

Optional Retirement Program (ORP)-Eligibility

Excerpt from:

Rules and Regulations of the Texas Higher Education Coordinating Board Chapter 25 – Optional Retirement Program (ORP)

TEXAS ADMINISTRATIVE CODE (as in effect on 11/29/2017)

TITLE 19 – EDUCATION

PART 1 – TEXAS HIGHER EDUCATION COORDINATING BOARD CHAPTER

[25 – OPTIONAL RETIREMENT PROGRAM SUBCHAPTER A – OPTIONAL RETIREMENT PROGRAM](#)

The following positions shall be considered ORP-eligible. Only those TTUS employees who fill ORP-eligible positions and who meet the eligibility requirements established in this policy shall be eligible to elect ORP or to continue participating in ORP prior to vesting.

- (1) **Faculty Member** - A member of the faculty whose duties include teaching and/or research as a principal activity, and who holds the title of professor, associate professor, assistant professor, instructor, lecturer, or equivalent faculty title, including “visiting professor” if the position is at least one full semester in duration.
- (2) **Faculty Administrator** - An administrator responsible for teaching and research faculty whose principal activity is planning, organizing, and directing the activities of faculty and who holds the title of dean, associate dean, assistant dean, director, department chair, or head of academic department.
- (3) **Executive Administrator** – A TTUS administrator who holds the title of chancellor, executive vice chancellor, vice chancellor, associate vice chancellor, assistant vice chancellor, or the equivalent, and a TTUS institution administrator who holds the title of president, executive vice president, provost, senior vice president, vice president, associate vice president, assistant vice president, or the equivalent.
- (4) **Other Key Administrator** - An administrator other than a faculty administrator or an executive administrator whose position is considered a key administrative position within the TTUS institution's organizational structure and that meets the requirements of this paragraph. The most common position titles in this category are executive director and managing director, but included titles may vary by institution based on differences in organizational structure, size, mission, etc. All positions in this category, including positions with the title of executive director or managing director, shall meet the following criteria:
 - (a) serves as director or other administrative head of a major department or budget entity, excluding the title of assistant director unless the assistant director position has responsibility for what is considered a major department or budget entity that is within a larger department or budget entity.
 - (b) is responsible for the preparation and administration of the budget, policies, and programs of the major department or budget entity;
 - (c) usually reports to the office of a chancellor, president, vice chancellor, vice president, dean, or equivalent; and
 - (d) is generally and customarily recruited from the same pool of candidates that other colleges and universities across the nation are recruiting from for this type of position by, for example, advertising in national publications such as the *Chronicle of Higher Education* or in newsletters or websites of national professional associations or at meetings of such associations.

- (e) A position shall not be considered ORP-eligible under this category unless it can be reasonably demonstrated that all of the applicable criteria have been met. If there is significant ambiguity concerning whether a position meets the criteria for this category, the default finding shall be that the position is not ORP-eligible.
- (5) **Librarian**. A professional librarian who holds, at a minimum, a master's degree in library science or information science, and whose principal activity, is the provision of library services.
- (6) **Athletic Coach**. An athletic coach, associate athletic coach, or assistant athletic coach whose principal activity, is coaching, excluding an athletic trainer, and excluding an athletic director or assistant athletic director unless the principal activity is coaching rather than administrative.
 - (a) Athletic trainers may be included in the "professional" category if the position requires the trainer to be a physician.
 - (b) Athletic directors whose principal activity is not coaching normally shall be included in one of the administrator categories.
- (7) **Professional**. An employee whose principal activity, is performing the duties of a professional career position, including, but not necessarily limited to, physician, attorney, engineer, veterinarian and architect, that meets the following criteria:
 - (a) requires a terminal professional degree in a recognized professional career field that requires occupation-specific knowledge and appropriate professional licensure;
 - (b) is a non-classified position; and
 - (c) is generally and customarily recruited from the same pool of candidates that other colleges and universities across the nation are recruiting from for this type of position by, for example, advertising in national publications such as the *Chronicle of Higher Education* or in newsletters of national professional associations or at meetings of such associations.
 - (d) A position shall not be considered ORP-eligible under this category unless it can be reasonably demonstrated that all of the applicable criteria have been met. If there is significant ambiguity concerning whether a position meets the criteria for this category, the default finding shall be that the position is not ORP-eligible.

Position-Required Qualifications

An employee who meets the qualifications of a "professional" or a "librarian" shall not be considered eligible to elect ORP as a professional or librarian unless the position requires the professional or librarian qualifications, respectively, as a principal activity.

Further information about the ORP can be found on the Texas Higher Education Coordinating Board [webpage](#).