apply equally to both Parties:

7.10.1. any written response to the investigative Report;

7.10.2. documents, or other evidence to be used at the hearing;

7.10.3. the name of each witness who is to appear on that Party's behalf (witnesses not previously interviewed or identified may be allowed to testify only at the discretion of the Decision Maker); and,

7.10.4. a list of initial questions and cross-examination questions for the opposing Party and any designated witness. Each Party, through their Advisor, will be permitted to conduct cross-examination even if written questions are not previously submitted by the Party.

7.11. Live Hearings. All investigations not dismissed pursuant to Section 5.4 shall have a live hearing. The following are the participants at a live hearing:

7.11.1. Decision Maker. The Decision Maker determines the relevancy of all questions asked during the hearing, may ask questions of any witness or Party during the hearing, and ultimately issues the written decision of responsibility and sanction, if any, after the hearing. The Component's Title IX Coordinator or the Investigator who conducted the

[1] *Component Charter Schools and the Sam Houston State University College of Osteopathic Medicine, Including SHSU Physicians. Pursuant to 34 C.F.R § 106.45(b)(6)(ii), a Formal Complaint filed (1) by or against a student of a Component charter (elementary and secondary) school, (2) by or against an employee or student of the Sam Houston State University College of Osteopathic Medicine, or (3) by or against an employee of SHSU Physicians will not utilize the live hearing process provided in this Policy. The Component Title IX Coordinator shall explain to the Parties and Advisors, if any, the process to be followed.*

investigation or prepared the Investigative Report may not serve as Decision Maker.

7.11.2. Parties. The Parties are the Complainant and Respondent. Each Party may give a statement, answer questions, present evidence, and witnesses, and cross-examine the other Party and witnesses through their Advisor.

7.11.3. Advisor. Each Party is entitled to have an Advisor of their choice at the hearing. Each Party must have an Advisor to conduct cross-examination of the other Party and witnesses. An Advisor may, but is not required to be, an attorney. In addition to cross- examination, the Advisor may provide support, guidance, or advice to Complainant or Respondent, but may not otherwise directly participate in the hearing.

7.11.3.1. If a Party does not have an Advisor, the Component will appoint an Advisor of the Component's choice, without fee or cost to the Party, for the limited purpose of conducting cross-examination, including questions challenging the Party or witness's credibility. A Component is not required to appoint an attorney as an Advisor.

7.11.4. Investigator. The Investigator will be present at the hearing, and may answer questions from either Party about the investigation and the summary of evidence in the Investigative Report.

7.11.5. Title IX Coordinator. The Title IX Coordinator may be present at the live hearing.

7.12. Availability of Investigative Evidence. The Component must make all evidence subject to the Parties' inspection and review available at any hearing to give each Party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

7.13. Documents. Each Party shall have the opportunity to present relevant documents to the Decision Maker for consideration at the hearing. Only documents and other evidence pre-submitted in accordance with Section 7.10 will be considered.

7.14. Witnesses. Each Party shall have the opportunity to present fact

and/or expert witnesses to the Decision Maker for consideration at the hearing.

7.15. Determination of Relevance of Questions. Only relevant questions may be asked of a Party or witness during the hearing. Before a Party or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant.

7.15.1. Questions concerning a Party's prior sexual behavior are not relevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

7.15.2. The Decision Maker will explain to the Party's Advisor why a question excluded is not relevant. The Decision Maker's relevancy decision is final and may only be challenged as a procedural defect on appeal, as provided in this Policy.

7.16. Live Cross-Examination (Directly, Orally, in real time). The cross-examination of a Party or witness must be conducted by the other Party's Advisor, orally, and in real time. A Party may not directly question the other Party or witness.

7.17. (Intentionally left blank.)

7.18. Alternative Hearing Locations. The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the Component's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually. At the request of either Party, the Component shall provide for the entire hearing, including cross-examination, to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other or the witness answering questions, at all times while the hearing is in session.

7.19. Recording of Hearing Proceedings. Component shall create an audio or audiovisual recording, or transcript, of any live hearing and make such recording or transcript available to the Parties for inspection and review.

7.20. Decision and Sanctions. Once the live hearing has concluded, the Decision Maker will issue a written determination, which shall be sent simultaneously to the Parties, along with information about how to

appeal the determination. The contents of the decision will include:

7.20.1. identification of the allegations potentially constituting Title IX Sexual Harassment;

7.20.2. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

7.20.3. findings of fact supporting the determination;

7.20.4. conclusions regarding the application of this Policy to the facts;

7.20.5. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Component imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Component's Education Program or Activity will be provided by the Component to the Complainant;

7.20.6. the Component's procedures and permissible bases for the Complainant and Respondent to appeal; and

7.20.7. the identity and contact information of the appropriate Appellate Authority.

7.21. Appeals. Both Parties must be offered an appeal from a determination regarding responsibility, and from a dismissal of a Formal Complaint or any allegations therein.

7.21.1. Grounds for Appeal. The only grounds for appeal are:

7.21.1.1. procedural irregularity, including a relevancy determination, that affected the outcome of the matter;

7.21.1.2. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;

7.21.1.3. the Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or

bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and,

7.21.1.4. the Sanction is substantially disproportionate to the written decision.

7.21.2. Procedure for Appeal. Either Party may appeal a dismissal or Decision Maker's determination by filing a written request to appeal, with supporting information, with the appropriate Appellate Authority within ten (10) calendar days of issuance of the decision. If a Complainant or Respondent appeals, the Component must:

7.21.2.1. notify the other Party in writing within five (5) calendar days from when an appeal is filed and implement appeal procedures equally for both Parties;

7.21.2.2. give the non-appealing Party seven (7) calendar days from when the Component notifies the non-appealing Party that an appeal has been filed to submit a written statement in support of, or challenging, the outcome, a copy of which will be provided to the appealing Party; and,

7.21.2.3. issue a written decision, including the rationale therefor, simultaneously to both Parties within twenty-one (21) calendar days from the date the notice is issued. The decision of the Appellate Authority is final.

7.22. Implementation of Sanction. No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed.

7.23. Implementation of Remedies. Upon the issuance of the written determination and the conclusion of any appeal, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what remedies are appropriate to restore or preserve the Complainant's equal access to the Component's Education Program or Activity.

8. Non-Title IX Grievance Process

8.1. Filing a Report. Incidents of Sexual Misconduct should be reported as per Section 4 of this Policy. Although the Component strongly encourages reporting Sexual Misconduct to the police, the Complainant may request administrative action by the Component with or without filing a police report.

8.2. Notice of Allegations. In response to a Report the Component must give written notice of the allegations to the Parties. This notice must include:

8.2.1. notice of the Component's grievance process, including informal resolution;

8.2.2. sufficient details of the allegations known at the time;

8.2.3. identities of the Parties involved;

8.2.4. the conduct allegedly constituting Non-Title IX Sexual Misconduct;

8.2.5. the date and location of the alleged incident;

8.2.6. that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney (the Component is not required to appoint an Advisor);

8.2.7. that the Parties may inspect and review evidence gathered during the process;

8.2.8. that knowingly making false statements or knowingly submitting false information during the grievance process is prohibited; and,

8.2.9. the availability of Supportive Measures to the Complainant and Respondent.

8.3. Investigation

8.3.1. Scheduling. An assigned Investigator will provide written notice to a Party whose participation is invited or expected, of the date, time, location, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

8.3.2. Information Gathering. Investigator will gather and review

information from Complainant, Respondent, and Witnesses. Investigator shall conduct a site inspection, if necessary, and obtain other information as appropriate.

8.3.3. Equal Opportunity to Present Evidence and Witnesses. All Parties will have equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence during the course of the investigation. A Component may not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

8.3.4. Burden on the Component. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Component and not on the Parties. However, a Component cannot access, consider, disclose, or otherwise use a Party's Confidential Treatment Records, unless that Party consents to such access.

8.3.5. Privileges. The process must not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

8.3.6. Right to Inspect and Review Evidence Prior to Completion of the Investigation. Once the assigned Investigator concludes all fact finding, and evidence gathering activities, each Party must have equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the Report, including the evidence upon which the Component does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to the conclusion of the investigation.

8.3.6.1. Each Party will have ten (10) calendar days to inspect, review, and respond to the evidence.

8.3.6.2. The written response of each Party, if any, must be considered by the Investigator prior to completion of the Investigative Report.

8.4. Investigative Report. The Investigator will complete a written Investigative Report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident. When Investigator is not the Title IX Coordinator, the Investigative Report will be submitted to the Title IX Coordinator.

8.5. Title IX Coordinator Finding and Recommended Sanction.

8.5.1. The Title IX Coordinator will make a written Finding as to whether:

8.5.1.1. it is more likely than not that Respondent did not violate this Policy, or

8.5.1.2. it is more likely than not that Respondent violated this Policy, and the nature of the violation(s).

8.5.2. The Finding shall include the Title IX Coordinator's basis for the decision and recommended Sanctions when there is a Finding of a violation.

8.5.3. Communication of the Finding and Recommended Sanctions.

8.5.3.1. When there is a Finding of no violation of this Policy, the Title IX Coordinator will communicate the Finding in writing simultaneously to the Complainant and Respondent.

8.5.3.2. When there is a Finding that it is more likely than not that Respondent violated this Policy, the Title IX Coordinator will communicate the Finding in writing to the Component Administrator with authority to determine and issue appropriate Sanctions.

8.5.3.3. When there is a Finding of a violation by a Respondent employed by the Component, the Title IX Coordinator, in consultation with appropriate administrative officials, will provide the Finding to additional individuals, with supervisory authority over the employee,

who are not in the line of appellate review.

8.6. Sanction Decision. The responsible Component Administrator will issue written Sanctions promptly and send such Sanctions with a copy of the Findings to the Complainant, Respondent, Title IX Coordinator, and when appropriate, additional individuals with supervisory authority over either Party that are not in line of appellate review. Component Administrator shall inform Complainant of any Sanction(s) imposed on Respondent that directly relates to Complainant.

8.7. Administrators Responsible for Imposing Sanctions

8.7.1. Student Respondent Sanctions. The Dean of Students will issue Sanctions for Students. When Respondent is both a Student and an Employee, the Title IX Coordinator will determine whether the Respondent's status is that of Student, staff, or faculty for disciplinary purposes. When Respondent's status is determined to be that of a Student employed by the Component, the Dean of Students will consult with the appropriate Human Resources authority prior to issuing Sanctions.

8.7.2. Staff Respondents. The Respondent's supervisor, or other authority within the Respondent's chain of command, will issue Sanctions in consultation with Human Resources.

8.7.3. Faculty Respondents. The Dean shall consult with the Department Chair as appropriate and issue Sanctions.

8.8. Dispute of Findings and/or Sanctions. Complainant or Respondent may elect to dispute the Finding and/or the Sanction. Review of disputed Findings and/or Sanction(s) are based on the preponderance of evidence standard.

8.8.1. Students.Student Complainants or Respondents must submit a written request for a hearing to the Title IX Coordinator within seven (7) calendar days. Procedures for the hearing are outlined in the System Rules and Regulations, Chapter VI §§ 5.7-5.9, with exceptions as follows:

8.8.1.1. The Component Representative for hearings related to the Non-Title IX Sexual Misconduct shall be the Component's Title IX Coordinator;

8.8.1.2. The Title IX Coordinator is responsible for

arranging the hearing by notifying the Parties of the hearing dates, the availability of documents to be used at the hearing, the witnesses expected to provide information at the hearing, as well as deadlines for submission of questions.

8.8.1.3. Each Party shall receive a copy of the written request for hearing and notice of the hearing, and has a right to be present.

8.8.1.3.1. Neither Party shall be compelled to attend any hearing. The hearing may be conducted with all Parties and witnesses physically present in the same geographic location or, at the Component's discretion, any or all Parties, witnesses, or other participants may appear at the hearing virtually.

8.8.1.3.2. At the request of either Party, the Component shall provide for the entire hearing to occur with the Parties in separate rooms with technology that enables the Parties to see and hear each other.

8.8.1.4. Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established. The Decision Maker will determine, and shall ask the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.

8.8.1.5. Hearing Decision. The Decision Maker may uphold, reject or modify the Finding(s) and

Sanctions(s), or remand the matter to the Title IX Coordinator for further investigation and/or other action.

8.8.1.6. The Decision Maker shall issue a written, final Decision and shall provide a copy of the Decision to Complainant, Respondent, the Title IX Coordinator, and Dean of Students.

8.8.2. Staff. Complainants or Respondents may elect to dispute the Finding and/or Sanction as follows.

8.8.2.1. Any request for review of the Finding or Sanction against a staff member must be made in writing and submitted with all information in support of the request to the Chief Human Resources Officer, or his or her designee, within five (5) calendar days of receipt of the Finding or Sanction.

8.8.2.2. The Chief Human Resources Officer shall provide a copy of the materials submitted to the other Party, the Title IX Coordinator, and the Decision Maker within five (5) calendar days of receipt.

8.8.2.3. A Party who has not requested review, including the Component, may, but is not required to, submit a written response to the Decision Maker within five (5) calendar days of receiving the materials.

8.8.2.4. The Decision Maker may uphold, reject, modify, or remand the Decision. The Decision is final.

8.8.2.5. The Decision Maker will inform Complainant, Respondent, Title IX Coordinator, appropriate supervisor, and appropriate Campus Administrator of the Decision in writing.

8.8.3. Non-Tenured Faculty Dispute of Non-Reappointment or Termination After Expiration of Contract Period. Should the Sanction against a non-tenured faculty member result in the non-reappointment or termination of the faculty member

after expiration of his/her contract period, faculty member may dispute the Findings and/or Sanctions as described herein. However, the faculty member is not entitled to a hearing.

8.8.3.1. No later than thirty (30) calendar days after the faculty member receives notice of the Finding and/or Sanction, he or she may request review from the President by submission of the grievance form prescribed by the Component together with any supporting materials.

8.8.3.2. The Component President shall designate a Hearing Officer to review.

8.8.3.3. The Hearing Officer shall provide a copy of the materials submitted to the other Party and the Title IX Coordinator within five (5) calendar days of appointment.

8.8.3.4. The Hearing Officer will meet with the faculty member at a mutually convenient time to review the dispute.

8.8.3.5. The Hearing Officer may secure any information the officer determines necessary to review the dispute.

8.8.3.6. The Hearing Officer shall make a written recommendation to the President to approve, reject, modify, or remand the Finding and/or Sanction and shall provide a copy of the recommendation to the faculty member, the other Party, the Title IX Coordinator and Provost.

8.8.3.7. The Component President shall issue a written, final Decision and shall provide a copy of the Decision to the faculty member, the other Party, the Title IX Coordinator and the Provost.

8.8.4. Faculty Hearing. Tenured faculty receiving a Sanction that impacts the faculty member's continued employment, full-time salary (not including administrative positions or summer teaching) or demotion in rank or other faculty

member whose employment is terminated prior to the end of his or her contract period may elect to dispute the Finding and/or the Sanction through a hearing. Hearing procedures are outlined in the System Rules and Regulations, Chapter V, § 4.54 with the following exceptions:

8.8.4.1. The role of the Decision Maker is to review the investigation and the appropriateness of the Sanction for significant procedural errors or omissions;

8.8.4.2. All notices and correspondence shall be sent to Complainant, Respondent, Title IX Coordinator, and Provost who shall be referred to as Required Parties for purposes of this section.

8.8.4.3. Within five (5) calendar days of receipt of the Finding and/or Sanction, the faculty member must file a written request for a due process hearing by submitting the request together with any materials for review to the Provost.

8.8.4.4. The other Party shall receive notice of the hearing and has a right to be present, but shall not be compelled to attend any hearing. Complainant, Respondent, or witness who does not want be in the same room as one of the Parties shall, upon advance request, be accommodated.

8.8.4.5. Complainant and Respondent may submit written questions for the other Party and any witnesses to the Decision Maker. Such questions shall be submitted by the Parties in accordance with the deadline established by the Decision Maker. The Decision Maker will determine, and shall ask, the questions relevant to the inquiry. Any individual participating as a Decision Maker may ask relevant questions of the Parties and/or witnesses. Relevant follow-up questions may be submitted to the Decision Maker during the hearing.

8.8.4.6. Complainant, Respondent, or Component may be assisted or represented by counsel.

8.8.4.7. The Decision Maker shall issue a written recommendation to approve, reject, modify, or remand the Finding and/or Sanction. The recommendation shall be forwarded to the President and Required Parties within five (5) calendar days of the hearing.

8.8.4.8. When a Finding of Sexual Misconduct is upheld, Sanctions listed herein shall be imposed. When the President finds substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation or determines there is insufficient evidence to support the recommended Finding, he or she may remand the matter to the Title IX Coordinator for further investigation and/or other action, or may reject the recommended Finding(s) or Sanction(s).

8.8.4.9. The President shall issue a written, final Decision and shall provide a copy of the Decision to the Required Parties.

8.8.5. Other Faculty Disputes. All other disputes of the Finding and/or Sanction against faculty shall follow the procedures for Staff stated herein.

8.8.6. Third Parties. Third Party Complainants or Respondents have no right to dispute or appeal Findings or Sanctions.

8.8.7. Implementation of Sanction. No sanction shall be implemented until the appeal, if any, has been concluded, or until the time for either Party to submit an appeal has elapsed, unless, in the discretion of the Campus Administrator imposing the Sanction, good cause existsto implement the Sanction.

8.8.8. Implementation of Remedies. Upon the issuance of the written determination, if the Decision Maker determines remedies will be provided, the Title IX Coordinator will communicate with Complainant separately to discuss what

remedies are appropriate to restore or preserve the Complainant's equal access to the Component's Education Program or Activity.

9. Appeal of Non-Title IX Grievance Outcome

9.1. Right to Appeal. If a student or faculty member Complainant or Respondent is dissatisfied with the determination of a hearing, either Party may appeal.

9.2. Grounds for Appeal. Grounds for appeal are limited to the following:

9.2.1. Procedural irregularity that affected the outcome of the matter;

9.2.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter;

9.2.3. The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the outcome of the matter;

9.2.4. The Sanction is substantially disproportionate to the written decision.

9.3. Procedure for Student Appeals.

9.3.1. Appeals shall be made in writing and include the ground(s) for appeal. All information in support of the appeal must be included and submitted to the Chief Student Affairs Officer, or his or her designee (Appellate Authority), within five (5) calendar days of the hearing Decision.

9.3.2. The Appellate Authority shall provide a copy of the appeal submission(s) to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.

9.3.3. The Party who has not filed an appeal, including the Component, may, but is not required to, submit a written response to the appeal within five (5) calendar days of receipt. The Appellate Authority shall provide a copy of the response, if any, to the other Party and the Title IX Coordinator within three (3) calendar days of receipt.

9.3.4. The Appellate Authority may approve, reject, modify, or remand the Decision. The Appellate Authority shall issue a written Decision and shall provide a copy to Complainant, Respondent, Title IX Coordinator, and Dean of Students. The Appellate Authority's Decision is final.

9.4. Procedure for Faculty Appeals. Appeals of faculty hearings are governed by *System Rules and Regulations, Chapter V. § 4.56* with exceptions as follows:

9.4.1. A faculty member must submit a written appeal stating grounds with any supporting documentation to the System Administration Office within thirty (30) calendar days of receipt of the President's decision.

9.4.2. The System Office shall provide a copy of the appeal concurrently with receipt to the non-appealing Party, the President, Title IX Coordinator, and additional individuals with supervisory authority over either Party.

9.4.3. The President may submit a written response to the appeal within thirty (30) calendar days of receipt of the appeal from the System Office.

9.4.4. The TSUS Board shall provide notice in writing of the reasons for its Decision simultaneously to the faculty member, the non- appealing Party, the President, and Title IX Coordinator. The Decision of the Board is final.

9.5. Modification of Deadlines. The Appellate Authority may modify the deadlines contained in this section, as necessary to accomplish the purposes stated and for good cause, including, but not limited to, the complexity of the appeal, semester breaks and time-sensitive considerations.

10. Administrative Requirements

10.1. Component Website Requirements. A Component shall create and maintain a web page dedicated solely to this Policy.

10.1.1. The web page shall be easily accessible through a clearly identifiable link on the Component's internet website home page.

10.1.2. The Component's internet website home page shall contain a clearly identifiable link to enable an individual to make an

anonymous Report of an incident of Sexual Misconduct.

10.2. Comprehensive Prevention & Outreach Program. Components shall distribute the sexual misconduct policy to all students, faculty and staff annually. Each Component shall develop and implement a comprehensive prevention and outreach program on Sexual Misconduct. The comprehensive prevention and outreach program must address a range of strategies to prevent Sexual Misconduct. The program must also include a victim empowerment program, a public awareness campaign, primary prevention, bystander intervention and risk reduction strategies. The Component will engage in the risk reduction strategies outlined below to limit the risk of Sexual Misconduct for the campus community.

10.2.1. Primary Prevention Training. Primary prevention training programs shall be designed to promote awareness of sexual offenses, and to incorporate risk reduction strategies to enable community members to take a role in preventing and interrupting incidents of Sexual Misconduct.

10.2.1.1. The Component training will be based upon research and will be assessed periodically for effectiveness.

10.2.1.2. Specifically, training will include:

10.2.1.2.1. definitions of Sexual Misconduct offenses which are prohibited by the Component, as defined by applicable law;

10.2.1.2.2. definition of consent as defined by Texas law;

10.2.1.2.3. awareness and prevention of rape, acquaintance Rape, Sexual Harassment, Domestic Violence, Dating Violence, Sexual Assault, and Stalking;

10.2.1.2.4. risk reduction, such as recognition of warning signs of possible Sexual Misconduct, situational awareness, and safety planning;

10.2.1.2.5. bystander intervention, to encourage identification of

situations that might lead to Sexual Misconduct, and promote safe intervention as a means to prevent the misconduct (bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene);

10.2.1.2.6. options for reporting Sexual Misconduct and the confidentiality that may attach to such reporting;

10.2.1.2.7. the grievance process for Sexual Misconduct, as described in this Policy;

10.2.1.2.8. procedures for accessing possible Sanctions for Sexual Misconduct, as described in this Policy;

10.2.1.2.9. campus and community resources available to Complainants or Respondents;

10.2.1.2.10. interim safety measures available for Complainants; and,

10.2.1.2.11. descriptions of additional and ongoing Sexual Misconduct prevention and awareness campaigns and training.

10.2.1.3. Each entering freshman and undergraduate transfer Student, and New Employees shall attend an orientation regarding Sexual Misconduct and the Sexual Misconduct Policy during the first semester or term of enrollment or employment. The Component shall establish

the format and content of the orientation, which may be provided online. The orientation must include the name, office location, and contact information of the Component's Title IX Coordinator. The orientation must contain a statement regarding:

10.2.1.3.1. the importance of a victim of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking going to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident;

10.2.1.3.2. the right of a victim of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking to report the incident to the Component and to receive a prompt and equitable resolution of the Report; and,

10.2.1.3.3. the right of a victim of a crime to choose whether to report the crime to law enforcement, to be assisted by the institution in reporting the crime to law enforcement, or to decline to report the crime to law enforcement.

10.2.2. Ongoing Sexual Misconduct Education. The Component's commitment to raising awareness of the dangers of Sexual Misconduct shall include ongoing education.

10.2.2.1. Ongoing education must include:

10.2.2.1.1. the same information as the primary training;

10.2.2.1.2. the name, office location and contact information of the Component's Title IX Coordinator, provided to Students

by email at the beginning of each semester;

10.2.2.1.3. include a public awareness campaign; and,

10.2.2.1.4. include a victim empowerment program.

10.2.2.2. Ongoing education may include, but is not limited to:

10.2.2.2.1. annual training, lectures by faculty, staff, mental health professionals, and/or trained non-Component personnel;

10.2.2.2.2. dissemination of informational materials regarding the awareness and prevention of Sexual Misconduct; and,

10.2.2.2.3. event programming, both campus-wide, and coordinated with and delivered to individual groups on campus.

10.2.3. Training of Title IX Personnel. Title IX personnel includes Title IX Coordinators, Deputy Coordinators, investigators, Decision Makers, and facilitators of informal resolution processes.

10.2.3.1. All Title IX personnel shall receive training each academic year including:

10.2.3.1.1. knowledge of offenses, including specific definitions of Sexual Misconduct offenses which are prohibited by the Component as defined by applicable law;

10.2.3.1.2. the scope of the Component's Education Programs and Activities, in order to identify situations that require a response under Title IX; and,

10.2.3.1.3. investigatory procedures, due process, and Component Policy and procedures related to Sexual Misconduct.

10.2.3.2. All Title IX personnel shall receive training in the following areas:

10.2.3.2.1. how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes; and,

10.2.3.2.2. how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

10.2.3.3. Investigators shall receive training on issues of relevance to create an investigative Report that fairly summarizes relevant evidence.

10.2.3.4. Decision Makers shall receive the following training:

10.2.3.4.1. the use of technology to be used in a live hearing, to be received prior to that hearing; and,

10.2.3.4.2. issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

10.2.3.5. Materials used in training of Title IX Personnel must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

10.2.4. Trauma-Informed Investigation Training. Each peace officer employed by a Component shall complete training on trauma-informed investigation into allegations of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking.

10.2.5. Posting of Training Materials. All materials used to train Title IX personnel as described in Section 10.2.3 must be made publicly available on the Component's website. This requirement applies regardless of whether materials were created by or procured by the Component.

10.2.6. Memoranda of Understanding Required. To facilitate effective communication and coordination regarding allegations of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking a Component shall enter into a memorandum of understanding with one or more:

10.2.6.1. local law enforcement agencies;

10.2.6.2. sexual harassment, Sexual Assault, Dating Violence, or Stalking advocacy groups; and,

10.2.6.3. hospitals or other medical resource providers.

10.3. Requirements of the Title IX Coordinator's Quarterly Report, as Prescribed by Statute

10.3.1. The Title IX Coordinator of each Component, shall, once every three months, submit a written report of sexual misconduct allegations received by Responsible Employees to the Component's President containing the following information:

10.3.1.1. the number of reports of Sexual Harassment, Sexual Assault, Dating Violence and Stalking during the reporting period;

10.3.1.2. the number of investigations conducted during the reporting period;

10.3.1.3. the final dispositions occurring during the reporting period; and,

10.3.1.4. the number of reports for which the Component determined not to initiate a disciplinary process during the reporting period.

10.3.2. The Title IX Coordinator of each Component shall immediately report to the Component's President any incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking if the Coordinator has cause to believe that the safety of any person is in imminent danger as a

result of such conduct.

10.4. Requirements of the Component President's Annual Report, as Prescribed by Statute

10.4.1. The President of each Component shall, once each academic year in either the fall or spring semester, submit a report of Sexual Misconduct allegations received by the Component to the TSUS Board of Regents containing the following information:

10.4.1.1. the number of reports received of sexual harassment, Sexual Assault, Dating Violence and Stalking during the reporting period;

10.4.1.2. the number of investigations conducted during the reporting period;

10.4.1.3. the final dispositions occurring during the reporting period;

10.4.1.4. the number of reports for which the Component determined not to initiate a disciplinary process during the reporting period; and,

10.4.1.5. any disciplinary actions taken against Employees who knowingly fail to report an incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking, when required to do so, or who knowingly, with intent to harm or deceive, make a false report of such conduct.

10.4.2. The report to the TSUS Board of Regents may not identify any person, and a copy of such report must be submitted to the Chancellor and the Vice Chancellor and General Counsel.

10.4.3. A President is not required to submit a report to the TSUS Board of Regents for any semester the Component has fewer than 1,500 enrolled students unless more than five reports of either Sexual Harassment, Sexual Assault, Dating Violence or Stalking were received during that semester.

10.4.4. The President's report to the TSUS Board of Regents shall be posted on the Component's internet website.

10.4.5. The President of each Component shall annually certify in

writing to the Texas Higher Education Coordinating Board that the Component is in substantial compliance with this subsection. The President shall send a copy of the letter certifying substantial compliance to the Chancellor and the Vice-Chancellor and General Counsel.

10.5. Recordkeeping.

10.5.1. A Component shall retain for seven years, unless a longer retention period is required by law or record retention schedule, the records of Sexual Misconduct allegations, investigations, hearings, appeals, and all related matters, including the following:

10.5.1.1. the responsibility determination;

10.5.1.2. any audio or audiovisual recording or transcript of any live hearing;

10.5.1.3. the disciplinary sanctions imposed on the Respondent, if any;

10.5.1.4. the remedies provided to the Complainant, if any;

10.5.1.5. the appeal and its result, if any;

10.5.1.6. the informal resolution and its results, if any; and,

10.5.1.7. the materials used to train Title IX Coordinators, Investigators, Decision Makers, and any person who facilitates informal resolutions.

10.5.2. A Component shall create and retain for seven years, unless a longer retention period is required by law or record retention schedule, the actions, including Supportive Measures, taken in response to a Report or Formal Complaint of sexual harassment. A Component shall document:

10.5.2.1. the reasons for its conclusions;

10.5.2.2. if Supportive Measures were not provided, the reasons the Component did not provide Supportive Measures, which are not clearly unreasonable in light of the known

circumstances; and,

10.5.2.3. that it has taken measures designed to restore or preserve equal access to the Component's Education Program or Activity.

Glossary

Actual Knowledge, in the context of Title IX Sexual Harassment, means notice of Sexual Harassment or allegations of Sexual Harassment to a Component's Title IX Coordinator or any official of the Component who has authority to institute corrective measures on behalf of the Component ("Official with Authority"). Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the Component with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a Student about how to report Sexual Harassment or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Component.

Advisor refers to the person who may accompany the Party to any and all meetings, hearings, or proceedings and provides support, guidance, or advice to the Party. The Advisor may not directly participate in any meeting, hearing, or proceeding, except for the limited purpose of conducting oral cross-examination during a live hearing in a Title IX Sexual Harassment matter. The Advisor may not conduct oral cross- examination during a hearing in a Non-Title IX Sexual Misconduct matter.

Appellate Authority means an individual(s) appointed or authorized by the Component to hear appeals.

Campus Administrator refers to the person(s) authorized by the Component to perform the function(s) as designated in this Policy

Campus Security Authorities (CSA) refers to those individuals designated by the Component, including but not limited to, University Police and officials who have significant responsibility for student and campus activities, who are responsible for accurately reporting crime information for purposes of the Clery Act.

Complaint refers to Formal Complaint as defined herein.

Complainant means an individual who is alleged to be the victim of Sexual Misconduct, and shall be referred to herein as either Complainant or victim. These terms may be used interchangeably throughout this Policy. For Title IX Sexual Harassment complaints, the Complainant must be participating in or attempting to participate in the Component's Education Program or Activity at the time of the alleged incident.

Component refers to all member institutions of the Texas State University System, including the System Administration Office, Lamar University, Lamar Institute of Technology, Lamar State College Orange, Lamar State College Port Arthur, Sam Houston State University, Sul Ross State University, and Texas State University.

Component Premises. Buildings or grounds owned, leased, operated, controlled, or supervised by the Component including property that is within or reasonably contiguous to the premises owned by the Component but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

Confidential Employee refers to a person designated by the Component to whom students enrolled at the institution may speak confidentially concerning incidents of Sexual Misconduct. The term refers to physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the school community, and those who act under the supervision of a health care employee; and individuals whose scope of employment includes confidentiality requirements under Texas law.

Confidential Treatment Records means records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the Component obtains that Party's voluntary, written consent to do so for a grievance process under this Policy. If the Party is not legally able to give written consent due to minority, then a parent or legal guardian must provide written consent for the Party.

Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by

words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011)The Component will consider the following factors in determining whether consent was provided:

1) consent is a voluntary agreement or assent to engage in sexual activity;
2) someone who is incapacitated cannot consent;
3) consent can be withdrawn at any time;
4) past consent does not imply future consent;
5) silence or an absence of resistance does not imply consent;
6) consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
7) coercion, force, or threat invalidates consent; and
8) being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in Sexual Misconduct.

Cyberstalking involves using electronic means, including the Internet, for purposes of a sexual nature, to stalk or harass a person or group of people.

In **Texas**, "**cyberbullying**" is defined as a person using any electronic communication device to engage in bullying or intimidation. So, this form of bullying falls under the broader **bullying law.** Relevant communications include, for example, statements made through social media and text messages. (**Texas** Educational Code § 37.218.)

Dating Violence is violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; (c) the frequency of interaction between the persons involved in the relationship. (20 U.S.C. §1092) and 34 CFR 668.46 (j)(1)(i)(B)

Decision Maker means the person or people who makes the determination regarding responsibility or dismissal of an allegation of Sexual Misconduct and

the person or people who makes the determination if the responsibility determination or dismissal is appealed. The Appellate Authority may not also serve as the Decision Maker in the same or affiliated grievance.

Dean of Students includes the Student Affairs Office, the Student Services Office, the Dean of Student Life, or the equivalent personnel.

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or roommate, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Education Program or Activity means all the operations of a Component on or off campus, including any building owned or controlled by a student organization that is officially recognized by the Component. Education Program or Activity also includes employment with the Component.

Employee refers to both faculty and staff.

Finding means the written decision made by the Title IX Coordinator or Decision Maker, per the applicable grievance process.

Fondling means the touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the Victim, including instances where the Victim is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity.

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the Component investigate the allegation of Sexual Harassment.

> The phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the Component) that contains the

Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Informal Resolution means the process utilized by a Component to resolve Formal Complaints or Reports as an alternative to the investigation and adjudication procedures stated in this Policy. Informal Resolution may include but is not limited to mediation.

Informal Resolution Facilitator means the person who assists and guides the Parties toward their own resolution. The **Informal Resolution Facilitator** does not decide the outcome.

Investigator refers to the person who conducts the Sexual Misconduct investigation.

New Employee refers to a faculty or staff member who has not been previously employed by the Component, or whose previous employment with the Component was more than one year from their latest date of hire with the Component.

Non-Title IX Sexual Misconduct refers to Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment in this Policy.

Notice means notification. Notice may be provided via electronic or hard copy methods. Every effort will be made to notify each Party using the same method.

Official with Authority refers to the Title IX Coordinator or any official, as determined by the Component, who has authority to institute corrective measures on behalf of the Component.

Parties means the Complainant and Respondent.

Preponderance of the Evidence means the greater weight and degree of credible evidence. Preponderance of the evidence is the standard for determining allegations of Sexual Misconduct under this Policy. Preponderance of the evidence is satisfied if the Sexual Misconduct is more likely to have occurred than not.

Rape means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the Victim. See also definition of Sexual Assault herein.

Report refers to a report of Sexual Misconduct that is not Title IX Sexual Harassment.

Respondent refers to the person accused of Sexual Misconduct.

Responsible Employee refers to a Component Employee engaged in the course and scope of their employment, including campus police or security. All Employees are Responsible Employees except Confidential Employees. Responsible Employees include all administrators, faculty, staff, residence life directors and Advisors, and graduate teaching assistants.

Retaliation means any adverse action threatened or taken against a person because he or she has filed, supported, or provided information in connection with a Formal Complaint of Sexual Misconduct, including, but not limited to direct and indirect intimidation, threats, and harassment. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve Sexual Misconduct, but arise out of the same facts or circumstances as a Formal Complaint or Report of Sexual Misconduct, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation.

Sex Discrimination also referred to herein as sexual discrimination involves treating a person unfavorably because of that person's sex.

Sex Offenses include any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent.

Sexual Assault is defined as forcible or nonforcible sex offenses under the FBI's Uniform Crime Reporting (U.C.R) program [20 U.S.C. 1092 (f)(6)(A)(v)], which includes these two offense categories:

(i) Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent

(a) Forcible Rape: (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

(b) Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

(c) Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

(d) Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

(ii) Sex Offenses, Nonforcible: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.

(a) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

(b) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Examples of sexual assault include, but are not limited to, the following nonconsensual sexual activity:

1) sexual intercourse (vaginal or anal);
2) oral sex;
3) Rape or attempted Rape;
4) penetration of an orifice (anal, vaginal, oral) with the penis, finger or other object;
5) unwanted touching of a sexual nature;
6) use of coercion, manipulation or force to make someone else engage in sexual touching, including touching of breasts, chest, buttocks and genitalia;
7) engaging in sexual activity with a person who is unable to provide Consent; or
8) knowingly transmitting a sexually-transmitted disease to another.

See also definition of Sexual Assault pursuant to Texas Penal Code §22.011.

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited.

Examples of sexual exploitation can include, but are not limited to, the following behaviors:

1) prostituting another;
2) non-consensual electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all Parties involved;
3) voyeurism (spying on others who are in intimate or sexual situations);
4) going beyond the boundaries of consent (such as letting friends hide in a closet to watch another friend having consensual sex); or
5) distributing intimate or sexual information about another person without that person's Consent.

Sexual Harassment:

Title IX Sexual Harassment refers to Sexual Misconduct that meets one or more of these three types of behavior:

(i) A Component's Employee conditioning provision of an aid, benefit or service of the Component on an individual's participation in

unwelcome sexual conduct ("quid pro quo" harassment which may be express or implied and need not be "severe" or "pervasive" as a single incident is inherently "offensive" and jeopardizes equal educational access;

(ii) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the Component's Education Program or Activity, or

(iii) "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in referenced statutes.

Sexual Harassment under other applicable state and federal law means unwelcomed sex-based verbal or physical conduct that:

1) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
2) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with the student's ability to participate in or benefit from Education Programs or Activities at a post-secondary educational institution.

Sexual Intimidation includes but is not limited to: 1) threatening another with a non-consensual sex act; 2) Stalking or Cyber-stalking of a sexual nature as defined in Texas Penal Code 42.072; or 3) engaging in indecent exposure as defined in Texas Penal Code 21.08.

Sexual Misconduct is a broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes but is not limited to Sexual Assault, Sexual Exploitation, Sexual Intimidation, Sexual Harassment, Domestic Violence, Dating Violence, and Stalking. Sexual Misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex. This term also includes Title IX Sexual Harassment.

Sexual Violence Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving Consent. All such acts are forms of Sexual Misconduct.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. [34 U.S.C. 12291 (a)(30) and Texas Penal Code Section 42.072.]

Statutory Rape means sexual intercourse with a person who is under the statutory age of Consent.

Student refers to any person who has matriculated, or who is currently or was previously enrolled in the Component on either a full-time or part-time basis.

Supportive Measures include:

- Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or Report or where no Formal Complaint or Report has been filed. Such measures are designed to restore or preserve equal access to the Component's Education Program or Activity without unreasonably burdening the other Party.
- Immediate and appropriate corrective action, including measures designed to protect the safety of all Parties or the Component's educational environment, or deter Sexual Harassment. See Section 3 of this Policy.

Third Party refers to any person who is not a current Student or Employee of the Component, including but not limited to vendors and invited and uninvited visitors.

Third-Party Reporting refers to the submission of a Formal Complaint or Report of Sexual Misconduct by a person on behalf of another person.

Title IX Coordinator is the person who has been designated by each Component to coordinate efforts to comply with and implement this Policy. The Title IX Coordinator is responsible for conducting the administrative investigation of reports of Sexual Misconduct and is available to discuss options, provide support, explain Component policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators. Throughout this Policy, the use of the term "Title IX Coordinator" includes such designees.

Title IX Sexual Harassment. See "Sexual Harassment" in this Glossary.

Appendix A-7

Lamar Institute of Technology
Campus Carry Policy

Any person, who is a concealed handgun license holder, is permitted to carry a concealed handgun anywhere on Lamar Institute of Technology (LIT) campus, including buildings, unless prohibited by state or federal law, or this policy.

1. Except as stated below, LIT permits its faculty, staff, students and visitors holding valid concealed handgun licenses to carry concealed handguns on the campus.

2. LIT students, faculty and staff, who attend classes, clinics, internships, co-ops, seminars and other LIT programs/events at off-campus agencies or sites, shall be subject to the laws, rules, regulations and policies addressing concealed handgun carry for those agencies or sites.

3. LIT students, faculty and staff, who utilize services and programs at Lamar University shall be subject to the university's concealed handgun carry policy.

4. Designated No Handgun Areas

    A. Lamar Institute of Technology has designated No Handgun Areas as those locations that are already prohibited by law per Texas *Penal Code, Section 46.03*. This includes areas being utilized by Early College High Schools on the LIT premises.

    B. A notice for 'No Handgun Areas' shall be displayed on campus. The notice must state:

        Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

    C. The notice may be provided to individuals on a card, document or sign. If notice is provided through signage, the sign must:

        • Include the language italicized above in both English and Spanish;
        • Use contrasting colors, block letters at least 1 inch in height; and;
        • Be displayed in a conspicuous manner clearly visible to the public.

Appendix A-8

LAMAR STATE COLLEGE – ORANGE

Concealed Handgun Policy

1. Introduction

   In 2015, the Texas Legislature approved and the governor signed legislation permitting individuals who possess a concealed handgun license to carry a concealed handgun on a college campus. The legislation becomes effective on August 1, 2016. Lamar State College – Orange has developed this policy pursuant to the requirements of *Texas Government Code*, Title 4, Subtitle B, Chapter 411, Subchapter H, Section 411.2031.

2. Definitions

   a. "Campus" means all land and buildings owned or leased by Lamar State College – Orange.
   b. **"**Premises" is any building or portion of a building.
   c. "Handgun" is any firearm that is designed, made, or adapted to be fired with one hand.
   d. "Concealed handgun" is any handgun, the presence of which is not openly noticeable to the ordinary observation of a reasonable person.
   e. "Concealed handgun license" is a license issued by the Texas Department of Public Safety pursuant to *Texas Government Code*, Title 4, Subtitle B, Chapter 411, Subchapter H.
   f. "Prohibited Concealed Carry Location" is any location and/or event where the president of Lamar State College – Orange has determined that the carrying of a concealed handgun poses an undue risk to campus safety or any location and/or event that is exempt by virtue of other statutory requirements.

3. Right to Carry

   a. An individual possessing a valid concealed handgun license is entitled to carry a concealed handgun on the campus and premises of Lamar State College – Orange.
   b. License holders who carry a handgun on campus must carry it on or about their persons, concealed at all times, or secured in a locked, privately-owned or leased motor vehicle.
   c. A license holder may not carry a handgun that is partially or wholly visible on the campus of Lamar State College – Orange.
   d. Students who expose or otherwise reveal the presence of a concealed handgun are subject to disciplinary action up to and including suspension or expulsion.
   e. Members of the faculty and staff who expose or otherwise reveal the presence of a concealed handgun are subject to disciplinary action up to and including termination of employment.

f. Any individual who fails to meet the responsibilities required of a concealed handgun license holder may be reported to state authorities and may be subject to penalties that result in the revocation of their license.
g. Concealed Handgun License holders are not required to disclose their status to anyone other than a law enforcement officer. Lamar State College – Orange employees may not, under any circumstances, require faculty, staff, students, or visitors to disclose their concealed handgun status.

4. Prohibited Concealed Carry Locations

a. Any premise where a high school interscholastic event is taking place.
b. Any premise where a governmental meeting is taking place.
c. Any premise where a formal hearing such as student disciplinary hearing, student grade appeal hearing, or employee disciplinary hearing is being held.
d. Any and all Prohibited Concealed Carry Locations must be clearly identified and the campus community must be given advance notice of when and where the restrictions will be imposed. Written notices must include the following language:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

e. Any signage designating a Prohibited Concealed Carry Location must meet these minimum requirements: include the above italicized language in both English and Spanish; use contrasting colors with block lettering at least one inch in height; and be displayed in a conspicuous manner clearly visible to the public.

5. Review

a. The president will appoint a Concealed Carry Committee that will in each even numbered year review the policy and its effectiveness. The committee may recommend changes to the Prohibited Conceal Carry Locations and address any other concerns of the campus community.
b. Any changes to this policy shall be submitted to the TSUS Board of Regents for approval in accord with the timeline provided in Section 411.2031 of the *Texas Government Code*.
c. The president shall submit a report to the Texas Legislature by September 1st of each even numbered year describing Lamar State College – Orange's policies, rules, regulations, and/or provision relating to the carrying of concealed handguns on campus. The Texas State University System Chancellor and the Board of Regents shall each be provided copies of the report.

Appendix A-9

Lamar State College Port Arthur
"Campus Carry" or Concealed Handgun Policy
March 30, 2016

1.0 Introduction

1.1 Background**:** Senate Bill 11, commonly referred to as the "campus carry" law, was passed by the Texas Legislature and signed into law by Governor Greg Abbott in 2015. The law states that, beginning on August 1, 2016, a person who holds a Texas License to Carry a Concealed Handgun may carry a concealed handgun on the grounds and in the buildings of an institution of higher education. While the President of Lamar State College Port Arthur may not generally prohibit license holders from carrying concealed handguns on the campus, the law gives public colleges and universities some discretion to regulate campus carry including designating certain areas on campus where concealed handguns are prohibited. The law requires the College to receive approval of its campus carry policy from the Board of Regents and implement the same by August 1, 2016.

Lamar State College Port Arthur recognizes that a safe and secure environment is critical to maintaining a climate that is conducive to learning. The College's Campus Carry Policy is consistent with the State of Texas Law and the governing policies and procedures of the Texas State University System Board of Regents.

1.2 Purpose: The purpose of the Campus Carry or Concealed Handgun Policy is to set forth the College's Policy on concealed handguns on campus and to provide the consequences of violation of this Policy including College disciplinary action and possible criminal penalties.

1.3 Application: The Campus Carry or Concealed Handgun Policy applies to all faculty, staff, students, and visitors; and individuals and organizations doing business on or on behalf of Lamar State College Port Arthur.

1.4 Effective Date: The Campus Carry or Concealed Handgun Policy will become effective on August 1, 2016.

2.0 Definitions

2.1 Concealed Carry is defined as carrying a firearm in a fashion so that the firearm is not discernible by ordinary observation, and is in such close proximity to the person that it is readily accessible for prompt use.

2.2 Campus is defined as all land and buildings owned or leased by Lamar State College Port Arthur.

2.3 Premises is defined by Section 46.035 of the Penal Code as a "building or a portion of a building". The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

2.4 Open Carry or Texas House Bill 910 became law on January 1, 2016 and makes it legal for concealed handgun license (CHL) holders to carry visible handguns in the state of Texas. However, open carry does not apply to public colleges and universities, including LSCPA.

2.5 Handgun is defined by the Texas Penal Code 46.01 as "any firearm that is designed, made, or adapted to be fired with one hand."

2.6 Concealed handgun is defined as a handgun, the presence of which is not openly noticeable to the ordinary observation by a reasonable person.

2.7 Concealed Handgun License is defined as a current Concealed Handgun License issued by the Texas Department of Public Safety under the authority of the Texas Government Code, Chapter 411, Subchapter I.

3.0 Carrying of Concealed Handgun by a License Holder

3.1 Right to Carry. A Licensed Holder may carry a concealed handgun while on the campus premises (including public driveways, streets, sidewalks or walkways, parking lots, and other parking areas) and in Lamar State College Port Arthur passenger transportation vehicles, unless prohibited by state or federal law, or by this policy

3.2 Intoxication. A Concealed Handgun License Holder may not carry a concealed handgun while intoxicated.

3.3 Display of Concealed Handgun. A Concealed Handgun License Holder may not carry a partially or wholly visible handgun, or intentionally or knowingly display a handgun in plain view of another person, even if holstered, on the campus premises, including public driveways, streets, sidewalks, walkways, parking lots, or other parking areas on the premises of Lamar State College Port Arthur.

3.4 Requirement to Display License. A Concealed Handgun License Holder must display his/her License to Carry a Concealed Handgun issued by the Texas Department of Public Safety when directed by a law enforcement officer in accordance with Section 411.205 of the Texas Government Code. Otherwise, an individual is not required to disclose whether he/she is a Concealed Handgun License Holder in order to participate in any program or service offered by Lamar State College Port Arthur, except as required by law.

4.0 Designated No Handgun Areas

4.1 Lamar State College Port Arthur has designated No Handgun Areas as those areas that are already prohibited by law per Texas Penal Code 46.035. This would include, but is not limited to, all collegiate level competitive sporting events and any UIL sanctioned event hosted on the campus of Lamar State College Port Arthur.

4.2 Notice. A notice for 'No Handgun Areas' will be displayed on campus. The notice must state:

> *Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.*

4.3 The notice may be provided to individuals on a card, document or sign. If notice is provided through signage, it must:

- Include the language italicized above in both English and Spanish,
- Use contrasting colors, block letters at least 1 inch in height; and,
- Be displayed in a conspicuous manner clearly visible to the public.

5.0 Handgun Storage

5.1 Lamar State College Port Arthur will not provide storage for handguns on the campus. It is the responsibility of the Concealed Handgun License Holder to properly store their handgun in a location allowable by law.

6.0 Concealed Handgun License Status

6.1 Authorized Concealed Handgun License Holders are not required to disclose their status to anyone other than a law enforcement officer. Lamar State College Port Arthur employees may not, under any circumstances, require faculty, staff, students, visitors or third parties to disclose their concealed handgun license status.

7.0 Employees

7.1 Employees with a Concealed Handgun License may exercise their right to carry a concealed handgun; however, under no circumstances is the concealed handgun to be shown or used within the scope of their employment. If found in violation of this provision and/or this policy, an employee may be subject to disciplinary actions that include written or verbal reprimands and/or termination.

8.0 Others on Campus

8.1 Others on campus such as vendors, contractors, and visitors must comply with this policy.

8.2 Anybody that does not comply with this policy may be subject to disciplinary and/or legal action. Disciplinary action may include removal from the campus while legal action may include criminal prosecution.

9.0 Closing

9.1 Lamar State College Port Arthur is obliged to follow Senate Bill 11, commonly referred to as the "campus carry" law and may not enact policies or provisions that violate the law. Any changes to the law must be initiated by the Texas legislature.

Appendix A-10

Sul Ross State University
Campus Carry Policy

I. Policy Statement

Sul Ross State University (University) is committed to providing a safe environment for students, faculty, staff and visitors while respecting the rights of individuals licensed to carry concealed handguns where permitted by law. Licensed individuals may carry licensed handguns on campus premises except in locations and at activities prohibited by law and regulation.

II. Purpose

The purpose of this policy is to set forth the University's guidelines on firearms on university property as outlined by *Senate Bill 11* of the Texas Legislature and State and Federal Laws. This policy does not apply to commissioned peace officers as defined in the Texas Code of Criminal Procedures.

III. Scope

A. Right to Carry: A Licensed Holder may carry a concealed handgun while on the university grounds and in University transportation vehicles, unless prohibited by state or federal law, or prohibited by signage posted by the University.

B. Open Carry Prohibited: All persons, including license holders, are prohibited from openly carrying a handgun on University grounds.

C. Display of Concealed Handgun: A License Holder may not carry a partially or fully visible handgun, holstered or otherwise, or intentionally display a handgun in plain view of another person on the university grounds.

D. License: A License Holder must carry his or her Concealed Handgun License as required by law and display said license to law enforcement officials in accordance with *411.205* of the Texas Government Code. License Holders are not required to disclose their status as a concealed handgun licensee in order to participate in any program or service offered by the University, except as required by law.

E. Storage of Firearms: It is the responsibility of the license holder to properly store their concealed handgun in accordance with the Texas Government Code Subchapter H Section *411.188.4*. In addition, the University does not provide gun storage at any of the university campuses for concealed handguns or other firearms.

IV. REFERENCES

State Laws & Other Regulations

1. Senate Bill 11 – Campus Carry
2. Texas Government Code Section 411.205 – Requirement to Display License
3. Texas Government Code Subchapter H, Section 411.188.4 – Law Enforcement and Public Protection

Appendix A-11

LAMAR UNIVERSITY
CONCEALED HANDGUN POLICY

I. Statement of Purpose:

Lamar University, a component of the Texas State University System, hereby establishes the Concealed Handgun Policy pursuant to Senate Bill 11 (also known as "Campus Carry") [84th Texas Legislature].

II. Scope:

This policy applies to all students, employees, and visitors licensed to carry a handgun under Texas law on the Lamar University campus or premises.

III. Definitions

About the Person: A license holder may carry a handgun in a manner such that it must be close enough to the license holder that he or she can grasp it without materially changing position.

Athletic Event: An athletic event taking place between or among different high school, collegiate, and professional teams or university-sponsored sporting clubs.

Board of Regents: The ten member Board of Regents for The Texas State University System.

Campus: All land and buildings owned or leased by Lamar University *[Texas Government Code §411.2031(a)(1)]*

Concealed Handgun: A handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person.

Handgun: Any firearm designed, made, or adapted to be fired with one hand. *[Texas Penal Code, § 46.01]*

License Holder: A person licensed to carry a handgun under Texas law. *[Texas Government Code, Ch. 411, Subchapter H]*

Premises: A building or portion of a building owned or leased by Lamar University. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *[Texas Penal Code §46.035(f)(3)]*

Texas Academy of Leadership in the Humanities: A residential honors program on the campus of Lamar University for gifted and talented Texas high-school aged students.

IV. Policy Statement:

Lamar University is committed to maintaining a welcoming and safe educational environment for students, employees, and visitors and adopts this policy in compliance with Senate Bill 11 (84th Texas Legislature) which authorizes license holders to possess concealed handguns on university campuses or premises.

Effective August 1, 2016, a license holder may carry a concealed handgun on or about the license holder's person while on Lamar University's campus, except in areas specifically restricted by this policy and law. ***The "open carry" of handguns on Lamar University's campus or premises is against the law***.

V. Places and Events Where Concealed Handguns Are Prohibited (Gun-Free Zones):

Lamar University prohibits students, employees, visitors and guests from carrying concealed handguns on the following premises and at the following events:

1) Cardinal Village residence hall rooms housing students enrolled in the Texas Academy for Leadership in the Humanities (currently in Morris Hall), and related Academy offices and meeting rooms located in Cardinal Village and the Center for College Readiness Building. License holders who reside in other Cardinal Village Residence Halls, including non-Academy students residing in Morris Hall rooms, are allowed to possess concealed handguns; however, a gun safe, approved by Lamar University Police Department, must be provided by the resident in rooms leased to and occupied by those licensed to carry a handgun. If the handgun is not on or about the person, it must be stored in the gun safe.
2) University-designated health and mental health counseling facilities to include the Lamar University Student Health Center and the Psychology Department Counseling Clinic.
3) University-designated disciplinary/personnel facilities to include the Student Disciplinary Hearing Office and Employee Hearing Office.
4) Lamar University premises associated with high school, collegiate, professional, and interscholastic athletic events.
5) Lamar University premises associated with governmental meetings, as well as the Lamar University's Police Department.
6) At the discretion of the President, other Lamar University premises associated with temporary events involving safety considerations (e.g., election sites) and/or areas in which federal or state law, licensing or contract requirements prohibit the carry of handguns.

VI. Notice:

Oral or written notice must be given as to where license holders may not carry a concealed handgun. Notice that is given on a card or document must contain the following language:

> *Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411,*

Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Alternatively, notice may be posted on a sign at the entrance of an area in which the carrying of a concealed handgun is forbidden ("gun-free zone"). The sign must conform to the requirements of the *Penal Code,* in format and content, as follows:

1) Include the above italicized language in both English and Spanish;
2) Use contrasting colors, block letters, at least 1 inch in height; and
3) Be displayed in a conspicuous manner clearly visible to the public.

VII. **Enforcement:**

A license holder commits a criminal offense if the licensee carries a partially or wholly visible handgun, regardless of whether the handgun is holstered, on or about the licensee's person, and intentionally or knowingly displays the handgun in plain view of another person:

1) On the campus or premises of Lamar University
2) On any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area of Lamar University

Any individual who observes violations of this policy should report the matter to the Lamar University Police (or call 409-880-8311). Violation of this policy may result in one or more of the following:

1) Individuals (including students, employees, or visitors) may be excluded from Lamar's campus and premises.
2) Individuals (including students, employees, or visitors) may be referred to law enforcement for arrest and prosecution.
3) Students may be subject to discipline up to and including expulsion.
4) Employees may be subject to discipline up to and including termination.

VIII. **Amendment:**

In accordance with SB 11, the President or officer may amend the provisions of this policy as necessary for campus safety. Such amendment shall be subject to review by the Board of Regents in accordance with the Texas State University System Rules and Regulations.

IX. **Effective Date:**

This policy is effective August 1, 2016.

X. **Responsible Parties:**

Office of the President
Lamar University Police

Appendix A-12

Sam Houston State University
A Member of the Texas State University System

President's Office Policy PRE – 26

Concealed Campus Carry Policy

1. General

   Sam Houston State University ("SHSU") has developed and implemented a Concealed Carry Policy that meets Texas law under Texas Government Code § 411.2031 (Carrying of Handguns by License Holders on Certain Campuses) and Texas Penal Code § 46.035.

2. Purpose

   2.01 This Policy articulates the reasonable rules, regulations and provisions regardingcarrying of concealed handguns by license holders on all SHSU campuses.

   a. In accordance with Government Code § 411.2031 and Texas Penal Code § 46.035, SHSU recognizes the right of individuals licensed to carry concealed handguns to do so on campus land and in buildings owned or leased by SHSU, unless otherwise provided herein.

   b. Individuals who possess a valid handgun license issued by the State of Texas or an approved reciprocating state may legally carry a concealed handgunon or about their person.

   c. Campus housing residents who are license holders may carry their weapon on orabout their person in the residence halls. License holders residing in campus housing are responsible for the safe storage of their handgun whenever it is not on or about their person by use of secure storage devices as required by the Department of Residence Life. All other weapons (including long guns) are prohibited in campus housing units.

3. Areas that are Prohibited Concealed Carry Locations (PCCL).

   3.01 Official Athletic Events (Collegiate or University Interscholastic League) held in Bowers Stadium, Don Sanders Baseball Complex, Bearkat Softball Complex, Meredith and Miriam York Field Events Center, the McAdams TennisCenter, the Johnson Coliseum, Pritchett Field Stadium, and any other

building, grounds, or other SHSU venues hosting a University Interscholastic League Event (Official, Sanctioned Competitions).

3.02 Any governmental meeting that takes place on the campuses of SHSU will be a PCCL.

3.03 Powell Health & Counseling Center (1608 Avenue J), Jack Staggs Counseling Center (1932 Bobby K. Marks Drive), Psychological Services Center (919 Bearkat Boulevard), Services for Students with Disabilities Office (Lee Drain Annex 1916 Avenue J), and Counseling Clinic at the Woodlands Campus, Suite 151(3380 College Park Drive, The Woodlands, Texas 77384).

3.04 Official University Student/Employee Disciplinary/Grievance Hearings.(See also § 4 below).

3.05 Nuclear Magnetic Resonance Lab (Chemistry & Forensic Science Building,Rooms 302 and 323).

3.06 Department of Public Safety Services (Secure Areas of Building only in the Charles W. Tackett University Police Building, 2424 Sam Houston Avenue, Huntsville, Texas 77340).

4. Student and Employee Discipline or Grievance Hearings and Appeals Procedures

It is recognized that student discipline and employee grievance proceedings are held in multi-use venues. During the period a venue is used for such proceedings, the venue shall be a PCCL. The Dean of Students or the Director of Human Resources may designate a room to be used for a proceeding that will be a PCCL. Prior to the proceeding, the student, employee and any additional proceeding participants shall be notified that the disciplinary, grievance, or appeal hearing location is a PCCL. Signage shall be placed at the designated hearing venue at least thirty (30) minutes prior to the proceeding. Proceeding participants may also be given notice through a written document prior to entering the room. At the conclusion of the proceeding, signage shall be removed from the location.

5. University Signage for PCCL Areas

5.01 Signage that is clearly visible, noting that the premises in question is a PCCL, shallbe placed in conspicuous areas (entrances). Notice that is given on a card, document, or sign must contain the following language:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

De conformidad con la Sección 30.06, Código Penal (violación por el titular de la licencia con una pistola oculta), una persona con licencia bajo el Subcapítulo H, Capítulo 411, Código de Gobierno (ley de licencias arma de mano), no puede entrar en esta propiedad con una pistola oculta.

a. PCCL signs must meet the minimum requirements:
   i. Include the above italicized language in both English and Spanish;
   ii. Use contrasting colors, block letters, at least one (1) inch in height; and
   iii. Be displayed in a conspicuous manner clearly visible to the public.

b. All signage and other documentation used to indicate a PCCL shall be approved by the President.

6. Review of Policy

6.01 Each even numbered year, SHSU shall review this policy as follows:

a. The President & Cabinet or designee shall,
   i. Review PCCL on campus; and
   ii. Provide recommendations on new locations designated as PCCL orany updates to the President.

b. Any changes to this Policy, shall be submitted to Board of Regents in accordance with provisions stated in the Board's Rules and Regulations for approval in accordance with the timelines provided in Texas GovernmentCode § 411.2031; and

c. The President shall submit a report to the Texas Legislature, and to the standing committees of the Legislature with jurisdiction over the implementation and continuation of Texas Government Code § 411.2031, by September1st of each even numbered year describing SHSU rules, regulations, or other provisions and justifications on carrying of concealed weapons on campus, and explains the reasons the institution has established those provisions. A copy of the report shall be provided to the Chancellor and the Board of Regents no later than August 1 of each even-numbered year.

References:

Texas Government Code § 411.2031
Texas Government Code § 411.207
Texas Penal Code § 46.035

Appendix A-13

Texas State University

Concealed Carry of Handguns by License Holders on University Premises

UPPS No. 01.04.45
Issue No. 2
Effective Date: 01/16/2018
Next Review Date: 06/01/2021 (E3Y)
Senior Reviewer: Special Assistant to the President

01. POLICY STATEMENTS

01.01 The purpose of this policy is to set forth reasonable rules, regulations, and provisions regarding the carrying of concealed handguns by license holders on all Texas State campuses and controlled premises.

01.02 Effective August 1, 2016, as authorized by Texas Government Code Section 411.2031, individuals who hold a valid license to carry a handgun ("license holder") will be allowed to carry a concealed handgun on or about their person on the campus or on the premises located on the campus of a public institution of higher education. The law does not allow the institution of higher education to establish provisions that generally prohibit or have the effect of generally prohibiting the carrying of concealed handguns by license holders on the campus. However, it does state that the president or other chief executive officer shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution.

01.03 Consistent with the legislative mandates contained in Texas Government Code Section 411.2031 and Texas Penal Code Section 46.035, effective August 1, 2016, Texas State University will allow individuals who hold a valid license to carry a concealed handgun on land and in buildings owned or leased by Texas State, subject to the reasonable rules, regulations, and other provisions regarding the carrying of concealed handguns by license holders as established by the president of Texas State and approved by the Board of Regents of The Texas State University System.

01.04 No person shall openly carry firearm(s) or illegal weapons (as defined in Texas Penal Code 46.05a) or display a deadly weapon in a manner calculated to cause alarm (as prohibited by Texas Penal Code Section 42.01), while on University property. Exceptions to this prohibition

include persons commissioned as peace officers in the state of Texas and federal law enforcement personnel.

02. DEFINITIONS

02.01 Handgun - any firearm that is designed, made, or adapted to be fired with one hand.

02.02 Child or Minor - a person under 18 years of age who is not and has not been married or who has not had the disabilities of minority removed for general purposes.

02.03 Campus - all land and buildings owned or leased by Texas State University.

02.04 License To Carry (LTC) - license issued by the state to carry a handgun on or about the license holder's person, subject to the licensing requirements and limitations set forth in Texas Government Code Section 411.2031.

02.05 Gun-free Zone - any part of the campus that has been designated, either permanently or temporarily, as an area where concealed carry of handguns is prohibited. Guns are not permitted in designated gun-free zones.

02.06 Concealed Carry - the legal requirement that a license holder must carry a concealed handgun on or about the license holder's person. For the purpose of these rules, the phrase "on or about the license holder's person" is defined as carrying a handgun in a manner such that it must be close enough to the license holder that he or she can grasp it without materially changing position.

02.07 Disciplinary Matters, Legal and Quasi-judicial Matters, and Legal Compliance Matters - matters that may result in warnings, sensitive procedural actions, or significant actions regarding student, staff, or faculty status, evaluation, matriculation, or employment. These include, but are not limited to meetings to discuss academic dishonesty, incivility in the classroom or in other university settings, faculty or staff grievances, grade appeals, mediations, evaluation conferences, and probation and suspension hearings.

03. PROHIBITED CONCEALED CARRY LOCATIONS /EVENTS (GUN-FREE ZONES)

03.01 Pursuant to and consistent with Chapter 46 of the Texas Penal Code, weapons, including handguns, are prohibited in the following locations:

a. on the physical premises of a K-12 school or education institution, any grounds or building on which an activity sponsored by a school or education institution is being conducted, or a passenger transportation vehicle of a school or education institution, whether the school or educational institution is public or private unless pursuant to written regulations or written authorization of the institution; the Texas State University campus, including but not limited to The Meadows Center for Water and the Environment and the Freeman Aquatic Biology Building, is routinely host to K-12 students and, as such, these areas are to be gun free during any such events;

b. on the premises of a polling place on the day of an election or while voting is in progress. Premises designated as a polling location may change from time to time. Including by way of example, a portion of the 3rd floor of the LBJ Student Center is a designated polling location and weapons are prohibited there during polling activities;

c. on the premises used for competitive sporting, NCAA, and University Interscholastic League (UIL) events; and

d. on premises when used for religious worship.

03.02 Pursuant to Texas Government Code Section 411.2031, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution. Texas State University has designated the following areas, as specified in subsections a through d, as permanent gun-free zones and will display appropriate signage at such locations.

a. Concealed Carry is prohibited in premises providing services or events for **minor children** as described below:

a. Child Development Center (CDC)
b. Clinic for Autism Research Evaluation and Support (CARES)
c. Assessment and Counseling Clinic (ACC) –Round Rock Campus
d. Speech-Language-Hearing and Physical Therapy Clinics
e. locations used for Pre-K through grade 12 summer activities and camps on the San Marcos Campus and the Round Rock Campus during summer sessions including, but not limited to the following locations: residence halls used for summer camps, the Music Building on San Marcos Campus and the Avery Building on Round Rock Campus during summer sessions.

b. Concealed Carry is prohibited in facilities providing **health services** as follows:

1) Student Health Center - San Marcos Campus
2) Student Health Center - Round Rock Campus

c. Concealed Carry is prohibited in premises used for **disciplinary matters, legal compliance, counseling, and accredited testing locations** as follows:

1) fifth floor of the LBJ Student Center including the Texas State Counseling Center
2) Student Health Center/Counseling Center, Room 116, Nursing Building on Round Rock Campus
3) Premises when used for disciplinary matters, legal and quasi-judicial matters, and legal compliance. Any designated gun-free zones for these purposes are identified with appropriate signage
4) Premises when used to administer a test where accreditation standards require that the test be administered in a gun-free location

d. Concealed carry is prohibited in premises used for **official residence or governmental events** as follows:

1) president's House and surrounding grounds on San Marcos Campus
2) locations when used for governmental meetings on San Marcos Campus and Round Rock Campus
3) designated polling locations

03.03 No person, department, college or administrative unit may make or enforce any policy or rule limiting or prohibiting the carrying of firearms except by obtaining an exception as delineated in Section 03.04.

03.04 When the nature of a particular academic setting or other campus activity would create safety concerns relative to the presence of a concealed handgun, a university representative may request the addition of a temporary gun-free zone by submitting a Request For Temporary Gun-Free Zone to the provost and vice president for Academic Affairs or other appropriate member of the President's Cabinet. The President's Cabinet member may make a recommendation to the president, who exercises final approval with no appeal.

04. UNIVERSITY GUN-FREE ZONE NOTICE AND SIGNAGE

04.01 The president's office will cause the President's Rules Regarding the Carrying of Concealed Handguns by License Holders on Texas State University Campuses, as approved by the Board of Regents of The Texas State University System, to be prominently posted on the University website. Said rules contain specific notice of all gun-free zones.

04.02 Signage that is clearly visible, noting that the site in question is a permanent and/or temporary gun-free zone, shall be placed in conspicuous areas.

a. Notice that is given on a card, document, or sign must contain the following language:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

De conformidad con la sección 30.06, código Penal (violación por el titular de la licencia con una pistola oculta), una persona con licencia bajo el Subcapitulo H, Capitulo 411, Código de Gobierno (ley de licencias arma de mano), no puedo entrar en esta propiedad con una pistola oculta.

b. Permanent and temporary gun-free zone signs must meet the minimum standards: 1) include the above italicized language in both English and Spanish; 2) use contrasting colors, block letters, at least one inch in height; and 3) be displayed in a conspicuous manner clearly visible to the public.

05. UNIVERSITY DOES NOT PROVIDE HANDGUN STORAGE

05.01 The university does not provide storage for handguns; it is the responsibility of the license holder to safely and securely store his or her handgun.

05.02 By Texas statute (Government Code Section 411.2032), the university may not prohibit or restrict storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who holds a valid license to carry a handgun under this subchapter and lawfully possesses the firearm or ammunition: (a) on a street or driveway located on the campus of the institution; or (b) in a parking lot, parking garage, or other parking area located on the campus of the institution.

06 ENFORCEMENT PROCEDURES

06.01 Violations of this policy must be reported to the University Police Department (UPD). Based on UPD's findings, students, faculty, and staff may be referred for disciplinary action pursuant to subsections a., b., and c. below.

a. Students found in violation of the policy or state handgun laws shall be reported to Student Justice in the Dean of Students Office for appropriate disciplinary action. Disciplinary procedures and penalties will follow the guidelines outlined in the Code of Student Conduct

b. Faculty and staff found in violation of the policy shall be reported to their supervisors for appropriate disciplinary action. These actions could include sanctions ranging from reprimand, suspension with or without pay, or termination.

c. Contractors and subcontractors found in violation of this policy or state handgun licensing laws shall be reported to the department administering the contract for appropriate sanctions.

07 REVIEWERS OF THIS UPPS

07.01 Reviewers of this UPPS include the following:

Position	Date
Special Assistant to the President	June 1 E3Y
Provost and Vice-President for Academic Affairs	June 1 E3Y
Vice-President for Student Affairs	June 1 E3Y
Chair, Faculty Senate	June 1 E3Y
Chair, Staff Council	June 1 E3Y
Director, University Police	June 1 E3Y

08 CERTIFICATION STATEMENT

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from date of this document until superseded.

Vice President for University Administration; senior reviewer of this UPPS

President

Appendix A-14

Texas State University System Administration
Concealed Handgun Policy

1. **Policy Statement.** The Texas State University System is committed to providing a safe environment for its Regents, employees and visitors to the System Administration Office while respecting the rights of individuals licensed to carry concealed handguns where permitted by law. The term System Administration shall mean the premises located at 601 Colorado Street, Austin, Texas 78701.

2. **Purpose.** The purpose of this policy is to establish guidelines on possession of concealed handguns in the System Administration that conform with state and federal laws. This policy does not apply to commissioned peace officers as defined in *Texas Code of Criminal Procedure 2.12*.

3. **Right to Carry and Exceptions.** A concealed handgun license holder may carry a concealed handgun while in the System Administration except as follows:

   3.1 In the specific room or rooms used for and during any regular or special called meetings, or gatherings of the Board of Regents or its committees; (*Texas Government Code 411.2031(d – 1)*).

   3.2 In the specific room or rooms used for and during any disciplinary proceedings (*Texas Government Code 411.2031(d – 1)*).

   3.3 In any room or rooms designated by the Chancellor, as necessary, for safety concerns to System Administration Regents, employees and visitors. (*Texas Government Code 411.2031(d – 1)*).

4. **Notice.** Signage and/or notice prohibiting the carry of concealed handguns shall be clearly and conspicuously displayed for any area used for the purposes stated in in this section. (*Texas Government Code 411.2031(d – 1)*).

5. **Open Carry Prohibited.** All persons, including license holders, are prohibited from openly carrying a handgun in the System Administration.

6. **Display of Concealed Handgun.** A license holder may not carry a partially or fully visible handgun, holstered or otherwise, or intentionally display a handgun in plain view of another person while in the System Administration.

7. **Display of License.** A license holder must carry his or her Concealed Handgun License as required by law and display said license to law enforcement officials upon request *(Texas Government Code 411.205)*. License holders are not required to disclose their status as a concealed handgun licensee in order to participate in any program or service offered by the System Administration office, except as required by law.

8. **Responsibility for Storage of Firearms.** It is the responsibility of the license holders to properly store their concealed handguns (*Texas Government Code 411.188 (b) (4)).* The System Administration does not provide gun storage for concealed handguns or other firearms.

9. **Other Firearms and Weapons**. Firearms and weapons, other than concealed handguns, are prohibited. (*Chapter VII, paragraph 4.6 of System Rules and Regulations)*.

Appendix A-15

TSUS Policy Guideline: Electronic and Information Resource Accessibility
Policy Guideline ID: TSUS IT.05.03
Approval Authority: TSUS Board of Regents
Effective BOR Date: August 13, 2020
Last Revised: N/A

Purpose/Reason

The Texas State University System (TSUS) considers information resources accessibility and access by persons with disabilities to electronic information resources procured or developed by the Texas State University System a core value. Compliance with this policy contributes to the availability and inclusion of electronic information resources for all members of the Texas State University System community.

Policy Statement

The Texas State University System and its component institutions must ensure the accessibility of its electronic information resources procured or developed by the Texas State University System and its component institutions as outlined in Texas Administrative Code, Title 1, Part 10, Chapters 206 and 213.

Policy Specifics

1. **Compliance**

   The Texas State University System (TSUS) and each Component must ensure access by individuals with disabilities to electronic and information resources (EIR) procured or developed by TSUS or Component institutions. (See Texas Administrative Code, Title 1, Part 10, Chapters 206 and 213, Subchapter C (TAC 206 and TAC 213).

2. **Exceptions**

   Texas Administrative Code, Rule 213.37, in accordance with Section 2054.460 of the Texas Government Code, provides that the president or chancellor of a Texas institution of higher education may approve exceptions to Department of Information Resources (DIR) Accessibility Rules when compliance with those rules will constitute a significant difficulty or expense to that institution of higher education. The chancellor may approve or delegate the authority to approve all TSUS Systemwide exceptions and TSUS Administration exceptions. The president of component institutions may approve or delegate the authority to approve each component exception.

3. **Accessibility Training**

   The Chancellor of The Texas State University System ensures that System Administration staff receive necessary training to meet accessibility-related rules. The President of component institutions ensures that Component staff receive necessary training to meet accessibility-related rules. (See Texas Administrative Code, Title 1, Part 10, Chapter 213, Subchapter C, Rule 213.39 (TAC 213).

4. **Electronic Information Resources Accessibility Coordinator (EIRAC)**

   President of component institution designates, or delegates the authority to designate, the EIRAC to develop, support and maintain digital accessibility policies and assist Component with all applicable accessibility rules and regulations.

5. **Definitions**

   Texas Administrative Code, Title 1, Part 10, Chapter 213, Subchapter A, Rule 213.1 includes definitions for electronic and information resources covered by DIR Accessibility Rules as well as general terms referenced by Chapters 206 and 213 of the Code. The Texas State University System and Components should reference these definitions when enforcing DIR Accessibility Rules.