Administrative Council Midwestern State University Approval via Electronic Vote

April 18, 2025 Meeting No. 25-03

The Administrative Council approved the policies listed below via email during the voting period April 14, 2025 – April 18, 2025. Notification of approval was received from the following members: Ms. Debbie Barrow, Dr. Marcy Brown Marsden, Dr. Matthew Capps, Mr. Paul Chappell, Ms. Dawn Fisher, Dr. Kristen Garrison, Ms. Julie Gaynor, Ms. Ashley Hurst, Dr. Keith Lamb, Dr. Michael Mills, Mr. Kyle Owen, Mr. Matthew Park, Mr. Jeff Spoeri, Mr. Chris Stovall, and Mr. Kyle Williams.

- I. MSU OP 16.01 Equal Employment Opportunity Policy
- II. MSU OP 16.03 Non-Discrimination and Anti-Harassment Policy
- III. MSU OP 52.82 Staff Hiring Procedures
- IV. MSU OP 52.86 Staff Performance Rating

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Stacia Haynie, Chair

Betsy Tucker, Secretary



Operating Policies & Procedures Manual

University Operating Policy/Procedure ("OP") OP 16.01: Equal Employment Opportunity Policy

DATE: April 21, 2025

PURPOSE: Midwestern State University ("MSU" or "University"), a component institution of

the Texas Tech University ("TTU") System, is an Equal Employment

Opportunity ("EEO") employer and is committed to compliance with federal and state employment laws and regulations. This OP is to establish MSU's EEO

policy.

REVIEW: Next Scheduled Review: September 2026. This OP will be reviewed in September

of every year, or as needed, by the TTU System Office of Equal Opportunity ("OEO"), the TTU System Vice Chancellor and General Counsel, and the MSU director of human resources, with substantive revisions forwarded through the MSU Vice President for Administration and Finance and the General Counsel.

POLICY/PROCEDURE

1. MSU is an EEO employer and does not tolerate unlawful discrimination or harassment of any employee or applicant for employment. MSU's EEO Policy is governed by <u>TTU System</u> Regulation 07.09 (Equal Employment Opportunity Policy), which can be found here.

RESPONSIBLE OFFICES

Contact: Vice President for Administration and Finance

Phone: (940) 397-4275

E-mail: chris.stovall@msutexas.edu

Contact: General Counsel Phone: (940) 397-6225

E-mail: <u>barry.macha@msutexas.edu</u>

HISTORY

10 Nov. 1989: Comprehensive revision and renumbering of MSU Policies and Procedures

Manual. The Equal Opportunity and Affirmative Action Policy Statements for faculty (2.436) and staff (2.526) are combined and renumbered as MSU Policy/Procedure 4.131: Equal Opportunity and Affirmative Action Policy Statement, and adopted and approved by the MSU Board of Regents.

- 13 May 1994: Revisions by the Board of Regents include designating MSU's Director of Institutional Research and Planning as the Texas Educational Opportunity Plan Action Officer (replacing the Director of Institutional Research and Planning) along with accompanying duties to include formulating and implementing MSU's plan.
- 12 May 1995: Revised by the Board of Regents to designate MSU's Director of Personnel (replacing the Director of Institutional Research and Planning) as the Texas Educational Opportunity Plan Action Officer.
- 04 Aug. 2006: Revised by the Board of Regents to comply with the Texas Labor Code, Chapter 21.
- O5 Aug. 2021: Comprehensive revision and renumbering of MSU Policies and Procedures
 Manual which is renamed Operating Policies and Procedures Manual of
 Midwestern State University. Former MSU Policy/Procedure 4.131 (Equal
 Opportunity and Affirmative Action Policy Statement) is renumbered by the
 MSU Board of Regents, effective September 1, 2021 (when MSU becomes a
 component institution of the TTU System), as MSU Operating Policy/Procedure
 ("OP") 16.01: Equal Opportunity and Affirmative Action Policy Statement.
- 10 Feb. 2022: Former MSU Policy/Procedure OP 16.01: Equal Opportunity and Affirmative Action Policy Statement is revised and renamed OP 16.01: Equal Employment Opportunity Policy and Affirmative Action Program to align with TTU System Regulation 07.09 which governs the Equal Employment Opportunity Policy and Affirmative Action Program of MSU. Adopted and approved by MSU Interim President James Johnston.
- 21 April 2025: Revised to eliminate provisions regarding the affirmative action program in compliance with federal and state employment laws and regulations and renamed MSU OP 16.01: Equal Employment Opportunity Policy, and adopted and approved by MSU President Stacia Haynie.



Operating Policies & Procedures Manual

University Operating Policy/Procedure ("OP")

OP 16.03: Non-Discrimination and Anti-Harassment Policy and

Complaint Procedure

DATE: April 21, 2025

PURPOSE: Midwestern State University ("MSU" or "University"), a component institution of

the Texas Tech University ("TTU") System, is an Equal Employment Opportunity ("EEO") employer and is committed to compliance with federal and state

employment laws and regulations; providing and strengthening an educational, working, and living environment where students, employees, and visitors are free from any form of unlawful discrimination; and fostering and supporting a culture of mutual respect and communication. In the event an individual believes their rights under law have been violated, this OP adopts procedures to address these

concerns in a fair, equitable, and prompt manner.

REVIEW: Next Scheduled Review: April 2026. This OP will be reviewed in April of every

year, or as needed, by the TTU System Office of Equal Opportunity, TTU System Vice Chancellor and General Counsel, MSU Title IX Coordinator, and MSU Director of Human Resources, with substantive revisions forwarded through the MSU Vice President for Administration and Finance, MSU Vice President for Enrollment Management and Student Affairs, and the MSU General Counsel to the

MSU President.

POLICY/PROCEDURE

1. Policy

MSU does not tolerate unlawful discrimination or harassment. MSU's non-discrimination and anti-harassment policy is set forth in TTU System Regulation 07.10 (Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, which can be found here.

2. Complaint Procedure

A. Complaints by Employees, Including Student Employees

Complaints of discrimination or harassment under this policy by MSU employees, including student employees, should be directed to the Texas Tech University System Office of Equal Opportunity ("OEO"). Contact information for the Office of Equal Opportunity is as follows:

CONTACT	PHONE	ADDRESS	WEBSITE & EMAIL
Dawn Payne,	806.742.3627	TTU System Administration	https://www.texastech
Assistant Vice		Building 1508 Knoxville	<u>.edu/offices/equal-</u>
Chancellor and		Avenue, Suite 309	employment/
Director,		TTU System Office of	
TTU System		Equal Opportunity	dawn.payne@ttu.edu
Office of Equal		Box 41073	
Opportunity		Lubbock, TX 79409	

B. Complaints by Students or Involving Students

Pursuant to <u>System Regulation 07.10</u>, complaints by MSU students or involving students shall be handled in accordance with the University's student handbook, which can be found here.

C. Complaints Involving Non-University Individuals

Pursuant to <u>System Regulation 07.10</u>, if a non-University individual has a complaint of discrimination or harassment by a student or University employee acting in the scope of their employment, the individual involved may file a report with either the Office of the Dean of Students or OEO, and the University may investigate and take steps to address the situation. If a student or employee has a complaint of discrimination or harassment against a non-University party, the individual may make a report to the Office of the Dean of Students or OEO. However, the University's response may differ for complaints regarding third parties based on the level of control University has over the third party.

3. Sexual Misconduct

While sexual harassment, sexual assault, or other forms of sexual misconduct may constitute prohibited acts of discrimination, such complaints will be addressed under MSU OP 16.02: Sexual Misconduct, and System Regulation 07.06, rather than pursuant to this OP.

4. Expectations of the University Community

MSU expects all members of the University community to comply with applicable laws, regulations, and policies. Members of the University community who violate applicable laws, regulations, or policies may be subject to disciplinary action pursuant to MSU OP 52.89:

Employee Conduct, Coaching, Corrective Action, and Termination, and System Regulation 07.07.

RESPONSIBLE OFFICE

Contact: Vice President for Administration and Finance

Phone: (940) 397-4275

E-mail: chris.stovall@msutexas.edu

Contact: Vice President for Enrollment Management and Student Affairs

Phone: (940) 397-4291

E-mail: keith.lamb@msutexas.edu

Contact: Dean of Students Phone: (940) 397-7400

E-mail: matthew.park@msutexas.edu

Contact: General Counsel Phone: (940) 397-6225

E-mail: barry.macha@msutexas.edu

HISTORY

09 Feb. 1990: MSU Policy/Procedure 4.171: Racial Harassment Policy is adopted and

approved by the MSU Board of Regents.

10 Nov. 2000: Revised to reflect the transition from divisions to colleges (division director to

dean or chair, division changed to college or program, coordinator to chair, etc.).

05 Aug. 2021: Comprehensive revision and renumbering of MSU Policies and Procedures

Manual which is renamed Operating Policies and Procedures Manual of Midwestern State University. MSU Policy/Procedure 4.171 – Racial Harassment Policy is renumbered by the MSU Board of Regents, effective September 1, 2021 (when MSU became a component institution of the TTU System), as MSU

Operating Policy/Procedure ("OP") 16.03: Racial Harassment Policy.

31 March 2022: Former MSU OP 16.03: Racial Harassment Policy is revised and renamed OP

16.03: Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, and replaces/deletes former MSU OP 52.31/3.351: Employee Workplace Bullying. Adopted and approved by MSU Interim President James

Johnston.

21 April 2025: Revised to reflect additions/deletions of current positions, titles, and

responsibilities, and adopted and approved by MSU President Stacia Haynie.



Operating Policies & Procedures Manual

University Operating Policy/Procedure (OP) OP 52.82: Staff Hiring Procedures

Approval Authority: President

Policy Type: University Operating Policy and Procedure **Policy Owner:** Vice President for Administration and Finance

Responsible Office: Director of Human Resources

Next Scheduled Review: 12/01/2027. This OP will be reviewed every two years by the

Director of Human Resources with substantive revisions forwarded through the Vice President for Administration and

Finance to the President.

I. Policy Purpose

The purpose of this OP is to establish the policies and procedures for the posting and hiring of staff positions at Midwestern State University ("MSU" or "University"), a component institution of the Texas Tech University ("TTU") System.

II. Policies and Procedures

A. Authorization to Employ

- 1. Vacancies of Budgeted Positions. Positions listed in the current fiscal year's budget are approved de facto for refilling unless official notice or cancellation has been issued by the President.
- 2. New Staff Positions. New staff positions can be created only by written approval of the President.
- 3. New Staff Titles/Changes to Existing Titles. The addition of new titles and changes to existing titles require approval of the President.
 - a. In order to request approval for a new title or to change an existing positions title, the appropriate request form must be submitted through the respective administrative head to the Director of Human Resources.
 - b. The Director, Dean, or other administrator submitting the request must provide justification of the need for the addition or revision of a title, including any significant changes in an existing positions responsibilities or requirements.

- c. Except in unusual circumstances, a departmental reorganization should not be requested outside of the normal budget cycle process.
- 4. Salaries. The salaries for replacement positions will be determined by wage and salary scales in effect at the time the vacancy occurs. (Refer to the MSU Classified Pay and compensation policy (OP 52.87: Compensation for Non-Classified Staff Employees).
 - a. Ordinarily, classified positions will be advertised and filled at the starting salary for the position as listed in the current classified pay plan; however, with prior approval of the President, such positions may be advertised with a range between the starting salary and the current budgeted salary for that position. If the advertised salary is approved with a range, the salary will be offered at a level commensurate with the applicant's experience and qualifications.
 - b. The starting salary for a classified position may not be higher than the advertised starting salary for that position without prior approval of the Provost and Vice President for Academic Affairs or appropriate Vice President, Director of Human Resources, and President.
 - c. In the event a classified staff member accepts an offer of employment to fill an open position in another department in the same job title, job class code, and pay grade currently held by the member, then that staff member will receive the same salary rate as before the lateral transfer, depending upon availability of funds.

B. Initiation of Employment Procedures

- 1. Personnel Requisition. To initiate the hiring process a supervisor must first complete a Personnel Requisition Form ("PRF") and send it through the Director, Dean, Provost and Vice President for Academic Affairs or appropriate Vice President, Budget Office, Director of Human Resources, and the President for approval to fill the position.
- 2. Advertising of Available Position
 - a. When a vacant position is to be filled, it will be listed with the Texas Workforce Commission ("TWC"), the MSU website, and in such other places as deemed appropriate by the Human Resources Department in order to meet legal requirements and attract a qualified pool of applicants. Texas Government Code, Section 656.024 requires that vacant positions be posted with the TWC for a minimum of ten (10) working days unless the Human Resources Department advises the TWC that the position has been filled.
 - b. No opening shall be advertised to the public until a PRF has been completed and approved by the appropriate parties, and the opening has been posted with the TWC.
 - c. The placement and payment of paid advertisements for open staff positions

will be the responsibility of the hiring department.

- d. All job postings and advertisements must be approved by the Human Resources Department and will include, but not be limited to, the following:
 - i. a summary description of the work to be performed and the essential functions of the position;
 - ii. any educational, licensing, certification, testing, or skills requirements;
 - iii. the minimum amount of previous experience desired, if any;
 - iv. any physical requirements specific to the position;
 - v. the application procedures;
 - vi. a statement that MSU is an Equal Employment Opportunity ("EEO")/Vets/Disability employer;
 - vii. notice if the position is designated as security sensitive and requires a background check; and
 - viii. a statement that:

All qualified applicants will be considered for employment without regard to sex, race, color, national origin, religion, age, disability, protected veteran status, or genetic information.

3. Internal Promotions - It is not required that a vacant position be posted with the TWC or advertised if it is to be filled by internal promotion. An internal promotion is the promotion of a current employee to a higher position reporting to the same immediate supervisor.

C. Screening and Interviewing Applicants

- Applications for Available Positions. Applications are accepted only for available open positions. Applicants for staff positions may apply through the MSU Human Resources Department using the standardized State of Texas Application Form which can be obtained from the TWC office, the TWC website, or the MSU Human Resources Department. All applications are received by the Human Resources Department where an initial screening is performed and applicant information is recorded for statistical purposes. Applications, resumes, and cover letters, if any, are forwarded to the hiring supervisor or search committee for review.
- 2. Interviewing Applicants. After reviewing the applications, the supervisor or search committee will complete and submit the Staff Hiring Screening Matrix Form to Human Resources, ranking the applicants' qualifications and indicating those applicants chosen for interview. Preferably, no fewer than three applicants meeting the greatest number of requirements will be selected. The Human Resources Department will review the hiring matrix and will contact the selected applicants to arrange personal interviews with the hiring supervisor or committee. To as great an extent as possible, interview questions should be the same for all

applicants and must not include questions of a personal nature unrelated to the applicant's ability to meet the requirements of the position. Interview questions should be submitted in advance to the Director of Human Resources for review and will be kept on file with the position requisition. Supervisors desiring assistance in preparing a list of appropriate questions should contact the Human Resources Department.

D. Selection

All qualified applicants will be considered for employment without regard to sex, race, color, national origin, religion, age, disability, protected veteran status, or genetic information. To assist supervisors in this regard, the Human Resources Department will provide an Applicant Evaluation Form to be completed on each applicant interviewed.

E. Offers of Employment

- 1. Notification of Selection. The hiring supervisor selects an applicant from among those interviewed for the position and notifies Human Resources of the selection by returning the Applicant Evaluation Form to the Human Resources Department and stating the agreed upon salary and starting date. At the conclusion of the selection process, all applications received for the position and all evaluation forms for candidates that were interviewed must be returned to the Human Resources Department by the hiring supervisor or search committee.
- 2. Reference Checks. After a qualified applicant has been personally interviewed by a supervisor or committee and is selected for hire, the Human Resources Department will perform reference checks. Reference checks will be made only by the Human Resources Department or by the hiring supervisor or search committee, with prior approval of the Human Resources Department. A background check will be conducted as required by MSU OP 52.25: Criminal Background Checks Employees and Volunteers if the position is designated as security sensitive.
- 3. Selective Service Registration. The university is required by state law to verify that all new male employees have either registered with Selective Service or are exempt under federal law (Texas Government Code, Section 651.005). The Human Resources Department will be responsible for providing such verification. Failure to register as required by law will be grounds for removal from University employment.
- 4. Formal Offers of Employment. Official offers of employment shall be made only by the Director of Human Resources or the Director's designee. The hiring supervisor or committee will immediately be informed of the applicant's acceptance or rejection of the offer to employ. A conditional offer of employment may be made, contingent upon successful completion of a criminal background check if one is required.
- 5. New Employees. Within the first 30 days of employment, the Human Resources Department will contact new employees to ensure that each person hired attends

new employee orientation, to include sexual harassment/discrimination awareness, ethics, and other required training, that all employment forms and benefits enrollments are properly completed, and that the new employee is placed on the University payroll (see MSU OP 52.01: Personnel Records).

III. Responsible Office

Contact: Director, Human Resources

Phone: (940) 397-4221

E-mail: human.resources@msutexas.edu

IV. Revision History

10 Nov. 1989: Comprehensive revision and renumbering of MSU Policies and

Procedures Manual and MSU Policy/Procedure 3.212 (Staff Hiring Procedures) is adopted and approved by the Board of Regents.

10 May 1991: Modified by the Board of Regents due to changes in the way positions

are advertised.

13 May 1994: Modified by the Board of Regents concerning the staff hiring procedures

and physical examinations as a condition of employment for all

applicants who are granted employment as custodians, grounds, skilled crafts, power plant, warehousing, etc., will be required to take a physical

examination to verify their ability to perform the minimum

qualifications of their job.

12 May 1995: Modification made by the Board of Regents requiring prior approval of

the Board of Regents for the creation of new staff positions.

08 Aug. 1997: Revisions made and approved by the Board of Regents to reflect the

University's current procedure.

06 Aug. 2004: Revised by the Board of Regents by adding the requirement

recommended by the Texas Commission on Human Rights that the MSU personnel office review all staff hiring actions to ensure EEO

compliance.

05 Nov. 2004: Revised by the Board of Regents by adding a new section dealing with

the internal transfer of University employees.

05 Aug. 2005: Changes were approved by the Board of Regents for clarification of

currently accepted practices concerning placement and payment of paid

advertisements for open staff positions, and to correct the Texas

Government Code citation.

14 Nov. 2008: Extensive revisions by the Board of Regents that included adding the

requirements for prior approval of new titles, title changes, and

departmental reorganizations, and the policy statement is modified for

clarity.

05 Aug. 2021: Comprehensive revision and renumbering of MSU Policies and Procedures Manual which is renamed Operating Policies and Procedures Manual of Midwestern State University. Former MSU Policy/Procedure 3.212 (Staff Hiring Procedures) is renumbered by the MSU Board of Regents, effective September 1, 2021 (when MSU becomes a component institution of the TTU System), as Operating Policy/Procedure ("OP") 52.82: Staff Hiring Procedures.

21 April 2025: Revised to comply with recent federal and state executive orders, and adopted and approved by MSU President Stacia Haynie.



Operating Policies & Procedures Manual

University Operating Policy/Procedure ("OP") OP 52.86: Staff Performance Rating

Approval Authority: President

Policy Type: University Operating Policy and Procedure

Policy Owner: Vice President for Administration and Finance

Responsible Office: Director of Human Resources

Next Scheduled Review: 12/01/2027. This OP will be reviewed every two years by the

Director of Human Resources with substantive revisions forwarded through the Vice President for Administration and

Finance to the President.

I. Policy Purpose

The purpose of the staff performance review is to give managers and supervisors at Midwestern State University ("MSU" or "University"), a component institution of the Texas Tech University ("TTU") System, a fair and objective means of evaluating and counseling individuals who report to them in order to correct deficiencies, improve performance, increase efficiency, and provide a basis for making management decisions regarding promotions, merit pay increases, disciplinary actions and/or dismissals.

II. Policies and Procedures

A. Annual Evaluations of Senior Administrative Staff

University officials may, at their option, choose to evaluate senior administrative staff, holding the position of director or above, on the attainment of predetermined annual goals and objectives. The evaluation should be based on an assessment of the employee's effectiveness as an administrator in achieving the goals and objectives within the employee's area of responsibility. A summary of the review of attainment of annual goals and objectives will be submitted to the Human Resources Department by the supervising administrator in lieu of the Staff Performance Review Form and will remain in the personnel file of the employee.

B. Annual Evaluations of Staff

At least once annually, more frequently if necessary, staff members will be evaluated by their respective supervisors concerning job performance utilizing a Staff Performance Review Form provided by the Human Resources Department. The supervisor will complete the form, make appropriate comments and observations, and

then conduct a meeting with the employee to review the evaluation.

C. Performance Measures

Except as permitted in paragraph B, at a minimum, staff employees are to be evaluated in those areas listed below that apply to their respective positions. Three standard performance measures will be used: Exceeds Expectations, Meets Expectations, and Does Not Meet Expectations.

- 1. Compliance with MSU Policies and Procedure
- 2. Quality of Work
- 3. Quantity of Work
- 4. Knowledge of Work
- 5. Initiative
- 6. Dependability
- 7. Attendance
- 8. Cooperation/Customer Service
- 9. Supervision of Others (Supervisors Only)

A supervisor or manager may evaluate an employee in performance areas other than the ones listed above if the area is unique to that employee's position and the same three measures - Exceeds Expectations, Meets Expectations, Does Not Meet Expectations - are used. Documentation is required for any category in which the employee "Does Not Meet Expectations."

D. Performance Review Recordkeeping

Following the conclusion of an employee's performance review meeting, the completed Staff Performance Review Form should be signed by all parties and will be sent to the Human Resources Department along with any supporting documentation for inclusion in that employee's personnel file. A copy will be given to the employee and another retained within the appropriate department by the reviewing supervisor or manager.

E. Disagreements

If an employee disagrees with an evaluation, he/she will have fifteen (15) calendar days following the date of the evaluation meeting to file a rebuttal by memorandum to the supervisor. A copy should be sent by the employee to the Human Resources Department where it will be attached to the performance review form in the employee's personnel file. No additional action is required unless the employee wishes to file a formal complaint or grievance, in which case he/she must follow the procedures outlined in MSU OP 52.91: Grievance Procedures for Non-Teaching Employees.

F. Additional Reviews

If circumstances warrant, such as in the case of performance problems requiring immediate correction, additional performance reviews may be conducted by supervisors at any time. Such reviews need not be conducted utilizing a Staff Performance Review Form; however, the supervisor will forward appropriate documentation of the meeting and any disciplinary or corrective action taken to the Human Resources Department.

G. Equal Employment Opportunity ("EEO") Compliance

It is the responsibility of the Director of Human Resources to review all performance evaluations to ensure that they: (1) are based upon consistent, fair and measurable standards; (2) do not reflect a pattern of discrimination or harassment based on or related to sex, race, color, national origin, religion, age, disability, protected veteran status, genetic information, or other protected category, class, or characteristic under applicable law; and (3) do not indicate retaliation against an employee who may have filed a grievance or alleged violations of law or University policy.

III. Responsible Office

Contact: Director, Human Resources

Phone: (940) 397-4221

E-mail: human.resources@msutexas.edu

IV. Revision History

10 Nov. 1989: Comprehensive revision and renumbering of MSU Policies and

Procedures Manual and MSU Policy/Procedure 3.214 (Staff

Performance Rating) is adopted and approved by the MSU Board of

Regents.

06 Aug. 2004: Revised by the MSU Board of Regents by adding compliance with MSU

policies and procedure to performance measures and requiring

documentation in any category in which the employee "Does Not Meet

Expectations."

10 Feb. 2006: Revised bb the Board of Regents to define and allow submission of the

goals and objectives evaluation format in place of the Staff Performance

Review Form for senior staff employees.

05 Aug. 2021: Comprehensive revision and renumbering of MSU Policies and

Procedures Manual which is renamed Operating Policies and Procedures Manual of Midwestern State University. Former MSU Policy/Procedure 3.214 (Staff Performance Rating) is renumbered by the

MSU Board of Regents, effective September 1, 2021 (when MSU becomes a component institution of the TTU System), as MSU Operating Policy/Procedure ("OP") 52.86: Staff Performance Rating.

21 April 2025: Revised to comply with recent federal and state executive orders, and

adopted and approved by MSU President Stacia Haynie.