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OF
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

Date: **Wednesday, February 13, 2002**
Time: **1:30 p.m.**
Place: **San Antonio Ballroom A/B, The Westin La Cantera Resort Hotel,
San Antonio, Texas**

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Date: **Thursday, February 14, 2002**
Time: **8:30 a.m.**
Place: **Regents' Room, 4th Floor, John Peace Library Building, U. T. San Antonio**

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ADJOURN

BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

CALENDAR

Date: **Wednesday, February 13, 2002**

Time: **1:30 p.m.**
Place: San Antonio Ballroom A/B, The Westin La Cantera
Resort Hotel, San Antonio, Texas
Purpose: Convene in Open Session for Annual Meeting with
Officers of the U. T. System Employee Advisory
Council

See Pages 1 - 2, Items A - B

Time: **3:00 p.m.**
Place: San Antonio Ballroom A/B, The Westin La Cantera
Resort Hotel, San Antonio, Texas
Purpose: Recess to Executive Session

See Page 3, Item C

Time: **4:30 p.m.**
Place: San Antonio Ballroom A/B, The Westin La Cantera
Resort Hotel, San Antonio, Texas
Purpose: Reconvene in Open Session to Consider Action on
Executive Session Items and Recess

See Page 3, Item D

Date: **Thursday, February 14, 2002**

Time: **8:30 a.m.**
Place: Regents' Room, 4th Floor, John Peace Library
Building, U. T. San Antonio, 1604 Campus
Purpose: Reconvene in Open Session to Continue Until
Completion of Business

See Pages 4 - 83, Items E - O

Telephone Numbers

President Romo's Office	(210) 458-4101
The Westin La Cantera Resort Hotel 16641 La Cantera Parkway	(210) 558-6500

AGENDA FOR MEETING
OF
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

Date: **Wednesday, February 13, 2002**

Time: 1:30 p.m.

Place: San Antonio Ballroom A/B, The Westin La Cantera Resort Hotel,
San Antonio, Texas

A. CALL TO ORDER

B. CONVENE IN OPEN SESSION

U. T. System: Annual Meeting with the Employee Advisory Council

The University of Texas System Employee Advisory Council (EAC) will meet with the Board to discuss accomplishments of the Council to date and plans for the future.

AGENDA

1. Executive Committee and Standing Committee Member Introductions*
2. Chairman's Report and Overview
 - Mission

 - Accomplishments
 - Approving organizational guidelines
 - Electing an Executive Committee
 - Establishing standing committees
 - Initiating research to establish goals

 - Fiscal Year 2002 Goals
 - Developing a Web site
 - Developing standing committees
 - Producing communication strategies
 - Creating a repository for historical records

3. Executive Committee and Standing Committee Remarks
- Focus Issues
 - Retirement benefits
 - Component communication and internal EAC communication
 - Best practice compensation issues
 - Policy

 - Future Challenges
 - Deregulation issues to address employee parking and employee benefits for education

*EAC Members scheduled to attend are:

Chair: Ms. Lorraine Etkin, The University of Texas M. D. Anderson Cancer Center

Vice Chair: Mr. Walter Tenery, The University of Texas at Arlington

Secretary: Ms. Lee Arisano, The University of Texas at El Paso

Historian: Ms. Sherill Boline, The University of Texas System Administration

Communications Chair: Mr. John Poindexter, The University of Texas at San Antonio

Benefits Chair: Ms. Terri Reynolds, U. T. San Antonio

Policy Chair: Mr. Robert Vasquez, The University of Texas - Pan American

Compensation Chair: Ms. Shirley Zwinggi, The University of Texas Southwestern Medical Center at Dallas

C. RECESS TO EXECUTIVE SESSION (TEXAS GOVERNMENT CODE, CHAPTER 551)

1. Consultation with Attorney Regarding Pending and/or Contemplated Litigation or Settlement Offers – Section 551.071
 - a. U. T. Health Science Center – Houston: Proposed Settlement of Medical Liability Claim
 - b. U. T. Health Science Center – San Antonio: Proposed Settlement of Medical Liability Litigation
 - c. U. T. System: Consultation with Attorney Regarding Legal Issues
2. Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of Officers or Employees - Section 551.074
 - a. U. T. San Antonio: Consideration of Recommendation of Hearing Tribunal Regarding Termination of Tenured Faculty Member
 - b. U. T. Health Center - Tyler: Consideration of Personnel Matters Relating to Presidential Search
 - c. U. T. System: Consideration of Personnel Matters Relating to Chancellor Search
 - d. U. T. System: Consideration of Personnel Matters Relating to Evaluation of Presidents and U. T. System Executive Officers

D. RECONVENE IN OPEN SESSION TO CONSIDER ACTION ON EXECUTIVE SESSION ITEMS AND RECESS

AGENDA FOR MEETING
OF
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

Date: **Thursday, February 14, 2002**

Time: 8:30 a.m.

Place: Regents' Room, 4th Floor, John Peace Library Building,
U. T. San Antonio

- E. RECONVENE IN OPEN SESSION

- F. WELCOME BY PRESIDENT ROMO

- G. REMARKS CONCERNING PRESENTATION OF CERTIFICATE OF APPRECIATION FOR FORMER VICE-CHAIRMAN ROMERO AND WELCOME TO REGENT ESTRADA

- H. APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 7-8, 2001, AND SPECIAL MEETINGS HELD DECEMBER 10 AND 13, 2001

- I. SPECIAL ITEMS

- 1. U. T. Board of Regents: Proposed Amendments to the Regents' Rules and Regulations, Part One, Chapter I, Section 9, Subsection 9.2, Subdivision 9.22 (Delegation of Authority to Execute and Deliver Contracts, Agreements, and Documents)

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Business Affairs and the Vice Chancellor and General Counsel that the Regents'

Rules and Regulations, Part One, Chapter I, Section 9, Subsection 9.2, Subdivision 9.22, regarding delegation of authority to execute contracts, be amended to add new Subparagraph 9.229 as set forth below in congressional style:

- 9.22 All contracts or agreements, including purchase orders and vouchers, with a cost or monetary value to the U. T. System Administration or the component institution of more than \$1,000,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda except the following, which do not require prior approval by the Executive Committee of the Board or the Board regardless of the contract amount:

...

9.229 Contracts or agreements for utility services or energy resources and related services, if any, which contracts or agreements have been approved in advance by the Chancellor or the Chancellor's delegate.

BACKGROUND INFORMATION

Part One, Chapter I, Section 9, Subsection 9.2, Subdivision 9.22 of the Regents' Rules and Regulations limits the authority delegated to the presidents under Part Two, Chapter XI, Section 1 to sign contracts on behalf of the U. T. Board of Regents to contracts with a value of \$1,000,000 or less, except in the case of certain enumerated types of contracts.

As a result of the dollar limitation on delegated authority to sign contracts, various contracts for utility services or energy resources have been submitted to the U. T. Board of Regents recently for approval on an emergency basis. For example, on June 27, 2001, the Board authorized U. T. Austin to amend its gas sale contract with Coral Energy Resources, L.P. On December 10, 2001, the U. T. Board of Regents authorized U. T. M. D. Anderson Cancer Center to negotiate and enter into a contract with Reliant Energy.

During the December 10, 2001 special meeting of the U. T. Board of Regents, Chairman Miller suggested that staff review the dollar limitation on delegated signature authority for utility contracts and for contracts for goods and services in general. A review by staff is ongoing with respect to the \$1,000,000 limitation as it applies to contracts for goods and services in general.

The proposed amendment to Part One, Chapter I, Section 9, Subsection 9.2, Subdivision 9.22 of the Regents' Rules and Regulations will address immediately the specific issue of contracts for utility services and energy resources. The amendment creates an exception to the \$1,000,000 limitation for such contracts and permits the president of the institution to sign a utility service or energy resources contract on behalf of the U. T. Board of Regents if the contract has received the prior approval of the Chancellor or the Chancellor's delegate.

2. U. T. Board of Regents: Proposed Amendments to the Regents' Rules and Regulations, Part One, Chapter III, Section 1, Subsection 1.8, Subdivisions 1.83 and 1.84 (Academic Titles)

RECOMMENDATION

The Chancellor concurs in the recommendation of the Acting Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel that the Regents' Rules and Regulations, Part One, Chapter III, Section 1, Subsection 1.8, regarding academic titles, be amended as set forth below in congressional style:

- 1.83 The following academic titles may also be used by the component institutions. Tenure cannot be awarded to a person appointed to these titles and, with the exception of the titles of Instructor and Technical Instructor, academic service with these titles cannot be counted toward the satisfaction of any maximum probationary period. Appointments to these titles shall be for a period of time not to exceed one academic year except in the case of Lecturer or Senior Lecturer when, in individual cases, appointment may be for periods of time not to exceed three academic years. In individual cases, as determined by a component institution, full-time or part-time appointment to a clinical or research position with a title authorized by Subdivision 1.83(i) may be for periods of time not to exceed three academic years. With the exception of the titles of Instructor and Technical Instructor, such appointments shall terminate at the expiration of the stated period of appointment without notification of nonrenewal. If a component institution determines that it is to the benefit of the institution, it may offer reappointments to these titles in accordance with Subsection 1.7 of this Chapter.

...

(i) Persons appointed to full-time positions for the primary purpose of ~~[research activities,]~~ patient care~~[,]~~ and other service activities or to full-time or part-time positions for the primary purpose of research activities shall be given one of the following titles, even though the individuals may be assigned teaching responsibilities:

(1) Professor of

(title of specialty)

(2) Associate Professor of

(title of specialty)

(3) Assistant Professor of

(title of specialty)

(4) Instructor in

(title of specialty)

For persons appointed to positions pursuant to this Item, all appointment letters, personnel forms, budgets and other official documents shall state in parenthesis following the name and title of the individual either "(nontenure-track clinical appointment)" or "(nontenure-track research appointment)," as appropriate, and service in such positions shall not be credited as faculty service toward calculation of any maximum probationary period.

1.84 Prefixes to academic and staff positions in which tenure cannot be acquired:

...
(c) Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor, and Clinical Instructor. These titles may be used by the components to designate regular part-time or full-time service on the faculty while involved in a professional ~~[health professions]~~ clinical experience program. Appointments to the faculty with a clinical title may be with or without pay and shall be for a period of time not to exceed three ~~[one]~~ academic years. Such appointments shall terminate upon expiration of the stated period of appointment without notification of nonrenewal. If a component determines that it is to the benefit of the institution, it may offer reappointment to a clinical faculty member in accordance with Subsection 1.7 of this Chapter.

....

BACKGROUND INFORMATION

The recommended amendments to the Regents' Rules and Regulations, Part One, Chapter III, Section 1, Subsection 1.8 will allow component institutions to expand the use of Clinical and Research Professor titles. The goals of the recommendations are to enhance the hiring and retention of quality faculty, recognize the changing nature of certain curricula, and maximize use of external funds.

Currently, the Regents' Rules restrict the use of Clinical Professor titles to faculty involved in health professional clinical programs. The clinical mode of instruction has expanded well beyond the health professions, however, and now includes such other areas as law, architecture, business, education, liberal arts, natural sciences, and social work. The recommended changes will recognize this expansion and will allow and encourage component institutions to adapt their faculty recruitment and retention processes accordingly.

In addition, the Regents' Rules presently restrict the use of Research Professor titles to faculty holding full-time appointments. Approval of the recommendations will extend this title to faculty holding part-time appointments. Part-time Research titles allow component institutions additional flexibility in making dual or collaborative appointments or in retaining faculty who retire or resign from full-time or tenured positions. Moreover, Research titles are funded heavily from external sources. At times, such funds will only support part-time positions. Allowing part-time Research appointments will aid in maximizing the appropriate use of these funds.

3. U. T. Board of Regents: Proposed Amendments to the Regents' Rules and Regulations, Part Two, Chapter I, Section 4 (Assessment, Collection, and Waiver of Tuition and Fees) and Approval to Repeal Regental Policy on Installment Payment Plan for Tuition and Fees

RECOMMENDATION

The Chancellor concurs in the recommendation of the Acting Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel that a new Subsection 4.4 be added to the Regents' Rules and Regulations, Part Two, Chapter I, Section 4, regarding assessment, collection, and waiver of tuition and fees, as set forth in congressional style on Page 9.

Sec. 4. Assessment, Collection, and Waiver of Tuition and Fees.--Tuition, fees, and other charges will be fixed as prescribed or as authorized by statute and will be published in the institutional catalog with a description of the criteria for any authorized exemptions and waivers.

...

4.4 The Board delegates to the presidents of the component institutions the authority to collect the payment of tuition, fees, and other charges in accordance with those methods prescribed or authorized by statute.

It is further recommended that the Board repeal the outdated 1990 Regental Policy entitled Installment Payment Plan for Tuition and Fees.

BACKGROUND INFORMATION

Texas Education Code Section 54.007 requires the governing board of an institution of higher education to provide for the collection of tuition and fees through either full payment in advance of the beginning of a fall or spring semester or through installment payments spaced throughout a fall or spring semester or a 12-week or 16-week summer term. Different installment payment periods are allowed based upon whether the particular academic period is a fall or spring semester or a 12-week or 16-week summer term. The statute does not address collection of tuition and fees for other academic periods or for courses commonly offered by component institutions in formats such as weekend or daily seminars or 6-week summer terms or as continuing education courses.

This recommendation takes into account these statutory requirements and gaps and delegates to the presidents of the component institutions the authority to collect tuition, fees, and other charges in accordance with State law. This proposed delegation will allow presidents to consider the best interests of the institution and its students in determining the best method to collect tuition and fees in accordance with statute. This recommendation will also allow the U. T. System and its component institutions to adapt quickly and efficiently to statutory amendments affecting the methods of collecting tuition and fees.

If adopted, this recommendation will repeal the Regental Policy on Installment Payment Plan for Tuition and Fees that was approved by the Board of Regents on August 9, 1990. That policy authorized four health components of the U. T. System to collect installment payments for tuition and fees pursuant to Texas Education Code Section 54.007 as it then read.

4. U. T. Board of Regents: Proposed Amendments to the Regents' Rules and Regulations, Part Two, Chapter X (Auxiliary Enterprises)

RECOMMENDATION

The Chancellor concurs in the recommendation of the Acting Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel that the Regents' Rules and Regulations, Part Two, Chapter X, regarding auxiliary enterprises and student services, be amended to add a new Section 12 as set forth below in congressional style:

Sec. 12. Student Debit Cards.--The Board delegates to each component president the authority to establish a program to provide students enrolled at the institution with a debit card. The debit card program must comply with applicable State and federal law. Before implementing a debit card program at the institution, the component president must obtain the prior approval of the Executive Vice Chancellor for Business Affairs. In addition, the component president shall comply with applicable guidelines issued by the Office of General Counsel.

BACKGROUND INFORMATION

Texas Education Code Section 51.940 authorizes the governing board of an institution of higher education to establish a debit card program for students. The proposed amendment to Part Two, Chapter X of the Regents' Rules and Regulations delegates authority for the establishment of a debit card program for students to the president of a component institution. The Board of Regents has the authority under Section 65.31(g) of the Texas Education Code to delegate any power or duty.

The president must obtain the approval of the Executive Vice Chancellor for Business Affairs before implementing the debit card program. It is anticipated that the Executive Vice Chancellor for Business Affairs will consult with the Executive Vice Chancellor for Health Affairs or the Executive Vice Chancellor for Academic Affairs, as applicable. The amendment also requires that the president comply with the applicable guidelines for contract review issued by the Office of General

Counsel. At present, the Office of General Counsel requires that all contracts relating to debit card programs be reviewed and approved as to legal matters by the Office of General Counsel. This category of contracts includes contracts with merchants accepting a component institution's debit card as payment and any contracts with financial institutions or other firms providing services to the component institution in connection with establishing or operating the debit card program.

5. U. T. System: Report of Summary of Gift Acceptance Conforming to Board Policy for September 1, 2001 Through November 30, 2001

REPORT

The Summary of Gift Acceptance for The University of Texas System for the period September 1, 2001 through November 30, 2001, is set forth below. The report includes 45 items conforming to Board policy including the acceptance of \$5,793,951 in gifts and other transfers of endowment funds totaling \$1,000,000. The report includes only those funds that relate to endowments, estates, and other funds managed by the U. T. System Office of Development and External Relations.

<u># ALL</u>	<u>COMPONENT INSTITUTION</u>	<u>TOTAL VALUE</u>
1	U. T. System Administration	\$ 20,000
2	U. T. Arlington	20,000
22	U. T. Austin	3,257,413
1	U. T. Brownsville	55,168
---	U. T. Dallas	---
---	U. T. El Paso	---
2	U. T. Pan American	---
---	U. T. Permian Basin	---
1	U. T. San Antonio	134,344
2	U. T. Tyler	39,486
2	U. T. Southwestern Medical Center - Dallas	---
2	U. T. Medical Branch - Galveston	21,000
---	U. T. Health Science Center - Houston	---
7	U. T. Health Science Center - San Antonio	1,121,369 *
3	U. T. M. D. Anderson Cancer Center	1,125,171
---	U. T. Health Center - Tyler	---
<u>45</u>	<u>TOTAL</u>	<u>\$ 5,793,951</u>

* Not included in total:

U. T. Health Science Center - San Antonio: \$1,000,000 transfers of endowment funds.

6. U. T. System: Annual Presentation on Private Sector Support

REPORT

Vice Chancellor for Development and External Relations Perry will present the annual report on Private Sector Support for the U. T. System for the 2000–2001 academic year.

J. RECESS FOR MEETINGS OF THE STANDING COMMITTEES AND COMMITTEE REPORTS TO THE BOARD

The Standing Committees of the Board of Regents of The University of Texas System will meet as set forth below to consider recommendations on those matters on the agenda for each Committee listed in the Agenda Book. At the conclusion of each Standing Committee meeting, the report of that Committee will be formally presented to the Board for consideration and action.

Executive Committee: Chairman Miller
Vice-Chairman Clements, Vice-Chairman Hunt, Vice-Chairman Riter
Agenda Book Page 13

Finance and Planning Committee: Chairman Hunt
Regent Estrada, Regent Krier, Regent Oxford, Regent Riter
Agenda Book Page 14

Academic Affairs Committee: Chairman Krier
Regent Estrada, Regent Hunt, Regent Oxford
Agenda Book Page 42

Health Affairs Committee: Chairman Oxford
Regent Clements, Regent Craven, Regent Sanchez
Agenda Book Page 50

Facilities Planning and Construction Committee: Chairman Clements
Regent Craven, Regent Riter, Regent Sanchez
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