

## Chapter 08 – Facilities

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*[see last page of chapter for list of amendments adopted]*

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08.00 **Definitions.** For the purposes of this chapter, the following definitions are assigned:

- 08.00.1 “Facility” or “facilities” shall mean: Any building(s) or structure(s), any improved or unimproved land, or any part of any such building(s), structure(s), or land that is owned, used, or occupied by the TTU system.
- 08.00.2 “FP&C Office” and “FP&C” shall mean: The Office of Facilities Planning and Construction, a division of the TTU system administration.
- 08.00.3 “FP&C vice chancellor” shall mean: The vice chancellor of Facilities Planning and Construction.
- 08.00.4 “University Public Art Committee” or “UPAC” shall mean: The committee that functions as a standing advisory committee to oversee the Public Art Collection and that develops and selects works of art for purchase or commission using funds designated for that purpose by Section 08.02.3, *Regents’ Rules*.
- 08.00.5 “Public Art Collection” shall mean: All works of art purchased using the funds designated for that purpose by Section 08.02.3, *Regents’ Rules*, and select public works of art that have been donated specifically to the Public Art Collection or which predate the Public Art program’s care at the time of its inception. Excluded from the Public Art Collection are works of art owned or held by the Museum of Texas Tech University, the National Ranching Heritage Center, and any other institutional galleries or museum entities owned or maintained by the TTU system or funded by means other than the funds designated for that purpose by Section 08.02.3, *Regents’ Rules*.

8.00.6 "Project Management Team" shall mean: The team that is responsible for managing major construction projects.

**08.01 Construction program**

08.01.1 Construction procurement methods. The TTU system shall use the procurement methods set forth in Chapter 51, *Texas Education Code*, "Construction and Repair of Permanent Improvements" (as amended or modified) for all construction or renovation projects as follows:

- a. Competitive Bidding – per Section 51.778 and 51.779, *Texas Education Code*;
- b. Design-Build – per Section 51.780, *Texas Education Code*;
- c. Construction Manager-Agent – per Section 51.781, *Texas Education Code*;
- d. Construction Manager-at-Risk – per Section 51.782, *Texas Education Code*;
- e. Competitive Sealed Proposals – per Section 51.783, *Texas Education Code*; and
- f. Job Order Contracts for facilities construction or repair – per Section 51.784, *Texas Education Code*.

08.01.2 Authorization. Construction projects are either new construction projects or repair and renovation projects, and each category of construction projects shall be governed as follows:

- a. Major projects are construction projects with a total budget of \$4,000,000 or more. These projects are governed by Section 08.01.3, *Regents' Rules*.
- b. Minor projects are construction projects with a total budget of less than \$4,000,000. These projects are governed by Section 08.01.4, *Regents' Rules*.

08.01.3 Major construction projects. Major construction projects include: new construction projects and repair and renovation projects with a total project budget of \$4,000,000 or more. A major construction project will be managed by a project management team which consists of an FP&C representative, a component institution representative (owner), and a project manager unless an exception is approved by the board.

a. For major construction projects:

- (1) Project activities prior to Board approval (pre-construction services): The chancellor, or the chancellor's designated representative, upon the recommendation of the president if the project is being constructed for a component institution, may proceed with the following pre-construction activities before a project has received approval of the board under Section 08.01.3.a(3):
  - (a) identify funding for the project being constructed, with a planned project budget being provided along with the funding request;
  - (b) work with the component's CFO, Operations/Physical Plant representative, and facility user representatives, as designated by the president if the project is being constructed for a component institution, to develop the scope of the project within planned budgets or adjusted budgets as approved by the chancellor and/or presidents, which shall be known as an Owner's Project Requirements (OPR) document; and
  - (c) engage in other preliminary pre-construction planning activities through the use of pre-qualified service providers (such as surveyors, civil engineers, asbestos consultants, and so forth).
- (2) Project activities for the feasibility study option: In addition to activities authorized under Section 08.01.3.a(1), the chancellor, or the chancellor's designated representative, upon the recommendation of the president if the

project is being constructed for a component institution, may utilize the option of engaging an architect/engineer team (a design professional) for pre-construction feasibility study planning services before a project has received preliminary approval of the board under Section 08.01.3.a(3), subject to the following limitations:

- (a) the design professional shall be selected by means of a Request For Qualifications (RFQ) process that was either specific to the project or selected from a prequalified list, with advance notice provided to the board;
  - (b) no earlier than ten (10) days prior to the execution of such a contract with a design professional, the board shall be presented information that includes a preliminary project concept, the proposed feasibility study budget, and an overview of the selection process for the identified design professional that includes the information required under Section 08.01.3.a(3); and
  - (c) authorization in writing by the chair of the board's Facilities Committee, with notification to all board members, is required before a contract with the design professional may be executed.
- (3) Preliminary approval by the board: A preliminary project approval, to include a planned budget, is required before an architect/engineer team or a construction manager (as listed in Section 08.01.1, *Regents' Rules*) may be engaged for pre-construction services. (If an architect/engineer team was previously engaged under the provisions of Section 08.01.3.a(2) and if a change in this service provider is not deemed necessary, board approval at this stage constitutes an authorization for the architect/engineer team to continue providing pre-construction design services for the project.) When such preliminary project approval is requested, the board shall be presented information that includes a summary of the project concept, the planned budget, an estimated

total project budget, and an overview of the selection process for each proposed external partner that includes the following information:

(a) Initial Submittal Phase:

- i. weighted grading criteria used in the initial selection phase;
- ii. names of all submitting firms;
- iii. grading of the initial submittals by the members of the selection committee; and
- iv. a summary of the scores.

(b) Interview Phase:

- i. weighted grading criteria for this phase;
- ii. names of firms selected to interview for this phase;
- iii. scoring of each firm by the members of the selection committee; and
- iv. summary of final scores from the Interview Phase.

- b. Approval to proceed with construction: For major construction projects, when approval to proceed with the construction phase of a project is requested, the board shall be presented information that includes the project design, the project budget, and a detailed summary of proposed fees and cost, for each selected external partner. The chancellor or the chancellor's designated representative, upon the recommendation of the president, shall obtain the approval of the board prior to proceeding with the following actions as applicable to the project:

- (1) approve a total project budget;

- (2) proceed with design development and construction documents;
  - (3) submit required reports to the Texas Higher Education Coordinating Board;
  - (4) solicit and accept construction bids or proposals;
  - (5) award a construction contract or execute a Guaranteed Maximum Price contract amendment; and
  - (6) amend any associated existing contracts to reflect the remaining scope of the project as well as construction management services for the project.
  - (7) When it is deemed necessary by the component president to include new furniture or equipment in a new building or renovation construction project, such facts justifying the acquisition shall be determined and documented. The furniture and equipment costs shall be included in the project budget, with the approval of the board.
- c. Board approval: combining steps in the process; dividing projects.
- (1) Any of the steps listed in Section 08.01.3.b may be combined in the board approval process. The board, however, may choose to retain control over any or all of the steps listed above in the board approval process.
  - (2) Projects shall not be divided for the purpose of falling within a lower level of approval.
- d. The chancellor's designated representative for major construction projects shall be project management team which includes the FP&C Office. All major construction projects shall be managed by the FP&C Office.
- e. All major construction projects shall be conducted by the project management team with the assistance of a Construction

Manager-Agent (CMA) per Section 51.781, *Texas Government Code*, or an alternative method recommended by FP&C, the institution's president, and the chancellor and approved by the board.

- f. The following changes to a major construction project require re-approval by the board and may require re-submission of a report to the Texas Higher Education Coordinating Board:
  - (1) the total cost of a project exceeds the initial board-approved budget by more than \$500,000 or ten percent (10%), whichever is more;
  - (2) the TTU system administration or the component institution has not contracted for the project within 18 months of the date of final approval by the board; or
- g. At each regular meeting of the board, a summary of each major construction project in progress shall be provided to the board that includes photos of the project and the status of the project's schedule and budget.

08.01.4 Minor construction projects. Minor construction projects include: new construction projects and repair and renovation projects with a total project budget less than \$4,000,000.

- a. The chancellor or the president, as applicable, or their designated representatives, are authorized to proceed with any minor construction project.
- b. The physical plant officers of the component institutions bear responsibility for management of minor construction projects as defined above.
- c. The president of the institution for which the project is being constructed, with the concurrence of the chancellor, shall have the option of designating FP&C as the manager of the minor construction project when the complexity of the project warrants such action.

- d. If changes in a minor construction project cause the project budget to fall within the definition of a major construction project, then:
  - (1) the FP&C Office must be notified as soon as the revised total project cost is identified; and
  - (2) in accordance with Section 08.01.3, the project must be brought to the chair of the Facilities Committee for board approval.

08.01.5 Procurement procedures. All major and minor construction projects not classified as emergency actions and construction projects not performed by TTU system personnel will be competitively procured in accordance with the methods set forth in Chapter 51, *Texas Education Code*, (as amended or modified). In addition, all such projects must be procured in accordance with TTU system policies, federal and state purchasing regulations, institutional operating policies, and other applicable laws.

08.01.6 Contract execution. The chancellor or the president, as applicable, or their designated representatives, shall execute all construction contracts as authorized by the board.

08.01.7 Emergency actions.

- a. If the chancellor, on the recommendation of the president, declares a major construction project to be an emergency or that exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, the board authorizes the chair of the board or the chair of the Facilities Committee to approve all necessary actions. Any emergency actions taken must be reported to the board at its next meeting.
- b. Notwithstanding Section 08.01.3.h(2), *Regents' Rules*, when an emergency or exigent circumstances exist such that immediate action to address life, health or safety risks is required for a major project that is under construction, the board authorizes the chancellor to approve the use of any contingency funds designated for the project for activities necessary to address



the risks. Subsequently, approval of the use of such contingency funds shall be documented in writing and reported to the board.

08.01.8 Wage rate schedule. As required by Section 2258.022, *Texas Government Code*, (as amended or modified), the TTU system administration will determine the prevailing wage rates for the geographic areas where work is to be performed and include the appropriate schedule of prevailing wages in the specifications for each construction contract.

08.01.9 Project management fee. The FP&C Office shall receive a project management fee for all design and construction initiatives managed by the FP&C Office. This fee shall be used to support all FP&C operations.

a. Fees to be assessed by FP&C, as follows:

- (1) Project assessment. For any project, the fee shall be 2.4% of the project budget stage, as approved by the board. The fee assessed will be capitalized in the cost of the project, and the fee shall be assessed and collected based upon the following milestones:

Project Budget Stage	Milestone	% of fee to be collected
Stage one design	Board approval	100%
Stage two design	Board approval	100%
Construction manager pre-con fee	Board approval	100%
Construction manager full funding (GMP)	Board approval	90%
	Substantial completion date	10%

b. Fee administration. The project management fee shall be administered and managed by the FP&C vice chancellor and the chief financial officer.

c. Annual review and adjustments. Each year, the project management fee and funding plan shall be reviewed during the operating budget process, and, with board approval, the fee may be adjusted when the board considers and approves the operating budgets.

## 08.02 Campus planning and enhancements

- 08.02.1 The board shall be notified of all campus master plan initiatives.
- 08.02.2 Campus master plans and accompanying architectural and site design guidelines shall be developed and approved by the board to guide campus development, unless the board approves an exception.
- a. Architectural and site design guidelines, as developed and approved by the board, shall be adhered to for TTU system campuses.
  - b. Unless an exception is granted by the board, the TTU system Campus Master Plans shall guide new construction, new infrastructure, traffic and parking modifications, necessary demolition, enhancement of pedestrian space, and preservation efforts.
  - c. The FP&C Office shall be represented on all master plan committees.
- 08.02.3 The component institutions' *Architectural and Site Design Guidelines*, as modified, shall guide development on all component institution campuses, unless the board grants a specific exception for a particular project.
- 08.02.4 Public Art Program.
- a. The FP&C Office shall manage and be the chancellor's designated representative for the public art program. Each project shall include a statement from the chancellor and/or president as to whether public art is applicable based on the scope of the project, campus location, and proximity to other public art. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of the original board approved total project budget of each major construction project, as defined in Section 08.01.3, will be allocated for the acquisition of original works of public art, unless an exception is approved by the board. The president may request an exception in writing to FP&C, and with the approval of the chancellor, submit the re-

quest to the chair of the Facilities Committee for approval. These works of public art shall be located at or near the site of the construction project or, insofar as is permissible under TTU system/institutional policies and applicable to the source of funds, the funds may be aggregated and expended pursuant to a comprehensive art and aesthetic improvement plan, as approved by the board.

- b. Each fiscal year, the Public Art Director in the FP&C Office shall prepare a prioritized list of recommended maintenance and conservation actions, both reactive and proactive, to be performed by qualified professionals under the coordination of the Public Art Director. Each TTU system component institution shall be provided the list, and annually the president of each institution shall report to the board and chancellor the maintenance and conservation work that has been done, is in progress, or is planned.

#### 08.02.5 University Public Art Committee.

- a. The chancellor, in consultation with the presidents, shall approve nominations of members to serve on the University Public Art Committee (“UPAC”) to recommend major public art acquisitions. The nominations provided to the chancellor and presidents shall be submitted by the UPAC. The UPAC shall be composed of the FP&C vice chancellor, the Public Art Director, students, faculty, and staff of the TTU system, individuals from the communities surrounding the various campuses of the component institutions, and professional artists who are alumni of a component institution of the TTU system. The president of the appropriate component institution shall appoint a representative to the UPAC for the selection of works of public art for inclusion in a major construction project on a case by case basis.
- b. The UPAC will review all proposed new commissions of campus public art and take into consideration the Campus Master Plan, location of the install, the cost of installation, maintenance requirements, and other factors deemed appropriate by the UPAC. The UPAC shall provide a final recommendation to the respective president for the inclusion of the artwork in

the Public Art Collection. Upon the president's approval, the UPAC will provide the final recommendation to the chancellor.

- c. Proposed gifts to the public art program must be made in accordance with the respective institution's operating policies and procedures. To qualify for acceptance, such proposed gifts must meet the UPAC's acquisition criteria and standards. The UPAC shall review each proposed gift of public art, and this review shall take into consideration the following factors: the Campus Master Plan; the cost of installation; maintenance requirements; and any other factors deemed appropriate by the UPAC. If the UPAC votes to recommend acceptance of a proposed gift for inclusion in the Public Art Collection, the Public Art Manager shall provide a final recommendation to the respective president regarding the gift's inclusion in the Public Art Collection. Upon the president's approval, the UPAC will provide the final recommendation to the chancellor.
- d. Except as provided in Section 08.02.4.e, herein, the respective president shall make a recommendation to the chancellor regarding proposed new artwork, and the chancellor shall make the final determination of whether the proposed new artwork is to be included in the Public Art Collection.
- e. Inclusion of an honorary statue, sculpture, or other artistic representation in the Public Art Collection.
  - (1) If a proposed new commission of campus public art (per Section 08.02.4.b, herein) or a proposed gift to the public art program (per Section 08.02.4.c, herein) involves an honorary statue, sculpture, or other artistic representation that depicts one or more specific individuals, or that otherwise honors any specific individual, group, foundation, corporation, or other business entity:
    - (a) the UPAC shall conduct its review and make its recommendation in accordance with Section 08.02.4.b or Section 08.02.4.c, as appropriate;

- (b) the respective president shall make a recommendation to the chancellor;
  - (c) the chancellor shall make a recommendation to the board; and
  - (d) the board shall grant the final approval of the proposed new statue, sculpture, or other artistic representation.
- (2) For the purposes of this subdivision, a statue, sculpture, or other artistic representation includes any such work of art that:
- (a) is planned and executed with the specific intention of being sited, staged, or exhibited permanently in or on any building or structure, any improved or unimproved land, or any part of any such buildings, structures, or land that is owned, used, or occupied by the TTU system;
  - (b) is accessible to the public.
  - (c) is not a work of art that is or will be owned or held by the Museum of Texas Tech University, the National Ranching Heritage Center, or any other institutional gallery or museum entity owned or maintained by the TTU system.
- (3) In unusual and unforeseen circumstances, the board reserves the right to rescind a previous approval and require the removal of an honorary statue, sculpture, or other artistic representation.

08.02.6 Landscape Enhancement Program. The FP&C Office shall manage and be the chancellor's designated representative for the landscape enhancement program. Each project shall include a statement from the chancellor and/or president as to whether landscape enhancement is applicable based on the scope of the project, campus location, and proximity to other landscaping. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of

the original board approved total project budget of each new major construction project will be allocated to the enhancement of exterior landscape, hardscape, and waterscape features unless an exception is granted by the board. The president may request an exception in writing to FP&C, and with the approval of the chancellor, submit the request to the chair of the Facilities Committee for approval. These enhancements shall be located either at or near the site of the construction project or, insofar as is permissible under TTU system/institutional policies and applicable to the source of funds, the funds may be aggregated and expended pursuant to a comprehensive art and aesthetic improvement plan, as approved by the board.

08.02.7 Combining programs. The chancellor or the chancellor's designated representative may combine the landscape enhancement and public art allocations for a single acquisition when such a combination is appropriate and necessary to meet the unique requirements of a specific project.

08.02.8 Private development. Prior approval of the board is required for the private development of TTU system land.

08.03 **Preservation of campus buildings and landmarks.** The board may provide for the preservation of buildings and landmarks because of their historical significance, unique architecture, or other significant reason. Such preservation efforts shall be in accordance with the Campus Master Plan.

08.04 **TTU system building cornerstones and plaques**

08.04.1 Cornerstones. A cornerstone shall be placed on each new building and each major addition at the time it is constructed. The cornerstone shall show the year the building was completed and may contain memorabilia appropriate at the time of construction.

08.04.2 Building plaques. A plaque shall be required with each major construction project. The plaque shall show, as of the date of board approval of the project, the following:

- a. the name of the building (see Section 13.02.2, *Regents' Rules*, for further information on naming of buildings and facilities);

- b. the names of the chair, the vice chair, and the other board members serving at that time, arranged in alphabetical order;
- c. the names of those occupying the following positions at that time:
  - (1) the chancellor, and
  - (2) the president of the appropriate component institution.
- d. the design-professional firm;
- e. the construction manager (as listed in Section 08.01.1, *Regents' Rules*); and
- f. the year the construction project was approved.

08.04.3 Recognition plaques. All recognition plaques shall comply with all operating policies governing such plaques that are in effect at the time the plaque is installed.

08.04.4 Building demolition. Upon the demolition of a building, its cornerstone and/or plaque shall be removed and held in the archives of the TTU Southwest Collection or in another appropriate location. Upon the construction of a new building on the site of the former building, the cornerstone and/or plaque from the former building shall be placed in an appropriate location inside the new building, along with an appropriate historical notation.

08.05 **Construction code and standard requirements.** All design, materials, and construction shall conform with the applicable requirements of the most current editions adopted by the local municipalities in whose jurisdiction the project is located and/or as determined by project requirements (unless otherwise noted), including but not limited to the following published documents:

08.05.1 Adopted codes and standards:

- a. International Building Code (IBC);
- b. International Energy Conservation Code (IECC);

- c. International Fire Code (IFC);
- d. International Plumbing Code (IPC);
- e. International Electrical Code Administration Provisions (IE-CAP);
- f. NFPA 101, Life Safety Code (including references to the National Electrical Code) — editions adopted by the State Fire Marshal's Office;
- g. National Fire Protection Association (NFPA) Codes and Standards — editions adopted by the State Fire Marshal's Office;
- h. State Fire Marshall's Office (SFMO);
- i. ANSI/ASME A17.1 – Safety Code for Elevators and Escalators — edition adopted by the Texas Department of Licensing and Regulation (TDLR);
- j. ANSI Z136.1 Standards for Safe Use of Lasers;
- k. Factory Mutual Global or current insurance carrier;
- l. United States Environmental Protection Agency (EPA) regulations;
- m. ASHRAE Standard 90A, B, &C – Energy Conservation in New Building Design;
- n. ASHRAE Standard 62 – Ventilation for Acceptable Indoor Air Quality;
- o. United States Department of Health, Public Health Service regulations and guidelines;
- p. State statutes regulating, but not limited to, the following:
  - (1) asbestos;



- (2) boilers;
  - (3) control of radiation;
  - (4) energy consumption;
  - (5) fire escapes;
  - (6) fire alarms;
  - (7) plumbing fixtures; and
  - (8) elevators.
- q. Elimination of Architectural Barriers — Chapter 469, *Texas Government Code*;
  - r. Americans with Disabilities Act (ADA) – Accessibility Guidelines for Buildings and Facilities (as amended);
  - s. United States Department of Labor Occupational Safety and Health Administration (OSHA) regulations;
  - t. Texas Commission on Environmental Quality (TCEQ);
  - u. State Energy Conservation Office (SECO);
  - v. operating policies and procedures of the TTU system component institutions;
  - w. Biosafety in Microbiological and Biomedical Laboratories (BMBL), HHS Publication No. (CDC) 21-112; and
  - x. TTU system design and construction standards, including but not limited to the TTU system architectural and site design guidelines per Sections 08.02.1 and 08.02.2, *Regents' Rules*.

08.05.2 Other applicable codes. Any other applicable codes deemed necessary by the project's nature shall be specified during the design process.

## 08.06 TTU system space and facilities use

08.06.1 Prioritization. With the exception of free expression activities as outlined in the component institutions' policies, TTU system space and facilities are available according to the following priorities:

- a. regular institutional programs;
- b. programs sponsored and conducted by the TTU system and/or a component institution's academic and administrative departments or organizations which are affiliated with such departments;
- c. activities that have as their purpose service or benefit to the TTU system community and that are sponsored by a registered student organization;
- d. lease of space or facilities to organizations that serve or benefit the academic, research, student life, or business functions of the TTU system; and
- e. other lease of space or facilities to individuals or organizations in accordance with the institution's operating policies.

08.06.2 Each component institution may designate certain facilities containing space particularly amenable to community outreach for private events as "Community Cultural Facilities." Examples of Community Cultural Facilities include, but are not limited to, the Museum of Texas Tech University, TTU's National Ranching Heritage Center, TTU's International Cultural Center, and some athletic facilities.

- a. Guidelines for rental and use of facilities designated as Community Cultural Facilities include:
  - (1) The component institutions are authorized and encouraged to make Community Cultural Facilities available for rental by individuals or groups for the following types of events:

- (a) private events (such as weddings, wedding receptions, anniversaries, birthday parties, business receptions, and similar events); and
  - (b) functions for local entities designated as charitable organizations under IRC Section 501(c), including fund raising events for such organizations.
- (2) Community Cultural Facilities may not be rented or used for political activities or free expression activities. Free expression activities are governed by institutional policies.
- b. The component institutions, with input from the directors of the respective Community Cultural Facilities, shall promulgate policies and procedures for the rental and use of each Community Cultural Facility that are consistent with good stewardship of the facility in keeping with the mission of the institution's department with regards to the following:
  - (1) available times and space for events;
  - (2) rental fees, which must be at fair market value based on the nature of the event;
  - (3) event capacity; and
  - (4) service of food and/or alcoholic beverages.

08.06.3 Non-profit organizations. Office space and other assistance including, but not limited to, utilities, telephone service, custodial service, maintenance and use of the component institution's services may be provided to non-profit organizations that exist for the purpose of supporting the educational undertaking of the TTU system or its component institutions, thereby serving a public purpose, provided the provision of such space and assistance is not otherwise prohibited by law.

08.06.4 TTU system Department of Athletics facilities.

- a. The playing fields and other athletics facilities are under the control of the Department of Athletics at the TTU system component.
- b. Expenses incurred. Responsibility for expenses incurred for cleaning, provision for security officers, and any other expenses will be mutually determined by the director of intercollegiate athletics and the sponsor of the activity proposing to use the facility.
- c. Approved use. The director of intercollegiate athletics is responsible for determining whether use of the athletics facilities falls within the scope of the above policy

08.06.5 Alcoholic beverages.

- a. Each component institution shall develop operating policies regarding the sale or complimentary service of alcoholic beverages at any TTU system facility.
- b. Each component's institutional policy shall include, and shall be deemed to include (whether explicitly stated or not), the following minimum requirements:
  - (1) Any sales or complimentary service of alcoholic beverages shall comply with federal, state, and local laws regarding the possession, consumption, and distribution of alcoholic beverages.
  - (2) Any event in which alcoholic beverages are to be served on a complimentary basis shall be pre-approved in writing by the head of the respective office or department sponsoring the event.
  - (3) All sales and service of alcoholic beverages at any TTU system event shall be provided by a caterer or server(s) licensed by the Texas Alcoholic Beverage Commission to serve alcoholic beverages who provide proof of required insurance coverage.
  - (4) Any contract for sales of alcoholic beverages at a single TTU system event shall be with a third-party vendor

holding all permits required by the Texas Alcoholic Beverage Commission and shall be approved in writing by the head of the sponsoring office or department.

- (5) No department or office of the TTU system shall be licensed to sell alcoholic beverages unless such sales activity is a necessary component of the department's or office's approved academic curriculum (for example, the Department of Restaurant, Hotel and Institutional Management in TTU's College of Human Sciences). Before any such application is submitted, the approval of the department chair or head of the academic unit involved, the dean of the college or school, and the president of the respective component institution shall be obtained.

- c. Renewed or revised policies required by this section adopted by a component institution subsequent to board approval of this provision shall be subject to the prior approval of the board. Thereafter, any substantive change in the component institution's policies shall be subject to approval by the board.

#### 08.07 **On-campus speakers**

08.07.1 Operating policies. Each component institution of the TTU system shall develop operating policies necessary for the administration of free speech activities, including placing reasonable restrictions upon the time, place, and manner of on-campus speech.

08.07.2 Freedoms. No individual or group shall be denied the right to speak within the physical confines of the TTU system solely on the basis of the views sought to be expressed by the speaker.

#### 08.08 **Handbills, leaflets, and advertising material distribution**

08.08.1 Implementation policies. The operating manuals of each component institution shall contain such policies that may be necessary to implement the purpose of this policy or to otherwise provide for the orderly conduct of the academic institution.

- 08.08.2 General. Individuals and organizations, other than students, faculty, staff and organizations consisting solely of members of one or more of these classes of individuals, may not distribute handbills, leaflets or any other form of advertising media on campus. Free expression materials may be distributed in accordance with the component institution's policies.
- 08.08.3 Advertising. The distribution of advertising materials by individuals and organizations, other than students, faculty, staff and organizations consisting solely of members of one or more of these classes of individuals, is not permitted on TTU system property, even if conducted through student representatives, except as may be allowed by the advertising policies of the component institution's publications, such as authorized student newspapers and year books, or the Department of Intercollegiate Athletics.
- 08.08.4 United States mail. Individuals and organizations herein before described may make advertising media available to students, faculty and staff by utilizing the United States mail.
- 08.08.5 On-campus distribution. Students, faculty, staff, and organizations consisting solely of members of one or more of these classes of individuals may distribute advertising media on campus, subject to the following:
- a. The material is not in contravention of a published component institution's policy or a state or federal law; and
  - b. The information presented is accurate.
- 08.08.6 Automobiles. Media otherwise permissible under this policy that is to be distributed by an individual or group otherwise authorized under this policy may not be distributed by placement on or around automobiles parked or in motion in the physical confine of the TTU system.

## 08.09 **Solicitations**

- 08.09.1 Policy administration. The operating policies of each component institution shall contain such policies and procedures as may be necessary for the administration of this policy.

- 08.09.2 Definition. "Solicitation" for the purposes of this policy is defined as requesting money, seeking a pledge or agreement to pay, taking subscriptions, or selling merchandise, tickets, or future interests.
- 08.09.3 Approved organizations. On-campus solicitations may be conducted only by students, faculty, staff or student organizations as demonstrated by a current and valid student or faculty/staff identification card and only as consistent with the operating policies of the component institution.
- 08.09.4 Solicitation exception. No solicitation is permitted within the TTU system buildings except as consistent with the component institution's operating policies.
- 08.09.5 Individual buildings. Solicitations in a component institution's student union or student center facility must be conducted under the terms and conditions established by the institutional office charged with administration of that facility. The terms and conditions shall give weight to these criteria: compatibility of the solicitation activity with the educational purpose of the institution; compatibility of the solicitation activity with the orderly operation of the student union/center facility; and the availability of space.
- 08.09.6 Residence halls. Solicitations in the residence halls must be conducted entirely from within the student's room or in an assigned public area. Solicitations within the student rooms require the consent of the roommate(s), and there may be no parties or group demonstrations to advertise a product. There can be no advertising on room doors or within the residence halls. Application for permission for solicitation privileges in the residence halls should be referred to the Director of Housing and Residence Life.
- 08.09.7 On-campus solicitations by organizations not associated with the TTU system. An on-campus solicitation may be made by an organization not associated with the TTU system if the organization is sponsored by a registered student organization and if the solicitations are for a community-wide benefit, such as a symphony, or for recognized and established charitable purposes.
- 08.09.8 Further guidelines. This policy does not apply to:

- a. The canvassing of their own membership by campus organizations in money-raising projects or in the sale of tickets to programs sponsored by them to their own membership is recognized as a permissible privilege which does not require approval through the procedures established in the policy. If the request for money is made to persons other than members of the organization, such as the sale of tickets at the door to the general public, the entire solicitation is not exempted and is subject to approval as a solicitations project;
- b. Solicitations are permitted through such public agencies as the United States Postal Service and advertisements in local newspapers, which include any authorized student newspapers, are not within the jurisdiction of this policy;
- c. Occasionally departments of the component institutions of the TTU system may wish to sponsor activities that have an educational value for students at the institution. Such activities by such departments should be approved by appropriate authorities of the component institution; and
- d. Solicitations by the Texas Tech Alumni Association within the Merket Alumni Center, the Texas Tech Museum, the ASU Alumni Association within the LeGrand Alumni and Visitors Center, and contract vending machines.

## 08.10 Solicitations and sale of publications

- 08.10.1 TTU system benefit. Solicitations for and sale of publications shall be conducted only to produce a direct and real benefit to the TTU system in fulfilling its primary educational mission.
- 08.10.2 Money raised. If the principal purpose of the solicitation project is to raise money, then the proposed use for the money so raised must be identified and the benefit to the educational, intellectual or cultural growth or development of the TTU system or its faculty, staff, or students specified.
- 08.10.3 Solicitations other than to raise money. Where the principal purpose of the solicitation is other than to raise money, a determina-



tion will be made as to whether the solicitation project will be approved based on the contribution of the project to the educational, intellectual, or cultural growth or development of the TTU system, its faculty, staff, or students.

**08.11 Regulations for the operation and parking of vehicles.** The Board shall approve the establishment of parking fees and any changes thereto. However, the board delegates to the presidents of the respective institutions the authority to adopt policies and regulations that govern the operation and parking of vehicles on property owned or under the control of the institution, including but not limited to: limiting the rate of speed; designating parking spaces and areas and their use; prohibiting parking as deemed necessary; removing vehicles parked in violation of the institution’s policies and regulations at the expense of the violator; and instituting a system of registration for vehicle identification.

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***Dates Approved or Amended:***

-- *Comprehensive review/amendments* .....02-28-2014

-- *Amendments* .....12-12-2014

- §08.01.9 – revised FP&C fees
- §08.02.4.e – added honorary statue policy
- §08.07.5 – added alcohol policy

-- *Amendments* .....10-20-2017

- §08.01.2 – replaced a provision that applied mainly to major construction projects with a general statement regarding the thresholds for major and minor projects and the *Regents’ Rules* section that governs each
- §08.01.3 – comprehensive overhaul of provisions that govern the approval processes for major projects
- §08.01.7 – added a provision that allows the chancellor to approve the use of any contingency funds for a project when immediate action is required to address a life, health or safety risk

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-- *Amendments* .....05-18-2018

- §08.01.3.a – added feasibility study option

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-- *Amendments* .....08-10-2018

- added §08.12 – a provision that: (1) allows institutional presidents, rather than the Board, to adopt policies that regulate traffic and parking on their respective campuses; and (2) continues to require Board approval of parking fee rates.

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-- *Amendments* .....12-13-2019

Various amendments were adopted for the policies that govern processes used to construct major facility projects. Examples include:

- increased the threshold for a major project from \$2 million to \$4 million;
- revised the requirement for use of a Construction Manager Agent on major projects;

- with the approval of the Board, a major project could be managed by the institution rather than by FP&C;
- upon a request by a president, FP&C could be designated to manage a minor project;
- when new furniture/equipment is proposed to be purchased for a major project, the president must certify that existing and/or surplus furniture/equipment is not suitable for the space being constructed; and
- the public art fee and the landscape enhancement fee were each set at up to 1% of a major project’s budget or \$500,000, whichever is less.

-- *Amendments* .....08-05-2021      • Deleted Section 08.05 related to namings

-- *Amendments* .....2-24-2022

Various amendments are proposed for the policies that govern processes for construction projects and administration of TTU system facilities. Examples include:

- §08.00.6 & §08.01.3 – language added to define “Project Management Team” as the team responsible for managing major construction projects.
- §08.01.1 – language added to update Texas Education Code citation related to competitive bidding for construction projects
- §08.01.5 – language added regarding the applicability of federal regulations and institutional OPs to the procurement process for construction projects
- §08.01.9 – Simplification of language on FP&C fees which is 2.4% of the initial project paid out over three milestones. Provisions related to “grandfathered” construction projects and the distinction of fees for projects above or below \$15 million is deleted
- §08.02, §08.06.3 & §08.06.4 – language added to clarify: (1) the role of the Board and FP&C related to master plan initiatives; (2) the broad applicability of TTU System policies to aiding non-profit organizations that exist for the purpose of supporting the TTU system institutions; and (3) that the playing fields and other athletic facilities are under the control of the various departments of athletics.
- §08.06.5 – Clarifying language added on the sale and service of alcohol; and moving to Chapter 7 the existing language on the board/president’s role in approving the license or sale of alcoholic beverages at facilities

-- *Amendments* .....11-15-2024      • §08.01.9.a(1) - revised the timing of the collection of FP&C project management fee. The fee rate remains the same.

-- *Amendments* .....03-06-2025      • §08.01.3.a(3) – deleted the use of a construction manager agent from requiring preliminary board approval and replaced the reference of construction manager-at-risk with “construction manager” to more accurately encompass all construction procurement methods for major construction projects.

• §08.04.2.e –Amendments to clarify the content of building plaques, including the use of the term “construction manager” which encompass all construction procurement methods as listed in Section 08.01.1