

Meeting No. 1,202

THE MINUTES OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

Pages 1 - 224

February 26-27, 2020

Austin, Texas

MEETING NO. 1,202

WEDNESDAY, FEBRUARY 26, 2020.--The members of the Board of Regents of The University of Texas System convened in Standing Committee meetings on Wednesday, February 26, 2020, from 10:00 a.m. – 11:00 a.m. in the Board Room, Second Floor, The University of Texas System Building, 210 West Seventh Street, Austin, Texas.

CONVENE THE BOARD IN OPEN SESSION.--At 11:00 a.m., in accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Eltife convened the Board in Open Session with the following participation:

ATTENDANCE.--

Present

Chairman Eltife
Vice Chairman Weaver
Regent Beck
Regent Crain
Regent Hicks
Regent Jiles
Regent Perez
Regent Dominguez, Student Regent, nonvoting

Absent

Vice Chairman Longoria
Regent Warren

RECESS TO EXECUTIVE SESSION.-- At 11:01 a.m. the Board recessed to Executive Session in the Board Room pursuant to *Texas Government Code* Sections 551.071 and 551.074 to consider the matters listed on the Executive Session agenda.

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS AND TO RECESS TO COMMITTEE MEETINGS.-- Chairman Eltife reconvened the Board in Open Session in the Board Room at 12:59 p.m.

1. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions); U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors); other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive); Board members; and U. T. System and institutional employees

No action was taken on this item.

2a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

2b. U. T. System Board of Regents: Discussion and appropriate action regarding legal issues concerning pending legal claims by and against U. T. System

No action was taken on this item.

2c. U. T. Medical Branch - Galveston: Discussion and appropriate action regarding legal issues concerning contracts to provide Correctional Managed Health Care Services to offenders in units operated by the Texas Department of Criminal Justice

No action was taken on this item.

COMMITTEE MEETINGS.--At 1:00 p.m., the Board recessed for Committee meetings from 1:00 p.m. to 2:51 p.m.

RECONVENE THE BOARD IN OPEN SESSION.--At 2:52 p.m., Chairman Eltife reconvened the Board in Open Session to recess to Executive Session in the Board Room pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, and 551.074 to consider the matters listed on the Executive Session agenda, including Item 5d, an additional item posted with the Texas Secretary of State.

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS.--Chairman Eltife reconvened the Board in Open Session in the Board Room at 3:50 p.m.

3a. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions); U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors); other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive); Board members; and U. T. System and institutional employees

No action was taken on this item.

- 3b. U. T. M. D. Anderson Cancer Center: Discussion and appropriate action regarding proposed compensation for Albert C. Koong, M.D., Ph.D., FACR, FASTRO, Division Head, Division of Radiation Oncology, Department Chair, Department of Radiation Oncology, Robert C. Hickey Chair in Clinical Care, Division of Radiation Oncology, and Professor, Department of Radiation Oncology (Regents' Rules and Regulations, Rule 20204, regarding compensation for highly compensated employees)

Regent Crain made the following motion:

I move that the U. T. System Board of Regents approve the proposed changes in compensation for Dr. Albert C. Koong, as Division Head of the Division of Radiation Oncology, Department Chair of the Department of Radiation Oncology, and Professor in the Department of Radiation Oncology within the parameters outlined and recommended in Executive Session.

I further move that the Board find that these compensation changes are in the best interest of U. T. M. D. Anderson Cancer Center as required by state law.

The motion was seconded by Vice Chairman Weaver and carried unanimously.

- 4a. U. T. System Academic Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

Regent Perez made the following motion:

I move that the U. T. System Board of Regents authorize Chancellor Milliken, Vice Chancellor Safady, and the Presidents of U. T. Austin, U. T. Medical Branch - Galveston, U. T. Health Science Center - San Antonio, and U. T. Health Science Center - Tyler to conclude negotiations necessary to finalize, approve, and accept gifts and to finalize and execute any agreements with potential naming features for the benefit of the named institutions consistent with the terms and conditions outlined and recommended in Executive Session.

The motion was seconded by Regent Beck and carried unanimously.

- 4b. U. T. System Health Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

See Item 4a for action taken on this item.

- 5a. U. T. Rio Grande Valley: Discussion and appropriate action regarding lease of space at 701 East Expressway 83 (Interstate Highway 2), McAllen, Hidalgo County, Texas, from Rio Bank for administrative space and other mission uses

Vice Chairman Weaver made the following motion:

I move that the U. T. System Board of Regents take the following actions on behalf of U. T. Rio Grande Valley:

- a. authorize the lease of approximately 27,644 square feet of space in an approximately 115,086 square foot building located at 701 East Expressway 83 (Interstate 2), McAllen, Hidalgo County, Texas, for administrative space uses and other mission related purposes on terms in accordance with the parameters outlined in Executive Session; and
- b. authorize the Executive Director of Real Estate to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary to carry out the purpose and intent of the foregoing actions within the parameters outlined in Executive Session.

The motion was seconded by Regent Perez and carried unanimously.

- 5b. U. T. M. D. Anderson Cancer Center: Discussion and appropriate action regarding a) the expenditure of institutional funds in the form of prepaid Base Rent in exchange for the lease of an additional, undivided 20% interest in the TMC3 Collaborative Building from Texas Medical Center Inc. or its wholly owned development entity, such building to be located on the proposed TMC3 Campus, which is located on both sides of William C. Harvin Boulevard, between Old Spanish Trail and South Braeswood Boulevard, Harris County, Texas; b) the expenditure of institutional funds in exchange for the ground lease of a parcel of land on the TMC3 Campus by U. T. M. D. Anderson Cancer Center and The University of Texas Health Science Center at Houston from Texas Medical Center, Inc. or its wholly owned development entity; and c) finding of public purpose

Regent Beck made the following motion:

I move that the U. T. System Board of Regents, on behalf of U. T. M. D. Anderson Cancer Center and U. T. Health Science Center - Houston, vote to:

1. authorize
 - a. the expenditure of institutional funds in the form of prepaid Base Rent in exchange for the lease for the benefit of U. T. M. D. Anderson Cancer Center of an additional, undivided 20% interest in the TMC3 Collaborative Building from Texas Medical Center Inc. or its wholly owned development

- entity, such building to be located on the proposed TMC3 Campus, which is located on both sides of William C. Harvin Boulevard, between Old Spanish Trail and South Braeswood Boulevard, Harris County, Texas on terms in accordance with the parameters outlined in Executive Session;
- b. the expenditure of institutional funds in exchange for the ground lease of a parcel of land on the TMC3 Campus by U. T. M. D. Anderson Cancer Center and/or U. T. Health Science Center - Houston from Texas Medical Center, Inc. or its wholly owned development entity on terms in accordance with the parameters outlined in Executive Session; and
 - c. a finding that expenditure of funds for these purposes:
 - i. supports the public mission of and serves the public purposes appropriate to the functions of U. T. M. D. Anderson Cancer Center and U. T. Health Science Center - Houston;
 - ii. U. T. M. D. Anderson Cancer Center and U. T. Health Science Center - Houston will retain sufficient control over their expenditures at the TMC3 Campus to ensure the public purpose will continue to be met on an ongoing basis; and
 - iii. will result in adequate consideration and benefits to U. T. M. D. Anderson Cancer Center, U. T. Health Science Center - Houston, and the State of Texas; and
2. authorize the Executive Director of Real Estate to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary to carry out the purpose and intent of the foregoing actions within the parameters outlined in Executive Session.

The motion was seconded by Regent Crain and carried unanimously.

- 5c. U. T. Health Science Center - San Antonio: Discussion and appropriate action regarding the proposed purchase of land improved with a medical office building in northwest San Antonio at the La Cantera development, San Antonio, Bexar County, Texas, for mission purposes, including use for medical, clinical, research and educational uses

No action was taken on this item.

- 5d. U. T. Tyler: Discussion and appropriate action regarding the purchase of approximately 18.96 acres of land, described as Lot 1-A, NCB 1445-E, Texas Student Housing Addition, First Amendment, referred to as 3980 McDonald Road, Tyler, Smith County, Texas, from Lisa Delong, Carol Hampton, Terri Worley, Sue Spasic or Ryan Bourgois as substitute trustees for Westmere Capital LLC, or from Westmere Capital LLC or its assigns, for future programmed campus expansion

Regent Hicks made the following motion:

I move that the U. T. System Board of Regents take the following actions on behalf of U. T. Tyler:

- a. to bid on the purchase of approximately 18.96 acres of land, described as Lot 1-A, NCB 1445-E, Texas Student Housing Addition, First Amendment, referred to as 3980 McDonald Road, Tyler, Smith County, Texas, from Lisa Delong, Carol Hampton, Terri Worley, Sue Spasic or Ryan Bourgois as substitute trustees for Westmere Capital LLC, or from Westmere Capital LLC or its assigns, for future programmed campus expansion on terms in accordance with the parameters outlined in Executive Session; and
- b. authorize the Executive Director of Real Estate to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary to carry out the purpose and intent of the foregoing actions within the parameters outlined in Executive Session.

The motion was seconded by Vice Chairman Weaver and carried unanimously.

- 6a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

- 6b. U. T. System Board of Regents: Discussion with Counsel on legal issues associated with employee conduct

Deferred to the next day.

RECESS.--The meeting recessed at 3:56 p.m.

THURSDAY, FEBRUARY 27, 2020.--The members of the Board of Regents of The University of Texas System reconvened at 9:02 a.m. on Thursday, February 27, 2020, in the Board Room, Second Floor, The University of Texas System Building, 210 West Seventh Street, Austin, Texas, with the following participation:

ATTENDANCE.--

Present

Chairman Eltife
Vice Chairman Weaver
Regent Beck
Regent Crain
Regent Hicks
Regent Jiles
Regent Perez
Regent Warren
Regent Dominguez, Student Regent, nonvoting

Absent

Vice Chairman Longoria

In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Eltife called the meeting to order in Open Session.

1. U. T. System Board of Regents: Approval of Consent Agenda and consideration of any items referred to the full Board

Chairman Eltife noted the following related to the Consent Agenda:

- Consent Agenda Item 4 requests approval of Amendments to the Investment Policy Statements for five funds managed by UTIMCO, as well as amendments to the Liquidity Policy and the Derivative Investment Policy.

Regents Hicks and Warren will abstain from discussion and vote on this item because of financial interests.

- Consent Agenda Item 24 requests approval of sexual harassment and misconduct policy revisions for U. T. Arlington, U. T. Austin, U. T. Dallas, U. T. Permian Basin, U. T. Rio Grande Valley, and U. T. Tyler.
- Consent Agenda Item 27 requests approval of an agreement between U. T. Austin and IMG College LLC for licensing of multimedia rights relating to Intercollegiate Athletics.
- Consent Agenda Item 39 requests approval of terms of employment for new U. T. San Antonio Head Football Coach Jeffrey Michael Traylor.

- Consent Agenda Item 42 requests approval of sexual harassment and misconduct policy revisions for U. T. Medical Branch - Galveston, U. T. Health Science Center - Houston; U. T. Health Science Center - San Antonio, U. T. M. D. Anderson Cancer Center; and U. T. Health Science Center - Tyler.
- Consent Agenda Item 54 requests approval for U. T. M. D. Anderson Cancer Center to enter a sponsorship agreement with Dynamo Soccer and Dynamo Stadium.
- Consent Agenda Items 57 and 58 request authorization for U. T. Health Science Center - Tyler to expend gift funds for renovations, maintenance, and equipment at U. T. Health Jacksonville.

In approving both items, the Board is asked to approve findings associated with a public purpose, as recited in the items.

The Board then approved the Consent Agenda, which is set forth on Pages 126 - 224.

In approving the Consent Agenda, the Board expressly authorized that any contracts or other documents or instruments approved therein may be executed by the appropriate officials of the respective University of Texas institution involved.

2. U. T. System: Report on Fiscal Year 2019 Philanthropic Performance and Outcomes across U. T. Institutions

Vice Chancellor Safady reported on development performance of U. T. institutions for Fiscal Year 2019 and offered next steps for advancing philanthropic support, using the PowerPoint presentation set forth on the following pages.

Philanthropic Performance & Outcomes Across UT Institutions, FY2019

Dr. Randa Safady, Vice Chancellor for External Relations, Communications and Advancement Services

U. T. System Board of Regents Meeting
February 2020

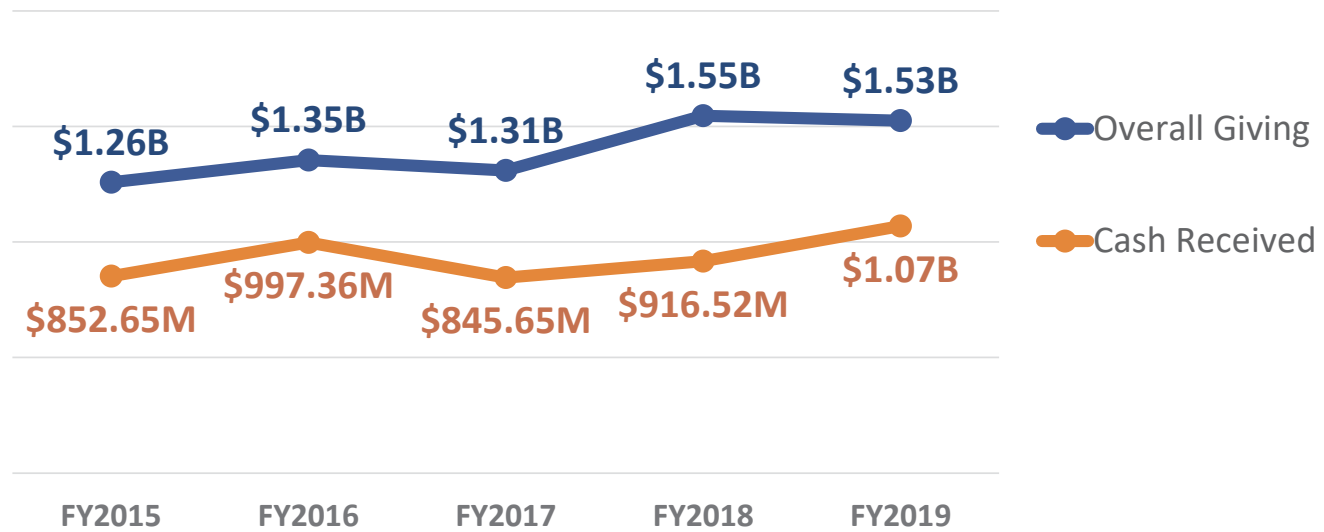


THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

WWW.UTSYSTEM.EDU

Overall Giving & Cash Received FY2015 – FY2019

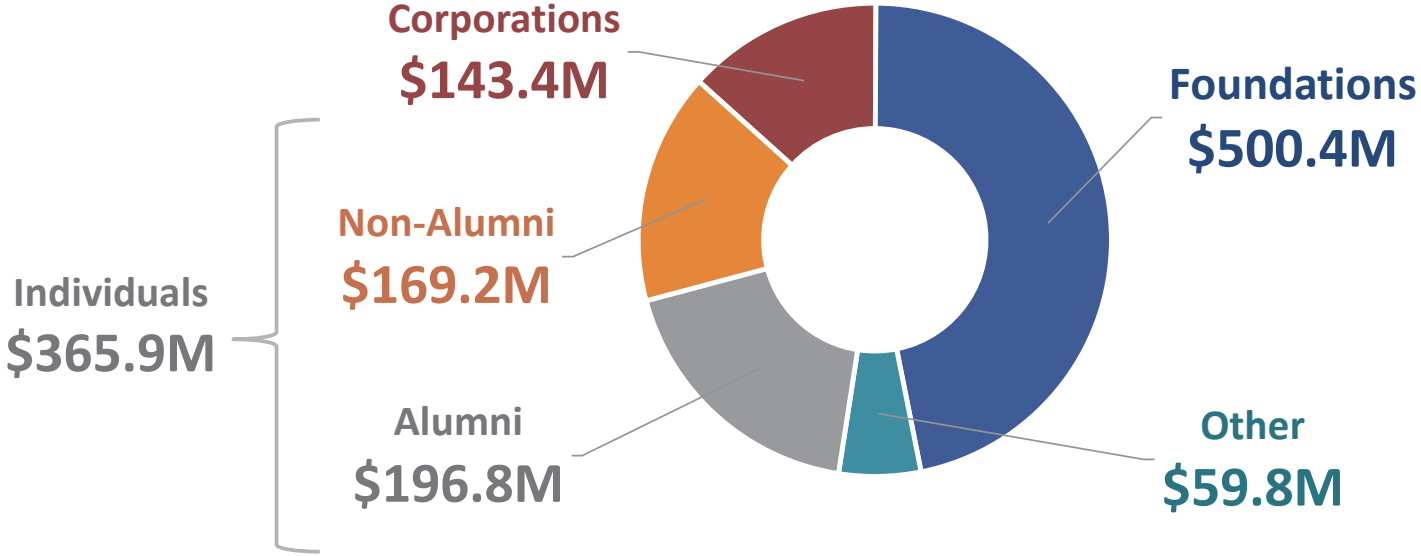
Record year for cash received



**Overall Giving = cash, pledges and new testamentary commitments at present value*



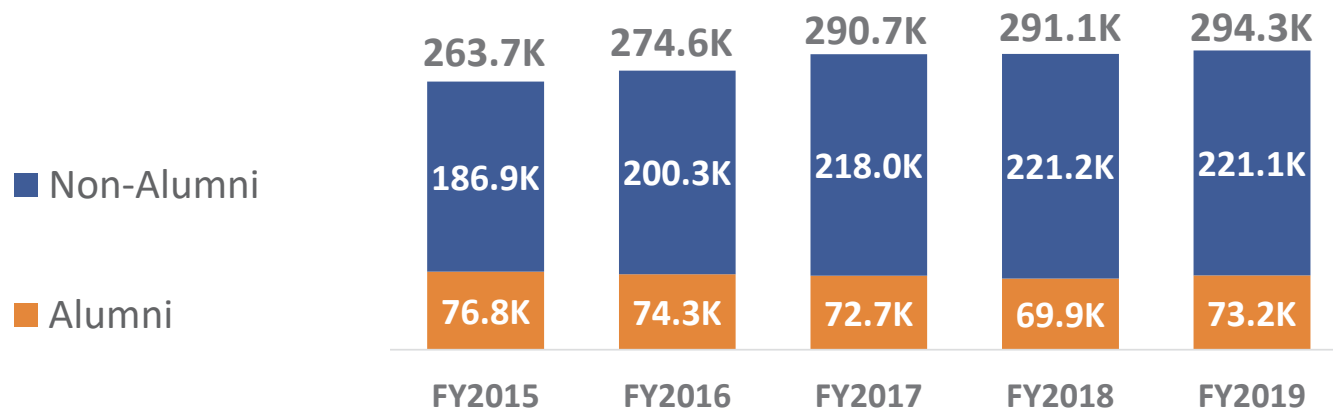
Sources of Gifts in FY2019



Minutes - 11



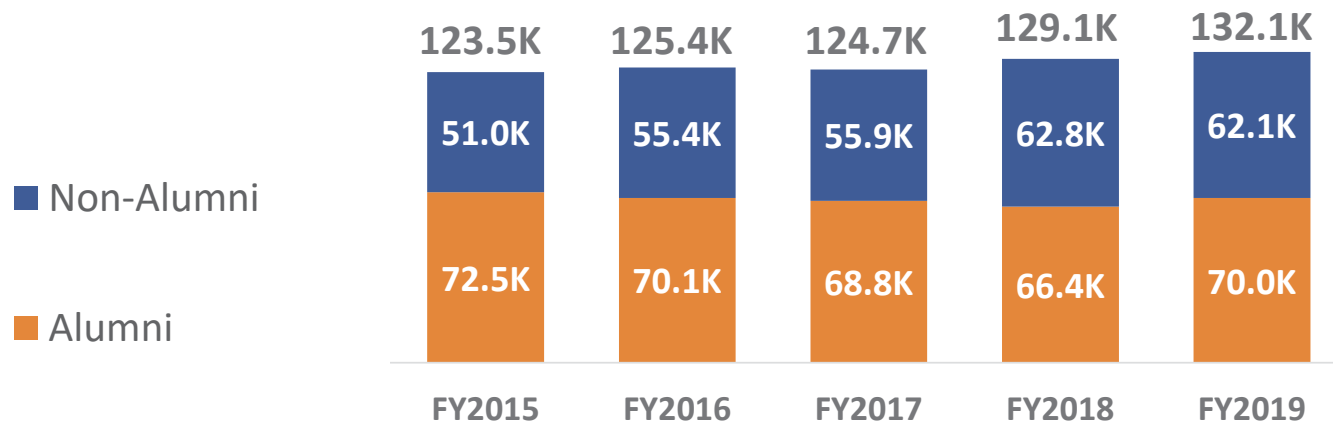
Individual Donor Count FY2015 – FY2019: Total



Alumni of Record:	1,079,534	1,226,058	1,278,090	1,394,619	1,457,555
Participation Rate:	7.1%	6.1%	5.7%	5.0%	5.0%



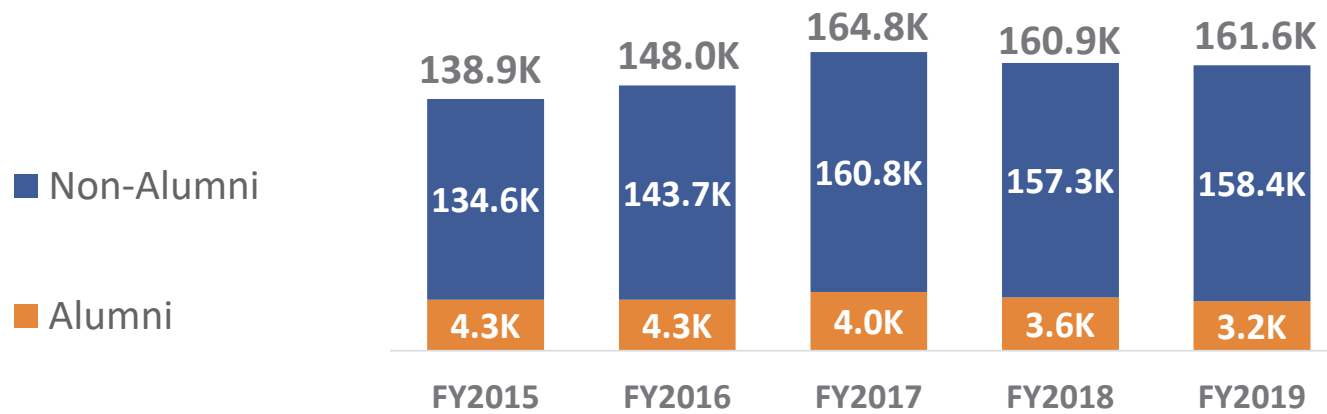
Individual Donor Count FY2015 – FY2019: Academic Institutions



Alumni of Record:	964,949	1,107,744	1,156,368	1,269,728	1,329,694
Participation Rate:	7.5%	6.3%	5.9%	5.2%	5.3%



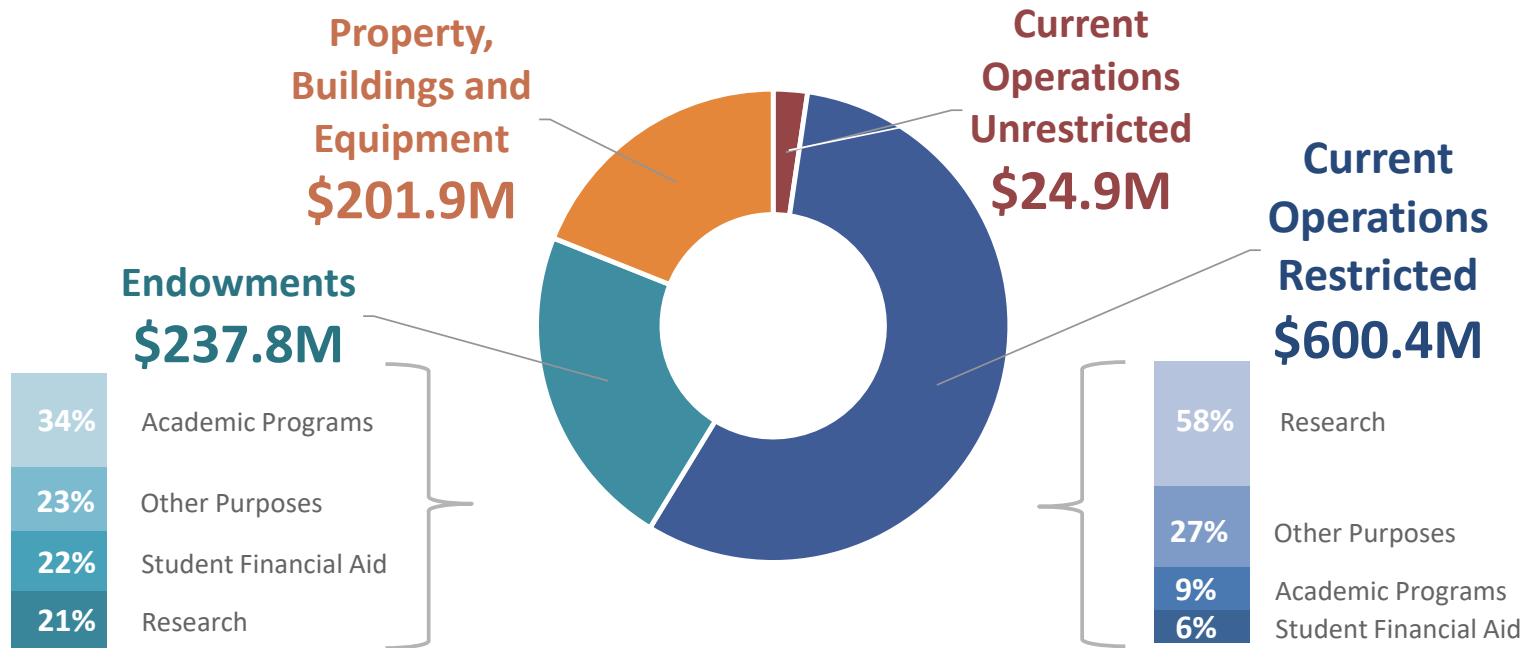
Individual Donor Count FY2015 – FY2019: Health Institutions



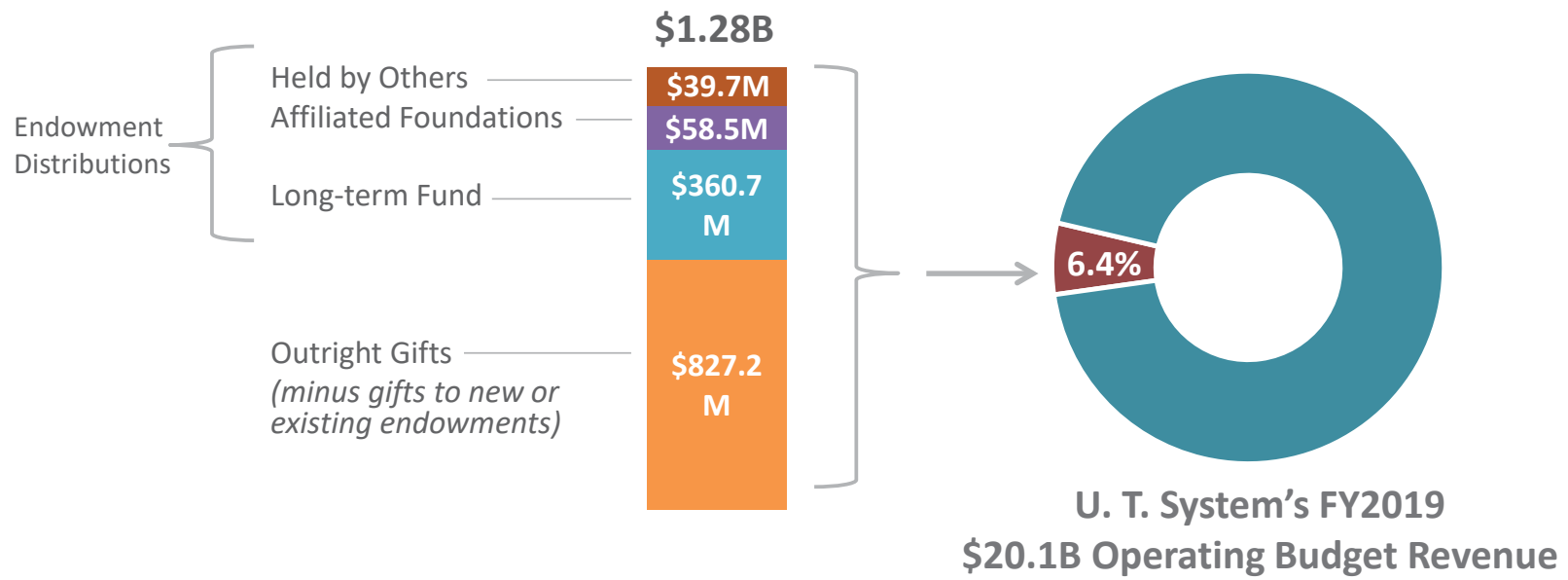
Alumni of Record:	114,585	118,314	121,722	124,891	127,861
Participation Rate:	3.8%	3.6%	3.2%	2.9%	2.5%



Designation of Gifts in FY2019

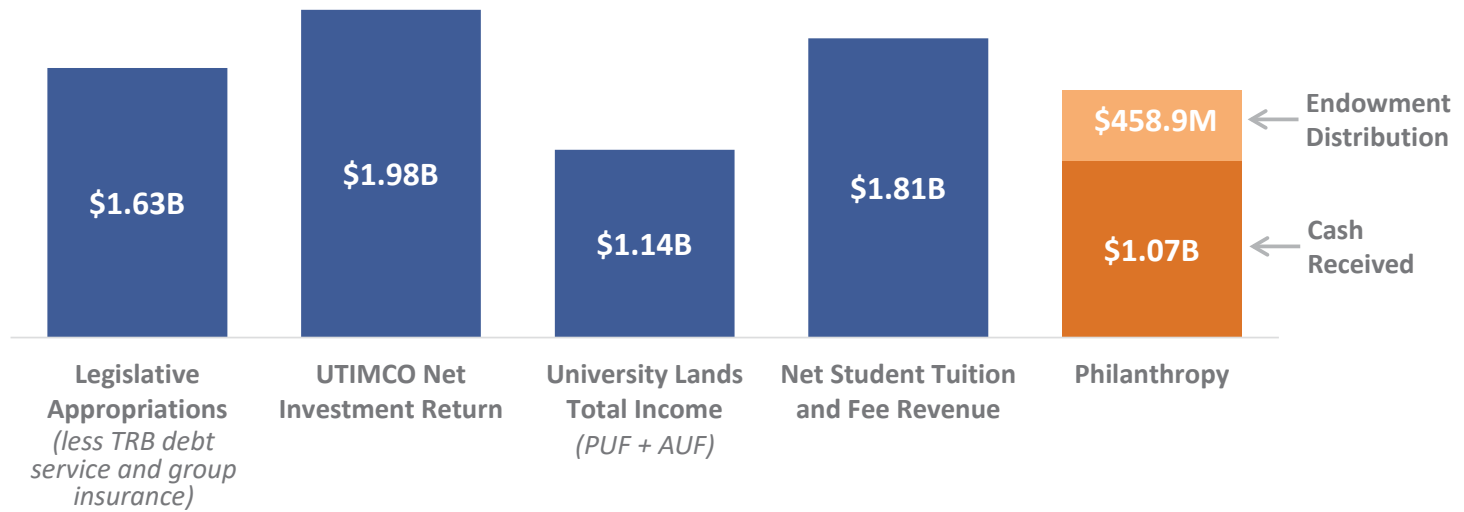


Impact of Philanthropy



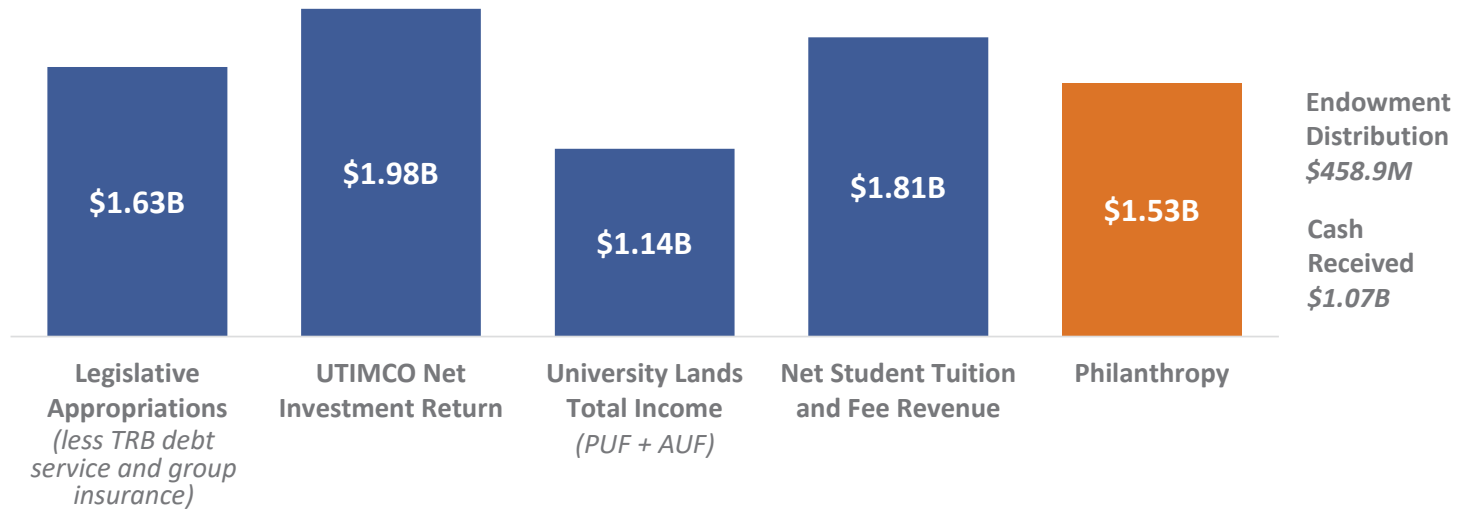
Select Revenue Sources

Philanthropy is a major revenue source for UT institutions



Select Revenue Sources

Philanthropy is a major revenue source for UT institutions

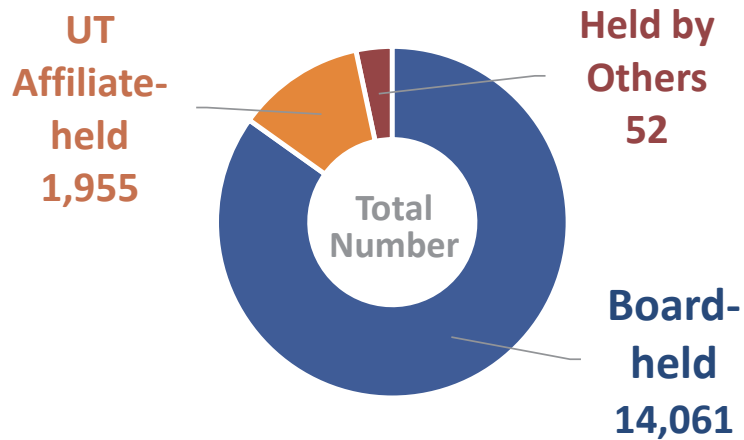


Supporting Philanthropy at UT Institutions: Long Term Fund Allocation

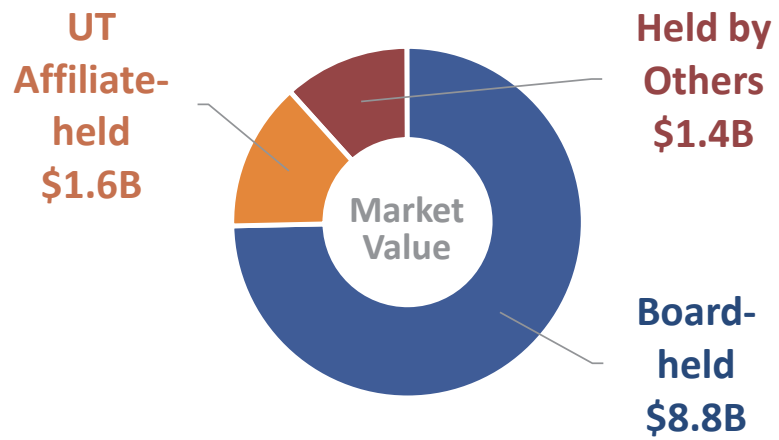
- Following Board authorization in FY2018, UT institutions were able to receive up to 60BPS of the institution's endowment market value for development purposes with a target for endowment growth
- Board authorization in 2019 increased the allocation to 80BPS for eligible institutions
- Progress to date:
 - Record fundraising year in FY2019
 - 244 development FTE supported partially or fully by allocation since implementation; enriched annual, major gifts, and planned giving programs



Endowment Status FY2019



16,068 total endowments held by Board and external entities



\$11.8 billion in total market value



Supporting Philanthropy at UT Institutions

- **Advancement Academy**
 - Customized institutional assessments
 - Tailored training and education
 - Professional development conferences
 - UT Student Internship Program in philanthropy
- **Advancement Services**
 - Endowment compliance administration
 - Estates and trust administration
 - Namings
 - Stock transactions
 - Gift acceptance policies and procedures
 - Complex gifts
- **Chief Development Officer Working Group**
- **Master Service Agreements**



3. U. T. System Board of Regents: Discussion and appropriate action regarding the Health Care Advisory Committee

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and the Vice Chancellor and General Counsel that the U. T. System Board of Regents recognize the contributions of the Health Care Advisory Committee (HCAC), thank the members of the HCAC for their work on behalf of the U. T. System, and acknowledge the successful conclusion of the HCAC's advisory role.

BACKGROUND INFORMATION

The Health Care Advisory Committee (HCAC) was established by the Board of Regents on August 20, 2015, and Regents' *Rules and Regulations*, Rule 10402, regarding Committees and Other Appointments, was subsequently editorially amended to include the HCAC. HCAC membership was comprised of individuals with collective expertise in the following areas of health and healthcare operations: clinical and business operations, finance, reimbursement, law, policy, and quality of care. HCAC members were to advise the Board of Regents, the Chancellor, the Office of Health Affairs, the Office of Academic Affairs, and the U. T. System health institutions on strategic directions; major initiatives, contracts, and affiliations; recommending financial and clinical performance measures to be reviewed; reviewing operations and making recommendations as appropriate; and recommending policy for approval by the Board of Regents or the Chancellor.

The current members are Mr. Carrol Aulbaugh, Mr. Charles J. Barnett, Mr. Douglas D. Hawthorne, Mr. Stephen J. Rohleder, and Dr. Eduardo Sanchez.

With the Board's approval, Rule 10402 will be amended to remove Section 4 referencing the HCAC and remaining sections will be renumbered as appropriate.

4. U. T. System Board of Regents: Discussion and appropriate action regarding amendment to Regents' *Rules and Regulations*, Rule 80307 (Naming Policy), Section 5, regarding Honorific Naming

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the Vice Chancellor and General Counsel that Regents' *Rules and Regulations*, Rule 80307 (Naming Policy), Section 5,

regarding Honoric Naming, be replaced with the language set forth below. The language to be replaced is included in the Background Information on the following page.

Sec. 5 Honoric Naming. As a matter of general practice, namings will recognize significant philanthropic gifts. Under special circumstances, honorific namings may be considered. Honorific namings are exceptional in nature and shall be granted for individuals or organizations that have made extraordinary contributions to a U. T. institution, the state or nation. Recommendations for honorific namings may be proposed by an institution president to the Chancellor, who will determine on a case-by-case basis whether to advance the request to the Board of Regents for consideration.

5.1 Namings Criteria. All requests for honorific namings should identify how the honoree meets one or more of the following criteria:

- (a) Reflects the mission of the university through remarkable service and leadership of lasting value to the university or society
- (b) Reflects the mission of the university through pinnacle achievements in discovery, scholarly work and citizenship
- (c) Reflects the mission of the university through a longstanding relationship of engagement and support that has contributed to qualitative and transformational university advancements
- (d) Represents the highest degree of historical significance

5.2 Restrictions on Honoric Namings.

- (a) Any naming in honor of U. T. System administrative officials, faculty, or staff members or for elected or appointed public officials shall normally occur at least five years after the individual's retirement from university or public office or death.
- (b) Namings that bring into question the reputation of the university are subject to rejection or termination after approval.
- (c) The honorific naming will likely serve for the useful life of the facility or program. If the asset is later modified or replaced, the university reserves the right to rename it or

offer an alternative honorific naming as close to the spirit as possible of the original naming.

- 5.3 Prominent Facilities and Programs/Other Prominent Facilities and Programs. Honorific namings of Prominent Facilities and Programs or Other Prominent Facilities and Programs must be approved by the Board of Regents following the recommendation of the Chancellor.
- 5.4 Less Prominent Facilities and Programs. Under appropriate circumstances, honorific namings of Less Prominent Facilities and Programs may be granted by the president of the institution, with approval of the Chancellor. Such naming for a U. T. System or institution administrative official, faculty, or staff member or for an elected or appointed public official shall be approved by the Board of Regents following the recommendation of the Chancellor.

BACKGROUND INFORMATION

As a matter of general practice, most namings at U.T. institutions authorized by the Board of Regents recognize philanthropic gifts. In rare cases, the Board may find it appropriate to grant a naming for an individual or organization in recognition of exemplary service or leadership, with the potential for everlasting value to the university community or state or nation. Revisions to Regents' Rule 80307 are proposed to provide greater clarity and definition of standards for the awarding of an honorific naming, including restrictions associated with such namings. The revisions also provide for U. T. System Administration oversight over all honorific namings, including those at Less Prominent Facilities and Programs. The proposed modifications conform with model naming practices at large universities and university systems across the country.

Section 5 currently provides:

- Sec. 5 Honorific Naming. Honorific namings may be considered for individuals who have made exemplary or meritorious contributions to the U. T. System or any of the institutions or society. Any naming in honor of U. T. System administrative officials, faculty, or staff members or for elected or appointed public officials shall normally occur only after the campus employment or public service has concluded.
- 5.1 Honorific namings of Prominent Facilities and Programs or Other Prominent Facilities and Programs must be approved by the Board of Regents. Requests shall be forwarded to the Board of Regents with the recommendations of the Chancellor, the Executive Vice Chancellor for Academic or Health Affairs, the Vice Chancellor for External Relations,

Communication and Advancement Services, and the president of the institution.

- 5.2 Under appropriate circumstances, honorific namings of Less Prominent Facilities and Programs may be granted by the president of the institution. Such naming for a U. T. System administrative official, faculty, or staff member or for an elected or appointed public official will be submitted to U. T. System Administration and to the Board of Regents on the Consent Agenda.

These proposed revisions do not impact the full-time equivalent (FTE) employee count Systemwide and have a neutral budget impact. The proposed amendments were reviewed by the U. T. institutional presidents and representatives of the Student Advisory Council, the Faculty Advisory Council, and the Employee Advisory Council.

If the proposed revisions are approved, corresponding editorial changes will be made to Section 9 of the Rule to update the chart summarizing approval authorizations.

5. U. T. System Board of Regents: Discussion and appropriate action regarding proposed appointments to the Board of Directors of The University of Texas/Texas A&M Investment Management Company (UTIMCO)

The Board approved the following recommendation:

RECOMMENDATION

Chairman Eltife recommends the reappointment of Mr. Robert Gauntt and Ms. Janet Handley to The University of Texas/Texas A&M Investment Management Company (UTIMCO) Board of Directors.

BACKGROUND INFORMATION

Texas Education Code Section 66.08 and Regents' *Rules and Regulations*, Rule 10402, Section 6 require that the U. T. System Board of Regents appoint seven members to the UTIMCO Board of Directors of whom three must be members of the Board of Regents, three must have a substantial background and expertise in investments, and one must be a qualified individual as determined by the Board. The approved UTIMCO bylaws allow external directors to serve a maximum of three terms of three years each.

Robert P. Gauntt is a Founding Partner at Avalon Advisors and is a member of The University of Texas System Chancellor's Council Executive Committee, the Pro-Vision Charter School, and Hope for Africa Advisory Group. The U. T. System Board

of Regents first appointed him to a three-year term as an external director on the UTIMCO Board on August 24, 2017.

Janet Handley is former Vice President for Investments of the Texas A&M Foundation. She is a member of the Texas A&M Legacy Society, Texas Wall Street Women, and the Greater Texas Foundation Investment Committee. The U. T. System Board of Regents first appointed Ms. Handley to a three-year term as an external director on the UTIMCO Board on May 10, 2017. Her appointment was recommended by the Texas A&M University System Board of Regents.

6. U. T. System: Discussion and appropriate action regarding request for annual funding of \$1 million from the Internal Lending Program in support of the operational budget for the Archer Center, Washington, D.C.

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs with the recommendation of the Executive Vice Chancellor for Academic Affairs and the Executive Vice Chancellor for Business Affairs that the U. T. System Board of Regents approve annual funding of \$1 million from the Internal Lending Program for the Archer Center, Washington, D.C.

BACKGROUND INFORMATION

Founded in 2001, the Archer Fellowship Program is a unique academic and experiential learning program located in Washington, D.C. that seeks to develop the next generation of leaders by introducing bright, highly accomplished students from Texas to the federal policy process.

The Archer Center and the Archer Fellowship Program, which serves both undergraduate and graduate students from all U. T. academic and health institutions, are managed academically and administratively by U. T. Dallas and are located in the U. T. System office in Washington, D.C. Archer Fellows earn in-residence course credit at their home U. T. institution during their semester of participation. At present, the Archer Center has five full-time staff and six part-time adjunct faculty and policy lecturers who are funded by revenue generated by student program fees, support from U. T. Dallas, and a small endowment managed by the U. T. Foundation.

Archer Fellows spend a transformative and impactful semester interning for a variety of public and private organizations including the White House, Congress, and the U.S. Supreme Court, to name a few. More than 1,400 students have participated in the Archer Center's semester-long and summer programs. The undergraduate Archer Fellowship Program enrolls 96 students annually from the eight academic institutions (48 each fall and spring semester). The Graduate Archer Fellowship

Program enrolls between 30 and 46 graduate and medical students each summer from across the U. T. System's academic and health institutions.

The Archer Fellowship elevates the reputation of U. T. institutions and their students. It has served as a springboard for graduate and professional careers at prestigious universities and medical centers such as Harvard University, Yale University, and the University of Oxford, as well as virtually every U. T. institution. The program has also enabled students to enter high-impact careers in the public and private sector. Archer Fellows have been awarded many distinguished scholarships, including the Harry S. Truman Scholarship, the Marshall Scholarship, the Rhodes Scholarship, the Schwarzman Scholarship, and the Fulbright Scholarship.

The Board's approval of the proposed funding request will provide the base of reliable and dedicated financial support needed to ensure a strong future for the Archer Fellowship.

▪ **Funding Details**

For many students and their families, the Archer Fellowship is cost-prohibitive as students must relinquish jobs or graduate assistantships during their semester of participation while also funding the extra cost of living in Washington, D.C., the fifth most expensive city in the U.S. Funds are requested to: 1) increase program accessibility by providing financial support for scholarships/fellowships; 2) increase program excellence through mental health services and adequate staffing and faculty; and 3) expand programming, resulting in enrollment increases of approximately 40 to 60 additional students per year.

The Archer Center is a U. T. System program administered by U. T. Dallas. Funds will be transferred annually to U. T. Dallas for the program. The proposed use of funds is as follows:

- | | |
|-----------|--|
| \$600,000 | Scholarships and Fellowships |
| | <ul style="list-style-type: none">• Undergraduate Scholarships (need-based, from \$2,000 to \$8,000)• Graduate Fellowships (from \$4,000 to \$8,000)• Stipends for Unpaid Internship Support (need-based, up to \$4,000) |
| \$250,000 | Staffing and Faculty (hired through U. T. Dallas) |
| | <ul style="list-style-type: none">• FTE (Austin-based) – administrative, recruitment, alumni relations, data, and development – \$50,000• FTE (D.C.-based) – new special programs (e.g., STEM Policy Program, expanded Congressional internship program or other short courses) – \$100,000• Increase academic faculty – \$100,000 |

- \$100,000 Programmatic Support for New Programs
- Provide alternate and expanded programming to include new special programs, short courses, and new course development
- \$50,000 Mental Health Services for Archer Fellows in D.C. with Local Provider

STANDING COMMITTEE RECOMMENDATIONS AND REPORTS.--At 9:20 a.m., Chairman Eltife announced the Board would hear the reports and recommendations of the Standing Committees, which are set forth on Pages 29 - 121.

REPORT OF THE AUDIT, COMPLIANCE, AND RISK MANAGEMENT COMMITTEE
(Pages 29 - 30).--Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended and approved by the Board in Open Session.

1. U. T. System Board of Regents: Discussion and appropriate action regarding Consent Agenda items, if any, assigned for Committee consideration

There were no items assigned for review by this Committee.

2. U. T. System: Discussion on Systemwide Efforts to Mitigate Medical Billing Compliance Risk

This item was for consideration only by the Committee.

3. U. T. System: Discussion and appropriate action regarding request for funding of \$10,000,000 from the Internal Lending Program (ILP) to enhance security in networks across the U. T. System and implement research related management controls

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Chief Compliance and Risk Officer that the U. T. System Board of Regents approve additional funding in the amount of \$10,000,000 from the Internal Lending Program (ILP) to be used over a three-year period to enhance security in networks across the U. T. System and implement research related management controls.

BACKGROUND INFORMATION

A third-party assessment was conducted of networks at each U. T. institution and found opportunities to enhance security. Network security is a necessary foundation for a modern information security program as it is the transport mechanism that attackers use to spread malware and conduct malicious activity once inside a network.

As a parallel effort, U. T. System has collaborated with each U. T. institution to assess and determine needed improvements to research management controls to further safeguard critical research, grant funding streams, and intellectual property.

The requested \$10,000,000 will be used over a three-year period to fund both network security and management controls. Network security improvements are anticipated to account for approximately 70% of the total amount requested and will fund the network security projects including hardware, software, and contracted services that institutions identified as their top priority.

4. U. T. System: Fiscal Year 2019 Consolidated Annual Financial Report, including the Independent Auditors' Report, and audits of the financial statements of U. T. Austin, U. T. M. D. Anderson Cancer Center, U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston and for funds managed by The University of Texas/Texas A&M Investment Management Company (UTIMCO)

This item was for consideration only by this Committee and the Finance and Planning Committee (Item 1) in a joint meeting.

REPORT OF THE FINANCE AND PLANNING COMMITTEE (Pages 31 - 49).--Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended and approved by the Board in Open Session.

1. U. T. System: Fiscal Year 2019 Consolidated Annual Financial Report, including the Independent Auditors' Report, and audits of the financial statements of U. T. Austin, U. T. M. D. Anderson Cancer Center, U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston and for funds managed by The University of Texas/Texas A&M Investment Management Company (UTIMCO)

This item was for consideration only by this Committee and the Audit, Compliance, and Risk Management Committee (Item 4) in a joint meeting.

2. U. T. System Board of Regents: Discussion and appropriate action regarding Consent Agenda items, if any, assigned for Committee consideration

There were no items referred from the Consent Agenda.

3. U. T. System: Financial Status Presentation and Monthly Financial Report

This item was for consideration only by the Committee.

4. U. T. System: Report on the Analysis of Financial Condition for Fiscal Year 2019

This item was for consideration only by the Committee.

5. U. T. System: Approval of the Fiscal Year 2021 Budget Preparation Policies, Calendar for budget operations, and amendments to the Annual Operating Budget Rules and Procedures

The Board approved the following recommendation:

RECOMMENDATION

With the concurrence of the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Health Affairs, the Chancellor recommends that the U. T. System Board of Regents approve the Budget Preparation Policies set out below, the Calendar for budget operations on Page 35, and amendments to the Annual Operating Budget Rules and Procedures on Pages 36 - 48 for use in preparing the Fiscal Year (FY) 2021 Annual Operating Budget for the U. T. System.

U. T. System Fiscal Year 2021 Budget Preparation Policies

1. General Guidelines - The regulations and directives included in the *General Appropriations Act* as enacted by the 86th Texas Legislature serve as the basis for these guidelines and policies. In preparing the draft of the FY 2021 Operating Budget, the president of each institution should adhere to guidelines and policies as detailed below and as included in the *General Appropriations Act*. The Assistant Vice Chancellor, Budget and Planning will issue detailed instructions regarding the implementation of those regulations and directives into the institutional budget process.

The president of each institution should examine the resources used at the institution and, where possible, redirect resources toward high priority mission critical activities and strategic competitive investments that are consistent with the goals and objectives included in the institution's Strategic Plan.

Overall budget totals, including retaining reasonable reserves for potential future financial shortfall, must be limited to the funds available for the year from General Revenue Appropriations, Estimates of Educational and General Income, and limited use of institutional unappropriated balances.

2. Maintenance of Operating Margin and Use of Prior Year Balances – Institutions should make all reasonable efforts to maintain a favorable operating margin within the FY 2021 Operating Budget. Use of prior year balances should be limited to critical items, unique opportunities, or projects funded from prior year income committed for that purpose. Generally, balance usage should be reserved for nonrecurring activities. Balance usage cannot be recommended to the U. T. System Board of Regents for approval without the consent of the Chancellor, the appropriate Executive Vice Chancellor, and the Assistant Vice Chancellor, Budget and Planning.
3. Salary Guidelines – Recommendations regarding salary policy are subject to the following directives:
 - A. Salaries Proportional by Fund – Unless otherwise restricted, payment for salaries, wages, and benefits paid from appropriated funds, including local funds and educational and general funds as defined in *Texas Education Code* Section 51.009 (a) and (c), shall be proportional to the source of funds.
 - B. Merit Increases and Promotions - Institutions should consider available resources and resolution of any major salary inequities when implementing merit salary increases for faculty and staff.

As defined in *Texas Education Code* Section 51.962, an employee must have been employed by the institution for the six months immediately preceding the effective date of the increase to be eligible for a merit increase, and at least six months must have elapsed since the employee's last merit salary increase. These limitations also apply to one-time merit payments.

Merit increases or advances in rank for faculty are to be on the basis of teaching effectiveness, research, and public service.

Merit increases or promotions for administrative and professional staff and classified staff are to be based on evaluation of performance in areas appropriate to work assignments.

In accordance with the Regents' *Rules and Regulations*, performance appraisals are to be conducted annually for all employees of the U. T. System. To verify compliance with this rule, U. T. System presidents and the Executive Vice Chancellor for Business Affairs for U. T. System Administration shall annually certify that all eligible employees (including staff and faculty) have completed performance appraisals.

- C. Other Increases - Equity adjustments, competitive offers, and increases to accomplish contractual commitments should also consider merit where appropriate, subject to available resources. Subject to guidance issued by the Assistant Vice Chancellor, Budget and Planning, such increases should be noted and explained in the supplemental data accompanying the budget.
- D. New Positions - Subject to available resources, new administrative and professional staff, classified staff, and faculty positions are to be requested only when justified by workloads or to meet needs for developing new programs.
- E. Reporting - The Assistant Vice Chancellor, Budget and Planning will issue guidance on reporting of compensation changes and amounts. It is expected that required reports will encompass highly compensated and high-ranking personnel covered by Regents' *Rules and Regulations*, Rules 20203 and 20204 along with those individuals receiving significant changes in compensation.

4. Staff Benefits Guidelines - Recommendations regarding the State contribution for employee staff benefits such as group insurance premiums, teacher retirement, and optional retirement are subject to legislative determination via the *General Appropriations Act*. Payments for benefits, including for retirees, should comply with the provisions of Accounting Policy Statements No. 11, "Benefits Proportional by Fund" and the *General Appropriations Act*. The Assistant Vice Chancellor, Budget and Planning will issue instructions regarding the implementation of the benefits into the budget process.
5. Other Employee Benefits - Employer contributions to the self-insured Unemployment Compensation Fund are based on an actuarial study. Workers' Compensation Insurance rates are experience-rated for each institution. Appropriate instructions will be issued regarding the implementation of Unemployment Compensation Fund and Workers' Compensation Insurance Benefits.
6. Other Operating Expenses Guidelines - Increases in Maintenance, Operation, Equipment, and Travel are to be justified by expanded workloads, for developing new programs, or for correcting past deferrals or deficiencies.
7. Calendar - In the event of unforeseen circumstances, authority is delegated to the Assistant Vice Chancellor, Budget and Planning to modify the Calendar.

BACKGROUND INFORMATION

The U. T. System FY 2021 Budget Preparation Policies are consistent with the regulations and directives included in the *General Appropriations Act* and other general law enacted by the 86th Texas Legislature. As written, this policy provides general direction to the U. T. System institutions. Changes to the Annual Operating Budget Rules and Procedures for FY 2021 represent alignment with applicable Regents' *Rules* with respect to budget amendments required to be submitted by institutions and approved by the Board. This change results in fewer approvals required by U. T. System Administration.



**THE UNIVERSITY OF TEXAS SYSTEM
FY 2021 OPERATING BUDGET CALENDAR**

January 2019 – August 2020	Performance appraisal focal period
February 27, 2020	U. T. System Board of Regents takes appropriate action on budget preparation policies and budget rules
April 13, 2020	Request for Library, Equipment, Repair and Rehabilitation new project instructions and information on balances subject to lapse are sent to institutions
May 4, 2020	Budget instructions issued by U. T. System Administration
May 11 – June 12, 2020	Institution Budget Meetings with U. T. System Administration
June 1, 2020	New Library, Equipment, Repair and Rehabilitation project requests are due to U. T. System Administration
June 12, 2020	Draft budget documents due to U. T. System Administration
June 15 – 19, 2020	Technical budget review with U. T. System Administration
June 26, 2020	Final budget documents due to U. T. System Administration
July 13, 2020	Reports on highly compensated staff covered by Regents' Rules 20203 and 20204, institutional Top Ten salaries and high-ranking staff salaries due to U. T. System Administration
July 31, 2020	Operating Budget Summaries provided to the U. T. System Board of Regents
August 19, 2020	Salary change report due to U. T. System Administration
August 20, 2020	U. T. System Board of Regents takes appropriate action on Operating Budget and President and Executive Officer compensation

THE UNIVERSITY OF TEXAS SYSTEM

BUDGET RULES AND PROCEDURES

For Fiscal Year Ending August 31, 2020~~20~~21

A. INITIAL BUDGET

1. Any transfers subsequent to the approval of the initial budget shall be made only after careful consideration of the allocations, transfer limitations, and general provisions of the current general appropriations act. (See B. Budget Amendments)
2. All appointments are subject to the provisions of the U. T. System Board of Regents' *Rules and Regulations* ("Regents' Rules") for the governance of The University of Texas System.
3. The established merit policy will be observed in determining salary rates.
4. All academic salary rates in the instructional departments of the academic institutions are nine-month rates (September 1 - May 31) unless otherwise specified. In the health-related institutions, all salary rates are twelve-month rates unless otherwise specified.
5. All appointments of classified personnel are based on twelve-month rates and are made within appropriate salary ranges as defined by the classified personnel Pay Plan approved by the president or Chancellor. All appointments of administrative and professional personnel are based on twelve-month rates.
6. Compensation for continuing personnel services (for a period longer than one month), though paid for on an hourly basis, is not to be paid out of maintenance and equipment, or like appropriations, except upon specific approval of the president of the institution or the Chancellor.
7. All maintenance and operation, equipment, and travel appropriations are for twelve months (September 1 - August 31) and should be budgeted and expended accordingly.

B. BUDGET AMENDMENTS

1. Items requiring approval of the U. T. System Administration and subsequent approval by the U. T. System Board of Regents through the Consent Agenda
 - a. New appointments of tenured faculty (Regents' *Rule* 31007).
 - b. Award of tenure to any faculty member (Regents' *Rule* 31007).
 - c. New appointments as Regental Professor (Regents' *Rule* 31001). Titles set forth in Regents' *Rule* 20301 including Chancellor Emeritus, President Emeritus and similar honorary designations are conferred by the U. T. System Board of Regents ~~through the full agenda~~.
 - d. Appointments, promotions, and salary increases involving the president (Regents' *Rules* 20201, 20202, 20203).
 - e. New contracts or contract changes involving athletic directors or head coaches whose total annual compensation, or total contractual compensation, equals or exceeds the amounts specified by Regents' *Rule* 10501 Section 2.2.12.
 - ~~f. Compensation changes for Key Executives as defined by Regents' *Rule* 20203.~~
 - ~~fg. Compensation changes for employees personnel whose total annual compensation for the first time is, or may exceed, \$1,000,000 during the year (Highly Compensated Personnel) and who are not subject to B.1.e or B.2.f or above (Regents' *Rule* 20204).~~
 - ~~gh. Compensation changes for ~~Key Executives as defined by Regents' *Rule* 20203~~ Highly Compensated Personnel greater than five percent (Regents' *Rule* 20204).~~
 - ~~hi. Increases in budgeted amounts from income or unappropriated balances for Educational and General, Auxiliary Enterprises, Designated Funds, Service Departments, Revolving Funds, and Plant Funds, subject to the thresholds established in B.5 below.~~
 - ~~ij. Increases to Plant Funds which result from transfers from Educational and General Funds, Auxiliary Enterprises, Designated Funds, Service Departments, and Revolving Funds, subject to the thresholds established in B.5 below.~~
2. Items requiring approval of U. T. System Administration (no Consent Agenda approval required)
 - a. Reappropriation of prior year Educational and General Fund balances, subject to the thresholds established in B.5 below.
 - b. Increases in budgeted amounts from income or unappropriated balances for Educational and General, Auxiliary Enterprises, Designated Funds, Service Departments, Revolving Funds, and Plant Funds, subject to the thresholds established in B.5 below.

- c. Increases to Plant Funds which result from transfers from Educational and General Funds, Auxiliary Enterprises, Designated Funds, Service Departments, and Revolving Funds, subject to the thresholds established in B.5 below.
 - d. Compensation changes for employees Highly Compensated Personnel whose change in total annual compensation is \$500,000 or more but five percent or less than \$1,000,000 and whose initial compensation was previously approved by the U. T. System Board of Regents (Regents' Rule 20204).
 - ~~e. Compensation increases involving tenured faculty of \$10,000 or more at academic institutions and \$25,000 at health-related institutions. This includes one-time merit payments, incentive payments, and other compensation that are part of a tenured health faculty member's approved compensation plan (i.e. the XYZ Plan) do not require approval from U. T. System as long as the payments are within the approved plan maximum totals and the total of all compensation does not equal or exceed \$500,000.~~
 - fe. Appointments and promotions involving administrative and professional personnel reporting directly to the president.
 - ~~g. Compensation increases of \$10,000 or more involving administrative and professional personnel reporting directly to the President. This includes one-time merit payments.~~
3. Items requiring approval of the president only (Chancellor for U. T. System Administration)
- a. All interdepartmental transfers.
 - b. All budget transfers between line-item appropriations within a department.
 - c. Increases in budgeted amounts from income or unappropriated balances for Educational and General Funds, Auxiliary Enterprises, Designated Funds, Service Departments, and Revolving Funds, subject to the thresholds established in B.5 below.
 - d. Reallocation of unallocated Faculty Salaries. All unfilled and uncommitted line-item faculty salary positions will lapse to the institutional "Unallocated Faculty Salaries" account.
 - e. Reappropriation of Prior Year Educational and General Fund Balances, subject to the thresholds established in B.5 below.
 - f. Promotions involving tenured faculty.
 - g. New honorary title appointments as Dean Emeritus, Chair Emeritus, Professor Emeritus, and similar honorary designations (Regents' Rule 31001).
 - h. Transactions involving all other personnel except those specified in B.1.a, B.1b, B.1c, B.1d, B.1e, B.1f, B.1g, B.1h, B.2d, ~~B.2e, B.2f~~, and B.2ge as defined above.
 - i. Changes in sources of funds, changes in time assignments, and other changes in status for personnel categorized in Item B.1, provided no change in the individual's salary rate is involved. In the case of Medical Faculty, this provision applies to "Total Compensation."
 - j. Summer Session Budgets.

- k. Clinical faculty appointments or changes, including medical or hospital staff, without salary provided the clinical faculty member is not considered to be Highly Compensated Personnel.
4. Effective date of appointments and compensation increases
 - a. Any increase in approved compensation for the current fiscal year without a change in classification or position is not to be effective prior to the first day of the month in which the required final approval of the rate change is obtained.
 - b. A compensation increase resulting from an appointment to another classification or to a position involving new and different duties may be made effective to the time of the first performance of duties under the new appointment.
 - c. The effective date of an appointment is the date on which the individual is first to perform service for the institution under that appointment.
 - d. The original appointment during a fiscal year of a person not in a budget for that year or not under an existing appointment for that year may relate back to the first performance of duties during the fiscal year although such person may have been employed in a previous fiscal year and although increased compensation for the same classification or position is involved.
 5. Budget amendment criteria
 - a. Institutions other than U. T. System Administration with budgeted revenue, including transfers from the Available University Fund, of \$1 billion or more will have a threshold of:
 - i. For B.1h and B.1i – Equal to or greater than \$5,000,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a – Equal to or greater than \$2,000,000 (reappropriation of E&G balances approval by U. T. System Administration)
 - iii. For B.2b and B.2c – Equal to or greater than \$2,000,000 and less than \$5,000,000 (budget increase approval by U. T. System Administration)
 - iv. For B.3c and B.3e – Less than \$2,000,000 (approval by president)
 - b. Institutions other than U. T. System Administration with budgeted revenue, including transfers from the Available University Fund, between \$250 million and \$1 billion will have a threshold of:
 - i. For B.1h and B.1i – Equal to or greater than \$2,500,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a – Equal to or greater than \$1,000,000 (reappropriation of E&G balances approval by U. T. System Administration)
 - iii. For B.2b and B.2c – Equal to or greater than \$1,000,000 and less than \$2,500,000 (budget increase approval by U. T. System Administration)
 - iv. For B.3c and B.3e – Less than \$1,000,000 (approval by president)

- c. Institutions other than U. T. System Administration with budgeted revenue, including transfers from the Available University Fund, less than \$250 million will have a threshold of:
 - i. For B.1h and B.1i – Equal to or greater than \$1,000,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a – Equal to or greater than \$250,000 (reappropriation of E&G balances approval by U. T. System Administration)
 - iii. For B.2b and B.2c – Equal to or greater than \$250,000 and less than \$1,000,000 (budget increase approval by U. T. System Administration)
 - iv. For B.3c and B.3e – Less than \$250,000 (approval by president)

- d. U. T. System Administration will have a threshold of:
 - i. For B.1h and B.1i – Equal to or greater than \$1,000,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a and B.3e – All amounts may be approved by the Chancellor (reappropriation of E&G balances)
 - iii. For B.2b, B.2c, and B.3c – All amounts less than \$1,000,000 may be approved by the Chancellor (budget increase approval)
 - iv. Notwithstanding i., ii., and iii., the Chancellor may authorize any budget amendment in the U. T. System revolving insurance funds without limitation.

C. OTHER CONSIDERATIONS

1. All appropriations not actually expended or encumbered by August 31 will automatically lapse to the Unappropriated Balance Account except for those reallocated pursuant to Item B.2a and Item B.3e.
2. Compensation indicated as "MSRDP Funds," "DSRDP Funds," "PRS Funds," "FSRDP Funds," "Allied Health Faculty Services Plan" or "Nursing Clinical Enterprise Health Services, Research and Development Plan" is contingent upon its being earned or available in accordance with the regulations applicable to the appropriate Medical Service Research and Development Plan, Dental Service Research and Development Plan, Physicians Referral Service Plan, Faculty Services Research and Development Plan, Allied Health Faculty Services Plan, or Nursing Clinical Enterprise Health Services Research and Development Plan.
3. Budgeted expenditures authorized from sources of funds other than Educational and General Funds are contingent upon receipt of such funds. Appointments from such fund sources will not become an obligation of the institution in the event the supplemental or grant funds are not realized.
4. Leaves of Absence may be granted only in accordance with provisions contained in Regents' *Rule* 30201.
5. In these Rules, Compensation means total annual compensation as defined by Regents' *Rule* 20204 or total compensation under a multiyear contract.
6. Appropriations of the Available University Fund are subject to the appropriation limitations and notice requirements found in the General Appropriations Act.

THE UNIVERSITY OF TEXAS SYSTEM

~~ACADEMIC FACULTY~~ WORKLOAD REQUIREMENTS FOR ACADEMIC INSTITUTIONS

For Fiscal Year Ending August 31, 202~~0~~21

~~Academic Faculty~~ Workload Requirements for General Academic Institutions

The general workload ~~requirements policy~~ for ~~faculty employed at~~ U. T. System academic institutions ~~are is~~ set forth in Regents' *Rule* 31006. Through established shared governance processes, each academic institution has been authorized by the U. T. System Board of Regents to establish a faculty workload policy that adheres to the provisions and reporting requirements of *Rule* 31006. As required by *Texas Education Code Section* 51.402 and *Rule* 31006, each academic institution has included their faculty workload policy in this operating budget.

THE UNIVERSITY OF TEXAS SYSTEM

MEDICAL, DENTAL, NURSING, FACULTY SERVICES RESEARCH AND DEVELOPMENT PLANS, ALLIED HEALTH FACULTY SERVICES PLAN AND PHYSICIANS REFERRAL SERVICE

For Fiscal Year Ending August 31, 2020~~20~~21

Rules and Procedures

1. These Rules and Procedures are to be used for the Medical, Dental, Nursing, and Faculty Services Research and Development Plans, the Allied Health Faculty Services Plan and Physicians Referral Service (“the Plans”) Budgets in conjunction with the Rules and Procedures for the General Operating Budget.
2. Budgeted expenditures authorized from the Plans are contingent upon receipt of such funds. Appointments and other budget transactions from such fund sources shall not become an obligation of any institution in the event the funds are not realized.
3. All income for professional services earned by members of the plans, except royalties, payments for editing scientific publications, and consultation fees as a regional or national consultant to any branch of the U.S. Government as approved by the U. T. System Board of Regents shall be deposited in the appropriate institution’s institutional Trust Fund Account.
4. Administration, operation, and disbursement of funds shall be in accordance with each institutional plan approved by U. T. System Administration and the U. T. System Board of Regents.
5. At U. T. M. D. Anderson Cancer Center, associate members’ earnings will be contingent upon the earned income of the member in accordance with the services rendered to the patient assigned to the member’s specialty by the chief of the major service. All payments will be approved by the Executive Council of the Physicians Referral Service.
6. Budgeted funds can be used for staff retirement and insurance benefits, for actual travel or supplemental travel expenses for attending meetings for the benefit of any institution, for memberships and dues in medical organizations, for official entertainment, and for such other disbursements as may be authorized by the president consistent with the policies approved by the U. T. System Board of Regents and the U. T. System Administration. These expenditures must be in the best interests of the research, educational and patient care activities of any institution and in the best interest of maintaining a distinguished scientific staff for such purposes and activities.

THE UNIVERSITY OF TEXAS SYSTEM

PERMANENT UNIVERSITY FUND (PUF) BOND PROCEEDS FOR LIBRARY, EQUIPMENT, REPAIR AND REHABILITATION (LERR) AND FACULTY SCIENCE AND TECHNOLOGY ACQUISITION AND RETENTION (STARS) AND SIMILAR FUNDED PROGRAMS BUDGET RULES AND PROCEDURES

For Fiscal Year Ending August 31, 2020~~20~~21

A. INITIAL BUDGET

1. U. T. System institutions are authorized to purchase approved Library and Equipment items and to contract for Repair and Rehabilitation projects following standard purchasing and contracting procedures. This includes expenditures for Faculty STARS or similar funded programs.
2. Transfers by the U. T. System Administration of allocated funds to institutional control or to vendors will coincide with vendor payment requirements.
3. Final approval of specific Repair and Rehabilitation projects will be in accordance with U. T. System Board of Regents established procedures for construction projects.
4. All expenditures are subject to the provisions of the *Constitution* of the State of Texas and the U. T. System Board of Regents' *Rules and Regulations* for the governance of The University of Texas System.

B. BUDGET AMENDMENTS

1. Items requiring approval of the U. T. System Administration and subsequent approval by the U. T. System Board of Regents through the Consent Agenda
 - a. Substitute Library and Equipment purchases in excess of \$1 million that are not on the approved list.
 - b. Funding for new Repair and Rehabilitation projects in excess of \$1 million that are not on the approved list.
2. Items requiring approval of U. T. System Administration (no Consent Agenda approval required)
 - a. Substitute Library and Equipment purchases of \$1 million or less that are not on the approved list.
 - b. Funding for new Repair and Rehabilitation projects of \$1 million or less that are not on the approved list.
 - c. Transfers of appropriated funds between approved Library and Equipment items.
 - d. Transfers of appropriated funds between Repair and Rehabilitation items.
 - e. Transfers of funds for approved Library and Equipment purchases to fund approved Repair and Rehabilitation projects and vice versa.
 - f. All transfers of funds are subject to the requirements of the *UTS 168 Capital Expenditure Policy*.
 - g. Transfer of STARS funding between the Faculty STARS program and the Rising STARS program.

C. OTHER CONSIDERATIONS

1. All Library and Equipment or Repair and Rehabilitation appropriations must be expended within 36 months from the date of the award or the appropriation will lapse and be made available for future Systemwide reallocation.
2. All Faculty STARs or similar program appropriations must be expended within 36 months from the time the faculty member arrives on campus or the appropriation will lapse and be made available for future Systemwide reallocation.
3. Notwithstanding the limitations adopted at the time LERR, Faculty STARs, or other similar funding was authorized, these *Budget Rules and Procedures* apply to all previously authorized LERR, Faculty STARs and similar funding.
4. In accordance with the *UTS 168 Capital Expenditure Policy*, LERR and Faculty STARs funding that is incorporated into a Major Project will be defined as PUF and will be subject to rules applicable to all Major Projects. Major Projects are defined by Regents' *Rule 80301*.

THE UNIVERSITY OF TEXAS SYSTEM

PERMANENT UNIVERSITY FUND (PUF) BOND PROCEEDS FOR LIBRARY, EQUIPMENT, REPAIR AND REHABILITATION (LERR) AND FACULTY SCIENCE AND TECHNOLOGY ACQUISITION AND RETENTION (STARS) AND SIMILAR FUNDED PROGRAMS EXPENDITURE GUIDELINES

For Fiscal Year Ending August 31, 2020~~20~~21

A. AUTHORIZATION OF PUF BOND PROCEEDS FOR LERR, STARS, OR SIMILAR FUNDED PROGRAMS

Article VII, Section 18 (b) of the Texas *Constitution* authorizes the U. T. System Board of Regents to issue bonds and notes secured by the U. T. System's interest in the Permanent University Fund for the purpose of:

- acquiring land, with or without permanent improvements;
- constructing and equipping buildings or other permanent improvements;
- major repair and rehabilitation of buildings and other permanent improvements;
- acquiring capital equipment; and
- acquiring library books and library materials.

It is for the last three purposes noted above that the U. T. System Board of Regents has established the LERR, Faculty STARS, and similar funded programs.

B. RETENTION OF RECORDS

The Internal Revenue Service requires that invoice documentation supporting capital expenditures, including LERR, Faculty STARS and similar programs funded with proceeds of tax-exempt bonds, be maintained for a period ending three (3) years after the complete extinguishment of the bonds. Pursuant to the Texas *Constitution*, PUF bonds may be structured with a maximum maturity of 30 years. In order to comply with the IRS requirement and *UTS 181 Policy for Post Bond Issuance Federal Tax Compliance*, U. T. institutions shall maintain invoice documentation for 35 years for any capital expenditures funded with tax-exempt proceeds.

C. ELIGIBILITY FOR PROGRAM FUNDS

Eligibility for LERR, STARS, or other similar funded programs is the same as eligibility for PUF bond proceeds as set forth in the *Constitution*.

D. GENERAL GUIDELINES FOR USE OF PROGRAM FUNDS

In addition to meeting the constitutional requirements outlined above, the general guideline to determine whether an item is eligible for LERR, Faculty STARS, or similar funded programs, is that it must have a useful life of at least one year. The following sections are provided to assist with that determination. These guidelines are not intended to be exhaustive and any questions regarding LERR, Faculty STARS, or similar funded program eligibility should be directed to the U. T. System Administration Office of Budget and Planning.

Repair and Rehabilitation of Buildings or Other Permanent Improvements

Major repairs or rehabilitation of buildings or other permanent improvements include, but are not limited to, repairs, renovations, replacements, or betterments that are normally expected to extend the useful life, improve operating efficiency, eliminate health and safety hazards, correct structural or mechanical defects, upgrade the quality of existing facilities, or convert these assets to more useful functions, but that are not considered routine maintenance.

The cost of major repairs or rehabilitation of buildings or other improvements can include the contract price or cost of construction and other costs that would be applicable to make the building or improvement suitable for its intended use.

Acquisition of Capital Equipment

Capital equipment is generally regarded as nonexpendable, tangible personal property having a useful life of more than one year. The acquisition cost for equipment includes the net invoice price, including any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. In addition, taxes, duty, in-transit insurance, freight, and installation charges are also included as part of the acquisition cost. Capital equipment, including software, that will be used Systemwide, or between and among U. T. institutions and System Administration, is eligible for LERR, Faculty STARS, or similar program funds.

Warranties and Similar Service Features

The cost of warranties and similar service features related to a purchase of capital equipment (such as maintenance agreements and loaner programs) are not eligible for LERR, Faculty STARS, or similar program funds as these are considered operating expenses. This ineligibility also applies to warranty and similar service feature costs separately identified during original purchase. For example, a warranty agreement charge that is separately identified on a Laptop purchase is not allowed.

Software

Any capitalized costs associated with the development or implementation of software, including personnel costs (salaries), are eligible for LERR, Faculty STARS, or similar funded programs if they are incurred in the Application Development Stage. This principle applies whether the salaries are paid to employees of the institution or to outside parties. See *UTS 142.13 Accounting and Financial Reporting for Intangible Assets* at <https://www.utsystem.edu/sites/policy-library/policies/uts-14213-accounting-and-financial-reporting-intangible-assets>. Training costs related to software usage are discussed below.

The purchase of bundled software included as part of the initial acquisition of computer hardware is capitalizable regardless of threshold and therefore eligible for LERR, Faculty STARS, or similar program funds.

Software maintenance costs are considered operating expenses and therefore are not eligible for LERR, Faculty STARS, or similar program funds as these are considered operating expense.

Costs for software licenses with a useful life extending beyond one year that will be owned are eligible for LERR, Faculty STARS, or similar program funds. Leased or licensed software that requires the payment of an annual fee (i.e., does not have a useful life extending beyond one year) and that will not be owned when the license expires is not eligible for LERR, Faculty STARS, or similar program funds.

Employee Training and Travel Costs

Employee training and travel costs are not eligible for LERR or STARS program funds as these are considered operating expenses.

Operating Expenses

Consumables, which generally include those items that have an expected useful life of less than one year, are not eligible for LERR or STARS program funds as these are considered operating expenses. Some examples include, but are not limited to: chemicals, gases, paper, staplers and other office supplies, toner cartridges, medical supplies, disposal services, and laboratory supplies.

Examples of other operating expenses that are not eligible for LERR or STARS program funds include, but are not limited to: monthly telephone services, animals, software maintenance cost, and routine maintenance.

Acquisition of Library Books and Library Materials

The acquisition of library books and library materials is eligible for LERR. A library book is generally defined as a literary composition bound into a separate volume and identifiable as a separate copyrighted unit. Library materials are information sources other than books, including journals, periodicals, microforms, audio/visual media, computer-based information, manuscripts, maps, documents, and similar items that provide information essential to the learning process or enhance the quality of university library programs. A purchase of a license for library materials is allowable if the license period is in excess of one year. Annual license subscriptions and payments are not eligible for LERR.

The acquisition cost of library books and library materials can include the invoice price, freight-in, handling and insurance, binding, electronic access charges, reproduction and other like costs required to put these assets in place, except for library salaries.

Prohibition for Student Housing, Athletics, and Auxiliary Enterprises

Article VII, Section 18 (d) of the *Constitution* prohibits the use of PUF bond proceeds, and therefore the use of LERR, Faculty STARS, and similar program funds, for student housing, intercollegiate athletics, or auxiliary enterprises.

E. SPECIAL PROGRAM FUNDING

Faculty STARs Program

The Faculty STARs program funded by PUF bond proceeds supports the recruitment and retention of the best-qualified faculty at both academic and health institutions by providing additional resources to build and enhance research infrastructure. Because the STARs program is funded in the same manner as LERR, the same guidelines apply and each item must have a useful life of more than one year. STARs funds are available for laboratory renovation and equipment purchases; however, faculty and other staff salaries cannot be paid from STARs funds.

There are three related program goals that form the basis of the STARs program:

- recruit senior faculty with national prominence; and
- improve the quality of new faculty and research capacity of the institutions by augmenting the start-up packages for tenure and tenure-track faculty; and
- retain high quality faculty who have had offers from another research institution or have the potential to leave because of limited access to quality equipment or laboratories.

Rising STARs Program

The Rising STARs program makes up to \$250,000 available for recruitment of promising faculty members who are recruited in a tenure track position at any academic level, i.e. assistant, associate or full professor. Rising STARs funding is limited to the same equipment and renovation expenditure restrictions as Faculty STARs.

6. U. T. System Board of Regents: The University of Texas/Texas A&M Investment Management Company (UTIMCO) Update

This item was for consideration only by the Committee.

7. U. T. System Board of Regents: The University of Texas/Texas A&M Investment Management Company (UTIMCO) Overview of Public Strategic Partnerships

This item was for consideration only by the Committee.

At the Committee meeting, Chairman Hicks noted that he would abstain from discussion regarding any specific strategic partners.

REPORT OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 50 - 101).-- Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended and approved by the Board in Open Session.

1. U. T. System Board of Regents: Discussion and appropriate action regarding Consent Agenda items, if any, referred for Committee consideration

There were no items referred from the Consent Agenda.

- 2a. U. T. Arlington: Approval to establish a Master of Science in Learning Analytics degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Master of Science in Learning Analytics degree program at U. T. Arlington; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The application of data science principles to learning and educational data is called learning analytics. The proposed M.S. in Learning Analytics degree program (MSLA) which will be offered primarily online, will be designed to prepare graduates to serve in leadership roles in higher education (institutional research, information technology, and enrollment management), K-12 education (data divisions in district and state departments of education), educational technology companies and startups, educational think tanks, and other settings. The MSLA program will aim to equip graduates to work in teams, generate practical and applied solutions to complex problems, and support leadership in utilizing learning data in making decisions regarding students and employees. The focus will be less on developing algorithms and more on helping students succeed in school, university, and corporate learning environments where data is increasingly abundant, but often not analyzed. The curriculum and pedagogy will provide a rich, interactive learning environment that exposes students to a variety of large-scale data sets, research

tools and techniques, and practical applications in a multitude of disciplines and careers. Skills taught in this degree program can be applied in any occupation that uses data on learning. The MSLA differs from other data science programs in that the curriculum integrates learning sciences, educational theory, and data skills to support applied and practical implementation in various learning environments.

Need and Student Demand

Over the past decade, data science has developed rapidly as a field of both research and practice. Educators, government officials, and school and university leaders require effective data and analysis to make decisions that impact teaching and student success. No public or private universities in Texas, or in the U.S., offer an online- or blended-delivery M.S. in Learning Analytics. Columbia University produces a small number of graduates each year from its on-campus M.S. in Learning Analytics. No other comparable program exists in the U.S. The only other credentialing in learning analytics is from professional or education degree-granting programs or certificate programs. Given the national scope of this degree, our models estimate an average enrollment by Year 5 of 200 students.

The U.S. Bureau of Labor Statistics forecasts 280,400 estimated job openings from 2014 to 2024 due to replacement of anticipated retirements with an additional 170,000 new jobs created by 2024 in occupations related to learning analytics. Additionally, many industry sectors need data science specialists, and these positions offer competitive starting salaries. These salaries are in keeping with what data-centric learning organizations and learning analytics positions within corporate learning environments command, reflecting the practical and applied benefits of the MSLA. Two industry examples include:

- Operations Research Analysts: Employment of operations research analysts is projected to grow 30% from 2014 to 2024 (\$76,660); and
- Statisticians: Employment of statisticians is projected to grow 34% from 2014 to 2024. Growth is expected to result from more widespread use of statistical data to make informed business and health care decisions (salary not indicated).

Despite the field's enormous potential, there is a significant shortage of professionals with sufficient expertise, as the current generation of educators is not equipped to meet the demands or take advantage of the benefits in learning analytics. A recent report (Rayome, 2017) stated that 59% of today's data scientists were self-taught or trained through Massive Open Online Courses (MOOCs). In corporate learning, a survey of Chief Learning Officer's (CLOs) and other attendees at the 2017 Corporate Learning Conference found that 65% of respondents were concerned about the talent gap in learning analytics. Additionally, 77% of organizations prioritized short-term investment in learning analytics.

Initial enrollment for the program is expected to be comparable to the enrollment at similar programs from universities that have introduced M.S. degrees in learning analytics. The university anticipates 45 students in Year 1 growing to 157 by Year 3. With increasing visibility and marketing, enrollment could double annually until enrollment approaches 260 in Year 4 and up to 369 in Year 5. These estimates are based in part on other programs at U. T. Arlington.

Program Quality

The MSLA will provide students exposure to the leading international researchers in the burgeoning field of learning analytics. A core group of program faculty are actively involved in research on a learner success model (LSM) that guides course design for all program courses. In addition to improving course quality and student engagement, the LSM contributes to the lifelong learning of the student in three ways: 1) increased depth and quality of evaluation of learner performance; 2) provides feedback to educators on teaching practices and learners in need of support; and 3) provides feedback to learners to improve self-regulation and guidance on next steps related to learning strategies and content.

The core and support faculty will be comprised of tenured and Distinguished Teaching Professors in the Department of Psychology, leading national and international scholars in the learning analytics discipline with knowledge of the specialized tools of learning analytics, experts in quantitative analysis and research design, and preeminent researchers in online learning and human-computer interaction. Several of the core and support course faculty are founding members of Society of Learning Analytics Research (SoLAR) or actively involved in the organization. Moving into the rapidly growing field of learning analytics is part of a strategic initiative to strengthen the broader fields of learning sciences and industrial/organizational psychology within the psychology department. As part of this strategic initiative, a new faculty member is planned for hiring in Year 3 of the program, as it expands, in a specialty suitable for a strong contribution to this program.

Revenue and Expenses

Cost Category	Cost Sub-Category	TOTALS
Faculty Salaries	New	\$978,770
	Reallocated	
Program Administration	New	
	Reallocated	
Graduate Assistants	New	
	Reallocated	
Clerical/Staff	New	\$354,086
	Reallocated	\$ 34,243
Student Support (Scholarships)		
Supplies and Materials		\$97,000
Library & Instructional Technology Resources		
Equipment		
Facilities		
Other (Overhead)		\$985,183
TOTALS		\$2,449,282

Funding Category	TOTALS
I. Formula Funding	\$637,232
II. Other State Funding	
III. Reallocation of Existing Resources	
IV. Federal Funding (In-hand only)	
V. Tuition and Fees	\$3,360,830
VI. Other Funding	
TOTALS	\$3,998,062

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new master’s degree programs.

2b. U. T. Arlington: Approval to establish a Master of Education degree program in Special Education

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Master of Education degree program in Special Education at U. T. Arlington; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The proposed Master of Education (M.Ed.) in Special Education at U. T. Arlington will be a 30 semester credit hour degree program offering three pathways: a) a master's degree with initial teacher certification; b) a master's degree-only, with nine credit hours focused on preparation for serving students with high or low incidence disabilities; and c) a master's degree with supplemental certification. The coursework and key assessments will align with all state and national standards for educator preparation in special education. The certification options will engage students in P-12 schools with teacher education foundational course activities. Students who successfully complete the certificate coursework and required exams will be eligible to apply for TExES Special Education EC-12 (early childhood through 12th grade) or supplemental Special Education certification.

The educational objective of the special education master's program will be to provide teachers with the knowledge and skill necessary to be master teachers and/or advanced scholars in special education. Graduate students pursuing the master's degree will have the opportunity to prepare for advanced practice as teachers and for engaging in scholarships related to special education. The program will aim to equip students with the instructional practices and knowledge necessary to improve outcomes for students with disabilities.

Differing from other institutions in the region, this graduate program will include a heavy emphasis on teaching and learning with assistive technology, evidence-based behavioral strategies, positive behavior interventions and supports, low incidence disabilities, and applied research.

Need and Student Demand

Students completing the M.Ed. program will serve as special education teachers and leaders across Texas and nationally. As a critical shortage area, jobs exist in Texas and nationally and thus, students who successfully complete the program, with or without, certification, will be eligible for employment in special education and other disciplines in which individuals with disabilities are served. Graduation rates for M.Ed. degrees indicate an 18.6% decline in special education degrees awarded nationally in 2017 and 2018, with ongoing critical shortages reported in every state (more than 17%). In Texas, 10.9% of elementary, 34.86% of middle school, and 51.33% of high school teachers are working “out of field” in special education. In 2018, a total of 26,599 degrees were conferred in special education nationally (including B.A./B.S. and M.Ed. degrees) and 2,518 were conferred in Texas.

The U.S. Department of Education Office of Postsecondary Education’s May 2017 *Teacher Shortage Areas Nationwide Listing* reported that special education continues to be listed as a teacher shortage area in Texas and has been for 28 years (i.e., every year since 1990-1991). Further, the U.S. Bureau of Labor Statistics projects that special education student populations will continue to grow through 2020, resulting in the need for special education teachers to grow by 21% nationally.

The authors of *Using Workforce Information for Degree Program Planning in Texas* (2015) highlighted the need for primary, secondary, and special education teachers, classifying the fields as “high-demand, low-supply”. In November 2018, a top online job site listed job openings for 1,639 full-time special education teachers in Texas. Of those openings, 382 special education positions were within 100 miles of U. T. Arlington. A three-year survey of PK-12 campus and district leaders attending U. T. Arlington’s College of Education Teacher Job Fair indicated all school districts needed special education teachers. Likewise, community college representatives of U. T. Arlington’s Education Professions Advisory Council also requested special education teachers.

The addition of the M.Ed. in Special Education will allow U. T. Arlington to assist in meeting the critical shortages and market demand for well-trained special educators in the DFW Metroplex and across Texas.

The student demand for a special education M.Ed. program within U. T. Arlington’s College of Education continues to grow. According to survey results conducted by an external vendor, 163 prospective students requested a special education program in 2017. From January to May of 2018, 56 prospective students made the same request.

U. T. Arlington will recruit students throughout Texas for the initial teacher certification and supplemental certification options and throughout the U.S. for the master’s degree only in high or low incidence disabilities. Contributing to the support of students in this program, the U. T. Arlington special education program was recently awarded \$1.1 million in federal funding to support 23 special

education M.Ed. students over the next four years and to collaboratively prepare 23 additional master's degree students in social work to work with students with disabilities and their families.

Initial enrollment for the program is expected to be comparable to the enrollment at similar programs from universities that have introduced M.Ed. degrees in special education. The university anticipates 60 students in Year 1 growing to 138 by Year 3. With increasing visibility and marketing, enrollment could approach 154 in Year 4 and up to 164 in Year 5. These estimates are based in part on other programs at U. T. Arlington.

Program Quality

A total of eight faculty are currently available to contribute to the proposed M.Ed. program in special education. Four tenured/tenure track (T/TT) core faculty members in special education (one search underway) would contribute to the M.Ed. program in addition to three T/TT faculty in related fields, and a research methodologist. These faculty bring expertise in special education (high and low incidence disabilities), instructional pedagogy, research methodology, and assessment for preparing education professionals to serve children with disabilities. The current special education faculty have a combined 89 professional publications in high impact professional journals, book chapters, and books along with more than \$3.7 million in previous external research funding. All are experienced K-12 special educators, teacher trainers, and scholars. The fourth T/TT special education faculty member (to begin in Fall 2020) will have similar expertise to directly contribute to the preparation of students in an M.Ed. program in special education. Contributing T/TT faculty who will teach in the program include three experts in educational psychology, language development and neurolinguistics, and measurement and assessment. It is anticipated that two additional faculty will be hired in the next two years with expertise to support the M.Ed. program (one additional T/TT faculty member and one non-tenure track).

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries	\$1,758,500
Benefits	\$ 210,500
<i>Graduate Students</i>	
TA Salaries	
TA Benefits	
GRA Salaries	
GRA Benefits	
<i>Staff & Administration</i>	
Graduate Coordinator Salary	
Administrative Staff Salaries	\$ 433,600
Staff Benefits	
<i>Other Expenses</i>	
Marketing, Other	\$ 356,200
Total Expenses	\$2,758,800

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$ 367,300
Tuition and Fees	\$4,070,400
<i>From Institutional Funds</i>	
n/a	
<i>From Grant Funds</i>	
n/a	
<i>From Other Revenue Sources</i>	
Reallocation of Existing Resources	\$1,315,200
Total Revenue	\$5,752,900

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new master’s degree programs.

2c. U. T. Arlington: Approval to establish a Bachelor of Arts in Philanthropy degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to the Regent's *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Bachelor of Arts in Philanthropy degree program at U. T. Arlington; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The Department of Communication, in the College of Liberal Arts, in collaboration with the College of Business, proposes a Bachelor of Arts (B.A.) in Philanthropy. The proposed program is intended to serve students seeking entry-level positions in philanthropy and nonprofit organizations, as well as roles in the business and government sector. The B.A. in Philanthropy will provide a theoretical framework and practical knowledge about voluntary action and organizations that support giving in society. In addition, a degree in Philanthropy is well-suited for students who want to integrate a commitment to working with others into a job or career.

The Department of Communication and the College of Business are uniquely positioned to offer this multidisciplinary degree. The Department of Communication has a strong program in communication studies, which provides students with the opportunity to investigate communication processes as they occur within and among individuals, groups, organizations, and societies. Students in the proposed program will engage in becoming more effective creators and communicators of information in a variety of contexts. A key element to philanthropic studies is the use of communication skills to engage with people in the nonprofit and private sector.

The College of Business is in the top 100 of all business schools and in the top 50 public business schools nationally, recognized for its programs and faculty research contributions. As a part of the degree plan, students will complete a

certificate (12 hours) or minor (18 hours) in Business Philanthropy in the College of Business. The minor/certificate in Business Philanthropy provides a theoretical framework and practical knowledge about voluntary action and nonprofit organizations. Specifically, the minor/certificate will address a variety of business perspectives through varied course options in marketing, management, accounting, and finance.

Need and Student Demand

According to the U.S. Bureau of Labor Statistics (BLS), “employment of public relations and fundraising managers is projected to grow nationally by 10.3% from 2016 to 2026, faster than the average for all occupations. Fundraising managers are expected to become increasingly important for organizations (such as colleges and universities) that depend heavily on donations. More nonprofit organizations are focusing on cultivating an online presence and are increasingly using social media for fundraising activities.” Likewise, employment of jobs in fundraising is projected to grow nationally by 14.3% from 2016-2026. In addition, the BLS notes that job candidates with internship or volunteer experience in nonprofit and grantmaking organizations may have better job opportunities. The proposed degree program requires an internship as a capstone project.

In Texas, jobs for public relations and fundraising managers are expected to grow 18.6% between 2016 and 2026. Jobs in fundraising are expected to grow 20.6% in Texas between 2016 and 2026.

Dallas ranks third among Texas cities where employers exhibit the greatest demand for bachelor’s-level nonprofit and philanthropic management professionals with nearly 16% of all statewide postings. Overall, from September 2016 to December 2018 employer demand grew by 11% in state and 21% nationally, thus, growth is strong in this field and we expect graduates will be employable and competitive in the job market.

A survey was conducted during an eight-day period in January 2019 to gauge student demand at U. T. Arlington. The survey was distributed to two groups of students at the University: 1) students in the Division of Student Success, comprised of first-year students who have not declared a major and 2) students in the Department of Communication. In sum, 252 students responded to the five-question survey.

Of students surveyed, 39% of the students indicated they are or might be interested in majoring in Philanthropy, and 55% of the students responded that they are or might be interested in taking courses in philanthropy, indicating there is not only demand for the major but also considerable demand for the proposed philanthropy courses. The introductory courses in philanthropy could also contribute to additional students in other degree programs.

Initial enrollment for the program is expected to be comparable to the enrollment at similar programs from universities that have introduced B.S. degrees in philanthropy. The University anticipates 40 students in Year 1 growing to 123 by Year 3. With increasing visibility and marketing, enrollment could approach 170 in Year 4 and up to 200 in Year 5. These estimates are based in part on other programs at U. T. Arlington.

Program Quality

The program will begin with six core faculty from the Department of Communication and two additional faculty will be hired in the next few years. The program will also have 16 support faculty teaching in the program from the Department of Communication and the College of Business. The salary indicated under expenses is not intended to show the entire faculty salary for all faculty teaching in the program, since many will be teaching for other programs and not necessarily dedicated to this program.

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries	\$ 867,750.00
Benefits	\$ 260,325.00
<i>Graduate Students</i>	
TA Salaries	n/a
TA Benefits	n/a
GRA Salaries	\$ 87,500.00
GRA Benefits	n/a
<i>Staff & Administration</i>	
Administrative Support	\$ 7,950.16
Student Success	\$ 99,451.99
Marketing, Director (CoB 20%)	\$ 85,665.71
Marketing, Web Developer (CoB 20%)	\$ 58,001.16
Recruitment (New, CoB 20%, CoLA 20%)	\$ 295,005.90
Staff Benefits	\$ 163,822.48
<i>Other Expenses</i>	
Scholarship	\$ 60,000.00
Library, Supplies, and Materials	\$ 51,075.00
Professional Org Membership, Travel, Conferences	\$ 28,425.00
Recruiter Travel (Mileage)	\$ 60,000.00
Marketing	\$ 4,000.00
Startup	\$ 115,924.00
Total Expenses	\$2,244,896.40

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$ 121,494.00
Tuition and Fees	\$3,774,410.00
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$ 234,619.00
Total Revenue	\$4,130,523.00

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor’s degree programs.

2d. U. T. Arlington: Approval to establish a Bachelor of Science in Data Science degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Bachelor of Science in Data Science degree program at U. T. Arlington; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The proposed B.S. in Data Science is a program of study that provides a foundation for advanced mathematics and statistics and a minor field of study in a specific science discipline. The program will provide training in modern principles and techniques of data-driven discovery. The program is designed to ensure that students attain these skills while taking science courses within existing degree programs. The degree requires 120 semester credit hours. The requirements for the proposed undergraduate degree in data science focuses on targeted skills development, including project management and communication, as well as technical skills, while allowing curricular flexibility to enable basic and advanced work in a science discipline. This program is unique in that it requires students

enrolled to pursue a minor in one of the disciplines offered in the College of Science (biology, chemistry, biochemistry, earth and environmental sciences, mathematics, physics, and psychology.)

Need and Student Demand

The national economy is undergoing a revolution in how information is processed and data is utilized to support business decisions, as well as in government and nonprofit organizations. In recent years, numerous reports have noted strong demands in the contemporary job market for professionals who can manage, analyze, interpret, and summarize data.

The following are projections from the Texas Workforce Commission from 2016 to 2026 for the State of Texas, and for the three Workforce Development Areas (WDA) closest to Arlington (Tarrant County, Dallas County, and North Central Texas) for several occupations that are closely linked to preparation in data science. The table focuses on three occupations for which a bachelor's degree in Data Science could be an entry qualification (noting that graduates of the proposed program would also be well prepared to enter master's degree programs).

Area	Occupation Title	Estimated Employment 2016	Estimated Employment 2026 (projected)	% Change
3 UTA WDA Regions	Computer & Mathematical Occupations	138,484	171,585	23.9%
	Database Administrators	4,090	4,944	20.9%
	Mathematical Science Occupations	5,478	7,531	37.5%
State of Texas	Computer & Mathematical Occupations	343,092	408,769	19.15%
	Database Administrators	11,806	13,923	17.9%
	Mathematical Science Occupations	13,414	18,279	36.3%

For projecting student demand, due to the small number of programs in Data Science, it is difficult to obtain enrollment data from programs with similar aims to this proposal. An article in *Inside Higher Ed* quoted undergraduate enrollments at only two programs: Denison University, a small, private institution, and Ohio State University, a large, public research university similar to U. T. Arlington. Approximately two years after established, the Ohio State program had about 200 undergraduate students. Within the State of Texas, U. T. San Antonio recently initiated a B.S. degree in Statistics and Data Science, which had

enrolled 118 students by the second year. The newer programs at the University of Houston Downtown and U. T. Dallas enrolled about 30 students within the first year of operations. It is a reasonable conclusion that student demand for the data science degree program will grow as there is high demand from employers for graduates of these programs.

Initial enrollment for the program is expected to be comparable to the enrollment at similar programs from universities that have introduced B.S. degrees in data science or analytics. The university anticipates 60 students in Year 1 growing to 377 by Year 3. With increasing visibility and marketing, enrollment could double annually until enrollment approaches 710 in Year 4 and up to 1205 in Year 5. These estimates are based in part on other programs at U. T. Arlington.

Program Quality

The core faculty group include seven tenure/tenure track faculty currently employed in the College of Science, two faculty from current searches, plus one additional faculty to be hired in Year 3. The support faculty include eight current faculty, plus one additional faculty to be hired in Year 5. U. T. Arlington's College of Science has 112 tenured and tenure track faculty and 37 nontenure track teaching faculty. The combined expertise covers a large portion of the research topics in Biology, Chemistry and Biochemistry, Earth and Environmental Sciences, Mathematics, Physics, and Psychology. The research of many of the faculty lends itself to applications and involvement with the data science program. Moreover, some of their research activities will be instrumental in providing data sets for use in the program.

Other indicators of program quality include the curriculum and degree requirements. The degree requirements focus on targeted skills development, including project management and communication as well as technical skills, while allowing curricular flexibility to enable basic and advanced work in a science discipline. The salary indicated under expenses is not intended to show the entire faculty salary for all faculty teaching in the program, since many will be teaching for other programs and not necessarily dedicated to this program.

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries	\$818,303
Benefits	245,491
<i>Graduate Students</i>	
TA Salaries	768,375
TA Benefits	76,838
GRA Salaries	
GRA Benefits	
<i>Staff & Administration</i>	
Administrative Staff Salaries	458,690
Staff Benefits	137,607
<i>Other Expenses</i>	
Faculty startup costs	266,363
Marketing	45,000
Program administration	2,665,134
Supplies, Materials, Technology	90,000
Total Expenses	\$5,571,801

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$213,542
Tuition and Fees	8,561,354
Total Revenue	\$8,774,896

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor’s degree programs.

- 2e. U. T. Rio Grande Valley: Approval to establish a Doctor of Philosophy in Mathematics and Statistics with Interdisciplinary Applications degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to the

Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Doctor of Philosophy in Mathematics and Statistics with Interdisciplinary Applications degree program at U. T. Rio Grande Valley; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

U. T. Rio Grande Valley proposes to develop a Doctor of Philosophy (Ph.D.) in Mathematics and Statistics with Interdisciplinary Applications (MSIA) degree program. For students entering with a bachelor's degree, the doctorate will be a four-year program consisting of 78 semester credit hours (SCH). For students entering with a master's degree, the doctorate will be a three-year program consisting of 60 SCH.

Students in the proposed Ph.D. program will take courses in broad interdisciplinary areas, with mathematics and statistics courses serving as a foundation that will be tightly linked with specialized courses in other disciplines. This unique interdisciplinary approach to training mathematicians and statisticians is designed to help prepare graduates who are able to apply fundamental mathematics and statistics knowledge to solve complex problems at the intersection of mathematics, physics, engineering, biology, medicine, finance, computer science, and other quantitative disciplines.

Need and Student Demand

This program will prepare students to enter academic employment, an area of increasing growth. The U.S. Bureau of Labor Statistics (BLS) projects a 16.4% growth in postsecondary math educators by 2024, averaging 2,170 openings annually across the nation.

In addition, the interdisciplinary design of the doctorate program will position program graduates to meet the increasing demand from nonacademic sectors for doctoral-level mathematicians and statisticians. Research by the American Mathematical Society reflects this increasing demand, with the proportion of mathematics Ph.D. graduates in nonacademic fields increasing from 22% of respondents in 2011 to 35% in 2015. From 2014 to 2024, the BLS projects the following increases in doctoral-level professions:

- a 33.8% increase in statisticians

- a 30.2% increase in operations research analysts
- an 18.1% increase in actuaries
- a 21.4% increase in mathematicians

The MSIA program is designed to prepare graduates not only for entry into those fields, but also into other professions with a quantitative basis, as the curriculum allows students to develop specializations in additional disciplines.

Enrollment projections assume 8-10 new students per year for the first five years of the program. These enrollment projections are based on graduate program enrollment patterns at U. T. Rio Grande Valley, proposed funding to support doctoral-level students and similar programs at other institutions.

Program Quality

The program proposal identifies 10 core faculty members based in the School of Mathematical and Statistical Sciences. Over the past five years, the 10 core faculty for the proposed Ph.D. program have published 203 research articles in highly ranked journals, 17 book chapters, and three books and monographs in their research areas. Their research has received funding from external agencies including the National Science Foundation, the U.S. Department of Education, and the Texas Higher Education Coordinating Board.

The 21 support faculty members identified for this program have expertise spanning several disciplines, including financial mathematics, biology, ecology, physics, and engineering, in addition to mathematics and statistics.

Doctoral students will be supported through financial packages that include competitive, multiyear teaching assistantships and scholarships.

The University anticipates 8 students in Year 1 growing to 24 by Year 3 and up to 31 by Year 5.

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries	\$ 542,918
Benefits	\$ 162,875
<i>Graduate Students</i>	
TA Salaries	\$1,296,000
TA Benefits	\$ 64,800
GRA Salaries	N/A
GRA Benefits	N/A
<i>Staff & Administration</i>	
Student Wages (with benefits)	\$ 25,855
Administrative Staff Salaries	\$ 73,967
Staff Benefits	\$ 22,190
Other Operating Expenses	\$ 15,100
Library Journals and Resources	\$ 10,000
<i>Other Expenses</i>	
Travel	\$ 59,250
Computer Lab Setup and Equipment	\$ 61,000
Scholarships	\$ 576,000
Total Expenses	\$2,909,955

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$1,164,411
Tuition and Fees	\$ 16,201
<i>From Institutional Funds</i>	
Institutional Enhancement or Designated Tuition	\$ 5,730
Reallocation of Existing Funding	\$1,386,193
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
N/A	
Total Revenue	\$2,572,535

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new doctoral degree programs.

2f. U. T. Rio Grande Valley: Approval to establish a Doctor of Podiatric Medicine degree program and approval to establish a School of Podiatry

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Doctor of Podiatric Medicine degree program and approval to establish a School of Podiatry at U. T. Rio Grande Valley; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

U. T. Rio Grande Valley proposes to develop a Doctor of Podiatric Medicine (DPM) professional degree program to be housed in a new School of Podiatry within the College of Health Professions. The program will prepare students for licensure and entry into the profession of podiatric medicine. The DPM program will be an accredited, four-year, full-time program consisting of problem-based learning, evidence-based medicine, anatomy, neuroanatomy, pharmacology, physiology, and other subjects. In addition, students will undertake clinical/clerkship rotations for supervised experience.

Only nine colleges of podiatric medicine exist in the United States and there are none in Texas. This program is responsive not only to a nationwide demand for podiatric physicians, but also to a critical local need for this expertise. A DPM program would serve the region's distinctive population, given the high rates of diabetes, obesity, and other diseases manifesting in foot and ankle pathology.

The DPM program will draw on interprofessional collaborations within existing programs at U. T. Rio Grande Valley, including the School of Medicine, the School of Nursing, the South Texas Diabetes and Obesity Institute, the Physician Assistant Studies program, and the Occupational Therapy program.

Need and Student Demand

Multiple measures show that podiatric medicine is a growth-oriented occupation with an increasing potential market for service. The U.S. Bureau of Labor Statistics estimates nationwide employment of podiatrists to increase to more than 10% over a

ten-year period by 2026, a faster than average occupational rate of growth. Moreover, the profession is aging: the average age of members of the American Podiatric Medical Association is 53, with an expected retirement age between 61 and 70.

In addition, Texas-specific indices show that Texans have less access to podiatric physicians when compared to national data with a DPM to person ratio of 1:27,000. In the Rio Grande Valley that ratio increases to 1:88,000.

An analysis of student demand shows qualified Texas applicants have had to leave Texas to pursue their goals of becoming a podiatric physician; many never return to practice in Texas. Over the last ten years, the nine colleges of podiatric medicine have received an average of over 100 qualified applicants from Texas annually; of those applicants, 40 to 45 matriculate each year.

Enrollment projections for this prospective DPM program estimate an average class size of 40 students, which is below the common range of class sizes in DPM programs across the nation (69). The U. T. Rio Grande Valley proposed DPM class size was based on the number of Texas students who matriculated in the colleges of podiatric medicine nationally over the last five years.

Program Quality

The start-up of this program is projected to require four core faculty (one current faculty member and three new hires) and 11 support faculty, many of whom will be drawn from the School of Medicine. Year 1 of the program is projected to increase by 10 core faculty. Year 2 of the program will increase core faculty by five, and by Year 3 the program will add two additional faculty.

The program will seek accreditation from the Council on Podiatric Medical Education (CPME), a programmatic accreditor recognized by the Department of Education and the Council for Higher Education Accreditation. CPME is recognized as the accrediting body for colleges of podiatric medicine and residency training programs for the profession.

The proposed DPM program entails a significant external learning component. The clinical learning experiences for podiatric medical students must adhere to similar criteria as the experience for medical students. U. T. Rio Grande Valley has developed existing relationships with clinical sites throughout the region; for instance, the Division of Health Affairs currently maintains over 600 affiliation agreements. These existing relationships can serve as a foundation to develop additional rotations in podiatric medicine.

Revenue and Expenses

Expenses represented in the following table include costs associated with the School of Podiatry and costs associated with the Doctor of Podiatric Medicine degree program.

Expenses	5-Year Total
<i>Faculty</i>	
Salaries	\$17,910,938
Benefits	\$ 5,970,313
<i>Graduate Students</i>	
TA Salaries	N/A
TA Benefits	N/A
GRA Salaries	N/A
GRA Benefits	N/A
<i>Staff & Administration</i>	
Administrative Staff Salaries	\$ 2,040,220
Staff Benefits (Estimated at 30%)	\$ 874,380
<i>Other Expenses</i>	
Land and Building (Rent/Research Funding)	\$ 2,082,000
Professional Associations/Accreditation	\$ 1,140,000
Materials, Supplies, Marketing	\$ 422,000
Faculty Recruitment, Relocation Expenses, and Development	\$ 787,000
Total Expenses	\$31,226,851

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$ 6,269,338
Tuition and Fees	\$ 6,654,000
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$ 2,675,000
Institutional Funds	\$13,798,513
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
Net Patient Care Collections	\$ 2,430,000
Total Revenue	\$31,826,851

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new doctoral degree programs.

2g. U. T. Rio Grande Valley: Approval to establish a Doctor of Nursing Practice degree program in the School of Nursing

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Doctor of Nursing Practice degree program in the School of Nursing at U. T. Rio Grande Valley; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

U. T. Rio Grande Valley proposes to develop a Doctor of Nursing Practice (DNP) professional degree program. The program is designed to prepare students for licensure as an Advance Practice Registered Nurse (APRN) and to take leadership roles in advanced practice areas such as a nurse practitioner. The DNP will be an accredited program with two tracks:

- 4-year post-baccalaureate track, consisting of 75 credit hours; and
- 2.5-year post-master's track, consisting of 45 credit hours.

The proposed doctoral program responds to the increasing educational demands within the nursing profession. The clinical need for nurse practitioners is great and this program is required to meet that need. In addition, successful completion of a DNP program will also allow graduates to work as nursing faculty, another occupation with a high labor shortage.

This program is structured to serve students who currently hold a Bachelor of Science Nursing (BSN) degree and a Registered Nurse license. Coursework will be delivered online, allowing these nurses to continue working in a clinical setting, with end-of-semester workshops delivered face-to-face. This program structure is designed to allow students to complete the number of clinical hours required under accreditation standards, a necessary component to produce graduates ready for APRN licensure and practice.

Need and Student Demand

The Texas Workforce Commission has identified nurse practitioners as the second-fastest growing occupation in the State of Texas, with a predicted ten-year growth rate of 47.7%, amounting to 11,707 total annual jobs, by 2026. Likewise, qualified nursing faculty are in high demand. The national nurse faculty vacancy rate is 7.9%, with over 90% of those openings requiring or preferring candidates with a doctoral degree.

Student demand for nursing education is strong. The American Association of Colleges of Nursing (AACN) reports that over 75,000 qualified applications were turned away from bachelor's and graduate-level nursing programs in 2018, including 2,909 applicants to doctoral programs. This demand is corroborated by internal surveys of U. T. Rio Grande Valley nursing students in graduate and bachelor's programs, approximately three-quarters of whom expressed interest in pursuing a DNP degree within three years.

Enrollment projections for the proposed DNP program are based on historical data from the existing graduate-level nursing programs offered at U. T. Rio Grande Valley and existing similar programs across the state. For the postmaster's track, the University projects 15 new students annually. For the postbaccalaureate track, the University plans to admit 40 new students annually starting in Year 3.

Program Quality

U. T. Rio Grande Valley will proactively seek and recruit qualified faculty in alignment with the vision and mission of the University, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) guidelines and other applicable accrediting bodies. The preliminary faculty needs for the proposed U. T. Rio Grande Valley DNP degree program are set forth by the Commission on Collegiate Nursing Education (CCNE), and the National Organization of Nurse Practitioner Faculty (NONPF) which are already in place. The U. T. Rio Grande Valley School of Nursing consists of 43 full-time faculty members. Of those, 18 are designated as graduate program faculty and meet the University as well as CCNE and NONPF requirements to teach in graduate programs.

U. T. Rio Grande Valley has sufficient faculty to support the post-baccalaureate track, while one additional core faculty member will need to be hired for the post-master's track. In addition, the proposal projects hiring two additional faculty members, with the addition of an acute care nurse practitioner specialization to maintain a 1:6 faculty-student ratio in clinical courses, as required by accreditation standards.

The School of Nursing will seek programmatic accreditation through the CCNE. CCNE accreditation requires adherence to standards promulgated by the AACN. These standards set out foundational competencies for advanced nursing practice roles.

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries	\$4,137,099
Benefits	\$1,144,276
<i>Graduate Students</i>	
TA Salaries	n/a
TA Benefits	n/a
GRA Salaries	n/a
GRA Benefits	n/a
Scholarships from Set-Asides	\$ 275,188
<i>Staff & Administration</i>	
Graduate Coordinator Stipend	n/a
Administrative Staff Salaries	n/a
Staff Benefits	n/a
Technical Support Staff	\$ 270,000
Technical Support Benefits	\$ 81,000
<i>Other Expenses</i>	
Equipment	\$ 50,000
Supplies & Materials	\$ 120,000
Travel – Recruitment	\$ 75,000
Faculty Development	\$ 70,000
Marketing & Recruitment	\$ 50,000
Total Expenses	\$6,272,563

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$1,351,902
Tuition and Fees	\$2,983,768
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$1,477,099
Institutional Funding	\$1,066,473
<i>From Grant Funds</i>	
n/a	n/a
<i>From Other Revenue Sources</i>	
n/a	n/a
Total Revenue	\$6,879,242

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new doctoral degree programs.

3. U. T. El Paso: Discussion and appropriate action regarding proposed revisions to Mission Statement

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the proposed changes to the Mission Statement for U. T. El Paso, as set forth below, be approved by the U. T. System Board of Regents.

Proposed Mission Statement

UTEP is a comprehensive public research university that is increasing access to excellent higher education. We advance discovery of public value and positively impact the health, culture, education, and economy of the community we serve.

Current Mission Statement

The University of Texas at El Paso is dedicated to the advancement of the El Paso region through education, technological advancement, creative and artistic production, and the generation, interpretation, application and dissemination of knowledge. UTEP embraces its transformative role as an intellectual, cultural and socioeconomic asset to the region, offering programs to meet human resource needs and contribute to prosperity and quality of life.

As a public university, UTEP is committed to providing access and opportunity for social mobility to residents of the El Paso region and the State of Texas. UTEP's mission of ensuring access is coupled with a commitment to excellence reflected in rigorous academic programs and enhanced experiences for personal and professional growth that prepare students to make significant contributions to their professions, their communities, and the world.

As a research/doctoral institution, UTEP fosters a climate of scholarly inquiry, with a special focus on applying innovative interdisciplinary approaches to explore and address major issues that confront the binational and multicultural U.S.-Mexico border region.

BACKGROUND INFORMATION

Each public institution of higher education is required to have a mission statement under *Texas Education Code* Section 51.359. Section 51.352 of the *Code*, regarding the Responsibility of Governing Boards, requires each governing board to insist on

clarity of focus and mission of each institution under its governance. Regents' *Rules and Regulations*, Rule 10402, states that the Academic Affairs Committee or the Health Affairs Committee, as appropriate, must review proposed changes to institutional mission statements.

In addition, the Southern Association of Colleges and Schools (SACS) accreditation requirements require the periodic review and approval of each institution's mission statement by its governing board.

The U. T. El Paso Mission Statement was last reviewed and approved on November 15, 2018.

4a. U. T. Dallas: Discussion and appropriate action regarding proposed changes to admission criteria for the doctoral degree programs in the School of Arts and Humanities

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the doctoral degree programs in the School of Arts and Humanities at U. T. Dallas as described below.

BACKGROUND INFORMATION

U. T. Dallas proposes revisions to the admission criteria for the doctoral degree programs for the School of Arts and Humanities to require prospective students applying to the doctoral programs to submit academic writing samples that demonstrate aptitude and readiness for doctoral-level work.

Current Unconditional Admission Criteria	Proposed Unconditional Admission Criteria
1. Previous academic degrees (B.A. or M.A.) in arts and humanities fields (e.g. arts, humanities, history, literature, visual and performing arts)	1. No change
2. A grade point average of 3.33 or higher (especially in upper-division undergraduate and graduate work)	2. No change

3. Does not require the Graduate Record of Examination for admission to graduate programs	3. No change
	4. <u>Academic writing sample that demonstrates student's aptitude and readiness for doctoral-level work</u>

4b. U. T. Permian Basin: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Criminal Justice Administration degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Criminal Justice Administration degree program at U. T. Permian Basin as described below.

BACKGROUND INFORMATION

U. T. Permian Basin criminal justice graduate faculty identified two proposed changes to requirements for regular and conditional admission to the graduate program. Accordingly, elimination of the required submission of Graduate Record Examination (GRE) scores is recommended, and additional documents will be required to demonstrate the readiness of an applicant to be successful in the program.

Current Regular Admission Criteria	Proposed Regular Admission Criteria
1. A baccalaureate degree from an accredited college or university.	1. No change
2. Grade Point Average (GPA) of 3.0 in the last 60 credit hours	2. No change
3. Graduate Record Examination (GRE) scores at average percentile or better	3. Graduate Record Examination (GRE) scores at average percentile or better <u>A resume showing professional work experience, including undergraduate internships</u>

<p>4. Three letters of recommendation: two letters from persons who know the applicant's academic preparation and one letter from a professional working in the field of criminal justice</p>	<p>4. Three letters of recommendation: two letters from persons who know the applicant's academic preparation and one letter from a professional working in the field of criminal justice. <u>A 3-page essay that explains who you are and how you would bring about positive social change to the country. Describe yourself, your motivations for pursuing the M.S. program, and your expectations of the program. Discuss relevant past experiences, such as your education, jobs, community activities, leadership roles, awards, and honors. Write about how these experiences have shaped you and prepared you for the M.S. program. Describe the positive social change you want to contribute to society with an M.S. degree from U. T. Permian Basin.</u></p>
<p>Current Conditional Admission Criteria</p>	<p>Proposed Conditional Admission Criteria</p>
<p>1. A baccalaureate degree from an accredited college or university.</p>	<p>No change</p>
<p>2. Grade Point Average (GPA) below 3.0-2.75 in the last 60 credit hours</p>	<p>2. Grade Point Average (GPA) below 3.0-2.75 <u>between 2.75 and 2.99</u> in the last 60 credit hours</p>
<p>3. Minimum combined verbal and quantitative Graduate Record Examination (GRE) of 287</p>	<p>3. Minimum combined verbal and quantitative Graduate Record Examination (GRE) of 287</p>
<p>4. Three letters of recommendation: two letters from persons who know the applicant's academic preparation and one letter from a professional working in the field of criminal justice.</p>	<p>4. <u>3.</u> No change</p>
<p></p>	<p><u>4. A resume showing professional work experience</u></p>

	<p><u>5. A 3-page essay that explains who you are and how you would bring about positive social change to the country. Describe yourself, your motivations for pursuing the M.S. program, and your expectations of the program. Discuss relevant past experiences, such as your education, jobs, community activities, leadership roles, awards, and honors. Write about how these experiences have shaped you and prepared you for the M.S. program. Describe the positive social change you want to contribute to society with an M.S. degree from U. T. Permian Basin.</u></p>
	<p><u>6. Three years or more of employment experience, or other qualifications in the criminal justice field, including government, private, non-governmental, and non-profit organizations.</u></p>

4c. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Education in Educational Leadership degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Education in Educational Leadership degree program at U. T. Tyler as described below.

BACKGROUND INFORMATION

Success in the Master of Education in Educational Leadership degree program is linked to students with a strong foundation in matters related to teaching and learning. Currently, students are eligible for admission into the program if they are certified teachers or working on teaching certification. The proposed change would

require applicant to have at least two years of teaching experience prior to admission into the program to assure a strong grasp of the issues to be explored and analyzed in the graduate education courses.

Current Admission Criteria	Proposed Admission
To be admitted to the Master of Education Degree in Educational Leadership with Standard Principal certification preparation program, a prospective student must:	No change
1. Hold a bachelor’s degree from an accredited institution	1. No change
2. Possess a State Board for Educator Certification (SBEC) Texas Teacher Certification (any field)	2. No change
3. Submit official transcripts from all institutions in which a degree was awarded to Graduate Admissions	3. No change
4. Complete the application for admission to a graduate program online at http://www.uttyler.edu/graduate/gradadmissions/	4. No change
5. Successfully complete the admission screening instrument	5. No change
6. If the student has a GPA of less than 3.25 on the last 60 hours of undergraduate coursework, the student must send official scores on the Graduate Record Examination (GRE) directly to Graduate Admissions.	6. No change

7. A reference form, completed by a current school administrator assessing the applicant's administrative potential must be submitted to the School of Education.	7. No change
	<u>8. Be a certified teacher with at least two years of teaching experience.</u>

4d. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Doctor of Nursing Practice degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Doctor of Nursing Practice degree program at U. T. Tyler as described below.

BACKGROUND INFORMATION

U. T. Tyler proposes that a video interview be required (in addition to the current essay requirement) to allow assessment of the candidate's ability to present in a professional manner and to convey information clearly.

Current Admission Criteria	Proposed Admission Criteria
1. A master's degree from a college or university approved by a recognized regional accrediting body.	1. No change
2. A current license to practice professional nursing.	2. No change
3. International students must meet the standards for proficiency in English described in the International Graduate Student Admissions section of this catalog.	3. No change

4. A three to five-page paper linking professional goals to an evidence-based approach to healthcare issues emphasized in this program.	4. No change
5. Three academic and/or professional letters of reference.	5. No change
	<u>6. Submit a 5-10 minute video describing why the applicant wants to pursue a DNP degree, how it will be of benefit professionally, and how the applicant envisions impacting nursing.</u>

4e. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Criminal Justice degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Criminal Justice degree program at U. T. Tyler as described.

BACKGROUND INFORMATION

Based on recommendations from the U. T. Tyler graduate faculty to streamline the admissions process, the institution proposes a waiver of the three-year employment requirement for students who have demonstrated a high level of success in undergraduate studies as reflected by an overall undergraduate Grade Point Average of 3.25 or who have earned a graduate degree from a regionally accredited university. In addition, under the proposed changes, an applicant who does not meet the employment requirement or satisfy the waiver requirement may nevertheless submit scores on the Verbal and Quantitative Sections of the Graduate Record Exam for consideration.

Current Admission Criteria	Proposed Admission Criteria
1. A baccalaureate degree from an accredited college or university.	1. No change

<p>2. A minimum grade point average of 3.0 on a 4-point scale on the last 60 hours of upper division coursework leading to the baccalaureate degree.</p>	<p>2. No change</p>
<p>3. A minimum grade point average of 3.00 on at least 15 hours of undergraduate coursework in the social sciences.</p>	<p>3. No change</p>
<p>4. A minimum grade of "C" in an upper division social science research methods course.</p>	<p>4. No change</p>
<p>5. Three years of full-time employment in the social services or criminal justice sectors. A curriculum vita or resume should be submitted to document employment. A satisfactory score on the Verbal and Quantitative sections of the Graduate Record Examination (GRE) may be submitted for the employment requirement.</p>	<p>5. Three years of full-time employment in the social services or criminal justice sectors. A curriculum vita or resume should be submitted to document employment. A satisfactory score on the Verbal and Quantitative sections of the Graduate Record Examination (GRE) may be submitted for the employment requirement.</p> <p><u>The employment requirement may be waived if the applicant earned a minimum 3.25 overall undergraduate GPA or has previously earned a graduate degree from a regionally accredited university.</u></p> <p><u>An applicant who does not either meet the employment requirement or satisfy the waiver option may submit scores on the Verbal and Quantitative sections of the Graduate Record Examination (GRE) for consideration.</u></p>

<p>6. Consideration is also given to one or more of the following: the applicant's demonstrated commitment to his or her chosen field of study, socioeconomic background, first generation college graduate, multilingual proficiency, geographic region of residence, and level of responsibility in other matters including extracurricular activities, employment, community service, and family responsibilities.</p>	<p>6. No change</p>
---	---------------------

4f. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Education in Reading degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Education in Reading degree program at U. T. Tyler as described below.

BACKGROUND INFORMATION

U. T. Tyler faculty supporting the Master of Education in Reading degree program propose to add a required writing sample. The sample will include a written goal statement and an initial philosophy of literacy statement. This proposed addition to the admission criteria will assist the graduate admission committee in determining whether the goals and philosophy of an applicant align with the goals and philosophy of the program.

Current Admission Criteria	Proposed Admission Criteria
To be admitted to the graduate program in reading education, the individual must:	No change
1. Hold a bachelor's degree from an accredited institution.	1. No change
2. Hold a Texas teacher certification (any field).	2. No change

3. Submit Texas teaching service record and any other documents required by Texas governing units.	3. No change
4. Complete the Graduate Admissions Application form and submit it to the Office of Graduate Admissions.	4. No change
5. Submit official transcripts from the undergraduate institutions attended.	5. No change
6. If required, send official scores (obtained within the past five years) on the Graduate Record Examination (GRE) directly to the Office of Graduate Admissions.	6. No change
7. Complete admissions interview with the M.Ed. in Reading program coordinator.	7. No change
8. Have an appropriate GPA in degree plan as set by Texas Administrative Code and other administrative units.	8. No change
9. Admission is determined based on undergraduate GPA and, if necessary, satisfactory scores on the GRE in combination with the undergraduate GPA, successful admissions interview, and the applicant's demonstrated commitment to his or her chosen field of study.	9. No change
10. Pay Admission Fee for Entry into Educator Preparation Program.	10. No change
	<u>11. Submit a written goal statement and initial philosophy of literacy statement.</u>

4g. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Education in Curriculum and Instruction degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Education in Curriculum and Instruction degree program at U. T. Tyler as described below.

BACKGROUND INFORMATION

The specialization courses in the Master of Education in Curriculum and Instruction degree program require that students have a strong foundation in issues related to teaching and learning. Currently, students are eligible for admission into the program if they are certified teachers or working on a teaching certification. The proposed changes would require applicants seeking a specialization in STEM Education, Instructional Coaching, Educational Technology, or a single content area to have at least two years of teaching experience prior to admission into the program to assure a strong grasp of issues explored and analyzed in the program's specialization graduate education courses. The teaching experience requirement would not apply to applicants for the Master of Education in Curriculum and Instruction with Initial Teacher Certification program as the program does not require students to take any specialization courses.

Current Admission Criteria	Proposed Admission Criteria
To be admitted to the Master of Education Degree in Curriculum and Instruction, the individual must:	No change
1. Hold a bachelor's degree from an accredited institution.	1. No change
2. Complete the online Graduate Admissions Application.	2. No change
3. Submit official transcripts from the undergraduate institutions attended.	3. No change

<p>4. Be a certified teacher or be currently seeking certification.</p>	<p>4. Be a certified teacher or be currently seeking certification. <u>A student seeking a specialization in STEM Education, Instructional Coaching, Educational Technology, or a single content area must be a certified teacher with at least two years of teaching experience.</u></p>
<p>5. If required, send official scores (obtained within the past five years) on the Graduate Record Examination (GRE) directly to the Office of Graduate Admissions.</p>	<p>5. If required, <u>Students with a GPA below 3.25 are required to</u> send official scores (obtained within the past five years) on the Graduate Record Examination (GRE) directly to the Office of Graduate Admissions.</p>
<p>6. Admission is determined based on undergraduate GPA and, if necessary, satisfactory scores on the GRE in combination with the undergraduate GPA, and the applicant's demonstrated commitment to his or her chosen field of study. See website for additional information.</p>	<p>6. No change</p>
<p>7. Only for applicants also seeking to obtain initial teacher certification, additional admission requirements are required to enter the educator preparation program. These requirements are:</p> <p>a. Have an undergraduate cumulative GPA of 3.25 in last 60 hours of coursework. Students may be accepted into the post-baccalaureate initial certification with a GPA of 2.5 with an acceptable Graduate Record Examination (GRE) score.</p>	<p>7. Only for applicants also seeking to obtain initial teacher certification, additional admission requirements are required to enter the educator preparation program. These requirements are:</p> <p>a. Have an undergraduate cumulative GPA of 3.25 in last 60 hours of coursework. Students may be accepted into the post-baccalaureate initial certification with a GPA of 2.5 <u>with an acceptable and submission of</u> Graduate Record Examination (GRE) scores.</p>

<ul style="list-style-type: none"> b. Provide evidence of satisfactory scores on one of the acceptable basic skills test such as the Texas Success Initiative, GRE, Accuplacer, and others. See the School of Education website for specific information regarding appropriate tests and scores. c. Have a minimum number of hours in the content area where applicant is seeking certification. d. Pass the content area in the Pre-Admission Content Test (PACT). e. Complete the admission screening survey. 	<ul style="list-style-type: none"> b. No change c. No change d. No change e. No change
<p>8. Upon admission, post-baccalaureate initial certification students must sign and submit through a provided survey link an acknowledgement of admission, the Handbook Agreement Form, degree plan, and FERPA Agreement Form within five (5) business days.</p> <ul style="list-style-type: none"> a. Complete background check documents. b. Pay admission fee to the School of Education. This fee is separate from The University of Texas at Tyler's Graduate School application. <p>NOTE: In accordance with Texas Administrative Code, all applicants must be fully admitted prior to taking any coursework in the area in which they are seeking certification. Therefore, no provisional admission is allowed.</p>	<p>8. No change</p>

5a. U. T. Austin: Discussion and appropriate action regarding low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve the retention of the following low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board:

B.A. in Italian Studies

B.A. in Jewish Studies

B.M. in Jazz

B.M. in Music Composition

M.A. in Architectural History

M.F.A. in Dance

Ph.D. in Architecture

Ph.D. in Latin American Studies

BACKGROUND INFORMATION

Texas Education Code Section 61.0512(f) permits the Texas Higher Education Coordinating Board (Coordinating Board) to recommend the consolidation or elimination of a degree program based on the number of degrees awarded by the program. *Texas Education Code* Section 61.0512(f) requires that the Coordinating Board recommend such action to an institution's governing board. The governing board may accept or reject the Coordinating Board's recommendation.

The Coordinating Board rules for low-producing programs are in the *Texas Administrative Code*, Title 19, Chapter 4, Subchapter R, Rules 4.285 to 4.290. Based upon the rules, the Coordinating Board staff may recommend to an institution's governing board the consolidation or closure of any nonexempt degree program that has been on the low-producing list for three or more consecutive years. If the governing board chooses not to accept the recommendation of the Coordinating Board, then the university system must identify the programs that

were recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). If the minimum standard is not achievable, the institution needs to provide a rationale describing the merits of continuing the degree program.

Minimum Standards

- Bachelor's Degree Program: An average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.
- Master's Degree Program: An average of three degrees awarded per academic year, to total not fewer than 15 degrees awarded for any five-year period.
- Doctoral and Special Professional Degrees: An average of two degrees awarded per academic year, to total not fewer than 10 degrees awarded for any five-year period.

Data Related to the Programs

		Degrees Awarded by Year				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
B.A.	Italian Studies	3	7	2	2	6
B.A.	Jewish Studies	2	1	0	2	1
B.M.	Jazz	3	3	5	3	8
B.M.	Music Composition	3	3	0	1	3
M.A.	Architectural History	0	1	0	2	0
M.F.A.	Dance	0	0	1	0	0
Ph.D.	Architecture	3	0	1	3	2
Ph.D.	Latin American Studies	0	1	0	1	2

		Number of Declared Majors				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
B.A.	Italian Studies	6	5	5	6	2
B.A.	Jewish Studies	4	3	7	7	3
B.M.	Jazz	18	22	23	25	21
B.M.	Music Composition*	4	2	11	11	8
M.A.	Architectural History	3	3	6	3	1
M.F.A.	Dance	1	1	0	0	2
Ph.D.	Architecture	10	11	11	11	12
Ph.D.	Latin American Studies	8	15	15	12	17

*[Secretary's Note: The numbers of declared majors for the B.M. in Music Composition were incorrectly reported in the Agenda materials and those numbers have been corrected for these Minutes.]

Summary of Institution's Response

Beyond the programs identified by the Coordinating Board, U. T. institutions continuously review academic programs. Over the last four years, U. T. Austin established 15 new degree programs and closed or consolidated 22 degree programs.

For programs identified by the Coordinating Board, the Offices of Academic Affairs and Health Affairs jointly developed a process used when an institution requests to retain a low-producing program. The institution must submit a rationale and an action plan designed to recruit, retain, and graduate more students from the program. Further, the institutional president has decided to close or consolidate the following programs: B.A. in German, Scandinavian, and Dutch Studies, and B.A. in Islamic Studies.

B.A. in Italian Studies

The Coordinating Board data used for low-producing programs only includes a student's first major, and many U. T. Austin students have multiple majors. The B.A. in Italian Studies program reports that, based upon its ability to track double majors, the degree program had 26 graduates between Fall 2014 and Summer 2019. In addition, in Fall 2018 the Department of French and Italian restructured the Italian major into an Italian Studies major to provide students with an interdisciplinary education, an improved language sequence based on pedagogical practices, and a more efficient degree plan. The interdisciplinary major has only been in existence for one year and will need additional years to assess its impact on the number of graduates. No additional costs are required to continue operating the program.

B.A. in Jewish Studies

U. T. Austin is the only institution in Texas to offer this major. The program has implemented several new strategies aimed at recruiting, retaining, and graduating more Jewish Studies majors. One strategy was the creation of a new gateway course for any student at U. T. Austin to explore the breath of the field and meet the program faculty. Another strategy recently implemented in January 2019 was the launch of an Internship Program in Jewish Studies. The first cohort had nine students. The program has also deployed scholarship resources to recruit first-year students as majors, retain existing ones, and bring new majors aboard later in their programs. All of these and the many other strategies implemented by the program are expected to increase the number of declared majors and degrees granted in the coming years. Based upon data available from the program, the current number of Jewish Studies majors is 11. There would not be any cost savings from the elimination of this program.

B.M. in Jazz

The B.M. in Jazz was designed to be selective with limited enrollment to provide a superior student experience. The program's current size provides unique opportunities for student involvement while maintaining quality. The program reports that matriculation of ten new students in Fall 2019 for a total of 32 undergraduates. Based upon increased enrollments, the program projects 24 to 26 graduates per five-year period. There would be little cost savings if the program was discontinued.

B.M. in Music Composition

The B.M. in Music Composition is designed to offer a comprehensive, in-depth approach to composition while the B.A. in Composition is intended for students wanting a broader, more flexible approach. Many students switch from one program to the other in the course of their studies. The undergraduate B.M. program is integrated with the graduate degree programs in composition and was never intended to produce large numbers of graduates. Given that a balance exists between the undergraduate and graduate composition students and the desire to preserve program quality without additional resources, the program indicates it is likely that the number of graduates over five years will not go above 25 graduates in any given five-year period. No cost savings would be realized from discontinuing the program.

M.A. in Architectural History

The M.A. in Architectural History is a small program by design as it functions as a ramp on and off the Ph.D. program. As a ramp on, it serves students who may not yet be prepared for doctoral study. As a ramp off, it allows students to receive a master's degree if they have completed certain milestones of the doctoral program, but were unable to complete the dissertation. Further, the courses that make up the program are courses required in other master's degree programs within the School of Architecture. No additional cost is required to maintain the program.

M.F.A. in Dance

The M.F.A. in Dance is a small program by design, is considered "right-sized" for the field and has maintained its programmatic accreditation since its inception. Further, the program has achieved a 100% retention rate and 100% job placement rate for all students admitted into the program since it started in 2003. Beginning Fall 2019, the program has increased the number of students admitted, with a steady enrollment of approximately eight students expected by 2020.

Ph.D. in Architecture

The Ph.D. in Architecture admits only 2-3 students per year due to the limited availability of doctoral student financial support and consideration of what the job market for graduates can absorb. The program leadership is considering requesting additional teaching assistantships from the administration to allow the program to fully fund students through completion of the program. Given the number of students currently in the program and the prospect of admitting a few more in the coming years, the program is likely to meet the Coordinating Board's threshold for doctoral degrees awarded by 2025. The doctoral program is one of only two doctoral programs in architecture in the State of Texas.

Ph.D. in Latin American Studies

The Ph.D. in Latin American Studies is a small doctoral program. In the early 2000's, program leadership intentionally limited the number of doctoral students admitted in an attempt to raise the academic standards of the program. Following an internal review of the program in 2012 and an external review in 2014, the program has been expanded and revamped. However, the number of degrees awarded has remained low because students have not had sufficient time to complete the program since the implementation of degree changes in 2014. The program anticipates a steady increase in the number of degrees awarded over the next five years.

If approved by the Board of Regents, the Office of Academic Affairs will notify the Coordinating Board of the Board of Regents' action and will report the continued programs on the U. T. System LAR.

5b. U. T. Dallas: Discussion and appropriate action regarding low-producing degree program recommended for consolidation or elimination by the Texas Higher Education Coordinating Board

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve retention of the following low-producing degree program recommended for consolidation or elimination by the Texas Higher Education Coordinating Board:

M.S. in Bioinformatics and Computational Biology

BACKGROUND INFORMATION

Texas Education Code Section 61.0512(f) permits the Texas Higher Education Coordinating Board (Coordinating Board) to recommend the consolidation or elimination of a degree program based on the number of degrees awarded by the program. *Texas Education Code* Section 61.0512(f) requires that the Coordinating Board recommend such action to an institution's governing board. The governing board may accept or reject the Coordinating Board's recommendation.

The Coordinating Board rules for low-producing programs are in the *Texas Administrative Code*, Title 19, Chapter 4, Subchapter R, Rules 4.285 to 4.290. Based upon the rules, the Coordinating Board staff may recommend to an institution's governing board the consolidation or closure of any nonexempt degree program that has been on the low-producing list for three or more consecutive years. If the governing board chooses not to accept the recommendation of the Coordinating Board, then the university system must identify the programs that were

recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). If the minimum standard is not achievable, the institution needs to provide a rationale describing the merits of continuing the degree program.

Minimum Standards

- Bachelor’s Degree Program: An average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.
- Master’s Degree Program: An average of three degrees awarded per academic year, to total not fewer than 15 degrees awarded for any five-year period.
- Doctoral and Special Professional Degrees: An average of two degrees awarded per academic year, to total not fewer than 10 degrees awarded for any five-year period.

Data Related to the Programs

		Degrees Awarded by Year				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
M.S.	BIOINFORMATICS AND COMPUTATIONAL BIOLOGY	1	1	2	3	1

		Number of Declared Majors				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
M.S.	BIOINFORMATICS AND COMPUTATIONAL BIOLOGY	7	8	5	7	17

Summary of Institution’s Response

Beyond the programs identified by the Coordinating Board, U. T. institutions continuously review academic programs. Over the last four years, U. T. Dallas established nine new degree programs and closed or consolidated eight degree programs.

For programs identified by the Coordinating Board, the Offices of Academic Affairs and Health Affairs jointly developed a process when an institution requests to retain a low-producing program. The institution must submit a rationale and an action plan designed to recruit, retain, and graduate more students from the program.

The Departments of Mathematical Sciences and Biological Sciences which administers the program jointly, made changes to the curriculum to allow students from diverse academic backgrounds to be able to join the program through the development of two tracks: one for students with a background in mathematics/engineering and the other for students with a background in the biological sciences. In addition, two specialized bridge courses were developed for students who lack sufficient background in mathematics or statistics. Further, the majority of courses in the program are also required by other degree programs, making the program costs minimal. In 2019, the program awarded six degrees and had 22 declared majors. The program is projected to award 10 degrees by the end of the current academic year.

If approved by the Board of Regents, the Office of Academic Affairs will notify the Coordinating Board of the Board of Regents' action and will report the continued programs on the U. T. System LAR.

5c. U. T. El Paso: Discussion and appropriate action regarding low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve the retention of the following low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board:

B.A. in Chicano Studies

M.A. in Education

BACKGROUND INFORMATION

Texas Education Code Section 61.0512(f) permits the Texas Higher Education Coordinating Board (Coordinating Board) to recommend the consolidation or elimination of a degree program based on the number of degrees awarded by the program. *Texas Education Code* Section 61.0512(f) requires that the Coordinating Board recommend such action to an institution's governing board. The governing board may accept or reject the Coordinating Board's recommendation.

The Coordinating Board rules for low-producing programs are in the *Texas Administrative Code*, Title 19, Chapter 4, Subchapter R, Rules 4.285 to 4.290. Based upon the rules, the Coordinating Board staff may recommend to an

institution’s governing board the consolidation or closure of any nonexempt degree program that has been on the low-producing list for three or more consecutive years. If the governing board chooses not to accept the recommendation of the Coordinating Board, then the university system must identify the programs that were recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). If the minimum standard is not achievable, the institution needs to provide a rationale describing the merits of continuing the degree program.

Minimum Standards

- Bachelor’s Degree Program: An average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.
- Master’s Degree Program: An average of three degrees awarded per academic year, to total not fewer than 15 degrees awarded for any five-year period.
- Doctoral and Special Professional Degrees: An average of two degrees awarded per academic year, to total not fewer than 10 degrees awarded for any five-year period.

Data Related to the Programs

		Degrees Awarded by Year				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
B.A.	Chicano Studies	3	5	2	0	4
M.A.	Education	2	2	1	2	0

		Number of Declared Majors				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
B.A.	Chicano Studies	15	12	9	14	21
M.A.	Education	117	70	50	45	31

Summary of Institution’s Response

Beyond the programs identified by the Coordinating Board, U. T. institutions continuously review academic programs. Over the last four years, U. T. El Paso established ten new degree programs. During the same time frame, U. T. El Paso closed or consolidated ten other degree programs.

For programs identified by the Coordinating Board, the Offices of Academic Affairs and Health Affairs jointly developed a process for when an institution requests to retain a low-producing program. The institution must submit a rationale and an action plan designed to recruit, retain, and graduate more students from the program.

The B.A. in Chicano Studies is an efficient, low-cost program. The program is made up of courses required in other degree programs across the University. Further, the enrollment in Chicano Studies courses is consistently high every semester, and the courses are used to satisfy requirements in both the core curriculum and in other majors within the College of Liberal Arts. In addition, in FY 2019 the program awarded nine degrees, which is a significant increase in the number of degrees awarded.

The M.A. in Education is being repurposed to create a master's-level pathway to teacher certification. The repurposed program of study is estimated to double the number of students enrolled in the program. In addition, the courses that will make up the program are all courses that are required in other master's-level programs in the College of Education, making the M.A. in Education a low-cost program.

If approved by the Board of Regents, the Office of Academic Affairs will notify the Coordinating Board of the Board of Regents' action and will report the continued programs on the U. T. System LAR.

5d. U. T. Permian Basin: Discussion and appropriate action regarding low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve the retention of the following low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board:

B.S. in Information Systems

M.S. in Biology

BACKGROUND INFORMATION

Texas Education Code Section 61.0512(f) permits the Texas Higher Education Coordinating Board (Coordinating Board) to recommend the consolidation or elimination of a degree program based on the number of degrees awarded by the program. *Texas Education Code* Section 61.0512(f) requires that the Coordinating Board recommend such action to an institution's governing board. The governing board may accept or reject the Coordinating Board's recommendation.

The Coordinating Board rules for low-producing programs are in the *Texas Administrative Code*, Title 19, Chapter 4, Subchapter R, Rules 4.285 to 4.290. Based upon the rules, the Coordinating Board staff may recommend to an institution's governing board the consolidation or closure of any nonexempt degree program that has been on the low-producing list for three or more consecutive years. If the governing board chooses not to accept the recommendation of the Coordinating Board, then the university system must identify the programs that were recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). If the minimum standard is not achievable, the institution needs to provide a rationale describing the merits of continuing the degree program.

Minimum Standards

- Bachelor's Degree Program: An average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.
- Master's Degree Program: An average of three degrees awarded per academic year, to total not fewer than 15 degrees awarded for any five-year period.
- Doctoral and Special Professional Degrees: An average of two degrees awarded per academic year, to total not fewer than 10 degrees awarded for any five-year period.

Data Related to the Programs

		Degrees Awarded by Year				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
B.S.	INFORMATION SYSTEMS	6	4	3	7	2
M.S.	BIOLOGY	4	1	2	0	1

		Number of Declared Majors				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
B.S.	INFORMATION SYSTEMS	19	20	18	23	22
M.S.	BIOLOGY	3	2	1	3	7

Summary of Institution’s Response

Beyond the programs identified by the Coordinating Board, U. T. institutions continuously review academic programs. Over the last four years, U. T. Permian Basin established two new degree programs. One degree program was closed or consolidated.

For programs identified by the Coordinating Board, the Offices of Academic Affairs and Health Affairs jointly developed a process when an institution requests to retain a low-producing program. The institution must submit a rationale and an action plan designed to recruit, retain, and graduate more students from the program. Further, the institutional president has decided to close the following program: B.A. in Leadership Studies.

The Information Systems program curriculum is currently being revised to incorporate content in broader computing fields including cybersecurity and information assurance. These fields align better with student demand and workforce needs. Other efforts include enhanced recruitment efforts, agreements with regional two-year institutions, and streamlined curricular pathways. In Fall 2019, seven degrees in Information Systems were awarded, moving the program closer to meeting the Coordinating Board standard.

In the last year, U. T. Permian Basin received STARS awards to hire two faculty specializing in biology. In addition, faculty have recently been awarded a \$1 million National Institutes of Health grant for biomedical research. Part of these grant funds will be used to provide stipends to graduate students in the biology program. Further, the undergraduate biology program continues to grow, providing a larger pool of potential students for the master’s program in Biology.

If approved by the Board of Regents, the Office of Academic Affairs will notify the Coordinating Board of the Board of Regents' action and will report the continued programs on the U. T. System LAR.

5e. U. T. San Antonio: Discussion and appropriate action regarding low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve the retention of the following low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board.

Ph.D. in Neurobiology

Ph.D. in Anthropology

BACKGROUND INFORMATION

Texas Education Code Section 61.0512(f) permits the Texas Higher Education Coordinating Board (Coordinating Board) to recommend the consolidation or elimination of a degree program based on the number of degrees awarded by the program. *Texas Education Code* Section 61.0512(f) requires that the Coordinating Board recommend such action to an institution's governing board. The governing board may accept or reject the Coordinating Board's recommendation.

The Coordinating Board rules for low-producing programs are in the *Texas Administrative Code*, Title 19, Chapter 4, Subchapter R, Rules 4.285 to 4.290. Based upon the rules, the Coordinating Board staff may recommend to an institution's governing board the consolidation or closure of any nonexempt degree program that has been on the low-producing list for three or more consecutive years. If the governing board chooses not to accept the recommendation of the Coordinating Board, then the university system must identify the programs that were recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). If the minimum standard is not achievable, the institution needs to provide a rationale describing the merits of continuing the degree program.

Minimum Standards

- Bachelor's Degree Program: An average of five degrees awarded per academic year, to total not fewer than 25 degrees awarded for any five-year period.
- Master's Degree Program: An average of three degrees awarded per academic year, to total not fewer than 15 degrees awarded for any five-year period.

- **Doctoral and Special Professional Degrees:** An average of two degrees awarded per academic year, to total not fewer than 10 degrees awarded for any five-year period.

Data Related to the Programs

		Degrees Awarded by Year				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
Ph.D.	NEUROBIOLOGY	1	1	2	1	2
Ph.D.	ANTHROPOLOGY	1	0	2	1	3

		Number of Declared Majors				
Degree	Program Name	FY14	FY15	FY16	FY17	FY18
Ph.D.	NEUROBIOLOGY	13	10	13	16	14
Ph.D.	ANTHROPOLOGY	45	42	40	48	41

Summary of Institution’s Response

Beyond the programs identified by the Coordinating Board, U. T. institutions continuously review academic programs. Over the last four years, U. T. San Antonio established eight new degree programs and closed or consolidated 18 degree programs.

For programs identified by the Coordinating Board, the Offices of Academic Affairs and Health Affairs jointly developed a process for when an institution requests to retain a low-producing program. The institution must submit a rationale and an action plan designed to recruit, retain, and graduate more students from the program.

While enrollment in the neurobiology doctoral program has been high, the program has suffered from too few faculty. To address the high faculty-to-student ratio, the institution has hired additional faculty, going from five to 12 currently. Additional changes have been made to the program, including curriculum reform, improved recruitment efforts, and a more transparent and structured set of milestones that students must meet. In FY 2019, the program awarded one doctoral degree, totaling seven for the last five-year period.

In FY 2019, four doctoral degrees were awarded in Anthropology, which puts the program at ten degrees awarded over a five-year period. In addition, the number of doctoral candidates in the pipeline ensures that the program will not be low-producing in the foreseeable future. Although the program graduates a small number

of students annually, the number of students enrolled in the program is high, with approximately 40 enrolled over the past five years. To address this issue, the Office of Academic Affairs recommends that the program consider revising its admission criteria.

The institution recognizes the importance that a competitive financial aid package can have on student success and is in the process of reviewing doctoral student stipends. In addition, the anthropology program is attempting to identify more effective ways to identify students who are not meeting program milestones. The Office of Academic Affairs recommends that the anthropology program consider revising its admission criteria and admitting only those applicants who demonstrate a strong likelihood of completing the program.

If approved by the Board of Regents, the Office of Academic Affairs will notify the Coordinating Board of the Board of Regents' action and will report the continued programs on the U. T. System LAR.

REPORT OF THE HEALTH AFFAIRS COMMITTEE (Pages 102 - 108).-- Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended and approved by the Board in Open Session.

1. U. T. System Board of Regents: Discussion and appropriate action regarding Consent Agenda items, if any, assigned for Committee consideration

At the Committee Meeting, Acting Chair Crain summarized additional information received regarding Consent Agenda Item 53. This item recommends approval of a revision to the terms of a contract between U. T. M. D. Anderson Cancer Center and Marion Montgomery, Inc. (MMI Agency) for advertising material and acquisition of regional media. The dollar amount listed in the item could be seen as an overstatement of the amount to be paid to MMI Agency; funds will be directed primarily to media buys and will also cover the cost of creative and production services, analytics, and account management. The commission on media buys for MMI Agency is reduced from 15% to 3% under the recommended amendment. Additionally, U. T. M. D. Anderson will rebid these services by 2021 and have a new contract in place by 2022.

She noted the Board would take action on the full Consent Agenda during the Board meeting.

2a. U. T. Medical Branch - Galveston: Discussion and appropriate action regarding low-producing program recommended for consolidation or elimination by the Texas Higher Education Coordinating Board

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and the institutional president that the U. T. System Board of Regents approve the retention of the following low-producing program:

Master of Medical Science in Medical Science Research degree program

BACKGROUND INFORMATION

Texas Education Code Section 61.0512(f) permits the Texas Higher Education Coordinating Board (Coordinating Board) to recommend the consolidation or elimination of a degree program based on the number of degrees awarded by the program. *Texas Education Code* Section 61.0512(f) requires that the Coordinating Board recommend such action to an institution's governing board. The governing board may accept or reject the Coordinating Board's recommendation.

The Coordinating Board rules for low-producing programs are in the *Texas Administrative Code*, Title 19, Chapter 4, Subchapter R, Rules 4.285 to 4.290.

Based upon the rules, the Coordinating Board staff may recommend to an institution’s governing board the consolidation or closure of any non-exempt degree program that has been on the low-producing list for three or more consecutive years. If the governing board chooses not to accept the recommendation of the Coordinating Board, then the university system must identify the programs that were recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). If the minimum standard is not achievable, the institution needs to provide a rationale describing the merits of continuing the degree program.

Minimum Standards

- Bachelor’s Degree Program: An average of five degrees awarded per academic year, to total not fewer than twenty-five degrees awarded for any five-year period.
- Master’s Degree Program: An average of three degrees awarded per academic year, to total not fewer than fifteen degrees awarded for any five-year period.
- Doctoral and Special Professional Degrees: An average of two degrees awarded per academic year, to total not fewer than ten degrees awarded for any five-year period.

Beyond the programs identified by the Coordinating Board, The University of Texas System institutions continuously review academic programs. Over the last four years, the six U. T. health institutions have created nine new degree programs (5 masters and 4 doctoral). Over this same period, the U. T. health institutions have requested and received approval from the Executive Vice Chancellor for Health Affairs for the phase out of nine degree programs (7 masters and 2 doctoral) and consolidation of 16 programs (8 masters and 8 doctoral).

Data Related to the Programs

		Degrees Awarded by Year				
Degree	Program Name	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
M.M.S.	Medical Science Research	4	4	5	8	2

		Number of Declared Majors				
Degree	Program Name	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
M.M.S.	Medical Science Research	2	2	2	1	6

Summary of Institution's Response

The U. T. System Offices of Academic Affairs and Health Affairs jointly developed a process for when an institution requests to retain a low-producing program. The institution must submit a rationale and an action plan designed to recruit, retain, and graduate more students from the program.

The institution has expanded its target audience for this unique pathway to include current physicians, promoting engagement in basic science research as a way to bridge the gap between the laboratory and the bedside, which is expected to increase the number of degrees awarded. There are no similar degree programs in Texas. There are no permanent faculty and the program coordinator is assigned to two other degree programs, making direct costs for this degree program less than \$20,000 per year.

The Office of Health Affairs will notify the Coordinating Board of the U. T. System Board of Regents' action and will report the continued programs on the U. T. System LAR.

2b. U. T. Health Science Center - San Antonio: Discussion and appropriate action regarding low-producing degree programs recommended for consolidation or elimination by the Texas Higher Education Coordinating Board

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and the institutional president that the U. T. System Board of Regents approve the retention of the following low-producing programs:

Master of Science in Personalized Molecular Medicine; and

Master of Science in Medical Health Physics

BACKGROUND INFORMATION

Texas Education Code Section 61.0512(f) permits the Texas Higher Education Coordinating Board (Coordinating Board) to recommend the consolidation or elimination of a degree program based on the number of degrees awarded by the program. *Texas Education Code* Section 61.0512(f) requires that the Coordinating Board recommend such action to an institution's governing board. The governing board may accept or reject the Coordinating Board's recommendation.

The Coordinating Board rules for low-producing programs are in the *Texas Administrative Code*, Title 19, Chapter 4, Subchapter R, Rules 4.285 to 4.290. Based upon the rules, the Coordinating Board staff may recommend to an

institution’s governing board the consolidation or closure of any non-exempt degree program that has been on the low-producing list for three or more consecutive years. If the governing board chooses not to accept the recommendation of the Coordinating Board, then the university system must identify the programs that were recommended for consolidation or closure on its next Legislative Appropriations Request (LAR). If the minimum standard is not achievable, the institution needs to provide a rationale describing the merits of continuing the degree program.

Minimum Standards

- Bachelor’s Degree Program: An average of five degrees awarded per academic year, to total not fewer than twenty-five degrees awarded for any five-year period.
- Master’s Degree Program: An average of three degrees awarded per academic year, to total not fewer than fifteen degrees awarded for any five-year period.
- Doctoral and Special Professional Degrees: An average of two degrees awarded per academic year, to total not fewer than ten degrees awarded for any five-year period.

Beyond the programs identified by the Coordinating Board, The University of Texas System institutions continuously review academic programs. Over the last four years, the six U. T. health institutions have created nine new degree programs (5 masters and 4 doctoral). Over this same period, the U. T. health institutions have requested and received approval from the Executive Vice Chancellor for Health Affairs for the phase out of nine programs (7 masters and 2 doctoral) and consolidation of 16 programs (8 masters and 8 doctoral).

Data Related to the Programs

		Degrees Awarded by Year				
Degree	Program Name	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
M.S.	Personalized Molecular Medicine	0	0	0	0	0
M.S.	Medical Health Physics	1	0	0	1	0

		Number of Declared Majors					
Degree	Program Name	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Fall 2019
M.S.	Personalized Molecular Medicine	0	0	0	0	1	10
M.S.	Medical Health Physics	1	1	2	2	2	1

Summary of Institution's Response

The U. T. System Offices of Academic Affairs and Health Affairs jointly developed a process for when an institution requests to retain a low-producing program. The institution must submit a rationale and an action plan designed to recruit, retain, and graduate more students from the program.

M.S. Personalized Molecular Medicine: Approval to launch this stand-alone master's degree program was given in Spring 2018 but the Coordinating Board has linked the reporting of graduates with the previous M.S. in Molecular Medicine, a degree program which has been discontinued by the institution. Approved in Spring 2018, the M.S. in Personalized Molecular Medicine enrolled one student for Fall 2018 and nine entering students for Fall 2019. A new recruitment plan projects 10 new students for Fall 2020, and the expectation of meeting the minimum number of graduates by 2022.

M.S. Medical Health Physics: This unique, nationally accredited professional Medical Health Physics degree program is the only one of its kind in Texas. The degree program leverages resources across the institution and requires only one course that is not part of another existing Ph.D. program offered by the institution. While enrollment in the program will continue to be limited, the program is unique and offered at minimal cost to the institution.

The Office of Health Affairs will notify the Coordinating Board of the U. T. System Board of Regents' action and will report the continued programs on the U. T. System LAR.

3. U. T. Health Science Center - Tyler: Update and discussion regarding the East Texas Health System, LLC

This item was for consideration only by the Committee.

4. U. T. Health Science Center - Tyler: Discussion and appropriate action regarding agreement to provide physician services to East Texas Health System, LLC

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the Vice Chancellor and General Counsel, that the U. T. System Board of Regents, on behalf of The University of Texas Health Science Center - Tyler, approve terms of an agreement to provide physician services to East Texas Health System, LLC, as described below.

BACKGROUND INFORMATION

In furtherance of the joint venture formed by U. T. Health Science Center - Tyler and Ardent Health Services to create East Texas Health System, LLC (doing business as U. T. Health East Texas Health System), U. T. Health Science Center - Tyler seeks approval of a Master Services Agreement by which U. T. Health Science Center - Tyler will provide physician services to East Texas Health System, LLC. In consideration for providing the physician services, East Texas Health System, LLC will pay U. T. Health Science Center - Tyler fair market value compensation. The contract value will vary each year, and cumulatively, based on the actual services provided by U. T. Health Science Center - Tyler to East Texas Health System, LLC, but is estimated to total approximately \$115,793,000 over the initial three-year term of March 1, 2020 through February 28, 2023. The contract automatically renews for consecutive four-year terms unless and until cancelled by one of the parties.

5. U. T. Health Science Center - Tyler: Discussion and appropriate action related to the creation and establishment of a school of medicine including approval of preliminary authority for a Doctor of Medicine degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and the institutional president that the U. T. System Board of Regents authorize steps necessary for the creation and establishment of a school of medicine by approving:

- a. preliminary authority for U. T. Health Science Center - Tyler to establish a Doctor of Medicine degree program; and
- b. notification of the proposal to the Texas Higher Education Coordinating Board.

BACKGROUND INFORMATION

The proposed Doctor of Medicine degree program will prepare physicians to be skilled clinicians, biomedical scientists, professional leaders, and innovators in the ongoing transformation of the health care system not only in the Northeast Texas region, but throughout Texas and nationally. The proposed degree program will establish a broad-based curriculum integrating the biomedical, clinical, behavioral and social, health system, and population health sciences, which would emphasize community and population health, primary care, behavioral and mental health, and preventive medicine.

In addition to preparing students for the independent professional practice of medicine, the proposed program will include instruction in the basic medical

sciences, clinical medicine, examination and diagnosis, patient communications, medical ethics and law, professional standards, and include undergraduate and graduate medical education in specialties, such as internal medicine, surgery, pediatrics, obstetrics and gynecology, orthopedics, neurology, ophthalmology, radiology, clinical pathology, anesthesiology, family medicine, and psychiatry. Finally, the program will draw on the U. T. Health Science Center - Tyler's existing teaching and research strengths in the programs of public health, health administration, and medical biological sciences.

Once preliminary planning authority is approved, U. T. Health Science Center - Tyler will submit the full degree program proposal for approval by the U. T. System Board of Regents and the Texas Higher Education Coordinating Board.

6. U. T. Health Science Center - Tyler: Discussion and appropriate action regarding acceptance of a gift from the East Texas Medical Center Foundation in support of the establishment of a school of medicine

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, and the institutional president that the U. T. System Board of Regents, acting on behalf of The University of Texas Health Science Center at Tyler, accept a gift in the amount of up to \$80,000,000, from the East Texas Medical Center Foundation in support of the establishment of a school of medicine.

BACKGROUND INFORMATION

The gift commitment from the East Texas Medical Center Foundation is contingent upon approval by the U. T. Board of Regents of the creation and establishment of a medical school in Smith County, Texas. The Foundation commits to work with U. T. Health Science Center's leadership to create a multiyear payment schedule that provides partial underwriting for the startup, operational, and related expenses associated with a new medical school. The Foundation places a profound interest in ensuring that the medical school emphasizes rural health care and mental and behavioral issues.

The Foundation has offered a number of milestones to be achieved, aligned with the payment schedule, the first of which commences with the approval and written notification to the Texas Higher Education Coordinating Board (Coordinating Board) also being requested from the U. T. Board of Regents. Other milestones include key activities, such as the recruitment of a founding dean, application submission to the Liaison Committee on Medical Education, submission of proposals to Coordinating Board, achievement of accreditation status, student recruitment, and enrollment of a charter class ideally by 2023, with a goal of increasing enrollment to at least 130 students by 2027.

REPORT OF THE FACILITIES PLANNING AND CONSTRUCTION COMMITTEE
(Pages 109 - 121).--Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended and approved in Open Session.

1. U. T. System Board of Regents: Discussion and appropriate action regarding Consent Agenda items, if any, assigned for Committee consideration

There were no items referred from the Consent Agenda.

2. U. T. Austin: Blanton Museum of Art Master Plan - Amendment of the current Capital Improvement Program to include project; approval of total project cost; and appropriation of funds

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents amend the current Capital Improvement Program (CIP) to include the Blanton Museum of Art Master Plan project at The University of Texas at Austin as follows:

- a. amend the current CIP and approve a total project cost of \$29,000,000; and
- b. appropriate funds of \$29,000,000 with funding of \$26,000,000 from Gifts and \$3,000,000 from the Available University Fund.

BACKGROUND INFORMATION

Previous Action

On February 10, 2019, the Chancellor approved this project for Definition Phase.

Project Description

The project seeks to renovate existing grounds to create a specific district plan that enhances the museum campus. The project will establish a pedestrian and visitor friendly environment with a clear walking path from the adjacent parking garage to the front door of the museum and among the three museum buildings, construct a programmable outdoor area, and address drop-off and shade issues, creating a sense of cohesion between the buildings. The project will include façade updates at the entries of the Jack S. Blanton Museum of Art (BMA) and the Blanton Museum

Smith Building (BMS), with minor interior renovations to the entry of the BMA and the entry, current café area, and small areas of the second and third floors of the BMS.

This proposed repair and rehabilitation project has been approved by U. T. System staff and meets the criteria for inclusion in the CIP. Design development plans and authorization of expenditure of funding will be presented to the President for approval at a later date. Pursuant to a May 10, 2017 Board of Regents approval, effective September 1, 2017, U. T. Austin has delegated authority for institutional management of construction projects under the continued oversight of the Office of Capital Projects.

**The University of Texas at Austin
Blanton Museum of Art Master Plan**

Project Information

Project Number	102-1237
CIP Project Type	Repair and Rehabilitation
Facility Type	Other (Landscape, Museum)
Management Type	Institutional Management
Institution’s Project Advocate	Simone Wicha, Director of Blanton Museum of Art
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	9,111

Project Funding

	<u>Proposed</u>
Gifts ¹	\$26,000,000
Available University Fund	<u>\$ 3,000,000</u>
Total Project Cost	<u>\$29,000,000</u>

¹Gifts are not fully collected or committed at this time; however, the Office of Finance has determined the institution has sufficient local funds to cover any shortfall

Project Cost Detail

Building Cost (BMA and BMS)	\$3,999,000
Fixed Equipment	-
Site Development	9,283,000
Furniture and Moveable Equipment	504,000
Institutionally Managed Work	300,000
Architectural/Design Services	1,720,000
Project Management Fees	630,000
Insurance	553,000
Other Professional Fees	20,000
Project Contingency	1,829,000
Other Costs	<u>10,162,000</u>
Total Project Cost	<u>\$29,000,000</u>

The University of Texas at Austin
Blanton Museum of Art Master Plan
(continued)

Project Planning

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

Project Milestones

Definition Phase Approval	February 2019
Addition to CIP	February 2020
Design Development Approval	March 2020
Construction Notice to Proceed	October 2020
Substantial Completion	November 2021

3. U. T. Austin: George I. Sanchez Building Renovation Floors 2-5 - Amendment of the current Capital Improvement Program to include project; approval of total project cost; and appropriation of funds

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents amend the current Capital Improvement Program (CIP) to include the George I. Sanchez Building Renovation Floors 2-5 project at The University of Texas at Austin as follows:

- a. amend the current CIP and approve a total project cost of \$18,200,000; and
- b. appropriate funds of \$18,200,000 with funding of \$10,700,000 from the Available University Fund, \$5,900,000 from Gifts, \$1,524,830 from Designated Funds, and \$75,170 from Unexpended Plant Funds.

BACKGROUND INFORMATION

Previous Action

On October 30, 2019, the Chancellor approved this project for Definition Phase.

Project Description

The project will consolidate student-focused services and amenities for the College of Education to create a welcome and visible entry for student advising and counseling, an information technology help desk, and student collaboration space. The project will also create a centralized and flexible research space that will accommodate externally funded research projects and will help recruit nationally prominent faculty. Upgrades to aging infrastructure systems are also included, as are minimal renovations on Floors 3 and 4.

This proposed repair and rehabilitation project has been approved by U. T. System staff and meets the criteria for inclusion in the CIP. Design development plans and authorization of expenditure of funding will be presented to the President for approval at a later date. Pursuant to a May 10, 2017 Board of Regents approval, effective September 1, 2017, U. T. Austin has delegated authority for institutional management of construction projects under the continued oversight of the Office of Capital Projects.

**The University of Texas at Austin
George I. Sanchez Building Renovation Floors 2 - 5**

Project Information

Project Number	102-1290
CIP Project Type	Repair and Rehabilitation
Facility Type	Office, General
Management Type	Institutional Management
Institution’s Project Advocate	Beth Maloch, Associate Dean for Administration and Educator Preparation, College of Education
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	43,000

Project Funding

	<u>Proposed</u>
Available University Fund	\$10,700,000
Gifts ¹	\$ 5,900,000
Designated Funds	\$ 1,524,830
Unexpended Plant Funds	<u>\$ 75,170</u>
Total Project Cost	\$18,200,000

¹Gifts are not fully collected or committed at this time; however, the Office of Finance has determined the institution has sufficient local funds to cover any shortfall

The University of Texas at Austin
George I. Sanchez Building Renovation Floors 2 - 5
 (continued)

Project Cost Detail

Building Cost	\$13,000,000
Fixed Equipment	-
Site Development	-
Furniture and Moveable Equipment	850,000
Institutionally Managed Work	950,000
Architectural/Design Services	1,255,000
Project Management Fees	520,000
Insurance	-
Other Professional Fees	50,000
Project Contingency	1,375,000
Other Costs	200,000
Total Project Cost	\$18,200,000

Project Planning

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

Project Milestones

Definition Phase Approval	October 2019
Addition to CIP	February 2020
Design Development Approval	March 2020
Construction Notice to Proceed	July 2020
Substantial Completion	December 2021

4. U. T. Austin: Texas Athletics Basketball and Rowing Training Facility - Amendment of the current Capital Improvement Program to include project

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents amend the current Capital Improvement Program (CIP) to include the Texas Athletics Basketball and Rowing Training Facility project at The University of Texas at Austin.

BACKGROUND INFORMATION

Previous Action

On December 9, 2019, the Chancellor approved this project for Definition Phase.

Project Description

The project will replace the Denton A. Cooley Pavilion basketball training facility after it is decommissioned following completion of the Moody Center. The building will serve as the primary training facility for the Men's and Women's Basketball programs and the Women's Rowing program. The three-story facility will include basketball courts, rooms for rowing ergometers, strength and conditioning, sports medicine, players' lounges, meeting rooms, and coach and staff offices. Also included in the project will be the interior finish-out of space in the Moody Center for locker rooms for the men, women, and visiting basketball teams, as well as retail store spaces.

This proposed project has been approved by U. T. System staff and meets the criteria for inclusion in the CIP. Approval of design development plans and authorization of expenditure of funding will be presented to the Board for approval at a later date. Pursuant to a May 10, 2017 Board of Regents approval, effective September 1, 2017, U. T. Austin has delegated authority for institutional management of construction projects under the continued oversight of the Office of Capital Projects.

**The University of Texas at Austin
Texas Athletics Basketball and Rowing Training Facility**

Project Information

Project Number	102-1292
CIP Project Type	New Construction
Facility Type	Athletic
Management Type	Institutional Management
Institution's Project Advocates	Arthur Johnson, Executive Senior Associate Athletics Director Shawn Eichorst, Deputy Athletic Director/Chief Operating Officer
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	75,200 – New Construction 12,600 – R&R

Project Funding

Revenue Financing System Bond Proceeds ¹	<u>Proposed</u> <u>\$60,000,000</u>
Total Project Cost	<u>\$60,000,000</u>

¹RFS Bond Proceeds to be repaid by Gifts, as received

The University of Texas at Austin
Texas Athletics Basketball and Rowing Training Facility
 (continued)

Project Cost Detail

Building Cost – New Construction	\$30,000,000
Building Cost – Moody Center Locker Rooms and Retail Space	6,255,580
Fixed Equipment	3,625,557
Site Development	2,417,040
Furniture and Moveable Equipment	3,613,397
Institutionally Managed Work	1,903,418
Architectural/Design Services	3,752,453
Project Management Fees	1,650,000
Insurance	1,205,498
Other Professional Fees	2,889,126
Project Contingency	2,687,931
Other Costs	-
Total Project Cost	\$60,000,000

Building Cost per GSF Benchmarks (escalated to midpoint of construction)

Texas Athletics Basketball and Rowing Training Facility	\$399
Texas Higher Education Coordinating Board Average - Athletics	\$523

	Low Quartile	Median	High Quartile
Other U. T. System Projects	\$319	\$359	\$361
Other National Projects	\$295	\$364	\$441

Investment Metric

- Increase efficiency in cost and co-location of training facilities by utilizing shared resources to benefit both basketball and rowing programs by 2022

Project Planning

Definition Phase Completed	Yes
Owner’s Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

Project Milestones

Definition Phase Approval	December 2019
Addition to CIP	February 2020
Design Development Approval	May 2020
Construction Notice to Proceed	June 2020
Substantial Completion	June 2022

The University of Texas at Austin
Texas Athletics Basketball and Rowing Training Facility
(continued)

Basis of Design

The planned building life expectancy includes the following elements:

Enclosure: 50 years

Building Systems: 30 years

Interior Construction: 20 years

5. U. T. Arlington: Administrative and Faculty Support Services Building - Approval of design development; and appropriation of funds and authorization of expenditure

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve the recommendation for the Administrative and Faculty Support Services Building project at The University of Texas at Arlington.

- a. approve design development plans; and
- b. appropriate funds and authorize expenditure of \$26,000,000 from Unexpended Plant Funds.

BACKGROUND INFORMATION

Previous Actions

On August 8, 2018, the Chancellor approved the Trinity House Repurposing project as a Repair and Rehabilitation project for Definition Phase. On September 28, 2019, the Chancellor reapproved Definition Phase of the project as the Administrative and Faculty Support Services Building as a new construction project. On November 14, 2019, the project was included in the Capital Improvement Program (CIP) with a total project cost of \$26,000,000 with funding from Unexpended Plant Funds.

Project Description

The proposed project will construct a three-story building in an open office environment for high efficiency and utilization, will provide training room and conference room spaces, and will include a media production area to serve

administrative and faculty support services. Approximately half of the facility will house the Office of Information Technology, currently housed at the Arlington Regional Data Center in Fort Worth. The remaining space will be focused on faculty support, including the Center for Research on Teaching and Learning Excellence and the Link Lab, including programs for engagement and training, and for analytics associated with student success.

During the Definition Phase for the Trinity House Repurposing project, it was determined that the cost savings of reusing the existing building frame, versus a complete tear-down and construction of a new building, would be significantly less than anticipated. Trinity House has now been demolished. Additional benefits of new construction were also established due to increased flexibility of the building design. Benefits will include a more efficient interior layout; increased ceiling heights allowing for greater efficiency in mechanical, electrical, and plumbing systems; reduced elevator and stair costs due to a three-story design, in lieu of four stories; and the ability to design and construct a building more in keeping with the university's campus master plan.

The University of Texas at Arlington Administrative and Faculty Support Services Building

Project Information

Project Number	301-1251
CIP Project Type	New Construction
Facility Type	Office, General
Management Type	Institutional Management
Institution's Project Advocate	John Hall, Vice President, Administration and Campus Operations
Project Delivery Method	Design/Build
Gross Square Feet (GSF)	57,265

Project Funding

Unexpended Plant Funds	<u>Proposed</u> <u>\$26,000,000</u>
Total Project Cost	\$26,000,000

**The University of Texas at Arlington
Administrative and Faculty Support Services Building**
(continued)

Project Cost Detail

Building Cost	\$17,225,489
Fixed Equipment	-
Site Development	250,000
Furniture and Moveable Equipment	1,400,000
Institutionally Managed Work	2,128,608
Architectural/Design Services	1,353,212
Project Management Fees	375,000
Insurance	367,691
Other Professional Fees	1,600,000
Project Contingency	1,300,000
Other Costs	-
Total Project Cost	\$26,000,000

Building Cost per GSF Benchmarks (escalated to midpoint of construction)

Administrative and Faculty Support Services Building	\$301
Texas Higher Education Coordinating Board Average – Office, General	\$377

	Low Quartile	Median	High Quartile
Other U. T. System Projects	\$303	\$408	\$465
Other National Projects	\$392	\$540	\$571

Investment Metric

- Increase level of service to support expanding programs and service activities by 2021

Project Planning

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

Project Milestones

Definition Phase Approval	September 2019
Addition to CIP	November 2019
Design Development Approval	February 2020
Construction Notice to Proceed	March 2020
Substantial Completion	December 2020

**The University of Texas at Arlington
Administrative and Faculty Support Services Building
(continued)**

Basis of Design

The planned building life expectancy includes the following elements:

Enclosure: 50 years

Building Systems: 15 - 20 years

Interior Construction: 10 - 15 years

6. U. T. Health Science Center - Houston: Academic Extension Building Renovation - Amendment of the current Capital Improvement Program to increase total project cost; appropriation of funds and authorization of expenditure; and resolution regarding parity debt

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve the recommendations for the Academic Extension Building Renovation project at The University of Texas Health Science Center at Houston as follows:

- a. amend the current Capital Improvement Program (CIP) to increase the total project cost from \$23,000,000 to \$29,500,000;
- b. appropriate funds and authorize expenditure of an additional \$6,500,000 with funding from Revenue Financing System (RFS) Bond Proceeds; and
- c. resolve in accordance with Section 5 of the Amended and Restated Master Resolution Establishing The University of Texas System Revenue Financing System that parity debt shall be issued to pay the project's cost, including any costs prior to the issuance of such parity debt; sufficient funds will be available to meet the financial obligations of the U. T. System, including sufficient Pledged Revenues as defined in the Master Resolution to satisfy the Annual Debt Service Requirements of the Financing System, and to meet all financial obligations of the U. T. System Board of Regents relating to the Financing System; and U. T. Health Science Center - Houston, which is a "Member" as such term is used in the Master Resolution, possesses the financial capacity to satisfy its direct obligation as defined in the Master Resolution relating to the issuance by the U. T.

System Board of Regents of tax-exempt parity debt in the aggregate amount of \$6,500,000.

BACKGROUND INFORMATION

Debt Service

The \$6,500,000 in RFS debt will be repaid from auxiliary resources. Annual debt service on the \$6,500,000 RFS debt is expected to be \$373,000. The institution's Scorecard Rating of 4.7 at fiscal year-end 2019 is below the maximum threshold of 6.0 and demonstrates that the institution has the financial capacity to satisfy its direct obligations related to parity debt.

Previous Actions

On September 28, 2015, the Chancellor approved this project for Definition Phase. On February 11, 2016, the project was included in the CIP with a total project cost of \$23,000,000 with funding from RFS Bond Proceeds. On February 17, 2017, the president approved design development and authorized expenditure of funds.

Project Description

The original scope of this project was for renovation of the five-story Academic Extension Building including updating the mechanical, electrical, and plumbing systems to be viable for the next 20 years. The proposed increase in the cost will update those systems with modern, energy efficient systems to extend the viability of the facility for the next 40 years, twice the life span of the initial design. Additional increases are needed to cover unforeseen conditions that could not be determined until construction started and to ensure safety code compliance. It is anticipated that annual operating costs will decrease at the completion of the project due to utility efficiencies gained and reduced maintenance costs.

The University of Texas Health Science Center at Houston Academic Extension Building Renovation

Project Information

Project Number	701-937
CIP Project Type	Repair and Rehabilitation
Facility Type	Other
Management Type	Institutional Management
Institution's Project Advocate	Kevin Dillon, Senior Executive Vice President and Chief Operating Officer
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	151,240

**The University of Texas Health Science Center at Houston
Academic Extension Building Renovation**
(continued)

Project Funding

	<u>Current</u>	<u>Proposed</u>
Revenue Financing System Bond Proceeds ¹	<u>\$23,000,000</u>	<u>\$29,500,000</u>
Total Project Cost	\$23,000,000	\$29,500,000

¹RFS Bond Proceeds to be repaid from parking revenue, leased space, and other auxiliary enterprise resources

Project Cost Detail

Building Cost	\$ 23,200,000
Fixed Equipment	50,000
Site Development	-
Furniture and Moveable Equipment	5,000
Institutionally Managed Work	71,000
Architectural/Design Services	2,000,000
Project Management Fees	590,000
Insurance	-
Other Professional Fees	350,000
Project Contingency	2,950,000
Other Costs	<u>284,000</u>
Total Project Cost	\$29,500,000

Project Planning

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

Project Milestones

Definition Phase Approval	September 2015
Addition to CIP	February 2016
Design Development Approval	February 2017
Construction Notice to Proceed	November 2016
Substantial Completion	December 2020

APPROVAL OF STANDING COMMITTEE RECOMMENDATIONS AND REPORTS.--At 9:26 a.m., the Board voted and unanimously approved the Standing Committee recommendations.

Chairman Eltife thanked Dr. Calhoun, Dr. Tidwell, U. T. System staff, and the Board for their work on the establishment of the partnership with Ardent, the alignment of the health and academic centers in Tyler, the allocation of Permanent University Funds, and on other steps necessary for the creation and establishment of a school of medicine at U. T. Health Science Center - Tyler. He stated that this is truly transformative for the Northeast region of Texas.

Regent Jiles also commented on the humble leadership and outstanding service of the Chairman.

RECESS TO EXECUTIVE SESSION.--At 9:30 a.m., Chairman Eltife recessed the Board to Executive Session in the Board Room pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.074, 551.076, and 551.089 to consider the matters listed on the Executive Session agenda, including Item 6b deferred the previous day.

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS.--Chairman Eltife reconvened the Board in Open Session in the Board Room at 11:15 a.m.

6b. U. T. System Board of Regents: Discussion with Counsel on legal issues associated with employee conduct

No action was taken on this item.

7a. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions); U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors); other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive); Board members; and U. T. System and institutional employees

No action was taken on this item.

7b. U. T. Arlington: Consideration, discussion, and appropriate action regarding recommendation of Faculty Hearing Tribunal concerning termination of Mahyar Arefi, Ph.D., a tenured faculty member

Regent Hicks made the following motion:

Based upon the evidentiary record from the faculty tribunal hearing regarding the termination of Mahyar Arefi, Ph.D., a tenured faculty member at U. T. Arlington, as provided to the Board, I move that the Board

1. accept the faculty tribunal's November 4, 2019 findings of material fact with regard to Dr. Arefi's conduct in their entirety;
2. accept the faculty tribunal's November 4, 2019, conclusions that:
 - (a) Dr. Arefi violated U. T. System Regents' Rule 30103 and U. T. Arlington's Ethics and Standards of Conduct policy; and
 - (b) Dr. Arefi violated a self-reporting policy requirement when he did not disclose that he had been convicted by a jury trial, in March 2018, of misdemeanor assault causing bodily injury to a family member; and
3. accept the conclusion of the tribunal that the greater weight of the credible evidence of Dr. Arefi's actions taken together constitute good cause for the termination of his tenured faculty appointment at U. T. Arlington.

I further move that the Board determine that good cause exists to terminate Dr. Arefi's employment and vote to terminate him from the U. T. Arlington faculty effective immediately.

I further move that counsel to the Board prepare in writing the reasons for the Board's actions regarding these findings, conclusions, and recommendation of termination and communicate them to Dr. Arefi and his counsel.

The motion was seconded by Regent Crain and carried unanimously.

8a. U. T. System: Discussion and appropriate action regarding safety and security issues, including security audits and deployment of security personnel and devices

No action was taken on this item.

8b. U. T. Austin: Discussion and appropriate action regarding safety and security issues, including the deployment of security personnel and devices

Vice Chairman Weaver made the following motion:

I move that the U. T. System Board of Regents endorse the implementation of safety and security measures within the parameters identified by President Fenves in Executive Session to increase police presence with the addition of more officers and other security personnel and the implementation of technology solutions to improve security in areas near the U. T. Austin campus where students live, congregate, and walk. I further move that the Board authorize the allocation of \$8 million from the Available University Fund for the next four years to assist with these initiatives.

The motion was seconded by Regent Jiles and carried unanimously.

Following the vote, Regents Jiles and Perez made comments in support of the security enhancements and suggested that U. T. System review the long term strategy for maintaining and upgrading training facilities for U. T. System police officers.

9. U. T. Austin: Discussion regarding the lease, uses, or value of property related to the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas, and discussion and appropriate action regarding amending the ground lease of Lions Municipal Golf Course and the Brackenridge Development Agreement, both with the City of Austin; and related finding of public purpose

Chairman Eltife called on Mr. Ethan Smith, a graduate student at U. T. Austin who submitted a request to speak to the Board on this item, to make remarks. Following those remarks, Regent Warren made the following motion:

I move that the U. T. System Board of Regents take the following actions on behalf of U. T. Austin:

- a. authorize amending the lease to the City of Austin for the Lions Municipal Golf Course, located at 2260 Enfield Road, and the Brackenridge Development Agreement with the City of Austin affecting the Brackenridge Tract property, in Austin, Travis County, Texas, on terms in accordance with the parameters recommended in Executive Session; and
- b. authorize the Executive Director of Real Estate to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary to carry out the purpose and intent of the foregoing actions within the parameters recommended in Executive Session.

This action is recommended based on the requirement that a status report on an agreement will be presented to the Board in May of this year.

The motion was seconded by Regent Crain and carried unanimously.

10a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

10b. U. T. System Board of Regents: Discussion with Counsel on legal issues associated with employee conduct

No action was taken on this item.

10c. U. T. Austin: Discussion regarding legal issues related to the utilization of the Brackenridge Tract, including land bounded by the Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas, and discussion and appropriate action regarding legal issues associated with amending the ground lease of Lions Municipal Golf Course and the Brackenridge Development Agreement, both with the City of Austin; and related finding of public purpose

See Item 9 above for action taken on this item.

SCHEDULED MEETING.--The next regularly scheduled meeting will be held on May 6-7, 2020, in Austin.

ADJOURNMENT.--The meeting was adjourned at 11:24 a.m.

/s/ Tina E. Montemayor
Secretary to the Board of Regents
March 24, 2020



TABLE OF CONTENTS
THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS
CONSENT AGENDA

Committee and Board Meetings:
February 26-27, 2020
Austin, Texas

Page

MEETING OF THE BOARD

- | | | |
|----|---|------------|
| 1. | Minutes - U. T. System Board of Regents: Approval of Minutes of the regular meeting held on November 13-14, 2019; and the special called meetings held on November 6, 2019, and December 9, 2019 | 131 |
| 2. | Lease - U. T. System: Authorization to lease approximately 4,044 square feet of additional space adjacent to 13,531 square feet of existing office space at 825 Town and Country Boulevard, Houston, Harris County, Texas, from CityCentre Five, LLC, or its successors, for mission and administrative use, including by the Office of University Lands | 131 |
| 3. | Other Matters - U. T. System: Approval of Newly Commissioned Peace Officers | 132 |

AUDIT, COMPLIANCE, AND MANAGEMENT REVIEW COMMITTEE

No items for Consent Agenda

FINANCE AND PLANNING COMMITTEE

- | | | |
|----|---|------------|
| 4. | Other Fiscal Matters - U. T. System Board of Regents: Amendments to the Investment Policy Statements for the Permanent University Fund, the General Endowment Fund, the Permanent Health Fund, the Long Term Fund, and the Intermediate Term Fund, and amendments to the Liquidity Policy and the Derivative Investment Policy | 132 |
| 5. | Contract (funds going out) - U. T. System: ProctorU, Inc., to provide a cloud-based solution for student secure testing and proctoring services | 146 |
| 6. | Contract (funds going out) - U. T. System: Proctor.io Incorporated to provide a cloud-based solution for student secure testing and proctoring services | 146 |
| 7. | Contract (funds going out) - U. T. System: Honorlock, Inc., to provide a cloud-based solution for student secure testing and proctoring services | 147 |
| 8. | Contract (funds going out) - U. T. System: Copyleaks, Inc., to provide cloud-based solution plagiarism detection software services | 147 |
| 9. | Contract (funds going out) - U. T. System: Plagix, LLC, dba Unicheck, to provide cloud-based solution plagiarism detection software services | 148 |

	Page
10. Contract (funds going out) - U. T. System: Disaster Recovery Services, LLC, will provide emergency and recovery services related to disaster events	148
11. Contract (funds going out) - U. T. System: DCMC, LLC, dba DCMC Partners, to perform disaster recovery services	149
12. Contract (funds going out) - U. T. System: Halff Associates to perform environmental services	149
13. Contract (funds going out) - U. T. System: WTC Consulting, Inc., to provide security sustainability review services	150
14. Contract (funds going out) - U. T. System: Amendment to Agreement with Neos Consulting Group, LLC, to provide Enterprise Resource Planning (ERP) staff augmentation services to support the Office of Shared Information Services	150
15. Contract (funds going out) - U. T. System: Amendment to Agreement with r2 Technologies, Inc., to provide PeopleSoft information technology staff augmentation services to support the Office of Shared Information Services	151
16. Contract (funds going out) - U. T. System: Amendment to existing Agreement with The Burgundy Group, Inc., to continue to perform enhancement services and break-fix support for the Office of Shared Information Services	151
17. Contract (funds going out) - U. T. System: Amendment to existing Agreement with ERP Analysts, Inc., to continue to perform enhancement services and break-fix support for the Office of Shared Information Services	152
18. Contract (funds going out) - U. T. System: Medline Industries, Inc., to distribute medical and surgical products to U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston, and U. T. M. D. Anderson Cancer Center	153
19. Contract (funds going out) - U. T. System: Jaggaer, LLC (formerly SciQuest) to license and implement software to equip six U. T. institutions with an eCommerce solution for commonly purchased goods and services	154
20. Contract (funds going out) - U. T. System: PaymentWorks, Inc., to provide vendor on-boarding and information management software	154
21. Contract (funds going out) - U. T. System: Amendments to Agreements with Grant Cooper & Associates, Inc., Isaacson Miller, Inc., Korn Ferry International, Opus Executive Partners, Russell Reynolds Associates, Inc., Storbeck Pimentel & Associates, and Witt/Kieffer Inc. to provide Executive Search services to U. T. System and U. T. institutions	155
22. Real Estate Report - U. T. System: Summary Report of Separately Invested Assets Managed by U. T. System	156

ACADEMIC AFFAIRS COMMITTEE

- | | | |
|-----|---|------------|
| 23. | Contract - U. T. System : Approval of Memorandum of Understanding between U. T. System and the National Technology & Engineering Solutions of Sandia, LLC, Operator of Sandia National Laboratories | 157 |
| 24. | Other Matters - U. T. System Academic Institutions : Approval of Sexual Harassment and Sexual Misconduct Policies | 157 |
| 25. | Contract (funds going out) - U. T. Arlington : Carpet Services, Inc., to provide flooring installation services | 180 |
| 26. | Contract (funds going out) - U. T. Arlington : Instructional Connections, LLC, to provide academic coaching services | 180 |
| 27. | Contract (funds coming in) - U. T. Austin : License Agreement with IMG College LLC for licensing of multimedia rights relating to Intercollegiate Athletics | 181 |
| 28. | Request for Budget Change - U. T. Austin : Transfer \$5,100,000 from Interest on Temporary Investments - Designated Funds, Investment Income to Interest on Temporary Investments - Designated Funds, Allocation for Budget Adjustments based on revised income projections (RBC No. 10984) -- amendment to the 2019-2020 budget | 181 |
| 29. | Request for Budget Change - U. T. Austin : Transfer \$10,361,564 from Reserve - AUF - Instruction - Allocation for Budget Adjustments to Repair and Renovation safety and code - Allocated for Budget for repair and renovation funding (RBC No. 10986) -- amendment to the 2019-2020 budget | 181 |
| 30. | Request for Budget Change - U. T. Austin : Transfer \$5,500,000 from Research Infusion - Allocation for Budget Adjustments to Applied Research Labs Construction and Equipment Reserve - Allocated for funding of future capital and equipment purchases (RBC No. 10988) -- amendment to the 2019-2020 budget | 181 |
| 31. | Request for Budget Change - U. T. Austin : Transfer \$5,000,000 from Interest on Temporary Investments - Allocation for Budget Adjustments to Comal St. Child Development Center - All Expenses for expanded Child Development Center (RBC No. 10989) -- amendment to the 2019-2020 budget | 182 |
| 32. | Employment Agreement - U. T. Austin : Approval of terms of Employment Agreement for new Football Defensive Coordinator Chris Ash | 183 |
| 33. | Employment Agreement - U. T. Austin : Approval of terms of Employment Agreement for new Football Offensive Coordinator Mike Yurcich | 184 |
| 34. | Employment Agreement - U. T. Austin : Approval of terms of Employment Agreement for new Football Co-Defensive Coordinator/Line Backers Coach Coleman Hutzler | 185 |
| 35. | Employment Agreement - U. T. Austin : Approval of terms of Employment Agreement for new Football Associate Coach for Special Teams/Tight Ends Jay Boulware | 186 |

	Page
36. Contract (funds coming in) - U. T. Dallas: Supreme Food Services, dba VendPro, to provide snack vending machines, products, and services	187
37. Sale - U. T. Dallas: Authorization to market and sell the land and improvements known as Lots Nine and Ten in Block Twenty-Four of Second Installment of Highland Park, an Addition to the Town of Highland Park, Dallas County, Texas, also known as 4701 Drexel Drive, Town of Highland Park, Dallas County, Texas	187
38. Lease - U. T. Rio Grande Valley: Authorization to lease an approximately 10,600 square foot to-be-constructed building on a site located west of 4555 North Expressway 77/83, Brownsville, Cameron County, Texas, from The Hernandez Foundation, or a related entity, for mission use	188
39. Employment Agreement - U. T. San Antonio: Approval of terms of Employment Agreement for new Head Football Coach Jeffrey Michael Traylor	189
40. Lease - U. T. San Antonio: Authorization to enter into a lease for approximately 8.5 acres improved with surface parking facilities located on the Durango Loop and under IH-35, in San Antonio, Bexar County, Texas, from the Texas Department of Transportation to be used for parking by the Downtown Campus faculty, staff, and students	191
41. Purchase - U. T. San Antonio: Authorization to purchase approximately 1.997 acres of land, located between Dolorosa Street and West Nueva Street in the City of San Antonio, referred to as 622 Dolorosa Street and part of 227 West Nueva Street, San Antonio, Bexar County, Texas, from Bexar County, Texas, for future programmed campus expansion; and resolution regarding parity debt	192

HEALTH AFFAIRS COMMITTEE

42. Other Matters - U. T. System Health Institutions: Approval of Sexual Harassment and Sexual Misconduct Policies	193
43. Contract (funds coming in) - U. T. Southwestern Medical Center: First Amendment to vending machine Agreement with Mcliff Partners, Ltd.	215
44. Contract (funds coming in) - U. T. Southwestern Medical Center: To provide medical, clinical, and administrative services to Texas Health Hospital Frisco	215
45. Contract (funds going out) - U. T. Southwestern Medical Center: Gozio, Inc., will provide services for creation and maintenance of a wayfinding application	216
46. Request for Budget Change - U. T. Medical Branch - Galveston: New Hire with Tenure -- amendment to the 2020-2021 budget	216
47. Lease - U. T. Medical Branch - Galveston: Authorization to extend the lease of approximately 11,018 square feet of space located at 1600 West League City Parkway, Suite B, City of League City, Galveston County, Texas, from United S&S Group, LLC, for mission uses, including clinical care	217

	Page
48. Contract (funds going out) - U. T. Health Science Center - Houston : CSI Leasing, Inc., to provide leasing services for computer hardware and accessories	217
49. Contract (funds going out) - U. T. Health Science Center - Houston : CSI Companies to provide backfill staffing services	218
50. Contract (funds going out) - U. T. Health Science Center - Houston : Leidos Health to provide staff augmentation services	218
51. Contract (funds going out) - U. T. Health Science Center - Houston : Computer Task Group to provide training and activation support services	218
52. Request for Budget Change - U. T. Health Science Center - San Antonio : New Hires with Tenure -- amendment to the 2019-2020 budget	219
53. Contract (funds going out) - U. T. M. D. Anderson Cancer Center : Fourth Amendment to Agreement with Marion Montgomery, Inc., dba MMI Agency, to continue to develop and produce advertising materials and acquisition of regional media	219
54. Contract (funds going out) - U. T. M. D. Anderson Cancer Center : Amended and Restated Sponsorship Agreement with Dynamo Soccer, LLC, and Dynamo Stadium, LLC, to provide sponsorship and promotional benefits	220
55. Lease - U. T. M. D. Anderson Cancer Center : Authorization to extend sublease of approximately 15,694 square feet of space, located at Life Science Plaza, 2130 West Holcombe Boulevard, Houston, Harris County, Texas, to Immatix US, Inc.	221
56. Lease - U. T. M. D. Anderson Cancer Center : Authorization for U. T. M. D. Anderson Cancer Center as Lessor to extend lease for approximately 32,492 square feet with U. T. Health Science Center - Houston, as Lessee, at South Campus Research Building 3, located at 1881 East Road, Houston, Harris County, Texas, for mission uses, including research	221
57. Gift - U. T. Health Science Center - Tyler : Authorization of expenditure of a gift of \$55,000 to renovate and maintain the exterior water feature at Jacksonville Hospital, LLC, dba U. T. Health Jacksonville; and finding of public purpose	222
58. Gift - U. T. Health Science Center - Tyler : Authorization of expenditure of a gift of \$250,000 for purchase of radiology equipment at Jacksonville Hospital, LLC, dba U. T. Health Jacksonville; and finding of public purpose	223

FACILITIES PLANNING AND CONSTRUCTION COMMITTEE

59. Contract (funds going out) - U. T. System : Project Control of Texas, Inc., to perform project management services	224
---	------------

MEETING OF THE BOARD

1. Minutes - U. T. System Board of Regents: Approval of Minutes of the regular meeting held on November 13-14, 2019; and the special called meetings held on November 6, 2019, and December 9, 2019

2. Lease - U. T. System: Authorization to lease approximately 4,044 square feet of additional space adjacent to 13,531 square feet of existing office space at 825 Town and Country Boulevard, Houston, Harris County, Texas, from CityCentre Five, LLC, or its successors, for mission and administrative use, including by the Office of University Lands

Description: Lease of approximately 4,044 square feet of office space adjacent to existing 13,531 square feet of office space, presently occupied by U. T. System's Office of University Lands in Houston, Texas, for administrative use. This lease space expansion will support, and is based upon, University Lands' strategic growth plans.

Lessor: CityCentre Five, LLC, a Delaware limited liability company

Term: Approximately 78 months with rent commencement anticipated to begin September 1, 2020. Lease will be coterminous with existing 13,531 square-foot lease through October 31, 2026, with one five-year renewal option.

Lease Cost: Per square foot expansion rental rates and operating expense costs will be the same as the existing office space, which are presently \$33.77 per square foot in base rent and \$16.40 per square foot for operating expenses. The total expansion space rent for the initial term is estimated to be \$925,900, with operating expenses estimated at \$471,900.

Tenant Improvements: Landlord will be responsible for performing the Tenant Improvement work and will provide a \$75 per square foot allowance. Lessee, at Lessee's expense, will provide the additional funds for improvement costs, which are expected to be up to an additional \$15 per square foot. Preliminary bids have been obtained that indicate the build-out will not exceed these figures.

Total Cost: The total expansion cost is estimated be \$2,842,700, with initial term base rent and operating expense costs of approximately \$1,398,000 and an additional \$60,700 in Lessee funded build-out. Renewal costs are estimated to be an additional \$1,384,000.

3. **Other Matters - U. T. System: Approval of Newly Commissioned Peace Officers**

In accordance with Section 51.203 of the *Texas Education Code*, the Board is asked to approve the Commissioning of the following Peace Officers. The Officers have completed training at the U. T. System Police Training Academy and passed the State of Texas Police Officer Licensing Examination, effective December 20, 2019.

<u>Name</u>	<u>Institution</u>
Lonnie D. Baker, II	U. T. San Antonio
Collin M. Hall	U. T. San Antonio
Aaron J. Hernandez	U. T. Medical Branch - Galveston
Jarrett W. Anderson	U. T. Austin
Kenton J. Kurz	U. T. Austin
Sue E. Mang	U. T. Austin
Shane H. Mayo	U. T. Austin
Rachel L. Nehlsen	U. T. Austin
Walter J. Spivey	U. T. Health Science Center - Houston
Daniel J. Trujillo	U. T. Health Science Center - Houston

AUDIT, COMPLIANCE, AND RISK MANAGEMENT COMMITTEE

No items for Consent Agenda

FINANCE AND PLANNING COMMITTEE

4. **Other Fiscal Matters - U. T. System Board of Regents: Amendments to the Investment Policy Statements for the Permanent University Fund, the General Endowment Fund, the Permanent Health Fund, the Long Term Fund, and the Intermediate Term Fund, and amendments to the Liquidity Policy and the Derivative Investment Policy**

The Chancellor and the Executive Vice Chancellor for Business Affairs concur in the recommendation of the Board of Directors of The University of Texas/Texas A&M Investment Management Company (UTIMCO) that the U. T. System Board of Regents approve the proposed amendments to the Investment Policy Statements, the Liquidity Policy, and the Derivative Investment Policy, as shown in congressional style on the following pages.

- a. Permanent University Fund (PUF) (See Exhibit A - PUF and GEF)
- b. General Endowment Fund (GEF) (See Exhibit A - PUF and GEF)
- c. Permanent Health Fund (PHF) (See Exhibit B - PHF and LTF)
- d. Long Term Fund (LTF) (See Exhibit B - PHF and LTF)

- e. Intermediate Term Fund (ITF) (See Exhibit A - ITF)
- f. Liquidity Policy
- g. Derivative Investment Policy

The proposed amendments to PUF, GEF, PHF, LTF, and ITF reflect changes to the asset allocation framework to include the Public Strategic Partnership allocations (See Finance and Planning Committee Item 7). The amendments also set forth revised Asset Class targets and ranges effective March 1, 2020, after incorporation of the strategic partnerships allocations. In addition, general language related to derivatives will be changed to be consistent with proposed changes to the Derivative Investment Policy, and the benchmark for Real Return, Inflation Linked Bonds will be changed from “Bloomberg Barclays Global Inflation Linked TR Index” to “Bloomberg Barclays U.S. TIPS Index”.

It is recommended that the Liquidity Policy be amended to change the permitted maximum for illiquid investments for the ITF from “50% of the total portfolio for the ITF” to “55% of the total portfolio for the ITF” to accommodate the allocation to Directional Hedge Funds in the Global Equity Regime. The Liquidity Policy would also be amended to change the methodology for calculating unfunded commitments from “a percent of the total Net Asset Value of the Endowment Funds” to “a percent of the highest total Net Asset Value of the Endowment Funds over a trailing 24-month period”.

It is also recommended that the Derivative Investment Policy be amended to change Exhibit B, Delegated Derivative Investments #3 from “reduce Long Exposure to an Asset Class” to “reduce exposure to an Asset Class” to allow tactical asset allocation to express negative views on an asset class.

The UTIMCO Board approved the recommended amendments to the Investment Policy Statements, the Liquidity Policy, and the Derivative Investment Policy on December 5, 2019.

EXHIBIT A - PUF and GEF
ASSET CLASS TARGETS, RANGES, AND PERFORMANCE OBJECTIVES
EFFECTIVE ~~SEPTEMBER 1, 2019~~ MARCH 1, 2020

Asset Class	FYE 2020			Benchmark
	Min v Target ⁽¹⁾	Target ⁽²⁾	Max v Target ⁽¹⁾	
Global Equity:				
U.S. Public Equity	2.0 -5.0%	7.5 6.8%	12.0 +5.0%	MSCI US with Net Dividends
Non-U.S. Developed Public Equity	0.0 -5.0%	4.5 4.1%	10.0 +5.0%	MSCI EAFE and Canada with Net Dividends
Global Developed Public Equity	3.0 -5.0%	10.0%	13.0 +5.0%	MSCI World Index with Net Dividends
<i>Total Developed Public Equity</i>	12.0 -5.0%	22.0 20.9%	26.0 +5.0%	
Emerging Markets Public Equity	5.0 -5.0%	9.0 8.5%	15.0 +5.0%	MSCI Emerging Markets Index with Net Dividends
<i>Total Public Equity</i>	22.0 -5.0%	31.0 29.4%	36.0 +5.0%	
Directional Hedge Funds	7.0 -5.0%	11.2%	17.0 +5.0%	HFRI Fund of Funds Composite
Private Equity	18.0 -10.0%	20.8%	27.0 +10.0%	Blended Cambridge Buyouts, Emerging Markets Private Equity and Venture Capital, Credit Opportunities, and Venture Capital
Total Global Equity	56.0 -7.0%	63 61.4%	70.0 +7.0%	
Stable Value:				
Investment Grade Fixed Income	2.0 -5.0%	7.0 6.6%	12.0 +5.0%	Bloomberg Barclays Global Aggregate Index - Hedged
Credit-Related Fixed Income	0.0 -5.0%	0.0%	5.0 +5.0%	Bloomberg Barclays Capital Global High Yield Index
<i>Total Fixed Income</i>	2.0 -5.0%	7.0 6.6%	12.0 +5.0%	
Cash	-5.0%	1.0%	6.0 +5.0%	3 month T-Bills
Stable Value Hedge Funds	2.0 -5.0%	10.0%	12.0 +5.0%	HFRI Fund of Funds Conservative
Total Stable Value	11.5 -10.0%	18.0 17.6%	23.5 +6.0%	
Real Return:				
Inflation Linked Bonds	0.0 -5.0%	1.3%	5.0 +5.0%	Bloomberg Barclays Global Inflation-Linked: FR -U.S. TIPS Index
Gold	0.0 -5.0%	0.0%	5.0 +5.0%	Gold Spot Price (XAU)
Commodities	0.0 -5.0%	0.0%	6.0 +5.0%	Bloomberg Commodity TRI
<i>Total Commodities</i>	0.0 -5.0%	0.0%	0.0 +5.0%	
Natural Resources	0.0 -5.0%	6.6%	12.0 +5.0%	Cambridge Natural Resources
Infrastructure	0.0 -5.0%	2.9%	9.0 +5.0%	Cambridge Infrastructure
Public Real Estate	0.0 -5.0%	0.0%	5.0 +5.0%	FTSE EPRA/NAREIT Developed Index Net TRIUSD
Private Real Estate	3.0 -5.0%	8.2%	13.0 +5.0%	Cambridge Real Estate
Total Real Return	13.5 -6.0%	19.0%	25.5 +6.0%	
Strategic Partnerships	-5.0%	2.0%	+5%	Blended Bloomberg Barclays Global Aggregate Index - Hedged, MSCI US with Net Dividends, MSCI EAFE and Canada with Net Dividends, and MSCI Emerging Markets Index with Net Dividends
Total All Asset Classes		100.0%		

The total Asset Class exposure, including the amount of derivatives exposure not collateralized by Cash, may not exceed 105% of the Asset Class exposure excluding the amount of derivatives exposure not collateralized by Cash.

POLICY/TARGET RETURN/RISKS ⁽²⁾	FYE 2020
Expected 10-Year Annual Real Return (Benchmark)	4.22%
One Year Downside Volatility	11.05%
Risk Bounds	
Lower: 1 Year Downside Volatility	75.00%
Upper: 1 Year Downside Volatility	115.00%

(1) In relation to the Asset Class Target; with the exception of Cash, "Min" will not be below zero

(2) Asset Class Targets and Policy/Target Return/Risks reset monthly

EXHIBIT B - PHF and LTF
 ASSET CLASS TARGETS, RANGES, AND PERFORMANCE OBJECTIVES
 EFFECTIVE ~~SEPTEMBER 1, 2019~~ MARCH 1, 2020

Asset Class	FYE 2020			Benchmark
	Min v Target ⁽¹⁾	Target ⁽²⁾	Max v Target ⁽¹⁾	
Global Equity:				
U.S. Public Equity	2.0 -5.0%	7.5 6.8%	12.0 +5.0%	MSCI US with Net Dividends
Non-U.S. Developed Public Equity	0.0 -5.0%	4.5 4.1%	10.0 +5.0%	MSCI EAFE and Canada with Net Dividends
Global Developed Public Equity	3.0 -5.0%	10.0%	13.0 +5.0%	MSCI World Index with Net Dividends
<i>Total Developed Public Equity</i>	12.0 -5.0%	22.0 20.9%	26.0 +5.0%	
Emerging Markets Public Equity	5.0 -5.0%	9.0 8.5%	15.0 +5.0%	MSCI Emerging Markets Index with Net Dividends
<i>Total Public Equity</i>	22.0 -5.0%	31.0 29.4%	36.0 +5.0%	
Directional Hedge Funds	7.0 -5.0%	11.2%	17.0 +5.0%	HFRI Fund of Funds Composite
Private Equity	18.0 -10.0%	20.8%	27.0 +10.0%	Blended Cambridge Buyouts, Emerging Markets Private Equity and Venture Capital, Credit Opportunities, and Venture Capital
Total Global Equity	56.0 -7.0%	63 61.4%	70.0 +7.0%	
Stable Value:				
Investment Grade Fixed Income	2.0 -5.0%	7.0 6.6%	12.0 +5.0%	Bloomberg Barclays Global Aggregate Index - Hedged
Credit-Related Fixed Income	0.0 -5.0%	0.0%	5.0 +5.0%	Bloomberg Barclays Capital Global High Yield Index
<i>Total Fixed Income</i>	2.0 -5.0%	7.0 6.6%	12.0 +5.0%	
Cash	-5.0%	1.0%	6.0 +5.0%	3 month T-Bills
Stable Value Hedge Funds	2.0 -5.0%	10.0%	12.0 +5.0%	HFRI Fund of Funds Conservative
Total Stable Value	11.5 -10.0%	18.0 17.6%	23.5 +6.0%	
Real Return:				
Inflation Linked Bonds	0.0 -5.0%	1.3%	5.0 +5.0%	Bloomberg Barclays Global Inflation-Linked: TR -U.S. TIPS Index
Gold	0.0 -5.0%	0.0%	5.0 +5.0%	Gold Spot Price (XAU)
Commodities	0.0 -5.0%	0.0%	6.0 +5.0%	Bloomberg Commodity TRI
<i>Total Commodities</i>	0.0 -5.0%	0.0%	0.0 +5.0%	
Natural Resources	0.0 -5.0%	6.6%	12.0 +5.0%	Cambridge Natural Resources
Infrastructure	0.0 -5.0%	2.9%	9.0 +5.0%	Cambridge Infrastructure
Public Real Estate	0.0 -5.0%	0.0%	5.0 +5.0%	FTSE EPRA/NAREIT Developed Index Net TRIUSD
Private Real Estate	3.0 -5.0%	8.2%	13.0 +5.0%	Cambridge Real Estate
Total Real Return	13.5 -6.0%	19.0%	25.5 +6.0%	
Strategic Partnerships	-5.0%	2.0%	+5%	Blended Bloomberg Barclays Global Aggregate Index - Hedged, MSCI US with Net Dividends, MSCI EAFE and Canada with Net Dividends, and MSCI Emerging Markets Index with Net Dividends
Total All Asset Classes		100.0%		

The total Asset Class exposure, including the amount of derivatives exposure not collateralized by Cash, may not exceed 105% of the Asset Class exposure excluding the amount of derivatives exposure not collateralized by Cash.

POLICY/TARGET RETURN/RISKS ⁽²⁾	FYE 2020
Expected 10-Year Annual Real Return (Benchmark)	4.22%
One Year Downside Volatility	11.05%
Risk Bounds	
Lower: 1 Year Downside Volatility	75.00%
Upper: 1 Year Downside Volatility	115.00%

(1) In relation to the Asset Class Target; with the exception of Cash, "Min" will not be below zero

(2) Asset Class Targets and Policy/Target Return/Risks reset monthly

EXHIBIT A - ITF
 ASSET CLASS TARGETS, RANGES, AND PERFORMANCE OBJECTIVES
 EFFECTIVE ~~SEPTEMBER 1, 2019~~ MARCH 1, 2020

Asset Class	FYE 2020			Benchmark
	Min v Target ⁽¹⁾	Target ⁽²⁾	Max v Target ⁽¹⁾	
Global Equity:				
U.S. Public Equity	9.0 -5.0%	3.3 3.1%	8.3 +5.0%	MSCI U.S. with Net Dividends
Non-U.S. Developed Public Equity	9.0 -5.0%	1.9%	6.9 +5.0%	MSCI EAFE and Canada with Net Dividends
Global Developed Public Equity	9.0 -5.0%	3.8 4.2%	8.8 +5.0%	MSCI World Index with Net Dividends
<i>Total Developed Public Equity</i>	2.0 -5.0%	9.2%	16.0 +5.0%	
Emerging Markets Public Equity	9.0 -5.0%	4.0 3.8%	9.0 +5.0%	MSCI Emerging Markets Index with Net Dividends
<i>Total Public Equity</i>	6.0 -5.0%	13.0%	20.0 +5.0%	
Directional Hedge Funds	32.0 -5.0%	43.0%	50.0 +5.0%	HFRI Fund of Funds Composite
Total Global Equity	45.0 -7.0%	56.0%	62.0 +7.0%	
Stable Value:				
Investment Grade Fixed Income	28.0 -5.0%	35.0%	42.0 +5.0%	Bloomberg Barclays Global Aggregate Index - Hedged
Cash	9.0 -5.0%	2.0%	8.0 +5.0%	3 month Tbills
Stable Value Hedge Funds	2.0 -5.0%	7.0%	12.0 +5.0%	HFRI Fund of Funds Conservative
Total Stable Value	36.0 -10.0%	44.0%	52.0 +6.0%	
Real Return:				
Inflation Linked Bonds	9.0 -5.0%	0.0%	5.0 +5.0%	Bloomberg Barclays Global Inflation-Linked: FR U.S. TIPS Index
Gold	9.0 -5.0%	0.0%	5.0 +5.0%	Gold Spot Price (XAU)
Commodities	9.0 -5.0%	0.0%	5.0 +5.0%	Bloomberg Commodity TRI
<i>Total Commodities</i>	9.0 -5.0%	0.0%	7.0 +5.0%	
Public Real Estate	9.0 -5.0%	0.0%	5.0 +5.0%	FTSE EPRA/NAREIT Developed Index Net TRIUSD
Total Real Return	9.0 -6.0%	0.0%	7.0 +6.0%	
Total All Asset Classes		100.0%		

The total Asset Class exposure, including the amount of derivatives exposure not collateralized by Cash, may not exceed 100% of the Asset Class exposure excluding the amount of derivatives exposure not collateralized by Cash.

POLICY/TARGET RETURN/RISKS ⁽²⁾	FYE 2020
Expected 10-Year Annual Real Return (Benchmark)	2.38%
One Year Downside Volatility	3.81%
Risk Bounds	
Lower: 1 Year Downside Volatility	75.00%
Upper: 1 Year Downside Volatility	115.00%

(1) In relation to the Asset Class Target: with the exception of Cash, "Min" will not be below zero

(2) Asset Class Targets and Policy/Target Return/Risks reset monthly

February 27, 2020 Meeting of the U. T. System Board of Regents – Consent Agenda
The University of Texas/Texas A&M Investment Management Company
Liquidity Policy

Effective Date of Policy: ~~August 10, 2018~~ March 1, 2020
Date Approved by U. T. System Board of Regents: ~~August 10, 2018~~ February 27, 2020
Date Approved by UTIMCO Board: ~~July 26, 2018~~ December 5, 2019
~~Original Effective Date of Policy: August 7, 2003~~
Supersedes: Liquidity Policy dated ~~November 9, 2017~~ August 10, 2018

Purpose:

The purpose of this Liquidity Policy is to establish limits on the overall liquidity profile of investments in (1) the Permanent University Fund (PUF) and the General Endowment Fund (GEF), hereinafter collectively referred to as the Endowment Funds and, (2) the Intermediate Term Fund (ITF). For the purposes of this policy, “liquidity” is defined as a measure of the ability of an investment position to be converted into Cash. The established liquidity profile limits will act in conjunction with, but do not supersede, the Investment Policies adopted by the U. T. System Board of Regents.

Objective:

The objective of this Liquidity Policy is to control the element of total risk exposure of the Endowment Funds and the ITF stemming from the uncertainties associated with the ability to convert longer term investments to Cash to meet immediate needs or to change investment strategy, and the potential cost of that conversion.

Scope:

This Liquidity Policy applies to all PUF, GEF, and ITF investments made by The University of Texas/Texas A&M Investment Management Company (UTIMCO), both by internal and by external managers. Policy implementation will be managed at the aggregate UTIMCO level and will not be a responsibility of individual internal or external managers managing a portion of the aggregate assets.

Definition of Liquidity Risk:

“Liquidity risk” is defined as that element of total risk resulting from the uncertainty associated with both the cost and time period necessary to convert existing investment positions to Cash. Liquidity risk also entails obligations relating to the unfunded portions of capital commitments. Liquidity risk can result in lower than expected returns and reduced opportunity to make changes in investment positions to respond to changes in capital market conditions.

Definition of Cash:

Cash is defined as short term (generally securities with time to maturity or mandatory purchase or redemption of three months or less), highly liquid investments that are readily convertible to known amounts and which are subject to a relatively small risk of changes in value. Holdings may include:

- the existing Dreyfus Institutional Preferred Money Market Fund mandate and any other UTIMCO Board approved SEC Rule 2a-7 money market fund rated AAAM by Standard & Poor’s or the equivalent by a Nationally Recognized Statistical Rating Organization (NRSRO),
- securities of the U.S. Treasury and U.S. Agencies and their instrumentalities with maturities of 397 days or less,
- separately managed accounts with investment guidelines equivalent to, or more stringent than, unaffiliated liquid investment funds rated AAAM by Standard & Poor’s Corporation or the equivalent by a NRSRO,
- the Custodian’s late deposit interest bearing liquid investment fund,
- municipal short term securities,
- commercial paper rated in the two highest quality classes by Moody’s Investor Service, Inc. (P1 or P2) or Standard & Poor’s Corporation (A1 or A2 or the equivalent),
- negotiable certificates of deposit with a bank that is associated with a holding company whose short-term rating meets the commercial paper rating criteria specified above or that has a certificate of deposit rating of 1 or better by Duff & Phelps, and

February 27, 2020 Meeting of the U. T. System Board of Regents – Consent Agenda
The University of Texas/Texas A&M Investment Management Company
Liquidity Policy

- repurchase agreements and reverse repurchase agreements transacted with a dealer that is approved by UTIMCO and selected by the Federal Reserve as a Primary Dealer in U.S. Treasury securities and rated A-1 or P-1 or the equivalent.

Liquidity Risk Measurement-The Liquidity Profile:

For the purposes of this Liquidity Policy, potential liquidity risk will be monitored by measuring the aggregate liquidity profile of the Endowment Funds and ITF. All individual investments within the Endowment Funds and ITF will be segregated into two categories:

- **Liquid:** Investments that could be converted to Cash within a period of 120 days or less in an orderly market at a discount of 10% or less.
- **Illiquid:** Investments that could be converted to Cash in an orderly market over a period of more than 120 days or in a shorter period of time by accepting a discount of more than 10%.

The UTIMCO Team will report individual investments within the Endowment Funds and ITF categorized as follows:

- **Cash:** Short term (generally securities with time to maturity or mandatory purchase or redemption of three months or less), highly liquid investments that are readily convertible to known amounts and which are subject to a relatively small risk of changes in value.
- **Liquid (Weekly):** Investments that could be converted to Cash within a period of one day to less than 7 days in an orderly market at a discount of 5% or less.
- **Liquid (Annual):** Investments that could be converted to Cash within a period of one day to less than 365 days in an orderly market at a discount of 10% or less.

The measurements necessary to segregate all existing investments into one of the two categories assume normally functioning capital markets and cash market transactions. In addition, swaps, derivatives, or other third party arrangements to alter the status of an investment classified as illiquid may be considered, with the prior approval of the UTIMCO Board or the Risk Committee, in determining the appropriate liquidity category for each investment.

The result of this liquidity risk measurement process will be a liquidity profile for the Endowment Funds and the ITF which indicates the percentage of the total portfolio assets within each liquidity category. This Liquidity Policy defines the acceptable range of percentage of total assets within each liquidity category, specifies when special review or action is required by the UTIMCO Team, when special action is required by the UTIMCO Board or the Risk Committee, and specifies the method of monitoring and presenting actual versus policy liquidity profiles.

Liquidity Policy Profile:

The permitted maximum for **illiquid** investments for each of the Endowment Funds is 70% of the total portfolio for the Endowment Funds. Any **illiquid** investment made that would cause illiquidity to exceed 70% requires prior approval by the Risk Committee after consultation with The University of Texas System Office of Business Affairs.

The permitted maximum for **illiquid** investments for the ITF is ~~50~~55% of the total portfolio for the ITF. Any **illiquid** investment that would cause illiquidity to exceed ~~50~~55% requires prior approval by the Risk Committee after consultation with The University of Texas System Office of Business Affairs.

Risk Committee review of new investments above the permitted maximums will supplement, rather than replace, the procedures established by the UTIMCO Board for the approval of new investments.

February 27, 2020 Meeting of the U. T. System Board of Regents – Consent Agenda
The University of Texas/Texas A&M Investment Management Company
Liquidity Policy

Unfunded Commitments:

As used herein, “unfunded commitments” refers to capital that has been legally committed from an Endowment Fund and has not yet been called but may still be called by the general partner or investment manager. The Maximum Permitted Amount of unfunded commitments for each Endowment Fund is:

Unfunded Commitment as a percent of the highest total Net Asset Value
-of the Endowment Funds over a trailing 24-month period: FY 14+ Beg March 1, 2020
—————30.0%

No new commitments may be made for an Endowment Fund without approval from the Risk Committee if the actual amount of unfunded commitments for such Endowment Fund exceeds, or, as a result of such commitment, would exceed the Maximum Permitted Amount.

Documentation and Controls:

Managing Directors responsible for each asset class are responsible for determining the liquidity category for each investment in that asset class as well as the amount of unfunded commitments. The determination of liquidity will include underlying security trading volumes, notice periods, redemption dates, lock-up periods, and “soft” and “hard” gates. These classifications will be reviewed by the Risk Manager and the Chief Compliance Officer, and must receive final approval from the Chief Investment Officer. Classifications and weights within each liquidity category will be updated and reported on a monthly basis. All new investments considered will be categorized by liquidity category, and a statement regarding the effect on overall liquidity and the amount of unfunded commitments for each Endowment Fund of the addition of a new investment must be an element of the due diligence process and will be a part of the recommendation report to the UTIMCO Board.

As additional safeguards, maximum illiquidity levels have been established as indicated above to require review and action by the UTIMCO Board or the Risk Committee in the event any investment action would cause the actual investment position in illiquid investments to exceed the permitted maximum illiquidity levels, or in the event market actions caused the actual investment position in illiquid investments to exceed the maximum illiquidity levels. In addition, any proposed investment actions which would increase the actual investment position in illiquid investments in any of the PUF, the GEF, or the ITF by 10% or more of the total asset value of such fund would also require review and action by the UTIMCO Board or the Risk Committee prior to the change. Any actual positions outside the policy ranges will be communicated to the Chief Investment Officer immediately. The Chief Investment Officer will then determine the process to be used to eliminate the exception and report promptly to the UTIMCO Board and the Risk Committee the circumstances of the deviation from Policy and the remedy to the situation. Furthermore, as indicated above, no new commitments may be made for an Endowment Fund without approval from the Risk Committee if the actual amount of unfunded commitments for such Endowment Fund exceeds, or, as a result of such new commitment, would exceed, the Maximum Permitted Amount.

Reporting:

The actual liquidity profiles of the Endowment Funds and the ITF, including a detailed analysis of liquidity by category, and the status of unfunded commitments for each Endowment Fund, and compliance with this Liquidity Policy will be reported to the UTIMCO Board on at least a quarterly basis. Any exception to this Liquidity Policy and actions taken to remedy the exception will be reported promptly.

The University of Texas/Texas A&M Investment Management Company Derivative Investment Policy

Effective Date of Policy: ~~August 10, 2018~~ March 1, 2020
Date Approved by U. T. System Board of Regents: ~~August 10, 2018~~ February 27, 2020
Date Approved by UTIMCO Board: ~~July 26, 2018~~ December 5, 2019
Supersedes: Derivative Investment Policy approved ~~July 21, 2016~~ August 10, 2018

Purpose:

The purpose of this Derivative Investment Policy (the “Policy”) is to set forth the applications, documentation and limitations for investment in Derivative Investments in the Permanent University Fund (PUF), the General Endowment Fund (GEF), the Intermediate Term Fund (ITF), and the Separately Invested Funds (SIF), hereinafter referred to as the Funds. The Board of Regents approved investment policy guidelines for the Funds allow for investment in Derivative Investments provided that they are in compliance with the Policy. This Policy supplements the Investment Policy Statements for the Funds.

Objective:

The objective of investing in Derivative Investments is to facilitate risk management and provide efficiency in the implementation of various investment strategies for the Funds. Derivative Investments can provide the Funds with more economical means to improve the Funds’ risk/return profile.

Scope:

This Policy applies to all Derivatives Investments in the Funds that are executed by UTIMCO and by external managers operating under an Agency Agreement. This Policy does not apply to external managers operating under limited partnership agreements, offshore corporations, or through other Limited Liability Entities that limit the liability exposure of the Funds’ investments. Derivative policies for external managers are established on a case-by-case basis with each external manager, as described below.

This Policy applies to both Exchange Traded Derivatives and Over the Counter (OTC) Derivatives. This Policy shall not be construed to apply to commingled funds to which UTIMCO does not have full transparency and control of the underlying assets. These commingled investment vehicles are governed by separate investment policy statements.

External Managers:

External managers are selected to manage the Funds’ assets under either an Agency Agreement or through a Limited Liability Entity. An external manager operating under an Agency Agreement may engage in Derivative Investments only if (i) such manager has been approved to use Derivative Investments by UTIMCO and (ii) the Derivative Investments are consistent with the overall investment objectives of the related account and in compliance with this Policy. The use of Derivative Investments by an external manager operating under an Agency Agreement shall be approved by UTIMCO only for external managers that (i) demonstrate investment expertise in their use, (ii) have appropriate risk management and valuation policies and procedures, (iii) have the legal and investment expertise to limit the downside effects of the proposed derivatives and (iv) effectively monitor and control their use.

While this Policy does not specifically include external managers operating through a Limited Liability Entity, it is noted that selecting and monitoring external managers through a Limited Liability Entity requires a clear understanding of the external managers’ use of Derivative Investments, particularly as it relates to various risk controls and leverage. The permitted uses of Derivative Investments and leverage must be fully documented in the limited liability agreements with these managers.

Definition of Derivatives:

Derivatives are financial instruments whose value is derived, in whole or part, from the value of one or more underlying securities or assets, or index of securities or assets (such as bonds, stocks, commodities, and currencies). For the purposes of this Policy, derivatives shall include Derivative Investments as defined in Exhibit A. If it is unclear whether a particular financial instrument meets the definition of Derivative Investment, the Managing Director - Risk Management and Chief Compliance Officer, in consultation with the Chief Investment Officer (“CIO”) or Deputy Chief Investment Officer

The University of Texas/Texas A&M Investment Management Company Derivative Investment Policy

(“Deputy CIO”), will determine whether the financial instrument is a Derivative Investment. The CIO or Deputy CIO will report such determinations to the Chairman of the Risk Committee.

Permitted Derivative Applications:

The primary intent of derivatives should be to hedge risk in portfolios or to implement investment strategies more effectively and at a lower cost than would be possible in the Cash Market.

Permitted Derivative Applications are Derivative Investments used:

- To implement investment strategies in a low cost and efficient manner;
- To alter the Funds’ market (systematic) exposure without trading the underlying Cash Market securities through purchases or short sales, or both, of appropriate derivatives;
- To construct portfolios with risk and return characteristics that could not be created with Cash Market securities;
- To hedge and control risks; or
- To facilitate transition trading.

UTIMCO may not enter into any Derivative Investment that is not a Permitted Derivative Application. To the extent a new Derivative Investment recommended by UTIMCO or for the engagement of an external manager operating under an Agency Agreement that has been approved by UTIMCO is a Permitted Derivative Application but is not of the types set forth on Exhibit B, any Director may require a complete review of the new Derivative Investment prior to implementation. Notwithstanding the foregoing, UTIMCO’s CIO or Deputy CIO, the Managing Director - Risk Management, or Chief Compliance Officer may determine that presentation and approval of the proposed Derivative Investment at a Risk Committee meeting is warranted before engaging in the Derivative Investment.

Risk and Investment Policy Controls:

Prior to the implementation of one or more similar Derivative Investments, UTIMCO will model the impact of the derivative on the Funds’ projected downside volatility, and exposure to the respective Asset Class to ensure that the Funds remain within the permissible ranges as set forth in the Funds’ Investment Policy Statements.

Documentation and Controls:

Prior to the implementation of one or more similar Derivative Investments by UTIMCO, UTIMCO shall document the purpose, valuation method, methods for calculating delta, delta-adjusted exposure, Asset Class exposure, the effect on portfolio leverage (if applicable), risks (including, but not limited to modeling, pricing, liquidity and Counterparty risks), the expected increase or reduction in risk resulting from the Derivative Investments, and the procedures in place to monitor and manage the derivative exposure. For any short exposure, UTIMCO shall also document the basis risk and appropriate stop-loss procedures. UTIMCO shall establish appropriate risk management procedures and the appropriate frequency to monitor the risk of (i) internally managed Derivative Investments and (ii) externally managed accounts operating under Agency Agreements that permit derivatives. Internal control procedures to properly account and value the Funds’ exposure to the Derivative Investment shall be fully documented.

Additional Risk Mitigants

Leverage: Leverage is inherent in many Derivative Investments. In Cash Markets, in most cases, the cash outlay is equal to the market exposure acquired. By contrast, Derivative Investments offer the possibility of establishing – for the same cash outlay – substantially larger market exposure. Therefore, risk management and control processes must focus on the total risk assumed in a Derivative Investment. Exhibits A of the Fund’s Investment Policy Statements provide a limitation on the amount of uncollateralized derivative exposure that can be utilized by the Funds whereby, the total Asset Class exposure, including the amount of derivatives exposure not collateralized by cash, may not exceed 105% (100% in the ITF) of the Asset Class exposure excluding the amount of derivative exposure not collateralized by cash.

Counterparty Risks: Rigorous Counterparty selection criteria shall be required to minimize Counterparty risk for Over the Counter (OTC) Derivatives. In order to be eligible as a Counterparty to an OTC derivative transaction with the Funds, whether the trade is initiated by UTIMCO, by an external manager under Agency Agreement, or by a Limited Liability Entity where UTIMCO has full transparency and control of the underlying assets, the Counterparty must have a credit

The University of Texas/Texas A&M Investment Management Company Derivative Investment Policy

rating of at least A- (Standard and Poor's) or A3 (Moody's), unless an exception is approved by the Managing Director - Risk Management and by the CIO or Deputy CIO. All OTC derivatives, with the exception of Derivative Investments where ISDA is not available or the market standard (e.g., Bona Fide Spot Foreign Exchange Transactions, participation notes (P-notes) and low exercise purchase options (LEPOs)), must be subject to established ISDA Netting Agreements and have full documentation of all legal obligations of the Funds. In limited circumstances, the August 2012 DF Protocol Agreement, as published on August 13, 2012 (the "August Protocol Agreement") and the 2002 ISDA Master Agreement with a Schedule (an "ISDA March 2013 DF Protocol Master Agreement"), developed in connection with ISDA's Dodd-Frank Documentation Initiative to implement and comply with the regulatory requirements imposed under Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, may be used in place of an ISDA Netting Agreement or on a temporary basis until an ISDA Netting Agreement with the Counterparty has been executed. In the event a Counterparty is downgraded below the minimum credit rating requirement, UTIMCO will take appropriate action to protect the interests of the Funds.

The net market value, net of collateral postings, of all OTC derivatives for any individual Counterparty may not exceed 30bps of the total market value of the Funds.

Risk Management and Compliance:

To ensure compliance with all terms and limitations of this Policy, all internally managed and externally managed Derivative Investments in accounts under Agency Agreements will be marked to market by the Funds' custodian and reviewed periodically, but no less frequently than monthly, for accuracy by the UTIMCO Managing Director - Risk Management. In addition, data from the external risk model will be reviewed for accuracy and completeness by the UTIMCO Managing Director - Risk Management.

Compliance with this Policy will be monitored by the UTIMCO Chief Compliance Officer using data provided by the custodian and the external risk model.

Any instances of noncompliance with this Policy will be reported immediately to the UTIMCO Chief Compliance Officer and to the UTIMCO CIO or Deputy CIO, who will determine the appropriate remedy and report promptly to the Chairs of the Risk Committee, the Audit & Ethics Committee, and the UTIMCO Board Chairman. The UTIMCO Board Chairman may waive immediate remedial action in appropriate circumstances.

Reporting:

On a quarterly basis, UTIMCO shall provide a comprehensive report to UTIMCO's Board and the Risk Committee. This report shall include all outstanding Derivative Investments, by type, entered into during the period being reported for both internal managers and external managers operating under Agency Agreements. Asset allocation as provided in the Funds' Investment Policy Statements shall incorporate the impact of uncollateralized derivative exposure associated with Derivative Investments. For risk reporting purposes, the models used to calculate the expected profit or loss in each scenario will include the effect of delta sensitivity and other derivative sensitivity parameters as appropriate. Risk calculations will take into account leverage, correlation, and exposure parameters such as beta for equities and duration for fixed income. The UTIMCO Managing Director - Risk Management will calculate risk attribution - i.e., how much of the overall risk is attributed to each Asset Class, including the full effect on risk of the Derivative Investments in each. The UTIMCO Managing Director - Risk Management will calculate risk attribution for each Derivative Investment.

The University of Texas/Texas A&M Investment Management Company Derivative Investment Policy

Derivative Investment Policy Exhibit A Glossary of Terms

Agency Agreement – A form of legal agreement that typically grants limited investment discretion to an external investment manager to act as the investment agent of the Funds but does not limit the liability of the Funds for actions taken by that agent.

Basket – A group of securities and a weighting scheme, or a proprietary index. Baskets are typically defined to achieve a certain investment goal, within certain limitations. For example, a Basket could replicate an emerging market index, excluding certain companies that UTIMCO is not permitted to hold.

Bona Fide Spot Foreign Exchange Transaction – An agreement, contract or transaction for the purchase or sale of an amount of foreign currency equal to the price of a foreign security with respect to which (i) the security and related foreign currency transactions are executed contemporaneously in order to effect delivery by the relevant securities settlement deadline and (ii) actual delivery of the foreign security and foreign currency occurs by such deadline (such transaction, a “Securities Conversion Transaction”). For Securities Conversion Transactions, the Commodity Futures Trading Commission (CFTC) will consider the relevant foreign exchange spot market settlement deadline to be the same as the securities settlement deadline. A Bona Fide Spot Foreign Exchange Transaction generally settles via actual delivery of the relevant currencies within a few business days; however, settlement may take longer due to differences in international market conditions.

Cash Market - The physical market for a commodity or financial instrument.

Counterparty - The entity with which a Derivative Investment is transacted, and which is not a national or international exchange.

Derivative Investment – A financial instrument whose value is derived, in whole or part, from the value of one or more underlying securities or assets, or index of securities or assets. A Derivative Investment can be either an Exchange Traded Derivative or an Over the Counter (OTC) Derivative. For the purpose of this Policy, Derivative Investments will include:

- All Over the Counter (OTC) Derivatives, with the exception of Bona Fide Spot Foreign Exchange Transactions, mortgage-backed securities, asset-backed securities, and collateralized mortgage obligations.
- As for Exchange Traded Derivatives, the definition will only include Futures Contracts, listed Options, and cleared Swaps; in particular, the definition will not include exchange traded funds (“ETFs”) and depository receipts (“DRs”).

Exchange Traded Derivatives - A Derivative Investment traded on an established national or international exchange. These derivatives “settle” daily in that cash exchanges are made between the exchange and parties to the contracts consistent with the change in price of the instrument. Fulfillment of the contract is guaranteed by the exchange on which the derivatives are traded. Examples include S&P 500 Futures Contracts and Goldman Sachs Commodities Index Futures Contracts.

Forward Contract - A non-standardized contract for the physical or electronic (through a bookkeeping entry) delivery of a commodity or financial instrument at a specified price at some point in the future. The most typical Forward Contract is a forward foreign currency contract, which involves the contemplated exchange of two currencies.

Futures Contract - A standardized contract for either the physical delivery of a commodity or instrument at a specified price at some point in the future, or a financial settlement derived from the change in market price of the commodity or financial instrument during the term of the contract.

ISDA Netting Agreement - The International Swaps and Derivatives Association (ISDA) is the global trade association representing participants in the privately negotiated derivatives industry, covering swaps and options across all asset classes. ISDA has produced generally accepted “Master Agreements,” a 1992 Master Agreement and a 2002 Master

The University of Texas/Texas A&M Investment Management Company Derivative Investment Policy

Agreement, that are used by most counterparties in OTC derivatives. Netting agreements are terms within the applicable Master Agreement that deal with the calculation of exposure for each Counterparty. These netting agreements require that exposures between counterparties will be “netted” so that payables and receivables under all existing derivatives between two Counterparties are offset in determining the net exposure between the two Counterparties.

Limited Liability Entity – A legal entity created to define how assets contributed to the entity by external partners to the agreement will be managed by the manager of the entity. These entities are typically limited liability partnerships, corporations, or other such entities that limit the liability of external investors to the current value of the external investors’ investment in the entity.

Long Exposure to an Asset Class – The Net Asset Value of the Asset Class and Investment Type as defined in the Funds’ Investment Policy Statement.

Option - A derivative that conveys the right but not the obligation to buy or deliver the subject financial instrument at a specified price, at a specified future date.

Over the Counter (OTC) Derivatives - A derivative which results from direct negotiation between two entities, a buyer/seller and a Counterparty. The terms of such derivatives are non-standard and are the result of specific negotiations. Settlement occurs at the negotiated termination date, although the terms may include interim cash payments under certain conditions. Examples include currency swaps and Forward Contracts, interest rate swaps, and collars.

Replicating Derivatives – Derivatives that are intended to replicate the return characteristics of an underlying index or any other Cash Market security.

Swap - A contract whereby the parties agree to exchange cash flows of defined investment assets in amounts and times specified by the contract.

The University of Texas/Texas A&M Investment Management Company Derivative Investment Policy

Derivative Investment Policy Exhibit B Delegated Derivative Investments

Subject to the limitations contained in the Derivative Investment Policy, the UTIMCO Board hereby delegates to the UTIMCO Chief Executive Officer the authority to enter into the following Derivative Investments:

Delegated Derivative Investments:

1. Replicating Derivatives - Derivative Investments that replicate the return characteristics of a long exposure to an underlying index, Basket or commodity. These investments are generally Futures Contracts and swaps on a passive index, Basket or commodity.
2. Derivative Investments that upon their expiration would not exceed the loss of a similar investment in the cash market equivalent being referred to in the derivative contract. These investments may include swaps whereby the holder of the instrument will forgo potential upside return in exchange for downside protection or receive a multiple of a referenced return should the return of the underlying referenced cash market equivalent be within a certain range and may also include the selling of put options.
3. Derivative Investments that reduce ~~Long~~ Exposure to an Asset Class or hedge against risk, and limit maximum loss to the premium paid for the Derivative Investment, i.e., purchase options. The aggregate prorated annual premium of all Derivative Investments under this provision shall be as set forth in the respective Fund's Investment Policy Statement.
4. Futures Contracts and Forward Contracts on foreign currency if used (i) by an external fixed income manager within its investment guidelines, (ii) for hedging purposes by an external equities manager within its investment guidelines, or (iii) to hedge existing or prospective foreign currency risk or to gain long exposure to a foreign currency by UTIMCO.
5. Derivative Investments used to manage bond duration or hedge equity exposure to countries, sectors or capitalization factors, or individual stock(s) swaps within the portfolio only if subsequent to the investment the portfolio would not be net short to any one of those factors. An example of such a hedge is selling Futures Contracts or call options on a country or sector index, provided the manager is exposed to that country or sector.
6. Derivative Investments used to gain Long Exposure to an Asset Class and limit maximum loss to the premium paid for the Derivative Investment.

The delegated authority set forth above should not be construed to permit UTIMCO to enter into Derivative Investments that are unhedged and have the potential for unlimited loss.

Modeling: Each Delegated Derivative Investment must be such that it can be decomposed into one or more components, and each said component can be modeled using a model such as the CDS valuation model, Black-Scholes model, including modifications for foreign currency ("Quanto"), allowing both normal and log-normal distributions (the Black model), and modifications to handle dividends or other model approved by the Policy Committee.

Leverage: Each Delegated Derivative Investment must be modeled on a fully collateralized basis. During the course of the investment, cash collateral backing a Derivative Investment may be utilized to invest in other investments thereby creating leverage at the Fund level. This is only allowed if within the Funds' Investment Policy Statements.

5. Contract (funds going out) - U. T. System: ProctorU, Inc., to provide a cloud-based solution for student secure testing and proctoring services

Agency: ProctorU, Inc.

Funds: To be paid by the U. T. institutions requesting services under this Agreement. It is possible expenditures may exceed \$1,000,000 over the term of the contract. Although no cap amount is recommended for this contract, the contract value is not expected to exceed \$10,000,000.

Period: November 8, 2019 through November 7, 2022; with option to renew for two additional one-year terms

Description: ProctorU, Inc., will provide a cloud-based solution for student secure testing and proctoring services. This Agreement was competitively bid.

The U. T. System Office of Academic Affairs will closely monitor the spend over the life of the Agreement.

6. Contract (funds going out) - U. T. System: Proctor.io Incorporated to provide a cloud-based solution for student secure testing and proctoring services

Agency: Proctor.io Incorporated

Funds: To be paid by the U. T. institutions requesting services under this Agreement. It is possible expenditures may exceed \$1,000,000 over the term of the contract. Although no cap amount is recommended for this contract, the contract value is not expected to exceed \$10,000,000.

Period: November 8, 2019 through November 7, 2022; with option to renew for two additional one-year terms

Description: Proctor.io Incorporated will provide a cloud-based solution for student secure testing and proctoring services. This Agreement was competitively bid.

The U. T. System Office of Academic Affairs will closely monitor the spend over the life of the Agreement.

7. Contract (funds going out) - U. T. System: Honorlock, Inc., to provide a cloud-based solution for student secure testing and proctoring services

Agency: Honorlock, Inc.

Funds: To be paid by the U. T. institutions requesting services under this Agreement. It is possible expenditures may exceed \$1,000,000 over the term of the contract. Although no cap amount is recommended for this contract, the contract value is not expected to exceed \$10,000,000.

Period: November 25, 2019 through November 24, 2022; with option to renew for two additional one-year terms

Description: Honorlock, Inc., will provide a cloud-based solution for student secure testing and proctoring services. This Agreement was competitively bid.

The U. T. System Office of Academic Affairs will closely monitor the spend over the life of the Agreement.

8. Contract (funds going out) - U. T. System: Copyleaks, Inc., to provide cloud-based solution plagiarism detection software services

Agency: Copyleaks, Inc.

Funds: To be paid by the U. T. institutions requesting services under this Agreement. It is possible expenditures may exceed \$1,000,000 over the term of the contract. Although no cap amount is recommended for this contract, the contract value is not expected to exceed \$10,000,000.

Period: October 21, 2019, through October 20, 2022; with option to renew for two additional one-year terms

Description: Copyleaks, Inc., will provide cloud-based solution plagiarism detection software services. This Agreement was competitively bid.

The U. T. System Office of Academic Affairs will closely monitor the spend over the life of the Agreement.

9. Contract (funds going out) - U. T. System: Plagix, LLC, dba Unicheck, to provide cloud-based solution plagiarism detection software services

Agency: Plagix, LLC, dba Unicheck

Funds: To be paid by the U. T. institutions requesting services under this Agreement. It is possible expenditures may exceed \$1,000,000 over the term of the contract. Although no cap amount is recommended for this contract, the contract value is not expected to exceed \$10,000,000.

Period: November 6, 2019, through November 5, 2022; with option to renew for two additional one-year terms

Description: Plagix, LLC, dba Unicheck, will provide cloud-based solution plagiarism detection software services. This Agreement was competitively bid.

The U. T. System Office of Academic Affairs will closely monitor the spend over the life of the Agreement.

10. Contract (funds going out) - U. T. System: Disaster Recovery Services, LLC, will provide emergency and recovery services related to disaster events

Agency: Disaster Recovery Services, LLC

Funds: To be paid by U. T. System or the U. T. institutions requesting services under this Agreement. It is possible expenditures may exceed \$1,000,000 over the potential five-year term. Because it will be accessed only in true emergencies, no contract cap is recommended for this Agreement.

Period: October 1, 2019 through September 30, 2020; with option to renew for four additional one-year terms

Description: This nonexclusive Systemwide Agreement allows U. T. System and each U. T. institution to request the contractor to perform project identification, project claims processing, project preparation, and project reporting services. This Agreement was competitively bid.

The U. T. System Office of Risk Management will closely monitor the spend over the life of the Agreement.

11. Contract (funds going out) - U. T. System: DCMC, LLC, dba DCMC Partners, to perform disaster recovery services

Agency: DCMC, LLC, dba DCMC Partners

Funds: To be paid by U. T. System or the U. T. institutions requesting services under this Agreement. It is possible the expenditures may exceed \$1,000,000 over the potential five-year term. Because it will be accessed only in true emergencies, no contract cap is recommended for this Agreement.

Period: October 1, 2019 through September 30, 2020; with option to renew for four additional one-year terms

Description: This nonexclusive Systemwide Agreement allows U. T. System and each U. T. institution to request the contractor to perform project identification, project claims processing, project preparation, and project reporting services. This Agreement was competitively bid.

The U. T. System Office of Risk Management will closely monitor the spend over the life of the Agreement.

12. Contract (funds going out) - U. T. System: Halff Associates to perform environmental services

Agency: Halff Associates, Inc.

Funds: To be paid by U. T. System or the U. T. institutions requesting services under this Agreement. It is possible expenditures may exceed \$1,000,000 over the potential five-year term. Although no cap amount is recommended for this contract, the contract value is not expected to exceed \$10,000,000.

Period: January 1, 2020 through December 31, 2024

Description: This nonexclusive Systemwide Agreement allows U. T. System and each U. T. institution to request the contractor to perform environmental services. This Agreement was competitively bid.

The U. T. System Office of Risk Management will closely monitor the spend over the life of the Agreement.

13. Contract (funds going out) - U. T. System: WTC Consulting, Inc., to provide security sustainability review services

Agency: WTC Consulting, Inc.

Funds: To be paid by U. T. System. It is possible expenditures may exceed \$1,000,000 over the term of the contract. Although no cap amount is recommended for this contract, the contract value is not expected to exceed \$1,500,000.

Period: February 7, 2020 through August 6, 2022; with option to renew for one additional one-year term

Description: This Agreement allows U. T. System to request the contractor to perform security sustainability review services. This Agreement was competitively bid.

The U. T. System Information Security Office will closely monitor the spend over the life of the Agreement.

14. Contract (funds going out) - U. T. System: Amendment to Agreement with Neos Consulting Group, LLC, to provide Enterprise Resource Planning (ERP) staff augmentation services to support the Office of Shared Information Services

Agency: Neos Consulting Group, LLC

Funds: Not to exceed \$1,250,000

Period: March 1, 2020 through March 11, 2021; with option to renew for two additional one-year terms

Description: Neos Consulting Group, LLC, to provide staff augmentation services and Enterprise Resource Planning (ERP) resources to support projects for all campuses and entities Shared Information Services (SIS) supports. The original contract dated March 12, 2018, had a fee cap of \$750,000 and did not require Board approval. This Amendment increases the fee cap to \$1,250,000. This request is due to expanded scope of PeopleSoft projects being supported by SIS and will be paid for by redistributing previously budgeted and unused dollars from other nonexclusive contracts in place to support this change. The initial contract was competitively bid.

15. Contract (funds going out) - U. T. System: Amendment to Agreement with r2 Technologies, Inc., to provide PeopleSoft information technology staff augmentation services to support the Office of Shared Information Services

Agency: r2 Technologies, Inc.

Funds: Amendment to existing contract for an addition of up to \$1,000,000, bringing the estimated contract total of \$3,000,000

Period: March 1, 2020 through November 13, 2021; with option to renew for two additional one-year terms

Description: Amendment of existing Agreement with r2 Technologies, Inc., to continue providing staff augmentation services for PeopleSoft information technology resources to support projects for all campuses and entities Shared Information Services (SIS) supports. The original contract was approved by the Board on November 15, 2018, and had a fee cap of \$2,000,000. This Amendment increases the fee cap to \$3,000,000. This increase is due to expanded scope of PeopleSoft projects being supported by SIS and will be paid for by redistributing previously budgeted and unused dollars from other nonexclusive contracts in place to support this change. The initial contract was competitively bid.

16. Contract (funds going out) - U. T. System: Amendment to existing Agreement with The Burgundy Group, Inc., to continue to perform enhancement services and break-fix support for the Office of Shared Information Services

Agency: The Burgundy Group, Inc.

Funds: Amendment to existing contract for an addition of up to \$1,900,000, bringing the estimated contract total to \$3,900,000

Period: April 4, 2020 through April 3, 2022; with option to renew for two additional one-year terms

Description: Amendment of existing Agreement with The Burgundy Group, Inc., to continue providing the Office of Shared Information Services with professional services necessary to support break-fix and enhancement services in the following PeopleSoft application suites: Finance, Human Capital Management, Campus Solutions, and PeopleSoft Interaction Hub (formally PeopleSoft Portal). The initial contract was approved by the Board on May 10, 2017, and an amendment was approved by the Board on May 1, 2018. This amendment extends the term of the Agreement by one year and increases the contract cap from \$2,00,000 to \$3,900,000. Shared Information Services has previously allocated budget for this work. The initial contract was competitively bid.

17. Contract (funds going out) - U. T. System: Amendment to existing Agreement with ERP Analysts, Inc., to continue to perform enhancement services and break-fix support for the Office of Shared Information Services

Agency: ERP Analysts, Inc.

Funds: Amendment to existing contract for an addition of up to \$1,550,000, bringing the estimated contract total to \$3,550,000

Period: April 2, 2020 through April 1, 2022; with option to renew for two additional one-year terms

Description: Amendment of existing Agreement with ERP Analyst, Inc., to continue providing the Office of Shared Information Services with professional services necessary to support break-fix and enhancement services in the following PeopleSoft application suites: Finance, Human Capital Management, Campus Solutions, and PeopleSoft Interaction Hub (formally PeopleSoft Portal). The initial contract was approved by the Board on May 10, 2017, and an amendment was approved by the Board on May 1, 2018. This amendment extends the term of the Agreement by one year and increases the contract cap from \$1,550,000 to \$3,550,000. Shared Information Services has previously allocated budget for this work. The initial contract was competitively bid.

18. Contract (funds going out) - U. T. System: Medline Industries, Inc., to distribute medical and surgical products to U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston, and U. T. M. D. Anderson Cancer Center

Agency: Medline Industries, Inc.

Funds: \$960,000,000 total contract spend by U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston, and U. T. M. D. Anderson Cancer Center over the full term of Agreement, including possible extensions. The Agreement also allows for participation by other institutions, if and when U. T. System and Medline discuss and agree on appropriate business terms relating to such participation.

Period: November 1, 2019 through December 31, 2021; with option to renew for three additional two-year terms

Description: The Master Agreement aggregates the demand for distribution of medical and surgical products at the institutions noted above and leverages this demand to secure better supply terms than any individual institution could achieve on its own. The Master Agreement was negotiated by the U. T. System Supply Chain Alliance and provides for enhancements to pricing and other terms under a supply contract that was competitively procured by Premier Healthcare Alliance, an external group purchasing organization accredited by U. T. System as meeting its procurement standards.

The Master Agreement qualifies for exemption from approval by the U. T. System Board of Regents under Regents' *Rules and Regulations*, Rule 10501, Section 2.2.7, which exempts purchases made under a group purchasing program that follow applicable statutory and regulatory standards. However, the Executive Vice Chancellor for Business Affairs requested that the Agreement be presented to the Board for approval because of the amount of anticipated contract spend.

The Master Agreement contains a provision requiring review and approval by the Board.

19. Contract (funds going out) - U. T. System: Jaggaer, LLC (formerly SciQuest) to license and implement software to equip six U. T. institutions with an eCommerce solution for commonly purchased goods and services

Agency: Jaggaer, LLC (formerly SciQuest)

Funds: Five-year software subscription service (with fees paid directly by U. T. institutions) for an aggregate amount of approximately \$2,100,000

Period: September 28, 2019 through September 27, 2024

Description: U. T. System recently executed an Agreement with Jaggaer, LLC, to license eCommerce tools that will facilitate Amazon-like shopping for goods and services purchased by six U. T. institutions (U. T. System Administration, U. T. Arlington, U. T. Permian Basin, U. T. Tyler, U. T. Health Science Center - San Antonio, and U. T. Health Science Center - Tyler). This Agreement extends earlier subscriptions of eCommerce tools from SciQuest by the same institutions, as approved by the Board of Regents on November 9, 2016, for an amount estimated not to exceed \$1,400,000.

The six U. T. institutions (U. T. System Administration, U. T. Arlington, U. T. Permian Basin, U. T. Tyler, U. T. Health Science Center - San Antonio, and U. T. Health Science Center - Tyler) are projected to continue realizing cost savings, personnel cost avoidances, and purchasing efficiencies from utilization of the eCommerce tools. U. T. System Administration executed an exclusive acquisition justification form to document the need to continue utilizing the software from Jaggaer.

20. Contract (funds going out) - U. T. System: PaymentWorks, Inc., to provide vendor onboarding and information management software

Agency: PaymentWorks, Inc.

Funds: To be paid by U. T. System under this Agreement and reimbursed to U. T. System Administration by the requesting U. T. institutions. Total contract value of \$1,022,500 over the full contract term, including renewal options.

Period: December 20, 2019 through December 19, 2024; with option to renew for two additional one-year terms

Description: PaymentWorks, Inc., will provide the requesting institution(s) with vendor information management software services to assist with on-boarding vendors, maintenance, and updating vendor information. The participating institutions are: U. T. System Administration, U. T. Arlington, U. T. Rio Grande Valley, U. T. Permian Basin, U. T. Dallas, U. T. El Paso, U. T. San Antonio, and U. T. Tyler. This Agreement was competitively bid.

21. Contract (funds going out) - U. T. System: Amendments to Agreements with Grant Cooper & Associates, Inc., Isaacson Miller, Inc., Korn Ferry International, Opus Executive Partners, Russell Reynolds Associates, Inc., Storbeck Pimentel & Associates, and Witt/Kieffer Inc. to provide Executive Search services to U. T. System and U. T. institutions

It is recommended that the Board of Regents approve amendments to existing contracts for executive search services to 1) extend the contract termination date for contracts with all firms listed below from March 1, 2020 to August 31, 2020; and 2) increase the Fee Cap for contracts with four of those firms as noted below, consistent with the extended contracts.

The initial agreement with each firm was awarded following a Request for Proposal (RFP) process finalized on September 27, 2017. A recent assessment of the approach by U. T. System and U. T. institutions to the use of executive search services resulted in plans to issue a new RFP, with selection of vendors to be made no later than September 1, 2020. The recommended term extension and Fee Cap increases will allow for continued use of executive search services by U. T. System and U. T. institutions until new agreements can be awarded following the RFP process. The proposed Fee Cap increases are based on utilization of each agreement over the last year. With the exception of the agreements with Opus Executive Partners and Storbeck Pimentel & Associates, which did not require earlier Board approval as the contract caps fell within the contract delegation threshold, the contract term and Fee Caps for all firms were approved by the Board on February 26, 2019.

Firm	Fee Cap
Grant Cooper & Associates	\$2,500,000, up from \$1,720,000
Isaacson Miller, Inc.	\$1,720,000 (no change)
Korn Ferry International	\$4,200,000, up from \$3,720,000
Opus Executive Partners	\$1,200,000, up from \$900,000
Russell Reynolds Associates, Inc.	\$1,720,000 (no change)
Storbeck Pimentel & Associates	\$1,200,000, up from \$900,000
Witt/Kieffer Inc.	\$1,720,000 (no change)

22. Real Estate Report - U. T. System: Summary Report of Separately Invested Assets Managed by U. T. System

**THE UNIVERSITY OF TEXAS SYSTEM
SEPARATELY INVESTED ASSETS
Managed by U. T. System
Summary Report at November 30, 2019**

		FUND TYPE							
		Current Purpose Restricted		Endowment and Similar Funds		Annuity and Life Income Funds		TOTAL	
		Book	Market	Book	Market	Book	Market	Book	Market
Land and Buildings:									
Ending Value									
08/31/2019	\$	1,666,062	\$ 18,221,384	\$ 96,364,408	\$ 493,315,684	\$ 137,270	\$ 204,284	\$ 98,167,740	\$ 511,741,352
Increase or Decrease									
		1,545,585	1,545,585	(287,791)	(9,208,702)	-	-	1,257,794	(7,663,117)
Ending Value									
11/30/2019	\$	3,211,647	\$ 19,766,969	\$ 96,076,617	\$ 484,106,982	\$ 137,270	\$ 204,284	\$ 99,425,534	\$ 504,078,235
Other Real Estate:									
Ending Value									
08/31/2019	\$	-	\$ -	\$ 5	\$ 5	\$ -	\$ -	\$ 5	\$ 5
Increase or Decrease									
		-	-	-	-	-	-	-	-
Ending Value									
11/30/2019	\$	-	\$ -	\$ 5	\$ 5	\$ -	\$ -	\$ 5	\$ 5

Report prepared in accordance with Sec. 51.0032 of the *Texas Education Code*. Details of individual assets by account furnished on request.

Note: Surface estates are managed by the U. T. System Real Estate Office. Mineral estates are managed by U. T. System University Lands. The royalty interests received from the Estate of John A. Jackson for the John A. and Katherine G. Jackson Endowed Fund in Geosciences are managed by the U. T. Austin Geology Foundation, with the assistance of the Bureau of Economic Geology.

ACADEMIC AFFAIRS COMMITTEE

23. Contract - U. T. System: Approval of Memorandum of Understanding between U. T. System and the National Technology & Engineering Solutions of Sandia, LLC, Operator of Sandia National Laboratories

Agency: National Technology & Engineering Solutions of Sandia, LLC, Operator of Sandia National Laboratories

Funds: No exchange of funds

Period: November 25, 2019 through November 25, 2029

Description: U. T. System and the National Technology & Engineering Solutions of Sandia, LLC, Operator of Sandia National Laboratories, entered into a Memorandum of Understanding (MOU) to provide the basis for implementing increased interactions and collaborations between individual staff, faculty, and students at Sandia and the U. T. institutions so as to achieve a greater mutual impact on national security. This MOU updates and replaces an existing memorandum and reflects the change in the administration of Sandia National Laboratory. The MOU acknowledges *Texas Education Code* Section 54.221, which provides Sandia employees and their families the ability to pay in-state tuition and fees charged to residents of the State of Texas when enrolled in a U. T. institution.

24. Other Matters - U. T. System Academic Institutions: Approval of Sexual Harassment and Sexual Misconduct Policies

Sexual misconduct policies for the following U. T. System academic institutions have been revised and are recommended by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel to the Board for approval, as required by federal law as referenced in Regents' *Rules and Regulations*, Rule 30105 (Sexual Harassment, Sexual Misconduct, and Consensual Relationships):

U. T. Arlington;
U. T. Austin;
U. T. Dallas;
U. T. Permian Basin;
U. T. Rio Grande Valley; and
U. T. Tyler.

The Office of Systemwide Compliance recently revised its Model Policy, set forth on the following pages, to comply with recent state law changes passed in SB 212 and HB 1735. Consequently, six U. T. academic institutions revised their existing policies. The revised policies have been reviewed by the Office of Systemwide Compliance and

the Office of General Counsel. The revised policies comply with applicable laws and regulations and are consistent with the substantive provisions of the Model Policy.

The substantive changes to the Model Policy are as follows:

- Revising the definition of “Responsible Employee” so that all employees have a duty to report incidents and information reasonably believed to be sexual misconduct to the Title IX Coordinator (or Deputy Coordinator).
- Including a definition of “Confidential Employee”;
- Adding state law provisions to the “Confidential Employee” role that require a duty to report the type of incident to the Title IX Coordinator (or Deputy Coordinator), while maintaining privacy and confidentiality of the person seeking confidential services.
- Revising the section on “Immunity” to protect from disciplinary action employees and students who act in good faith in reporting a complaint or participating in an investigatory and disciplinary process.
- Clarifying the complainant’s right to request the university not to investigate, and the university’s obligation to consider the interests and safety risks of the campus community when making such a determination.
- Revising the section on “Interim Measures” to acknowledge possible impacts to implementing interim measures without the Complainant’s consent to disclose his or her identity to the relevant personnel involved in such matters.
- Including provisions to ensure reasonable and equitable access to all of the evidence relevant to the alleged violations in the university’s possession in the investigatory and disciplinary processes.
- Adding the state law provision of “failure to report” as an additional conduct violation of the policy is subject to disciplinary action, including termination.

The University of Texas System
Office of Systemwide Compliance Model Policy

1. Title

Sexual Misconduct Policy

For Immediate Reporting:

**[INSERT TITLE IX OFFICE
CONTACT INFORMATION
and LINK TO WEBSITE]**

Also, please see Section 3.1
below for detailed information.

2. Policy

Sec. 1 General Policy Statement.

1.1 **[Name of Institution]** (the University) is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct, as defined in Part 3, Definitions and Examples, will not be tolerated and will be subject to disciplinary action.

1.2 The University will promptly discipline any individuals or organizations within its control who violate this Policy. The University encourages you to promptly report violations of this Policy to the Title IX Coordinator or Deputy Coordinators (collectively “Title IX Office”) or a Responsible Employee, as identified in Section 3.3 below.

1.3 Free Speech. This Policy encourages and respects the right of free speech guaranteed by the First Amendment of the Constitution and the principles of academic freedom. Constitutionally protected expression cannot be considered harassment under this policy. Each faculty member is entitled to full freedom in the classroom in discussing the subject which they teach. The right to free speech and principles of academic freedom are not absolute, however. The offensive conduct underlying some incidents might be protected speech, but it may still be in contradiction to the University’s commitment to academic freedom, integrity, honesty, dignity, respect and honorable conduct (*see generally* Regents Rule 10901, *Statement of U.T. System Values and Expectations*). In these instances, constitutional rights will continue to be protected, but the University will also exercise its right to speak and engage in educational dialogue with those engaged in these types of behaviors. Further, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment and, thus, violates this policy.

Sec. 2 Applicability. This Policy applies to all University administrators, faculty, staff, students, and third parties within the University’s control, including visitors and

The University of Texas System
Office of Systemwide Compliance Model Policy

applicants for admission or employment. It applies to conduct regardless of where it occurs, including off University property, if it potentially affects the complainant's education or employment with the University or potentially affects the University community. It also applies regardless of the gender, gender identity or sexual orientation of the parties. In addition, it applies to any complaint made verbally or in writing.

Sec. 3 Filing a Complaint and Reporting Violations.

3.1 Title IX Coordinator and Deputy Coordinators. The Title IX Coordinator and Deputy Coordinators are: **[Insert Names/Contact info for Coordinators]**

3.2 All Members of the University Community, Third Parties and anonymous Complainants are strongly encouraged to immediately report any incidents of sexual misconduct and other inappropriate sexual conduct to the Title IX Office.

- a. Anonymity. You may file an anonymous complaint by telephone, in writing or electronically **[INSERT LINK TO WEBSITE REPORTING SYSTEM]** with the Title IX Office. Your decision to remain anonymous, however, may greatly limit the University's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating the Policy.
- b. Confidentiality. Most University employees are required to report and respond to complaints of sexual misconduct and may be unable to honor a request for confidentiality. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section 3.6 below.
- c. Timeliness of Complaint. You should report sexual misconduct as soon as you become aware of such conduct.

3.3 Responsible Employees. You may also report incidents to Responsible Employees, as defined below.

3.4 Reporting to Law Enforcement. You may also make a complaint with The University of Texas at **[institution]** Police Department at **[insert phone]** (non-emergency) or **[insert phone]** (emergency) or to the City of **[insert]** Police Department **[phone]** (non-emergency) or 911 (emergency) or to other local law enforcement authorities. The Title IX Office can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the University Police Department.

3.5 Reporting to Outside Entities. You may also contact the following external agencies:

For students:

Office of Civil Rights

The University of Texas System
Office of Systemwide Compliance Model Policy

U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
214-661-9600
214-661-9587 (fax)

Office for Civil Rights
U.S. Department of Health and Human Services
1301 Young Street, Suite 1169
Dallas, TX 75202
Phone: (800) 537-7697
FAX: (214) 767-0432

For employees:

U.S. Equal Employment Opportunity Commission
Dallas District Office
207 S. Houston Street, 3rd Floor
Dallas, TX 75202
Phone: (800) 669-4000
FAX: (214) 253-2720

Texas Workforce Commission
Civil Rights Division
101 E. 15th Street
Room 144-T
Austin, TX 78778-0001
512-463-2642

3.6 Confidential Support and Resources. Students may discuss an incident with Confidential Employees (as defined below) or an off-campus resource (i.e. rape crisis center, doctor, psychologist, etc.) without concern that the person's identity will be reported to the Title IX Office. Employees may also seek assistance from the Employee Assistance Program, their own personal health care provider, the clergyperson of their choice, or an off-campus rape crisis resource without concern that the person's identity will be reported to the Title IX Office.

The University and community resources that provide confidential services are: **[insert resources]**

3.7 Immunity. In an effort to encourage reporting of sexual misconduct, the University will grant immunity from student and/or employee disciplinary action to a person who acts in good faith in reporting a complaint, participating in an investigation, or participating in a disciplinary process. This immunity does not extend to the person's own violations of this Policy.

The University of Texas System
Office of Systemwide Compliance Model Policy

Sec. 4. Parties' Rights Regarding Confidentiality. The University has great respect for the privacy of the parties in a complaint. Under federal and state law, however, Responsible Employees (defined below) who receive a report of sexual misconduct must share that information with the Title IX Office. Those individuals may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the complainant's request for confidentiality.

In making determinations regarding requests for confidentiality, requests to not investigate, and/or the disclosure of identifying information to the respondent, the Title IX Coordinator must deliberately weigh the rights, interests, and safety of the complainant, the respondent and the campus community. Factors the University must consider when determining whether to investigate an alleged incident of sexual misconduct include, but are not limited to:

- The seriousness of the alleged incident;
- Whether the University has received other reports of alleged sexual misconduct by the alleged respondent;
- Whether the alleged incident poses a risk or harm to others; and
- Any other factors the University determines relevant.

If the complainant requests the University not to investigate, the Title IX Coordinator must inform the complainant of the decision whether or not to investigate.

In the course of the investigation, the University may share information only as necessary with people who need to know in compliance with the law, which may include but is not limited to the investigators, witnesses, and the respondent. The University will take all reasonable steps to ensure there is no retaliation against the parties or any other participants in the investigation.

Sec. 5. Resources and Assistance.

5.1 Immediate Assistance.

[List on and off University resources for health care, police, and counseling]

- A. Healthcare. If you experience any form of sexual, domestic, or dating violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse

The University of Texas System
Office of Systemwide Compliance Model Policy

Examiner (SANE) within 4 days of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of [insert hospital with SAFE capabilities] or the nearest hospital that provides SAFE services.

For more information about the SAFE, see https://www.texasattorneygeneral.gov/files/cvs/sexual_assault_examination.pdf. The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

- B. Police Assistance. If you experienced or witnessed sexual misconduct, the University encourages you to make a report to the police. The police may, in turn, share your report with the Title IX Office.

A police department's geographic jurisdiction depends on where the sexual misconduct occurred. Thus, if the incident occurred on the University campus, you may file a report with the [insert campus police name] by calling [number] or in person at [insert institution PD name] headquarters at [insert address], even if time has passed since the assault occurred.

[Institution PD name] can also assist with filing any protective orders. Reporting an assault to law enforcement does not mean the case will automatically go to criminal trial or to a University disciplinary hearing. If the University police are called, a uniformed officer will be sent to the scene to take a detailed statement. A police department counselor may also provide you with a ride to the hospital. You may also file a report with the University police even if the assailant was not a University student or employee. If the incident occurred in the City of [insert City name], but off campus, you may also file a report with the [City] Police Department, even if time has passed since the assault occurred. If a report is made to the police, a uniformed officer will usually be dispatched to the location to take a written report.

- C. Counseling and Other Services. If you experience sexual misconduct, you are strongly encouraged to seek counseling or medical and psychological care even if you do not plan to request a SAFE or report the assault to the police. You may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed. Similarly, other individuals impacted or affected by a sexual misconduct complaint are encouraged to seek counseling or psychological care.

You may receive medical care at the University Health Services (for students only), at a local emergency room, or by a private physician. You

The University of Texas System
Office of Systemwide Compliance Model Policy

may also be provided with psychological support by the University Counseling and Psychological Services (students), Employee Assistance (employees), a referral through the Employee Assistance Program, or a care provider of your choosing.

Students desiring counseling should contact:

[insert office and contact information]

Faculty and staff should contact:

[insert office and contact information]

5.2 Interim Measures.

The University will offer reasonably available individualized services to the parties involved in an alleged incident of sexual misconduct, when applicable.

Interim measures may include but are not limited to reassignment, suspension, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort services, restrictions on contact between the parties, change in work or housing locations, leaves of absences, increased security and monitoring of certain areas of campus or other similar accommodations tailored to the individualized needs of the parties.

The University's ability to implement interim measures may be affected if the Complainant requests that the University not disclose the Complainant's identity to relevant University personnel involved in implementing interim measures.

Sec. 6 The Investigation Process—What You Need to Know.

6.1 Key Officials in an Investigation.

A. Title IX Coordinator. The Title IX Coordinator is the senior University administrator who oversees the University's compliance with Title IX. The Title IX Coordinator is responsible for overseeing the administrative response to reports of sexual misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators.

Any member of the University community may contact the Title IX Coordinator with questions.

B. Investigators. The Title IX Coordinator will ensure that complaints are properly investigated under this Policy. The Title IX Coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this Policy. The Title IX Deputy Coordinators will supervise and advise the Title IX investigators when

The University of Texas System
Office of Systemwide Compliance Model Policy

conducting investigations and update the Title IX Coordinator as necessary.

6.2 Notification of University Offices Offering Assistance. After receiving a complaint, the Title IX Office will inform the parties of available resources and assistance. While taking into consideration requested confidentiality, the [insert student victim resource coordinator info] for students and [Employee Relations] office may serve as a liaison between the parties and the Title IX Office during the investigation.

6.3 Informal Resolution of Certain Complaints. (OPTIONAL)

Both parties may voluntarily agree to use this option instead of or before the formal resolution process but are not required to do so. Also, this option is not permitted for sexual violence cases. Anyone who believes that they have been subjected to sexual misconduct may immediately file a formal complaint as described in Section 3 of this Policy. Anyone interested in the informal resolution process, should contact the Title IX Coordinator. Before beginning the informal resolution process, the Title IX Coordinator must provide both parties full disclosure of the allegations and their options for formal resolution. At any time during the informal resolution process, the complainant may elect to discontinue to informal resolution process and file a formal complaint.

- A. Informal Assistance. If informal assistance is appropriate, the individual will be provided assistance in informally resolving the alleged sexual misconduct. Assistance may include providing the complainant with strategies for communicating with the offending party that the behavior is unwelcomed and should cease, directing a University official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, the University may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct.
- B. Timeframe. Informal resolutions of a complaint will be concluded as soon as possible.
- C. Documentation. The University will document and record informal resolutions. The Title IX Coordinator will retain the documentation.

6.4 Formal Complaint and Investigation.

Formal Complaint. To begin the investigation process, the complainant should submit a written statement setting out the details of the conduct that is the subject of the complaint, including the following:

- complainant's name and contact information;
- name of the person directly responsible for the alleged violation;
- detailed description of the conduct or event that is the basis of the alleged violation;

The University of Texas System
Office of Systemwide Compliance Model Policy

- date(s) and location(s) of the alleged occurrence(s);
- names of any witnesses to the alleged occurrence(s); the resolution sought; and
- any documents or information that is relevant to the complaint.

The University may initiate an investigation regardless of the manner in which a complaint is received or whether a complaint is received at all. However, the complainant is strongly encouraged to file a written complaint. If the complaint is not in writing, the investigator should prepare a statement of what they understand the complaint to be and ask the complainant to verify that statement. The University office receiving the complaint must refer the complaint to the Title IX Coordinator.

Investigation.

- A. After an investigator is assigned, the respondent will be provided notice of the complaint and be allowed a reasonable time to respond in writing.
- B. The parties may present any information and evidence that may be relevant to the complaint, including the names of any witnesses who may provide relevant information.
- C. The investigators will interview relevant and available witnesses. Neither the complainant nor the respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.
- D. The investigation of a complaint will be concluded as soon as possible after receipt of the complaint. The parties should be provided updates on the progress of the investigation.
- E. After the investigation is complete, a written report¹ will be issued to the Title IX Coordinator and the appropriate administrator. The report shall include factual findings and a preliminary conclusion regarding each allegation of whether a policy violation occurred (based on a “preponderance of the evidence” standard).
- F. After the written report is completed, both parties will be allowed to inspect the report and will have reasonable and equitable access to all of the evidence relevant to the alleged violation(s) in the University’s possession, subject to FERPA and Texas Education Code, Section 51.971. Each party will have 7 business days to submit written comments regarding the investigation to the Title IX Coordinator.

¹ Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971.

The University of Texas System
Office of Systemwide Compliance Model Policy

G. Within 7 business days after the deadline for receipt of comments from the parties, the Title IX Coordinator (or designee) will:

- request further investigation into the complaint;
- dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or
- find that the Policy was violated.

H. If it is determined that the Policy was violated, the matter will be referred for disciplinary action.

I. The parties shall be informed concurrently in writing of the decision in accordance with section 6.4.F of this Policy.

J. If disciplinary action or sanction(s) is warranted, it will be imposed in accordance with the applicable policies and procedures.

6.5 Standard of Proof. All investigations will use the preponderance of the evidence standard, as defined in Part 3, Definitions and Examples, to determine violations of this Policy.

6.6 Timeliness. Best efforts will be made to complete the complaint process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the University may defer its fact-gathering until after the initial stages of a criminal investigation. In such an instance, the University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time, the University will move forward.

The filing of a complaint under this Policy does not excuse the complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the University's investigation of the complaint.

6.7 Due Process and Privacy Rights.

- The University will strive to ensure that the steps it takes to provide due process to the respondent will not restrict or delay the protections provided by Title IX to the complainant.
- The Family Educational Rights and Privacy Act (FERPA) does not override federally protected due process rights of a respondent.

6.8 Remedies. In addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s), including but not limited to those below to resolve complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

The University of Texas System
Office of Systemwide Compliance Model Policy

- (a) Imposing sanctions against the respondent, including attending training, suspension, termination or expulsion;
- (b) Ensuring the parties do not share classes, working environments or extracurricular activities;
- (c) Making modifications to the on campus living arrangements of the parties;
- (d) Providing comprehensive services to the parties including medical, counseling and academic support services, such as tutoring;
- (e) Providing the parties extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- (f) Determining whether sexual misconduct adversely affected the complainant's University standing;
- (g) Designating an individual specifically trained in providing trauma-informed comprehensive services;
- (h) Conducting a University climate check to assess the effectiveness of sexual misconduct prevention measures;
- (i) Providing targeted training for a group of students, including bystander intervention and sexual misconduct prevention programs;
- (j) Issuing policy statements regarding the University's intolerance of sexual misconduct.

6.9 Sanctions and Discipline. Disciplinary action will be handled under the appropriate disciplinary policy depending on the status of the respondent.

[LINK TO APPROPRIATE POLICIES]

Sec. 7. Provisions Applicable to the Investigation.

- 7.1 Assistance. During the investigation process, both parties may be assisted by an advisor, who may be an attorney; however, the advisor may not actively participate in a meeting or interview.
- 7.2 Time Limitations. Time limitations in these procedures may be modified by the Title IX Coordinator or appropriate administrator on a written showing of good cause by the parties or the University.
- 7.3 Concurrent Criminal or Civil Proceedings. The University will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The University has an independent duty to investigate complaints of sexual misconduct. (Except as provided in Sec. 6.7).
- 7.4 Documentation. The University shall document complaints and their resolution and retain copies of all materials in accordance with state and federal records laws and University policy.

The University of Texas System
Office of Systemwide Compliance Model Policy

Sec 8. Dissemination of Policy and Educational Programs.

8.1 This Policy will be made available to all University administrators, faculty, staff, and students online at [\[insert website link\]](#) and in University publications. Periodic notices will be sent to University administrators, faculty, staff and students about the University's Sexual Misconduct Policy, including but not limited to at the beginning of each fall and spring semester. The notice will include information about sexual misconduct, including the complaint procedure, and about University disciplinary policies and available resources, such as support services, health, and mental health services. The notice will specify the right to file a complaint under this Policy and with law enforcement and will refer individuals to designated offices or officials for additional information.

8.2 Ongoing Sexual Misconduct Training. The University's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained University personnel. Preventive education and training programs will be provided to University administrators, faculty, staff, and students and will include information about primary prevention, risk reduction, and bystander intervention: [\[Link to web page with training provided\]](#)

8.3 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year about offenses, investigatory procedures, due process, and University policies related to sexual misconduct. 8.4 Annual Reporting and Notice. The University's Title IX General Policy Statement will be made available to all students, faculty, and employees online, in required publications and in specified departments.

Sec. 9. Additional Conduct Violations.

9.1 Retaliation. Any person who retaliates against the parties or any other participants in an investigation or disciplinary process relating to a complaint, or any person who under this Policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in an investigation believes they have been subject to retaliation, they should immediately report the alleged retaliatory conduct to the Title IX Office. [\[INSERT CITE TO RETALIATION POLICY\]](#)

9.2 False Complaints. Any person who knowingly files a false complaint under this Policy is subject to disciplinary action up to and including dismissal or separation from the University. A finding that a respondent is not responsible for the sexual misconduct alleged does not imply a report was false.

9.3 Interference with an Investigation. Any person who interferes with an investigation conducted under this Policy is subject to disciplinary action up to

The University of Texas System
Office of Systemwide Compliance Model Policy

and including dismissal or separation from the University. Interference with an ongoing investigation may include, but is not limited to:

- (a) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
- (b) Removing, destroying, or altering documentation relevant to the investigation; or
- (c) Knowingly providing false or misleading information to the investigator or Title IX Office, or encouraging others to do so.

9.4 Failure to Report for Responsible Employees. Under state law, if a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

For purposes of Failure to Report, the definition of sexual harassment is broader than the definition of sexual harassment under this Policy and is defined as: Unwelcome, sex-based verbal or physical conduct that:

- (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary institution.

9.5. No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint. The filing of a complaint under this Policy will not stop or delay any action unrelated to the complaint, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated University rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a University employee. Nothing in this section shall limit the University's ability to take interim action.

Sec. 10 Documentation. The University shall confidentially maintain information related to complaints under this Policy, as required by law.

The University of Texas System
Office of Systemwide Compliance Model Policy

3. Definitions and Examples²

Complainant – The student, employee or third party who presents as the victim of any prohibited conduct under this Policy, regardless of whether that person makes the report or seeks action under this Policy.

Coercion – The use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person’s words or conduct are sufficient to constitute coercion if they eliminate a reasonable person’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include but are not limited to threatening to “out” someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone’s prior sexual activity to another person.

Confidential Employees – Confidential Employees include counselors in Counseling and Psychological Services, a health care provider in Health Services, or clergypersons. Additionally, employees who receive information regarding an incident of sexual misconduct under circumstances that render the employee’s communications confidential or privileged under other law (such as attorneys) are also considered “Confidential Employees.”

Note: Under state law, Confidential Employees who receive information regarding incidents of sexual harassment, sexual assault, dating violence or stalking committed by or against a student or an employee of the University, are required to report the **type of incident** to the Title IX Coordinator (or Deputy Coordinators). Confidential Employees may not include any information that would violate a student’s expectation of privacy. The Confidential Employee’s duty to report an incident under any other law also applies.

Consent – A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual activity.

² The definitions provided in the main body of the text are the definitions adopted by the University. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

The University of Texas System
Office of Systemwide Compliance Model Policy

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.³

Dating Violence⁴ – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined by the victim with consideration of the following factors:

- a) The length of the relationship;
- b) The type of relationship; and
- c) The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

³ Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

⁴ Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

- (a) an act, other than a defensive measure to protect oneself, by an actor that:
 - (1) is committed against a victim:
 - (A) with whom the actor has or has had a dating relationship; or
 - (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
 - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Texas Penal Code, Section 22.01 provides the criminal penalties associated with Dating Violence.

The University of Texas System
Office of Systemwide Compliance Model Policy

Domestic (Family) Violence⁵ – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of Texas.

Hostile Environment – exists when sexual harassment (which is a form of sex-based harassment) is sufficiently severe or pervasive to deny or limit the individual’s ability to participate in or benefit from the University’s programs or activities or an employee’s terms and conditions of employment.⁶ A hostile environment can be created by anyone involved in a University’s program or activity (e.g., administrators, faculty members, employees, students, and University visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the University must also find that a reasonable person in the individual’s position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual’s education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

⁵ Family Violence is defined by the Texas Family Code Section 71.004 as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections [261.001](#)(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section [71.0021](#).

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.

⁶ Depending on the facts of a particular case, the University may investigate claims of hostile work environment under this Policy, the University’s gender discrimination policy, or both. See Department of Education, Office for Civil Rights, January 2001 Revised Sexual Harassment Guidance, page 2.

The University of Texas System
Office of Systemwide Compliance Model Policy

Incapacitation – Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

The University offers the following guidance on consent and assessing incapacitation:

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

In evaluating consent in cases of alleged incapacitation, the University asks two questions:

- (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not,
- (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “YES,” consent was absent and the conduct is likely a violation of this Policy.

One need not be a medical expert in assessing incapacitation. One should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may show signs of incapacitation differently, some signs include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, incontinence or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are with?”

An individual’s level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person’s level of intoxication and capacity to give consent.

The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

Being impaired by alcohol or other drugs is no defense to any violation of this Policy.

The University of Texas System
Office of Systemwide Compliance Model Policy

Intimidation – Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Other Inappropriate Sexual Conduct – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom. Depending on the facts of a complaint, the conduct may not violate this Policy but may violate other university policies including but not limited to standards of conduct or professionalism policies.

Parties -- The term “parties” refers to the “complainant” and the “respondent” in a Title IX complaint.

Preponderance of the Evidence – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

Respondent -- The student, employee, or third party who has been accused of violating this policy.

Responsible Employee – A University employee who has the duty to report incidents of and information reasonably believed to be sexual misconduct to the Title IX Office. All employees are Responsible Employees except Confidential Employees. Responsible Employees include all administrators, faculty, staff, resident life directors and advisors, and graduate teaching assistants. Responsible Employees must report all known information concerning the incident to the Title IX Office, and must include whether a complainant has expressed a desire for confidentiality in reporting the incident.

Retaliation – Any adverse action threatened or taken against someone *because* the individual has filed, supported, provided information in connection with a complaint of sexual misconduct or engaged in other legally protected activities. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, respondent, witness or third party.

Sexual Assault⁷ – An offense that meets the definition of rape, fondling, incest, or statutory rape:

⁷ Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person’s consent; or
- b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
- c) Causing the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

The University of Texas System
Office of Systemwide Compliance Model Policy

- a) *Rape*: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b) *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c) *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation –Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

Sexual Harassment – Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in University activities; or
- b) Such conduct is sufficiently severe or pervasive that it creates a hostile environment, as defined in this Policy..

Sexual harassment is a form of sex discrimination that includes:

- a) Sexual violence, sexual assault, stalking, domestic violence and dating violence as defined herein.
- b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
 - i. unwelcome intentional touching; or
 - ii. deliberate physical interference with or restriction of movement.
- c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
 - i. explicit or implicit propositions to engage in sexual activity;
 - ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
 - iii. gratuitous remarks about sexual activities or speculation about sexual experiences;

The University of Texas System
Office of Systemwide Compliance Model Policy

- iv. persistent, unwanted sexual or romantic attention;
- v. subtle or overt pressure for sexual favors;
- vi. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
- vii. deliberate, repeated humiliation or intimidation based upon sex.

Sexual Misconduct – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. The term also includes “other inappropriate sexual conduct,” as defined above. Sexual misconduct can be committed by any person, including strangers or acquaintances.

Sexual Violence – Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.

Stalking⁸ – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition--

- a) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- b) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

⁸ Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
 - i. bodily injury or death for the other person;
 - ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - iii. that an offense will be committed against the other person's property;
- b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- c) would cause a reasonable person to:
 - i. fear bodily injury or death for himself or herself;
 - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - iii. fear that an offense will be committed against the person's property; or
 - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

The University of Texas System
Office of Systemwide Compliance Model Policy

4. Relevant Federal and State Statutes, and Standards

[Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 and its implementing regulations, 34 C.F.R. Part 106](#)

[Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e–2000e-17 and its implementing regulations 29 C.F.R. §1604 11.](#)

[Clery Act, 20 U.S.C §1092\(f\) and its implementing regulations 34 C.F.R. Part 668](#)

[FERPA Regulations, 34 C.F.R. Part 99](#)

Texas Education Code, Subchapter E-2: Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.251-51.259

Texas Education Code, Subchapter E-3: Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.281-51.291

5. Other Relevant Policies, Procedures, and Forms

[insert reference to]:

[Regents' Rules and Regulations, Rule 30105 Sexual Harassment, Sexual Misconduct, and Consensual Relationships](#)

[Regents' Rules and Regulations, Rule 31008 Termination of a Faculty Member](#)

[University of Texas Systemwide Policy UTS 184, Consensual Relationships](#)

University's Sex Discrimination Policy

Staff Discipline policy

Faculty Discipline policy

Student Discipline policy

6. System Administration Office(s) Responsible for Policy

Office of Systemwide Compliance

7. Dates Approved or Amended

[insert new date]

October 1, 2019

August 2, 2018

The University of Texas System
Office of Systemwide Compliance Model Policy

April 6, 2015
February 21, 2012

8. Contact Information

Questions or comments about this Policy should be directed to:

SystemwideTitleIX@utsystem.edu

25. Contract (funds going out) - U. T. Arlington: Carpet Services, Inc., to provide flooring installation services

Agency: Carpet Services, Inc.

Funds: \$4,000,000 over the potential 10-year term

Period: December 1, 2019 through November 30, 2023; with option to renew for six additional one-year terms

Description: Carpet Services, Inc., to provide new flooring installation services to include vinyl planks, vinyl composition tile, or a carpet material, both tiles and/or roll goods. This Agreement was competitively bid.

26. Contract (funds going out) - U. T. Arlington: Instructional Connections, LLC, to provide academic coaching services

Agency: Instructional Connections, LLC

Funds: \$65,000,000 for all terms, including possible extensions

Period: January 1, 2020 through December 31, 2024; with option to renew for one additional five-year term

Description: Instructional Connections, LLC, to provide academic coaching services in support of the University's online courses and programs. This Agreement was competitively bid.

27. Contract (funds coming in) - U. T. Austin: License Agreement with IMG College LLC for licensing of multimedia rights relating to Intercollegiate Athletics
- Agency: IMG College LLC, a Delaware limited liability company (IMG)
- Funds: U. T. Austin will be paid approximately \$15,000,000 in sponsorship royalties during the first year of the multimedia rights License Agreement, escalating annually, with approximately \$25,000,000 in sponsorship royalties by the thirteenth and final year of the License Agreement. U. T. Austin will also continue to receive approximately \$12,000,000 in television broadcast royalties from the Longhorn Network Agreement with U. T. Austin, IMG, and ESPN, Inc., during the first year of the Agreement, escalating annually, and culminating with approximately \$19,000,000 in television broadcast royalties during the twelfth year of the License Agreement (which is the final year of the Longhorn Network Agreement).
- Period: July 1, 2019 through June 30, 2032
- Description: U. T. Austin will license to IMG certain rights to sponsorship opportunities associated with Intercollegiate Athletics, including rights related to radio and television broadcasts, physical and electronic signage, promotions, and the production, sale, and distribution of programs and printed materials.
28. Request for Budget Change - U. T. Austin: Transfer \$5,100,000 from Interest on Temporary Investments - Designated Funds, Investment Income to Interest on Temporary Investments - Designated Funds, Allocation for Budget Adjustments based on revised income projections (RBC No. 10984) -- amendment to the 2019-2020 budget
29. Request for Budget Change - U. T. Austin: Transfer \$10,361,564 from Reserve - AUF - Instruction - Allocation for Budget Adjustments to Repair and Renovation safety and code - Allocated for Budget for repair and renovation funding (RBC No. 10986) -- amendment to the 2019-2020 budget
30. Request for Budget Change - U. T. Austin: Transfer \$5,500,000 from Research Infusion - Allocation for Budget Adjustments to Applied Research Labs Construction and Equipment Reserve - Allocated for funding of future capital and equipment purchases (RBC No. 10988) -- amendment to the 2019-2020 budget

31. Request for Budget Change - U. T. Austin: Transfer \$5,000,000 from Interest on Temporary Investments - Allocation for Budget Adjustments to Comal St. Child Development Center - All Expenses for expanded Child Development Center (RBC No. 10989) -- amendment to the 2019-2020 budget

The following Request for Budget Change has been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	\$ Amount	RBC #
Interest on Temporary Investments - Designated funds Allocation for Budget Adjustments		
Amount of Transfer:	\$5,000,000	10989
From: Interest on Temporary Investments - Designated funds Allocation for Budget Adjustments	\$4,000,000	
Interest on Temporary Investments - Auxiliary Funds Allocation for Budget Adjustments	\$1,000,000	
To: Comal St. Child Development Center - Plant Funds, All Expenses	\$5,000,000	

32. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for new Football Defensive Coordinator Chris Ash

The following Football Defensive Coordinator Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Chris Ash will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

Proposed: **Guaranteed compensation:**

Annual Salary: \$800,000

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Relocation: One-time relocation allowance of \$2,000

Moving allowance: maximum of \$25,000

Nonguaranteed compensation:

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the College Football Playoff Championship game: maximum of \$85,000 annually

Source of Funds: Intercollegiate Athletics

Period: December 18, 2019 through March 31, 2022

33. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for new Football Offensive Coordinator Mike Yurcich

The following Football Offensive Coordinator Coach Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Mike Yurcich will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

Proposed: **Guaranteed compensation:**

Annual Salary: \$1,700,000

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Relocation: One-time relocation allowance of \$2,000

Moving allowance: maximum of \$25,000

Nonguaranteed compensation:

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the College Football Playoff Championship game: maximum of \$85,000 annually

Source of Funds: Intercollegiate Athletics

Period: January 14, 2020 through March 31, 2023

34. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for new Football Co-Defensive Coordinator/Line Backers Coach Coleman Hutzler

The following Football Co-Defensive Coordinator/Line Backers Coach Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Coleman Hutzler will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

Proposed: **Guaranteed compensation:**

Annual Salary: \$600,000

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Relocation: One-time relocation allowance of \$2,000

Moving allowance: maximum of \$25,000

Nonguaranteed compensation:

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the College Football Playoff Championship game: maximum of \$85,000 annually

Source of Funds: Intercollegiate Athletics

Period: January 15, 2020 through March 31, 2022

35. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for new Football Associate Coach for Special Teams/Tight Ends Jay Boulware

The following Football Associate Head Coach for Special Teams/Tight Ends Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Jay Boulware will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

Proposed: **Guaranteed compensation:**

Annual Salary: \$700,000

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Relocation: One-time relocation allowance of \$2,000

Moving allowance: maximum of \$25,000

Nonguaranteed compensation:

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the College Football Playoff Championship game: maximum of \$85,000 annually

Source of Funds: Intercollegiate Athletics

Period: January 18, 2020 through March 31, 2023

36. Contract (funds coming in) - U. T. Dallas: Supreme Food Services, dba VendPro, to provide snack vending machines, products, and services

Agency: Supreme Food Services, dba VendPro

Funds: \$620,000 in revenue over a possible five-year maximum term

Period: February 1, 2020 through January 31, 2023; with option to renew for two additional one-year terms

Description: VendPro will provide vending machines and snacks for the U. T. Dallas campus at mutually agreed locations. This recommended award is the result of a competitive solicitation, involving participation by students, as required pursuant to *Texas Education Code* Section 51.945.

37. Sale - U. T. Dallas: Authorization to market and sell the land and improvements known as Lots Nine and Ten in Block Twenty-Four of Second Installment of Highland Park, an Addition to the Town of Highland Park, Dallas County, Texas, also known as 4701 Drexel Drive, Town of Highland Park, Dallas County, Texas

Description: Listing and sale of approximately 0.6828 acres of land and residential improvements located at 4701 Drexel Drive, Town of Highland Park, Dallas County, Texas, and authorization for the Executive Director of Real Estate to execute all documents, instruments, and other agreements and to take all further actions deemed necessary or advisable to list and sell the property. This property was a gift from the Margaret M. McDermott Revocable Trust for the benefit of U. T. Dallas.

Marketing Process: To be marketed through the use of a real estate broker having experience in the area and selected through a request for proposals process

Sale Price: To be negotiated as offers are submitted, but not less than fair market value.

38. Lease - U. T. Rio Grande Valley: Authorization to lease an approximately 10,600 square foot to-be-constructed building on a site located west of 4555 North Expressway 77/83, Brownsville, Cameron County, Texas, from The Hernandez Foundation, or a related entity, for mission use

Description: Lease of an approximately 10,600 square foot to-be-constructed building on a site located at west of 4555 North Expressway 77/83, Brownsville, Cameron County, Texas, from The Hernandez Foundation, or a related entity, for mission use, including academic uses related to the U. T. Rio Grande Valley's Hospitality and Tourism Management Program of the Robert C. Vackar College of Business and Entrepreneurship. The single-story facility will contain a test kitchen, restrooms/locker rooms, offices, multi-purpose classrooms and related parking. It is located adjacent to a proposed 138-key Hyatt Place Hotel and Conference Center. The Lessor is providing the facility fully improved to the institution's requirements.

The facility will be a site for instruction and practical experience regarding the management and operation of hospitality facilities and other instruction; there will be a separate affiliation agreement covering such matters.

Lessor: Hernandez Foundation, a Texas non-profit corporation, or a related entity

Term: The term commences on the date that Lessor substantially completes the construction of the project and continues for 10 years, plus two 10-year renewal options. The estimated commencement date is in early 2021.

Lease Cost: The base rent during the initial term will be \$26.00 per square foot, estimated at \$275,600 annually. Base rent for each of the renewal option periods will be the then-prevailing market rental rate. The lease will be a net lease, with all operating expenses paid by Lessee. Operating expenses are projected to be \$128,000 in the initial lease year; in addition, property taxes in the initial lease year of approximately \$110,000 may be assessed against the property. The total lease cost over the initial 10-year term will be approximately \$1,909,540 in base rent and \$2,760,000 in estimated operating expenses and property taxes. Over the 30 years of the initial lease term and both extension terms, the total cost of base rent, operating expenses, and taxes is estimated at roughly \$20,000,000. Lease costs are not to exceed fair market value as determined by independent appraisals; appraisals confidential pursuant to *Texas Education Code* Section 51.951.

Purchase Right: Beginning on the third anniversary of the term, U. T. Rio Grande Valley will have the right to purchase the property at a price established as fair market value by independent appraisal. In addition, the institution will have an ongoing right of first refusal should Lessor enter into an agreement to sell the property.

39. Employment Agreement - U. T. San Antonio: Approval of terms of Employment Agreement for new Head Football Coach Jeffrey Michael Traylor

The following Head Football Coach Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Jeffrey Michael Traylor will be in excess of \$1 million. Such employment under the Agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at San Antonio is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at San Antonio. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

Proposed: Guaranteed compensation:

Annual Salary:

January 1, 2020 through December 31, 2020: \$600,000

(plus a prorated amount for the period from

December 13, 2019 to December 31, 2019)

January 1, 2021 through December 31, 2021: \$630,000

January 1, 2022 through December 31, 2022: \$661,500

January 1, 2023 through December 31, 2023: \$694,575

January 1, 2024 through December 31, 2024: \$729,304

Automobile: At the discretion of the VP of Intercollegiate Athletics, Coach may be assigned a dealer car or \$600 monthly allowance

Social club membership: A County Club membership at a club to be determined by the University

Supplemental compensation: \$200,000 annually

Product Endorsement/Supplemental Compensation: \$200,000 per contract year for participation in agreed upon television, radio, and other media events promoting the University Football Program.

Tickets:

Twelve football season tickets

Ten tickets to away games including conference championship and Bowl Game

Moving Expenses: Not to exceed \$30,000

Executive Housing: If requested, the University will provide temporary executive housing through February 29, 2020, at a rate not to exceed a maximum of \$150 per night without prior written approval

Nonguaranteed compensation:

Sports Camps and Clinics: A portion of the net proceeds as approved by the VP for Intercollegiate Athletics

Incentives:

Team performance incentives: maximum of \$1,625,000 annually

- (a) Team achieves six regular season game wins in a season: \$50,000*
- (b) Team achieves seven regular season game wins in a season: \$100,000*
- (c) Team achieves eight regular season game wins in a season: \$150,000*
- (d) Team achieves nine regular season game wins in a season: \$250,000*
- (e) Team participates in the C-USA Championship Game: \$100,000
- (f) Team wins the C-USA Championship Game: \$25,000
- (g) Team participates in a Non-New Year's 6 Bowl Game: \$100,000
- (h) Team participates in a New Year's 6 Bowl Game: \$200,000
- (i) Team wins any Bowl Game: \$25,000
- (j) Team defeats a Power 5 program in the regular season: \$25,000
- (k) Team wins the College Football Playoff National Championship: \$500,000
- (l) C-USA Coach of the Year: \$25,000
- (m) National Coach of the Year: \$100,000
- (n) Football Ticket Sales (as calculated by University) exceed \$2 million in a season: \$150,000**
- (o) Football Ticket Sales (as calculated by University) exceed \$2.5 million in a season: \$250,000**
- (p) Football Ticket Sales (as calculated by University) exceed \$3 million in a season: \$350,000**

Those with * and ** are non-cumulative. In other words, for any particular season, Head Coach may be eligible, at most, for one of (a)-(d) and one of (n)-(p).

Description: Employment Agreement for new Head Football Coach Jeffrey Michael Traylor. Approved pursuant to Regents' *Rules and Regulations*, Rule 10501, Section 2.2.12(a).

Source of Funds: Intercollegiate Athletics

Period: December 13, 2019 through December 31, 2024

40. Lease - U. T. San Antonio: Authorization to enter into a lease for approximately 8.5 acres improved with surface parking facilities located on the Durango Loop and under IH-35, in San Antonio, Bexar County, Texas, from the Texas Department of Transportation to be used for parking by the Downtown Campus faculty, staff, and students

Description: Authorization to enter into a lease for approximately 8.5 acres improved with surface parking facilities located on the Durango Loop and under IH-35, in San Antonio, Bexar County, Texas, to be used for parking by Downtown Campus faculty, staff, and students. The lease secures approximately 8.5 acres of asphalt surface parking lots that are across the street from U. T. San Antonio's Downtown Campus. The lease is necessary due to limited on-campus parking. The permitted use under the lease is limited to parking-related operations, unless otherwise approved by the Texas Department of Transportation. U. T. San Antonio will maintain and operate the parking lots during the term of the lease.

Lessor: Texas Department of Transportation

Term: The lease commenced January 1, 2020, pending Board approval. The term is for a period of 20 years, terminating on December 31, 2039. Either party may cancel the Lease Agreement upon 24-months written notice to the other party.

Lease Cost: Base rent totals approximately \$3,857,243 from commencement of the lease through the expiration of the term. The current rent rate starts at \$17,817 per acre annually and escalates by 2.5% per year.

41. Purchase - U. T. San Antonio: Authorization to purchase approximately 1.997 acres of land, located between Dolorosa Street and West Nueva Street in the City of San Antonio, referred to as 622 Dolorosa Street and part of 227 West Nueva Street, San Antonio, Bexar County, Texas, from Bexar County, Texas, for future programmed campus expansion; and resolution regarding parity debt

Description: Purchase of approximately 1.997 acres of land, located between Dolorosa Street and West Nueva Street in the City of San Antonio, referred to as 622 Dolorosa Street and part of 227 West Nueva Street, San Antonio, Bexar County, Texas; and authorization for the Executive Director of Real Estate to execute all documents, instruments, and other agreements, and to take all further actions deemed necessary or advisable to purchase the property. The property is located east of the institution's downtown campus and will be used for future campus expansion. The land is adjacent to other property U. T. San Antonio would like to acquire and is part of U. T. San Antonio's 10-year vision and strategy for the expansion of its downtown San Antonio campus.

Seller: Bexar County, Texas

Purchase Price: Not to exceed fair market value as determined by an independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951.

Right of First Offer and Right of First Refusal: U. T. San Antonio will have the right of first offer and right of first refusal to purchase a contiguous approximately 0.624-acre property.

Source of Funds: Revenue Financing System bonds repaid out of designated tuition. The institution's Scorecard Rating of 3.9 at fiscal year-end 2019 is below the maximum threshold of 6.0 and demonstrates that the institution has the financial capacity to satisfy its direct obligations related to parity debt. In approving this item, the Board will be making the findings required under Section 5 of the Amended and Restated Master Resolution establishing the Revenue Financing System relating to the issuance of parity debt on behalf of U. T. San Antonio in an aggregate amount not to exceed fair market value as established by independent appraisal, and this action satisfies the official intent requirements set forth in Section 1.150-2 of the *Code of Federal Regulations*.

HEALTH AFFAIRS COMMITTEE

42. Other Matters - U. T. System Health Institutions: Approval of Sexual Harassment and Sexual Misconduct Policies

Sexual misconduct policies for the following U. T. System health institutions have been revised and are recommended by the Chancellor, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel to the Board for approval, as required by federal law as referenced in Regents' *Rules and Regulations*, Rule 30105 (Sexual Harassment, Sexual Misconduct, and Consensual Relationships):

U. T. Medical Branch - Galveston;
U. T. Health Science Center - Houston;
U. T. Health Science Center - San Antonio;
U. T. M. D. Anderson Cancer Center; and
U. T. Health Science Center - Tyler.

The Office of Systemwide Compliance recently revised its Model Policy, set forth on the following pages, to comply with recent state law changes passed in SB 212 and HB 1735. Consequently, five U. T. health institutions revised their existing policy. The revised policy has been reviewed by the Office of Systemwide Compliance and the Office of General Counsel. The revised policy complies with applicable laws and regulations and is consistent with the substantive provisions of the Model Policy.

The substantive changes to the Model Policy are as follows:

- Revising the definition of “Responsible Employee” so that all employees have a duty to report incidents and information reasonably believed to be sexual misconduct to the Title IX Coordinator (or Deputy Coordinator).
- Including a definition of “Confidential Employee”.
- Adding state law provisions to the “Confidential Employee” role that require a duty to report the type of incident to the Title IX Coordinator (or Deputy Coordinator), while maintaining privacy and confidentiality of the person seeking confidential services.
- Revising the section on “Immunity” to protect from disciplinary action employees and students who act in good faith in reporting a complaint or participating in an investigatory and disciplinary process.
- Clarifying the complainant’s right to request the university not to investigate, and the university’s obligation to consider the interests and safety risks of the campus community when making such a determination.
- Revising the section on “Interim Measures” to acknowledge possible impacts to implementing interim measures without the Complainant’s consent to disclose his or her identity to the relevant personnel involved in such matters.
- Including provisions to ensure reasonable and equitable access to all of the evidence relevant to the alleged violations in the university’s possession in the investigatory and disciplinary processes.
- Adding the state law provision of “failure to report” as an additional conduct violation of the policy is subject to disciplinary action, including termination.

The University of Texas System
Office of Systemwide Compliance Model Policy

1. Title

Sexual Misconduct Policy

For Immediate Reporting:

**[INSERT TITLE IX OFFICE
CONTACT INFORMATION
and LINK TO WEBSITE]**

Also, please see Section 3.1
below for detailed information.

2. Policy

Sec. 1 General Policy Statement.

1.1 **[Name of Institution]** (the University) is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct, as defined in Part 3, Definitions and Examples, will not be tolerated and will be subject to disciplinary action.

1.2 The University will promptly discipline any individuals or organizations within its control who violate this Policy. The University encourages you to promptly report violations of this Policy to the Title IX Coordinator or Deputy Coordinators (collectively “Title IX Office”) or a Responsible Employee, as identified in Section 3.3 below.

1.3 Free Speech. This Policy encourages and respects the right of free speech guaranteed by the First Amendment of the Constitution and the principles of academic freedom. Constitutionally protected expression cannot be considered harassment under this policy. Each faculty member is entitled to full freedom in the classroom in discussing the subject which they teach. The right to free speech and principles of academic freedom are not absolute, however. The offensive conduct underlying some incidents might be protected speech, but it may still be in contradiction to the University’s commitment to academic freedom, integrity, honesty, dignity, respect and honorable conduct (*see generally* Regents Rule 10901, *Statement of U.T. System Values and Expectations*). In these instances, constitutional rights will continue to be protected, but the University will also exercise its right to speak and engage in educational dialogue with those engaged in these types of behaviors. Further, some offensive conduct, even though it contains elements of speech, may rise to the level of the type of conduct that creates a sexually hostile environment and, thus, violates this policy.

Sec. 2 Applicability. This Policy applies to all University administrators, faculty, staff, students, and third parties within the University’s control, including visitors and

The University of Texas System
Office of Systemwide Compliance Model Policy

applicants for admission or employment. It applies to conduct regardless of where it occurs, including off University property, if it potentially affects the complainant's education or employment with the University or potentially affects the University community. It also applies regardless of the gender, gender identity or sexual orientation of the parties. In addition, it applies to any complaint made verbally or in writing.

Sec. 3 Filing a Complaint and Reporting Violations.

3.1 Title IX Coordinator and Deputy Coordinators. The Title IX Coordinator and Deputy Coordinators are: **[Insert Names/Contact info for Coordinators]**

3.2 All Members of the University Community, Third Parties and anonymous Complainants are strongly encouraged to immediately report any incidents of sexual misconduct and other inappropriate sexual conduct to the Title IX Office.

- a. Anonymity. You may file an anonymous complaint by telephone, in writing or electronically **[INSERT LINK TO WEBSITE REPORTING SYSTEM]** with the Title IX Office. Your decision to remain anonymous, however, may greatly limit the University's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating the Policy.
- b. Confidentiality. Most University employees are required to report and respond to complaints of sexual misconduct and may be unable to honor a request for confidentiality. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section 3.6 below.
- c. Timeliness of Complaint. You should report sexual misconduct as soon as you become aware of such conduct.

3.3 Responsible Employees. You may also report incidents to Responsible Employees, as defined below.

3.4 Reporting to Law Enforcement. You may also make a complaint with The University of Texas at **[institution]** Police Department at **[insert phone]** (non-emergency) or **[insert phone]** (emergency) or to the City of **[insert]** Police Department **[phone]** (non-emergency) or 911 (emergency) or to other local law enforcement authorities. The Title IX Office can help individuals contact these law enforcement agencies. Employees and students with protective or restraining orders relevant to a complaint are encouraged to provide a copy to the University Police Department.

3.5 Reporting to Outside Entities. You may also contact the following external agencies:

For students:

Office of Civil Rights

The University of Texas System
Office of Systemwide Compliance Model Policy

U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
214-661-9600
214-661-9587 (fax)

Office for Civil Rights
U.S. Department of Health and Human Services
1301 Young Street, Suite 1169
Dallas, TX 75202
Phone: (800) 537-7697
FAX: (214) 767-0432

For employees:

U.S. Equal Employment Opportunity Commission
Dallas District Office
207 S. Houston Street, 3rd Floor
Dallas, TX 75202
Phone: (800) 669-4000
FAX: (214) 253-2720

Texas Workforce Commission
Civil Rights Division
101 E. 15th Street
Room 144-T
Austin, TX 78778-0001
512-463-2642

3.6 Confidential Support and Resources. Students may discuss an incident with Confidential Employees (as defined below) or an off-campus resource (i.e. rape crisis center, doctor, psychologist, etc.) without concern that the person's identity will be reported to the Title IX Office. Employees may also seek assistance from the Employee Assistance Program, their own personal health care provider, the clergyperson of their choice, or an off-campus rape crisis resource without concern that the person's identity will be reported to the Title IX Office.

The University and community resources that provide confidential services are: **[insert resources]**

3.7 Immunity. In an effort to encourage reporting of sexual misconduct, the University will grant immunity from student and/or employee disciplinary action to a person who acts in good faith in reporting a complaint, participating in an investigation, or participating in a disciplinary process. This immunity does not extend to the person's own violations of this Policy.

The University of Texas System
Office of Systemwide Compliance Model Policy

Sec. 4. Parties' Rights Regarding Confidentiality. The University has great respect for the privacy of the parties in a complaint. Under federal and state law, however, Responsible Employees (defined below) who receive a report of sexual misconduct must share that information with the Title IX Office. Those individuals may need to act to maintain campus safety and must determine whether to investigate further under Title IX, regardless of the complainant's request for confidentiality.

In making determinations regarding requests for confidentiality, requests to not investigate, and/or the disclosure of identifying information to the respondent, the Title IX Coordinator must deliberately weigh the rights, interests, and safety of the complainant, the respondent and the campus community. Factors the University must consider when determining whether to investigate an alleged incident of sexual misconduct include, but are not limited to:

- The seriousness of the alleged incident;
- Whether the University has received other reports of alleged sexual misconduct by the alleged respondent;
- Whether the alleged incident poses a risk or harm to others; and
- Any other factors the University determines relevant.

If the complainant requests the University not to investigate, the Title IX Coordinator must inform the complainant of the decision whether or not to investigate.

In the course of the investigation, the University may share information only as necessary with people who need to know in compliance with the law, which may include but is not limited to the investigators, witnesses, and the respondent. The University will take all reasonable steps to ensure there is no retaliation against the parties or any other participants in the investigation.

Sec. 5. Resources and Assistance.

5.1 Immediate Assistance.

[List on and off University resources for health care, police, and counseling]

- A. Healthcare. If you experience any form of sexual, domestic, or dating violence, you are encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a medical exam to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, individuals who have experienced a sexual assault may have a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse

The University of Texas System
Office of Systemwide Compliance Model Policy

Examiner (SANE) within 4 days of the incident. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation; however, a person may undergo a SAFE even without contacting, or intending to contact, the police. To undergo a SAFE, go directly to the emergency department of [insert hospital with SAFE capabilities] or the nearest hospital that provides SAFE services.

For more information about the SAFE, see https://www.texasattorneygeneral.gov/files/cvs/sexual_assault_examination.pdf. The cost of the forensic portion of the exam is covered by the law enforcement agency that is investigating the assault or, in cases where a report will not be made to the police, the Texas Department of Public Safety. This does not include fees related to medical treatment that are not a part of the SAFE.

- B. Police Assistance. If you experienced or witnessed sexual misconduct, the University encourages you to make a report to the police. The police may, in turn, share your report with the Title IX Office.

A police department's geographic jurisdiction depends on where the sexual misconduct occurred. Thus, if the incident occurred on the University campus, you may file a report with the [insert campus police name] by calling [number] or in person at [insert institution PD name] headquarters at [insert address], even if time has passed since the assault occurred.

[Institution PD name] can also assist with filing any protective orders. Reporting an assault to law enforcement does not mean the case will automatically go to criminal trial or to a University disciplinary hearing. If the University police are called, a uniformed officer will be sent to the scene to take a detailed statement. A police department counselor may also provide you with a ride to the hospital. You may also file a report with the University police even if the assailant was not a University student or employee. If the incident occurred in the City of [insert City name], but off campus, you may also file a report with the [City] Police Department, even if time has passed since the assault occurred. If a report is made to the police, a uniformed officer will usually be dispatched to the location to take a written report.

- C. Counseling and Other Services. If you experience sexual misconduct, you are strongly encouraged to seek counseling or medical and psychological care even if you do not plan to request a SAFE or report the assault to the police. You may be prescribed medications to prevent sexually transmitted infections and/or pregnancy even if the police are not contacted or if a SAFE is not performed. Similarly, other individuals impacted or affected by a sexual misconduct complaint are encouraged to seek counseling or psychological care.

You may receive medical care at the University Health Services (for students only), at a local emergency room, or by a private physician. You

The University of Texas System
Office of Systemwide Compliance Model Policy

may also be provided with psychological support by the University Counseling and Psychological Services (students), Employee Assistance (employees), a referral through the Employee Assistance Program, or a care provider of your choosing.

Students desiring counseling should contact:

[insert office and contact information]

Faculty and staff should contact:

[insert office and contact information]

5.2 Interim Measures.

The University will offer reasonably available individualized services to the parties involved in an alleged incident of sexual misconduct, when applicable.

Interim measures may include but are not limited to reassignment, suspension, counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, withdrawal from or retake of a class without penalty, campus escort services, restrictions on contact between the parties, change in work or housing locations, leaves of absences, increased security and monitoring of certain areas of campus or other similar accommodations tailored to the individualized needs of the parties.

The University's ability to implement interim measures may be affected if the Complainant requests that the University not disclose the Complainant's identity to relevant University personnel involved in implementing interim measures.

Sec. 6 The Investigation Process—What You Need to Know.

6.1 Key Officials in an Investigation.

A. Title IX Coordinator. The Title IX Coordinator is the senior University administrator who oversees the University's compliance with Title IX. The Title IX Coordinator is responsible for overseeing the administrative response to reports of sexual misconduct and is available to discuss options, provide support, explain University policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Deputy Title IX Coordinators.

Any member of the University community may contact the Title IX Coordinator with questions.

B. Investigators. The Title IX Coordinator will ensure that complaints are properly investigated under this Policy. The Title IX Coordinator will also ensure that investigators are properly trained at least annually to conduct investigations that occur under this Policy. The Title IX Deputy Coordinators will supervise and advise the Title IX investigators when

The University of Texas System
Office of Systemwide Compliance Model Policy

conducting investigations and update the Title IX Coordinator as necessary.

6.2 Notification of University Offices Offering Assistance. After receiving a complaint, the Title IX Office will inform the parties of available resources and assistance. While taking into consideration requested confidentiality, the [insert student victim resource coordinator info] for students and [Employee Relations] office may serve as a liaison between the parties and the Title IX Office during the investigation.

6.3 Informal Resolution of Certain Complaints. (OPTIONAL)

Both parties may voluntarily agree to use this option instead of or before the formal resolution process but are not required to do so. Also, this option is not permitted for sexual violence cases. Anyone who believes that they have been subjected to sexual misconduct may immediately file a formal complaint as described in Section 3 of this Policy. Anyone interested in the informal resolution process, should contact the Title IX Coordinator. Before beginning the informal resolution process, the Title IX Coordinator must provide both parties full disclosure of the allegations and their options for formal resolution. At any time during the informal resolution process, the complainant may elect to discontinue to informal resolution process and file a formal complaint.

- A. Informal Assistance. If informal assistance is appropriate, the individual will be provided assistance in informally resolving the alleged sexual misconduct. Assistance may include providing the complainant with strategies for communicating with the offending party that the behavior is unwelcomed and should cease, directing a University official to inform the offending party to stop the unwelcomed conduct, or initiating mediation. However, the University may take more formal action, including disciplinary action, to ensure an environment free of sexual harassment or sexual misconduct.
- B. Timeframe. Informal resolutions of a complaint will be concluded as soon as possible.
- C. Documentation. The University will document and record informal resolutions. The Title IX Coordinator will retain the documentation.

6.4 Formal Complaint and Investigation.

Formal Complaint. To begin the investigation process, the complainant should submit a written statement setting out the details of the conduct that is the subject of the complaint, including the following:

- complainant's name and contact information;
- name of the person directly responsible for the alleged violation;
- detailed description of the conduct or event that is the basis of the alleged violation;

The University of Texas System
Office of Systemwide Compliance Model Policy

- date(s) and location(s) of the alleged occurrence(s);
- names of any witnesses to the alleged occurrence(s); the resolution sought; and
- any documents or information that is relevant to the complaint.

The University may initiate an investigation regardless of the manner in which a complaint is received or whether a complaint is received at all. However, the complainant is strongly encouraged to file a written complaint. If the complaint is not in writing, the investigator should prepare a statement of what they understand the complaint to be and ask the complainant to verify that statement. The University office receiving the complaint must refer the complaint to the Title IX Coordinator.

Investigation.

- A. After an investigator is assigned, the respondent will be provided notice of the complaint and be allowed a reasonable time to respond in writing.
- B. The parties may present any information and evidence that may be relevant to the complaint, including the names of any witnesses who may provide relevant information.
- C. The investigators will interview relevant and available witnesses. Neither the complainant nor the respondent will normally attend these interviews or the gathering of evidence; however, if either one is permitted to attend, the other shall have the same right.
- D. The investigation of a complaint will be concluded as soon as possible after receipt of the complaint. The parties should be provided updates on the progress of the investigation.
- E. After the investigation is complete, a written report¹ will be issued to the Title IX Coordinator and the appropriate administrator. The report shall include factual findings and a preliminary conclusion regarding each allegation of whether a policy violation occurred (based on a “preponderance of the evidence” standard).
- F. After the written report is completed, both parties will be allowed to inspect the report and will have reasonable and equitable access to all of the evidence relevant to the alleged violation(s) in the University’s possession, subject to FERPA and Texas Education Code, Section 51.971. Each party will have 7 business days to submit written comments regarding the investigation to the Title IX Coordinator.

¹ Appropriate report redactions will be made to comply with Texas Education Code, Section 51.971.

The University of Texas System
Office of Systemwide Compliance Model Policy

G. Within 7 business days after the deadline for receipt of comments from the parties, the Title IX Coordinator (or designee) will:

- request further investigation into the complaint;
- dismiss the complaint if it is determined that no violation of policy or inappropriate conduct occurred; or
- find that the Policy was violated.

H. If it is determined that the Policy was violated, the matter will be referred for disciplinary action.

I. The parties shall be informed concurrently in writing of the decision in accordance with section 6.4.F of this Policy.

J. If disciplinary action or sanction(s) is warranted, it will be imposed in accordance with the applicable policies and procedures.

6.5 Standard of Proof. All investigations will use the preponderance of the evidence standard, as defined in Part 3, Definitions and Examples, to determine violations of this Policy.

6.6 Timeliness. Best efforts will be made to complete the complaint process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, the University may defer its fact-gathering until after the initial stages of a criminal investigation. In such an instance, the University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation, or if the fact-gathering is not completed in a reasonable time, the University will move forward.

The filing of a complaint under this Policy does not excuse the complainant from meeting time limits imposed by outside agencies. Likewise, the applicable civil or criminal statute of limitations will not affect the University's investigation of the complaint.

6.7 Due Process and Privacy Rights.

- The University will strive to ensure that the steps it takes to provide due process to the respondent will not restrict or delay the protections provided by Title IX to the complainant.
- The Family Educational Rights and Privacy Act (FERPA) does not override federally protected due process rights of a respondent.

6.8 Remedies. In addition to sanctions that may be imposed pursuant to the appropriate disciplinary policy, the University will take appropriate action(s), including but not limited to those below to resolve complaints of sexual misconduct, prevent any recurrence and, as appropriate, remedy any effects:

The University of Texas System
Office of Systemwide Compliance Model Policy

- (a) Imposing sanctions against the respondent, including attending training, suspension, termination or expulsion;
- (b) Ensuring the parties do not share classes, working environments or extracurricular activities;
- (c) Making modifications to the on campus living arrangements of the parties;
- (d) Providing comprehensive services to the parties including medical, counseling and academic support services, such as tutoring;
- (e) Providing the parties extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty;
- (f) Determining whether sexual misconduct adversely affected the complainant's University standing;
- (g) Designating an individual specifically trained in providing trauma-informed comprehensive services;
- (h) Conducting a University climate check to assess the effectiveness of sexual misconduct prevention measures;
- (i) Providing targeted training for a group of students, including bystander intervention and sexual misconduct prevention programs;
- (j) Issuing policy statements regarding the University's intolerance of sexual misconduct.

6.9 Sanctions and Discipline. Disciplinary action will be handled under the appropriate disciplinary policy depending on the status of the respondent.

[LINK TO APPROPRIATE POLICIES]

Sec. 7. Provisions Applicable to the Investigation.

7.1 Assistance. During the investigation process, both parties may be assisted by an advisor, who may be an attorney; however, the advisor may not actively participate in a meeting or interview.

7.2 Time Limitations. Time limitations in these procedures may be modified by the Title IX Coordinator or appropriate administrator on a written showing of good cause by the parties or the University.

7.3 Concurrent Criminal or Civil Proceedings. The University will not wait for the outcome of a concurrent criminal or civil justice proceeding to take action. The University has an independent duty to investigate complaints of sexual misconduct. (Except as provided in Sec. 6.7).

7.4 Documentation. The University shall document complaints and their resolution and retain copies of all materials in accordance with state and federal records laws and University policy.

The University of Texas System
Office of Systemwide Compliance Model Policy

Sec 8. Dissemination of Policy and Educational Programs.

8.1 This Policy will be made available to all University administrators, faculty, staff, and students online at [\[insert website link\]](#) and in University publications. Periodic notices will be sent to University administrators, faculty, staff and students about the University's Sexual Misconduct Policy, including but not limited to at the beginning of each fall and spring semester. The notice will include information about sexual misconduct, including the complaint procedure, and about University disciplinary policies and available resources, such as support services, health, and mental health services. The notice will specify the right to file a complaint under this Policy and with law enforcement and will refer individuals to designated offices or officials for additional information.

8.2 Ongoing Sexual Misconduct Training. The University's commitment to raising awareness of the dangers of sexual misconduct includes offering ongoing education through annual training and lectures by faculty, staff, mental health professionals, and/or trained University personnel. Preventive education and training programs will be provided to University administrators, faculty, staff, and students and will include information about primary prevention, risk reduction, and bystander intervention: [\[Link to web page with training provided\]](#)

8.3 Training of Coordinators, Investigators, Hearing and Appellate Authorities. All Title IX Coordinators, Deputy Coordinators, investigators, and those with authority over sexual misconduct hearings and appeals shall receive training each academic year about offenses, investigatory procedures, due process, and University policies related to sexual misconduct. 8.4 Annual Reporting and Notice. The University's Title IX General Policy Statement will be made available to all students, faculty, and employees online, in required publications and in specified departments.

Sec. 9. Additional Conduct Violations.

9.1 Retaliation. Any person who retaliates against the parties or any other participants in an investigation or disciplinary process relating to a complaint, or any person who under this Policy opposed any unlawful practice, is subject to disciplinary action up to and including dismissal or separation from the University. If any participant in an investigation believes they have been subject to retaliation, they should immediately report the alleged retaliatory conduct to the Title IX Office. [\[INSERT CITE TO RETALIATION POLICY\]](#)

9.2 False Complaints. Any person who knowingly files a false complaint under this Policy is subject to disciplinary action up to and including dismissal or separation from the University. A finding that a respondent is not responsible for the sexual misconduct alleged does not imply a report was false.

9.3 Interference with an Investigation. Any person who interferes with an investigation conducted under this Policy is subject to disciplinary action up to

The University of Texas System
Office of Systemwide Compliance Model Policy

and including dismissal or separation from the University. Interference with an ongoing investigation may include, but is not limited to:

- (a) Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
- (b) Removing, destroying, or altering documentation relevant to the investigation; or
- (c) Knowingly providing false or misleading information to the investigator or Title IX Office, or encouraging others to do so.

9.4 Failure to Report for Responsible Employees. Under state law, if a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

For purposes of Failure to Report, the definition of sexual harassment is broader than the definition of sexual harassment under this Policy and is defined as: Unwelcome, sex-based verbal or physical conduct that:

- (a) in the employment context, unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment; or
- (b) in the education context, is sufficiently severe, persistent, or pervasive that the conduct interferes with a student's ability to participate in or benefit from educational programs or activities at a postsecondary institution.

9.5. No Effect on Pending Personnel or Academic Actions Unrelated to the Complaint. The filing of a complaint under this Policy will not stop or delay any action unrelated to the complaint, including: (1) any evaluation or disciplinary action relating to a complainant who is not performing up to acceptable standards or who has violated University rules or policies; (2) any evaluation or grading of students participating in a class, or the ability of a student to add/drop a class, change academic programs, or receive financial reimbursement for a class; or (3) any job-related functions of a University employee. Nothing in this section shall limit the University's ability to take interim action.

Sec. 10 Documentation. The University shall confidentially maintain information related to complaints under this Policy, as required by law.

The University of Texas System
Office of Systemwide Compliance Model Policy

3. Definitions and Examples²

Complainant – The student, employee or third party who presents as the victim of any prohibited conduct under this Policy, regardless of whether that person makes the report or seeks action under this Policy.

Coercion – The use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including psychological or emotional pressure, physical or emotional threats, intimidation, manipulation, or blackmail that causes the person to engage in unwelcome sexual activity. A person’s words or conduct are sufficient to constitute coercion if they eliminate a reasonable person’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include but are not limited to threatening to “out” someone based on sexual orientation, gender identity, or gender expression; threatening to harm oneself if the other party does not engage in the sexual activity; and threatening to expose someone’s prior sexual activity to another person.

Confidential Employees – Confidential Employees include counselors in Counseling and Psychological Services, a health care provider in Health Services, or clergypersons. Additionally, employees who receive information regarding an incident of sexual misconduct under circumstances that render the employee’s communications confidential or privileged under other law (such as attorneys) are also considered “Confidential Employees.”

Note: Under state law, Confidential Employees who receive information regarding incidents of sexual harassment, sexual assault, dating violence or stalking committed by or against a student or an employee of the University, are required to report the **type of incident** to the Title IX Coordinator (or Deputy Coordinators). Confidential Employees may not include any information that would violate a student’s expectation of privacy. The Confidential Employee’s duty to report an incident under any other law also applies.

Consent – A voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity. Consent to one act does not imply consent to another. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Any expression of an unwillingness to engage in any instance of sexual activity establishes a presumptive lack of consent.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation or (f) any other factor that would eliminate an individual’s ability to exercise his or her own free will to choose whether or not to have sexual activity.

² The definitions provided in the main body of the text are the definitions adopted by the University. When applicable, we have included the state law definition. In any criminal action brought by law enforcement, the state law definition will apply.

The University of Texas System
Office of Systemwide Compliance Model Policy

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be a voluntary, mutually understandable agreement that clearly indicates a willingness to engage in each instance of sexual activity.

The definition of consent for the crime of sexual assault in Texas can be found in Section 22.011(b) of the Texas Penal Code.³

Dating Violence⁴ – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined by the victim with consideration of the following factors:

- a) The length of the relationship;
- b) The type of relationship; and
- c) The frequency of interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

³ Texas Penal Code, Section 22.011(b) states that a sexual assault is without consent if: (1) the actor compels the other person to submit or participate by the use of physical force or violence; (2) the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; (3) the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; (4) the actor knows that as a result of mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it; (5) the other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; (6) the actor has intentionally impaired the other person's power to appraise or control the other person's conduct by administering any substance without the other person's knowledge; (7) the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat.

⁴ Dating Violence is defined by the Texas Family Code, Section 71.0021 as:

- (a) an act, other than a defensive measure to protect oneself, by an actor that:
 - (1) is committed against a victim:
 - (A) with whom the actor has or has had a dating relationship; or
 - (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and
 - (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault.
- (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:
 - (1) the length of the relationship;
 - (2) the nature of the relationship; and
 - (3) the frequency and type of interaction between the persons involved in the relationship.
- (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).

Texas Penal Code, Section 22.01 provides the criminal penalties associated with Dating Violence.

The University of Texas System
Office of Systemwide Compliance Model Policy

Domestic (Family) Violence⁵ – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Texas, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the state of Texas.

Hostile Environment – exists when sexual harassment (which is a form of sex-based harassment) is sufficiently severe or pervasive to deny or limit the individual’s ability to participate in or benefit from the University’s programs or activities or an employee’s terms and conditions of employment.⁶ A hostile environment can be created by anyone involved in a University’s program or activity (e.g., administrators, faculty members, employees, students, and University visitors).

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not adequate, that the conduct was unwelcome to the individual who was harassed. To conclude that conduct created or contributed to a hostile environment, the University must also find that a reasonable person in the individual’s position would have perceived the conduct as undesirable or offensive.

To ultimately determine whether a hostile environment exists for an individual or individuals, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of the persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and (5) the degree to which the conduct affected an individual’s education or employment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

⁵ Family Violence is defined by the Texas Family Code Section 71.004 as:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections [261.001](#)(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section [71.0021](#).

Texas Penal Code Section 22.01 provides the criminal penalties associated with Domestic (Family) Violence.

⁶ Depending on the facts of a particular case, the University may investigate claims of hostile work environment under this Policy, the University’s gender discrimination policy, or both. See Department of Education, Office for Civil Rights, January 2001 Revised Sexual Harassment Guidance, page 2.

The University of Texas System
Office of Systemwide Compliance Model Policy

Incapacitation – Incapacitation is the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware at the time of the incident of where they are, how they got there, or why or how they became engaged in a sexual interaction.

The University offers the following guidance on consent and assessing incapacitation:

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

In evaluating consent in cases of alleged incapacitation, the University asks two questions:

- (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not,
- (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated?

If the answer to either of these questions is “YES,” consent was absent and the conduct is likely a violation of this Policy.

One need not be a medical expert in assessing incapacitation. One should look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may show signs of incapacitation differently, some signs include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, incontinence or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are with?”

An individual’s level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. It is especially important, therefore, that anyone engaging in sexual activity is aware of both their own and the other person’s level of intoxication and capacity to give consent.

The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or incapacitation, the safest course of action is to forgo or cease any sexual contact.

Being impaired by alcohol or other drugs is no defense to any violation of this Policy.

The University of Texas System
Office of Systemwide Compliance Model Policy

Intimidation – Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Other Inappropriate Sexual Conduct – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional, inappropriate for the workplace or classroom and is not protected speech. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom. Depending on the facts of a complaint, the conduct may not violate this Policy but may violate other university policies including but not limited to standards of conduct or professionalism policies.

Parties -- The term “parties” refers to the “complainant” and the “respondent” in a Title IX complaint.

Preponderance of the Evidence – The greater weight of the credible evidence. Preponderance of the evidence is the standard for determining allegations of sexual misconduct under this Policy. This standard is satisfied if the action is deemed more likely to have occurred than not.

Respondent -- The student, employee, or third party who has been accused of violating this policy.

Responsible Employee – A University employee who has the duty to report incidents of and information reasonably believed to be sexual misconduct to the Title IX Office. All employees are Responsible Employees except Confidential Employees. Responsible Employees include all administrators, faculty, staff, resident life directors and advisors, and graduate teaching assistants. Responsible Employees must report all known information concerning the incident to the Title IX Office, and must include whether a complainant has expressed a desire for confidentiality in reporting the incident.

Retaliation – Any adverse action threatened or taken against someone *because* the individual has filed, supported, provided information in connection with a complaint of sexual misconduct or engaged in other legally protected activities. Retaliation includes, but is not limited to, intimidation, threats or harassment against any complainant, respondent, witness or third party.

Sexual Assault⁷ – An offense that meets the definition of rape, fondling, incest, or statutory rape:

⁷ Sexual Assault is defined by Texas Penal Code, Section 22.011 as intentionally or knowingly:

- a) Causing the penetration of the anus or sexual organ of another person by any means, without that person’s consent; or
- b) Causing the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
- c) Causing the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor.

The University of Texas System
Office of Systemwide Compliance Model Policy

- a) *Rape*: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- b) *Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- c) *Incest*: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d) *Statutory Rape*: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation –Conduct where an individual takes non-consensual or abusive sexual advantage of another for their own benefit, or to benefit anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to, engaging in voyeurism; forwarding of pornographic or other sexually inappropriate material by email, text, or other channels to non-consenting students/groups; the intentional removal of a condom or other contraceptive barrier during sexual activity without the consent of a sexual partner; and any activity that goes beyond the boundaries of consent, such as recording of sexual activity, letting others watch consensual sex, or knowingly transmitting a sexually transmitted disease (STD) to another.

Sexual Harassment – Unwelcome conduct of a sexual nature including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's student status, employment, or participation in University activities; or
- b) Such conduct is sufficiently severe or pervasive that it creates a hostile environment, as defined in this Policy..

Sexual harassment is a form of sex discrimination that includes:

- a) Sexual violence, sexual assault, stalking, domestic violence and dating violence as defined herein.
- b) Physical conduct, depending on the totality of the circumstances present, including frequency and severity, including but not limited to:
 - i. unwelcome intentional touching; or
 - ii. deliberate physical interference with or restriction of movement.
- c) Verbal conduct not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea, including oral, written, or symbolic expression, including but not limited to:
 - i. explicit or implicit propositions to engage in sexual activity;
 - ii. gratuitous comments, jokes, questions, anecdotes or remarks of a sexual nature about clothing or bodies;
 - iii. gratuitous remarks about sexual activities or speculation about sexual experiences;

The University of Texas System
Office of Systemwide Compliance Model Policy

- iv. persistent, unwanted sexual or romantic attention;
- v. subtle or overt pressure for sexual favors;
- vi. exposure to sexually suggestive visual displays such as photographs, graffiti, posters, calendars or other materials; or
- vii. deliberate, repeated humiliation or intimidation based upon sex.

Sexual Misconduct – A broad term encompassing a range of non-consensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. The term also includes “other inappropriate sexual conduct,” as defined above. Sexual misconduct can be committed by any person, including strangers or acquaintances.

Sexual Violence – Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. The term includes, but is not limited to, rape, sexual assault, sexual battery, sexual coercion, sexual abuse, indecency with a child, and/or aggravated sexual assault.

Stalking⁸ – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition--

- a) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- b) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

⁸ Stalking as defined by Texas Penal Code, Section 42.072 is when an individual on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that:

- a) is considered harassment, or that the actor knows or reasonably should know the other person will regard as threatening:
 - i. bodily injury or death for the other person;
 - ii. bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or
 - iii. that an offense will be committed against the other person's property;
- b) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and
- c) would cause a reasonable person to:
 - i. fear bodily injury or death for himself or herself;
 - ii. fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship;
 - iii. fear that an offense will be committed against the person's property; or
 - iv. feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended.

The University of Texas System
Office of Systemwide Compliance Model Policy

4. Relevant Federal and State Statutes, and Standards

[Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 and its implementing regulations, 34 C.F.R. Part 106](#)

[Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e–2000e-17 and its implementing regulations 29 C.F.R. §1604 11.](#)

[Clery Act, 20 U.S.C §1092\(f\) and its implementing regulations 34 C.F.R. Part 668](#)

[FERPA Regulations, 34 C.F.R. Part 99](#)

Texas Education Code, Subchapter E-2: Reporting Incidents of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.251-51.259

Texas Education Code, Subchapter E-3: Sexual Harassment, Sexual Assault, Dating Violence, and Stalking §51.281-51.291

5. Other Relevant Policies, Procedures, and Forms

[insert reference to]:

[Regents' Rules and Regulations, Rule 30105 Sexual Harassment, Sexual Misconduct, and Consensual Relationships](#)

[Regents' Rules and Regulations, Rule 31008 Termination of a Faculty Member](#)

[University of Texas Systemwide Policy UTS 184, Consensual Relationships](#)

University's Sex Discrimination Policy

Staff Discipline policy

Faculty Discipline policy

Student Discipline policy

6. System Administration Office(s) Responsible for Policy

Office of Systemwide Compliance

7. Dates Approved or Amended

[insert new date]

October 1, 2019

August 2, 2018

The University of Texas System
Office of Systemwide Compliance Model Policy

April 6, 2015
February 21, 2012

8. Contact Information

Questions or comments about this Policy should be directed to:

SystemwideTitleIX@utsystem.edu

43. Contract (funds coming in) - U. T. Southwestern Medical Center: First Amendment to vending machine Agreement with Mcliff Partners, Ltd.

Agency: Mcliff Partners, Ltd.

Funds: Estimated value of the Agreement is \$120,000 over two-year Amendment term

Period: September 1, 2019 through August 31, 2021

Description: Mcliff Partners, Ltd., will provide vending machine services to the U. T. Southwestern Medical Center campus. The initial vending machine Agreement was approved by the Board on August 20, 2015. The Amendment extends the contract from September 1, 2019 through August 31, 2021. In accordance with *Texas Education Code* Section 51.945, the students were provided with an opportunity to comment prior to determination that this vending services provider should be selected by the institution.

44. Contract (funds coming in) - U. T. Southwestern Medical Center: To provide medical, clinical, and administrative services to Texas Health Hospital Frisco

Agency: Texas Health Hospital Frisco

Funds: \$15,000,000

Period: December 16, 2019 through December 15, 2024; with the option to renew for five additional one-year terms

Description: U. T. Southwestern Medical Center to provide medical, clinical, and administrative services to Texas Health Hospital Frisco. The Agreement has a five-year term and establishes general terms and conditions for the provision of various physician service lines, such as hospitalist and tele-neurology services.

45. Contract (funds going out) - U. T. Southwestern Medical Center: Gozio, Inc., will provide services for creation and maintenance of a wayfinding application

Agency: Gozio, Inc.

Funds: \$18,000,000

Period: October 31, 2019 through October 31, 2024; with the option to renew for five additional one-year terms

Description: Gozio, Inc., will provide services to U. T. Southwestern Medical Center for the creation and maintenance of a wayfinding application platform to be used by employees, students, patients, and visitors who come to the U. T. Southwestern Medical Center. The wayfinding application platform consists of a software application that operates on mobile devices, navigation software, kiosks, and other geolocation devices located throughout campus that will assist the campus community with navigating their way around the vast U. T. Southwestern Medical Center campus. The contract was competitively bid.

46. Request for Budget Change - U. T. Medical Branch - Galveston: New Hire with Tenure -- amendment to the 2020-2021 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
School of Nursing					
Dean of the School of Nursing					
Vice Dean and Professor					
Kristen Starnes-Ott (T)	1/2-8/31	100	12	215,000	10970

47. Lease - U. T. Medical Branch - Galveston: Authorization to extend the lease of approximately 11,018 square feet of space located at 1600 West League City Parkway, Suite B, City of League City, Galveston County, Texas, from United S&S Group, LLC, for mission uses, including clinical care

Description: Extension of agreement to lease premises consisting of approximately 11,018 square feet of space located at 1600 West League City Parkway, Suite B, City of League City, Galveston County, Texas, from United S&S Group, LLC, for mission uses, including clinical care. The original lease commenced October 15, 2010, for a term of five years and was extended for an additional five years expiring October 31, 2020.

Lessor: United S&S Group, LLC, a Texas limited liability company

Term: 60 months commencing on November 1, 2020, and ending on November 30, 2025, with one five-year option to renew at market rate

Lease Cost: Base rent plus operating expenses will be \$36.30 annually per square foot or \$33,332.58 monthly for the initial extension term. \$27.50 per square foot annually is attributable to base rent, and \$8.80 per square foot annually is attributed to tenant operating expenses. The option to renew will be at fair market value. Prior rent plus operating expenses and rent during the extended term is estimated at \$7,629,479.

48. Contract (funds going out) - U. T. Health Science Center - Houston: CSI Leasing, Inc., to provide leasing services for computer hardware and accessories

Agency: CSI Leasing, Inc.

Funds: \$40,000,000

Period: January 18, 2020 through January 17, 2027

Description: In August 2019, following a competitive bid process, CSI Leasing, Inc., was awarded a contract to provide leasing services for computer hardware and accessories by U. T. Medical Branch - Galveston. U. T Health Science Center - Houston, pursuant to the Group Purchasing Authority Statute, requests permission to append to that contract for computer leasing services.

49. Contract (funds going out) - U. T. Health Science Center - Houston: CSI Companies to provide backfill staffing services
- Agency: CSI Companies
- Funds: \$10,000,000
- Period: January 15, 2020 through May 31, 2021
- Description: CSI Companies to provide backfill staffing services for legacy systems, training, and go-live/activation support services to assist in the implementation of the Epic Electronic Health Records and Revenue Cycle Management System. The contract was competitively bid.
50. Contract (funds going out) - U. T. Health Science Center - Houston: Leidos Health to provide staff augmentation services
- Agency: Leidos Health
- Funds: \$5,625,000
- Period: January 15, 2020 through May 31, 2021
- Description: Leidos Health to provide staff augmentation services, training, and go-live/activation support services to assist in the implementation of the Epic Electronic Health Records and Revenue Cycle Management System. The contract was competitively bid.
51. Contract (funds going out) - U. T. Health Science Center - Houston: Computer Task Group to provide training and activation support services
- Agency: Computer Task Group
- Funds: \$5,000,000
- Period: January 15, 2020 through May 31, 2021
- Description: Computer Task Group to provide training and go-live/activation support services to assist in the implementation of the Epic Electronic Health Records and Revenue Cycle Management System. The contract was competitively bid.

52. Request for Budget Change - U. T. Health Science Center - San Antonio: New Hires with Tenure -- amendment to the 2019-2020 budget

The following Requests for Budget Changes (RBC) have been administratively approved by the Chancellor and the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
School of Medicine					
Epidemiology and Biostatistics					
Professor					
Meredith Zozus (T)	9/1-8/31	100	12	225,000	10966
Medicine - Cardiology					
Professor					
Allen Anderson (T)	12/1-8/31	100	12	400,000	10967
Mays Cancer Center					
Division Head and Professor					
Daruka Mahadevan (T)	12/1-8/31	100	12	500,000	10968
Emergency Medicine					
Chair and Professor					
Ralph Riviello (T)	11/1-8/31	100	12	335,000	10969

53. Contract (funds going out) - U. T. M. D. Anderson Cancer Center: Fourth Amendment to Agreement with Marion Montgomery, Inc., dba MMI Agency, to continue to develop and produce advertising materials and acquisition of regional media

Agency: Marion Montgomery, Inc., dba MMI Agency

Funds: The total cost of services under this agreement, including all renewals, will not exceed \$99,067,874

Period: February 28, 2020 through February 16, 2021; with option to renew for one additional one-year term

Description: Marion Montgomery, Inc., will continue to provide services that will include local and regional advertising media strategy, media buying, tracking, and measurement to U. T. M. D. Anderson Cancer Center's Marketing Department. Services were acquired via a competitive bid process.

The initial Agreement, which was approved by the Board of Regents on February 11, 2016, had a total cost of services of \$50,803,200 with a term ending February 16, 2019. Amendment 1 changed the Cap Amount to \$50,803,189 and extended the term to February 16, 2020. Amendment 2 increased the Cap Amount to \$55,603,189. Amendment 3 extended the term to February 16, 2021. Amendment 4 increases the Cap Amount to \$99,067,874 and adds an additional renewal option of 12 months. While prior amendments did not require Board approval, this Fourth Amendment is being brought to the Board as both the Cap Amount and the total cost of services will increase to \$99,067,874.

54. Contract (funds going out) - U. T. M. D. Anderson Cancer Center: Amended and Restated Sponsorship Agreement with Dynamo Soccer, LLC, and Dynamo Stadium, LLC, to provide sponsorship and promotional benefits

Agency: Dynamo Soccer, LLC, and Dynamo Stadium, LLC

Funds: Not to exceed \$13,400,000

Period: December 1, 2019 through December 31, 2023

Description Dynamo Soccer, LLC, will provide sponsorship and promotional benefits subject to U. T. M. D. Anderson Cancer Center's payment of the Sponsorship Fees. Dynamo Soccer, LLC, will provide multiple opportunities for marketing, community relations, cancer prevention education, patient acquisition, fundraising, and business development for U. T. M. D. Anderson Cancer Center. U. T. M. D. Anderson Cancer Center will gain significant brand exposure through prominent logo placement across the front of the Dynamo jersey, in addition to stadium signage and social/digital/broadcast media. This sponsorship allows U. T. M. D. Anderson Cancer Center to reach national and international audiences. This Agreement was acquired via an Exclusive Acquisition Justification.

The original Sponsorship Agreement, effective August 1, 2018, was not previously submitted for Board consideration because the total contract amount was below the delegated approval threshold.

55. Lease - U. T. M. D. Anderson Cancer Center: Authorization to extend sublease of approximately 15,694 square feet of space, located at Life Science Plaza, 2130 West Holcombe Boulevard, Houston, Harris County, Texas, to Immatix US, Inc.

Description: Sublease extension of approximately 15,694 square feet of space located at Life Science Plaza, 2130 West Holcombe Boulevard, Houston, Harris County, Texas

Sublessee: Immatix US, Inc., a Delaware corporation

Sublessor: The Board of Regents of The University of Texas System for the use and benefit of U. T. M. D. Anderson Cancer Center

Lessor: Life Science Plaza Investment Group, L.P., a Delaware limited partnership

Term: Extend term expiration from April 28, 2020, to August 31, 2023, which is also the expiration date for Sublessor's current lease with Lessor

Sublease Rent: Sublessee's proportionate share of estimated base rent during the extended term of \$28.77 per square foot, plus sublessor's approximately 14.93% share of operating expenses equals an estimated \$2,682,455 over the extended term which, when added to the original term lease payments of an estimated \$2,602,965, brings the total sublease original and renewal payments to approximately \$5,285,420 over the initial and extended term.

56. Lease - U. T. M. D. Anderson Cancer Center: Authorization for U. T. M. D. Anderson Cancer Center as Lessor to extend lease for approximately 32,492 square feet with U. T. Health Science Center - Houston, as Lessee, at South Campus Research Building 3, located at 1881 East Road, Houston, Harris County, Texas, for mission uses, including research

Description: Lease of approximately 32,492 square feet of space at South Campus Research Building 3, 1881 East Road, Houston, Harris County, Texas, for research use

Lessor: U. T. M. D. Anderson Cancer Center

Lessee: U. T. Health Science Center - Houston

Term: 10 years

Lease Income: Annual base rent is \$630,729; base rent over the 10-year term is \$6,307,290, plus estimated operating expenses of \$4,705,278 over the term, for an estimated total cost of \$11,012,568.

57. Gift - U. T. Health Science Center - Tyler: Authorization of expenditure of a gift of \$55,000 to renovate and maintain the exterior water feature at Jacksonville Hospital, LLC, dba U. T. Health Jacksonville; and finding of public purpose

Description: Approval is needed to authorize expenditure of a donated gift of \$55,000 to renovate and maintain the exterior water feature at the Jacksonville Hospital, dba U. T. Health Jacksonville. This hospital is part of the East Texas Health System, LLC, owned jointly by U. T. Health Science Center - Tyler (30%), and Ardent Health (70%), a private entity, and governed 50% and 50% by both entities.

Donor: Nan Travis Foundation

Value: \$55,000

Finding of Public Purpose: U. T. Health Science Center - Tyler has determined that the expenditure of the gift of \$55,000 for renovating and maintaining the exterior water feature in need of repair at Jacksonville Hospital, LLC, dba U. T. Health Jacksonville, a hospital owned by the East Texas Health System, LLC, supports the public mission of and serves a public purpose appropriate to the functions of U. T. Health Science Center - Tyler. In authorizing the formation of the East Texas Health System, LLC, with Ardent Health on February 15, 2018, the Board of Regents found that U. T. Health Science Center - Tyler's participation in the LLC would strengthen academic and educational programs for students, residents, and other trainees; would enhance basic and clinical research capabilities; would allow for integration of community and public health initiatives; and would expand patient care services, improve health outcomes, and extend the reach of U. T. Health Science Center - Tyler in the community. That expansion was made possible in part by the transfer to the LLC of nine hospitals previously owned by Ardent Health, one of which is now the Jacksonville Hospital, LLC, dba U. T. Health Jacksonville. Accordingly, enhancements to that hospital will enhance the ability of U. T. Health Science Center - Tyler personnel working at the facility to provide patient care services, leading to improved health outcomes. U. T. Health Science Center - Tyler has also determined that those enhancements provide adequate consideration and benefits to the institution.

Finally, U. T. Health Science Center - Tyler has also determined that, as the governance structure is set at 50% Ardent and 50% U. T. Health Science Center - Tyler, there are adequate safeguards in place to ensure the public purposes noted above will continue to be met on an ongoing basis.

58. Gift - U. T. Health Science Center - Tyler: Authorization of expenditure of a gift of \$250,000 for purchase of radiology equipment at Jacksonville Hospital, LLC, dba U. T. Health Jacksonville; and finding of public purpose

Description: Approval is needed to authorize expenditure of a donated gift of \$250,000 for radiology equipment for Jacksonville Hospital, LLC, dba U. T. Health Jacksonville. This hospital is part of the East Texas Health System, LLC, owned jointly by U. T. Health Science Center - Tyler (30%), and Ardent Health (70%), a private entity, and governed 50% and 50% by both entities.

Donor: Nan Travis Foundation

Value: \$250,000

Finding of Public Purpose: U. T. Health Science Center - Tyler has determined that the expenditure of the gift of \$250,000 for purchase of radiology equipment in a hospital owned by the East Texas Health System, LLC, supports the public mission of and serves a public purpose appropriate to the functions of U. T. Health Science Center - Tyler. In authorizing the formation of the East Texas Health System, LLC, with Ardent Health on February 15, 2018, the Board of Regents found that U. T. Health Science Center - Tyler's participation in the LLC would strengthen academic and educational programs for students, residents, and other trainees; would enhance basic and clinical research capabilities; would allow for integration of community and public health initiatives; and would expand patient care services, improve health outcomes, and extend the reach of U. T. Health Science Center - Tyler in the community. That expansion was made possible in part by the transfer to the LLC of nine hospitals previously owned by Ardent Healthcare, one of which is now Jacksonville Hospital, LLC, dba U. T. Health Jacksonville. Accordingly, enhancements to that hospital will enhance the ability of U. T. Health Science Center - Tyler personnel working at the facility to provide patient care services, leading to improved health outcomes. U. T. Health Science Center - Tyler has also determined that those enhancements provide adequate consideration and benefits to the institution.

Finally, U. T. Health Science Center - Tyler has also determined that, as the governance structure is set at 50% Ardent and 50% U. T. Health Science Center - Tyler, there are adequate safeguards in place to ensure the public purposes noted above will continue to be met on an ongoing basis.

FACILITIES PLANNING AND CONSTRUCTION COMMITTEE

59. Contract (funds going out) - U. T. System: Project Control of Texas, Inc., to perform project management services

Agency: Project Control of Texas, Inc.

Funds: To be paid by U. T. System or the U. T. institutions requesting services under this Agreement. Contract is being brought forward for Board approval as it is nearing the \$1,000,000 delegation threshold. The value may exceed \$20,000,000 over the potential six-year term.

Period: July 9, 2019 through July 8, 2021; with option to renew for two additional two-year terms

Description: U. T. System entered into a Master Agreement with Project Control of Texas, Inc., to perform a wide range of services as required to assist Office of Capital Projects (OCP) and the OCP-responsible institutions with the management and delivery of permanent improvement projects on the U. T. System Capital Improvement Program. The general scope of work includes selective or comprehensive project management services for the design, construction, and inspection of capital projects at the OCP-responsible institutions. Services were competitively procured.

OCP Responsible Institutions:

The University of Texas at Dallas
The University of Texas at El Paso
The University of Texas Permian Basin
The University of Texas Rio Grande Valley
The University of Texas at Tyler
The University of Texas Health Science Center at Tyler