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Chapter 4. Rules Applying to All Public Institutions of Higher Education in Texas Subchapter A. General Provisions

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§4.1 Purpose

This section establishes rules on a variety of topics that apply exclusively to public institutions of higher education.

Source Note: The provisions of this §4.1 adopted to be effective May 27, 2003, 28 TexReg 4107

§4.2 Authority

Unless otherwise noted in a section, the authority for these provisions is provided by Texas Education Code, §61.051 which describes the Board's role in the Texas system of higher education.

Source Note: The provisions of this §4.2 adopted to be effective May 27, 2003, 28 TexReg 4107

§4.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) Associate of Science degree and the Associate of Arts degree--collegiate degrees consisting of lower-division courses designed to prepare students for transfer to a bachelor's degree program.
- (2) Associate of Applied Science degree and the Associate of Applied Arts degree--technical certificates issued to students who complete workforce education curricula of collegiate level.
- (3) Associate of Arts in Teaching degree--Board-approved collegiate degree programs consisting of lower-division courses intended for transfer to baccalaureate programs that lead to initial Texas teacher certification.
- (4) Bachelor of General Studies degree--a program designed principally for mature students who seek a flexible degree program and who do not desire or may not

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[Report Center](#)

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[Rules/Regulations](#)

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[The Commissioner](#)

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meet prerequisites of a highly structured traditional degree program, and to permit students to plan, with advisement, an individualized program with access to a wide range of academic disciplines and fields of professional study.

(5) Bachelor of Applied Arts and Sciences degree--a program designed to provide a path to a bachelor's degree for students who have earned previous collegiate credit through workforce education curricula. The degree program combines general education requirements and a professional component designed to complement the student's technical or vocational competence.

(6) Board--The Texas Higher Education Coordinating Board.

(7) Commissioner--The Commissioner of Higher Education.

(8) Common calendar--dates and information pertaining to the beginning and ending (and lengths) of academic semesters and sessions, applicable to all Texas public universities and community, technical and state colleges.

(9) Consulting or testifying expert witness--any non-fact witness whose name must be disclosed during litigation as required by the Texas Rules of Civil Procedure.

(10) Degree program--any grouping of subject matter courses which, when satisfactorily completed by a student, will entitle the student to a degree from an institution of higher education.

(11) Faculty or professional staff of an institution of higher education--a non-classified, full-time employee who is a member of the faculty or staff and whose duties include teaching, research, administration or performing professional services, including professional library services.

(12) Fiscal year--the State of Texas' fiscal year, September 1 through August 31.

(13) Institution of higher education or institution--any public technical institute, public junior college, public senior college or university, medical or dental unit, or other agency of higher education as defined in Texas Education Code, §61.003.

(14) Interdisciplinary baccalaureate degrees--the Bachelor of General Studies degree (defined in paragraph (4) of this section) and such general degrees as liberal arts or humanities. These broad-based degrees vary in the amount of prescriptive structure but share the characteristics of flexibility for the student and interdisciplinary course selection.

(15) Non-classified--an employee whose position is not controlled by the institution's classified personnel system or a person employed in a similar position if the institution does not have a classified personnel system.

(16) Religious holy day--A holy day observed by a religion whose places of worship are exempt from property taxation under the Texas Tax Code, §11.20.

(17) Active military service--Active service in the armed forces of the United States or in the National Guard or the Texas State Guard.

Source Note: *The provisions of this §4.3 adopted to be effective May 27, 2003, 28 TexReg 4107; amended to be effective August 11, 2004, 29 TexReg 7670; amended to be effective November 22, 2005, 30 TexReg 7724*

§4.4 Student Absences on Religious Holy Days

(a) Under Texas Education Code, §51.911, all institutions of higher education shall excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.

(b) Each institution of higher education shall develop and include in its official bulletins, catalogs, and other appropriate publications a statement regarding its policies and procedures for all excused absences. Policies and procedures for absences due to religious holy days shall be consistent with (or no more arduous than) the institution's policies and procedures relating to other excused absences.

(c) Texas Education Code, §51.911 defines a religious holy day. If a student and an instructor disagree about the nature of the absence being for the observance of a religious holy day as defined therein, or if there is similar disagreement about whether the student has been given a reasonable time to complete any missed assignments or examinations, either the student or the instructor may request a ruling from the chief executive officer of the institution or his or her designee. The student and instructor shall abide by the decision of the chief executive officer or his/her designee.

(d) Each institution may exclude from these policies and procedures any student absence for religious holy days which may interfere with patient care.

Source Note: *The provisions of this §4.4 adopted to be effective May 27, 2003, 28 TexReg 4107; amended to be effective February 24, 2004, 29 TexReg 1659*

§4.5 Common Calendar

(a) The Commissioner shall establish and periodically update a common calendar for Texas public universities and community, technical and state colleges.

(b) The Commissioner may grant waivers to the common calendar to benefit students and/or to improve the efficient operations of the institutions.

(c) A semester normally shall include 15 weeks for instruction and one week for final examinations or a total of 16 weeks instruction and examinations combined. Every fall semester will end before Christmas, but not later than December 23.

(d) The summer session shall be considered an integral part of the college year and maximum use should be made of the summer session. Each of the two summer terms shall include no less than 5 1/2 calendar weeks, including registration, instructions, and final examinations. Colleges may register students for a six semester credit hour load for each 5 1/2-week summer term. Colleges and universities may schedule summer terms longer or shorter than 5 1/2 weeks, but the amount of credit students are allowed to enroll for must be proportional.

(e) Each college and university shall establish its own dates for orientation, registration, holidays, final examinations, and the end of each semester and summer term consistent with subsections (c) and (d) of this section.

(f) The Texas Education Agency shall be notified of the calendar adopted and be encouraged to communicate with the Board about possible further coordination of school and college calendar.

(g) Nothing in this section shall be interpreted to preclude experimentation and innovation by any institution looking toward full utilization of facilities on a year-round basis.

Source Note: *The provisions of this §4.5 adopted to be effective May 27, 2003, 28 TexReg 4107*

§4.6 Minimum Length of Courses and Limitation on the Amount of Credit that a Student May Earn in a Given Time Period

(a) Traditionally-delivered three-semester-credit-hour courses should contain 15 weeks of instruction (45 contact hours) plus a week for final examinations so that such a course contains 45 to 48 contact hours depending on whether there is a final exam.

(b) Every college course is assumed to involve a significant amount of non-contact hour time for out-of-class student learning and reflection. To ensure the quality of student learning, institutions should not allow students to carry more courses in any term (that is, regular or shortened semester), which would allow them to earn more than one semester credit hour per week over the course of the term. For example, in a five and a half week summer term, students should not generally be allowed to enroll for more than six semester credit hours.

(c) Institutions should have a formal written policy for addressing any exceptions to subsection (b) of this section.

(d) Courses delivered in shortened semesters are expected to have the same number of contact hours and the same requirement for out-of-class learning as courses taught in a normal semester.

(e) Institutions may offer a course in a non-traditional way (for example, over the internet, or through a shortened, intensive format) that does not meet these contact hour requirements, if the course has been reviewed and approved through a formal, institutional faculty review process that evaluates the course and its learning outcomes and determines that the course does, in fact, have equivalent learning outcomes to an equivalent, traditionally delivered course.

Source Note: *The provisions of this §4.6 adopted to be effective May 27, 2003, 28 TexReg 4107*

§4.7 Student Transcripts

(a) Student transcripts shall contain a record of each state funded course attempted by a student at the transcripting institution after January 1, 1998. This includes all courses for which the student was enrolled as of the official census date each term, including developmental education courses, courses that were not completed, courses that were dropped, and courses that were repeated.

(b) The student transcript or an addendum to the transcript certified by the appropriate institutional official shall contain a record of the student's status in regard to the Texas Success Initiative (TSI). The document should include the status for each section of a test taken for TSI purposes (reading, mathematics, writing) with information as to how the student met the TSI requirement. The information provided should enable receiving institutions to use the transcript or the addendum as a single source of information to determine the student's TSI status.

(c) Student transcripts created after September 1, 2000 should be maintained by the institutions in a format suitable for electronic interchange. The format of transcripts shall be the format that is used to store the most transcripts by Texas institutions of higher education as of September 1, 1998 or another format adopted by a majority of the members of the Texas Association of Collegiate Registrars and Admissions Officers.

(d) Student transcripts or an addendum to the transcript certified by the appropriate institutional official shall identify all courses completed in satisfaction of the core curriculum as specified in §4.28(h) of this title (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula).

Source Note: *The provisions of this §4.7 adopted to be effective May 27, 2003, 28 TexReg 4107; amended to be effective February 22, 2005, 30 TexReg 834*

§4.8 Expert Witnesses

(a) Under Texas Education Code, §61.0815, the president of an institution of higher education shall file a written report with the Board regarding members of the faculty or professional staff who received compensation for serving as consulting or testifying expert witnesses during the prior fiscal year in lawsuits in which the state is a party.

(b) The report shall be filed with the Board no later than September 30 of each year and

shall contain:

- (1) the number of hours spent by faculty or professional staff members serving as consulting or testifying expert witnesses during the prior fiscal year;
- (2) the names of the parties, cause number and county where the cause is filed, for each case in which qualifying expert witness services was rendered; and
- (3) the outcome of the case, including the amount of:
 - (A) any judgment entered against the state;
 - (B) any prejudgment or postjudgment interest awarded against the state; and
 - (C) any attorney's fees of another party ordered to be paid by the state.

(c) The information regarding the number of hours spent by faculty or staff serving as consulting or testifying expert witnesses shall be reported to the Board in the aggregate without identifying specific individuals.

(d) In the event an institution cannot provide the information specified in subsection (b) of this section, the Texas Attorney General's Office shall be requested to provide the information to the Board.

Source Note: *The provisions of this §4.8 adopted to be effective May 27, 2003, 28 TexReg 4107*

§4.9 Excused Absence for a Person Called to Active Military Service

(a) Upon notice from a student required to participate in active military service, an institution shall excuse a student from attending classes or engaging in other required activities, including examinations.

(b) A student shall not be penalized for an absence which is excused under this subsection and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence.

(c) Each institution shall adopt a policy under this subsection which includes:

- (1) the retention of a student's course work completed during the portion of the course prior to the student being called to active military service;
- (2) the course syllabus or other instructional plan, so that the student will be able to complete the course without prejudice and under the same course requirements that were in effect when the student enrolled in the course;
- (3) a definition of a reasonable time after the absence for the completion of assignments and examinations;
- (4) procedures for failure of a student to satisfactorily complete the assignment or examination within a reasonable time after the absence; and
- (5) an institutional dispute resolution process regarding the policy.

(d) The maximum period for which a student may be excused under this section shall be no more than 25% (twenty-five percent) of the total number of class meetings or the contact hour equivalent (not including the final examination period) for the specific course or courses in which the student is currently enrolled at the beginning of the period of active military service.

(e) Institutions are directed to develop and publish policies and procedures to ensure that students enrolled in distance learning, self-paced, correspondence, and other asynchronous

courses receive equivalent consideration for the purposes of determining acceptable duration of excused absences and time limits for the completion of course work following an excused absence under this section.

Source Note: *The provisions of this §4.9 adopted to be effective November 22, 2005, 30 TexReg 7725*

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