

09.05 Financial Disclosure on Official System Websites



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Policy Statement

This policy establishes the requirements for financial disclosure disclaimers on websites.

Reason for Policy

This policy is required to identify appropriate procedures for the presentation of financial information on The Texas A&M University System (system) and system member websites. This establishes the requirement for official system websites to segregate information that is provided for financial disclosure purposes from other types of information.

Procedures and Responsibilities

1. FINANCIAL DISCLOSURE REQUIREMENTS

The system is required to identify and present financial information on the system's official websites. The information presented on the official websites of the system may constitute "speaking to the market" under the anti-fraud provisions of federal securities law which include federal statutes and caselaw as well as administrative rulings and promulgations of the Securities and Exchange Commission (SEC). Anti-Fraud Laws require that all communications in connection with the sale of a security, including information posted on an official system website, must disclose all material information and not include information that would be misleading to a potential investor. Official system websites will segregate information that is provided for financial disclosure purposes from other types of information, and clearly identify the purpose of information posted on its website.

2. ADMINISTRATION OF FINANCIAL INFORMATION DISCLOSURE

The Internet posting of financial information on the official "system or system member websites" (SMWS) must be controlled, according to "the anti-fraud provisions of federal securities law which include federal statutes and caselaw, as well as administrative rulings and promulgations of the SEC" (Anti-Fraud Laws). The associate vice chancellor for budgets and accounting will develop a process for financial disclosure that includes:

- a) Incorporation of a separate financial disclosure section within the official SMWS;
- b) Determination of information to be included and maintained in the financial disclosure section;
- c) Distribution of the requirements for financial disclosure on the SMWS;
- d) Design of the secure access requirements to view the financial disclosure section information;
- e) Dating and updating information in the financial disclosure section; and
- f) Answering questions related to the disclosure of financial information.

3. WEBSITE DESIGN AND PROCESS FOR FINANCIAL DISCLOSURES

The system and its members must construct the financial disclosure section of their websites in accordance with the Anti-Fraud Laws.

4. IMPLEMENTATION

Implementation of this policy is the responsibility of the chancellor, or designee.

Related Statutes, Policies, or Requirements

Section 10(b) of the United States Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)]
<http://www.sec.gov/about/laws/sea34.pdf>

Securities and Exchange Commission Rule 10b-5 [17 C.F.R. § 240.10b-5]
<http://www.gpoaccess.gov/CFR/retrieve.html>

Section 17(a) of the United States Securities Act of 1933 [15 U.S.C. § 77q(a)]
<http://www.sec.gov/about/laws/sa33.pdf>

Securities and Exchange Commission Interpretive Release 2000-53 – April 2000
<http://www.sec.gov/news/press/2000-53.txt>

System Regulation *21.01.01, Financial Accounting and Reporting*
<http://tamus.edu/offices/policy/policies/pdf/21-01-01.pdf>

Contact Office

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