MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (OP)
OP 02.31: Operating Policies and Procedures Manual for Midwestern State University

Approval Authority: Board of Regents
Policy Type: University Operating Policy and Procedure
Policy Owner: President's Office
Responsible Office: General Counsel
Next Scheduled Review: 09/01/2022

I. Policy Statement

This policy details the protocols of Midwestern State University ("MSU" or "University"), a component institution of the Texas Tech University System ("System" or "TTUS"), for formulating, evaluating, revising, approving, issuing, and maintaining University operating policies/procedures (OP). This policy defines an OP, and outlines the standardized format. The Office of the General Counsel is responsible for the maintenance of this policy, and for responding to questions posed regarding this policy.

II. Reason for Policy

This policy promotes:

- Consistent definition, process, and format for operating policies;
- Clarity, transparency, and shared understanding of administrative operating policy and procedure protocols;
- An inclusive and equitable development and periodic review process; and
- Compliance and accountability.

III. Application of Policy

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

IV. Definitions

Expedited Process – Policy Owner/Responsible Office may forego the review period and seek approval from the President for a policy via an expedited process, when necessary. Special situations where this is likely may include a change in federal/state law and/or implementing regulations, or a major institutional risk. The expedited process would include a somewhat immediate review/revision by the President's Cabinet before

submitting to the President and, if required, the Board of Regents for approval. The 15-day review period would be shortened to 5-business days.

Major or Substantive Change – Means a new policy or revision to existing policy that materially alters its meaning or intent. Such changes include, but are not limited to, addition or deletion of a definition, change in a policy owner and/or responsible party, change in application of the policy, or revisions made to reflect current operational practices or changes in the law or System rules and regulations, and University operating policies and procedures.

Minor or Non-Substantive Change – Such changes may take many forms including, but not limited to: grammar or spelling corrections, reorganize policy structure, sections, titles, and formatting, update URLs, related statutes, rules, etc., and policy history information, and other revisions of similarly low impact.

Policy Owner - The larger division under which the Responsible Office reports. In some cases, the Policy Owner and Responsible Office are the same.

Policy Routing Sheet – An initiating document proposing a new policy or revision to existing policy. It provides relevant background information addressing the rationale, scope, and potential impact issues (e.g., resource, operational, financial, training, etc.).

President's Cabinet - Consists of the Provost and Vice President for Academic Affairs, Vice President for Student Affairs, Vice President for Administration and Finance, Vice President for University Advancement and Public Affairs, Vice President for Enrollment Management, Director of Athletics, Director of Board and Government Relations, Director of Marketing and Public Information, and General Counsel.

The President's Cabinet exists to advise the President on any subject the President may require relating to the duties of each member's respective office or division; assign tasks to and consider recommendations from University councils and committees; and serve as the initiating body for approval of University operational policies and institutional-wide matters.

The President chairs the cabinet, with the Provost and Vice President for Academic Affairs acting as vice-chair. The cabinet generally meets on a weekly basis or as convened by the President.

Responsible Office - The University office or unit responsible for proposing a new policy, reviewing an existing policy and/or answering inquiries about a specified operating policy. The Responsible Office may also be responsible for monitoring the effectiveness and ensuring compliance with a University operating policy.

Stakeholder – Means a department, office, or other academic/administrative unit, and faculty, staff, or student advisory body with a key interest in changes to a policy.

University Operating Policy and Procedure (OP) - Are those policies and procedures initiated by subordinate University authorities (academic or administrative units) that become effective only upon approval by the President and, if required, the Chancellor/Board of Regents. An OP must not conflict with applicable federal or state laws or implementing regulations/rules, or any policy, procedure, rule, or regulation in

the *Regents' Rules*, or other University operating policies and procedures, and should be clearly written and well communicated to the campus community.

An OP is a statement of University principle or intent that is of general applicability and is approved by the President and, if required, by the Chancellor/Board of Regents that addresses any of the following matters:

- Requirements related to implementation or compliance with *Regents' Rules*;
- Matters not specifically addressed in the *Regents' Rules* but fall within the general nature of the President's delegated responsibilities to administer the institution and that promote operational efficiencies, enhance the University's mission, and/or reduce institutional risks;
- Compliance with fiscal, academic, research, human resources, or other management standards;
- Requirements imposed by federal or state laws or implementing regulations.

OPs are maintained in an Operating Policies and Procedures Manual and made accessible on the University's policy web site. For purposes of the OP manual, no distinction is made between "policy" and "procedure" since most OPs contain both.

V. Procedures and Responsibilities

The Board of Regents has directed the President of MSU, with the appropriate participation of faculty, staff, and students, to cause to be prepared the operating policies, procedures, rules, and regulations for the governance of the University and submitted for approval by the President and, if required, by the Chancellor/Board of Regents.

The procedures and responsibilities for this policy take into account the decentralized culture and institutional history of MSU, including our tradition of shared governance.

A. OP Development

1. When a new or amended OP is needed, the appropriate Policy Owner/Responsible Office develops a draft OP/amendment (utilizing the standard policy template) in consultation with the University President/Cabinet. The OP should impose the minimum burden reasonably necessary on affected campus constituents, including time and resources to comply, and be consistent with achieving the purpose(s) of the OP. Recommendations concerning the policy may come from University academic/administrative units; University boards, councils, or committees, Faculty/Staff Senates; and/or the Student Government Association (SGA). The Policy Owner/Responsible Office may consult with the University General Counsel during the drafting period.

2. Once drafted, the Policy Owner/Responsible Office submits the OP draft to the University General Counsel for feedback and edits. The OP draft must be accompanied by a written statement - policy routing sheet - prepared by the Policy Owner/Responsible Office setting forth the rationale, scope, and potential impact issues to the University (e.g., resource, operational, financial, training, etc.) for the new OP or any major or substantive changes to an existing policy.

   The University General Counsel reviews the draft OP/amendment and provides

feedback/edits for legal sufficiency to determine consistency with applicable law, any policy, procedure, rule, or regulation in the *Regents' Rules*, and other University operating policies and procedures; identify and address legal risks; and recommends changes that address noted legal deficiencies. Any suggested revisions to the OP are submitted to the Policy Owner/Responsible Office and the President/Cabinet for review and consideration.

3. The General Counsel determines if a draft OP/amendment proposes substantive or non-substantive changes. If the General Counsel determines that the changes are minor or non-substantive, they are presented to the President for approval and, if required, the Chancellor and/or the Board of Regents.

4. If the General Counsel determines that the draft OP/amendment involves major or substantives changes, the draft OP/amendment and the accompanying statement of rationale are routed electronically for campus review to other affected campus departments, including MOSAIC, student government association, faculty and staff senates, and Administrative Council who review the draft OP/amendment and provide feedback/edits when necessary to the Policy Owner/Responsible Office within 15 business days. Policy review affecting faculty is scheduled primarily during the academic year; if summer review is necessary, Faculty Senate may appoint a committee to work with the Provost and a modest stipend is paid to appointees.

   The campus community is provided a concurrent opportunity to review the draft OP/amendment posted on the campus policy website and a comment period for feedback/edits when necessary to the Policy Owner/Responsible Office within 15 business days.

5. The Policy Owner/Responsible Office may forego the review period described above and seek approval from the President for a policy via an expedited process, when necessary. Special situations where this is likely may include, but are not limited to, a change in federal/state law and/or implementing regulations, or a major institutional risk.

   The expedited process would include a somewhat immediate review/revision by the President/Cabinet before submitting for approval to the President and, if required, the Chancellor/Board of Regents. The 15-business day campus community review period would be shortened to 5-business days.

6. Once campus reviews are completed, University operating policies will be submitted for approval by the President and, if required, by the Chancellor/Board of Regents. If the policy requires Board of Regents' approval, the Policy Owner/Responsible Office is responsible for preparing the Board motion for the President's Office for inclusion along with the policy in the Board agenda.

   Operating policies concerning the following subject matters generally requiring approval by the Board of Regents include:

   - Academic:

-Academic Workload Calculation
-Regulations for Performance Evaluation of Tenured Faculty
-Tenure and Promotion Standards and Procedures
-Annual Performance Evaluation for Tenure and Tenure Eligible Faculty
-Faculty Non-Reappointment and Tenure Revocation

- Alcohol Beverage Policy and Procedure
- Concealed Carry of Handguns on Campus
- Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure
- Students
  -Admission Requirements
  -Admission to the College of Graduate Studies and Research
  -Codes of Conduct
  -International Undergraduate Student Admissions
  -Involuntary Withdrawals of Students
  -Parking Fees
  -Any Policy/Procedure Requiring Board Approval as Required by Law Retention of Students
  -Student Affairs (Such other Policies/Procedures Relating to Student Affairs as Determined by the Institution's President - On Advice of General Counsel or Institution's Senior Student Affairs Officer)
  -Undergraduate Student Admissions
- Traffic and Parking Regulations

7. Following approval, the Office of the General Counsel is to assure that the OP is posted on the University's policy web site and that appropriate notice is provided to the campus of the new and/or revised OP.

8. The Office of the General Counsel shall be charged with the responsibility of keeping current the official version of the University's Operating Policies and Procedures and accessible on the University's policy web site. Administrative officers will be notified of any changes or additions to the OPs as soon as possible after the meeting at which they were adopted. The General Counsel is authorized to make minor and non-substantive editorial changes to the OPs enacted by the Board, subject to the approval of the President and, if required, by the Chancellor/Board of Regents, as necessary to keep the OPs current and correct. In the event such editorial changes are necessary, the General Counsel will ensure that the University, System, administrative officers, the campus, and members of the public have ready access to the current version of the OPs.

B. OP Format

To ensure consistency, a standard OP template has been created. Use of the standard template facilitates the adoption of clear and concise OPs throughout the University. The format will identify the Approval Authority, Policy Type, Policy Owner(s), Responsible Office(s), and Next Scheduled Review. All OPs should conform to the format and all sections must be included. If a section does

not contain any information or is not applicable, the drafter should put "N/A" under the section heading. OP numbers will be assigned by the Office of the General Counsel.

Please refer to the Related Forms section of this policy for the official University OP Template.

C. OP Dissemination

University Operating Policies and Procedures are posted on the University's website by the Office of the General Counsel. Any electronic republication of, or reference to, a University by a University Unit must be by hyperlink to the official MSU policy web site: MSU Operating Policies and Procedures. An e-mail to campus will notify University members of new and currently reviewed University Operating Policies and Procedures.

D. Review Period / Amendments

Every OP shall be reviewed every three years at a minimum. The period of review should be identified on the document when the policy is approved and implemented. OP end dates should also be listed, where applicable. The Last Revised Date and Next Scheduled Review must be included and maintained. These dates are an important management tool, as they will be used by the General Counsel to notify the Policy Owner/Responsible Office when it is time to review the OP. The Policy Owner/Responsible Office is tasked with updating the OP if there is a change in law or regulation.

E. Higher Authorities

1. MSU OPs are subordinate to higher authorities including federal law, rules, and regulations; state law, rules, and regulations; and policies, procedures, rules, and regulations of the Board of Regents. In accordance with § 02.04.2.j, TTUS *Regents' Rules*, any policy, procedure, rule, or regulation in MSU's Operating Policy and Procedure Manual that is in conflict with any policy, procedure, rule, or regulation in the Regents' Rules, is null and void and has no effect. Whenever any such conflict is detected, the Office of the Chancellor and the Office of the President immediately shall make such amendments to the Operating Policies and Procedures Manual as may be necessary to eliminate such conflict.

2. Should a conflict occur between policy and/or procedure of an OP and any other written or oral policy or procedure developed by any University area/department, the University operating policy and/or procedure of the OP will prevail.

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

Related Statutes/Rules:

- Texas Education Code, Chapter 51 (Provisions Generally Applicable to Higher Education), Sec. 51.352 (b) (governing board shall provide the policy direction).
- Texas Education Code, Chapter 109 (Midwestern State University), Section 109.201 (b) (University under the management and control of the Board of Regents); *See*

University of Houston v. Barth, 403 S.W. 3d 851, 855 (Tex. 2013) (policies adopted by Board of Regents under its enabling statute have the force of law).

- TTUS *Regents' Rules*, Section 02.04.2.j (Component Institution Presidents/Presidents' Authority)

Related Policies:

OP 06.03: Faculty Senate Constitution, Article IV (Jurisdiction), Section 1 provides:

> The Faculty Senate is charged with the responsibility of promoting the general welfare of the University. \The Faculty Senate shall be an advisory committee to the President of the University, and shall advise, when appropriate, administrative officers of the University on proposed changes in policy.

OP 52.81: Staff Senate Purpose and Constitution, provides that the Staff Senate shall serve as an advisory body to the President regarding matters affecting staff employees.

Student Handbook (2022-2023) (Student Rights and Responsibilities, Section E, p. 5: "Students have the opportunity to participate in the formulation of policy directly affecting them through membership on appropriate committees as determined by the President of the University, the Student Government Association, and other registered organizations within the University.").

Related Forms:

Flow Chart – MSU Operating Policy Development Process
Operating Policy and Procedure Template
Operating Policy and Procedure Routing Sheet

VII. Responsible Office(s)

Office of the General Counsel
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VIII. History

5 Aug. 2021: Adopted and approved by the MSU Board of Regents as Operating Policy/Procedure (OP) 02.31: Operating Policies and Procedures Manual for Midwestern State University and made effective 1 Sept. 2021.