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Administrative Policies

1. President

Presidential Selection.

The Board of Regents selects the president of each institution. Refer to Regents' Rule 20201

Approved July 16, 1996
Revised June 2009

2. Selection, Appointment, and Dismissal of Administrative Personnel by Chief Administrative Officer

2.1 Vacant Administrative Positions

In seeking to fill vacant administrative positions within The University, the President may choose to use campus search committees to recommend persons for appointment to such positions. In no case, however, will the President be bound by any such recommendations.

2.2 Evaluation of Academic Administrators

2.21 Faculty Involvement in the Evaluation of Academic Administrators

Evaluation of all administrators below the rank of President shall be conducted at least once every three (3) years. All faculty reporting to and/or directly affected by an administrator below the rank of President should be afforded the opportunity to provide input for the evaluation of the administrator through the use of the UTPB Academic Administrator Evaluation Form.

2.211 Evaluation Forms

These evaluation forms will be distributed by the Faculty Secretary. The forms will be distributed through campus mail during spring semester prior to spring break and will be returned to the Faculty Secretary within fifteen working days. A panel composed of faculty senators will tally the responses and send a summary of the evaluation to the administrator evaluated, the administrator's supervisor, and the President.

2.3 *Continuation of Administration Personnel*

Administrative personnel serve at the pleasure of the President.

3. Purchasing

Section 51.9335, Education Code, authorizes institutions of higher education to use "best value" procurement processes which provide greater autonomy and flexibility in the procurement of goods and services. This policy provides guidelines for "best value" procurement.

This policy impacts all employees who participate to any extent in the procurement of goods or services, including but not limited to accumulation of information, preparation of solicitation and related procurement documentation, and selection of goods or service providers.

The University shall conduct all procurement activities in a manner which assures that each procurement of goods or services provides "best value" to the institution. "Best value" means the optimum combination of economy and quality that is the result of fair, efficient and practical procurement decision-making and which achieves the institution's procurement objectives. Each procurement of goods or services shall be made using a method which results in "best value" to the institution, including but not limited to:

(1) competitive bidding:

(2) competitive sealed proposals, and;

(3) group purchasing programs;

And shall be awarded based on those criteria which provide "best value" to the institution. The

Procurement methods and selection criteria used in the solicitation and award of procurement transactions shall be determined by the institution's Purchasing Office in accordance with all applicable federal, state and local laws, rules and regulations, the Regents' Rules and Regulations and best procurement practices.

All procurements shall be made in accordance with all applicable federal, state and local laws, rules and regulations, the Regents' Rules and Regulations and best procurement practices. Subject to the approval of the U.T. System Office of Academic or Health Affairs and Office of General Counsel and the institution's chief business officer, the institution's Purchasing Office shall establish and implement detailed procedures and guidelines for the solicitation and award of all procurements of goods and services to ensure compliance with all applicable federal, state and local laws, rules and regulations, the Regents' Rules and Regulations, and best procurement practices.

All questions concerning this policy should be directed to the institution's Purchasing Office.

References include:

Education Code, Section 51.9335

Regents' Rules and Regulations, Rule 20901 Procurement of Certain Goods and Services

UT System Administration Policy Library, Policy UTS159 Purchasing

UT System Administration Policy Library, Policy UTS148 Protest Procedures related to Procurements of Goods and Services

4. Travel

For detailed information on travel regulations, see the Texas Government Code Chapter 660, The General Appropriations Act, the State of Texas Comptroller of Public Accounts Regulations, the UTPB Travel Policy and Regents' Rules 20801 and 50601. Travel reimbursement rates and guidelines may be found in *Textravel* at the State of Texas Comptroller of Public Accounts website.

4.1 UTPB Travel Policy

The University of Texas of the Permian Basin follows the basic State of Texas travel policies as laid out in the document periodically published by the State of Texas Comptroller of Public Accounts. This document is currently called Textravel (formerly the **State of Texas Travel Allowance Guide (TAG)** (see references)**.**

Documentation requirements, including the requirements for receipts, travel cost allowances, and related information are provided in detail in that document. The University uses **MapQuest or Google Maps** to determine allowable mileage between domestic locations and related reimbursements. For out of state and foreign travel, *Textravel* refers the user to the federal travel regulations for maximum allowances.

Detailed information regarding university travel by faculty, staff and students may be found at:

The University of Texas of the Permian Basin Travel Web Site:
http://ba.utpb.edu

Textravel:
https://fmx.cpa.state.tx.us/fmx/travel/textravel/index.php

Federal Travel Regulations: www.gsa.gov/federaltravelregulation

Student travel is governed by specific rules outlined in the University's Handbook of Operating Procedures, Part VI, Section 4.3, Travel Safety Policy for Students Attending and Participating in University Sponsored Activities. In addition, the Office of Student Life has detailed information and an explanatory table on student travel issues. These documents are posted on the Travel Web site.

4.2 Travel Outside the United States

Authorization for Travel

Requests for authorization for foreign travel or other travel outside Texas shall be transmitted through proper administrative channels to the President, as applicable, or to his or her designee for advance written approval. Foreign travel means travel to, in, or from a destination that is neither in the United States, nor a possession of the United States, Mexico or Canada. Requests for reimbursement for expenses incurred during the course of

authorized travel are subject to applicable UT-Permian Basin or UT System reimbursement rules and regulations, the Regents' Rules and Regulations as well as State law.

4.3 Travel Safety Policy for Students Attending and Participating in University Sponsored Activities

4.31 When any currently enrolled student travels more than 25 miles from campus to an event that is organized, sponsored, planned, funded and approved in accordance with this policy by the university and, either:

(a) the travel to the event is funded and undertaken using a University owned or leased vehicle, or;

(b) attendance is required by a registered student organization:

4.311 Prior written approval must be obtained by the appropriate institutional officer and all participants must complete a release and travel indemnification agreement.

4.312 Each operator of a university owned, leased or rented vehicle must be a current employee and must satisfy all other applicable requirements of this policy. All operators of University owned vehicles shall have a current Motor Vehicle Record on file with the designated office of the university. Compliance with all applicable University of Texas System Policies, including, but not limited to UTS 157, is required.

4.313 Operators of motor vehicles shall comply with all laws, regulations, and posted signs regarding speed and traffic control, and shall not operate the vehicle for a continuous period that is longer than the maximum provided by federal or state law or regulations or guidelines promulgated by the university, whichever is lower, without scheduled rest stops or overnight stops.

4.314 The total number of passengers in any vehicle at any time it is in operation shall not exceed the manufacturer's recommended capacity or the number specified in applicable federal or state law, or regulations, whichever is lower.

4.315 Each motor vehicle must have a current proof of liability insurance card and state inspection certification, be equipped with all safety devices or equipment required by federal or state law or regulation, and must comply with all other applicable requirements of federal or state law or regulations. All university owned or leased vehicles must be subject to scheduled periodic service and maintenance by qualified persons, and comply with all applicable requirements of The University of Texas System Policy (UTS 157).

4.316 Occupants of motor vehicles shall use seat belts or other approved safety restraint devices required by law or regulation at all times when the vehicle is in operation,

4.317 Occupants of motor vehicles shall not consume, possess, or transport any alcoholic beverages or illegal substances,

4.318 When a common carrier is used for student travel covered by this policy, the organization advisor shall take reasonable steps to assure the travel is undertaken in conformance with this policy.

4.319 Travel Required by Registered Student Organizations. Student organizations that require their members to travel to covered events shall comply with all applicable provisions of this policy, including but not limited to 4.313, 4.314, 4.315, 4.316, 4.317 and any other applicable university policies and rules governing students and student organizations.

4.3191 It recommended that student organizations that require travel to events subject to this policy use a common carrier. When students use private vehicles there is no insurance or other coverage provided by the university.

4.3192 As part of the approval process, each student organization must be able to satisfactorily verify that each student participating in a covered travel event has read a copy of this travel policy and agrees to comply with its provisions.

5. Contracts

It is the policy of the University to process all contracts and agreements of any kind or nature in accordance with the UT System Administration Policy Library, Policy UTS145 Processing of Contracts.

5.1 Policy on Contracts with Historically Underutilized Businesses

Pursuant to Regents' Rules and Regulations, Rule 20701 Use of Historically Underutilized Businesses and UT System Administration Policy Library, Policy UTS137 Historically Underused Business (HUB) Program, it is the policy of the University to maximize opportunities for Historically Underutilized Business (HUB) firms to provide materials, supplies, equipment , and services needed to support mission, administrative, and logistical operations of the University. The University commits to a good faith effort to increase the number and value of business transactions with HUB firms consistent with the State's functional goal to build a solid foundation for social and economic prosperity.

6. Records Management and Retention

6.1 Policy Statement on Records Management and Retention

The University of Texas of the Permian Basin recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule congruent with all state and federal laws and regulations.

Duplicate files, duplicate copies, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or non-record copies should be destroyed when they cease to be useful.

The Chancellor of The University of Texas System has designated the Vice President for Business Affairs at each UT System institution as the custodian of records for purposes of compliance with the Texas Open Records Act (*Texas Government Code, Section 552.003*). The Vice President for Business Affairs is also the custodian of records for purposes of implementing the Retention and Destruction Schedule in compliance with state law governing disposition of records (*Texas Government Code,* Section 441.037).

All records will be retained for the minimum periods stated in the Retention Schedule, www.utpb.edu/administration/pres-office/required-reports . Notwithstanding such minimum retention periods, all records must be maintained until all required audits are completed and should be kept beyond the listed retention periods when there is a probability of litigation either involving the records or requiring their use. Documents may also be maintained for the prescribed minimum retention periods in microform if the microform reproduction is accomplished pursuant to the procedure that complies with state law (*Texas Government Code,* Section 441.038).

Vital Records or records which are necessary for the continuation of the institution's operation following a disaster will be identified and protected. Historical records will be preserved in the archives of the institution.

6.2 Destruction of Records

Form RMD 102 (Request for Authority to Dispose of Public Records) published by the Texas State Library must be completed and submitted to the Records Services Department of the Texas State Library in order to obtain the approval of the State Auditor and the Director of the Texas State Library for the destruction of the public records. Additionally, form RMD 102 must be completed and approval obtained before original records can be destroyed following microfilming.

6.3 Release of Information Under the Texas Public Information Act

6.31 Policy

All requests for records must be forwarded to the Vice President for Business Affairs or his/her designee within twenty-four (24) hours of receipt.

6.32 General Information

All information collected, assembled or maintained by or for a governmental body, including U.T. Permian Basin, in the course of its official business is public information subject to disclosure under the provisions of the Texas Public Information Act, unless information falls within the Act's specified exceptions. Under the Act, the failure of good faith compliance with its disclosure and/or withholding requirements can result in civil and criminal penalties. Medical records and the information therein are not, as a general rule, public information.

6.33 Custodian of Records

The Vice President for Business Affairs at U. T. Permian Basin is the designated custodian of records at U. T. Permian Basin.

6.34 Authority

The Vice President for Business Affairs or his/her designee has the exclusive authority to release any records.

6.35 Form of Request

All requests for public information should be received in writing. For purposes of this Act, a written request includes a request made in writing that is sent to the chief administrative officer, the Public Information Officer, or the person designated by the Public Information Officer, by electronic mail or facsimile transmission.

Any official or other employee receiving a written request for information must forward it immediately to the Public Information Officer.

Email and facsimile requests are not valid unless sent directly by the requestor to the Chief Administrative Officer, Public Information Officer, or his or her designee.

Individuals contacting System Administration with written or verbal inquiries regarding public information held by an institution should be advised to submit their requests in writing directly to the Public Information Officer of the appropriate institution.

6.36 Vice President for Business Affairs

The Vice President for Business Affairs is responsible for:

Within forty-eight (48) hours of receipt of the written request, the Vice President for Business Affairs or his/her designee will make a decision whether to withhold or disclose records. When it is unquestionably clear that the Texas Public Information Act requires release of the requested records, the Vice President for Business Affairs will fill the request, notifying the Chief Administrative Officer as appropriate.

Consulting with the Office of General Counsel for The U. T. System, whether the records in question should be withheld or released.

Assisting the Office of General Counsel in preparing requests for Attorney General opinions within the ten-day time frame when the campus wishes to deny release of records and the Office of General Counsel determines that there is no prior determination by the courts or the Attorney General that the records are the type that fall within the claimed exception to the Act.

Reviewing all responses or releases of information and submitting the same to the President or designee for approval following appropriate consultation with the Office of General Counsel, and the Executive Vice Chancellor for Business Affairs in the case of multiple component responses.

6.37 Procedures

Upon receipt of a written request, the following action should be taken:

Date stamp the original written request and hand-deliver within twenty-four (24) hours of receipt, to the Vice President for Business Affairs, indicating that the delivery is a Texas Public Information request.

6.4 Coordination with U. T. System Records Management Office

The U. T. System Records Management Office Staff will coordinate the establishment of records programs at campuses, and staff members will be available to assist institution staff members assigned records management responsibilities.

The U. T. System Records Management Office will act as a clearinghouse for collection of records retention schedules to be submitted to the director of the Records Management Division of the Texas State Library in compliance with Texas Government Code, Section 441.037

6.5 Requests for Access to Student Records (See HOP Part VI, Section 13)

7. Installment Tuition - Payment, Nonpayment, Collection

Section 54.007 of the *Texas Education Code* authorizes the Board of Regents of The University of Texas System to provide for the payment of tuition and mandatory fees during the fall and spring semesters through the following alternatives:

7.1 Full Payment of Tuition and Fees

Full payment of tuition and fees in advance of the beginning of the semester; or

7.2 One-Half Payment of Tuition and Fees

One-half payment of tuition and fees in advance of the beginning of the semester, one-quarter payment prior to the start of the sixth class week, and the final one-quarter payment before the beginning of the eleventh class week.

7.3 Incidental Fee Assessed

If an installment payment option is used and a payment is late, an incidental late fee will be assessed.

7.31 Failure to Provide Full Payment of Tuition and Fees

A student who fails to provide full payment of tuition and fees, including late fees assessed, to The University when the payments are due, is subject to one or more of the following actions at The University's option:

7.311 Prohibition from registering for classes until full payment is made.

7.312 Withholding of grades, degree and official transcript, and loss of credit for work completed that semester.

7.313 All penalties and actions authorized by law.

7.4 The University may adopt other payment programs that benefit students and that meet statutory requirements such as FACTS (Fast Automatic Cash Transfer System). For more information contact the UTPB Office of Accounting.

8. Capitalized and Controlled University Property

8.1. Regulatory Framework

The University's accountability with regard to its personal property (i.e., furniture and equipment) is a statutory responsibility. Chapter 403, Subchapter L, of the Texas Government Code entitled "Property Accounting" provides the statutory framework for the accounting of personal property owned by the State of Texas. The Comptroller of Public Accounts of the State of Texas (Comptroller) is authorized to establish rules and regulations for the implementation of these laws. The Comptroller has established a set of process guidelines and related forms under the title "State Property Accounting Process User's Guide" to facilitate compliance by various governmental entities. Chapter 2175 of the Government Code contains provisions affecting the disposal or transfer of surplus property, including Section 2175.304 that contains important exemptions for institutions of higher education. Regents Rule 80201 provides more detailed guidance on issues relating to the disposition of surplus property.

8.2. Responsibility

The Vice President for Business Affairs is property manager for the University. Department heads are responsible for all University property in their care. The property manager is responsible for maintaining property records and prescribing reports required from department heads. Department heads are responsible to ensure that the annual physical inventory of University property assigned to their department is completed in a timely manner. These records are maintained by the Director of Accounting. The department head may not delegate the responsibility for the proper care, maintenance, and safekeeping of university property assigned to his/her custody; however, departmental custodians should be appointed to assist department heads in fulfilling their responsibilities. All custodians new to the requirements for inventory and accounting of property shall attend appropriate training classes.

8.3. Inventory

A department's capitalized inventory is the furnishings and equipment they use to carry out their own mission. These items are usually purchased with departmental funds, but may also have been acquired by transfer from another department or state agency, or, by donor gift. Capitalized inventory items are non-consumable, so they will have at least a one-year useful life and a purchase price of $5,000 or more. Annual inventory reconciliation will be performed at the department level. All items listed as missing, stolen, or otherwise not found must be explained in the reconciliation process. The circumstances relating to missing and stolen property will be reviewed by the Vice President for Business Affairs to determine whether department neglect or carelessness contributed to the loss. The State Auditor's Office findings will be looking closely at what measures a department

has taken to try and find and recover the items, and, what safety measures are in place to prevent such losses. These procedures place an emphasis on responsibility and accountability on each employee for the state property for which they have been entrusted.

8.4. Tagging

Purchased items are flagged to be tagged by the payment process. This flag is automatically generated by the object code used on the payment document. All items with a unit purchase price of $5,000 or more and a useful life of greater than one year will be tagged with a bar-coded property tag with a unique number. This tag should be placed in a location on the item that will provide efficient scanning at the time of annual reconciliation. An employee from Central Store/Receiving, will expedite the tagging process. This employee will place the tag on the equipment in a location that is consistent with other like equipment, and gather relevant information for the creation of an electronic record of the item (i.e. serial number, bldg/room number). The information will be forwarded to USAS who sets up the records. If the purchase price of an item is less than $5,000 and does not fall in the controlled items category, the State does not require that it be tracked with a numbered tag. There are property tags, with no numbers, that have the University seal and name that should be used for these items. A blank property tag will clearly show ownership of the property and provide deterrent against theft.

8.5. Controlled Items

Controlled Items are those items, under the capitalized cost of $5,000, that either the Comptroller or our processes require us to account for, and report on, annually. With the exception of guns and rifles, controlled items will have a minimum purchase price of $500.

8.6. Tracking

Inventory items are tracked primarily by their property tag numbers. Central Stores along with IRD maintains the inventory records for all departments; therefore, all communication and paperwork regarding an inventory item should be routed through that office for final approval. The inventory record is a good source of information regarding an item (for example: serial number, purchase order number, account number of acquisition, department ownership, all previous owners of transferred items, purchase price, etc.) and is often helpful to identify items that have lost their property tags.

8.7. Off-Site

Inventory items may be taken off the University premises upon completion of the Removal from Premises Authorization form. This form identifies the employee requesting the authorization, a certification that the item will only be used for

University business purposes, a signed recommendation of approval by the department head, and, final approval by the property manager.

8.8. Transfer

Moving the responsibility and ownership of inventory items from one department to another is made official by filling out a transfer form and forwarding it to the Accounting office with original signatures from both the transferring and receiving departments. Consistency with this activity is critical in maintaining accurate departmental records. Please be aware that ownership and responsibility remains with the transferring department until the receiving department has signed the transfer form. It is considered good stewardship to utilize, within your agency, as much of the useful life of an item as possible before releasing it to surplus or any other entity.

8.9. Surplus

When an inventory item becomes obsolete for use at the University it is transferred to the Surplus Property division for appropriate disposal in accordance with the University's written procedures. This process requires that the transferring department prepare a transfer form assigning the item to Surplus. The Physical Plant Warehouse Supervisor is the only authorized signer to receive surplus items. Therefore, it is imperative that arrangements for surplus be made with him, to protect the security of the items, before the surplus truck picks them up and assumes ownership of them. Departments remain responsible for the items until Surplus Property authorities have signed for them.

All information storage devices must be subjected to data removal and decommissioning procedures prior to disposal. The department must document their services on your transfer form, so it's important to have it prepared before you contact them to come to your department. In the rare instance where IRD determines that a computer should not be sent to surplus but rather has continued service-life for the University, they will request that you change the receiving department on the form, from Surplus to IRD (If there are multiple items on the form, but not all of them are surplus property, they will request that you delete the items not surplus and put them on a separate form for transfer to IRD.) When IRD's service is complete, contact IRD to remove the item(s) for surplus.

8.10. Annual Reconciliation

State law requires that each state agency perform an annual physical check of all of their inventory items. To comply with this requirement, the University's property manager has delegated the annual reconciliation to each department head. The department head will handle the annual reconciliation process for their department, ensuring the accuracy of the data, timeliness of the process, and the return to Central Stores/Receiving of the required certification and documentation to complete the department's responsibilities for the activity. This annual event

should occur for the University each year between February and April. Detailed instructions and timelines are generally included in information packets provided to departments at the beginning of the annual process. The process includes a preliminary scanning of bar-coded items, for each department when applicable. Items not located in the scanning process must be reconciled by the department. The deadlines for completion of the entire annual process are staggered for departments from April 1 to May 1.

8.11. Stolen

To declare an item stolen, the department must submit a copy of the police report to Central Stores/Receiving within 24 hours of filing the report. (If no police report is filed immediately upon determining that the item has been stolen, it cannot carry the stolen designation; it will instead be considered missing). Central Stores/Receiving will submit the police report as support documentation for a Request for Removal from Inventory to the U.T. Property Manager (Central Stores/Receiving maintains the University's inventory records on the Statewide Property Accounting system). The report will be reviewed and appropriate action will be taken.

8.12. Missing

An item should be declared missing by a department when they first become aware that they cannot find it. An item that is classified as missing will remain on the department's inventory for two years from the date that it was electronically stamped as missing. The two-year gap is a window of opportunity for the department to look for the item or for the item to resurface. Many items get labeled as missing during reconciliation, but turn up in other departments as items that they have possession of but are not on their list to acknowledge as found. When this occurs, Central Stores/Receiving notifies the department with the missing item so they can either retrieve their equipment or prepare appropriate transfer documentation.

9. Special Use Facility Regulations

9.1 Special Use Facility

Rule 80106: Special Use Facility Designation: Section 1, the President of an institution may designate specific facilities, such as special event centers, conference centers, concert halls, theatres or auditoria as special use facilities. Accordingly, President W. David Watts designates the following facilities as Special Use:

Library Lecture Hall LL001

Wagner-Noel Performing Arts Center-excluding Music Department/Instructional Space

Center for Energy and Economic Diversification (CEED)

The Center for Energy and Economic Diversification (CEED) is designated as a Special Use Facility as authorized by the *Rules and Regulations* of the Board of Regents of The University of Texas System, Rule 80106. The president of the University shall cause to be prepared and submitted for approval as part of the HOP, appropriate rules and regulations for reservations and use of Special Use Facilities.

9.11 Priorities of Users

9.111 University Sponsored Activities directly related to the primary mission of the CEED, particularly in the areas of research and economic development.

9.112 Academic and related activities of The University of Texas of the Permian Basin such as regularly scheduled classes, special seminars, research activities, etc.

9.113 Events that meet the requirements of Rule 80105 of the Regents' *Rules and Regulations* and jointly sponsored by The University of Texas of the Permian Basin with non-University groups with the prior approval of the President or the President's Delegate. In effect, joint sponsorship of Special Facilities use by non-University users can only occur upon the invitation of The University.

9.114 Use by registered student, faculty, or staff organizations in compliance with Subsections Rule' 80103 & 80104 of the Regents' *Rules and Regulations*. Rule 80104 specifically prohibits registered student, faculty, or staff organizations from entering into joint sponsorship of any event with individuals, groups, or students that are not registered.

9.115 Events sponsored solely by non-University organizations, as provided by the Regents' *Rules and Regulations* of the Board of Regents of The University of Texas System, Rule 80106 and subject

to the conditions set below.

9.12 Reservations

9.121 Application for use of the CEED must be made through the CEED Facilities Manager.

9.122 Eligibility and Priority shall be determined by the CEED Facilities Manager. Priorities will be established in accordance with the criteria outlined in Section 9.11 above.

9.123 Once a reservation has been confirmed by the Facilities Manager, it should not be rescinded in favor of a higher priority user.

9.124 No reservations for use of the CEED facility may be assigned in whole or in part to any other user or co-sponsor, agent or third party.

9.13 Use Fees

9.131 Students, faculty, and non-University co-sponsors are not exempt from fees for the use of the CEED. Use of a University facility by student, faculty, or staff organizations is not an official use by the University, therefore such organizations cannot be permitted to use the facility without payment of a use fee. UTPB budgeted units do not pay a use fee, but do pay actual expenses for the use of the CEED.

9.132 Use fees for non-University users are assessed at rates which will ensure recovery of that part of the operating cost of the facility that is attributable directly or indirectly to such non-University use. A schedule of fees for the use of CEED facilities and equipment is available at the office of the CEED Facilities Manager.

9.133 If a non-University user charges those attending an event any admission or registration fee, or accepts donations from those in attendance, those funds collected which exceed the actual cost of the event must be remitted to the CEED as an additional use fee. A complete accounting of all funds collected and of the actual cost of the event shall be submitted to the Facilities Manager within ten (10) days after the event occurs.

9.134 All users and sponsors shall be responsible for payment for damage to the CEED and its fixtures and equipment, whether caused by the user or its patrons, ordinary wear and tear excepted. Non-University users of the CEED facility shall be required to provide liability insurance covering injury to persons including those resulting in death, and property damage insurance, including damage to the CEED in amounts and under policies satisfactory to the CEED Facilities Manager.

9.14 General Policies

9.141 Signs & Displays - No signs, messages or other materials soliciting the sale or offer for sale of any property or service whether for immediate or future delivery, the purchase or rental of any property, product or service, the support of or request to join an unregistered organization, any gift or contribution or the request that a vote be cast for or against a candidate, issue or proposition appearing on the ballot at any election held pursuant to state or federal law may be posted, displayed, or distributed in or in the immediate vicinity of the CEED.

9.142 In accordance with the Regents' *Rules and Regulations*, smoking is not permitted inside the CEED.

9.143 Alcoholic Beverages - State laws and regulations regarding the possession, service, or sale of alcoholic beverages must be complied with for all events at the CEED. Alcoholic beverages may not be served at
official University events without the prior written consent of the President.

9.15 Special Policies Applicable to Non-University Users

9.151 Political Organizations and Religious Organizations - A political organization or a religious organization that meets the requirements of Rule 80106 the Regents' *Rules and Regulations* may use the CEED

9.152 Individual Candidates for Political Office - Individual political candidates and their election organizations are not permitted to reserve the CEED.

9.153 Advertising - All news releases, handbills, advertisements, television and radio announcements or other media used to inform the public of a non-University event to be held at the CEED must carry a disclaimer approved by the Facilities Manager, to the effect that use of
University of Texas facilities does not imply endorsement of the event or the sponsoring organization by The University.

10. Requests for Access to Student Records

10.1 *The Family Educational Rights and Privacy Act (FERPA).*

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec.1232g, and the Texas Open Records Act, Texas Government Code Sec. 552.001 et seq., are respectively a federal and state law that provide for the review and disclosure of student educational records. In accordance with these laws The University has adopted the following policy. Individuals are informed of their rights under these laws through this policy which is included in The University *Handbook of Operating Procedures* and Catalog. The Catalog will be made available for inspection through the Vice President for Student Services' office and the *Handbook of Operating Procedures* at http://www.utpb.edu/opproc/index.html.

10.11 Release of Information

10.111 The University will not permit access to or the release of personally identifiable information contained in student education records without the written consent of the student to any party, except as follows:

10.1111 to appropriate University officials who require access to education records in order to perform their legitimate education duties;

10.1112 to officials of other schools in which the student seeks or intends to enroll, upon request of these officials, and upon the condition that the student be notified and receive a copy of the record if desired;

10.1113 to federal, state, or local officials or agencies authorized by law;

10.1114 in connection with a student's application for, or receipt of, financial aid;

10.1115 to accrediting organizations or organizations conducting educational studies, provided that these organizations do not release personally identifiable data and destroy such data when it is no longer needed for the purpose it was obtained;

10.1116 to the parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954, provided a reasonable effort is made to notify the student in advance;

10.1117 in compliance with a judicial order or subpoena, provided a reasonable effort is made to notify the student in advance unless such subpoena specifically directs the institution not to disclose the existence of a subpoena;

10.1118 in an emergency situation if the information is necessary to protect the health or safety of the student or other persons; or

10.1119 to an alleged victim of any crime of violence, the results of the alleged perpetrator's disciplinary proceeding may be released.

10.1120 to a parent of a student regarding the student's violation of any Federal, State, or local law, or of any University rule or policy, governing the use or possession of alcohol or a controlled substance if the University determines that the student has committed a disciplinary violation with respect to that use or possession and the student is under the age of 21 at the time of the disclosure to the parent.

10.112 The University will release information in student education records to appropriate University officials as indicated in (10.111) above when such records are needed by administrators, faculty, or staff in furtherance of the educational or business purposes of the student or University.

10.113 A record of requests for disclosure and such disclosure of personally identifiable information from student education records shall be maintained by the Registrar for each student and will also be made available for inspection pursuant to this policy. If the institution discovers that a third party who has received student records from the institution has released or failed to destroy such records in violation of this policy, it will prohibit access to education records by that third party for five (5) years. Respective records no longer subject to audit nor presently under request for access may be purged according to regular schedules.

10.114 Directory Information

At its discretion, The University may release Directory Information which shall include:

10.1141 name, address, telephone number

10.1142 place of birth

10.1143 major field of study

10.1144 participation in officially recognized activities and sports

10.1145 dates of attendance

10.1146 most recent previous education institution attended

10.1147 student classification

10.1148 enrollment status (full-time, part-time, undergraduate, graduate, etc)

10.1149 degrees and awards

10.11410 date of graduation

10.11411 physical factors (height and weight) of athletes

Students may have any or all Directory Information withheld by notifying the Office of the Registrar in writing each semester during the first 12 days of class of a fall or spring semester, the first 4 class days of a summer semester, or the first three days of any quarter. Request for non-disclosure will be honored by the institution for only the current enrollment period; therefore, a request to withhold Directory Information must be filed each semester or term in the Office of the Registrar.

10.115 Access to File

Upon written request, The University shall provide a student with access to his or her educational records. The Vice President for Student Services has been designated by the institution to coordinate the inspection and review procedures for student education records, which include admissions files and academic files. The Vice President for Business Affairs has been designated by the institution to coordinate the inspection and review procedures for student financial files. Students wishing to review their education records must make written requests to the Vice President for Student Services listing the item or items of interest. Students wishing to review their financial files must make written requests to the Vice President for Business Affairs listing the item or items of interest. Education records covered by the Act will be made available within 45 days of the request.

A list of education records and those officials responsible for the records shall be maintained at the Registrar's Office. This list includes:

10.1151 Academic Records

10.11511 Registrar's Office (Admissions/Registrar): Registrar

10.11512 College, Division, Department and Faculty Offices

10.1152 Student Services Records

10.11521 Student Activities Office: Director of Student Activities

10.11522 Student Services: Vice President for Student Services

10.1153 Financial Records

10.11531 Business Office: Vice President for Business Affairs

10.11532 Financial Aid Office: Director of Financial Aid

Educational records do not include, subject to specific limitations of FERPA regulations (34 CFR Part 99):

10.1154 financial records of student's parents or guardian;

10.1155 confidential letters of recommendation which were placed in the educational records of a student prior to January 1, 1975 and confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if the student has waived, in writing, his or her right to inspect and review those letters and statements and those letters and statements are related to the student's admission to the University, application for employment, or receipt of an honor or honorary recognition.

10.1156 records of instructional, administrative, and educational personnel which are kept in the sole possession of the maker and are not accessible or revealed to any other individual except a temporary substitute for the maker;

10.1157 records of law enforcement units;

10.1158 employment records related exclusively to an individual's employment capacity;

10.1159 medical and psychological records;

10.11510 thesis or research papers; or

10.11511 records that only contain information about an individual after the individual is no longer a student at the institution.

10.116 Challenge to Record

Students may challenge the accuracy of their educational records. Students who believe that their educational records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy may discuss their problems informally with the Registrar. If agreement is reached with respect to the student's request, the appropriate records will be amended. If not, the student will be notified within a reasonable period of time that the records will not be amended, and they will be informed by the Vice President for Student Services of their right to a formal hearing.

Student requests for a formal hearing must be made in writing to the Vice President for Student Services who, within a reasonable period

of time after receiving such requests, will inform students of the date, place and the time of the hearing. Students may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of their choice, including attorneys, at the student's expense. The hearing officer that will adjudicate such challenges will be appointed by the Vice President for Student Services in non-academic matters and by the Provost and Vice President for Academic Affairs in academic matters.

Decisions of the hearing officer will be final, will be based solely on the evidence presented at the hearing, will consist of the written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned.

The education records will be corrected or amended in accordance with the decision of the hearing officer, if the decision is in favor of the student. If the decision is unsatisfactory to the student, the student may place with the education records statements commenting on the information in the records or statements setting forth any reasons for disagreeing with the decision of the hearing officer, or both.

The statements will be placed in the education records, maintained as part of the student's records, and released whenever the records in question are disclosed.

Students who believe that the adjudications of their challenges were unfair or not in keeping with the provisions of the Act may request in writing, assistance from the President.

10.117 Copies

Students may have copies of their educational records and this policy. These copies will be made at the student's expense at rates authorized in the *Texas Open Records Act* except that official transcripts will be $5.00 charged at the current rate approved as a university fee. Official copies of academic records or transcripts will not be released for students who have a delinquent financial obligation or financial "hold" at The University.

10.118 Complaints

Complaints regarding alleged failures to comply with the provisions of the FERPA may be submitted in writing to the Family Policy Compliance Office, U. S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-5920.

11. Use of Campus Mail

The University of Texas of the Permian Basin's policy for use of campus mail facilities by faculty and staff organizations is as follows:

11.1 Eligible Organizations

Only registered organizations are permitted to use the campus mail.

11.2 Reason for Use

Use of the campus mail by a faculty or staff organization must be for a public purpose related to the educational mission of The University.

Use of the campus mail must comply with all applicable federal and state laws and regulations and with the *Rules and Regulations* of the Board of Regents of The University of Texas System and UTS 153. Use of email shall comply with UTS 165 and additional information regarding use of email may be found in Part VI, Section 20.

11.21 Campus Mail May Not Be Used:

11.211 for solicitation of new members to an existing organization;

11.212 to mail newsletters or other bulk mailings which are customarily mailed from state or national organizations;

11.213 to advertise or endorse commercial products or services or other private gain purposes;

11.214 for partisan political purposes; or

11.215 for religious purposes.

11.3 Requests for Information

Requests for information about the use of campus mail regarding procedures, local limits related to size or quantity, and need for organizational identification should be directed to the office of the Vice President for Business Affairs.

The appropriate use of campus mail by organizations will be monitored through the office of the Vice President for Business Affairs. Breach of institutional policy may cause potential sanctions including the possible loss of privilege.

Interpretation of the rules and advice to organizations regarding use of campus mail may be obtained through the office of the Vice President for Business Affairs.

12. Approval of Payment for Consulting Services Contracts

Employment of outside consultants must fully comply with UTS 128 and be approved in advance by completing an Authorization of Professional Services form. This form is to be completed in its entirety and formal approval granted through the President's office In addition**,** the template, "Agreement between University and Consultant," at the "Sample Documents" link found on the UT Purchasing Council website (www.utsystem.edu/ogc/pc) shall be used in accordance with Texas Government Code 2254.028 and UTS 128, in cases where the consultant's total fee is anticipated to exceed $25,000, the University must comply with requirements detailed in the statute and in UTS 128. These requirements include providing the Legislative Budget Board and the Governor's Budget and Planning Office with notice of the University's intent to enter into the consulting services contract with a particular consultant in accord with the requirements of the statute.

Additional requirements may apply to the selection and use of consultants based on the value of the consulting contract. See UTS128 Consulting Contracts Policy and Procedures Guide for the most current requirements. Offices seeking to contract with a consultant must also consult with the Director Purchasing to ensure campus compliance with UTS 128.

13. Reinvestment of Endowment Income

All endowment gifts given to The University of Texas of the Permian Basin will be accepted in accordance with The U. T. System Gift Acceptance Procedures UTS 138.

13.1 Administrative Policy

A written donative's instrument will be obtained for each new endowment fund established. This instrument will preferably include language encouraged in the Gifts to Establish Endowments section of the Gift Acceptance Procedures.

13.11 Guidelines

13.111 These funds shall never become a part of the Permanent University Fund or the general funds.

13.112 Any person or entity may make additions to the endowment provided that the additions are made subject to the provisions of the donative' instrument.

13.113 If, in the opinion of the Board of Regents, future circumstances change so that the purposes for which the endowment is established become illegal, impracticable or no longer able to be carried out to meet the needs of U. T. Permian Basin, the Board may designate an alternative use for the endowment payout to further the objectives and purposes of the institution, giving consideration to the donors' special interest as evidenced by the original purpose of the endowment.

In cases where no donative's instrument is obtained, the solicitation letter or document sent to the donor or donor(s) may be used as evidence of donative's intent and purposes. Should the donor request or require that the donative's instrument be signed by a representative of the Board (or anyone connected with the institution or the System), the document may be signed by the Vice Chancellor for Development and External Relations or his/her designee(s) only after acceptance of the endowment as provided in the gift acceptance procedures. As a practical matter, the donated assets may be delivered to the U.T. System for custody and investment pending acceptance.

14. General Property Deposit Endowment

(Forfeited General Property Deposits and Earnings on those funds)

Section 54.5021 of the *Texas Education Code states:* The student deposit fund consists of the income from the investment or time deposits of general property deposits and of forfeited general property deposits. Any general property deposit which remains without call for refund for a period of four years from the date of last attendance of the student making the deposit shall be forfeited and become a part of the student deposit fund.

Nothing in this section shall be construed to prohibit refund of any balance remaining in a general property deposit when made on proper demand and within the four-year limitation period. The governing board of the institution may require that no student withdraw his deposit until he has been graduated or has apparently withdrawn from school.

(b) The student deposit fund of an institution of higher education shall be used, at the discretion of the institution's governing board, for making scholarship awards to needy and deserving students of the institution and making grants under Subchapter C, Chapter 56, to resident students of the institution. The governing board shall administer the scholarship awards for the institution, including the selection of recipients and the amounts and conditions of the awards. The recipients of the scholarships must be residents of the state as defined for tuition purposes.

(c) Not later than August 31 of each fiscal year, each institution of higher education that has an unobligated and

unexpended balance in its student deposit fund that exceeds 150 percent of the total deposits to that fund during that year shall remit to the Texas Higher Education Coordinating Board the amount of that excess. The coordinating board shall allocate on an equitable basis amounts received under this subsection to institutions of higher education that do not have an excess described by this subsection for deposit in their student deposit fund. The amount allocated under this subsection may be used only for making grants under Subchapter M, Chapter 56.

15. Use of Alcoholic Beverages on Campus

15.1 Areas of Prohibited Use

The use of intoxicating beverages is prohibited in classroom buildings, laboratories, auditoriums, library buildings, art galleries, faculty and administrative offices, intercollegiate and intramural athletic facilities, and other public campus areas.

15.2 Presidential Waivers

With the prior consent of the President, and in accord with the provisions of Regents Rule 80102, the foregoing provisions of this Subsection may be waived with respect to any specific event which is sponsored by the institution. All such requests for waivers will be submitted in a format approved by the President and must include the:

15.2111 nature of the event

15.2112 date of event

15.2113 time of event

15.2114 location of the event

15.2115 specific beverages to be served

All requests for waivers must be submitted to the President's Office at least two weeks prior to the date of the event. Additional information may be found at http://ba.utpb.edu/travel-and-entertainment/.

15.3 State Law

State law will be strictly enforced at all times on all UT Permian Basin property.

16. Intercollegiate Athletics

16.1 Structure

The Director of Athletics is appointed by, reports to and serves at the discretion of the President. The Director of Athletics is responsible for the administration and management of the Athletics Department in a manner that is consistent with the philosophy and purposes of The University.

16.2 Purpose and Conduct of Athletic Program

16.21 U.T. Permian Basin is committed to the belief that a successful intercollegiate athletic program contributes substantially to maintaining a comprehensive collegiate environment. A primary goal of the Athletics Department is to have its student-athletes achieve in both their academic and athletic endeavors and to become knowledgeable, discriminating, and productive citizens. The characteristics go hand-in-hand with the primary mission of U.T. Permian Basin. The intercollegiate athletic program is an integral part of the public image projected by The University and a major contributor to the development of a sense of pride and esprit de corps within The University community. Consequently, The University should develop and maintain an intercollegiate athletic program for both men and women.

16.22 A goal of intercollegiate athletics at U.T. Permian Basin is to have a high quality program involving a range of sports with as large a number of students as possible involved directly or indirectly.

An objective is to have a creditable program with a reputation for quality. In pursuing this objective, The University is committed to conducting its athletic program in a manner, which strictly conforms to the NCAA Division II definition of amateurism. The amateur student-athlete shall be one who is engaged in a particular sport for the educational, physical, mental and social benefits and who understands that participation in that sport is an avocation.

16.24 Athletes are treated the same as all other students with regard to admission, financial aid, and continuing academic eligibility and subject to NCAA Division II rules..

16.3 Compliance with Rules

16.31 U.T. Permian Basin holds membership in NCAA Division II, and the rules of our current conference affiliation, and the Athletics Department is committed to conducting its athletic program within the rules and

regulations set forth in the constitution and bylaws of the NCAA Division II, Heartland Conference. Each head coach is provided a copy of the rules manual and is expected to become knowledgeable with the rules that affect his/her sport. The Director of Athletics and all Athletics Department personnel are also expected to be familiar with the *Handbook of Operating Procedures* of U.T. Permian Basin and the *Rules and Regulations* of The University of Texas System Board of Regents.

16.32 The Director of Athletics is expected to be knowledgeable about these rules, the *Handbook of Operating Procedures* of U.T. Permian Basin and the *Rules and Regulations* of The University of Texas System Board of Regents, and is to interpret those rules to the coaching staff as requested or needed. Each head coach's contract will contain a stipulation that failure to abide by the rules, the *Handbook of Operating Procedures* of U.T. Permian Basin, the *Rules and Regulations* of The University of Texas System Board of Regents, or applicable state or federal laws will be cause for appropriate disciplinary action, including suspension without pay or termination.

16.33 The University of Texas System Board of Regents' *Rules and Regulations*, the *Handbook of Operating Procedures*, and institutional procedures must be followed.

16.4 General Provisions

State law prescribes that no general revenue funds may be used for the operation of the Athletics Department.

17. University Committees - Titles and Charge

17.1 ACTER Committee (Accessibility Coordination Team for EIR Remediation)

The ACTER establishes and oversees written procedures under which each affected office at UTPB will collect and provide the ACTER with written reports identifying the EIRs (Electronic and Information Resources) for which that office is responsible, and evaluate the progress made by each office at UTPB in bringing their EIR's into compliance with the DIR Accessibility Rules. The ACTER will provide at least two reports each calendar year to the UTPB Compliance Officer regarding the status of the ACTER's efforts to implement this EIR Accessibility Compliance Plan."

17.2 Admissions Committee

This committee regularly reviews admissions procedures and students and advise the Director of Admissions and Vice President for Student Services on admissions exceptions.

17.3 Alcohol and Drug Abuse Committee

The committee is charged to investigate and prevent alcohol and drug abuse.

17.4 Assessment Review Committee

This committee oversees and makes recommendations on campus assessment activities as contained in the plan submitted to the Southern Association of Colleges and Schools (SACS).

17.5 Awards and Recognition Committee

This committee is directly responsible for the annual honors convocation, especially arranging for the selection of faculty who are honored at this event.

17.6 Bookstore Committee

This committee will monitor and review bookstore operations, including reviewing complaints, operation, all procedures as they affect faculty, staff, and students and make recommendations to executive staff regarding proposed changes in bookstore operations and other bookstore issues.

17.7 Budget and Planning Committee

This committee makes budgetary, mission and strategic planning recommendations, both on process and substance.

17.8 Campus Building Use and Construction Committee

Committee is mandated by The U. T. System Regents' Rule 80302 and makes recommendations on campus building and construction.

17.9 Commencement & Honors Convocation Committee

This committee is directly responsible for all arrangements associated with our honors convocation and graduation ceremonies

17.10 Compliance Committee

This committee is to develop a risk-based plan to manage institutional compliance. The committee will monitor the implementation of UTPB's risk management plan for all high-risk compliance issues, monitor UTPB's compliance with the U.T. System Action Plan to ensure institutional compliance, communicate instances of non-compliance to the Institutional Compliance Officer, follow-up on compliance finding to ensure that appropriate corrective action has been taken, and continuously assess the effectiveness of institutional compliance.

17.11 Cost Savings Committee

This committee is to identify and recommend cost-savings measures emphasizing efforts and strategies which would result in a more efficient operations while also achieving increased productivity and cost avoidance.

17.12 Enrollment Management Committee

Identifies and recommends ways to increase student recruitment, retention, and success.

17.13 Environmental Health and Safety Committee

This committee is responsible for advising and assisting the Safety Officer in assuring a safe environment for all students and University employees, and in recommending appropriate policies and procedures for safe work practices to be implemented campus-wide. The Safety Committee also advises and assists the Safety Officer in providing environmental awareness training and in assuring University compliance with externally mandated environmental and safety regulations.

17.14 Faculty Grievance Panel – Elected

The panel consists of nine members elected by the Faculty Assembly for a two-year term from which the President of the University appoints a Faculty Grievance Committee, should the need arise.

17.15 Faculty Instructional Development

This committee represents the faculty in important policy and procedural matters related to faculty development and the improvement of instruction on campus. It also makes recommendations to the Provost and Vice President for Academic Affairs on faculty development awards according to approved guidelines. The committee acts in an advisory capacity for matters pertaining to the Instructional Development Center.

17.16 Handbook of Operating Procedures (HOP) Committee

The committee is appointed by the President to review and make recommendations regarding the Handbook of Operating Procedures to the President.

17.17 I.R.D. Committee (Computer)

This committee acts in an advisory capacity for matters pertaining to the Information Resources Division.

17.18 Institutional Animal Use & Care

This committee will assess the animal programs, facilities and procedures, as called for by the U.S.D.A.'s 1992 Standards. No research or other activities involving the use of animals may commence without the written approval of the committee.

17.19 Institutional Biosafety Committee

This committee reviews research proposals for compliance with NIH Guidelines for Research Involving Recombinant DNA Molecules and other regulations.

17.20 Institutional Data Committee

This committee will monitor and coordinate the collection, derivation, and application of institutional data, especially in relation to the institutional reporting requirements of state and federal agencies.

17.21 Intellectual Property Committee

This committee is mandated by The U. T. System and considers any questions related to patents arising from faculty and student research on campus. It recommends the pursuit of patent searches and patents when appropriate.

17.22 Institutional Research Board

This committee is essential in making recommendations concerning the use of human subjects in any campus research, and in insuring that approved policies are followed in the use of human subjects in research. The committee is appointed 3 year terms.

17.23 Internal Audit Committee

The committee ensures that: the activities of U.T. Permian Basin comply with UTS 129, the institute of Internal Auditor's International Standards for the Professional Practice of Internal Auditing, and the Texas Internal Auditing Act; audit coverage for U.T. Permian Basin adequately encompasses all aspects of The University's operations and the coverage is not inhibited or limited by any individual or department; audit activities are responsive to the University's needs and objectives; and management is aware of internal audit activities, results of audits, and progress toward implementation of audit recommendations. Information regarding the Internal Audit and the Internal Audit Charter may be found at http://ba.utpb.edu/internal-audit

17.24 L.R.C. Committee (Library)

This committee serves in an advisory capacity for matters pertaining to the Learning Resources Center.

17.25 Lab Policy and Safety Committee

This committee reviews and recommends policies o ensure the safety of students, faculty and staff with all university labs and conducts lab safety reviews.

17.26 Parking and Traffic

This committee makes policy and procedural recommendations, as well as considering appeals, concerning parking and traffic on campus.

17.27 Public Relations Committee

This committee advises the President on the University's advertising, student recruitment materials, and other aspects of the institutions community and public relations.

17.28 Post-Tenure Review Committee – Elected

This committee is mandated by U.T. System and will conduct the post tenure evaluation of faculty members. The committee will consist of members elected by the Faculty Assembly for staggered two-year terms.

17.29 Research Policy and Enhancement Committee

Identifies and recommends ways to enhance the research activities of the university. Makes recommendations on the policy regarding research and research support.

17.30 Student Fee Advisory Committee

This committee is mandated by state law and recommends to the President annual expenditures from student fees. The designated student ** will call the first meeting to order, in which a Chair (student) will be elected. Students will be appointed by the Student Senate later in the year.

17.31 Student Union Advisory Board

The Student Union Advisory Board is committed to the operation of the Student Union for the specific purpose of enhancing the experience for the diverse population of students. The Student Union Advisory Board will invest in the well-being of the UTPB students and prepare them to be socially responsible leaders and productive individuals.

17.32 Teacher Education Council

The Council addresses the need for institutional oversight for education certification programs, the need to coordinate educator certification programs with other programs and the need to coordinate discipline requirements with ExCET/TExES domains for those students seeking certification.

17.33 Traditions Committee

The Traditions Committee recommends to the President ways to recognize outstanding elements of the University historical past such to build and enhance

the traditions of the University. Recognition of the achievements of students and alumni are of special interest. Community leaders that have supported the University, outstanding faculty and staff, and other members of the greater university community would also be recognized.

17.34 Tuitions Advisory Council

The proposed tuition plan will be presented to the Committee for review. The Committee will provide its advice on possible changes in the schedules of tuition and fees for the campus to the President of the University.

17.35 University Athletics Committee

The University Athletics Committee will evaluate the activities of the Athletic Department on a semester by semester basis and make recommendations for its effective operation.

17.36 Web Oversight Committee

The Web Oversight Committee is to make recommendations to the President regarding the official University website policy as needed. This committee will address questions or problems pertaining to website, management or policy.

17.37 Academic Council

Chaired by the Provost and Vice President for Academic Affairs, Academic Council is composed of the academic leadership of the University (deans, directors, and the Faculty Senate President) and serves to promote campus-wide communication on academic matters. In addition, Academic Council functions as a consultative body that develops and reviews academic policies for inclusion into the *Academic Affairs Handbook*.

17.38 Administrative Council

Chaired by the President, Administrative Council is composed of university leadership (vice presidents, deans, directors, and the Faculty Senate President) and serves to promote campus-wide communication.

17.39 Non Tenured Faculty Committee

Make recommendations on issues unique to non-tenured faculty.

17.40 University Food Services Committee

In accordance with Section 51.945 of the Texas Education Code, the purpose of this

policy is to establish means through which students of The University of Texas Permian Basin (UT Permian Basin) may provide UT Permian Basin administration with meaningful input concerning the selection or retention of food service vendors by UT Permian Basin, the performance of food service vendors, and recommendations for qualifications of food service vendors.

18. Americans with Disabilities Act - Grievance Policy

The purpose of this policy is to provide for the prompt and equitable resolution of complaints alleging violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

18.1 Scope

This policy applies to students, staff, faculty, job applicants, applicants for admission and other beneficiaries of the programs, services and activities of The University of Texas of the Permian Basin.

18.11 Complaint Procedure

18.111 Step I

Complaints alleging discrimination on the basis of disability shall be made in writing to the ADA Coordinator, or shall be referred to the Coordinator if received by other persons within the institution. The complaint shall be made as soon as possible after the action complained of occurs but in no case later than 10 working days after such occurrence. The time for bringing a complaint can be waived for good cause as determined by the ADA Coordinator.

The ADA Coordinator shall investigate the complaint to determine its validity and, in appropriate cases, suggest a resolution. A written statement of the determination and the suggested resolution, if any, shall be sent to the complainant within 15 working days of receipt of the complaint.

The ADA Coordinator shall maintain all records related to the complaint.

18.112 Step II

If the complainant is not satisfied with the decision of the ADA Coordinator, a written appeal stating why the decision is incorrect may be made to the Vice President for Business Affairs within 10 working days of the receipt of the determination statement from the ADA Coordinator. The Vice President for Business Affairs, or a designee, shall review the determination of the ADA Coordinator and send a written decision to the complainant within a reasonable time, not to exceed 30 working days from the date of receipt.

The decision of the Vice President for Business Affairs shall be final.

19. Handbook of Operating Procedures (HOP) Amendment Approval Process

19.1 Policy.

The University of Texas of Permian Basin *Handbook of Operating Procedures* (HOP) contains official policies and procedures for the governance of UT Permian Basin. The rules and regulations constituting the HOP must not conflict with any rule or regulation in the Regents' *Rules and Regulations.* Any HOP rule or regulation that is in conflict with any rule or regulation in the Regents' *Rules and Regulations* is null and void and has no effect.

The President of The University of Texas of the Permian Basin has the authority and responsibility to prepare and submit to the appropriate Executive Vice Chancellor and the Vice Chancellor and General Counsel for approval, the rules and regulations constituting the HOP. The President will appoint a Policy Coordinator as the person responsible for coordination of policy development and review. The development and review process will include an opportunity for faculty, staff and student governance bodies to provide advisory input regarding proposed changes to policies that may impact the respective groups.

The HOP does not constitute a contract between UT Permian Basin and its employees.

19.2 Scope

This policy applies to any significant change to the institution's HOP, including the addition or deletion of policies and procedures.

19.3 Purpose

The purpose of this policy is to set forth the procedure for amending the institution's HOP including obtaining input from faculty, staff and student governance bodies that may be affected by changes in policies and procedures.

19.4 Definitions

19.4.1 Educational Policy: Sections of the HOP that pertain to the areas of faculty responsibility as set forth in Regents' *Rules and Regulations*, Series 40101.

19.4.2 Governance of the institution: Consists of the policies and procedures except medical procedures or protocols, affecting the way the institution directs, administers or controls the institution. This includes policies and procedures:

a. directing compliance with applicable state and federal laws and regulations, Regents' *Rules and Regulations,* and UT System policies and policies with System-wide application;

b. addressing or affecting the responsibility and/or authority of the various offices and bodies that make up the institution; and

c. addressing the relationships between administration, faculty, students, and staff and institutional values and/or goals.

19.4.3 HOP Committee: The Committee appointed by the President to review and make recommendations regarding the HOP to the President. The HOP committee membership includes the President or his or her designee, the Vice Presidents or their respective designees, Faculty representation appointed by the President,, Staff Senate Chair or their designee, Student Government Association representative, the Policy Coordinator, the Director of Human Resources or their designee, and other individuals as appointed by the President. The Chief Audit Executive will be part of the committee but only as a non-voting member.

19.4.4 Policy Coordinator: Person or office appointed by the institution's President to ensure institutional compliance with this policy.

19.4.5 Responsible Executive: The President, or his or her designee, or Vice President, or his or her designee, who is responsible for the programmatic, functional or administrative areas addressed by the policy and procedure.

19.4.6 Significant change: A change that results in a substantive change in the rule including changes to essential principle(s), scope or application of the HOP policy or procedure. Editorial changes, changes to reflect institutional organizational changes, paragraph and outline numbering, and reference citations are not significant changes.

19.4.7 Stakeholder Review Plan: A plan for obtaining advisory input from faculty, staff and student governance bodies that may be affected by changes in HOP policies and procedures.

19.5 Procedure

19.5.1 Designations and Responsibilities.

The Policy Coordinator will chair the HOP Committee. The HOP Committee will review all HOP sections and for each section is responsible for designating a Responsible Executive; determining a periodic review schedule; designating whether it pertains to the areas of faculty responsibility in educational policy formulation; and developing a Stakeholder Review Plan. Every section of the HOP must be reviewed at least every five (5) years.

19.5.2 HOP Review Process.

19.5.2.1 Policies Not Related to Educational Matters

a. A university office proposing a new HOP section will draft the policy, in correct HOP format and prepare a statement of background and rationale for the new policy. (The Policy Coordinator will provide assistance upon request). A university office proposing a HOP amendment will prepare a draft in congressional style along with a statement of background and rationale for the amendment. The proposing office will route the documents through the appropriate dean, director, or administrative equivalent to the Responsible Executive.

b. The Responsible Executive will submit the proposal to the Policy Coordinator who will distribute it to the HOP Committee for review and approval. The HOP committee will confirm the Stakeholder Review Plan and develop a stakeholder review timeline that takes into consideration the best interests of the institution regarding timely implementation of the proposed HOP policy including, but not limited to, legal or otherwise mandated deadlines for policy implementation.

c. The Policy Coordinator will distribute the proposed HOP policy in accordance with the Stakeholder Review Plan and timelines.

d. Advisory input from Stakeholders returned timely to the Policy Coordinator will be provided to the Responsible Executive for consideration.

e. The Responsible Executive will resubmit the proposed HOP policy with any incorporated changes to the HOP Committee.

f. Once a majority of the HOP committee has approved the proposed HOP policy and completed ***Procedural Review Form*** *attached, it will be submitted to the President for review and approval.*

19.5.2.2Educational Policy

a. New or amended Educational Policy will be reviewed in accordance with Section 19.5.1.

b. The Stakeholder Review Plan must include review by the faculty.

c. The faculty review timeline will be reasonable (60 calendar days or less).

19.5.2.3 HOP Policies with No Significant Changes

Proposed changes to HOP sections that are not significant do not need to be approved in accordance with this policy or reviewed by the Executive Vice Chancellor or Vice Chancellor and General Counsel. The Policy Coordinator, in consultation with General Counsel, shall determine whether the change is significant.

19.5.3 Each policy in the HOP will be reviewed in accordance with the review schedule and timelines using the applicable process in Section 19.5.2. The Policy Coordinator is authorized to revise contact information, position title changes, or as necessary to ensure compliance with this policy. Additionally, the Policy Coordinator may modify the structure and format of the Handbook of Operating Procedures as needed to increase its usability and effectiveness.

19.5.4 After approval by the President, the Policy Coordinator will submit the proposed HOP policy to the appropriate UT System Executive Vice Chancellor and the Vice Chancellor and General Counsel for review and approval. The submission should include any changes shown in congressional style and a brief background and rational for the proposed policy.

19.5.5 The Policy Coordinator will notify the HOP Committee and Responsible Executive regarding the resolution of any comments received from UT System and make conforming changes as needed. Recommendations and comments from university attorneys are legal advice provided to university administration and are to be treated as privileged and confidential attorney-client communications.

19.5.6 The Policy Coordinator will notify the university community regarding approved HOP amendments by placing them in the HOP.

19.6 Provisional Policy: At the discretion of the President, a provisional HOP policy may be implemented when federal or state laws, regulatory actions, or compelling circumstances make expedited policy implementation prudent or necessary. Stakeholders shall be notified prior to the implementation of a provisional policy. Normal review of a provisional policy shall commence no later than the first week of the following semester.

Authority/Related Policies

Regents' *Rules and Regulations*, Series 20201
Regents' *Rules and Regulations*, Series 10100
Regents' *Rules and Regulations*, Series 40101

20. ACCEPTABLE USE POLICY FOR STATE-OWNED INFORMATION RESOURCES (AUP)

20.1 Definitions

Information Resources include all computer and telecommunications hardware, software, email and networks owned, leased, or operated by The University of Texas System and the information stored therein.

20.2 Restrictions

This Acceptable Use Policy establishes usage restrictions for the utilization of state-owned information resources at The University of Texas of the Permian Basin (UTPB). These restrictions support State law, Texas Administrative Code (TAC) requirements, Texas Department of Information Resources (DIR) requirements, and/or Policy UTS165. UTPB Policy information may be found at http://aa.utpb.edu/administrator-staff/faculty-resources/rules-policies-and-procedures.

20.21 Any use of UTPB information resources for illegal purposes, or in support of illegal activities is prohibited. Violation of copyright and/or licensing restrictions applicable to any UTPB software is prohibited.

20.22 All use of UTPB information resources must be in support of education and research in the State of Texas and consistent with the purpose of the institution.

20.221 Any use of UTPB information resources for commercial purposes is prohibited.

20.222 Any use of UTPB information resources for product advertisement or political lobbying is prohibited.

20.223 Any use of UTPB information resources for the production, duplication, distribution, receipt and/or transmission of any material which might be considered pornographic and/or obscene is prohibited. Pornographic materials must not be intentionally accessed, created, stored or transmitted other than in the course of academic research where this aspect of the research has the explicit written approval of an executive officer.

20.224 No use of UTPB information resources shall serve to disrupt the use of the resources by other users.

20.23 All access accounts for UTPB information resources will be used only by the authorized owner of the account for the authorized purpose and in compliance with established computer security policies.

20.24 Any UTPB information resource user which traverses another network may be subject to the acceptable use policy of that network.

20.25 At least once each year, the UTPB Information Resources Division will make decisions on whether specific uses of UTPB information resources are consistent with this policy.

20.26 Failure to comply with the Acceptable Use Policy will constitute cause for termination of resource access.

20.3 *Information Resource Budgeting and Allocation*

20.31 Decisions related to the budgeting and allocation of information resources are made through the university planning and budgeting process and must comply with UTS 140, when applicable.

20.32 Information resource plans for the institution are developed by the institution's Information Resources Manager in consultation with institutional stakeholders. Plans are developed to maximize the effective use of information resources in congruence with state plans for information resource utilization established under the Information Resources Management Act.

20.33 The university's information resource plans serve as basic inputs to the university's budgeting process for information resources. The President makes all budget decisions with advice from the University Budget and Planning Committee. Budget requests for information resource funding are reviewed by the agency.

20.34 In addition to specific budgets for information resources, budget heads may purchase information software and non-capital information resources from maintenance and operations funding or non-state sources when appropriate for the fund purpose. All purchases of information resources are subject to prior review by the Information Resources Division to ensure that purchases are compatible with other technology on campus.

20.4 Cell Phone/Wireless Communication Use Policy

State provided wireless communications devices, allowances for wireless communication devices and reimbursement for business use of personal wireless communications devices require advance review and approval by the President according to established procedures. Contact the Information Resources Division.

21. Naming of Facilities and Programs

21.1 Policy

Any naming of a physical facility or building ("Facility") or non-physical entity ("Program") must undergo a high level of consideration and due diligence to ensure that the name comports with the purpose and mission of the UT Permian Basin ("University") and The University of Texas System ("System"). Before proceeding with the naming of any Facility or Program, the University must carefully consider all circumstances surrounding the naming, including the overall benefit to the University and whether displaying the name is and will continue to be a positive reflection on the University.

Each naming of prominent Facilities or prominent Programs ("Prominent Naming") must be approved by the Board of Regents via the agenda. Recommendations for any Prominent Naming shall be forwarded to the Board of Regents with recommendations of the Chancellor, the Executive Vice Chancellor for Academic Affairs ("EVCAA"), the Vice Chancellor for External Relations, and the President of the University.

The Board of Regents has delegated naming authority for less prominent Facilities and less prominent Programs ("Less Prominent Naming") to the President of the University based on a set of general guidelines, except that any Corporate Naming (defined below) requires approval by the Chancellor and compliance with the procedures set out below.

See *Regents' Rule 80307,* Section 3 (Definitions) for examples of Prominent and Less Prominent Facilities and Programs. The Vice Chancellor for External Relations will make final determinations concerning what types of Facilities and Programs may be considered Less Prominent.

The naming of all streets located on campus must be approved by the Board of Regents. Recommendations for any street names shall be forwarded to the Board of Regents with recommendations of the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Vice Chancellor for External Relations and the President of the University.

The University shall not announce the naming of any Facility or Program prior to the final approval required by *Regents' Rule 80307*.

21.2 Naming in Honor of Individual

Under appropriate circumstances, Facilities and Programs may be named for individuals who have made exemplary or meritorious contributions to the University, to System, to other System institutions, or to society. Any naming in

honor of campus administrative officials, faculty, staff, or elected or appointed public officials shall normally occur only after the campus employment or public service has concluded.

21.3 Gift-Related Naming

Facilities and Programs may be named under the terms of a negotiated gift agreement to memorialize or otherwise recognize substantial gifts and significant donors or individuals designated by such donors. Substantial contributions are defined as those having a lasting positive impact on the programs and activities of students and faculty and which further the educational, research and public service purposes of the University. Normally, "substantial" means a considered and reasonable relationship between the dollar value of the donation or donations and the size and stature of the Facility or Program being recommended for naming. The University's institutional donor guidelines must be approved by the Executive Vice Chancellor for Academic Affairs, the Vice Chancellor for External Relations, and the Vice Chancellor and General Counsel.

21.4 Naming Based on Development Campaign

When a Prominent Naming is contemplated as part of a development campaign, that campaign, the proposed naming, the Facilities or Programs to be named, and the associated private- fund contributions to be sought shall have prior approval of the University's President, the Executive Vice Chancellor of Academic Affairs, the Vice Chancellor for External Relations, the Chancellor, and the Board of Regents as required in *Regents' Rule 60301*.

21.5 Corporate Naming

Each naming of any Facility or Program after a corporate or other business-oriented entity ("Corporate Naming") for Prominent Facilities or Programs must be approved by the Board of Regents. Each Corporate Naming for Less Prominent Facilities or Programs must be approved by the Chancellor. System's Office of External Relations ("OER") must complete a detailed due diligence review of the entity prior to any Corporate Naming. Each Corporate Naming must be analyzed to ensure there are no conflicts of interest. Certain restrictions may also apply to any proposed naming of a Facility financed with the proceeds of tax-exempt bonds.

Before negotiating a Corporate Naming, the President of the University shall send a written request, in compliance with the procedures established by OER, to the Executive Vice Chancellor for Academic Affairs. Except in the case of Less Prominent Facilities or Programs, the University shall negotiate an agreement with the entity using the Standard Corporate Naming Gift/Licensing Agreement

prepared by System's Office of General Counsel ("OGC"). Any substantive variations to the standard agreement must be approved by OGC. The Executive Vice Chancellor for Academic Affairs shall have authority to sign such agreements after appropriate review and approval.

21.6 Naming Approvals Chart

See *Regents' Rules 80307*, Section 9.

22. Poster and Sign Hanging Policy

The following are guidelines that must be followed when hanging flyers, posters, or signs on campus. Failure to follow these guidelines will result in the promotional material being taken down and may jeopardize future permission to post announcements.

ALL materials must be approved through the Writing Center (MB 2100) and stamped with their approval. This approval must be received prior to submitting to the Student Union for approval. (Monday through Friday from 8:00 a.m. to 5:00 p.m.). The Writing Center requires 2 hours to proof any material. All errors will need to be corrected and re-submitted to the Writing Center. *(take a sample of your material to the Writing Center prior to printing multiple copies).*

ALL materials must be approved for display by the Student Life Director and stamped for approval. (Monday through Friday from 8:00 a.m. to 5:00 p.m.).

ALL materials must give the name of the person, registered organization & phone number to contact on the back of the material.

When checking out materials such as, scissors, poster paints, strapping tape, magnetic tape, etc. from the Student Activities Office, your current school I.D. must be left as a security deposit for the materials while being used.

No tape, except magnetic tape, may be used on steel doors or steel walls.

No materials of any kind may be attached on or around the metal frame, doors, or walls of the elevators. Such materials often end up in the elevator shaft causing maintenance and safetyproblems.

No posters, flyers, signs, etc. may be posted on any surface covered with wood paneling.

No banners, signs, posters, etc. may be hung from the ceiling. No signs can be affixed to any floor or sidewalk.

No chalking of windows.

No adhesive tape may be used on any windows or painted surfaces. Poster putty may be used on windows, provided that it leaves no lasting residue. The individual or group hanging the signs or posters must provide poster putty. It is the responsibility of the individual or group using the poster putty to take down their expired announcements and clean the puttyoff the windows.

Strapping tape or other package sealing tape, or duct tape may be used, but **only on brick or concrete walls** that have not been painted. (Clubs and departments will need to supply your own special tape.)

It is the responsibility of the individual or group hanging the announcements to promptly take down their posters & flyers. This must be done the day after the event or election has taken place. *Posted materials that become windblown or fall onto the floor or are hanging upside down, etc. will be removed by student staff. Clubs should maintain their own posters to avoid removal.

No sidewalk chalk may be used on the picnic tables, planters, benches, walls, or lamp posts in the courtyard area.

No defacing or removing posters or signs of other individuals or groups is permitted unless they are not stamped or have expired past the date on the approval stamp.

Signs shall not be obstacles to hallways, stairs, staircase handrails, walkways, driveways, or parking lots. Posters or flyers may be removed for safety reasons.

Yard signs shall not be posted in manicured areas, so as not to interfere with grounds maintenance duties.

The University Safety Officer must additionally approve signs for hanging from the Mesa Deck on the second floor. *Physical Plant will normally install these banners.*

The uses of trademarked or copyrighted characters, slogans, etc. are protected by law. It is the responsibility of club officers & their advisors, or university departments to avoid possible copyright or trademark violations.

When students are campaigning for the Student Senate, campaign posters in the balloting area MUST be taken down the day before the election.

During the days of Student Senate elections, there will be no campaign signs within 30 feet of the ballot boxes on voting days.

23. Institutional Effectiveness

Each administrative unit within the University shall identify expected outcomes, assess the extent to which it achieves those outcomes, and provide evidence of improvement based on analysis of the results in each of the following areas as appropriate to its function. The process by which this is done shall be known as institutional effectiveness process and shall include:

Educational programs, to include student learning outcomes;
Administrative support services;
Educational support services;
Research and scholarship; and
Community/public services.

The institutional effectiveness process, including reporting procedures, shall be coordinated by the Office of Institutional Effectiveness with advice from the Assessment Committee.

24. Reporting Contact with Federal Officials

In accordance with The Honest Leadership and Open Government Act of 2007, the University must regularly report to the UT System of Federal Relations activity that may be viewed as lobbying. So that the University may comply with reporting requirement all faculty and staff who have oral, written, or electronic communication with a covered legislative branch official or Executive Branch official regarding the following shall report that contact to the Office of the President. Federal officials covered in this regulation include:

A member of Congress;
An elected officer of either House of Congress;
Any employee of a Member of Congress, a committee of either House of Congress, the leadership staff of either House of Congress, a joint committee of Congress, and a working group or caucus organized to provide legislative services or other assistance to Members of Congress;
All officers of the House and the Senate (Clerk of the House, Secretary of the Senate, etc.), and other highly compensated employees;
Those designated in section 109(13) of the Ethics in Government Act as an "officer or employee of the Congress."
The President or Vice President of the United States;
Any officers or employee of the Executive Office of the President;
One of the top three levels I an agency (agency heads, deputies, assistant secretaries, assistant administrators;
All Generals and Admirals;
Any member of the uniformed services whose pay grade is at or above O-7;
"Schedule C" employees; and
Political appointees regardless of title.

Actions that require reporting include, but are not limited to:

Any expenses, payment, or contribution for costs of a meeting/event or in the name of a Congressional or Executive Branch official, such as meetings in Washington or when an official visits a campus;
Contributions or tickets to an event honoring/recognizing a Congressional or Executive Branch official, such as a charity or community dinner;
Contributions to an entity named for a Congressional or Executive Branch official, such as a library or policy conference; and
Contributions to an entity established/financed/maintained/controlled/designated by Congressional or Executive Branch official, such as a third-party charity or organization.

Reports of any contact shall be made on a form created by and available from the UT System Office of Federal Relations at http://www.utsystem.edu/ofr/.

Contact should be reported within two weeks from the date of the meeting or contact. It is the responsibility of every employee to make the report in a timely and accurate manner.

Any questions about the application of this policy should be directed to the Office of Federal Relations: http://www.utsystem.edu/ofr/.

25. Copyright Policy

It is the policy of The University of Texas of the Permian Basin to adhere to the requirements of the United States Copyright Law of 1976, as amended. (Title 17, United States Code, hereinafter, the "Copyright Act") including ensuring that the restrictions that apply to the reproduction of software are adhered to and that the bounds of copying permissible under the fair use doctrine are not exceeded. Accordingly, all faculty, staff and students of The University of Texas of the Permian Basin should adhere to the following policy guidelines:

25.1 Materials Subject to Restrictions

Only copyrighted materials are subject to the restrictions in this Policy Statement. Uncopyrighted materials may be copied freely and without restriction. Because a copyright notice is not required for copyright protection of works published on or after March 1, 1989, most works (except those authored by the United States Government) should be presumed to be copyright protected, unless further information from the copyright holder or express notice reveals that the copyright holder intends the work to be in the public domain. With regard to works published prior to March 1, 1989, a copyright notice generally is required in order for them to be copyright protected.

25.2 Copyrighted Software

Copyrighted software may be copied without the copyright owner's permission only in accordance with the Copyright Act. Section 117 of the Act permits the making of a single archival back-up copy. Most software, however, is licensed to the user and the terms of the license agreement may give the user "permission" to make copies of the software in excess of the single archival copy permitted by the Copyright Act. Each software license agreement is unique, and its terms and provisions will vary from product to product and from company to company. As a result, the extent of the user's rights to copy licensed software beyond that which is permitted under the Copyright Act cannot be determined without reference to the user's license agreement with the software copyright owner. It is the policy of The University of Texas of the Permian Basin that any copying or reproduction of copyrighted software on U. T. Permian Basin computing equipment must be in accordance with the Copyright Act and the pertinent software license agreement. Further, faculty, staff and students may not use unauthorized copies of software on U. T. Permian Basin owned computers or computers housed in U. T. Permian Basin facilities.

25.3 "Fair Use"

Copyrighted materials may be copied without the copyright owner's permission where such copying constitutes "fair use" under the Copyright Act. Section 107

of the Act identified four factors to be considered in determining whether a use is fair. While this statutory "balancing test" is the ultimate test of fair use, the appropriate administrative office of the institution should request the advice of the Office of General Counsel to assist with any application of fair use analysis.

25.4 Permission to Copy

In order to copy materials, including software, where (a) the materials are copyrighted, (b) copying extends beyond what is permitted by license or the boundaries of fair use, and (c) advice of the Office of General Counsel has not been sought, permission should be obtained from the copyright owner.

25.5 Copyright Infringement

When permissible under State law and procedures, The University of Texas System will arrange for the defense of any faculty or staff member against charges of copyright infringement for any copying:

where the copying is in accordance with the provision of a valid software license agreement,

where the permission of the copyright owner has been obtained in writing, or

where the Office of General Counsel has issued a written opinion favorable as to the permissibility of the copying.

Otherwise, the faculty or staff member may be personally responsible for the defense of an action for copyright infringement.

25.6 Notice of Copyright Policy

The Chief Business Officer is responsible for posting notices reflecting this policy at all photocopying stations which may be used for reproducing copyrighted materials, e.g., departmental copy rooms and libraries, and at or near all computer stations that may be used for reproducing copyrighted software. Photocopy guidelines concerning books and periodicals should appear at all photocopy machines.

25.7 Music Copyright Policy

For educational uses of music, the guidelines set forth in the legislative history of Subsection 107 of the Copyright Act generally are applicable.

26. ***Intellectual Property***

The basic Intellectual Property Policy, as contained in The University of Texas System Board of Regents' Rules and Regulations, Rule 90101, is the policy of U.T. Permian Basin.