

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.

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

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

19.42 **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:

Administrative Policies
Handbook of Operating Procedures Amendment Approval Process
Approved November 13, 2015
Revised November 2015

- (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.
- 19.43 **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, the Faculty Senate Chair, Staff Senate Chair, Student Government Association President the Policy Coordinator and other individuals as appointed by the President.
- 19.44 **Policy Coordinator:** Person or office appointed by the institution's President to ensure institutional compliance with this policy.
- 19.45 **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.
- 19.46 **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.
- 19.47 **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

- 19.51 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.

Administrative Policies
Handbook of Operating Procedures Amendment Approval Process
Approved November 13, 2015
Revised November 2015

19.52 HOP Review Process.

(a) ***Policies Not Related to Educational Matters***

(1) *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.*

(2) *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.*

(3) *The Policy Coordinator will distribute the proposed HOP policy in accordance with the Stakeholder Review Plan and timelines.*

(4) *Advisory input from Stakeholders returned timely to the Policy Coordinator will be provided to the Responsible Executive for consideration.*

(5) *The Responsible Executive will resubmit the proposed HOP policy with any incorporated changes to the HOP Committee.*

(6) *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.*

(b) ***Educational Policy***

(1) *New or amended Educational Policy will be reviewed in accordance with Section 5.2(a)(1)-(6).*

Administrative Policies
Handbook of Operating Procedures Amendment Approval Process
Approved November 13, 2015
Revised November 2015

(2) *The Stakeholder Review Plan must include review by the faculty governance body.*

(3) *The faculty governance review timeline will be reasonable (60 calendar days or less).*

(c) ***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 shall determine whether the change is significant.

19.53 Each policy in the HOP will be reviewed in accordance with the review schedule and timelines using the applicable process in Section 5.2.

19.54 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 rationale for the proposed policy.

19.55 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.

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

19.6 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.

Administrative Policies
Acceptable Use Policy For State-Owned Information Resources
Approved November 5, 1999
Revised June 2009

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

Administrative Policies
Naming of Buildings and Other Facilities
Approved May 9, 1997
Revised June 2009

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

Administrative Policies
Naming of Buildings and Other Facilities
Approved May 9, 1997
Revised June 2009

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 safety problems.

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 putty off 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.

Administrative Policies
Poster and Sign Hanging Policy
Approved May 21, 1999
Revised June 2009

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 in 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.

Administrative Policies
Reporting Contact with Federal Officials
Approved May 21, 1999
Revised June 2009

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.

Rules and Regulations, Rule 90101, Rules for Intellectual Property: Purpose, Scope, Authority, <http://www.utsystem.edu/bor/rules/90000Rule/90101.pdf>

Rules and Regulations, Rule 90102, Intellectual Property Rights and Obligations, <http://www.utsystem.edu/bor/rules/90000Rule/90102.pdf>

Rules and Regulations, Rule 90103, Equity Interests, <http://www.utsystem.edu/bor/rules/90000Rule/90103.pdf>

Rules and Regulations, Rule 90104, Business Participation and Reporting, <http://www.utsystem.edu/bor/rules/90000Rule/90104.pdf>

Rules and Regulations, Rule 90105, Execution of Legal Documents Related to Intellectual Property, <http://www.utsystem.edu/bor/rules/90000Rule/90105.pdf>

Rules and Regulations, Rule 90106, Income from Intellectual Property, <http://www.utsystem.edu/bor/rules/90000Rule/90106.pdf>

In addition OGC has several helpful guides including

<http://www.utsystem.edu/ogc/IntellectualProperty/index.htm>