

I. RRR, Part One

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
201 WEST SEVENTH STREET, AUSTIN, TEXAS 78701-2981
(512) 499-4402

MEMORANDUM

June 18, 1998

mailed 6/18/98
CF

TO: Those Who Receive Official Copies of
the Regents' Rules and Regulations (List Attached)

FROM: Francie A. Frederick *J.F.*

SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

"A"	"B"
Cover Page	Cover Page
Pages II-19 and II-23	Pages II-19 and II-23
Page III-40	Page III-40
Page IV-3	Page IV-3
Page V-1	Page V-1
Page VI-2	Page VI-2

The amendments approved at the May 14, 1998 meeting of the U. T. Board of Regents have been incorporated on the revised pages.

FAF/cf

Enclosures

June 9, 1998

Distribution List for Official Copies of
Regents' Rules and Regulations

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System Administration	8
Chancellor	
Executive Vice Chancellor for Health Affairs	
Executive Vice Chancellor for Business Affairs	
Vice Chancellor for Academic Affairs	
Executive Associate to the Chancellor	
Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
Vice Chancellor for Development and External Relations	
Chief Administrative Officers of Component Institutions	15
Mr. Thomas G. Ricks	<u>1</u>
President and Chief Executive Officer UTIMCO	
TOTAL	41

NOTE: See July 6, 1988 letter from Coordinating Board which requests that only those amendments related to (1) academic work load and (2) faculty development leaves be sent to that office.

Addresses of State Officials Who Receive Copies
of the Regents' Rules and Regulations

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Director, Legislative Budget Board
John H. Reagan Building
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Austin, Texas 78701
INTERAGENCY MAIL

State Auditor's Office
Two Commodore Plaza
206 East 9th Street
Suite 1900
Austin, Texas 78701
INTERAGENCY MAIL

Ms. Sally Reynolds
Director
Legislative Reference Library
Room 207-B, Capitol Building
Austin, Texas 78711
INTERAGENCY MAIL

Publications Clearing House
Room 307, Archives Building
Texas State Library
Austin, Texas 78711
INTERAGENCY MAIL

Dr. Don Brown
Commissioner, Texas Higher
Education Coordinating Board
7745 Chevy Chase Drive, Building 5
Austin, Texas 78752
INTERAGENCY MAIL

(NOTE: Send only when there are
amendments related to (1) academic
work load or (2) faculty development
leaves.)

Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

May 14, 1998

RULES AND REGULATIONS
OF THE
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM
FOR THE GOVERNMENT OF
THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

Part One was completely reissued as of June 1, 1988.
(Substantive amendments through May 14, 1998,
have been issued with this cover sheet.)

Technology, and the Executive Associate to the Chancellor, or their delegates, serve as ex officio members of this Council. The Executive Vice Chancellor for Business Affairs shall serve as the Council's permanent chairman and shall conduct regular meetings of the Council.

Sec. 13. Chief Administrative Officers of Component Institutions.

13.1 The Board selects the chief administrative officer of each component institution.

13.11 When there is a vacancy or it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution having faculty and students and the Board does not have candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, an Advisory Committee shall be established to recommend candidates to the Board. The Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs shall be chairman of the Advisory Committee. In circumstances where this Executive Vice Chancellor or Vice Chancellor may be a candidate for the office, the chairman of the Advisory Committee shall be the Chancellor or the Chancellor's designee. In addition to the chairman, committee membership is as follows:

- The Chancellor;
- Two Chief Administrative Officers;
 - (to be appointed by the Chairman of the Board from two of the component institutions)
- Two Regents;
 - (to be appointed by the Chairman of the Board)
- Three Faculty members of the institution involved, at least two of whom shall have the rank of associate professor or higher; (method of selection to be determined by the General Faculty of the campus)

consistent with that usually provided by an Advisory Committee. The Special Committee shall be composed as specified above for the Advisory Committee but will not include members of the Board of Regents. The advice of the Special Committee shall be provided to the Board through the Executive Vice Chancellor for Health Affairs, the Vice Chancellor for Academic Affairs, or the Chancellor. The Special Committee shall not extend its consideration beyond those nominees referred to it by the U. T. Board of Regents without specific concurrence from the Board.

- 13.2 Each chief administrative officer of every health-related institution reports to and is responsible to the Executive Vice Chancellor for Health Affairs and serves without fixed term, subject to the pleasure of the Executive Vice Chancellor for Health Affairs and approval by the Chancellor and the Board. The chief administrative officer has access to the Chancellor and is expected to consult with the Executive Vice Chancellor for Health Affairs and the Chancellor on significant issues on an as needed basis.

Each chief administrative officer of every general academic institution reports to and is responsible to the Chancellor, and serves without fixed term, subject to the pleasure of the Chancellor and approval by the Board. The chief administrative officer is expected to consult with the Chancellor on significant issues on an as needed basis.

- 13.3 Within the policies and regulations of the Board, and under the supervision and direction of the Chancellor or the Executive Vice Chancellor for Health Affairs, as appropriate, the chief administrative officer has general authority and responsibility for the administration of that institution.

13.31 Specifically, the chief administrative officer is expected, with the appropriate participation of the staff, to:

13.311 Develop and administer plans and policies for the program, organization, and operation of the institution.

13.312 Interpret the System policy to the staff, and interpret the institution's programs and needs to the System Administration and to the public.

Sec. 28. Power to Authorize Expenditures Out of System Funds.

- 28.1 No expenditure out of funds under control of the Board shall be made and no debt or obligation shall be incurred and no promise shall be made in the name of the System or any of its component institutions or of the Board by any member of the respective staffs of the System or any of its component institutions except:
 - 28.11 In accordance with general or special budgetary apportionments authorized in advance by the Board and entered in its minutes; or
 - 28.12 In accordance with authority specifically vested by the Board in a committee of the Board; or
 - 28.13 In accordance with authority to act for the Board when it is not in session, specifically vested in some university officer by these Rules and Regulations or by special action of the Board.
- 28.2 It shall be the duty of the several institutional officers to see that all claims for payments of items not authorized as indicated above are refused and returned unpaid.

Sec. 29. Indebtedness to the System or the State.--Except as provided herein, no payment shall be made to an employee, his or her agent or assignee, who is indebted to the System, any of its component institutions, or to the state until such debt is paid. This section does not authorize the withholding of a salary or other compensation for personal services to an employee or the employee's agent or assignee. Compensation and salary include wages, longevity pay, hazardous duty pay, and emoluments provided in lieu of wages, but do not include expense reimbursements.

Sec. 30. Power to Bind the System in Fixing its Policies.--No employee of the System or any of its component institutions, as an individual or as a member of any association or agency, has the power to in anywise bind the System or any of its component institutions unless such power has been officially conferred in advance by the Board. Any action which attempts to change the policies or otherwise bind the System or any of its component institutions, taken by any individual or any association or agency, shall be of no effect whatsoever until the proposed action has been approved by the chief administrative officer concerned, if any, the appropriate Executive Vice Chancellor, and the Chancellor, and ratified by the Board.

- 2.5 List of Degree Candidates in Minutes.--The institutional registrar, as soon as possible after each commencement, shall provide the secretary of his or her institutional faculty, or its legislative body, with a complete list of all successful degree candidates.
- 2.6 Changes in Degree Requirements.--Changes in degree requirements shall not become effective until approved by the Board and published in the appropriate catalogue; provided, however, that students may be given the benefit of any action reducing or modifying the requirements for their degree immediately upon Board approval.
- 2.7 Faculty Minutes.--Copies of institutional faculty minutes, or of their legislative bodies, shall be available for use of members of the particular faculties individually, if desired; and shall be filed (1) in the offices of the secretaries to the faculty, (2) in the office of the chief administrative officers, (3) in the office of the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate, and (4) in the institutional libraries.

Sec. 3. Faculty Advisory Council.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a faculty advisory council representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the Board of Regents, the System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of faculty advisory council representatives. Representatives of the faculty advisory council may from time to time address the Board at meetings of the Board and may recommend action to the Board through the Chancellor. At least once each year, a meeting will be arranged between the faculty advisory council executive committee and the Board.

CHAPTER V

GRADUATE EDUCATION IN THE UNIVERSITY OF TEXAS SYSTEM

Sec. 1. The various component institutions of the System authorized to offer graduate degrees shall provide and maintain an appropriate faculty and administrative organization for such graduate degrees. The chief administrative officer of each academic component institution of the System shall be responsible to the Chancellor, and through him or her, to the Board for policies and administration of the graduate programs. The chief administrative officer of each health component institution of the System shall be responsible through the Executive Vice Chancellor for Health Affairs to the Chancellor, and through him or her, to the Board for policies and administration of the graduate programs.

"Graduate programs," as the term is used in these Rules, does not include the programs that lead to the M.D., D.D.S., M.P.H., Dr. P.H., J.D., LL.M., and M.C.J. degrees, or others that may be excluded upon recommendation by the chief administrative officer of the component institution and concurrence by the Chancellor.

Sec. 2. Within the general academic components, the designation "Graduate School" will be used if (a) there is a minimum of three distinct programs approved for doctoral degrees and thirty such doctoral degrees have been awarded; or (b) there is a minimum of ten distinct programs approved for master's degrees and fifty master's degrees have been awarded. In component institutions that do not meet these requirements, graduate study will be in a "Division of Graduate Studies."

Sec. 3. Graduate programs in the health components shall be administered as follows:

3.1 In the health-related institutions at Dallas, Galveston, Houston, and San Antonio, the graduate programs will be administered through a Graduate School of Biomedical Sciences.

- 1.6 Student Advisory Council.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a student advisory council representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the Board of Regents, the System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of student advisory council representatives. Representatives of the student advisory council may from time to time address the Board at meetings of the Board and may recommend action to the Board through the Chancellor. At least once each year, a meeting will be arranged between the student advisory council executive committee and the Board.

Sec. 2. Definitions.

- 2.1 Student.--The following persons shall be considered students for purposes of these policies and regulations:
- 2.11 A person currently enrolled at a component institution of the System.
 - 2.12 A person accepted for admission or readmission to a component institution of the System.
 - 2.13 A person who has been enrolled at a component institution of the System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
 - 2.14 A person who engaged in prohibited conduct at a time when he or she met the criteria of Subdivisions 2.11, 2.12, or 2.13.
- 2.2 Campus.--The campus consists of all real property, buildings or facilities owned or controlled by the component institution.
- 2.3 Hearing Officer.--An individual selected in accordance with procedures adopted by the component institution to hear disciplinary charges, make findings of fact and, upon a finding of guilt, impose an appropriate sanction(s).

SPECIAL ITEMS

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter II, Section 13, Subsections 13.1 and 13.2 (Chief Administrative Officers of Component Institutions) and Chapter V, Section 1 (Graduate Education in The University of Texas System).--To conform the provisions of the Regents' Rules and Regulations related to the reporting structure for The University of Texas System chief administrative officers with regard to U. T. System Administration and oversight for graduate education to comply with organizational changes approved by the U. T. Board of Regents at the August 14, 1997 meeting, the Regents' Rules and Regulations, Part One, Chapter II, Section 13, Subsections 13.1 and 13.2, regarding chief administrative officers of component institutions, and Chapter V, Section 1, regarding graduate education in the U. T. System, were amended as set forth below:

CHAPTER II

ADMINISTRATION

...

Sec. 13. Chief Administrative Officers of Component Institutions.

13.1 The Board selects the chief administrative officer of each component institution.

13.11 When there is a vacancy or it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution having faculty and students and the Board does not have candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, an Advisory Committee shall be established to recommend candidates to the Board. The Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs shall be chairman of the Advisory Committee. In

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circumstances where this Executive Vice Chancellor or Vice Chancellor may be a candidate for the office, the chairman of the Advisory Committee shall be the Chancellor or the Chancellor's designee. In addition to the chairman, committee membership is as follows:

. . .

13.2 Each chief administrative officer of every health-related institution reports to and is responsible to the Executive Vice Chancellor for Health Affairs and serves without fixed term, subject to the pleasure of the Executive Vice Chancellor for Health Affairs and approval by the Chancellor and the Board. The chief administrative officer has access to the Chancellor and is expected to consult with the Executive Vice Chancellor for Health Affairs and the Chancellor on significant issues on an as needed basis.

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Each chief administrative officer of every general academic institution reports to and is responsible to the Chancellor, and serves without fixed term, subject to the pleasure of the Chancellor and approval by the Board. The chief administrative officer is expected to consult with the Chancellor on significant issues on an as needed basis.

. . . .

CHAPTER V

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"Graduate programs," as the term is used in these Rules, does not include the programs that lead to the M.D., D.D.S., M.P.H., Dr. P.H., J.D., LL.M., and M.C.J. degrees, or others that may be excluded upon recommendation by the chief administrative officer of the component institution and concurrence by the Chancellor.

. . . .

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval of Amendments to Chapter IV, Section 3 (Faculty Advisory Council) and Chapter VI, Section 1, Subsection 1.6 (Student Advisory Group).--The Board amended the Regents' Rules and Regulations, Part One, Chapter IV, Section 3, regarding the Faculty Advisory Council, and Chapter VI, Section 1, Subsection 1.6, regarding the Student Advisory Group, to read as set forth below:

CHAPTER IV

FACULTY ORGANIZATION

. . . .

- Sec. 3. Faculty Advisory Council.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a faculty advisory council representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the Board of Regents, the System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of faculty advisory council representatives. Representatives of the faculty advisory council may from time to time address the Board at meetings of the Board and may recommend



action to the Board through the Chancellor. At least once each year, a meeting will be arranged between the faculty advisory council executive committee and the Board.

. . . .

CHAPTER VI

STUDENT SERVICES AND ACTIVITIES INCLUDING FACILITIES USE

Sec. 1. General Provisions.

. . . .

- 1.6 Student Advisory Council.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a student advisory council representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the Board of Regents, the System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of student advisory council representatives. Representatives of the student advisory council may from time to time address the Board at meetings of the Board and may recommend action to the Board through the Chancellor. At least once each year, a meeting will be arranged between the student advisory council executive committee and the Board.

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The amendments to the Regents' Rules and Regulations, Part One, Chapter IV, Section 3, provide for an annual meeting between the Faculty Advisory Council executive committee and the U. T. Board of Regents in lieu of the requirement for an annual report.

The amendments to Part One, Chapter VI, Section 1, Subsection 1.6, reflect a change in name from Student Advisory Group to Student Advisory Council to better reflect the work and purpose of the organization. The new name will be effective beginning with the 1998-1999 academic year.

This amendment also provides for an annual meeting of the Student Advisory Council with the Board.

Chairman Evans noted that he had received a letter from Mr. Luke Keller, a graduate student at The University of Texas at Austin and Chairman of the Student Advisory Group, expressing appreciation to the Board for the name change related to the Student Advisory Group.

3. U. T. System: Report of Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for December 1, 1997 Through February 28, 1998.--Vice Chancellor for Development and External Relations Perry reviewed the Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for The University of Texas System for the period December 1, 1997 through February 28, 1998, as set forth on Pages 14 - 18.

Vice Chancellor Perry reported that during this period 131 items conforming to Board policy were approved including the acceptance of \$48,367,779 in gifts. Other matching contributions from previously accepted Board-held matching funds totaled \$1,075,000 and transfers of endowment funds totaled \$173,626.

Mrs. Perry noted that this report includes only those funds which relate to endowments, estates, and other such funds which are managed by the U. T. System Office of Development and External Relations.

REPORT AND RECOMMENDATIONS OF THE BUSINESS AFFAIRS AND AUDIT COMMITTEE (Pages 28 - 38).--Committee Chairman Riter reported that the Business Affairs and Audit Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Business Affairs and Audit Committee and approved in open session and without objection by the U. T. Board of Regents:


1. U. T. System: Approval of Chancellor's Docket No. 93 (Catalog Change).--Upon recommendation of the Business Affairs and Audit Committee, the Board approved Chancellor's Docket No. 93 in the form distributed by the Executive Secretary. It is attached following Page 175 in the official copies of the Minutes and is made a part of the record of this meeting.

It was expressly authorized that any contracts or other documents or instruments approved therein had been or shall be executed by the appropriate officials of the respective institution involved.

It was ordered that any item included in the Docket that normally is published in the institutional catalog be reflected in the next appropriate catalog published by the respective institution.

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter III, Section 29 (Indebtedness to the System or the State).--In order to comply with the Texas Government Code and the Texas Property Code which exempt compensation for personal services from seizure for an individual's debt to the State of Texas, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 29, regarding indebtedness to The University of Texas System or the state, to read as set forth below:

Sec. 29. Indebtedness to the System or the State.--
Except as provided herein, no payment shall be made to an employee, his or her agent or assignee, who is indebted to the System, any of its component institutions, or to the state until such debt is paid. This section does not authorize the withholding of a salary or other compensation for personal services to an employee or the employee's agent or assignee.



Compensation and salary include wages, longevity pay, hazardous duty pay, and emoluments provided in lieu of wages, but do not include expense reimbursements.

3. U. T. System: Approval of Optional Retirement Program (ORP) Vendors Effective June 1, 1998.--The Business Affairs and Audit Committee recommended and the Board approved the following vendors to offer products to The University of Texas System Optional Retirement Program (ORP) participants effective June 1, 1998:

Aetna Life Insurance and Annuity Company
Hartford, Connecticut

Fidelity Investments Tax-Exempt Services Company
Boston, Massachusetts

Great-West Life and Annuity Insurance Company
Englewood, Colorado

Lincoln National Life Insurance Company
Fort Wayne, Indiana

Metropolitan Life Insurance Company
New York, New York

The Copeland Companies
East Brunswick, New Jersey

The Variable Annuity Life Insurance Company
Houston, Texas

Teachers Insurance and Annuity Association-College
Retirement Equities Fund
New York, New York

All employees appointed to a position in public higher education in Texas for twenty hours per week or more, for four and one-half months or more, must participate in the Texas Teacher Retirement System (TRS) or, if eligible, the Optional Retirement Program (ORP).

The U. T. System used the Request for Proposal (RFP) process to select a consultant to assist with the ORP vendor selection process. Watson Wyatt and Company, a nationally recognized benefits and compensation consulting firm of San Francisco, California, was selected to prepare an RFP containing redesigned selection criteria

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
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(512) 499-4402

MEMORANDUM

March 26, 1998

TO: Those Who Receive Official Copies of
the Regents' Rules and Regulations (List Attached)

FROM: Art Dilly *AD*

SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

<u>"A"</u>	<u>"B"</u>
Cover Page	Cover Page
Page ii	Page ii
Pages I-11 and I-12	Pages I-11 and I-12
Pages II-14, II-15, II-17, II-18, II-19, II-23, II-24, II-25, and II-26	Pages II-14, II-15, II-17, II-18, II-19, II-23, II-24, II-25, and II-26
Pages III-1, III-4, III-5, III-6, III-8, III-10, III-18, III-19, III-23, III-31, III-34, and III-35	Pages III-1, III-4, III-5, III-6, III-8, III-10, III-18, III-19, III-23, III-31, III-34, III-35, and III-50 through III-55
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Pages VIII-1 and VIII-1a	Pages VIII-1 and VIII-1a

The amendments approved at the February 12, 1998 meeting of the U. T. Board of Regents, as well as editorial amendments, have been incorporated on the revised pages.

AD/cf
Enclosures

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System Administration	8
Chancellor	
Executive Vice Chancellor for Health Affairs	
Executive Vice Chancellor for Business Affairs	
Acting Vice Chancellor for Academic Affairs	
Executive Associate to the Chancellor	
Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
Vice Chancellor for Development and External Relations	
Chief Administrative Officers of Component Institutions	15
Mr. Thomas G. Ricks	<u>1</u>
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TOTAL	41

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Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

RULES AND REGULATIONS
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THE UNIVERSITY OF TEXAS SYSTEM
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PART ONE

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- 7.162 Recommend to the Board policies relating to soliciting and securing gifts for the University's general academic institutions.
- 7.163 Consider and report to the Board on all matters affecting the libraries of the general academic institutions.
- 7.164 Recommend to the Business Affairs and Audit Committee matters which commit the general academic institutions to operating expenditures in future years.
- 7.165 Consider and recommend to the Business Affairs and Audit Committee the annual operating budgets of the general academic institutions, including rates of compensation.
- 7.166 Consider and recommend to the Business Affairs and Audit Committee biennial submissions of appropriation requests to the Legislative Budget Board and to the Governor as prepared by the System Administration and component institutions in accordance with Section 6 of Chapter II of Part Two of these Rules and Regulations.
- 7.167 Counsel with the Chancellor and the Vice Chancellor for Academic Affairs and recommend to the Board approval of matters related to student affairs, fees and housing in the general academic institutions.
- 7.168 Counsel with the Chancellor and the Vice Chancellor for Academic Affairs and recommend to the Board approval of the appointment, promotion, and dismissal of such institutional officers as may be appropriate in the general academic institutions.

- 7.169 Consider and report to the Board on matters relating to the research, training, and community service activities at the general academic institutions.
 - 7.16(10) Consider and recommend to the Board the acceptance and execution of grants and contracts for research, training, and community service at the general academic institutions.
 - 7.16(11) Counsel with the Chancellor and recommend appropriate Board action related to the appointment, promotion, and dismissal of such System Administration academic affairs officers as report directly or indirectly to the Chancellor.
 - 7.16(12) Consider and make recommendations to the Business Affairs and Audit Committee concerning capital improvement requests as related to the approved missions of the general academic institutions.
- 7.17 Duties of the Health Affairs Committee.--
The Health Affairs Committee shall:
- 7.171 Consider and report to the Board on matters concerned with substantive aspects of policies and programs related to the academic philosophy and objectives of the health-related institutions; with University relations; and with health-related academic planning, instructions, and research.
 - 7.172 Recommend to the Business Affairs and Audit Committee matters which commit the health-related institutions to operating expenditures in future years.

- 8.26 Defining the job responsibilities, the assignment of duties, and supervising staff members employed in or assigned to work in the governmental affairs area.
- 8.27 Performing such other duties and responsibilities for the efficient operation of the System as shall be assigned by the Chancellor.

Sec. 9. Vice Chancellor for Development and External Relations.

The Vice Chancellor for Development and External Relations reports to the Chancellor and is responsible for the programs of the System related to private sector support, alumni relations, public information, and external constituencies as set out in Subsection 9.2 of this Chapter. The Vice Chancellor for Development and External Relations provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of their responsibilities. The Vice Chancellor for Development and External Relations has direct access to the Board of Regents of The University of Texas System and is expected to work directly with appropriate committees of the Board in discharging the duties of the office.

9.1 Appointment and Tenure.

The Vice Chancellor for Development and External Relations shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Development and External Relations shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Vice Chancellor for Development and External Relations are subject to review and approval by the Board.

9.2 Duties and Responsibilities.

The primary responsibilities of the Vice Chancellor for Development and External Relations include:

- 9.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellors in the execution of their responsibilities.
- 9.22 The development, organization, and administration of activities to obtain private sector funding for programs of the System.

- 9.23 The formal acceptance, following review and approval by the Chancellor and the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, and the processing and administration (excluding investment management) of gifts as assigned which conform to all relevant laws and Board policies.
- 9.24 Recommending policies relating to acceptance, processing, and administration (excluding investment management) of gifts for all of the U. T. System's component institutions.
- 9.25 Making recommendations with respect to the acceptance of all proposed gifts and approval of all other actions related to the processing and administration of gifts managed by the Office of Development and External Relations, the terms of which do not conform to all relevant laws and Board policies.
- 9.26 Reporting to the Board on gifts processed and administered by the Office of Development and External Relations.
- 9.27 The organization and administration of programs for providing information to the public relating to the System and coordinating those programs with the public information programs of the component institutions.
- 9.28 Directing the administration of the System Office of Special Services.
- 9.29 Directing the administration of the System Office of Estates and Trusts.
- 9.2(10) To assist in the development, organization, and administration of programs and activities related to alumni of System component institutions in coordination with appropriate personnel of the component institutions.
- 9.2(11) Coordinating the policies and activities of the System and the component institutions related to internal and external foundations that provide support for the System and the component institutions.
- 9.2(12) The performance of such other duties and responsibilities as may be assigned by the Chancellor.

Sec. 11. Officers of System Administration and Other Code 1000 Staff.

- 11.1 Executive Officers.--For purposes of these Rules and Regulations, the Chancellor, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor for Academic Affairs, the Vice Chancellor for Health Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Vice Chancellor for Telecommunications and Information Technology, the Executive Associate to the Chancellor, the Associate Vice Chancellor for Business Affairs, and the Special Consultant to the Chancellor are the Executive Officers of The University of Texas System.
- 11.2 Other Code 1000 Staff and Officers of System Administration.--Staff and officers of System Administration designated as code 1000 shall be appointed by the Chancellor, the Executive Vice Chancellors, or Vice Chancellors to whom they will report, and shall have appropriate job descriptions on file with the Office of Human Resources. Persons so appointed shall not have tenure by virtue of their respective positions. They shall serve without fixed term, subject to the pleasure of the officer to whom they report. The actions of the appointing officer concerning such positions are in turn subject to review and approval by the Chancellor or the Board as required by the Regents' Rules and Regulations.

Sec. 12. Councils of the System.

- 12.1 The System Council.
The System Council is composed of the Chancellor, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor for Academic Affairs, the Vice Chancellor for Health Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Vice Chancellor for Telecommunications and Information Technology, the Executive Associate to the Chancellor, and the chief administrative officers of all the component institutions of The University of Texas System. The Chancellor shall serve as the Council's permanent chairman and shall conduct regular meetings to discuss those matters of general concern to the operation of The University of Texas System.

Editorial Amendment
Issued March 1998

- 12.2 The Council of Academic Institutions.
The Council of Academic Institutions is composed of the Chancellor and the chief administrative officers of the general academic institutions of the System. The Executive Vice Chancellor for Business Affairs, the Vice Chancellor for Academic Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Vice Chancellor for Telecommunications and Information Technology, and the Executive Associate to the Chancellor serve as ex officio members of this Council. The Chancellor shall serve as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.
- 12.3 The Council of Health Institutions.
The Council of Health Institutions is composed of the Executive Vice Chancellor for Health Affairs and the chief administrative officers of the component institutions of the System concerned directly with health affairs. The Chancellor, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor for Health Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Vice Chancellor for Telecommunications and Information Technology, and the Executive Associate to the Chancellor serve as ex officio members of this Council. The Executive Vice Chancellor for Health Affairs acts as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.
- 12.4 The Business Management Council.
The Business Management Council advises the System Administration in the areas of component budgeting, business management, data processing, physical plant operations, planning, construction, and accounting systems development. The Council is composed of the Executive Vice Chancellor for Business Affairs and the chief business officers of the component institutions. The Chancellor, the Executive Vice Chancellor for Health Affairs, the Vice Chancellor for Academic Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Vice Chancellor for Telecommunications and Information

Technology, and the Executive Associate to the Chancellor, or their delegates, serve as ex officio members of this Council. The Executive Vice Chancellor for Business Affairs shall serve as the Council's permanent chairman and shall conduct regular meetings of the Council.

Sec. 13. Chief Administrative Officers of Component Institutions.

13.1 The Board selects the chief administrative officer of each component institution.

13.11 When there is a vacancy or it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution having faculty and students and the Board does not have candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, an Advisory Committee shall be established to recommend candidates to the Board. The Executive Vice Chancellor having responsibility for the operation of the institution where the vacancy has occurred or is to occur shall be chairman of the Advisory Committee. In circumstances where this Executive Vice Chancellor may be a candidate for the office, the chairman of the Advisory Committee shall be the Chancellor or the Chancellor's designee. In addition to the chairman, committee membership is as follows:

The Chancellor;

Two Chief Administrative Officers;

(to be appointed by the Chairman of the Board from two of the component institutions)

Two Regents;

(to be appointed by the Chairman of the Board)

Three Faculty members of the institution involved, at least two of whom shall have the rank of associate professor or higher; (method of selection to be determined by the General Faculty of the campus)

consistent with that usually provided by an Advisory Committee. The Special Committee shall be composed as specified above for the Advisory Committee but will not include members of the Board of Regents. The advice of the Special Committee shall be provided to the Board through the Executive Vice Chancellor for Health Affairs, the Vice Chancellor for Academic Affairs, or the Chancellor. The Special Committee shall not extend its consideration beyond those nominees referred to it by the U. T. Board of Regents without specific concurrence from the Board.

- 13.2 Each chief administrative officer reports to and is responsible to the Executive Vice Chancellor having responsibility for the institution, and serves without fixed term, subject to the pleasure of the appropriate Executive Vice Chancellor and approval by the Chancellor and the Board. The chief administrative officer has access to the Chancellor and is expected to consult with the appropriate Executive Vice Chancellor and the Chancellor on significant issues on an as needed basis.

- 13.3 Within the policies and regulations of the Board, and under the supervision and direction of the Chancellor or the Executive Vice Chancellor for Health Affairs, as appropriate, the chief administrative officer has general authority and responsibility for the administration of that institution.
 - 13.31 Specifically, the chief administrative officer is expected, with the appropriate participation of the staff, to:
 - 13.311 Develop and administer plans and policies for the program, organization, and operation of the institution.
 - 13.312 Interpret the System policy to the staff, and interpret the institution's programs and needs to the System Administration and to the public.

- 13.313 Develop and administer policies relating to students, and where applicable, to the proper management of services to patients.
- 13.314 Recommend appropriate operating budgets and supervise expenditures under approved budgets.
- 13.315 Nominate all members of the faculty and staff, maintain efficient personnel programs, and recommend staff members for promotion, retention, or dismissal for cause.
- 13.316 Insure efficient management of business affairs and physical property; recommend additions and alterations to the physical plant.
- 13.317 Serve as presiding officer at official meetings of faculty and staff of the institution, and as ex officio member of each college or school faculty (if any) within the institution.
- 13.318 Appoint, or establish procedures for the appointment of, all faculty, staff, and student committees.
- 13.319 Cause to be prepared and submitted to the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate, the rules and regulations for the governance of the institution. When such rules and regulations have been finally approved by the Chancellor, the Executive Vice Chancellor for Health Affairs, or the Vice Chancellor for Academic Affairs, as appropriate, they shall thereafter constitute the Handbook of Operating Procedures for that institution. Provided, however, that whether or not finally approved by the Chancellor, any rule or regulation in any such institutional Handbook of Operating Procedures that is in conflict with

any rule or regulation in the Regents' Rules and Regulations, is null and void and has no effect, and whenever any such conflict is detected, the Chancellor and the chief administrative officer of the component institution shall immediately make such amendments to the institutional Handbook of Operating Procedures as may be necessary to eliminate such conflict.

- 13.31(10) Assume initiative in developing long-range plans for the program and physical facilities of the institution.
- 13.31(11) Assume active leadership in developing private fund support for the institution in accordance with policies and procedures established in the Regents' Rules and Regulations.
- 13.31(12) Develop and implement plans and policies to ensure that the institution remains in compliance with any accreditation requirements appropriate to the component or its programs, including, for the health components and those academic components with student health services, the accreditation of hospitals, clinics and patient-care facilities.

Sec. 14. Appointment of Other Officers and Staff.

- 14.1 The Board delegates to the Chancellor and the Executive Vice Chancellor for Health Affairs, as appropriate, and they, in turn, delegate to the chief administrative officer of each component institution the responsibility for the appointment and dismissal of all other administrative officers of each component institution, including vice presidents, deans, directors and their equivalents. However, prior approval of the Chancellor or the Executive Vice Chancellor for Health Affairs shall be necessary for each such permanent or acting appointment and for each such dismissal whether from a permanent or acting appointment. All such other administrative officers serve without fixed terms and subject to the pleasure

- of the chief administrative officer of the institution and the aforesaid approval of the Executive Vice Chancellor for Health Affairs or the Chancellor, as appropriate.
- 14.2 The Board delegates to the Chancellor and the Executive Vice Chancellor for Health Affairs, as appropriate, and they, in turn, delegate to the chief administrative officer of each component institution the responsibility for the permanent or acting appointment of department chairmen, department heads, and their equivalents. Such department chairmen, department heads and their equivalents serve without fixed terms and subject to the pleasure of the chief administrative officer of the institution.
- 14.3 The Board endorses the principle of reasonable faculty and student consultation in the selection of administrative officers of the component institutions, and the primary operating units, and expects the chief administrative officer, as he or she deems appropriate, to consult in the selection process with the representatives of the faculty and student body. However, the chief administrative officer of the component institution is responsible for executing the duties of the office and consequently shall not be bound by nominations to administrative positions by campus selection committees, and the Handbook of Operating Procedures of each component institution shall so state.
- 14.4 Honorary Titles.
The titles Chancellor Emeritus, President Emeritus and similar honorary designations shall be conferred only by appropriate action of the Board on individuals who are fully retired. No person is authorized to use any such title unless it has been bestowed by the Board.

CHAPTER III

PERSONNEL

Sec. 1. Appointments.

- 1.1 The Board, upon the recommendation of the Chancellor, shall elect or appoint, as the case may be, all of the officers, faculty members, and other employees of the System and of the component institutions and agencies of the System, fixing, subject to state and federal laws, the duties, rights, and privileges of each employee or each class or group of employees; provided, however, that the Board may delegate to the Chancellor, and the Chancellor may delegate to the chief administrative officers of the component institutions, authority to appoint employees in certain designated classes or categories.
- 1.2 All appointments shall be made on the basis of merit.
- 1.3 The chief administrative officers of the component institutions shall investigate thoroughly the character, integrity, scholastic attainment, and other qualifications of prospective members of their faculties and staffs before exercising any delegated authority for making appointments.
- 1.4 The chief administrative officers of the component institutions shall not nominate or appoint, nor will the Board approve the appointment of, any person whose qualifications and conduct are not exemplary.

- qualifications are comparable to those of faculty members in untenured, tenure-track positions.
- (d) Senior Lecturer. This title may be used for special teachers who will augment and complement regular teaching faculty and whose experience and qualifications are comparable to those of faculty members in tenure positions.
 - (e) Assistant Instructor or Teaching Associate. These titles may be used interchangeably for (1) certain graduate students teaching on a part-time or full-time basis who are in the last phase of their doctoral programs and who are unconditionally enrolled in graduate study, or (2) persons who, because of the nature of their duties, such as in a laboratory or in a hospital, do not qualify for one of the usual academic titles and do not hold the academic training or professional distinction usually required for attaining tenure positions.
 - (f) Teaching Assistant. This title usually applies to graduate students who are teachers and who are employed on a part-time basis. The only other teaching titles for graduate students are Teaching Associate and Assistant Instructor.
 - (g) Faculty Associate. This title may be applied to a person assigned to a research or nonteaching center, institute, or other unit or interdisciplinary program of a component institution.
 - (h) Specialist. This title may be used for professional individuals who will serve as practitioners in specific areas of instruction, training or supervision. Upon approval of the chief administrative officer, the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate, the title may carry appropriate descriptive prefixes so as to indicate the specific areas of proficiency,

e.g. Practice Teaching Specialist, Physical Activity Specialist, Social Work Field Training Specialist.

- (i) In the general academic institutions with health-related clinical programs, persons appointed to full-time positions for the primary purpose of patient care and other service activities shall be given one of the following titles, even though the individuals may be assigned teaching or research responsibilities:

(1) Professor of Clinical

(title of specialty)

(2) Associate Professor of Clinical

(title of specialty)

(3) Assistant Professor of Clinical

(title of specialty)

(4) Instructor in Clinical

(title of specialty)

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

- (j) In the health components, persons appointed to full-time positions for the primary purpose of either research activities or patient care and other service activities shall be

given one of the following titles, even though the individuals may be assigned teaching responsibilities:

- (1) Professor of _____
(title of specialty)
- (2) Associate Professor of _____
(title of specialty)
- (3) Assistant Professor of _____
(title of specialty)
- (4) Instructor in _____
(title of specialty)

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

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

- (a) Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor. These titles are used only for temporary appointments of persons either visiting from other institutions where they hold similar ranks or who are brought to the University on a trial basis. Such appointments are limited to two years unless an exception is approved in writing by the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate.

1.86

Honorific Titles.

- (a) Regental Professor. Any faculty member who is awarded the Nobel Prize or who has in the past been awarded the Nobel Prize may, upon recommendation of the chief administrative officer of the component institution, the Executive Vice Chancellor for Health Affairs, or the Chancellor, be given the title Regental Professor. Because of the great honor associated with the award of a Nobel Prize, institutional tenure is awarded to Regental Professors by virtue of the appointment to this rank.
- (b) Distinguished Teaching Professor. Members of the U. T. Austin Academy of Distinguished Teachers or a similar approved academy may use the honorific title Distinguished Teaching Professor to recognize faculty members who have made significant contributions to education.

1.87

Administrative and academic (faculty) titles, duties, and pay rates for individuals who hold both administrative and academic appointments are distinct and severable. Tenured or tenure-track academic appointments and promotions in academic rank for administrators are subject to the same requirements and approval processes as for other faculty and are to include the establishment of an appropriate academic rate (whether or not any pay is to be generated from that rate) at the time of approval of the academic appointment. Departure or removal from an administrative position does not impair the individual's rights and responsibilities as a faculty member. Upon return to faculty service, whether on a part-time or full-time basis, salary for general academic component faculty is to be based on the approved academic rate, and salary for health component faculty is at the rate established pursuant to salary practices for faculty.

- 4.7 No employee shall accept other employment or compensation which could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's public duties.
- 4.8 Sexual Harassment and Misconduct: The educational and working environments of the System and its component institutions should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are unprofessional and unacceptable. The components of the U. T. System shall adopt policies prohibiting sexual harassment and sexual misconduct and procedures for review of complaints. These policies and procedures shall be reviewed by the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate, and shall be published in the Handbook of Operating Procedures of each component.

The System has a series of policies concerning ethical and legal standards of conduct for employees of System Administration and component institutions. Pertinent materials are contained in the Standards of Conduct Digest and should be referenced in the instance of possible conflicts of interest, ethics questions, and compliance with related laws.

Sec. 5. Appointment of Relatives (Nepotism Rule).

- 5.1 Whenever an appointment is made, either on a full-time or part-time basis, it shall be made solely with regard to the special fitness of the appointee, subject to applicable statutes; and subject also to the provisions of this Section of the Regents' Rules and Regulations.
- 5.2 In accordance with the prohibition of Section 573.001 et seq., Texas Government Code, no person related to any member of the Board of Regents within the second degree by affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position, employment, or duty with The

determine recommended award of tenure or notice as provided under Subsection 6.7 of these Rules that the next year will be the faculty member's terminal year of appointment.

- (d) The decision regarding the request shall be made by the chief academic officer of the institution, upon recommendation of the department chair and the dean, within a reasonable period of time and in a manner specified by institutional policy.

6.25 All faculty appointments are subject to the approval of the Board. No nontenured member of the faculty shall expect continued employment beyond the period of his or her current appointment as approved by the Board. Any commitment to employ a nontenured member of the faculty beyond the period of his or her current appointment shall have no force and effect until approved by the Board.

6.26 A person appointed to a faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor or with the title of Technical Instructor, Assistant Master Technical Instructor, Associate Master Technical Instructor or Master Technical Instructor at a component institution of the System may not, during the term of such appointment, hold a tenured position on the faculty of another educational institution outside the System unless the institutional Handbook of Operating Procedures specifically authorizes the holding of such position as a part of the initial appointment.

6.261 Unless an exception is approved as authorized above, appointments within the System to the above specified titles shall be conditioned upon the appointee having resigned any tenured position that the appointee may then hold on the faculty of an educational institution outside the System.

Such resignation must be completed and effective prior to the effective date of the appointment at the System component; otherwise, such appointment shall be void and of no effect.

6.262 The acceptance of an appointment to a tenured position on the faculty of an educational institution outside the System shall be considered as a resignation of any faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor or with the title of Technical Instructor, Assistant Master Technical Instructor, Associate Master Technical Instructor or Master Technical Instructor that such appointee may hold at a System component.

6.3 Termination by an institution of the employment of a faculty member who has been granted tenure and of all other faculty members before the expiration of the stated period of appointment, except as is otherwise provided in Subdivision 6.26 and Subsections 6.(11) and 6.(12) or by resignation or retirement, will be only for good cause shown. In each case the issue will be determined according to the equitable procedures provided in this Subsection.

6.31 The chief administrative officer shall assure that all allegations against a faculty member that involve the potential for termination are reviewed under the direction of the chief academic officer unless another officer is designated by the chief administrative officer. The faculty member who is the subject of the allegations shall be given an opportunity to be interviewed prior to a determination by the chief academic officer whether the allegations are supported by evidence that constitutes good cause for termination. The chief academic officer will recommend to the chief administrative officer whether to proceed with charges

- 6.(10) Each faculty member shall keep the chief administrative officer of the component institution or his or her delegate notified of his or her current mailing address. The written notice required by Section 6.23, 6.7, or 6.8 shall be sent by certified mail, return receipt requested, to the last address given by the faculty member.
- 6.(11) The chief administrative officer of a component institution has the responsibility for determining when to eliminate occupied academic positions, the titles of which are given in Subsection 1.8 of this Chapter, or abandon academic programs or both, subject to approval by the Executive Vice Chancellor for Health Affairs or Chancellor, as appropriate. The decision of the chief administrative officer and the implementation of that decision shall be subject to the following minimum procedural requirements:
- 6.(11)1 An academic program under consideration for abandonment or an academic position that is under consideration for elimination for bona fide academic reasons should be reviewed in depth through procedures determined by the chief administrative officer;
- 6.(11)2 Tenured faculty in a program that is under consideration for abandonment or in an academic position that is under consideration for elimination will be notified and afforded an opportunity to contribute to the review process and have those contributions fairly considered;
- 6.(11)3 Upon completion of the review process, a recommendation with supporting rationale should be submitted to the academic vice president for review and recommendation to the chief administrative officer;
- 6.(11)4 If the chief administrative officer determines that an academic program should be abandoned or that one or more academic positions occupied by tenured faculty should be eliminated, or both, a request for approval with supporting documentation should be forwarded to the Executive Vice Chancellor for Health Affairs or the Chancellor, as appropriate;

- 10.12 When a proposal has been approved or amended by the appropriate institutional officials, faculties, and the component chief administrative officer, it shall then go to the Chancellor for recommendation to the Board if such action is required.
- 10.13 When a proposal has been approved or amended or rejected by the appropriate institutional officials, faculties, and the component chief administrative officer, any member or group of members of the staff may present an appeal in opposition to the action of the majority or in opposition to the recommendation of the institutional official or the component chief administrative officer, and this appeal, accompanied by reasons for and against the proposal, shall go through the prescribed administrative channels and shall be presented to the Chancellor and thence to the Board for final action. The deans and other institutional officials, the component chief administrative officer, the Chancellor and the Board may invite both sides for personal conferences and discussions.
- 10.14 An authorized routine for proposals, with the right of appeal, having been herein fixed, it follows that proposals shall always be made in accordance therewith.

- 10.2 Every voting member of any faculty has the right and the duty to propose changes and to participate in debate in faculty meetings.

Sec. 11. Communications with the Legislature and Other State Agencies or Officials.--The Board is the only proper channel through which recommendations concerning the administration of the System, as a whole or in any of its parts, should reach the Legislature or other state agencies or officials.

if holding the other offices or positions is of benefit to the State of Texas or is required by state or federal law, and if there is no conflict between holding the office or position and holding the original office or position for which the member of the faculty or staff receives salary or compensation.

13.(11) Before a member of the faculty or staff may accept an offer to serve in other nonelective offices or positions of honor, trust, or profit with the State of Texas or the United States, the member of the faculty or staff must obtain from the appropriate administrative officials and the Board a finding via the docket that the requirements of this Section have been fulfilled, including the expected additional compensation to be received from such service.

13.(12) The chief administrative officer must keep a record of compensation received from additional state or federal employment, or both, including specifically: salary, bonuses, and per diem or other type of compensation.

Sec. 14. Holidays.--All faculty, classified and other nonteaching personnel are entitled to such holidays as are provided by the Legislature in the then current Appropriations Bill and as are approved annually by the Executive Vice Chancellor for Business Affairs or alternate holidays approved in the official calendars of the various institutions by the Executive Vice Chancellor for Business Affairs. (See the Classified Personnel rules in the institutional Handbook of Operating Procedures.)

Sec. 15. Vacation.

15.1 Vacations for faculty on twelve-month appointments, classified personnel and nonteaching personnel shall be as provided by state law. Vacations for hourly and part-time employees shall be on a percentage basis for the time appointed. (See the Classified Personnel rules in the institutional Handbook of Operating Procedures.)

- 15.2 An employee who resigns, is dismissed, or separates from university employment shall be entitled to be paid in "lump sum" for all vacation leave entitlement duly accrued at the date of termination provided the employee has had continuous employment with the state for six months. The payment shall be calculated at the rate of compensation being paid the employee at the time of termination.
- 15.3 In the case of death of an employee who has accumulated vacation leave, his or her estate will be paid for all accumulated vacation leave. The payment shall be calculated at a rate of compensation being paid the employee at the time of his or her death.

Sec. 16. Leaves of Absence Without Pay.

- 16.1 With the interest of the institution being given first consideration and for good cause, leaves of absence without pay may be granted for a period within the term of appointment of a member of any faculty or staff, subject to the general conditions included herein. Leaves of absence for a first year or portion thereof or a second consecutive year's leave may be granted by the chief administrative officer. Leaves of absence for a third consecutive year will be granted only for the reasons outlined in this Subsection, Subsection 16.3, and Subsection 16.4, following review and approval by the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate.
- 16.2 The maximum period for which a leave of absence will be granted is the end of the fiscal year in which the leave begins. In the case of faculty, the date for return to duty will generally coincide with the beginning of the next semester, following the period of absence.
- 16.3 Except in unusual circumstances, such as military service, reasons of health, continued graduate study, and public service or other activity that reflects credit on the institution and enhances an individual's ability to make subsequent contributions to the institution, a second consecutive year of leave will not be granted.

Sec. 37. U. T. System Employee Evaluation Policies.

- 37.1 Annual Evaluation of All Employees.
- 37.11 An annual evaluation program for all employees (administrative, faculty and classified) within the U. T. System is to be used for the improvement of performance, promotion consideration, and merit salary review.
- 37.12 Each component will develop policies and procedures regarding evaluations for inclusion in the Handbook of Operating Procedures or the U. T. System Human Resources Manual, as appropriate, after prior approval.
- 37.2 Evaluation of Probationary Employees.
- 37.21 Each component shall establish a probationary period not to exceed six months of actual service for all new classified employees. Probationary employees will be evaluated pursuant to procedures and criteria that have been approved for inclusion in the institutional Handbook of Operating Procedures or the U. T. System Human Resources Manual, as appropriate.
- 37.22 Faculty in tenure-track appointments will be evaluated pursuant to criteria contained in these Rules and Regulations and procedures and criteria that have been approved for inclusion in the institutional Handbook of Operating Procedures.
- 37.3 U. T. System Guidelines for Periodic Performance Evaluation of Tenured Faculty.

Preamble

The U. T. Board of Regents recognizes the time-honored practice of tenure for university faculty as an important protection of free inquiry, open intellectual and scientific debate, and unfettered criticism of the accepted body of knowledge. Academic institutions have a special need for practices that protect freedom of expression, since the core of the academic enterprise involves a continual reexamination of ideas. Academic disciplines thrive and grow through critical analysis of conventions and theories. Throughout history, the process of

exploring and expanding the frontiers of learning has necessarily challenged the established order. That is why tenure is so valuable, not merely for the protection of individual faculty members but also as an assurance to society that the pursuit of truth and knowledge commands our first priority. Without freedom to question, there can be no freedom to learn.

The U. T. Board of Regents supports a system of periodic evaluation of all tenured faculty. Periodic evaluation is intended to enhance and protect, not diminish, the important guarantees of tenure and academic freedom. The purpose of periodic evaluation is to provide guidance for continuing and meaningful faculty development; to assist faculty to enhance professional skills and goals; to refocus academic and professional efforts, when appropriate; and to assure that faculty members are meeting their responsibilities to the University and the State of Texas. The U. T. Board of Regents is pledged to regular monitoring of this system to make sure that it is serving its intended purposes and does not in any way threaten tenure as a concept and practice. In implementing the plan, component institutions shall maintain an appropriate balance of emphasis on teaching, research, service, and other duties of faculty.

Guidelines

Each component institution of The University of Texas System will develop an institutional policy and plan consistent with the following guidelines for the periodic performance evaluation of tenured faculty effective January 1, 1998, with actual evaluation to begin no later than the Fall Semester 1998. Institutional policies are to be developed with appropriate faculty input, including consultation with and guidance from faculty governance organizations, and are to be included in each institutional Handbook of Operating Procedures after review and appropriate administrative approval and submission to the U. T. Board of Regents for review and final approval. Periodic evaluations, while distinct from the annual evaluation process now required of all employees, may be integrated with the annual evaluation process to form a single comprehensive faculty development and evaluation process. Nothing in

these guidelines or the application of institutional evaluation policies shall be interpreted or applied to infringe on the tenure system, academic freedom, due process, or other protected rights nor to establish new term-tenure systems or to require faculty to reestablish their credentials for tenure.

Institutional Handbook of Operating Procedures policies should be drafted to establish a streamlined, efficient process and should include the following minimum elements for periodic evaluation:

- 37.31 Evaluation of tenured faculty will continue to be performed annually with a comprehensive periodic evaluation of all tenured faculty performed every six years. The evaluation may not be waived for any tenured faculty member but may be deferred in rare circumstances when the review period will coincide with approved leave, comprehensive review for tenure or promotion, or appointment to an endowed position. No deferral of review of an active faculty member may extend beyond one year from the scheduled review. Institutional policy may specify that periods when a faculty member is on leave need not be counted in calculating when the comprehensive evaluation is required. The requirement of periodic review does not imply that individuals with unsatisfactory annual evaluations may not be subject to further review and/or appropriate administrative action.
- 37.32 The evaluation shall include review of the faculty member's professional responsibilities in teaching, research, service, patient care, and administration.
- 37.33 Reasonable individual notice of at least six months of intent to review will be provided to a faculty member.
- 37.34 The faculty member being evaluated shall submit a résumé, including a summary statement of professional accomplishments, and shall submit or arrange for the submission of annual reports and teaching evaluations. The faculty member may provide copies of a statement of professional goals, a proposed professional development plan, and any other additional materials the faculty member deems appropriate.

- 37.35 In accordance with institutional policy, initial evaluation of the faculty member's performance may be carried out by the department, department chair (or equivalent), dean, or peer review panel, but in any event must be reported to the chair (or equivalent) and dean for review. Evaluation shall include review of the current résumé, student evaluations of teaching for the review period, annual reports for the review period, and all materials submitted by the faculty member.
- 37.36 If peer review is not required by institutional policy, the peer review process may be initiated by the faculty member, department chair (or equivalent) or dean. If peer committees are involved, the members shall be representative of the college/school and will be appointed, on the basis of their objectivity and academic strength, by the dean in consultation with the tenured faculty in the college/school or pursuant to other process as defined in institutional policies. If peer review is involved, the faculty member will be provided with an opportunity to meet with the committee or committees.
- 37.37 Results of the evaluation will be communicated in writing to the faculty member, the department chair/dean, the chief academic officer, and the president for review and appropriate action. Possible uses of the information contained in the report should include the following:
- 37.371 For individuals found to be performing well, the evaluation may be used to determine salary recommendations, nomination for awards, or other forms of performance recognition.
- 37.372 For individuals whose performance indicates they would benefit from additional institutional support, the evaluation may be used to provide such support (e.g., teaching effectiveness assistance, counseling, or mentoring in research issues/service expectations).

- 37.373 For individuals found to be performing unsatisfactorily, review to determine if good cause exists for termination under the current Regents' Rules and Regulations may be considered. All proceedings for termination of tenured faculty on the basis of periodic performance evaluation shall be only for incompetency, neglect of duty or other good cause shown and must be conducted in accordance with the due process procedures of the Regents' Rules and Regulations, Part One, Chapter III, Section 6 including an opportunity for referral of the matter to alternative dispute resolution. Such proceedings must also include a list of specific charges by the chief administrative officer and an opportunity for a hearing before a faculty tribunal. In all such cases, the burden of proof shall be on the institution, and the rights of a faculty member to due process and academic freedom shall be protected.

The acceptance and success of periodic evaluation for tenured faculty will be dependent upon a well-executed, critical process and an institutional commitment to assist and support faculty development. Thus, remediation and follow-up review for faculty who would benefit from such support, as well as the designation of an academic administrator with primary responsibility for monitoring such needed follow-up activities, are essential.

37.4 Evaluation of Administrators.

- 37.41 Chief Administrative Officers. Evaluation of the chief administrative officer of each component institution is primarily the responsibility of the Chancellor or the Executive Vice Chancellor for Health Affairs, as appropriate.
- 37.42 Vice Presidents and Deans. Subject to the requirements of Subsection 37.3 and Subdivision 37.43, the evaluation of the vice presidents and deans is primarily the responsibility of the chief administrative officer or delegate.

- 37.43 Guidelines for Faculty Input into the Evaluation of Academic Administrators.
- 37.431 Each academic administrator below the level of chief administrative officer should be reviewed at least every six years. A written report will contain the substance of the review.
- 37.432 The institutional Academic Senate or other representative faculty body should be consulted in the development of the review policies and procedures. Institutions should also address avenues for faculty input into the review of other administrators who have significant impacts on campus academic affairs.
- 37.433 The review process should provide an opportunity for input by all faculty members in the academic unit(s) reporting to and/or affected directly by the administrator being evaluated.
- 37.434 A summary of faculty input, to be provided to the administrator under review and to the administrator's supervisor, should constitute a significant component of the evaluation report.
- 37.435 Unless otherwise defined by approved institutional policy, academic administrator is intended to refer to the chief academic officer (Vice President for Academic Affairs or Provost); academic deans, department chairs, and directors of academic units.
- 37.436 The U. T. System Administration also recognizes and supports comparable involvement by staff members and students, as is now the practice for evaluation of academic administrators at several U. T. System component institutions.
- 37.437 Additionally, the Chancellor and the Executive Vice Chancellor for Health Affairs should be sensitive to the importance of faculty input in the process of evaluating all administrators with direct or significant academic administrative responsibility.

- 2.14 Honors and scholastic performance generally.
 - 2.15 Approval of candidates for degrees.
 - 2.16 Faculty rules of procedure.
- 2.2 Necessity of Approval by Regents.--Legislation recommended by an institutional faculty, or legislative body thereof, requiring approval of the Board, shall not be effective unless and until approved by the Board. Such legislation by a college or school faculty shall not be presented to the Board until it has been approved by the institutional faculty, either directly or through its legislative body, and has received the consideration and recommendation of the appropriate chief administrative officer(s), the Executive Vice Chancellor for Health Affairs, if appropriate, and the Chancellor. The faculty affected will be notified by the Board, through administrative channels, of its action on recommended faculty legislation.
- 2.3 When Legislation is Effective.--Except where the Board has specifically authorized procedure for placing into effect emergency faculty legislation without prior Board approval, institutional faculty legislation shall become effective only upon approval by the Board or at such later time as the Board shall specify. The secretary of the institutional faculty shall be notified of Board action, and notice of such action shall be included in the official minutes of the faculty.
- 2.4 Approval of Degree Candidates.--It shall be the duty of the several institutional faculties to recommend approval or disapproval of all candidates for degrees. This duty may be delegated by affirmative vote of the institutional faculty, or its legislative body, to the respective deans or other appropriate official. Should this duty not be delegated, then the institutional registrar, or his or her equivalent, shall furnish to the members of the institutional faculty a complete list of the degree candidates for recommendation.

- 2.5 List of Degree Candidates in Minutes.--The institutional registrar, as soon as possible after each commencement, shall provide the secretary of his or her institutional faculty, or its legislative body, with a complete list of all successful degree candidates.
- 2.6 Changes in Degree Requirements.--Changes in degree requirements shall not become effective until approved by the Board and published in the appropriate catalogue; provided, however, that students may be given the benefit of any action reducing or modifying the requirements for their degree immediately upon Board approval.
- 2.7 Faculty Minutes.--Copies of institutional faculty minutes, or of their legislative bodies, shall be available for use of members of the particular faculties individually, if desired; and shall be filed (1) in the offices of the secretaries to the faculty, (2) in the office of the chief administrative officers, (3) in the office of the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate, and (4) in the institutional libraries.
- Sec. 3. Faculty Advisory Council.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a faculty advisory council representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the U. T. Board of Regents, the U. T. System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of faculty advisory council representatives. Representatives of the faculty advisory council may from time to time address the Board at meetings of the Board and may recommend action to the Board through the Chancellor. The faculty advisory council shall provide an annual report of activities and actions to the Board.

- 3.2 In the Nursing Schools of component institutions, graduate education will be administered as specific graduate programs coordinated by an administrative officer designated by the chief administrative officer of the component institution.
- 3.3 In the U. T. M.D. Anderson Cancer Center research and graduate instruction will be offered in cooperation with other components which are authorized to award graduate degrees.

- Sec. 4. Component institutions which offer graduate degrees and elect an administrative organization and designations different from those authorized above may do so only upon the recommendation of the chief administrative officer, the concurrence of the Executive Vice Chancellor for Health Affairs, if appropriate, and the Chancellor and the approval of the Board.
- Sec. 5. The policies and procedures for staffing and administering the graduate programs at all component institutions shall be set forth in the institutional Handbook of Operating Procedures. These policies and procedures shall include qualifications for faculty members assigned to teach graduate courses, supervise graduate programs, and advise graduate students.

Where two or more components of the System are authorized to conduct joint or cooperative degree programs, the chief administrative officers of the cooperating institutions shall be authorized to establish, subject to the approval of the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, as appropriate, special procedures and organizations for the administration of such programs.

CHAPTER VI

STUDENT SERVICES AND ACTIVITIES INCLUDING FACILITIES USE

Sec. 1. General Provisions.

- 1.1 These policies and regulations apply to all component institutions of the System and shall be implemented appropriately in the Handbook of Operating Procedures for each institution.
- 1.2 When the designation "chief student affairs officer" appears in this Chapter, reference is made to the administrative officer or officers directly responsible for student affairs at each component institution. The designation "Dean of Students" or "Dean" in the context of this Chapter shall refer to the administrative officer or officers responsible for the administration of the disciplinary process at each component institution.
- 1.3 All authority held and exercised by a chief student affairs officer is delegated to that officer by the chief administrative officer. Any action taken by the chief student affairs officer is subject to review by the chief administrative officer.
- 1.4 The chief student affairs officer shall be the administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this Chapter.
- 1.5 Any individual student, group of students, or student organization may petition the Board on any matter relating to these policies and regulations (other than a disciplinary action) through the chief student affairs officer, the chief administrative officer, the Executive Vice Chancellor for Health Affairs, if appropriate, and the Chancellor.

2.4 Weekday.--Monday through Friday, excluding any day that is an official holiday of the component institution.

2.5 Day.--A calendar day.

Sec. 3. Student Conduct and Discipline.

3.1 The component institutions shall adopt rules and regulations concerning student conduct and discipline. Such rules shall be in compliance with the Regents' Rules and Regulations and shall become effective upon review and approval by the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs. Each student is responsible for notice of and compliance with the provisions of the Regents' Rules and Regulations and the rules of the component institution.

3.2 All students are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with System and institutional rules and regulations, with directives issued by an administrative official of the System or component institution in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

3.21 Any student who engages in conduct that violates the Regents' Rules and Regulations, the System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

3.22 Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

whether registered or not, may use any facility of any component institution of the System if it has as a member any person who is not either a student or a member of the faculty or staff of the institution.

4.73 At the beginning of each semester, each registered student organization or group must file with the appropriate institutional officer a written statement that the organization or group does not, and will not during the semester, have as a member any person who is not either a student or a member of the faculty or staff of the institution. If an organization or group fails or refuses to file the required statement, or if the Dean of Students determines that the statement is or has become false, the Dean of Students, after providing notice, shall begin disciplinary proceedings. The Dean or Hearing Officer may cancel the registered status of the organization or group or impose other appropriate penalties.

4.74 No organization or group, whether registered or not, may use the facilities of any component institution as long as it owes a monetary debt to the institution and the debt is considered delinquent by the crediting institutional agency.

4.8 No component institution shall register any student organization or group whose actions or activities, in the opinion of the chief administrative officer or the Executive Vice Chancellor for Health Affairs or the Chancellor, as appropriate, are inimical to the educational purpose and work of the institution.

4.9 A registered student organization whose registered status has been cancelled by the Dean of Students pursuant to Subdivisions 4.73 or 6.63 of this Chapter may apply for re-registration not less than six months following the date of such cancellation.

Sec. 5. Participation in Student Government.

5.1 Students' Associations.--Students' associations currently authorized at the component institutions of the System are hereby approved. They shall have such jurisdictions and shall exercise such powers as the Board may now or hereafter delegate to them.

- 5.11 Constitutions and Bylaws Approved.--The constitutions and bylaws of the several associations in force at the date of adoption of these Rules and Regulations are hereby approved.
- 5.12 Mode of Amending Constitutions and Bylaws.--An amendment to the constitution or bylaws of a students' association may be adopted by an association, in accordance with its constitution and bylaws, but the change shall not become effective until transmitted to and acted upon by the chief student affairs officer, the chief administrative officer and the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs. Such amendment shall be included in the institutional docket for ratification by the Board. Amendments to internal rules of procedure shall not become effective until transmitted to and acted upon by the chief student affairs officer and the chief administrative officer.
- 5.13 Amendment or Repeal by Regents.--The Board shall amend or repeal any portion of the constitution and bylaws of a students' association when, in the judgment of the Board, the interests of the particular institution shall require it.
- 5.14 Amendment or Repeal by the Chief Student Affairs Officer.--The chief student affairs officer shall have the power, when in his or her judgment the interests of the institution require it, to amend or repeal any provision in the constitution or bylaws of the particular association, but such action shall be in force only until the next meeting of the Board when Subdivision 5.13, above, shall become applicable.
- 5.15 Salaried Employees.--All persons officially employed on salary by or under the direct supervision of a students' association shall be subject to approval by the chief student affairs officer and the chief administrative officer.
- 5.16 Annual Financial Reports.--Every officially recognized students' association shall make annually a complete financial report to the institutional chief business officer and shall make such special reports as may be

called for by such business officer. A duplicate copy of each report shall be filed with the chief student affairs officer. Committees and administrative units of a students' association shall make such interim reports of financial condition as may be required by the chief student affairs officer.

- 5.2 The students' association on each campus shall be a recognized forum of student opinion.
 - 5.21 When a students' association takes a position with reference to issues directly related to a component institution and its operations, its recommendations shall go through the chief student affairs officer, the chief administrative officer, the Executive Vice Chancellor for Health Affairs, or the Chancellor to the Board.
 - 5.22 When a students' association takes a position on non-University issues, it shall make clear the fact that it does not speak for the institution.
 - 5.23 A students' association may conduct polls, initiate petitions, and/or establish forums for debate or discussion under conditions approved by the chief student affairs officer.
 - 5.24 Officers of a students' association may so identify themselves when they express their personal views, but they shall then make it clear that they are not speaking for the institution, or for the student body, and they shall make it clear they are not speaking for the students' association unless the legislative body of that association has authorized the statement in advance.

Sec. 6. Use of University Facilities. This Section applies only to property, buildings, and facilities owned or controlled by the U. T. System or component institutions that are maintained and used for programs and activities related to the role and mission of the U. T. System or component institutions.

CHAPTER VII

THE SYSTEM PRIVATE-FUND DEVELOPMENT AND FOUNDATIONS

Sec. 1. The System Private-Fund Development.

- 1.1 Responsibilities of the Board and Administrative Officials of the System in Private-Fund Development.
 - 1.11 Among the most important responsibilities of the Board are those of establishing policies and procedures by which the developmental needs of the System and its component institutions can be determined and of directing vigorous efforts to attract private-fund support for meeting these needs.
 - 1.12 The Chancellor is to serve as the chief executive officer for fund development and as the agent of the Board for the discharge of development responsibilities. The Chancellor shall define for the Board, at periodic intervals, descriptions of current and future needs, as determined by the chief administrative officers and System Administration, taking into account such needs as each component institution development board may have recommended.

Sec. 2. The Development Board of a Component Institution for Private-Fund Development.

- 2.1 With the approval of the chief administrative officer, the Executive Vice Chancellor for Health Affairs, if appropriate, the Chancellor, and the Board of Regents, any component institution may have a development board dedicated to its own unique interests. Such a development board is the agency responsible through the chief administrative officer to the Chancellor, and through him or her to the Board of Regents, for all private-fund development for that component institution. Each component institution development board shall determine its development needs and shall direct the formulation of plans and the promotion of support for its programs.

- 2.2 Responsibilities and duties of the component institution development boards:
- 2.21 The component institution development board is the agency responsible to the chief administrative officer of each institution for all private-fund development for that institution.
 - 2.22 The component institution development board shall recommend through the chief administrative officer, the Executive Vice Chancellor for Health Affairs, if appropriate, and the Chancellor to the Board of Regents the approval of current and long-range policies which shall govern activities and responsibilities in cultivating and securing private funds for the institution.
 - 2.23 The component institution development board shall have responsibility:
 - 2.231 For studying and developing total development needs of the component institution.
 - 2.232 For coordinating and formulating plans and actively promoting support for both current and long-range programs to meet the developmental needs of the component institution.
 - 2.233 For developing gift possibilities not related to predetermined projects.
 - 2.234 For periodic reports of progress to the chief administrative officer and the Chancellor on the plans and programs of the component institution development board. It is expected that a continuing program of the component institution will include collection and dissemination of information regarding gifts and endowments.
 - 2.235 At periodic intervals, the chief administrative officer shall lay before his or her development board descriptions of current development needs.

- 2.3 Composition and Operation of the Component Institution Development Board.--The component institution development board shall consist of members recommended and appointed by the chief administrative officer of each component institution with final review and approval of the membership delegated by the Board of Regents to the Chancellor following consultation with the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs. Chief administrative officers shall adopt guidelines for the appointment and/or reappointment of the members of the component institution development board. The guidelines shall make clear each individual's term of office and the expectations and responsibilities of membership. Consideration shall be directed to appropriate balance in board membership, including concerns relating to gender, ethnicity, range of experience, geographical distribution, and the special needs of the institution and the board. Component institutions shall forward an accurate roster of development board membership to the Chancellor via the Vice Chancellor for Development and External Relations no later than July 15 of each year. All terms shall officially begin on September 1. Official rosters of board membership shall be maintained in the Office of the Vice Chancellor for Development and External Relations. The chief administrative officer and the Chancellor (or his or her delegate) shall be ex officio members with voting privileges. The component institution development board will elect a Chairman and such other officers as are appropriate from among its membership.
- 2.4 General Policies of the Component Institution Development Boards:
- 2.41 A component institution development board shall seek to enlist the aid of numerous friends of the institution in fund-development efforts, and may establish such committees and other groups as seem desirable in carrying out its program.

- with the approval of the Executive Vice Chancellor for Health Affairs, if appropriate, the Chancellor and the Board of Regents. The chief administrative officer of each component institution shall be responsible for stimulating, guiding, and assisting the component institution development board and internal foundations of the component institution he or she heads and he or she may require suitable annual reports from each. All such activities shall be coordinated through the office of the chief administrative officer and the director of the component institution development board.
- 2.44 From time to time, special campaigns for specific objectives may be conducted, with or without the assistance of private fund-raising counsel. Such campaigns may originate upon recommendation by the Board of Regents, the Chancellor, the chief administrative officer with the concurrence of the Chancellor, or the component institution development boards. No such campaign shall be authorized or undertaken, however, until the Chancellor has advised the Board of Regents of his or her approval or disapproval and the campaign has been approved by the Board of Regents.
- 2.45 Notwithstanding the provisions hereof conferring authority upon and placing responsibility with the Chancellor for fund development and fund raising, it is understood that ex-students' associations of the System component institutions may engage in fund raising for their own support through dues and payments for memberships, both annual and life. However, it is expected that no such ex-students' association will sponsor or participate in any other organized fund-raising effort without first consulting and advising with the chief administrative officer and the Chancellor, and then receiving the approval of the Board of Regents.

- 2.5 Executive Office of a Component Institution Development Board:
- 2.51 Within the office of the chief administrative officer there may be appointed by the chief administrative officer, with the approval of the Executive Vice Chancellor for Health Affairs, if appropriate, and the Chancellor, an executive director of the component institution development board. He or she is to be charged solely with fund-development activity, and subject to supervision, evaluation, and termination of employment by the chief administrative officer.
- 2.52 The executive director of the component institution development board shall have such staff and such operating funds as shall be determined from time to time by budgets recommended by the chief administrative officer, endorsed by the Executive Vice Chancellor for Health Affairs, if appropriate, and the Chancellor, and adopted by the Board of Regents. Duties of staff members shall be established by the executive director.
- 2.6 Finances.--Financial support of the component institution development board and the executive director shall be provided exclusively by the budget of the institution. Such budgets will be made through established budgetary procedures. The Board of Regents may accept gifts designated for use by the component institution development board and may make such funds available for expenditure by said board.
- 2.7 Under the provisions of Section 4 of this Chapter, a component institution development board may, but need not, have an associated internal foundation.

Sec. 3. The Advisory Councils of a Component Institution.

- 3.1 Establishment and Organization:
- 3.11 With the approval of the chief administrative officer of a component institution, the Executive Vice Chancellor for Health Affairs, if appropriate, the Chancellor, and the Board of Regents, any school, college, or other comparable teaching or research

unit may have an advisory council dedicated to its own unique interests. Such an advisory council is responsible through the dean or director to the chief administrative officer of the component and through him or her to the component institution development board for all private funds developed for that school, college, or comparable unit. Each advisory council shall determine its development needs and shall direct the formulation of plans and the promotion of support for its programs.

3.12 An advisory council shall consist of members recommended by the dean or director of the school, college, or other approved unit and appointed by the chief administrative officer of the component institution with final approval of the membership delegated by the Board of Regents to the Chancellor following consultation with the Executive Vice Chancellor for Health Affairs, if appropriate. Chief administrative officers shall, in consultation with the dean or director of the school, college, or other approved unit, adopt guidelines for the appointment and/or reappointment of the members of the component's advisory council(s). The guidelines shall make clear each individual's term of office and the expectations and responsibilities of membership. Consideration shall be directed to appropriate balance in advisory council membership, including concerns relating to gender, ethnicity, years of involvement or experience with the college, school, or unit, geographical distribution, and the special needs of the school, college, or unit. Component institutions shall

forward accurate rosters of advisory council membership(s) to the Chancellor via the Vice Chancellor for Development and External Relations no later than July 15 of each year. All terms shall officially begin on September 1. Official rosters of advisory council membership shall be maintained in the Office of the Vice Chancellor for Development and External Relations. The chief administrative officer of the component institution shall be an ex officio member of the component institution's advisory councils.

3.13 An advisory council may elect a chairman and other such officers as are appropriate from among its membership. The dean or director, and the chief administrative officer of the component institution, or his or her delegate shall be ex officio members with voting privileges.

3.2 Duties and Responsibilities:

3.21 An advisory council shall seek to enlist the aid of numerous friends of the school, college, or comparable unit in fund-development efforts, and may establish such committees and other groups as seem desirable in carrying out its programs.

3.22 An advisory council shall recommend through the dean or director or the component chief

inter vivos trusts. An internal foundation is an accounting and administrative mechanism in the name of which development boards and advisory councils may approach prospective donors. Internal foundations are under the jurisdiction and control of the Board of Regents and are governed by rules, regulations, policies and procedures promulgated by the Board.

4.2 Policies on Initiation and Operation.

4.21 An internal foundation may be established to benefit a component institution, or a school, college or other comparable teaching or research unit within a component institution upon the recommendation of a development board or an advisory council, after approval of the chief administrative officer of the component institution, the Executive Vice Chancellor for Health Affairs, if appropriate, the Chancellor, and the Board of Regents.

4.22 Divisions and departments below the level of a school, college, or other comparable teaching or research unit may effectively work as separate groups within the framework of the advisory council and internal foundation which represents a school or college or comparable teaching or research unit. Provisions for the designation of special funds to be used for specific activities within the framework of the various internal foundations and advisory councils will be made in order to avoid stifling the interest and initiative of these groups.

4.23 There shall be an annual review of the activities of each internal foundation to determine its effectiveness; and, if it is unproductive for an unreasonable length of time, it shall be dissolved.

4.24 Every effort shall be made to permit a free range of initiative within the internal foundations, and their associated development boards and advisory councils, but activities must be in

1. The funds of the Foundation shall be devoted solely to the enrichment of the academic programs of the (((name of school, college, or other component unit))) of The University of Texas (((name of component))) and shall not be used for the ordinary operating expenses of the (((name of school, college, or other component unit))).

2. A donation to the Foundation may be made for a specific purpose and may be given in the name of the donor or other designation specified by the donor or may be given as unrestricted funds.

3. The Board of Regents shall hold, manage, control, sell, exchange, lease, convey, mortgage or otherwise encumber, invest or reinvest, and generally shall have power to dispose of in any manner and for any consideration and on any terms the said gifts, funds, or property in their discretion and shall from time to time pay out of the income, or if the income be insufficient, out of the principal, all expenses of trust and all expenditures incurred in furthering the purposes of the trust.

4. Neither any donation to the (((name))) Foundation nor any fund or property arising therefrom in whatever form it may take shall ever be any part of the Permanent University Fund nor shall the Legislature have power or be in any way authorized to change the purposes thereof or to divert such donation, fund or property from those designated purposes.

5. As in the case of other University funds, authorization for expenditure of all funds from the Foundation shall be vested in the Board of Regents and recommendations for such expenditures shall be made by the (((appropriate title of chief administrative officer))) through the Executive Vice Chancellor for Health Affairs, if appropriate, to the Chancellor and by the Chancellor to the Board of Regents of The University of Texas System.

4.32 Upon Regental approval of the standard resolution creating an internal foundation, the name of the foundation will be added to the list contained in Section 4.33 of this Chapter. The Executive Secretary to the Board of Regents shall prepare a copy of the standard resolution in appropriate form for the Chairman's signature and shall distribute a copy to the Executive Vice Chancellor for Health Affairs, if appropriate, the Chancellor and to the chief administrative officer of the component institution involved.

CHAPTER VIII

MISCELLANEOUS

Sec. 1. Naming of Buildings and Other Facilities.

- 1.1 The naming of buildings and other facilities, such as laboratories, classrooms, seminar rooms, auditoria, concert halls, clinics, and patient rooms of the U. T. System and its component institutions, whether for an individual or with a functional or historical designation, is the prerogative and responsibility of the Board of Regents and can be initiated by the Board when circumstances warrant. When recommendations for naming of buildings or other facilities originate at other than the level of the Board, such recommendations shall be forwarded to the Board of Regents with recommendations of the Chancellor, the Executive Vice Chancellor for Health Affairs, if appropriate, and appropriate chief administrative officer, accompanied by reasons for the recommendation, and campus consultations where appropriate. Recommendations for naming of buildings require Board of Regents' approval via the agenda. Recommendations for naming of other facilities shall be submitted for Regental approval via the docket.
- 1.2 Buildings and other facilities may be named to memorialize or otherwise recognize substantial gifts and significant donors, individuals designated by donors, or individuals who have made exemplary or meritorious contributions to the System, component institution, or society. Such designation may be for a single gift, multiple gifts over time, or for a combination of gifts and other contributions.
- 1.3 Each component institution will develop guidelines for what constitutes substantial and significant donations to warrant a building name. These guidelines may vary from campus to campus and sometimes within a campus dependent upon the nature and purpose of the building or other factors. Institutional donor guidelines are subject to prior administrative review and approval procedures for inclusion in the institutional Handbook of Operating Procedures. Exceptions to any approved guidelines are subject to the same approval process.

- 1.4 The naming of buildings and other facilities in honor of campus administrative officials, faculty, or staff or elected or appointed public officials shall normally occur only after the campus employment or public service has concluded.
- 1.5 When the naming of buildings or other facilities is contemplated as part of a special private-fund development campaign, that campaign, the buildings to be named, and the associated private-fund contributions to be sought shall have prior approval of the Executive Vice Chancellor for Health Affairs, if appropriate, the Chancellor, and the Board as required in Part One, Chapter VII, Section 2, Subdivision 2.44 of the Regents' Rules and Regulations. Recommendations by the Chancellor, the Executive Vice Chancellor for Health Affairs, if appropriate, and chief administrative officer regarding the naming of each building or facility included in a fund development campaign shall be submitted to the Board of Regents for approval as set forth in Subsection 1.1 above.
- 1.6 The Chancellor will arrange for the Board of Regents to be briefed periodically by component chief administrative officers and System administrative officials via the annual budget process or other appropriate forum regarding buildings to be named and the private-fund contributions to be sought. Unexpected naming opportunities not covered in such briefings should be reviewed with the Board via regular Board of Regents' briefings. No commitment regarding the naming of a building or facility is to be made prior to the briefings and approvals required by this Section.

- b. Authorized the Executive Vice Chancellor for Business Affairs or the Executive Director of Real Estate to take all steps, including execution of all documents, required to complete the transaction following approval by the Texas Higher Education Coordinating Board and the Office of General Counsel.

SPECIAL ITEMS

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval of Amendments to Chapter III, Section 6 (Tenure, Promotion, and Termination of Employment), Subsection 6.2, Subdivision 6.26.--Part One, Chapter III, Section 6, Subsection 6.2, Subdivision 6.26 of the Regents' Rules and Regulations was adopted at the April 1984 meeting of the U. T. Board of Regents to make explicit that acceptance of another tenured appointment abandons a tenure contract with a University of Texas System institution and that a tenured appointment within the U. T. System is conditioned on the new faculty member resigning any prior tenured appointments.

While the general reasoning behind the language is sound, highly competitive recruiting for faculty, especially in the professional schools, requires acknowledgment that a tenured appointment at an institution outside the U. T. System may be retained if the arrangement was specifically negotiated as part of the recruitment incentive at the time of initial employment pursuant to approved institutional policy.

In accordance therewith, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsection 6.2, Subdivision 6.26, regarding the holding of more than one tenure appointment, to read as set forth below:

- 6.26 A person appointed to a faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor or with the title of Technical Instructor, Assistant Master Technical Instructor, Associate Master Technical Instructor or Master Technical Instructor at a component

institution of the System may not, during the term of such appointment, hold a tenured position on the faculty of another educational institution outside the System unless the institutional Handbook of Operating Procedures specifically authorizes the holding of such position as a part of the initial appointment.

6.261 Unless an exception is approved as authorized above, appointments within the System to the above specified titles shall be conditioned upon the appointee having resigned any tenured position that the appointee may then hold on the faculty of an educational institution outside the System. Such resignation must be completed and effective prior to the effective date of the appointment at the System component; otherwise, such appointment shall be void and of no effect.

6.262 The acceptance of an appointment to a tenured position on the faculty of an educational institution outside the System shall be considered as a resignation of any faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor or with the title of Technical Instructor, Assistant Master Technical Instructor, Associate Master Technical Instructor or Master Technical Instructor that such appointee may hold at a System component.

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter III to Add a Section 37 (U. T. System Employee Evaluation Policies) to Consolidate Various Existing Employee Evaluation Policies. --In order to emphasize the importance of employee evaluations to an effective and efficient human resources program, the Board amended the Regents' Rules and Regulations, Part One, Chapter III to add a Section 37 which consolidates various existing employee evaluation policies and includes the current post-tenure review guidelines for faculty and administrators within The University of Texas System. The new Section 37 is set forth on Pages 8 - 15.

Sec. 37. U. T. System Employee Evaluation Policies.

- 37.1 Annual Evaluation of All Employees.
- 37.11 An annual evaluation program for all employees (administrative, faculty and classified) within the U. T. System is to be used for the improvement of performance, promotion consideration, and merit salary review.
- 37.12 Each component will develop policies and procedures regarding evaluations for inclusion in the Handbook of Operating Procedures or the U. T. System Human Resources Manual, as appropriate, after prior approval.
- 37.2 Evaluation of Probationary Employees.
- 37.21 Each component shall establish a probationary period not to exceed six months of actual service for all new classified employees. Probationary employees will be evaluated pursuant to procedures and criteria that have been approved for inclusion in the institutional Handbook of Operating Procedures or the U. T. System Human Resources Manual, as appropriate.
- 37.22 Faculty in tenure-track appointments will be evaluated pursuant to criteria contained in these Rules and Regulations and procedures and criteria that have been approved for inclusion in the institutional Handbook of Operating Procedures.
- 37.3 U. T. System Guidelines for Periodic Performance Evaluation of Tenured Faculty.

Preamble

The U. T. Board of Regents recognizes the time-honored practice of tenure for university faculty as an important protection of free inquiry, open intellectual and scientific debate, and unfettered criticism of the accepted body of knowledge. Academic institutions have a special need for practices

that protect freedom of expression, since the core of the academic enterprise involves a continual reexamination of ideas. Academic disciplines thrive and grow through critical analysis of conventions and theories. Throughout history, the process of exploring and expanding the frontiers of learning has necessarily challenged the established order. That is why tenure is so valuable, not merely for the protection of individual faculty members but also as an assurance to society that the pursuit of truth and knowledge commands our first priority. Without freedom to question, there can be no freedom to learn.

The U. T. Board of Regents supports a system of periodic evaluation of all tenured faculty. Periodic evaluation is intended to enhance and protect, not diminish, the important guarantees of tenure and academic freedom. The purpose of periodic evaluation is to provide guidance for continuing and meaningful faculty development; to assist faculty to enhance professional skills and goals; to refocus academic and professional efforts, when appropriate; and to assure that faculty members are meeting their responsibilities to the University and the State of Texas. The U. T. Board of Regents is pledged to regular monitoring of this system to make sure that it is serving its intended purposes and does not in any way threaten tenure as a concept and practice. In implementing the plan, component institutions shall maintain an appropriate balance of emphasis on teaching, research, service, and other duties of faculty.

Guidelines

Each component institution of The University of Texas System will develop an institutional policy and plan consistent with the following guidelines for the periodic performance evaluation of tenured faculty effective January 1, 1998, with actual evaluation to begin no later than the Fall Semester 1998. Institutional policies are to be developed with appropriate faculty input, including

consultation with and guidance from faculty governance organizations, and are to be included in each institutional Handbook of Operating Procedures after review and appropriate administrative approval and submission to the U. T. Board of Regents for review and final approval. Periodic evaluations, while distinct from the annual evaluation process now required of all employees, may be integrated with the annual evaluation process to form a single comprehensive faculty development and evaluation process. Nothing in these guidelines or the application of institutional evaluation policies shall be interpreted or applied to infringe on the tenure system, academic freedom, due process, or other protected rights nor to establish new term-tenure systems or to require faculty to reestablish their credentials for tenure.

Institutional Handbook of Operating Procedures policies should be drafted to establish a streamlined, efficient process and should include the following minimum elements for periodic evaluation:

37.31 Evaluation of tenured faculty will continue to be performed annually with a comprehensive periodic evaluation of all tenured faculty performed every six years. The evaluation may not be waived for any tenured faculty member but may be deferred in rare circumstances when the review period will coincide with approved leave, comprehensive review for tenure or promotion, or appointment to an endowed position. No deferral of review of an active faculty member may extend beyond one year from the scheduled review. Institutional policy may specify that periods when a faculty member is on leave need not be counted in calculating when the comprehensive evaluation is required.

The requirement of periodic review does not imply that individuals with unsatisfactory annual evaluations may not be subject to further review and/or appropriate administrative action.

- 37.32 The evaluation shall include review of the faculty member's professional responsibilities in teaching, research, service, patient care, and administration.
- 37.33 Reasonable individual notice of at least six months of intent to review will be provided to a faculty member.
- 37.34 The faculty member being evaluated shall submit a résumé, including a summary statement of professional accomplishments, and shall submit or arrange for the submission of annual reports and teaching evaluations. The faculty member may provide copies of a statement of professional goals, a proposed professional development plan, and any other additional materials the faculty member deems appropriate.
- 37.35 In accordance with institutional policy, initial evaluation of the faculty member's performance may be carried out by the department, department chair (or equivalent), dean, or peer review panel, but in any event must be reported to the chair (or equivalent) and dean for review. Evaluation shall include review of the current résumé, student evaluations of teaching for the review period, annual reports for the review period, and all materials submitted by the faculty member.
- 37.36 If peer review is not required by institutional policy, the peer review process may be initiated by the faculty member, department chair (or equivalent) or dean. If peer committees are involved, the members shall be representative of the

college/school and will be appointed, on the basis of their objectivity and academic strength, by the dean in consultation with the tenured faculty in the college/school or pursuant to other process as defined in institutional policies. If peer review is involved, the faculty member will be provided with an opportunity to meet with the committee or committees.

37.37 Results of the evaluation will be communicated in writing to the faculty member, the department chair/dean, the chief academic officer, and the president for review and appropriate action. Possible uses of the information contained in the report should include the following:

37.371 For individuals found to be performing well, the evaluation may be used to determine salary recommendations, nomination for awards, or other forms of performance recognition.

37.372 For individuals whose performance indicates they would benefit from additional institutional support, the evaluation may be used to provide such support (e.g., teaching effectiveness assistance, counseling, or mentoring in research issues/service expectations).

37.373 For individuals found to be performing unsatisfactorily, review to determine if good cause exists for termination under the current Regents' Rules and Regulations may be considered. All proceedings for termination of tenured faculty on the basis of periodic performance

evaluation shall be only for incompetency, neglect of duty or other good cause shown and must be conducted in accordance with the due process procedures of the Regents' Rules and Regulations, Part One, Chapter III, Section 6 including an opportunity for referral of the matter to alternative dispute resolution. Such proceedings must also include a list of specific charges by the chief administrative officer and an opportunity for a hearing before a faculty tribunal. In all such cases, the burden of proof shall be on the institution, and the rights of a faculty member to due process and academic freedom shall be protected.

The acceptance and success of periodic evaluation for tenured faculty will be dependent upon a well-executed, critical process and an institutional commitment to assist and support faculty development. Thus, remediation and follow-up review for faculty who would benefit from such support, as well as the designation of an academic administrator with primary responsibility for monitoring such needed follow-up activities, are essential.

37.4 Evaluation of Administrators.

37.41 Chief Administrative Officers.
Evaluation of the chief administrative officer of each component institution is primarily the responsibility of the Chancellor or the Executive Vice Chancellor for Health Affairs, as appropriate.

- 37.42 Vice Presidents and Deans. Subject to the requirements of Subsection 37.3 and Subdivision 37.43, the evaluation of the vice presidents and deans is primarily the responsibility of the chief administrative officer or delegate.
- 37.43 Guidelines for Faculty Input into the Evaluation of Academic Administrators.
- 37.431 Each academic administrator below the level of chief administrative officer should be reviewed at least every six years. A written report will contain the substance of the review.
- 37.432 The institutional Academic Senate or other representative faculty body should be consulted in the development of the review policies and procedures. Institutions should also address avenues for faculty input into the review of other administrators who have significant impacts on campus academic affairs.
- 37.433 The review process should provide an opportunity for input by all faculty members in the academic unit(s) reporting to and/or affected directly by the administrator being evaluated.
- 37.434 A summary of faculty input, to be provided to the administrator under review and to the administrator's supervisor, should constitute a significant component of the evaluation report.
- 37.435 Unless otherwise defined by approved institutional policy, academic administrator is intended to refer to the chief academic officer (Vice President for Academic Affairs or Provost); academic deans, department chairs, and directors of academic units.

- 37.436 The U. T. System Administration also recognizes and supports comparable involvement by staff members and students, as is now the practice for evaluation of academic administrators at several U. T. System component institutions.
- 37.437 Additionally, the Chancellor and the Executive Vice Chancellor for Health Affairs should be sensitive to the importance of faculty input in the process of evaluating all administrators with direct or significant academic administrative responsibility.

Section 37 as approved requires annual evaluations of all employees as mandated by action of the U. T. Board of Regents in June 1982, codifies current practice with respect to the evaluation of probationary employees including classified employees and tenure-track teaching staff, and incorporates the "Guidelines for Periodic Performance Evaluation of Tenured Faculty" approved by the U. T. Board of Regents in November 1996 and amended in August 1997.

Chairman Evans expressed appreciation to Dr. Michael Siciliano, Chairman of the Faculty Advisory Council, who in earlier remarks had endorsed the inclusion of the post-tenure review guidelines in the Regents' Rules and Regulations.

3. ~~U. T. Board of Regents - Regents' Rules and Regulations, Part Two; Amendments to Chapter XI, Section 1 (Contract Administration) and Chapter XII, Sections 2, 8, and 9 (Intellectual Property). --Approval was given to amend the Regents' Rules and Regulations, Part Two, Chapter XI, Section 1, regarding contract administration, and Chapter XII, Sections 2, 8, and 9, regarding intellectual property, to read as set out on Pages 16 - 19.~~

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AD:

✓ See attached from Francie Frederick. Believe you should review her comments on each page and indicate with a check mark or yellow slip your concurrence. I've put yellow stickys on several of the pages.

✓ In some instances FF just indicated VC and I believe it should be VC for AA so I tried to mark those in red.

Thanks.

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12/18/97

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- 7.162 Recommend to the Board policies relating to soliciting and securing gifts for the University's general academic institutions.
- 7.163 Consider and report to the Board on all matters affecting the libraries of the general academic institutions.
- 7.164 Recommend to the Business Affairs and Audit Committee matters which commit the general academic institutions to operating expenditures in future years.
- 7.165 Consider and recommend to the Business Affairs and Audit Committee the annual operating budgets of the general academic institutions, including rates of compensation.
- 7.166 Consider and recommend to the Business Affairs and Audit Committee biennial submissions of appropriation requests to the Legislative Budget Board and to the Governor as prepared by the System Administration and component institutions in accordance with Section 6 of Chapter II of Part Two of these Rules and Regulations.
- 7.167 Counsel with ~~the Executive Vice Chancellor for Academic Affairs~~ and the Chancellor and recommend to the Board approval of matters related to student affairs, fees and housing in the general academic institutions.
- 7.168 Counsel with ~~the Executive Vice Chancellor for Academic Affairs~~ and the Chancellor and recommend to the Board approval of the appointment, promotion, and dismissal of such institutional officers as may be appropriate in the general academic institutions.

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- 7.169 Consider and report to the Board on matters relating to the research, training, and community service activities at the general academic institutions.
- 7.16(10) Consider and recommend to the Board the acceptance and execution of grants and contracts for research, training, and community service at the general academic institutions.
- 7.16(11) Counsel with the Chancellor and recommend appropriate Board action ~~[with respect to any recommendations by the Executive Vice Chancellor for Academic Affairs]~~ related to the appointment, promotion, and dismissal of such System Administration Officers as report directly or indirectly to the ~~[Executive Vice]~~ Chancellor ~~[for Academic Affairs]~~. AFFAIRS
ACADEMIC
- 7.16(12) Consider and make recommendations to the Business Affairs and Audit Committee concerning capital improvement requests as related to the approved missions of the general academic institutions.
- 7.17 Duties of the Health Affairs Committee.--
The Health Affairs Committee shall:
 - 7.171 Consider and report to the Board on matters concerned with substantive aspects of policies and programs related to the academic philosophy and objectives of the health-related institutions; with University relations; and with health-related academic planning, instructions, and research.
 - 7.172 Recommend to the Business Affairs and Audit Committee matters which commit the health-related institutions to operating expenditures in future years.

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a manner as they may deem proper. The regular channel of communication from members of the Board to the faculty, staff and administration is through the Chancellor, the appropriate Executive Vice Chancellor and the chief administrative officer of the institution involved, and a copy of any communication sent by a Regent directly to any member of the faculty, staff or administration should be furnished to the Chancellor, the appropriate Executive Vice Chancellor and the chief administrative officer of the institution involved; however, individual Board members are not precluded when they deem it necessary and proper from direct participation and communication with the chief administrative officers, representatives, and personnel of The University of Texas System Administration and its component institutions, faculty members and other groups. All staff and faculty proposals that are to be acted upon by the Regents shall be presented to the System Administration in sufficient time to permit the appropriate officer to consider such proposals, make recommendations thereon to the Chancellor, and transmit them to the Executive Secretary to the Board no later than seventeen days prior to the next meeting of the Board, in order that the calendar, agenda, and supporting material may be prepared in time to mail to the members of the Board so they will receive it at least five days prior to the meeting. Except where emergency proposals are involved, all such proposals not submitted to the Executive Secretary within the time prescribed shall not be considered by the Board but shall automatically be deferred until the next meeting of the Board.

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Except upon invitation of the Board, the Chairman of the Board, the Chancellor, or the appropriate Executive Vice Chancellor, no person shall appear before the Board or any committee thereof unless that person files with the Executive Secretary to the Board a written request explaining the purpose of such appearance at least six days before the date of such appearance and unless the Chairman of the Board, or a

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sent to the Executive Secretary. Communications from the Chancellor and Executive Vice Chancellors shall be exempt from this requirement but in such cases information copies shall be furnished to the Executive Secretary. The regular channel of communication from the faculty, staff, students and administration to the Board is through the chief administrative officer of the institution involved, the appropriate Executive Vice Chancellor and the Chancellor. A copy of any communication sent directly to a Board member should be furnished to the Chancellor, the appropriate Executive Vice Chancellor and to the chief administrative officer of the institution involved.

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Except for communications from the Chancellor, the Executive Vice Chancellors and the Executive Secretary to the Board, all communications to the Board from members of the university community should be in writing.

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Administrative
Communications from the Faculty Advisory Council and the Student Advisory Group to the Board are through the Chancellor. A docket, to be entitled "Chancellor's Docket No. __," composed of routine matters arising from System Administration and the component institutions, which are required to be reported to and/or approved by the Board in accordance with established policies of the Board, shall be prepared as directed and approved by the Chancellor, appropriate Executive Vice Chancellor, and Vice Chancellor, as appropriate. All docket items from the component institutions must be received by the System Administration not less than twenty-one days prior to the next regular scheduled meeting for inclusion on the docket for that meeting. The Chancellor's Docket shall be distributed by the Executive Secretary to all members of the Board at least ten days before the Board convenes, together with a memorandum to be returned within seven days thereafter. The memorandum will permit any member of the Board

to except any item or items from the Docket. All items not excepted by any Regent will be considered by the Board at its next meeting, without detailed review. Any excepted item listed by any Regent will be deferred and will be processed through the appropriate standing committee for consideration at the first regular meeting of the Board following action of the item by the appropriate standing committee.

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A description of all matters to be considered by the Board or a standing committee of the Board at any meeting shall be mailed or delivered to each member of the Board or to each member of the appropriate standing committee of the Board and to designated officials at least five days in advance of the meeting at which they are to be considered, and insofar as possible, such material shall be mailed or delivered to each member of the Board or to each member of the appropriate standing committee of the Board and the designated officials at least ten days in advance of the meeting. Each such matter shall be accompanied by a summary of the facts pertaining thereto, the need for action thereon, and the recommendations of the Chancellor. Where contractual awards are involved, the summary shall show the method of competition, if any, the names and offers of all interested parties, and generally sufficient information to show the reasons for and fairness of each transaction. The recommendations of the Chancellor shall state whether they are fully concurred in by any Executive Vice Chancellor, Vice Chancellor or chief administrative officer involved, and if not, their views and recommendations shall be included. Any matter not sent to the members of the Board or the members of a standing committee of the Board, documented as herein provided, at least five days in advance of the meeting at which it is to be considered, shall go over to the next meeting for consideration; provided, however,

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Sec. 9. Documents Executed on Behalf of the Board.

9.1 General Requirements.--Each Executive Officer and the chief administrative officers shall be responsible for identifying to the Chancellor contracts, agreements, and other documents for which he or she is responsible that are of such significance to require the prior approval of the Board. Each such matter so identified shall be presented to the Board by the Chancellor as an agenda item at a regular or special meeting of the Board. Upon approval, the Board shall designate the person(s) authorized to act on behalf of the Board with regard to the matter and shall specify any conditions or limitations on such authority. Documents executed on behalf of the Board pursuant to authority granted under these Rules and Regulations shall not require certification or attestation by the Executive Secretary to the Board.

9.2 Delegation of Authority to Execute and Deliver Contracts, Agreements, and Documents.--The Board delegates authority to execute and deliver contracts, agreements, and documents on behalf of the Board as set out in these Rules and Regulations. The Board shall take all actions necessary to maintain oversight and to implement all proper and necessary procedures with regard to such delegated authority. All authority to execute and deliver contracts, agreements, and other documents is subject to these Rules and Regulations and compliance with all applicable laws and special instructions or guidelines issued by the Chancellor, an Executive Vice Chancellor, or the Vice Chancellor and General Counsel.

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9.21 Special instructions or guidelines by the Chancellor, an Executive Vice Chancellor, or the Vice Chancellor and General Counsel may include without limitation instructions concerning reporting requirements; standard clauses or provisions; ratification or prior approval by the Board, the Executive Committee of the Board, or the appropriate Executive Vice Chancellor; review and approval by the Office of General Counsel; and recordkeeping.

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- 3.25 Periodically reviewing the organization of the System Administration and the component institutions of the System and reporting to the appropriate standing committees of the Board and to the Board recommendations for changes in organization, assignments and procedures.
- 3.26 Preparing and approving appropriate recommendations to the Board and its standing committees along with the recommendation of the appropriate Executive Vice Chancellor, Vice Chancellor, as appropriate, or chief administrative officer of a component institution.
- 3.27 Preparing and approving annual operating budgets for the System Administration and the component institutions of the System and submitting such recommendations to the Board.
- 3.28 Preparing and approving biennial legislative submissions to the Legislative Budget Board and to the Governor for the System Administration and the component institutions of the System for the consideration of the Board in accordance with Section 6 of Chapter II of Part Two of these Rules and Regulations.

3.3

Audit.

The Chancellor, as chief executive officer of the System, is responsible for insuring the implementation of appropriate audit procedures for the System. Accordingly, the System Director of Audits prepares an executive summary of all internal audit activity by the System internal auditors and the institutional internal auditors for the Chancellor.

3.31 System Director of Audits.

The System Director of Audits is responsible for coordinating the effective auditing of the System as set out in Subdivision 3.312 of this Chapter. The System Director of Audits provides audit assistance to the Chancellor, the Executive Vice Chancellors and the Vice Chancellors in the exercise of their responsibilities.

3.32 The System internal auditors are the internal auditors for the System and augment the audit work of the institutional internal auditor and the State Auditors at the component institutions.

Sec. 4. Executive Vice Chancellor for Academic Affairs.

The Executive Vice Chancellor for Academic Affairs has line responsibility for the conduct of the academic affairs of the System. The chief administrative officers of the general academic institutions in the System report to and are responsible to the Executive Vice Chancellor for Academic Affairs. The Executive Vice Chancellor for Academic Affairs reports to

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and is responsible to the Chancellor. The Executive Vice Chancellor for Academic Affairs has direct access to the Board of Regents and is expected to work directly with the appropriate committees of the Board in discharging the duties of the office.

4.1 Appointment and Tenure.

The Executive Vice Chancellor for Academic Affairs shall be elected by an affirmative vote of a majority of the Regents in office upon nomination by the Chancellor. The Executive Vice Chancellor for Academic Affairs shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions concerning the Executive Vice Chancellor for Academic Affairs are subject to review and approval by the Board.

4.2 Duties and Responsibilities.

The Executive Vice Chancellor for Academic Affairs shall have as a prime responsibility the maintenance of high academic quality in the general academic components of the System. Through the chief administrative officers of the component institutions, he or she shall have responsibility for the budgets, academic planning and programs, facilities planning and construction, and personnel (both academic and non-academic) of those components. In consultation with the Chancellor, the Executive Vice Chancellor for Academic Affairs shall prepare recommendations and supporting information on such matters for consideration by the appropriate standing committees of the Board and the Board of Regents. The Executive Vice Chancellor for Academic Affairs is responsible and accountable for ensuring that appropriate internal controls are implemented and monitored in the general academic components of the System. The Board through its policies, procedures, and Rules and Regulations maintains its governance responsibilities and acknowledges the importance of maintaining accreditation for the general components and academic programs, as appropriate. Because of the complexity and diversity of the System, the Executive Vice Chancellor for Academic Affairs is delegated the responsibility for ensuring the governance requirements for accreditation not specifically covered elsewhere in these policies, procedures, and Rules and Regulations are met. The Executive Vice Chancellor for Academic Affairs will report the accreditation status to the Board on a periodic basis.

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Sec. 6. Executive Vice Chancellor for Business Affairs.

The Executive Vice Chancellor for Business Affairs reports to the Chancellor and is responsible for the direction of those offices and supervision of those areas of responsibility set forth in Subsection 6.2(10) of this Chapter. The Executive Vice Chancellor for Business Affairs provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of their responsibilities. The Executive Vice Chancellor for Business Affairs has direct access to the Board of Regents of The University of Texas System and is expected to work directly with the appropriate committees of the Board in discharging the duties of the office.

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6.1 Appointment and Tenure.

The Executive Vice Chancellor for Business Affairs shall be appointed by the Board after nomination by the Chancellor. The Executive Vice Chancellor for Business Affairs shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Executive Vice Chancellor for Business Affairs are subject to review and approval by the Board.

6.2 Duties and Responsibilities.

The primary responsibilities of the Executive Vice Chancellor for Business Affairs include:

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6.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellors in the execution of their responsibilities.

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6.22 Submitting recommendations to the Chancellor and to the appropriate Executive Vice Chancellor on business operations of the components of the System.

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6.23 Reviewing and making recommendations on uniform business systems and management.

6.24 Submitting recommendations relating to programs for the most efficient management of personnel and resources.

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- 6.25 Submitting recommendations for program development for training of personnel in nonacademic areas.
- 6.26 Reviewing and making recommendations on programs of long-range planning for physical facilities and financial resources.
- 6.27 Reviewing and making recommendations relating to police and security matters within the System.
- 6.28 Coordinating the business affairs of the System with other officers and members of the System Administration staff. **CHANCELLOR AND THE**
- 6.29 In consultation with the appropriate Executive Vice Chancellor, coordinating the activities of business administrative operations of the component institutions. **EDIT**
- 6.2(10) Managing the operations of the offices listed below through such internal administrative organization as he/she deems to be appropriate:
 - Office of the Associate Vice Chancellor for Business Affairs
 - Office of Historically Underutilized Business Development
 - Office of the Director of Police
 - Office of the Assistant Vice Chancellor and Controller
 - Budget Office
 - Office of Information Resources
 - Office of Business and Administrative Services
 - Director of Accounting regarding System Administration accounts

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Office of the Assistant Vice
 Chancellor for Finance
 Office of Facilities Plan-
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 Office of Finance
 Real Estate Office
 Office of Human Resources
 Office of Employee Group
 Insurance Program
 West Texas Operations
 University Lands
 Accounting Office
 Surface Interests
 Oil, Gas & Mineral
 Interests

6.2(11) Supervising and coordinating the acquisition, lease, disposition, and/or management of all real property owned or controlled by the Board with a goal of maximizing the income to be realized from the operation, lease, or conveyance of these properties. In discharging this responsibility, the Executive Vice Chancellor for Business Affairs shall work closely with the ~~appropriate~~ Executive Vice Chancellor and chief administrative officer with regard to the management and conveyance of real property owned or controlled by the Board for the benefit of a particular institution. The Executive Vice Chancellor for Business Affairs shall establish procedures that assure effective coordination with the Director of Estates and Trusts with regard to gifts of real property to the Board.

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6.2(12) Directing the management of the purchasing, accounting, equipment inventories, and vouchering operations for the offices of the System Administration and coordinating the building services for the System buildings.

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Sec. 7. Vice Chancellor and General Counsel.

The Vice Chancellor and General Counsel reports to the Chancellor. The Vice Chancellor and General Counsel is responsible for the provision of legal services to the Board of Regents of The University of Texas System as set out in Section 7.2 of this Chapter. The Vice Chancellor and General Counsel provides staff assistance to the Chancellor and the Executive Vice Chancellor ~~X~~ in the exercise of their responsibilities. The Vice Chancellor and General Counsel has direct access to the Board of Regents of The University of Texas System and is expected to work directly with the appropriate committees of the Board in discharging the duties of the office.

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7.1 Appointment and Tenure.

The Vice Chancellor and General Counsel shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor and General Counsel shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Vice Chancellor and General Counsel are subject to review and approval by the Board.

7.2 Duties and Responsibilities.

The primary responsibilities of the Vice Chancellor and General Counsel include:

7.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellors in the execution of their responsibilities.

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- 7.29 Reviewing and making recommendations regarding the form of institutional Handbooks of Operating Procedures, whether finally approved or not, and all amendments to such Handbooks.
- 7.2(10) Drafting all legislation that has been approved by the Board or requested by any System officer for submission to the Board for approval and providing legal counsel on pending legislation.
- 7.2(11) Identifying and evaluating administrative and functional problems and directing or recommending, as appropriate, courses of action for solution.
- 7.2(12) Representing the System before legal, educational and governmental groups and associations.
- 7.2(13) Acting as administrator of the System Plan for Professional Medical Liability Self-Insurance and the System Intellectual Property Offices.
- 7.2(14) Working in cooperation with the Attorney General of the State of Texas, state agency legal counsel and outside counsel.
- 7.2(15) Assuming responsibility for any other legal, administrative or operational matters delegated by the Chancellor.
- 7.2(16) Establishing and maintaining guidelines regarding the legal review and form of contracts and agreements, and recordkeeping requirements.
- 7.2(17) Legal review and approval of the form of all amendments to the Regents' Rules and Regulations.

Sec. 8. Vice Chancellor for Governmental Relations.

The Vice Chancellor for Governmental Relations reports to the Chancellor. The Vice Chancellor for Governmental Relations is responsible for coordinating the effective representation of the System in the area of governmental affairs as set out in Section 8.2 of this Chapter. The Vice Chancellor for Governmental Relations provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of

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their responsibilities. The Vice Chancellor for Governmental Relations has direct access to the Board of Regents of The University of Texas System and is expected to work directly with appropriate committees of the Board in discharging the duties of the office.

8.1 Appointment and Tenure.

The Vice Chancellor for Governmental Relations shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Governmental Relations shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Vice Chancellor for Governmental Relations are subject to review and approval by the Board.

8.2 Duties and Responsibilities.

The primary responsibilities of the office include:

- 8.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellors in the execution of their responsibilities.
- 8.22 Representing the Board of Regents of The University of Texas System in its relations with federal, state, and local legislative bodies and agencies.
- 8.23 Making recommendations to the Chancellor in the area of public policy as it affects the relationship of the System with the federal, state, and local governments.
- 8.24 Informing appropriate administrative officers of current operations and long-range developments on the federal and state level, which may affect the System.
- 8.25 Maintaining and distributing information to, and advising appropriate System Administration and component institution officials, in order to assure proper action by the System with respect to federal, state, and local governmental programs and activities.

- 8.26 Defining the job responsibilities, the assignment of duties, and supervising staff members employed in or assigned to work in the governmental affairs area.
- 8.27 Performing such other duties and responsibilities for the efficient operation of the System as shall be assigned by the Chancellor.

Sec. 9. Vice Chancellor for Development and External Relations.

The Vice Chancellor for Development and External Relations reports to the Chancellor and is responsible for the programs of the System related to private sector support, alumni relations, public information, and external constituencies as set out in Subsection 9.2 of this Chapter. The Vice Chancellor for Development and External Relations provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of their responsibilities. The Vice Chancellor for Development and External Relations has direct access to the Board of Regents of The University of Texas System and is expected to work directly with appropriate committees of the Board in discharging the duties of the office.

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9.1 Appointment and Tenure.

The Vice Chancellor for Development and External Relations shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Development and External Relations shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Vice Chancellor for Development and External Relations are subject to review and approval by the Board.

9.2 Duties and Responsibilities.

The primary responsibilities of the Vice Chancellor for Development and External Relations include:

- 9.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellors in the execution of their responsibilities.
- 9.22 The development, organization, and administration of activities to obtain private sector funding for programs of the System.
- 9.23 The formal acceptance, following review and approval by the ~~appropriate~~ Executive Vice Chancellor, and the processing and administration (excluding investment management) of gifts as assigned which conform to all relevant laws and Board policies.

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Sec. 10. Vice Chancellor for Telecommunications and Information Technology.

The Vice Chancellor for Telecommunications and Information Technology reports to the Chancellor and will lead the System-wide efforts in all aspects of information technology initiatives and activities. The Vice Chancellor for Telecommunications and Information Technology provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of their responsibilities.

10.1 Appointment and Tenure.

The Vice Chancellor for Telecommunications and Information Technology shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Telecommunications and Information Technology shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Vice Chancellor for Telecommunications and Information Technology are subject to review and approval by the Board.

10.2 Duties and Responsibilities.

The primary responsibilities of the Vice Chancellor for Telecommunications and Information Technology include:

- 10.21 The implementation of an infrastructure that will permit information technology to enhance the effectiveness of initiatives related to the basic missions of the U. T. System, including standards for creation, distribution, and storage of information.
- 10.22 The management of the U. T. System Network to include planned growth, standards, and operating procedures and the coordination of administrative videoconferencing.
- 10.23 The coordination of training workshops and seminars, activities related to a virtual university, purchase of System-wide software licenses, assessment of distance education effectiveness, and evaluation of pilot projects related to information technology.
- 10.24 The formation of a U. T. System information technology committee.
- 10.25 The performance of such other duties and responsibilities as may be assigned by the Chancellor.

icers of System Administration and Other Code 1000 Staff.

Executive Officers.--For purposes of these Rules and Regulations, the Chancellor, the ~~Executive~~ Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, ~~the Associate Executive Vice Chancellor for Academic Affairs, the Associate Vice Chancellor for South Texas/Border Area Development,~~ the Executive Associate to the Chancellor, the Associate Vice Chancellor for Business Affairs, and the Special Consultant to the Chancellor are the Executive Officers of The University of Texas System.

11.2 Other Code 1000 Staff and Officers of System Administration.--Staff and officers of System Administration designated as code 1000 shall be appointed by the Chancellor, the Executive Vice Chancellors, or Vice Chancellors to whom they will report, and shall have appropriate job descriptions on file with the Office of Human Resources. Persons so appointed shall not have tenure by virtue of their respective positions. They shall serve without fixed term, subject to the pleasure of the officer to whom they report. The actions of the appointing officer concerning such positions are in turn subject to review and approval by the Chancellor or the Board as required by the Regents' Rules and Regulations.

Sec. 12. Councils of the System.

12.1 The System Council.
The System Council is composed of the Chancellor, the ~~Executive~~ Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Executive Associate to the Chancellor, and the chief administrative officers of all the component institutions of The University of Texas System. The Chancellor shall serve as the Council's permanent chairman and shall conduct regular meetings to discuss those matters of general concern to the operation of The University of Texas System.

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of Academic Institutions.
 of Academic Institutions is composed of
~~the Vice Chancellor for Academic Affairs~~
 of administrative officers of the general
 stitutions of the System, ~~The Chancellor,~~
 ve Vice Chancellor for Business Affairs, the
 ancillor and General Counsel, the Vice
 for Governmental Relations, the Vice
 for Development and External Relations,
 cutive Associate to the Chancellor serve
 io members of this Council. The ~~Executive~~
 llor ~~For Academic Affairs~~ shall serve

(The Chancellor)

as the Council's permanent chairman and shall conduct
 regular meetings to review common problems of plan-
 ning, development, and operation of the several
 institutions represented.

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The Council of Health Institutions.

The Council of Health Institutions is composed of the
 Executive Vice Chancellor for Health Affairs and the
 chief administrative officers of the component insti-
 tutions of the System concerned directly with health
 affairs. The Chancellor, the Executive Vice Chancel-
 lor for Business Affairs, the Vice Chancellor and
 General Counsel, the Vice Chancellor for Governmental
 Relations, the Vice Chancellor for Development and
 External Relations, and the Executive Associate to
 the Chancellor serve as ex officio members of this
 Council. The Executive Vice Chancellor for Health
 Affairs acts as the Council's permanent chairman and
 shall conduct regular meetings to review common prob-
 lems of planning, development, and operation of the
 several institutions represented.

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12.4 The Business Management Council.

The Business Management Council advises the System
 Administration in the areas of component budgeting,
 business management, data processing, physical plant
 operations, planning, construction, and accounting
 systems development. The Council is composed of the
 Executive Vice Chancellor for Business Affairs and the
 chief business officers of the component institutions.
 The Chancellor, ~~the Executive Vice Chancellor for~~
~~Academic Affairs,~~ the Executive Vice Chancellor for
 Health Affairs, the Vice Chancellor and General Coun-
 sel, the Vice Chancellor for Governmental Relations,
 the Vice Chancellor for Development and External

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and the Executive Associate to the Chancellor and their delegates, serve as ex officio members of the Council. The Executive Vice Chancellor for Academic Affairs shall serve as the Council's permanent member and shall conduct regular meetings of the Council.

Executive Officers of Component Institutions.

Each component institution shall select the chief administrative officer of the institution.

13.11 When there is a vacancy or it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution having faculty and students and the Board does not have candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, an Advisory Committee shall be established to recommend candidates to the Board. The Executive Vice Chancellor having responsibility for the operation of the institution where the vacancy has occurred or is to occur shall be chairman of the Advisory Committee. In circumstances where this Executive Vice Chancellor may be a candidate for the office, the chairman of the Advisory Committee shall be the Chancellor or the Chancellor's designee. In addition to the chairman, committee membership is as follows:

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- The Chancellor;
- Two Chief Administrative Officers;
 - (to be appointed by the Chairman of the Board from two of the component institutions)
- Two Regents;
 - (to be appointed by the Chairman of the Board)
- Three Faculty members of the institution involved, at least two of whom shall have the rank of associate professor or higher; (method of selection to be determined by the General Faculty of the campus)

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(A) { If the vacancy is in a general academic component, the Advisory Committee will be chaired by the Chancellor. If the vacancy is in a health-related component, the Advisory Committee will be chaired by the FVC for H.A.

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consistent with that usually provided by an Advisory Committee. The Special Committee shall be composed as specified above for the Advisory Committee but will not include members of the Board of Regents. The advice of the Special Committee shall be provided to the Board through the appropriate Executive Vice Chancellor and the Chancellor. The Special Committee shall not extend its consideration beyond those nominees referred to it by the U. T. Board of Regents without specific concurrence from the Board.

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13.2 Each chief administrative officer reports to and is responsible to the Executive Vice Chancellor having responsibility for the institution, and serves without fixed term, subject to the pleasure of the appropriate Executive Vice Chancellor and approval by the Chancellor and the Board. The chief administrative officer has access to the Chancellor and is expected to consult with the appropriate Executive Vice Chancellor and the Chancellor on significant issues on an as needed basis.

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13.3 Within the policies and regulations of the Board, and under the supervision and direction of the Executive Vice Chancellor ~~having responsibility for the institution,~~ the chief administrative officer has general authority and responsibility for the administration of that institution.

- 13.31 Specifically, the chief administrative officer is expected, with the appropriate participation of the staff, to:
 - 13.311 Develop and administer plans and policies for the program, organization, and operation of the institution.
 - 13.312 Interpret the System policy to the staff, and interpret the institution's programs and needs to the System Administration and to the public.

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universities or public schools, business/corporate entities, community or public service agencies; or other unique constituencies, the Chairman of the Board of Regents may appoint an additional representative.

Campus constituent groups with responsibility for selection of Advisory Committee representatives are expected to consider diversity, particularly as it relates to minority and female representation. Unless there are unusual delays in faculty, staff or student representative selection which postpone initiation of the committee process, the Chairman of the Board will make his or her appointments to the Advisory Committee after campus selections in order to maximize the prospect that the total committee composition reflects diversity.

- 13.12 The Advisory Committee shall set up selection criteria that relate to the needs of the individual component, initiate mechanisms to develop an appropriate candidate pool, seek information on the several candidates and inquire from competent sources as to the candidates' academic, administrative and business ability. The Committee may also interview candidates as a part of its selection process keeping in mind that the confidentiality of the process is important to its ultimate success.
- 13.13 Finally, the Advisory Committee shall submit, through its Chairman, a recommended list of not less than five or more than ten candidates with no preference indicated. Candidates submitted shall have received a majority vote of the Committee. The recommended list should be developed and submitted without regard to the Advisory Committee's assessment of the potential availability of any candidate. If none of the names submitted in the report of the Advisory Committee is satisfactory to the Board, then the Board in its discretion may either name a new committee or proceed to select a chief administrative officer under such other procedures as in its discretion it may deem proper and appropriate.
- 13.14 When the Board has candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, the Chairman of the Board of Regents shall appoint a Special Committee to provide the Board of Regents with advice and evaluation consistent with that usually provided by an Advisory Committee. The Special Committee shall be composed as specified above for the Advisory Committee but will not include members of the Board of Regents. The advice of the Special Committee shall be provided to the Board through the ~~appropriate~~ Executive Vice Chancellor for Health Affairs and the Chancellor. The Special Committee shall not extend its consideration beyond those nominees referred to it by the U. T. Board of Regents without specific concurrence from the Board.

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- 13.2 Each chief administrative officer of every health-related institution reports to and is responsible to the Executive Vice Chancellor ~~having responsibility for the institution, for Health Affairs~~ and serves without fixed term, subject to the pleasure of the ~~appropriate~~ Executive Vice Chancellor for Health Affairs and approval by the Chancellor and the Board. The chief administrative officer has access to the Chancellor and is expected to consult with the ~~appropriate~~ Executive Vice Chancellor for Health Affairs and the Chancellor on significant issues on an as-needed basis.

- 13.3 Each chief administrative officer of every general academic institution reports to and is responsible to the Chancellor, and serves without fixed term, subject to the pleasure of the Chancellor and approval by the Board. The chief administrative officer is expected to consult with the Chancellor on significant issues on an as-needed basis.

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The chief administrative officers of the general academic components report to and are responsible to the Chancellor. The chief administrative officers of the health-related components report to and are responsible to the Executive Vice Chancellor for Health Affairs. The chief administrative officers serve without fixed term, subject to the pleasure of the Chancellor, the Executive V.C. for HA as appropriate, and the Board. The chief administrative officers have access to the Chancellor and are expected to consult with the Chancellor, and, if appropriate the EVC for HA, on significant issues on an as needed basis.

- 13.313 Develop and administer policies relating to students, and where applicable, to the proper management of services to patients.
- 13.314 Recommend appropriate operating budgets and supervise expenditures under approved budgets.
- 13.315 Nominate all members of the faculty and staff, maintain efficient personnel programs, and recommend staff members for promotion, retention, or dismissal for cause.
- 13.316 Insure efficient management of business affairs and physical property; recommend additions and alterations to the physical plant.
- 13.317 Serve as presiding officer at official meetings of faculty and staff of the institution, and as ex officio member of each college or school faculty (if any) within the institution.
- 13.318 Appoint, or establish procedures for the appointment of, all faculty, staff, and student committees.
- 13.319 Cause to be prepared and submitted to the ~~appropriate~~ ^{Chancellor or} Executive Vice Chancellor, the rules and regulations for the governance of the institution. When such rules and regulations have been finally approved by the Chancellor, ~~the~~ ^{the} appropriate Executive Vice Chancellor, they shall thereafter constitute the Handbook of Operating Procedures for that institution. Provided, however, that whether or not finally approved by the Chancellor, any rule or regulation in any such institutional Handbook of Operating Procedures that is in conflict with

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any rule or regulation in the Regents' Rules and Regulations, is null and void and has no effect, and whenever any such conflict is detected, ~~the Chancellor, and the~~ chief administrative officer of the component institution shall immediately make such amendments to the institutional Handbook of Operating Procedures as may be necessary to eliminate such conflict.

- 13.31(10) Assume initiative in developing long-range plans for the program and physical facilities of the institution.
- 13.31(11) Assume active leadership in developing private fund support for the institution in accordance with policies and procedures established in the Regents' Rules and Regulations.
- 13.31(12) Develop and implement plans and policies to ensure that the institution remains in compliance with any accreditation requirements appropriate to the component or its programs, including, for the health components and those academic components with student health services, the accreditation of hospitals, clinics and patient-care facilities.

Sec. 14. Appointment of Other Officers and Staff.

14.1 The Board delegates to the Chancellor and the Executive Vice Chancellor, ~~having responsibility for the institution~~ and they, in turn, delegate to the chief administrative officer of each component institution the responsibility for the appointment and dismissal of all other administrative officers of each component institution, including vice presidents, deans, directors and their equivalents. However, prior approval ~~of the appropriate Executive Vice Chancellor~~ shall be necessary for each such permanent or acting appointment and for each such dismissal whether from a permanent or acting appointment. All such other administrative officers serve without fixed terms and subject to the pleasure of the chief administrative officer of the institution and the aforesaid approval of the Executive Vice Chancellor ~~for HA or the Chancellor,~~

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14.2 The Board delegates to the Chancellor and the Executive Vice Chancellor, ~~having responsibility for the institution and they,~~ in turn, delegate to the chief administrative officer of each component institution the responsibility for the permanent or acting appointment of department chairmen, department heads, and their equivalents. Such department chairmen, department heads and their equivalents serve without fixed terms and subject to the pleasure of the chief administrative officer of the institution.

14.3 The Board endorses the principle of reasonable faculty and student consultation in the selection of administrative officers of the component institutions, and the primary operating units, and expects the chief administrative officer, as he or she deems appropriate, to consult in the selection process with the representatives of the faculty and student body. However, the chief administrative officer of the component institution is responsible for executing the duties of the office and consequently shall not be bound by nominations to administrative positions by campus selection committees, and the Handbook of Operating Procedures of each component institution shall so state.

14.4 Honorary Titles.
The titles Chancellor Emeritus, President Emeritus and similar honorary designations shall be conferred only by appropriate action of the Board on individuals who are fully retired. No person is authorized to use any such title unless it has been bestowed by the Board.

CHAPTER III

PERSONNEL

Sec. 1. Appointments.

- 1.1 The Board, upon the recommendation of the Chancellor, shall elect or appoint, as the case may be, all of the officers, faculty members, and other employees of the System and of the component institutions and agencies of the System, fixing, subject to state and federal laws, the duties, rights, and privileges of each employee or each class or group of employees; provided, however, that the Board may delegate to the Chancellor, and the Chancellor ~~through the appropriate Executive Vice Chancellor~~ may delegate to the chief administrative officers of the component institutions, authority to appoint employees in certain designated classes or categories.
- 1.2 All appointments shall be made on the basis of merit.
- 1.3 The chief administrative officers of the component institutions shall investigate thoroughly the character, integrity, scholastic attainment, and other qualifications of prospective members of their faculties and staffs before exercising any delegated authority for making appointments.
- 1.4 The chief administrative officers of the component institutions shall not nominate or appoint, nor will the Board approve the appointment of, any person whose qualifications and conduct are not exemplary.

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- (d) Senior Lecturer. This title may be used for special teachers who will augment and complement regular teaching faculty and whose experience and qualifications are comparable to those of faculty members in tenure positions.
- (e) Assistant Instructor or Teaching Associate. These titles may be used interchangeably for (1) certain graduate students teaching on a part-time or full-time basis who are in the last phase of their doctoral programs and who are unconditionally enrolled in graduate study, or (2) persons who, because of the nature of their duties, such as in a laboratory or in a hospital, do not qualify for one of the usual academic titles and do not hold the academic training or professional distinction usually required for attaining tenure positions.
- (f) Teaching Assistant. This title usually applies to graduate students who are teachers and who are employed on a part-time basis. The only other teaching titles for graduate students are Teaching Associate and Assistant Instructor.
- (g) Faculty Associate. This title may be applied to a person assigned to a research or nonteaching center, institute, or other unit or interdisciplinary program of a component institution.
- (h) Specialist. This title may be used for professional individuals who will serve as practitioners in specific areas of instruction, training or supervision. Upon approval of the chief administrative officer, the ~~appropriate~~ Executive Vice Chancellor, ~~or~~ the Chancellor, ~~the~~ title may carry appropriate descriptive prefixes so as to indicate the specific areas of proficiency, e.g. Practice Teaching Specialist, Physical Activity Specialist, Social Work Field Training Specialist.

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given one of the following titles, even though the individuals may be assigned teaching responsibilities:

(1) Professor of

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(2) Associate Professor of

(title of specialty)

(3) Assistant Professor of

(title of specialty)

(4) Instructor in

(title of specialty)

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

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

(a) Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor. These titles are used only for temporary appointments of persons either visiting from other institutions where they hold similar ranks or who are brought to the University on a trial basis. Such appointments are limited to two years unless an exception is approved in writing by the appropriate Executive Vice Chancellor *for H&A or the Chancellor*

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Honorific Titles.

(a) Regental Professor. Any faculty member who is awarded the Nobel Prize or who has in the past been awarded the Nobel Prize may, upon recommendation of the chief administrative officer of the component institution, the ~~appropriate~~ Executive Vice Chancellor, ~~and~~ the Chancellor, be given the title Regental Professor. Because of the great honor associated with the award of a Nobel Prize, institutional tenure is awarded to Regental Professors by virtue of the appointment to this rank.

(b) Distinguished Teaching Professor. Members of the U. T. Austin Academy of Distinguished Teachers or a similar approved academy may use the honorific title Distinguished Teaching Professor to recognize faculty members who have made significant contributions to education.

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Administrative and academic (faculty) titles, duties, and pay rates for individuals who hold both administrative and academic appointments are distinct and severable. Tenured or tenure-track academic appointments and promotions in academic rank for administrators are subject to the same requirements and approval processes as for other faculty and are to include the establishment of an appropriate academic rate (whether or not any pay is to be generated from that rate) at the time of approval of the academic appointment. Departure or removal from an administrative position does not impair the individual's rights and responsibilities as a faculty member. Upon return to faculty service, whether on a part-time or full-time basis, salary for general academic component faculty is to be based on the approved academic rate, and salary for health component faculty is at the rate established pursuant to salary practices for faculty.

4.7 No employee shall accept other employment or compensation which could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's public duties.

4.8 Sexual Harassment and Misconduct: The educational and working environments of the System and its component institutions should be free from inappropriate conduct of a sexual nature. Sexual misconduct and sexual harassment are unprofessional and unacceptable. The components of the U. T. System shall adopt policies prohibiting sexual harassment and sexual misconduct and procedures for review of complaints. These policies and procedures shall be reviewed by the ~~CHANCELLOR~~ ~~appropriate~~ Executive Vice Chancellor and shall be published in the Handbook of Operating Procedures of each component.

The System has a series of policies concerning ethical and legal standards of conduct for employees of System Administration and component institutions. Pertinent materials are contained in the Standards of Conduct Digest and should be referenced in the instance of possible conflicts of interest, ethics questions, and compliance with related laws.

Sec. 5. Appointment of Relatives (Nepotism Rule).

5.1 Whenever an appointment is made, either on a full-time or part-time basis, it shall be made solely with regard to the special fitness of the appointee, subject to applicable statutes; and subject also to the provisions of this Section of the Regents' Rules and Regulations.

5.2 In accordance with the prohibition of Section 573.001 et seq., Texas Government Code, no person related to any member of the Board of Regents within the second degree by affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position, employment, or duty with The

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6.(10) Each faculty member shall keep the chief administrative officer of the component institution or his or her delegate notified of his or her current mailing address. The written notice required by Section 6.23, 6.7, or 6.8 shall be sent by certified mail, return receipt requested, to the last address given by the faculty member.

6.(11) The chief administrative officer of a component institution has the responsibility for determining when to eliminate occupied academic positions, the titles of which are given in Subsection 1.8 of this Chapter, or abandon academic programs or both, subject to approval by the ~~appropriate~~ Executive Vice Chancellor. The decision of the chief administrative officer and the implementation of that decision shall be subject to the following minimum procedural requirements:

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6.(11)1 An academic program under consideration for abandonment or an academic position that is under consideration for elimination for bona fide academic reasons should be reviewed in depth through procedures determined by the chief administrative officer;

6.(11)2 Tenured faculty in a program that is under consideration for abandonment or in an academic position that is under consideration for elimination will be notified and afforded an opportunity to contribute to the review process and have those contributions fairly considered;

6.(11)3 Upon completion of the review process, a recommendation with supporting rationale should be submitted to the academic vice president for review and recommendation to the chief administrative officer;

6.(11)4 If the chief administrative officer determines that an academic program should be abandoned or that one or more academic positions occupied by tenured faculty should be eliminated, or both, a request for approval with supporting documentation should be forwarded to the ~~appropriate~~ Executive Vice Chancellor.

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10.12 When a proposal has been approved or amended by the appropriate institutional officials, faculties, and the component chief administrative officer, it shall then go to the ~~appropriate Executive Vice Chancellor and the~~ Chancellor for recommendation to the Board if such action is required.

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10.13 When a proposal has been approved or amended or rejected by the appropriate institutional officials, faculties, and the component chief administrative officer, any member or group of members of the staff may present an appeal in opposition to the action of the majority or in opposition to the recommendation of the institutional official or the component chief administrative officer, and this appeal, accompanied by reasons for and against the proposal, shall go through the prescribed administrative channels and shall be presented ~~through the appropriate Executive Vice Chancellor~~ to the Chancellor and thence to the Board for final action. The deans and other institutional officials, the component chief administrative officer, ~~the appropriate Executive Vice Chancellor,~~ the Chancellor and the Board may invite both sides for personal conferences and discussions.

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10.14 An authorized routine for proposals, with the right of appeal, having been herein fixed, it follows that proposals shall always be made in accordance therewith.

10.2 Every voting member of any faculty has the right and the duty to propose changes and to participate in debate in faculty meetings.

Sec. 11. Communications with the Legislature and Other State Agencies or Officials.--The Board is the only proper channel through which recommendations concerning the administration of the System, as a whole or in any of its parts, should reach the Legislature or other state agencies or officials.

if holding the other offices or positions is of benefit to the State of Texas or is required by state or federal law, and if there is no conflict between holding the office or position and holding the original office or position for which the member of the faculty or staff receives salary or compensation.

13.(11) Before a member of the faculty or staff may accept an offer to serve in other nonelective offices or positions of honor, trust, or profit with the State of Texas or the United States, the member of the faculty or staff must obtain from the appropriate administrative officials and the Board a finding via the docket that the requirements of this Section have been fulfilled, including the expected additional compensation to be received from such service.

13.(12) The chief administrative officer must keep a record of compensation received from additional state or federal employment, or both, including specifically: salary, bonuses, and per diem or other type of compensation.

Sec. 14. Holidays.--All faculty, classified and other nonteaching personnel are entitled to such holidays as are provided by the Legislature in the then current Appropriations Bill and as are approved annually by the ~~appropriate Executive Vice Chancellor and the Chancellor~~ or alternate holidays approved in the official calendars of the various institutions by the ~~appropriate Executive Vice Chancellor and the Chancellor~~. (See the Classified Personnel rules in the institutional Handbook of Operating Procedures.)

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Sec. 15. Vacation.

15.1 Vacations for faculty on twelve-month appointments, classified personnel and nonteaching personnel shall be as provided by state law. Vacations for hourly and part-time employees shall be on a percentage basis for the time appointed. (See the Classified Personnel rules in the institutional Handbook of Operating Procedures.)

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- 15.2 An employee who resigns, is dismissed, or separates from university employment shall be entitled to be paid in "lump sum" for all vacation leave entitlement duly accrued at the date of termination provided the employee has had continuous employment with the state for six months. The payment shall be calculated at the rate of compensation being paid the employee at the time of termination.
- 15.3 In the case of death of an employee who has accumulated vacation leave, his or her estate will be paid for all accumulated vacation leave. The payment shall be calculated at a rate of compensation being paid the employee at the time of his or her death.

Sec. 16. Leaves of Absence Without Pay.

16.1 With the interest of the institution being given first consideration and for good cause, leaves of absence without pay may be granted for a period within the term of appointment of a member of any faculty or staff, subject to the general conditions included herein. Leaves of absence for a first year or portion thereof or a second consecutive year's leave may be granted by the chief administrative officer. Leaves of absence for a third consecutive year will be granted only for the reasons outlined in this Subsection, Subsection 16.3, and Subsection 16.4, following review and approval by the ~~appropriate~~ Executive Vice Chancellor *for HA or the Chancellor, as appropriate.*

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16.2 The maximum period for which a leave of absence will be granted is the end of the fiscal year in which the leave begins. In the case of faculty, the date for return to duty will generally coincide with the beginning of the next semester, following the period of absence.

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16.3 Except in unusual circumstances, such as military service, reasons of health, continued graduate study, and public service or other activity that reflects credit on the institution and enhances an individual's ability to make subsequent contributions to the institution, a second consecutive year of leave will not be granted.

Sec. 28. Power to Authorize Expenditures Out of System Funds.

- 28.1 No expenditure out of funds under control of the Board shall be made and no debt or obligation shall be incurred and no promise shall be made in the name of the System or any of its component institutions or of the Board by any member of the respective staffs of the System or any of its component institutions except:
- 28.11 In accordance with general or special budgetary apportionments authorized in advance by the Board and entered in its minutes; or
 - 28.12 In accordance with authority specifically vested by the Board in a committee of the Board; or
 - 28.13 In accordance with authority to act for the Board when it is not in session, specifically vested in some university officer by these Rules and Regulations or by special action of the Board.
- 28.2 It shall be the duty of the several institutional officers to see that all claims for payments of items not authorized as indicated above are refused and returned unpaid.

Sec. 29. Indebtedness to the System or the State.--Neither salary payments nor any other payments shall be made to an employee, his or her agent or assignee, who is indebted to the System, any of its component institutions, or to the state until such debt is paid.

Sec. 30. Power to Bind the System in Fixing its Policies.--No employee of the System or any of its component institutions, as an individual or as a member of any association or agency, has the power to in anywise bind the System or any of its component institutions unless such power has been officially conferred in advance by the Board. Any action which attempts to change the policies or otherwise bind the System or any of its component institutions, taken by any individual or any association or agency, shall be of no effect whatsoever until the proposed action has been approved by the chief administrative officer concerned, if any, the ~~appropriate~~ Executive Vice Chancellor, and the Chancellor, and ratified by the Board.

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- 33.2 *OK* The Board of Regents, upon the recommendation of the appropriate Executive Vice Chancellor, Chancellor and, when appropriate, the chief administrative officer of the affected component institution, may appoint a person who has retired to modified service. Retirement is defined as withdrawal from employment with The University of Texas System or a component institution with a retirement benefit.
- 33.3 Recommendation for, and appointment to, modified service shall be made only if the service of the individual will result in a significant benefit to the System or a particular component institution.

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- 33.4 Appointment to modified service shall be without tenure, for not more than one academic year and shall not exceed one-half time. The notice provisions of Section 6.7 of this Chapter shall not apply to nonrenewal of such appointments. If the System or a component institution determines that it is to the benefit of the System or the institution, it may offer reappointment to modified service.
- 33.5 The duties, work load, salary rate or compensation of an individual on modified service shall be in accordance with policies and procedures of The University of Texas System or the component institution.
- 33.6 Upon recommendation of the appropriate Executive Vice Chancellor, the Chancellor and, when appropriate, the chief administrative officer of the affected component institution, the Board of Regents may, by unanimous vote of the members present, make exceptions to this Section in special cases when the Board finds that the services of a particular individual will be of unique benefit to the System or a component institution.

Sec. 34. Faculty and Staff Organizations.

- 34.1 Each component institution shall adopt procedures for the registration of faculty and staff organizations at that institution. The period of registered status of an organization shall not exceed one academic year and such status shall automatically terminate at the end of each academic year; provided, however, an organization previously registered as a faculty or staff organization may apply for and be granted registration for subsequent periods of one academic year if it meets all applicable criteria in effect for the period for which registration is sought.
- 34.2 A registered faculty or staff organization shall be subject to all applicable rules and regulations of the component institution and The University of Texas System. Action taken by or on behalf of a registered faculty or staff organization that results in a violation of such rules and regulations is subject to disciplinary action which may result in the suspension or revocation of the registered status of the organization.

elective public office, or directing the political campaign of a candidate for an elective public office. A member of the faculty or staff who wishes to engage in political activity that will interfere with the performance of his or her duties and responsibilities should voluntarily terminate employment. If the chief administrative officer of the component institution, the Chancellor, an Executive Vice Chancellor, or the Board finds that the faculty or staff member's political activity interferes with the performance of his or her duties and responsibilities or does not comply with the requirements of this subsection, the faculty or staff member shall be subject to appropriate disciplinary action, including termination.

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Sec. 36. Minimum Faculty Academic Workload Requirements for General Academic Institutions.--Each person paid full time from the appropriations item "Faculty Salaries" shall be assigned a minimum workload equivalent to eighteen semester credit hours of instruction in organized undergraduate classes each nine-month academic year, or fiscal year at an institution's option, in accordance with guidelines listed below.

When a faculty member is paid partially from a source of funds other than the "Faculty Salaries" line item, the minimum workload shall be proportioned to the percentage of salary paid from the appropriations item "Faculty Salaries."

Teaching assistants shall be used only when given proper guidance and supervision to ensure quality instruction. The minimum faculty workload established below does not apply to graduate teaching assistants or assistant instructors who are pursuing degrees. The institutional head is responsible for assuring that all teaching assistants are carefully supervised.

This policy sets the minimum workload and equivalencies only; an institution may enact more intensive and/or more detailed minimum requirements for inclusion in the institutional Handbook of Operating Procedures, following appropriate approvals. For example, an institution may set individual minimum requirements, consistent with these minimum guidelines, for a specific school or college.

- 2.14 Honors and scholastic performance generally.
- 2.15 Approval of candidates for degrees.
- 2.16 Faculty rules of procedure.

2.2 Necessity of Approval by Regents.--Legislation recommended by an institutional faculty, or legislative body thereof, requiring approval of the Board, shall not be effective unless and until approved by the Board. Such legislation by a college or school faculty shall not be presented to the Board until it has been approved by the institutional faculty, either directly or through its legislative body, and has received the consideration and recommendation of the appropriate chief administrative officer(s), the ~~appropriate Executive Vice Chancellor~~, and the Chancellor. The faculty affected will be notified by the Board, through ~~administrative~~ channels, of its action on recommended faculty legislation.

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2.3 When Legislation is Effective.--Except where the Board has specifically authorized procedure for placing into effect emergency faculty legislation without prior Board approval, institutional faculty legislation shall become effective only upon approval by the Board or at such later time as the Board shall specify. The secretary of the institutional faculty shall be notified of Board action, and notice of such action shall be included in the official minutes of the faculty.

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2.4 Approval of Degree Candidates.--It shall be the duty of the several institutional faculties to recommend approval or disapproval of all candidates for degrees. This duty may be delegated by affirmative vote of the institutional faculty, or its legislative body, to the respective deans or other appropriate official. Should this duty not be delegated, then the institutional registrar, or his or her equivalent, shall furnish to the members of the institutional faculty a complete list of the degree candidates for recommendation.

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- 2.5 List of Degree Candidates in Minutes.--The institutional registrar, as soon as possible after each commencement, shall provide the secretary of his or her institutional faculty, or its legislative body, with a complete list of all successful degree candidates.
- 2.6 Changes in Degree Requirements.--Changes in degree requirements shall not become effective until approved by the Board and published in the appropriate catalogue; provided, however, that students may be given the benefit of any action reducing or modifying the requirements for their degree immediately upon Board approval.
- 2.7 Faculty Minutes.--Copies of institutional faculty minutes, or of their legislative bodies, shall be available for use of members of the particular faculties individually, if desired; and shall be filed (1) in the offices of the secretaries to the faculty, (2) in the office of the chief administrative officers, (3) in the office of the ~~appropriate~~ Executive Vice Chancellor, and (4) in the institutional libraries.

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Sec. 3.

Faculty Advisory Council.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a faculty advisory council representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the U. T. Board of Regents, the U. T. System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of faculty advisory council representatives. Representatives of the faculty advisory council may from time to time address the Board at meetings of the Board and may recommend action to the Board through the Chancellor. The faculty advisory council shall provide an annual report of activities and actions to the Board.

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CHAPTER V

GRADUATE EDUCATION IN THE UNIVERSITY OF TEXAS SYSTEM

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Sec. 1. The various component institutions of the System authorized to offer graduate degrees shall provide and maintain an appropriate faculty and administrative organization for such graduate degrees. The chief administrative officer of each component institution of the System shall be responsible through the ~~appropriate~~ Executive Vice Chancellor to the Chancellor, and through him or her, to the Board/for policies and administration of the graduate programs.

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"Graduate programs," as the term is used in these Rules, does not include the programs that lead to the M.D., D.D.S., M.P.H., Dr. P.H., J.D., LL.M., and M.C.J. degrees, or others that may be excluded upon recommendation by the chief administrative officer of the component institution and concurrence by the ~~appropriate Executive Vice Chancellor and the~~ Chancellor.

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Sec. 2. Within the general academic components, the designation "Graduate School" will be used if (a) there is a minimum of three distinct programs approved for doctoral degrees and thirty such doctoral degrees have been awarded; or (b) there is a minimum of ten distinct programs approved for master's degrees and fifty master's degrees have been awarded. In component institutions that do not meet these requirements, graduate study will be in a "Division of Graduate Studies."

Sec. 3. Graduate programs in the health components shall be administered as follows:

3.1 In the health-related institutions at Dallas, Galveston, Houston, and San Antonio, the graduate programs will be administered through a Graduate School of Biomedical Sciences.

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PART ONE
CHAPTER V GRADUATE EDUCATION IN THE UNIVERSITY OF TEXAS SYSTEM

Sec. 1. The various component institutions of the System authorized to offer graduate degrees shall provide and maintain an appropriate faculty and administrative organization for such graduate degrees. The chief administrative officer of each academic component institution of the System shall be responsible to the Chancellor, and through him or her, to the Board for policies and administration of the graduate programs. The chief administrative officer of each health component institution of the System shall be responsible through the ~~appropriate~~ Executive Vice Chancellor for Health Affairs to the Chancellor, and through him or her, to the Board for policies and administration of the graduate programs.

"Graduate programs," as the term is used in these Rules, does not include the programs that lead to the M.D., D.D.S., M.P.H., Dr. P.H., J.D., LL.M., and M.C.J. degrees, or others that may be excluded upon recommendation by the chief administrative officer of the component institution and concurrence by the ~~appropriate Executive Vice Chancellor and the~~ Chancellor.

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rsing Schools of component institutions, education will be administered as specific programs coordinated by an administrative esignated by the chief administrative offi-e component institution.

T. M.D. Anderson Cancer Center research and instruction will be offered in cooperation r components which are authorized to award degrees.

Sec. 4. Component institutions which offer graduate degrees and elect an administrative organization and designations different from those authorized above may do so only upon the recommendation of the chief administrative officer, the concurrence of the ~~appropriate~~ Executive Vice Chancellor, and the Chancellor and the approval of the Board.

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Sec. 5. The policies and procedures for staffing and administering the graduate programs at all component institutions shall be set forth in the institutional Handbook of Operating Procedures. These policies and procedures shall include qualifications for faculty members assigned to teach graduate courses, supervise graduate programs, and advise graduate students.

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Where two or more components of the System are authorized to conduct joint or cooperative degree programs, the chief administrative officers of the cooperating institutions shall be authorized to establish, subject to the approval of the ~~CHANCELLOR~~ ~~appropriate~~ Executive Vice Chancellor, special procedures and organizations for the administration of such programs.

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PART ONE
CHAPTER V GRADUATE EDUCATION IN THE UNIVERSITY OF TEXAS SYSTEM

Sec. 5. The policies and procedures for staffing and administering the graduate programs at all component institutions shall be set forth in the institutional Handbook of Operating Procedures. These policies and procedures shall include qualifications for faculty members assigned to teach graduate courses, supervise graduate programs, and advise graduate students.

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Where two or more components of the System are authorized to conduct joint or cooperative degree programs, the chief administrative officers of the cooperating institutions shall be authorized to establish, subject to the approval of the ~~appropriate~~ Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, ^{as} special procedures and organizations for the administration of such programs ^{appropriate}

CHAPTER VI

STUDENT SERVICES AND ACTIVITIES INCLUDING FACILITIES USE

Sec. 1. General Provisions.

- 1.1 These policies and regulations apply to all component institutions of the System and shall be implemented appropriately in the Handbook of Operating Procedures for each institution.
- 1.2 When the designation "chief student affairs officer" appears in this Chapter, reference is made to the administrative officer or officers directly responsible for student affairs at each component institution. The designation "Dean of Students" or "Dean" in the context of this Chapter shall refer to the administrative officer or officers responsible for the administration of the disciplinary process at each component institution.
- 1.3 All authority held and exercised by a chief student affairs officer is delegated to that officer by the chief administrative officer. Any action taken by the chief student affairs officer is subject to review by the chief administrative officer.
- 1.4 The chief student affairs officer shall be the administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this Chapter.
- 1.5 Any individual student, group of students, or student organization may petition the Board on any matter relating to these policies and regulations (other than a disciplinary action) through the chief student affairs officer, the chief administrative officer, the ~~appropriate~~ Executive Vice Chancellor, and the Chancellor.

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- 2.4 Weekday.--Monday through Friday, excluding any day that is an official holiday of the component institution.
- 2.5 Day.--A calendar day.

Sec. 3. Student Conduct and Discipline.

3.1 The component institutions shall adopt rules and regulations concerning student conduct and discipline. Such rules shall be in compliance with the Regents' Rules and Regulations and shall become effective upon review and approval by the appropriate Executive Vice Chancellor. Each student is responsible for notice of and compliance with the provisions of the Regents' Rules and Regulations and the rules of the component institution.

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3.2 All students are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with System and institutional rules and regulations, with directives issued by an administrative official of the System or component institution in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

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3.21 Any student who engages in conduct that violates the Regents' Rules and Regulations, the System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

3.22 Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

whether registered or not, may use any facility of any component institution of the System if it has as a member any person who is not either a student or a member of the faculty or staff of the institution.

4.73 At the beginning of each semester, each registered student organization or group must file with the appropriate institutional officer a written statement that the organization or group does not, and will not during the semester, have as a member any person who is not either a student or a member of the faculty or staff of the institution. If an organization or group fails or refuses to file the required statement, or if the Dean of Students determines that the statement is or has become false, the Dean of Students, after providing notice, shall begin disciplinary proceedings. The Dean or Hearing Officer may cancel the registered status of the organization or group or impose other appropriate penalties.

4.74 No organization or group, whether registered or not, may use the facilities of any component institution as long as it owes a monetary debt to the institution and the debt is considered delinquent by the crediting institutional agency.

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4.8 No component institution shall register any student organization or group whose actions or activities, in the opinion of the chief administrative officer or the ~~appropriate~~ Executive Vice Chancellor, are inimical to the educational purpose and work of the institution. *EDIT*

4.9 A registered student organization whose registered status has been cancelled by the Dean of Students pursuant to Subdivisions 4.73 or 6.63 of this Chapter may apply for re-registration not less than six months following the date of such cancellation. *for AA or the Chancellor, as appropriate,*

Sec. 5. Participation in Student Government.

5.1 Students' Associations.--Students' associations currently authorized at the component institutions of the System are hereby approved. They shall have such jurisdictions and shall exercise such powers as the Board may now or hereafter delegate to them.

- 5.11 Constitutions and Bylaws Approved.--The constitutions and bylaws of the several associations in force at the date of adoption of these Rules and Regulations are hereby approved.
- 5.12 Mode of Amending Constitutions and Bylaws.--An amendment to the constitution or bylaws of a students' association may be adopted by an association, in accordance with its constitution and bylaws, but the change shall not become effective until transmitted to and acted upon by the chief student affairs officer, the chief administrative officer and the ~~appropriate~~ Executive Vice Chancellor. Such amendment shall be included in the institutional docket for ratification by the Board. Amendments to internal rules of procedure shall not become effective until transmitted to and acted upon by the chief student affairs officer and the chief administrative officer.
- 5.13 Amendment or Repeal by Regents.--The Board shall amend or repeal any portion of the constitution and bylaws of a students' association when, in the judgment of the Board, the interests of the particular institution shall require it.
- 5.14 Amendment or Repeal by the Chief Student Affairs Officer.--The chief student affairs officer shall have the power, when in his or her judgment the interests of the institution require it, to amend or repeal any provision in the constitution or bylaws of the particular association, but such action shall be in force only until the next meeting of the Board when Subdivision 5.13, above, shall become applicable.
- 5.15 Salaried Employees.--All persons officially employed on salary by or under the direct supervision of a students' association shall be subject to approval by the chief student affairs officer and the chief administrative officer.
- 5.16 Annual Financial Reports.--Every officially recognized students' association shall make annually a complete financial report to the institutional chief business officer and shall make such special reports as may be called for by such business officer. A duplicate copy of each report shall be filed

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PART ONE
CHAPTER VI STUDENT SERVICES AND ACTIVITIES INCLUDING FACILITIES USE

Sec. 5. Participation in Student Government.

5.1 Students' Associations.--Students' associations currently authorized at the component institutions of the System are hereby approved. They shall have such jurisdictions and shall exercise such powers as the Board may now or hereafter delegate to them.

5.11 Constitutions and Bylaws Approved.--The constitutions and bylaws of the several associations in force at the date of adoption of these Rules and Regulations are hereby approved.

5.12 Mode of Amending Constitutions and Bylaws.--An amendment to the constitution or bylaws of a students' association may be adopted by an association, in accordance with its constitution and bylaws, but the change shall not become effective until transmitted to and acted upon by the chief student affairs officer, the chief administrative officer and the appropriate Executive Vice Chancellor or Vice Chancellor. Such amendment shall be included in the institutional docket for ratification by the Board. Amendments to internal rules of procedure shall not become effective until transmitted to and acted upon by the chief student affairs officer and the chief administrative officer.

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with the chief student affairs officer. Committees and administrative units of a students' association shall make such interim reports of financial condition as may be required by the chief student affairs officer.

- 5.2 The students' association on each campus shall be a recognized forum of student opinion.
- 5.21 When a students' association takes a position with reference to issues directly related to a component institution and its operations, its recommendations shall go through the chief student affairs officer, the chief administrative officer, the ~~appropriate~~ Executive Vice Chancellor, ~~and the~~ Chancellor to the Board. *for HA or*
- 5.22 When a students' association takes a position on non-University issues, it shall make clear the fact that it does not speak for the institution.
- 5.23 A students' association may conduct polls, initiate petitions, and/or establish forums for debate or discussion under conditions approved by the chief student affairs officer.
- 5.24 Officers of a students' association may so identify themselves when they express their personal views, but they shall then make it clear that they are not speaking for the institution, or for the student body, and they shall make it clear they are not speaking for the students' association unless the legislative body of that association has authorized the statement in advance.

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Sec. 6. Use of University Facilities. This Section applies only to property, buildings, and facilities owned or controlled by the U. T. System or component institutions that are maintained and used for programs and activities related to the role and mission of the U. T. System or component institutions.

CHAPTER VII

THE SYSTEM PRIVATE-FUND DEVELOPMENT AND FOUNDATIONS

Sec. 1. The System Private-Fund Development.

- 1.1 Responsibilities of the Board and Administrative Officials of the System in Private-Fund Development.
- 1.11 Among the most important responsibilities of the Board are those of establishing policies and procedures by which the developmental needs of the System and its component institutions can be determined and of directing vigorous efforts to attract private-fund support for meeting these needs.
- 1.12 The Chancellor is to serve as the chief executive officer for fund development and as the agent of the Board for the discharge of development responsibilities. The Chancellor shall define for the Board, at periodic intervals, descriptions of current and future needs, as determined by the chief administrative officers and System Administration, taking into account such needs as each component institution development board may have recommended.

Sec. 2. The Development Board of a Component Institution for Private-Fund Development.

- 2.1 With the approval of the chief administrative officer, the ~~appropriate~~ Executive Vice Chancellor, the Chancellor, and the Board of Regents, any component institution may have a development board dedicated to its own unique interests. Such a development board is the agency responsible through the chief administrative officer to the Chancellor, and through him or her to the Board of Regents, for all private-fund development for that component institution. Each component institution development board shall determine its development needs and shall direct the formulation of plans and the promotion of support for its programs.

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2.2 Responsibilities and duties of the component institution development boards:

2.21 The component institution development board is the agency responsible to the chief administrative officer of each institution for all private-fund development for that institution.

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2.22 The component institution development board shall recommend through the chief administrative officer, the ~~appropriate~~ Executive Vice Chancellor, and the Chancellor to the Board of Regents the approval of current and long-range policies which shall govern activities and responsibilities in cultivating and securing private funds for the institution.

2.23 The component institution development board shall have responsibility:

2.231 For studying and developing total development needs of the component institution.

2.232 For coordinating and formulating plans and actively promoting support for both current and long-range programs to meet the developmental needs of the component institution.

2.233 For developing gift possibilities not related to predetermined projects.

2.234 For periodic reports of progress to the chief administrative officer and the Chancellor on the plans and programs of the component institution development board. It is expected that a continuing program of the component institution will include collection and dissemination of information regarding gifts and endowments.

2.235 At periodic intervals, the chief administrative officer shall lay before his or her development board descriptions of current development needs.

2.3

Composition and Operation of the Component Institution Development Board.--The component institution development board shall consist of members recommended and appointed by the chief administrative officer of each component institution with final review and approval of the membership delegated by the Board of Regents to the Chancellor following consultation with the ~~appropriate~~ Executive Vice Chancellor. Chief administrative officers shall adopt guidelines for the appointment and/or reappointment of the members of the component institution development board. The guidelines shall make clear each individual's term of office and the expectations and responsibilities of membership. Consideration shall be directed to appropriate balance in board membership, including concerns relating to gender, ethnicity, range of experience, geographical distribution, and the special needs of the institution and the board. Component institutions shall forward an accurate roster of development board membership to the Chancellor via the Vice Chancellor for Development and External Relations no later than July 15 of each year. All terms shall officially begin on September 1. Official rosters of board membership shall be maintained in the Office of the Board of Regents and in the Offices of the Chancellor, the Executive Vice Chancellors for ~~Academic Affairs and Health Affairs~~, and the Vice Chancellor for Development and External Relations. The chief administrative officer and the Chancellor (or his or her delegate) shall be ex officio members with voting privileges. The component institution development board will elect a Chairman and such other officers as are appropriate from among its membership.

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General Policies of the Component Institution Development Boards:

2.41 A component institution development board shall seek to enlist the aid of numerous friends of the institution in fund-development efforts, and may establish such committees and other groups as seem desirable in carrying out its program.

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- 2.42 A component institution development board shall serve the individual component institution of the System to coordinate and assist in the plans and programs of that component institution with consideration of development interests of all component institutions in the System.
- 2.43 A component institution development board will work closely with the internal foundations of the component institutions. No internal foundations shall be established or continued in existence except

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with the approval of the ~~Executive Vice Chancellor~~ Executive Vice Chancellor, the Chancellor and the Board of Regents. The chief administrative officer of each component institution shall be responsible for stimulating, guiding, and assisting the component institution development board and internal foundations of the component institution he or she heads and he or she may require suitable annual reports from each. All such activities shall be coordinated through the office of the chief administrative officer and the director of the component institution development board.

From time to time, special campaigns for specific objectives may be conducted, with or without the assistance of private fund-raising counsel. Such campaigns may originate upon recommendation by the Board of Regents, the Chancellor, the chief administrative officer with the concurrence of the Chancellor, or the component institution development boards. No such campaign shall be authorized or undertaken, however, until the Chancellor has advised the Board of Regents of his or her approval or disapproval and the campaign has been approved by the Board of Regents.

2.45

Notwithstanding the provisions hereof conferring authority upon and placing responsibility with the Chancellor for fund development and fund raising, it is understood that ex-students' associations of the System component institutions may engage in fund raising for their own support through dues and payments for memberships, both annual and life. However, it is expected that no such ex-students' association will sponsor or participate in any other organized fund-raising effort without first consulting and advising with the chief administrative officer and the Chancellor, and then receiving the approval of the Board of Regents.

2.5 Executive Office of a Component Institution Development Board:

2.51 Within the office of the chief administrative officer there may be appointed by the chief administrative officer, with the approval of the ~~appropriate~~ Executive Vice Chancellor, and the Chancellor, an executive director of the component institution development board. He or she is to be charged solely with fund-development activity, and subject to supervision, evaluation, and termination of employment by the chief administrative officer.

2.52 The executive director of the component institution development board shall have such staff and such operating funds as shall be determined from time to time by budgets recommended by the chief administrative officer, endorsed by the ~~appropriate~~ Executive Vice Chancellor, and the Chancellor, and adopted by the Board of Regents. Duties of staff members shall be established by the executive director.

2.6 Finances.--Financial support of the component institution development board and the executive director shall be provided exclusively by the budget of the institution. Such budgets will be made through established budgetary procedures. The Board of Regents may accept gifts designated for use by the component institution development board and may make such funds available for expenditure by said board.

2.7 Under the provisions of Section 4 of this Chapter, a component institution development board may, but need not, have an associated internal foundation.

Sec. 3. The Advisory Councils of a Component Institution.

3.1 Establishment and Organization:

3.11 With the approval of the chief administrative officer of a component institution, the ~~appropriate~~ Executive Vice Chancellor, the Chancellor, and the Board of Regents, any school, college, or other comparable teaching or research unit may have an

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advisory council dedicated to its own unique interests. Such an advisory council is responsible through the dean or director to the chief administrative officer of the component and through him or her to the component institution development board for all private funds developed for that school, college, or comparable unit. Each advisory council shall determine its development needs and shall direct the formulation of plans and the promotion of support for its programs.

3.12

An advisory council shall consist of members recommended by the dean or director of the school, college, or other approved unit and appointed by the chief administrative officer of the component institution with final approval of the membership delegated by the Board of Regents to the Chancellor following consultation with the ~~appropriate~~ Executive Vice Chancellor. Chief administrative officers shall, in consultation with the dean or director of the school, college, or other approved unit, adopt guidelines for the appointment and/or reappointment of the members of the component's advisory council(s). The guidelines shall make clear each individual's term of office and the expectations and responsibilities of membership. Consideration shall be directed to appropriate balance in advisory council membership, including concerns relating to gender, ethnicity, years of involvement or experience with the college, school, or unit, geographical distribution, and the special needs of the school, college, or unit. Component institutions shall forward

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accurate rosters of advisory council membership(s) to the Chancellor via the Vice Chancellor for Development and External Relations no later than July 15 of each year. All terms shall officially begin on September 1. Official rosters of advisory council membership shall be maintained in the Office^s of the Board of Regents and ~~in the Offices of the Chancellor, the Executive Vice Chancellor^x for Academic Affairs and Health Affairs, and~~ the Vice Chancellor for Development and External Relations. The chief administrative officer of the component institution shall be an ex officio member of the component institution's advisory councils.

3.13

An advisory council may elect a chairman and other such officers as are appropriate from among its membership. The dean or director, and the chief administrative officer of the component institution, or his or her delegate shall be ex officio members with voting privileges.

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Duties and Responsibilities:

3.21

An advisory council shall seek to enlist the aid of numerous friends of the school, college, or comparable unit in fund-development efforts, and may establish such committees and other groups as seem desirable in carrying out its programs.

3.22

An advisory council shall recommend through the dean or director or the component chief

edited 3/11 per
attached
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inter vivos trusts. An internal foundation is an accounting and administrative mechanism in the name of which development boards and advisory councils may approach prospective donors. Internal foundations are under the jurisdiction and control of the Board of Regents and are governed by rules, regulations, policies and procedures promulgated by the Board.

4.2 Policies on Initiation and Operation.

4.21 An internal foundation may be established to benefit a component institution, or a school, college or other comparable teaching or research unit within a component institution upon the recommendation of a development board or an advisory council, after approval of the chief administrative officer of the component institution, the appropriate Executive Vice Chancellor, the Chancellor, and the Board of Regents.

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4.22 Divisions and departments below the level of a school, college, or other comparable teaching or research unit may effectively work as separate groups within the framework of the advisory council and internal foundation which represents a school or college or comparable teaching or research unit. Provisions for the designation of special funds to be used for specific activities within the framework of the various internal foundations and advisory councils will be made in order to avoid stifling the interest and initiative of these groups.

for H.A. if appropriate

4.23 There shall be an annual review of the activities of each internal foundation to determine its effectiveness; and, if it is unproductive for an unreasonable length of time, it shall be dissolved.

4.24 Every effort shall be made to permit a free range of initiative within the internal foundations, and their associated development boards and advisory councils, but activities must be in

1. The funds of the Foundation shall be devoted solely to the enrichment of the academic programs of the ((name of school, college, or other component unit)) of The University of Texas ((name of component)) and shall not be used for the ordinary operating expenses of the ((name of school, college, or other component unit)).

2. A donation to the Foundation may be made for a specific purpose and may be given in the name of the donor or other designation specified by the donor or may be given as unrestricted funds.

3. The Board of Regents shall hold, manage, control, sell, exchange, lease, convey, mortgage or otherwise encumber, invest or reinvest, and generally shall have power to dispose of in any manner and for any consideration and on any terms the said gifts, funds, or property in their discretion and shall from time to time pay out of the income, or if the income be insufficient, out of the principal, all expenses of trust and all expenditures incurred in furthering the purposes of the trust.

4. Neither any donation to the ((name)) Foundation nor any fund or property arising therefrom in whatever form it may take shall ever be any part of the Permanent University Fund nor shall the Legislature have power or be in any way authorized to change the purposes thereof or to divert such donation, fund or property from those designated purposes.

5. As in the case of other University funds, authorization for expenditure of all funds from the Foundation shall be vested in the Board of Regents and recommendations for such expenditures shall be made by the ((appropriate title of chief administrative officer)) through the ~~appropriate~~ Executive Vice Chancellor to the Chancellor and by the Chancellor to the Board of Regents of The University of Texas System.

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4.32 Upon Regental approval of the standard resolution creating an internal foundation, the name of the foundation will be added to the list contained in Section 4.33 of this Chapter. The Executive Secretary to the Board of Regents shall prepare a copy of the standard resolution in appropriate form for the Chairman's signature and shall distribute a copy to the ~~appropriate~~ Executive Vice Chancellor, the Chancellor and to the chief administrative officer of the component institution involved.

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CHAPTER VIII

MISCELLANEOUS

Sec. 1. Naming of Buildings and Other Facilities.

1.1 The naming of buildings and other facilities, such as laboratories, classrooms, seminar rooms, auditoria, concert halls, clinics, and patient rooms of the U. T. System and its component institutions, whether for an individual or with a functional or historical designation, is the prerogative and responsibility of the Board of Regents and can be initiated by the Board when circumstances warrant. When recommendations for naming of buildings or other facilities originate at other than the level of the Board, such recommendations shall be forwarded to the Board of Regents with recommendations of the Chancellor, ~~the~~ ^{for N.A. if} ~~appropriate~~ Executive Vice Chancellor, and appropriate chief administrative officer, accompanied by reasons for the recommendation, and campus consultations where appropriate. Recommendations for naming of buildings require Board of Regents' approval via the agenda. Recommendations for naming of other facilities shall be submitted for Regental approval via the docket.

1.2 Buildings and other facilities may be named to memorialize or otherwise recognize substantial gifts and significant donors, individuals designated by donors, or individuals who have made exemplary or meritorious contributions to the System, component institution, or society. Such designation may be for a single gift, multiple gifts over time, or for a combination of gifts and other contributions.

1.3 Each component institution will develop guidelines for what constitutes substantial and significant donations to warrant a building name. These guidelines may vary from campus to campus and sometimes within a campus dependent upon the nature and purpose of the building or other factors. Institutional donor guidelines are subject to prior administrative review and approval procedures for inclusion in the institutional Handbook of Operating Procedures. Exceptions to any approved guidelines are subject to the same approval process.

1.4 The naming of buildings and other facilities in honor of campus administrative officials, faculty, or staff or elected or appointed public officials shall normally occur only after the campus employment or public service has concluded.

1.5 When the naming of buildings or other facilities is contemplated as part of a special private-fund development campaign, that campaign, the buildings to be named, and the associated private-fund contributions to be sought shall have prior approval of the ~~appropriate~~ Executive Vice Chancellor, the Chancellor, and the Board as required in Part One, Chapter VII, Section 2, Subdivision 2.44 of the Regents' Rules and Regulations. Recommendations by the Chancellor, ~~appropriate~~ Executive Vice Chancellor, and chief administrative officer regarding the naming of each building or facility included in a fund development campaign shall be submitted to the Board of Regents for approval as set forth in Subsection 1.1 above.

1.6 The Chancellor will arrange for the Board of Regents to be briefed periodically by component chief administrative officers and System administrative officials via the annual budget process or other appropriate forum regarding buildings to be named and the private-fund contributions to be sought. Unexpected naming opportunities not covered in such briefings should be reviewed with the Board via regular Board of Regents' briefings. No commitment regarding the naming of a building or facility is to be made prior to the briefings and approvals required by this Section.

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M6 I would continue
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and External Relations in
the RRR - Since all
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deleted - / A

THE UNIVERSITY OF TEXAS SYSTEM
Office of the Board of Regents
Box N - Austin, Texas 78713-7328 (512) 499-4402

Feb 25, 1998

3/11/98
"v"
✓ Julie Mullins (2-27)
"v" niece Frederick (3/11/98)
"v" Wiley Bird
✓ Joyce Moor (2-26)

Since we are in the midst
of many editorial changes to
the Regents' Rules and Regulations,
would any of you like to be
deleted from the indicated
paragraphs on development
matters?

Please advise.

Thanks.

AK

CF
Please ^{Done} make
editorial amend-
ments per
attached page
VII-3 + VII-6a--
to be included in
all their March 1998
amendments. MF
3/4
CF 3/11

Regents Rules +
Regulations
Part One
Chapter VII

2.3

Composition and Operation of the Component Institution Development Board.--The component institution development board shall consist of members recommended and appointed by the chief administrative officer of each component institution with final review and approval of the membership delegated by the Board of Regents to the Chancellor following consultation with the appropriate Executive Vice Chancellor. Chief administrative officers shall adopt guidelines for the appointment and/or reappointment of the members of the component institution development board. The guidelines shall make clear each individual's term of office and the expectations and responsibilities of membership. Consideration shall be directed to appropriate balance in board membership, including concerns relating to gender, ethnicity, range of experience, geographical distribution, and the special needs of the institution and the board. Component institutions shall forward an accurate roster of development board membership to the Chancellor via the Vice Chancellor for Development and External Relations no later than July 15 of each year. All terms shall officially begin on September 1. Official rosters of board membership shall be maintained in the Office of the Board of Regents and in the Offices of the Chancellor, the Executive Vice Chancellors for Academic Affairs and Health Affairs, and the Vice Chancellor for Development and External Relations. The chief administrative officer and the Chancellor (or his or her delegate) shall be ex officio members with voting privileges. The component institution development board will elect a Chairman and such other officers as are appropriate from among its membership.

Official rosters of board membership shall be maintained in the Office of the Board of Regents and in the Offices of the Chancellor, the Executive Vice Chancellors for Academic Affairs and Health Affairs, and the Vice Chancellor for Development and External Relations.

edit
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3/11/98

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2.4

General Policies of the Component Institution Development Boards:

2.41 A component institution development board shall seek to enlist the aid of numerous friends of the institution in fund-development efforts, and may establish such committees and other groups as seem desirable in carrying out its program.

Regents Rules + Regulations
Part One
Chapter VIII

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3/11

accurate rosters of advisory council membership(s) to the Chancellor via the Vice Chancellor for Development and External Relations no later than July 15 of each year. All terms shall officially begin on September 1. Official rosters of advisory council membership shall be maintained in the Office of the Board of Regents and in the Offices of the Chancellor, the Executive Vice Chancellors for Academic Affairs and Health Affairs, and the Vice Chancellor for Development and External Relations. The chief administrative officer of the component institution shall be an ex officio member of the component institution's advisory councils.

3.13 An advisory council may elect a chairman and other such officers as are appropriate from among its membership. The dean or director, and the chief administrative officer of the component institution, or his or her delegate shall be ex officio members with voting privileges.

3.2 Duties and Responsibilities:

3.21 An advisory council shall seek to enlist the aid of numerous friends of the school, college, or comparable unit in fund-development efforts, and may establish such committees and other groups as seem desirable in carrying out its programs.

3.22 An advisory council shall recommend through the dean or director or the component chief

UT SYSTEM-ACADEMIC AFFAIRS
 16044
 REC'D FEB 26 1998
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 TO _____ PLEASE ADVISE ME
 TO _____ PLEASE HANDLE

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Feb 25 1998
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 U. T. AUSTIN

REC'D MAR 03 1998

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 COMMENT & RETURN
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Charlie Mullens
 Franice Freedomik
 Shirley Beriel
 Joyce Moos

Since we are in the midst
 of many editorial changes to
 the Regents' Rules and Regulations,
 would any of you like to be
deleted from the indicated
 paragraphs on development
 matters?

Please advise.

Thanks.

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THE UNIVERSITY OF TEXAS SYSTEM

Office of the Board of Regents
Box N - Austin, Texas 78713-7328 (512) 499-4402

NO (A) Feb 25, 1998

Charlie Mullins
Francie Frederick
Shirley Briel
Joyce Moos

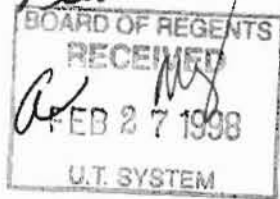
HEALTH AFFAIRS OFFICE
U.T. SYSTEM

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FEB 25 1998

Since we are in the midst
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would any of you like to be
deleted from the indicated
paragraphs on development
matters?

Please advise.



Thanks.

AK



THE UNIVERSITY OF TEXAS SYSTEM

MEMORANDUM

REFERRED TO

Art Dilly

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- FOR YOUR APPROVAL
- FOR YOUR SIGNATURE
- FOR YOUR COMMENTS
- FOR DISCUSSION
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- FOR YOUR FILE

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REMARKS:

Thank you for giving us this opportunity.

Yes - please delete the Chancellor's office.

SIGNATURE

Joyce

DATE

2/26/88

THE UNIVERSITY OF TEXAS SYSTEM

Office of the Board of Regents
Box N - Austin, Texas 78713-7328 (512) 499-4402

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Feb 25, 1998

Charlie Mullins
Francie Frederick
Shirley Briel
Joyce Moos.

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Please advise.

Thanks.

Art

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
201 WEST SEVENTH STREET, AUSTIN, TEXAS 78701-2981
(512) 499-4402

MEMORANDUM

December 18, 1997

TO: Those Who Receive Official Copies of
the Regents' Rules and Regulations (List Attached)

FROM: Art Dilly *AD*

SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

"A"	"B"
Cover Page Page VIII-2	Cover Page Page VIII-2

The amendments approved at the November 13, 1997 meeting of the U. T. Board of Regents have been incorporated on the revised pages.

AD/cf

Enclosures

Distribution List for Official Copies of
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System Administration	8
Chancellor	
Executive Vice Chancellor for Health Affairs	
Executive Vice Chancellor for Business Affairs	
Acting Vice Chancellor for Academic Affairs	
Executive Associate to the Chancellor	
Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
Vice Chancellor for Development and External Relations	
Chief Administrative Officers of Component Institutions	15
Mr. Thomas G. Ricks	<u>1</u>
President and Chief Executive Officer UTIMCO	
TOTAL	41

NOTE: See July 6, 1988 letter from Coordinating Board which requests that only those amendments related to (1) academic work load and (2) faculty development leaves be sent to that office.

Addresses of State Officials Who Receive Copies
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Director, Legislative Budget Board
John H. Reagan Building
Third Floor
Austin, Texas 78701
INTERAGENCY MAIL

State Auditor's Office
Two Commodore Plaza
206 East 9th Street
Suite 1900
Austin, Texas 78701
INTERAGENCY MAIL

Ms. Sally Reynolds
Director
Legislative Reference Library
Room 207-B, Capitol Building
Austin, Texas 78711
INTERAGENCY MAIL

Publications Clearing House
Room 307, Archives Building
Texas State Library
Austin, Texas 78711
INTERAGENCY MAIL

Dr. Don Brown
Commissioner, Texas Higher
Education Coordinating Board
7745 Chevy Chase Drive, Building 5
Austin, Texas 78752
INTERAGENCY MAIL

(NOTE: Send only when there are
amendments related to (1) academic
work load or (2) faculty development
leaves.)

Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

RULES AND REGULATIONS
OF THE
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM
FOR THE GOVERNMENT OF
THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

Part One was completely reissued as of June 1, 1988.
(Substantive amendments through November 13, 1997,
have been issued with this cover sheet.)

Sec. 2. Flags at Half Mast.--Flags at any of the component institutions of the System shall be placed at half mast on the death of a Regent, the death of a member of the teaching or non-teaching staff, the death of a student in residence at the institution, or at such other times as may be deemed appropriate by the chief administrative officer.

Sec. 3. Medical and Hospital Services.--With exceptions as outlined below, no health care services shall be provided by any component institution of the System to any person without compensation or reimbursement to the System. In the case of health care facilities operated by the System, which under the law are open to the general public, free or partly free health care services may be rendered to persons who are indigent and who are able to offer proof that they are not financially able to pay either all or any part of their health care expenses. In the case of health care services provided by faculty of a general academic component in the conduct of an educational program, persons receiving such services need not be charged for such services.

Health components may accept patients for acute or continuing, or both, care without referral by another physician or agency. The patients are accepted for total and continuing care including the obligation to obtain the services of other physicians when indicated.

Sec. 4. Institutions and Entities Composing the System.--The System is composed of the component institutions and entities set forth below in paragraphs 4.1 et seq. and such other component institutions and activities as may from time to time be assigned to the governance, control, jurisdiction, or management of the Board of the System. To insure uniformity and

11/13/97 minutes

REPORT AND RECOMMENDATIONS OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 286 - 292).--Committee Chairman Lebermann reported that the Academic Affairs Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Academic Affairs Committee and approved in open session and without objection by the U. T. Board of Regents:

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VIII, Section 3 (Medical and Hospital Services).--Upon recommendation of the Academic Affairs and Health Affairs Committees, the Board amended the Regents' Rules and Regulations, Part One, Chapter VIII, Section 3, regarding medical and hospital services, to read as set forth below:

Sec. 3. Medical and Hospital Services.--With exceptions as outlined below, no health care services shall be provided by any component institution of the System to any person without compensation or reimbursement to the System. In the case of health care facilities operated by the System, which under the law are open to the general public, free or partly free health care services may be rendered to persons who are indigent and who are able to offer proof that they are not financially able to pay either all or any part of their health care expenses. In the case of health care services provided by faculty of a general academic component in the conduct of an educational program, persons receiving such services need not be charged for such services.

Health components may accept patients for acute or continuing, or both, care without referral by another physician or agency. The patients are accepted for total and continuing care including the obligation to obtain the services of other physicians when indicated.

These amendments clarify that no charge need be made for health care services rendered by faculty in a clinical setting at a general academic institution.

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
201 WEST SEVENTH STREET, AUSTIN, TEXAS 78701-2981
(512) 499-4402

MEMORANDUM

September 25, 1997

TO: Those Who Receive Official Copies of
the Regents' Rules and Regulations (List Attached)

FROM: Art Dilly *AD*

SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

"A"	"B"
Cover Page	Cover Page
Page i	Page i
Pages II-1, II-3b, II-4, II-4a, II-5, II-6, II-7, II-8, II-9, and II-22	Pages II-1, II-4, II-5, II-6, II-7, II-8, II-9, and II-22
Pages III-3, III-4, and III-19	Pages III-3, III-4, III-19, and III-19a
Pages VI-18, VI-19, VI-20, VI-23, VI-24, and VI-35	Pages VI-18, VI-19, VI-20, VI-23, VI-24, VI-24a, VI-24b, VI-24c, and VI-35
Page VII-15	Page VII-15

The amendments approved at the August 14, 1997 meeting of the U. T. Board of Regents, as well as editorial amendments, have been incorporated on the revised pages.

AD/cf

Enclosures

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Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
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Mr. Thomas G. Ricks	<u>1</u>
President and Chief Executive Officer UTIMCO	
TOTAL	41

NOTE: See July 6, 1988 letter from Coordinating Board which requests that only those amendments related to (1) academic work load and (2) faculty development leaves be sent to that office.

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State Auditor's Office
Two Commodore Plaza
206 East 9th Street
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Austin, Texas 78701
INTERAGENCY MAIL

Ms. Sally Reynolds
Director
Legislative Reference Library
Room 207-B, Capitol Building
Austin, Texas 78711
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Publications Clearing House
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Dr. Don Brown
Commissioner, Texas Higher
Education Coordinating Board
7745 Chevy Chase Drive, Building 5
Austin, Texas 78752
INTERAGENCY MAIL

(NOTE: Send only when there are
amendments related to (1) academic
work load or (2) faculty development
leaves.)

Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

August 14, 1997

RULES AND REGULATIONS
OF THE
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM
FOR THE GOVERNMENT OF
THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

Part One was completely reissued as of June 1, 1988.
(Substantive amendments through August 14, 1997,
and editorial amendments through September 1997
have been issued with this cover sheet.)

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CHAPTER II

ADMINISTRATION

Sec. 1. General Provisions.

1.1 Administration.

The "System Administration" is the administration of The University of Texas System.

1.2 The University of Texas System.

The University of Texas System (herein sometimes called the "System") is composed of the System Administration and those institutions assigned by the Constitution or by the Legislature to be governed by the Board of Regents of The University of Texas System. The System Administration shall be based in Austin.

Sec. 2. Board's Exercise of Authority.

The Board of Regents exercises its powers and authorities in the governance of The University of Texas System through the System Administration, headed by the Chancellor.

Sec. 3. Chancellor.

The Chancellor is the chief executive officer of The University of Texas System. The Chancellor reports to and is responsible to the Board of Regents of The University of Texas System. The Chancellor has direct line responsibility for all aspects of the U. T. System's operations and has direct operational responsibility for the management and conduct of the academic affairs of the System. The chief administrative officers of the general academic institutions shall report to and are responsible to the Chancellor.

3.1 Appointment and Tenure.

The Chancellor shall be elected by the affirmative vote of a majority of the Regents in office and shall hold office without fixed term, subject to the pleasure of the Board.

- 3.32 The System internal auditors are the internal auditors for the System and augment the audit work of the institutional internal auditor and the State Auditors at the component institutions.

Sec. 4. Executive Vice Chancellor for Health Affairs.

The Executive Vice Chancellor for Health Affairs has line responsibility for the conduct of health-related education and the delivery of health services in the System. The chief administrative officer of each health-related institution in the System reports to and is responsible to the Executive Vice Chancellor for Health Affairs. The Executive Vice Chancellor for Health Affairs reports to and is responsible to the Chancellor. The Executive Vice Chancellor for Health Affairs has direct access to the Board of Regents and is expected to work directly with the appropriate committees of the Board in discharging the duties of the office.

4.1 Appointment and Tenure.

The Executive Vice Chancellor for Health Affairs shall be elected by an affirmative vote of a majority of the Regents in office upon nomination by the Chancellor. The Executive Vice Chancellor for Health Affairs shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions concerning the Executive Vice Chancellor for Health Affairs are subject to review and approval by the Board.

4.2 Duties and Responsibilities.

The Executive Vice Chancellor for Health Affairs shall have as a prime responsibility the maintenance of high academic quality in the health-related teaching institutions and high quality health services in the health-care delivery institutions of the System. The Board through its policies, procedures, and Rules and Regulations maintains its governance responsibilities, and acknowledges the importance of maintaining accreditation for hospital, clinic and other patient-care facilities. Because of the complexity and diversity of the System, the Executive Vice Chancellor for Health Affairs is delegated the responsibility for ensuring the governance requirements for accreditation not specifically covered elsewhere in these policies, procedures, and Rules and Regulations are met. The Executive Vice Chancellor for Health

Affairs will report the accreditation status to the Board on a periodic basis. Through the chief administrative officers of the component institutions, he or she shall have responsibility for the budgets, academic planning and programs, facilities planning and construction, and personnel (both academic and nonacademic) of those components. In consultation with the Chancellor, the Executive Vice Chancellor for Health Affairs shall prepare recommendations and supporting information on such matters for consideration by the appropriate standing committees of the Board and the Board of Regents. The Executive Vice Chancellor for Health Affairs is responsible and accountable for ensuring that appropriate internal controls are implemented and monitored in the health-related teaching institutions and the health-care delivery institutions.

Sec. 5. Executive Vice Chancellor for Business Affairs.

The Executive Vice Chancellor for Business Affairs reports to the Chancellor and is responsible for the direction of those offices and supervision of those areas of responsibility set forth in Subsection 5.2(10) of this Chapter. The Executive Vice Chancellor for Business Affairs provides staff assistance to the Chancellor and the Executive Vice Chancellor for Health Affairs in the exercise of their responsibilities. The Executive Vice Chancellor for Business Affairs has direct access to the Board of Regents of The University of Texas System and is expected to work directly with the appropriate committees of the Board in discharging the duties of the office.

5.1 Appointment and Tenure.

The Executive Vice Chancellor for Business Affairs shall be appointed by the Board after nomination by the Chancellor. The Executive Vice Chancellor for Business Affairs shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Executive Vice Chancellor for Business Affairs are subject to review and approval by the Board.

5.2 Duties and Responsibilities.

The primary responsibilities of the Executive Vice Chancellor for Business Affairs include:

- 5.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellor for Health Affairs in the execution of their responsibilities.
- 5.22 Submitting recommendations to the Chancellor and to the Executive Vice Chancellor for Health Affairs on business operations of the components of the System.
- 5.23 Reviewing and making recommendations on uniform business systems and management.
- 5.24 Submitting recommendations relating to programs for the most efficient management of personnel and resources.
- 5.25 Submitting recommendations for program development for training of personnel in nonacademic areas.
- 5.26 Reviewing and making recommendations on programs of long-range planning for physical facilities and financial resources.
- 5.27 Reviewing and making recommendations relating to police and security matters within the System.
- 5.28 Coordinating the business affairs of the System with other officers and members of the System Administration staff.
- 5.29 In consultation with the appropriate Executive Officer, coordinating the activities of business administrative operations of the component institutions.
- 5.2(10) Managing the operations of the offices listed below through such internal administrative organization as he/she deems to be appropriate:
 - Office of the Associate Vice Chancellor for Business Affairs
 - Office of Historically Underutilized Business Development
 - Office of the Director of Police
 - Office of the Assistant Vice Chancellor and Controller
 - Budget Office
 - Office of Information Resources

- Office of Business and
Administrative Services
 - Director of Accounting
regarding System
Administration accounts
 - Office of the Assistant Vice
Chancellor for Finance
 - Office of Facilities Plan-
ning and Construction
 - Office of Finance
 - Real Estate Office
 - Office of Human Resources
 - Office of Employee Group
Insurance Program
 - West Texas Operations
 - University Lands
Accounting Office
 - Surface Interests
Oil, Gas & Mineral
Interests
- 5.2(11) Supervising and coordinating the acquisition, lease, disposition, and/or management of all real property owned or controlled by the Board with a goal of maximizing the income to be realized from the operation, lease, or conveyance of these properties. In discharging this responsibility, the Executive Vice Chancellor for Business Affairs shall work closely with the appropriate Executive Officer and chief administrative officer with regard to the management and conveyance of real property owned or controlled by the Board for the benefit of a particular institution. The Executive Vice Chancellor for Business Affairs shall establish procedures that assure effective coordination with the Director of Estates and Trusts with regard to gifts of real property to the Board.
- 5.2(12) Directing the management of the purchasing, accounting, equipment inventories, and vouchering operations for the offices of the System Administration and coordinating the building services for the System buildings.

- 5.2(13) Directing the management of the System-wide insurance programs (except the System Plan for Professional Medical Liability Self-Insurance), including approval of all policies and coverages, such programs to include:
 - Fire and Extended Coverage;
 - Liability;
 - Health;
 - Life;
 - Accidental Death and Dismemberment;
 - Income Replacement; and
 - Retirement.
- 5.2(14) Implementing policy for the receipt, disbursement, and custody of non-investment funds and for terms of depository agreements with banks.
- 5.2(15) Forwarding debt issues for approval by the Board of Regents.
- 5.2(16) Implementing and monitoring appropriate internal controls in all internal administrative operations listed in 5.2(10).
- 5.2(17) Performing such other duties as may be assigned by the Chancellor.

Sec. 6. Vice Chancellor for Academic Affairs.

The Vice Chancellor for Academic Affairs reports to and is responsible to the Chancellor. The Vice Chancellor for Academic Affairs is responsible for the programs of the System related to academic affairs. The Vice Chancellor for Academic Affairs has direct access to the Board of Regents and is expected to work directly with the appropriate committees of the Board in discharging the duties of the office.

6.1 Appointment and Tenure.

The Vice Chancellor for Academic Affairs shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Academic Affairs shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions concerning the Vice Chancellor for Academic Affairs are subject to review and approval by the Board.

- 6.2 Duties and Responsibilities.
The primary responsibilities of the Vice Chancellor for Academic Affairs include:
- 6.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellors in the execution of their responsibilities.
 - 6.22 Submitting recommendations to the Chancellor regarding the maintenance of high academic quality in the general academic components of the System.
 - 6.23 Reviewing and making recommendations on the budgets, academic planning and programs, facilities planning and construction, and personnel (both academic and nonacademic) of the academic components.
 - 6.24 In consultation with the Chancellor, ensuring that appropriate internal controls are implemented and monitored in the general academic components of the System.
 - 6.25 Ensuring that the governance requirements for accreditation not specifically covered elsewhere in these policies, procedures, and Rules and Regulations are met.
 - 6.26 Reporting the accreditation status of the academic institutions to the Chancellor and to the Board of Regents periodically.
 - 6.27 Performing such other duties as may be assigned by the Chancellor.

the Board will make his or her appointments to the Advisory Committee after campus selections in order to maximize the prospect that the total committee composition reflects diversity.

- 13.12 The Advisory Committee shall set up selection criteria that relate to the needs of the individual component, initiate mechanisms to develop an appropriate candidate pool, seek information on the several candidates and inquire from competent sources as to the candidates' academic, administrative and business ability. The Committee may also interview candidates as a part of its selection process keeping in mind that the confidentiality of the process is important to its ultimate success.
- 13.13 Finally, the Advisory Committee shall submit, through its Chairman, a recommended list of not less than five or more than ten candidates with no preference indicated. If fewer names are provided, the Committee shall provide reasons and the submission of less than five candidates is to be with the concurrence of the Regental representatives on the Committee. Candidates submitted shall have received a majority vote of the Committee. The recommended list should be developed and submitted without regard to the Advisory Committee's assessment of the potential availability of any candidate. If none of the names submitted in the report of the Advisory Committee is satisfactory to the Board, then the Board in its discretion may either name a new committee or proceed to select a chief administrative officer under such other procedures as in its discretion it may deem proper and appropriate.
- 13.14 When the Board has candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, the Chairman of the Board of Regents shall appoint a Special Committee to provide the Board of Regents with advice and evaluation

1.83 The following academic titles may also be used within University of Texas System component institutions. Tenure cannot be awarded to a person appointed to these ranks and, with the exception of the ranks of Instructor and Technical Instructor, academic service within these ranks cannot be counted toward the satisfaction of any required probationary period. Appointments to these titles shall be for a period of time not to exceed one academic year except in the case of Lecturer or Senior Lecturer when, in individual cases, appointment may be for periods of time not to exceed three academic years. In individual cases, as determined by a component institution, full-time appointment to a clinical or research position with a title authorized by Subdivision 1.83(i) or Subdivision 1.83(j) may be for periods of time not to exceed three academic years. With the exception of the titles of Instructor and Technical Instructor, such appointments shall terminate at the expiration of the stated period of appointment without the notification of nonrenewal required by Subsection 6.7 of this Chapter. If a component institution determines that it is to the benefit of the institution, it may offer reappointments to these titles.

- (a) Instructor. This title denotes a probationary appointment as a member of an institutional faculty. During the period of probationary appointment to this rank, the scholarly competence, teaching performance, and professional promise of the candidate will be evaluated.
- (b) Technical Instructor. This title denotes a probationary appointment as a member of the U. T. Brownsville faculty in associate degree or certificate programs for the educational partnership with Texas Southmost College. During the period of probationary appointment to this rank, the teaching performance and professional promise of the candidate will be evaluated.
- (c) Lecturer. This title may be used for individuals who will serve as teachers and whose experience and

- qualifications are comparable to those of faculty members in untenured, tenure-track positions.
- (d) Senior Lecturer. This title may be used for special teachers who will augment and complement regular teaching faculty and whose experience and qualifications are comparable to those of faculty members in tenure positions.
 - (e) Assistant Instructor or Teaching Associate. These titles may be used interchangeably for (1) certain graduate students teaching on a part-time or full-time basis who are in the last phase of their doctoral programs and who are unconditionally enrolled in graduate study, or (2) persons who, because of the nature of their duties, such as in a laboratory or in a hospital, do not qualify for one of the usual academic titles and do not hold the academic training or professional distinction usually required for attaining tenure positions.
 - (f) Teaching Assistant. This title usually applies to graduate students who are teachers and who are employed on a part-time basis. The only other teaching titles for graduate students are Teaching Associate and Assistant Instructor.
 - (g) Faculty Associate. This title may be applied to a person assigned to a research or nonteaching center, institute, or other unit or interdisciplinary program of a component institution.
 - (h) Specialist. This title may be used for professional individuals who will serve as practitioners in specific areas of instruction, training or supervision. Upon approval of the chief administrative officer, the appropriate Executive Vice Chancellor, and the Chancellor, the title may carry appropriate descriptive prefixes so as to indicate the specific areas of proficiency, e.g. Practice Teaching Specialist, Physical Activity Specialist, Social Work Field Training Specialist.

Editorial Amendment
Issued September 1997

the System. Such resignation must be completed and effective prior to the effective date of the appointment at the System component; otherwise, such appointment shall be void and of no effect.

6.262 The acceptance of an appointment to a tenured position on the faculty of an educational institution outside the System shall be considered as a resignation of any faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor or with the title of Technical Instructor, Assistant Master Technical Instructor, Associate Master Technical Instructor or Master Technical Instructor that such appointee may hold at a System component.

6.3 Termination by an institution of the employment of a faculty member who has been granted tenure and of all other faculty members before the expiration of the stated period of appointment, except as is otherwise provided in Subdivision 6.26 and Subsections 6.(11) and 6.(12) or by resignation or retirement, will be only for good cause shown. In each case the issue will be determined according to the equitable procedures provided in this Subsection.

6.31 The chief administrative officer shall assure that all allegations against a faculty member that involve the potential for termination are reviewed under the direction of the chief academic officer unless another officer is designated by the chief administrative officer. The faculty member who is the subject of the allegations shall be given an opportunity to be interviewed prior to a determination by the chief academic officer whether the allegations are supported by evidence that constitutes good cause for termination. The chief academic officer will recommend to the chief administrative officer whether to proceed with charges

for termination. A tenured faculty member who is recommended for termination on the basis of periodic evaluation must be given the opportunity for referral of the matter to nonbinding alternative dispute resolution, as required by Texas Education Code Section 51.942 and in compliance with applicable U. T. System and institutional policies and procedures for alternative dispute resolution, prior to referral of the charges to a hearing tribunal under Subsection 6.33. A faculty member under review for matters that may result in charges for termination may file a grievance pursuant to a faculty grievance procedure only if the subject of the grievance is not involved in the review. A pending grievance may proceed only if it does not involve a subject under review.

6.6 Solicitation.--The term "solicitation" means the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service; the oral or written appeal or request to support or join an organization other than a registered student, faculty, or staff organization; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to state or federal law or local ordinances.

6.61 No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by any component institution or the U. T. System unless permitted by the Regents' Rules and Regulations. The following activities shall not be deemed solicitations prohibited by this Subsection when conducted in accordance with the approved rules and regulations of the U. T. System or the component institution. Such activities must be conducted in a manner that does not disturb or interfere with the academic programs or administrative activities of the U. T. System or the component institution or any program or activity that is conducted by or is authorized by the U. T. System or component institution; does not interfere with entry to or exit from a building, structure, or facility; does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities; does not harass, embarrass, or intimidate the person or persons being solicited; and does not violate applicable state, federal, or local laws or regulations:

- (a) The distribution, sale, or offer for sale of a newspaper, magazine, or other publication by means of an unattended rack or vending machine in area(s) designated in advance by the chief administrative officer of the

- U. T. System or a component institution or his or her delegate for the conduct of such activity.
- (b) The sale or offer for sale of food, drink, or any other product that may be lawfully sold by means of a vending machine that is operated by the U. T. System or component institution or a subcontractor of either, under an approved written agreement, in an area designated in advance by the chief administrative officer of the U. T. System or the component institution or his or her delegate.
 - (c) The sale or offer for sale by the U. T. System or component institution or a subcontractor of either, under an approved written agreement, of any publication of the U. T. System or the component institution or of any book or other printed material to be used in the regular academic work of the component institution.
 - (d) Any service or service facility for the convenience of the students, staff, faculty, patients, or bona fide visitors that is operated or maintained by the U. T. System or component institution or by a subcontractor or lessee of either, under an approved written agreement, including, but not limited to: (1) any bookstore, specialty store, laundry, pharmacy, cafeteria, or food service; (2) a child care facility limited to children or bona fide dependents of students, faculty, or staff; (3) a state or federal credit union with membership limited primarily to students, faculty, and staff of the component institution and other area institutions of higher education or other component institutions and the U. T. System, and the officers and employees of organizations closely related to the component institution's educational mission, such as officially recognized alumni associations and cooperative bookstores; (4) private post office boxes under an approved written agreement that limits the use to students, faculty, and staff of the component institution;

- (5) unmanned teller machines and drop-boxes for express delivery services that are located and maintained under an approved written agreement that prohibits advertising the location of the unmanned teller machine or drop-boxes to the general public; or (6) a travel agency under an approved written agreement that limits the use primarily to students, faculty, and staff of the component institution and prohibits advertising the institutional location of the travel agency to the general public.
- (e) The sale or offer for sale by the U. T. System or component institution or a subcontractor of either, under an approved written agreement, of food, drink, souvenirs, novelty items, and programs at athletic contests or other programs or events sponsored or authorized by the U. T. System or component institution.
- (f) The collection of contributions or the sale of merchandise, food, or nonalcoholic beverages by the students' association or by a registered student, faculty, or staff organization. A students' association or a registered student, faculty, or staff organization may not conduct such solicitation activities on behalf of or for the benefit of any individual, association, organization, corporation, or group of individuals that is not registered as a student, faculty, or staff organization or that is not otherwise qualified under the criteria of Item (i) of Subdivision 6.61 to conduct solicitation. In the case of specific drives for disaster relief, the chief student affairs officer of the institution may approve a drive that complies with all other requirements of Subsection 6.6.
- (g) The collection of membership fees or dues by registered student, faculty, or staff organizations at meetings of such organizations scheduled in accordance with the facilities use regulations of any component institution.

- (o) The display and demonstration by manufacturers and distributors of personal computer hardware and software suitable for use by students and faculty in the academic programs of a component institution and the presentation of information and demonstrations related to remote networks for personal computers by entities that provide access to such networks. Such activities may be conducted once each academic year upon invitation by the chief administrative officer of the component institution or his or her delegate and must be limited to the time and place designated by and under guidelines specified and controlled by the component institution. A manufacturer or distributor of personal computer hardware or software or an entity that provides access to remote networks for personal computers may not make sales or take orders.
- (p) The distribution or presentation to officers and employees of the U. T. System and component institutions of material related to health benefit plans, life insurance, tax sheltered annuities, retirement plans or programs, or other benefits that are available to such officers and employees through employee benefit plans or programs offered by or approved by the U. T. System. Such material may be distributed or presented only at the Office of Human Resources of the U. T. System or component institutions, at the benefits office of a health profession practice plan of a health component institution, or at meetings scheduled for that purpose pursuant to guidelines established by the U. T. System Office of Human Resources.
- (q) Solicitation by the officers or employees of the U. T. System or component institution acting in the course and scope of their authority.

- (r) The distribution, at no cost, by a students' association or a registered student, faculty, or staff organization of a newspaper, magazine, or other publication that contains paid advertising and is published by such organization at its sole expense.
- (s) The display and distribution of printed material from tables or booths by providers of services that are commonly utilized by students, faculty, and staff of a component institution, such as financial institutions, long distance telephone carriers, utilities, housing locators, printers and duplicators, tutors, or employment agencies. A component institution may designate no more than two one-day periods each academic year during which all authorized providers may engage in such activities in an area selected by the component institution. The number of providers authorized to participate on each of the two one-day periods will be determined by the component institution. The activities of a provider must be limited to the time and place designated by the component institution and must be conducted in compliance with Subdivision 6.61 and other guidelines specified by the component institution. A provider may not make sales of or take orders for services. The component institution shall charge an appropriate fee for the privilege of conducting such activities. Any provider who violates the Regents' Rules and Regulations or the rules and regulations of the component institution in the course of such activities or who has violated a provision of the Regents' Rules and Regulations or the rules and regulations of the component institution during the twelve-month period preceding a day designated by the component institution for activities authorized by this subdivision shall not be permitted to participate in such activities.

- (t) A component institution may designate a reasonable number of areas immediately adjacent to the exterior of a facility used for intercollegiate athletic events and may authorize such areas to be used for the display of motor propelled vehicles and for the location of booths, tables, or kiosks to be used for the display of merchandise, the distribution of free samples of merchandise, and the display and distribution of printed material related to merchandise, products, or services. Such activities may be authorized only on the day before and the day of an intercollegiate athletic event or an event that is related to athletics that takes place in the facility. A component institution may designate a reasonable number of areas inside a facility used for intercollegiate athletic events for such activities if the designation and use of the area is approved by the safety officer of the component institution. All persons engaged in or associated with such displays and distributions must conduct those activities in compliance with Subdivision 6.61 and with other guidelines specified by the component institution. Such persons may not make sales of or take orders for such vehicles, merchandise, products, or services. The component institution shall charge an appropriate fee for the privilege of using such areas. If persons engaged in such activities violate the Regents' Rules and Regulations or the rules and regulations of the component institution, such persons and any entity that they are acting for shall not be permitted to engage in activities under this subdivision for a twelve-month period.

- (u) In the course of an election process held pursuant to the approved constitution, bylaws, or election code of the faculty governance organization or of the student government organization of a component institution or an election held pursuant to the approved rules, regulations, or policies of a component institution, requests may be made to support or to vote for or against a qualified candidate for an office or position to be filled at such election or to support or to vote for or against a proposition to be decided at such election. Such request may be made only by the candidates for an office or position; by a registered student, faculty, or staff organization and its members; or by a student, faculty member, or staff member. Individuals and organizations making such requests must conduct all activities in compliance with the approved time, place, and manner regulations of the component institution; the provisions of the constitution, bylaws, election code, rules, regulations, or policies authorizing the election; and Subdivision 6.61. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform services for a component institution.
- (v) The request to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, state, or local laws when such request is made by a registered student, faculty, or staff organization, or by a student, faculty member, or staff member. Persons or organizations must conduct such activities in compliance with Subdivision 6.61; with the time, place, and manner regulations of the component institution; with the provisions of federal, state, or local

laws governing such election; and may not use any equipment, supplies, or services of a component institution. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform duties for a component institution. No registered student, faculty, or staff organization that receives state funds from any source may engage in such activities.

- 6.62 All permissible solicitation must be conducted in compliance with Subdivision 6.61 and the time, place, and manner regulations of the component institution. If, after reasonable investigation, it is determined that impermissible solicitation is being or has been conducted or that permissible solicitation is being or has been conducted in violation of the Regents' Rules and Regulations or the approved rules and regulations of the U. T. System or component institution (1) a student, a faculty member, or a staff member will be subject to such disciplinary penalty as may be appropriate, and (2) a students' association or a registered student, faculty, or staff organization shall be prohibited from solicitation for such period or periods of time as may be appropriate. In the case of repeated violations, the registered status of the organization may be cancelled or other appropriate penalties may be imposed. Any penalty or penalties must be imposed pursuant to the due process procedures of applicable Regents' Rules and Regulations or approved rules and regulations of the U. T. System or component institution.

9.2 In the event of nonpayment to the System or one of its component institutions, one or more of the following actions may be taken: (a) a bar against readmission for the student, (b) withholding of the student's grades and official transcript, (c) withholding of a degree to which the student otherwise would be entitled.

Sec. 10. Anonymous Publications.--Anonymous publications are prohibited, and any individual or organization publishing or aiding in publishing, or circulating or aiding in circulating, any anonymous publication will be subject to disciplinary action.

Sec. 11. Negotiations Prohibited.--Neither the chief administrative officer nor any officer in the System Administration, nor any representative of either of them when dealing with disruptive activities, shall negotiate or attempt to negotiate with any person or persons engaged in any disruptive activity on the campus of any component institution of the System. When such a situation arises, the chief administrative officer or any officer in the System Administration, or any representative of either of them, shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention.

Sec. 12. Animals on Campus.--With the exception of certified support animals and animals involved in approved University activities, animals are not permitted in any university building. Animal(s) may be brought onto campus, other than in buildings, but should be appropriately restrained and/or contained. The owner shall be responsible for cleaning up after the animal.

Sec. 7. Conflict of Interest, Performance of Services, and Use of University Facilities.

- 7.1 Unless authorized by the Chancellor, no officer or employee of The University of Texas System or its component institutions shall accept remuneration from or serve as an officer, director, employee, or agent of an external nonprofit corporation or an external entity that has as its primary objective the provision of funds or services for the furtherance of the purposes and duties of the System or its components.
- 7.2 No officer or employee of The University of Texas System or its component institutions shall act as the agent for any corporation, association, organization, partnership, or individual in the negotiation of the terms or conditions of any agreement relating to the provision of funds, services, or property to the System or its components by such corporation, association, organization, partnership, or individual.
- 7.3 The utilization of equipment, facilities or services of employees and officers of The University of Texas System or its component institutions by an external nonprofit corporation or external entity that has as its primary objective the provision of funds or services for the furtherance of the purposes and duties of the System or its components shall be permitted only in accordance with a negotiated agreement that provides for the payment of adequate compensation for such equipment, facilities or services.

On behalf of the faculty, staff, and students of the institution, President Jenifer welcomed the members of the Board and other guests to U. T. Dallas.

U. T. BOARD OF REGENTS: APPROVAL OF MINUTES OF REGULAR MEETING HELD ON MAY 7-8, 1997, AND SPECIAL MEETINGS HELD ON JULY 14, 1997 AND AUGUST 5, 1997.--Upon motion of Regent Smiley, seconded by Regent Lebermann, the Minutes of the regular meeting of the Board of Regents of The University of Texas System held on May 7-8, 1997, in San Antonio, Texas, were approved as distributed by the Executive Secretary. The official copy of these Minutes is recorded in the Permanent Minutes, Volume XLIV, Pages 1091 - 1690.

Upon motion of Regent Hicks, seconded by Regent Smiley, the Minutes of the special meetings of the Board of Regents of The University of Texas System held on July 14, 1997 and August 5, 1997, in Austin, Texas, were approved as distributed by the Executive Secretary. The official copies of these Minutes are recorded in the Permanent Minutes, Volume XLIV, Pages 1691 - 1710.

SPECIAL ITEMS

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendment to Chapter II, Section 13, Subsection 13.1, Subdivision 13.13 (Chief Administrative Officers of Component Institutions).--Upon recommendation of Regent Lebermann, Chairman of the Advisory Committee for the Selection of a President for The University of Texas at Austin, approval was given to amend the Regents' Rules and Regulations, Part One, Chapter II, Section 13, Subsection 13.1, Subdivision 13.13, relating to the submission of candidates to serve as chief administrative officers of The University of Texas System component institutions, to read as set forth on Page 6.

Sec. 13. Chief Administrative Officers of Component Institutions.

13.1 The Board selects the chief administrative officer of each component institution.

. . . .

13.13 Finally, the Advisory Committee shall submit, through its Chairman, a recommended list of not less than five or more than ten candidates with no preference indicated. If fewer names are provided, the Committee shall provide reasons and the submission of less than five candidates is to be with the concurrence of the Regental representatives on the Committee. Candidates submitted shall have received a majority vote of the Committee. The recommended list should be developed and submitted without regard to the Advisory Committee's assessment of the potential availability of any candidate. If none of the names submitted in the report of the Advisory Committee is satisfactory to the Board, then the Board in its discretion may either name a new committee or proceed to select a chief administrative officer under such other procedures as in its discretion it may deem proper and appropriate.

. . . .

This amendment to the Regents' Rules and Regulations clarifies the circumstances under which the Advisory Committee has the flexibility to submit fewer than five names for a component presidency. This change is in keeping with a recommendation resulting from discussion by the Advisory Committee for the Selection of a President for U. T. Austin at its May 20, 1997 meeting.

7. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Authorization to Amend Chapter II (Administration), Section 3 (Chancellor); Delete Section 4 (Executive Vice Chancellor for Academic Affairs); Renumber Sections 5 and 6 (Executive Vice Chancellor for Health Affairs and Executive Vice Chancellor for Business Affairs); and Add New Section 6 (Vice Chancellor for Academic Affairs) Effective September 1, 1997, and Authorization for the Executive Secretary to the Board, in Consultation with the Vice Chancellor and General Counsel, to Make Such Editorial Changes in the Remainder of the Regents' Rules and Regulations as are Appropriate.--After careful review by the Chancellor, in consultation with Mr. Donald L. Evans, Chairman of the U. T. Board of Regents, and Mr. Lowell H. Lebermann, Jr., Chairman of the Academic Affairs Committee, a decision was made to restructure the reporting responsibilities related to the academic affairs programs in The University of Texas System to be effective September 1, 1997.

In order to reflect the organizational change in the management of the U. T. System Office of Academic Affairs, the Board amended the Regents' Rules and Regulations, Part One, Chapter II (Administration) as set forth below and authorized the Executive Secretary to the Board of Regents, in consultation with the Vice Chancellor and General Counsel, to make any editorial changes in the remainder of the Regents' Rules and Regulations as are appropriate to be consistent with the organizational and administrative changes set forth in these amendments.

- a. Section 3 (Chancellor) was amended to read as set forth below:

Sec. 3. Chancellor.

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The Chancellor is the chief executive officer of The University of Texas System. The Chancellor reports to and is responsible to the Board of Regents of The University of Texas System. The Chancellor has direct line responsibility for all aspects of the U. T. System's operations and has direct operational responsibility for the management and conduct of the academic affairs of the

System. The chief administrative officers of the general academic institutions shall report to and are responsible to the Chancellor.

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- ✓ ✓ b. Present Section 4 (Executive Vice Chancellor for Academic Affairs) was deleted in its entirety.
- ✓ ✓ c. Present Section 5 (Executive Vice Chancellor for Health Affairs) and Section 6 (Executive Vice Chancellor for Business Affairs) were renumbered as Sections 4 and 5, respectively.
- ✓ ✓ d. A new Section 6 (Vice Chancellor for Academic Affairs) was added to read as follows:

Sec. 6. Vice Chancellor for Academic Affairs.

The Vice Chancellor for Academic Affairs reports to and is responsible to the Chancellor. The Vice Chancellor for Academic Affairs is responsible for the programs of the System related to academic affairs. The Vice Chancellor for Academic Affairs has direct access to the Board of Regents and is expected to work directly with the appropriate committees of the Board in discharging the duties of the office.

6.1 Appointment and Tenure.

The Vice Chancellor for Academic Affairs shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Academic Affairs shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions concerning the Vice Chancellor for Academic Affairs are subject to review and approval by the Board.

6.2 Duties and Responsibilities.

The primary responsibilities of the Vice Chancellor for Academic Affairs include:

- 6.21 The provision of staff assistance to the Chancellor and the Executive Vice Chancellors in the execution of their responsibilities.

- 6.22 Submitting recommendations to the Chancellor regarding the maintenance of high academic quality in the general academic components of the System.
- 6.23 Reviewing and making recommendations on the budgets, academic planning and programs, facilities planning and construction, and personnel (both academic and nonacademic) of the academic components.
- 6.24 In consultation with the Chancellor, ensuring that appropriate internal controls are implemented and monitored in the general academic components of the System.
- 6.25 Ensuring that the governance requirements for accreditation not specifically covered elsewhere in these policies, procedures, and Rules and Regulations are met.
- 6.26 Reporting the accreditation status of the academic institutions to the Chancellor and to the Board of Regents periodically.
- 6.27 Performing such other duties as may be assigned by the Chancellor.

It was noted that the chief administrative officers of the academic components will report to and be responsible to the Chancellor. The position of Executive Vice Chancellor for Academic Affairs will be eliminated, and the Office of Academic Affairs will be managed by a Vice Chancellor for Academic Affairs who will provide staff assistance to the Chancellor regarding all aspects of academic affairs as outlined in the new Section 6, Chapter II, Part One of the Regents' Rules and Regulations. As a result of this reorganization, Dr. James P. Duncan has resigned his position as Executive Vice Chancellor for Academic Affairs effective August 31, 1997.

Chancellor Cunningham noted that Dr. Duncan has provided invaluable leadership for the U. T. System since 1983. His guidance, counseling, and support of the academic presidents and the diverse missions of the component institutions will continue to be of enormous benefit to the U. T. System and higher education in Texas for many years. After a year of administrative leave to prepare, Dr. Duncan will return to teaching as a member of the faculty of the College of Education at The University of Texas at Austin.

Chairman Evans pointed out that Dr. Duncan has provided invaluable leadership to the academic institutions and his leadership and dedicated service will have a lasting, positive effect on higher education.

Regent Lebermann stated that the decision to restructure the U. T. System Office of Academic Affairs came about after reviewing the policies of other universities and colleges and was designed to reduce administrative costs and make operations more efficient.

MATTERS RELATED TO THE UNIVERSITY OF TEXAS
INVESTMENT MANAGEMENT COMPANY (UTIMCO)

U. T. System: Report on Investments for the Fiscal Quarter Ended May 31, 1997.--On behalf of The University of Texas Investment Management Company (UTIMCO), Regent Hicks, Chairman of the UTIMCO Board, summarized the Report on Investments for The University of Texas System for the fiscal quarter ending May 31, 1997, for the Permanent University Fund, Long Term Fund, Short/Intermediate Term Fund, and Separately Invested Assets.

Report by Regent Hicks on Behalf of UTIMCO

Mr. Chairman and members of the Board, I am pleased to summarize on behalf of UTIMCO the investments for The University of Texas System for the fiscal quarter ending May 31, 1997.

Item a on Page 33 presents the summary report for Permanent University Fund (PUF) investments. The PUF began the quarter with a market value of \$5.824 billion. During the quarter, income from the production of minerals on PUF Lands added \$26.4 million of new contributions to the Fund versus \$20.2 million for the second quarter of this fiscal year. In addition, total investment return was \$265.6 million of which \$66.9 million was income return and \$198.7 million was price return. Cash income of \$69.8 million was distributed to the Available University Fund (AUF) resulting in a quarter-end market value of \$6.049 billion.

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendment to Chapter VII, Section 7, Subsection 7.1 (Conflict of Interest, Performance of Services, and Use of University Facilities). --Approval was given to amend the Regents' Rules and Regulations, Part One, Chapter VII, Section 7, Subsection 7.1, regarding conflict of interest, performance of services, and use of university facilities, to read as set forth below:

Sec. 7. Conflict of Interest, Performance of Services, and Use of University Facilities.

- 7.1 Unless authorized by the Chancellor, no officer or employee of The University of Texas System or its component institutions shall accept remuneration from or serve as an officer, director, employee, or agent of an external nonprofit corporation or an external entity that has as its primary objective the provision of funds or services for the furtherance of the purposes and duties of the System or its components.

. . . .

This amendment to the Regents' Rules and Regulations permits approval by the Chancellor of work performed by an employee in addition to employment at The University of Texas System and will establish control over an employee's service to a supporting organization while permitting the employee to be appropriately compensated for his/her service.

REPORT AND RECOMMENDATIONS OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 64 - 83).--Committee Chairman Lebermann reported that the Academic Affairs Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Academic Affairs Committee and approved in open session and without objection by the U. T. Board of Regents:

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendment to Chapter III, Section 1, Subsection 1.8, Subdivision 1.83 (Academic Titles).--Upon recommendation of the Academic Affairs and Health Affairs Committees, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 1, Subsection 1.8, Subdivision 1.83, regarding academic titles, to read as set forth below:

✓
1.8 Academic Titles.

Done
✓
1.83 The following academic titles may also be used within University of Texas System component institutions. Tenure cannot be awarded to a person appointed to these ranks and, with the exception of the ranks of Instructor and Technical Instructor, academic service within these ranks cannot be counted toward the satisfaction of any required probationary period. Appointments to these titles shall be for a period of time not to exceed one academic year except in the case of Lecturer or Senior Lecturer when, in individual cases, appointment may be for periods of time not to exceed three academic years. In individual cases, as determined by a component institution, full-time appointment to a clinical or research position with a title authorized by Subdivision 1.83(i) or Subdivision 1.83(j) may be for periods of time not to exceed three academic years. With the exception of the titles of Instructor and Technical Instructor, such appointments shall terminate at the expiration of the stated period of appointment without the notification of nonrenewal required by Subsection 6.7 of this Chapter. If a component institution

determines that it is to the benefit of the institution, it may offer reappointments to these titles.

. . . .

This amendment to the Regents' Rules and Regulations provides the opportunity for the appointment of clinical or research faculty at academic components with health-related clinical programs and at health components for periods up to three years. The revision allows the retention of superior clinical or research faculty within The University of Texas System by providing more job security than the current annual appointment system permits and allows additional flexibility to respond to the needs of nontenured faculty in health programs. It is anticipated that only senior faculty will be offered multiple year appointments. These appointments will not be considered as tenure or term tenure.

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval to Amend Chapter III, Section 6, Subsection 6.3 (Tenure, Promotion, and Termination of Employment).--The Board, upon recommendation of the Academic Affairs and Health Affairs Committees, amended the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsection 6.3, regarding tenure, promotion, and termination of employment, to read as follows:

Sec. 6. Tenure, Promotion, and Termination of Employment.

. . . .

done

6.3 Termination by an institution of the employment of a faculty member who has been granted tenure and of all other faculty members before the expiration of the stated period of appointment, except as is otherwise provided in Subdivision 6.26 and Subsections 6.(11) and 6.(12) or by resignation or retirement, will be only for good cause shown. In each case the issue will be determined according to the equitable procedures provided in this Subsection.

✓

6.31 The chief administrative officer shall assure that all allegations against a faculty member that involve the potential for termination are reviewed under the direction of the chief academic officer unless another officer is designated by the chief administrative officer. The faculty member who is the subject of the allegations shall be given an opportunity to be interviewed prior to a determination by the chief academic officer whether the allegations are supported by evidence that constitutes good cause for termination. The chief academic officer will recommend to the chief administrative officer whether to proceed with charges for termination. A tenured faculty member who is recommended for termination on the basis of periodic evaluation must be given the opportunity for referral of the matter to nonbinding alternative dispute resolution, as required by Texas Education Code Section 51.942 and in compliance with applicable U. T. System and institutional policies and procedures for alternative dispute resolution, prior to referral of the charges to a hearing tribunal under Subsection 6.33. A faculty member under review for matters that may result in charges for termination may file a grievance pursuant to a faculty grievance procedure only if the subject of the grievance is not involved in the review. A pending grievance may proceed only if it does not involve a subject under review.

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Senate Bill 149, passed by the 75th Texas Legislature, Regular Session, adds a new Section 51.942 to the Texas Education Code, requiring the periodic performance evaluation of tenured faculty, consistent with Regental Guidelines for Periodic Performance Evaluation of Tenured Faculty. The legislation requires that a faculty member subject to termination on the basis of the periodic evaluation process be provided an opportunity for referral of the matter to a nonbinding alternative dispute resolution process.

Senate Bill 694, also passed by the 75th Texas Legislature, Regular Session, encourages each state agency to adopt policies and procedures for alternative dispute resolution "that are consistent with the policies and procedures of other state agencies." The Office of General Counsel is currently reviewing the development of appropriate alternative dispute resolution policies.

See Page 8 related to the revision of the Guidelines for Periodic Performance Evaluation of Tenured Faculty.

3. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VI, Section 6, Subsection 6.6, Subdivisions 6.61 and 6.62 (Solicitation) and Section 10 (Anonymous Publications).--The Academic Affairs and Health Affairs Committees recommended and the Board amended the Regents' Rules and Regulations, Part One, Chapter VI, Section 6, Subsection 6.6, Subdivisions 6.61 and 6.62, regarding solicitation, and Section 10, regarding anonymous publications, to read as set forth below:

- ✓ Sec. 6. Use of University Facilities. This Section applies only to property, buildings, and facilities owned or controlled by the U. T. System or component institutions that are maintained and used for programs and activities related to the role and mission of the U. T. System or component institutions.

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✓
6.6 Solicitation.--The term "solicitation" means the sale, lease, rental or offer for sale, lease, rental of any property, product, merchandise, publication, or service, whether for immediate or future delivery; an oral statement or the distribution or display of printed material, merchandise, or products that is designed to encourage the purchase, use, or rental of any property, product, merchandise, publication, or service; the oral or written appeal or request to support or join an organization other than a registered student, faculty, or staff organization; the receipt of or request for any gift or contribution; or the request to support or oppose or to vote for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to state or federal law or local ordinances.

6.61 No solicitation shall be conducted on any property, street, or sidewalk, or in any building, structure, or facility owned or controlled by any component institution or the U. T. System unless permitted by the Regents' Rules and Regulations. The following activities shall not be deemed solicitations prohibited by this Subsection when conducted in accordance with the approved rules and regulations of the U. T. System or the component institution. Such activities must be conducted in a manner that does not disturb or interfere with the academic programs or administrative activities of the U. T. System or the component institution or any program or activity that is conducted by or is authorized by the U. T. System or component institution; does not interfere with entry to or exit from a building, structure, or facility; does not interfere with the flow of pedestrians or vehicular traffic on sidewalks or streets or at places of ingress and egress to and from property, buildings, or facilities; does not harass, embarrass, or intimidate the person or persons being solicited; and does not violate applicable state, federal, or local laws or regulations:

. . .

✓ (f) The collection of contributions or the sale of merchandise, food, or nonalcoholic beverages by the students' association or by a registered student, faculty, or staff organization. A students' association or a registered student, faculty, or staff organization may not conduct such solicitation activities on behalf of or for the benefit of any individual, association, organization, corporation, or group of individuals that is not registered as a student, faculty, or staff organization or that is not otherwise qualified under the criteria of Item (i) of Subdivision 6.61 to conduct solicitation. In the case of specific drives for disaster relief, the chief student affairs officer of the institution may approve a drive that complies with all other requirements of Subsection 6.6.

✓ (p) The distribution or presentation to officers and employees of the U. T. System and component institutions of material related to health benefit plans, life insurance, tax sheltered annuities, retirement plans or programs, or other benefits that are available to such officers and employees through employee benefit plans or programs offered by or approved by the U. T. System. Such material may be distributed or presented only at the Office of Human Resources of the U. T. System or component institutions, at the benefits office of a health profession practice plan of a health component institution, or at meetings scheduled for that purpose pursuant to guidelines established by the U. T. System Office of Human Resources.

...

✓ (s)

The display and distribution of printed material from tables or booths by providers of services that are commonly utilized by students, faculty, and staff of a component institution, such as financial institutions, long distance telephone carriers, utilities, housing locators, printers and duplicators, tutors, or employment agencies. A component institution may designate no more than two one-day periods each academic year during which all authorized providers may engage in such activities in an area selected by the component institution. The number of providers authorized to participate on each of the two one-day periods will be determined by the component institution. The activities of a provider must be limited to the time and place designated by the component institution and must be conducted in compliance with Subdivision 6.61 and other guidelines specified by the component institution. A provider may not make sales of or take orders for services. The component institution shall charge an appropriate fee for the privilege of conducting such activities. Any provider who violates the Regents' Rules and Regulations or the rules and regulations of the component institution in the course of such activities or who has violated a provision of the Regents' Rules and Regulations or the rules and regulations of the component institution during the twelve-month period preceding a day designated by the component institution for activities authorized by this subdivision shall not be permitted to participate in such activities.

✓ (t)

A component institution may designate a reasonable number of areas immediately adjacent to the exterior of a facility used for intercollegiate athletic events and may authorize such areas to be used for the display of motor propelled vehicles and for the location of booths, tables, or kiosks to be used for the display of merchandise, the distribution of free samples of merchandise, and the display and distribution of printed material related to merchandise, products, or services. Such activities may be authorized only on the day before and the day of an intercollegiate athletic event or an event that is related to athletics that takes place in the facility. A component institution may designate a reasonable number of areas inside a facility used for intercollegiate athletic events for such activities if the designation and use of the area is approved by the safety officer of the component institution. All persons engaged in or associated with such displays and distributions must conduct those activities in compliance with Subdivision 6.61 and with other guidelines specified by the component institution. Such persons may not make sales of or take orders for such vehicles, merchandise, products, or services. The component institution shall charge an appropriate fee for the privilege of using such areas. If persons engaged in such activities violate the Regents' Rules and Regulations or the rules and regulations of the component institution, such persons and any entity that they are acting for shall not be permitted to engage in activities under this subdivision for a twelve-month period.

✓ (u) In the course of an election process held pursuant to the approved constitution, bylaws, or election code of the faculty governance organization or of the student government organization of a component institution or an election held pursuant to the approved rules, regulations, or policies of a component institution, requests may be made to support or to vote for or against a qualified candidate for an office or position to be filled at such election or to support or to vote for or against a proposition to be decided at such election. Such request may be made only by the candidates for an office or position; by a registered student, faculty, or staff organization and its members; or by a student, faculty member, or staff member. Individuals and organizations making such requests must conduct all activities in compliance with the approved time, place, and manner regulations of the component institution; the provisions of the constitution, bylaws, election code, rules, regulations, or policies authorizing the election; and Subdivision 6.61. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform services for a component institution.

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✓ (v) The request to support or to vote for or against a candidate for an elective position or office or for or against a proposition on a ballot for a public election held pursuant to federal, state, or local laws when such request is made by a registered student, faculty, or staff organization, or by a student, faculty member, or staff member. Persons or organizations must conduct such activities in

compliance with Subdivision 6.61; with the time, place, and manner regulations of the component institution; with the provisions of federal, state, or local laws governing such election; and may not use any equipment, supplies, or services of a component institution. No faculty member, staff member, or student employee may engage in such activities during any period that he or she is being paid to perform duties for a component institution. No registered student, faculty, or staff organization that receives state funds from any source may engage in such activities.

✓ 6.62 All permissible solicitation must be conducted in compliance with Subdivision 6.61 and the time, place, and manner regulations of the component institution. If, after reasonable investigation, it is determined that impermissible solicitation is being or has been conducted or that permissible solicitation is being or has been conducted in violation of the Regents' Rules and Regulations or the approved rules and regulations of the U. T. System or component institution (1) a student, a faculty member, or a staff member will be subject to such disciplinary penalty as may be appropriate, and (2) a student's association or a registered student, faculty, or staff organization shall be prohibited from solicitation for such period or periods of time as may be appropriate. In the case of repeated violations, the registered status of the organization may be cancelled or other appropriate penalties may be imposed. Any penalty or penalties must be imposed pursuant to the due process procedures of applicable Regents' Rules and Regulations or approved rules and regulations of the U. T. System or component institution.

✓ Sec. 10. Anonymous Publications.--Anonymous publications are prohibited, and any individual or organization publishing or aiding in publishing, or circulating or aiding in circulating, any anonymous publication will be subject to disciplinary action.

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These amendments to the Regents' Rules and Regulations, Part One, Chapter VI, Section 6, Subsection 6.6, regarding solicitation, eliminate duplicative provisions and clarify a major revision of the Regents' Rules and Regulations adopted by the U. T. Board of Regents in May 1996. Provisions permitting additional specific solicitation activities as requested by The University of Texas System component institutions have also been added.

The amendments to Section 10 regarding anonymous publications clarify that expectations with regard to anonymous publications apply to all members of the University community.

4. U. T. System: Delegation of Authority to Chief Administrative Officers for Limited Waiver of Fees for Distance Learning or Other Off-Campus Courses.--In compliance with House Bill 1907 passed by the 75th Texas Legislature, Regular Session, the Board, upon recommendation of the Academic Affairs and Health Affairs Committees, pending development of a System-wide policy, delegated to the chief administrative officer at each component institution of The University of Texas System authority for the limited waiver of an institution's fees under the following conditions:
- a. A student is enrolled only in distance learning courses or other off-campus courses of the institution
 - b. The student cannot reasonably be expected to use the activities, services, or facilities on which the fee is based, and
 - c. The waiver of the fee will not materially impair the ability of the institution either to service any debt on which the fee is based or to offer or operate the particular activity, service, or facility supported by the fee.

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
201 WEST SEVENTH STREET, AUSTIN, TEXAS 78701-2981
(512) 499-4402

MEMORANDUM

June 10, 1997

M. D. ... 6/11/97

TO: Those Who Receive Official Copies of
the Regents' Rules and Regulations (List Attached)

FROM: Art Dilly *AD*

SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

<u>"A"</u>	<u>"B"</u>
Cover Page	Cover Page
Pages i and iii	Pages i and iii
Page I-28	Page I-28
Pages VI-1 through VI-10	Pages VI-1 through VI-10b

The amendments approved at the May 8, 1997 meeting of the U. T. Board of Regents, as well as editorial amendments, have been incorporated on the revised pages.

AD/cf

Enclosures

Distribution List for Official Copies of
Regents' Rules and Regulations

Board of Regents	9
Office of the Board of Regents	3
Legislative Budget Board	1
Governor's Budget and Planning Office	1
Publications Clearing House	1
State Auditor - U. T. Austin Representative	1
Legislative Reference Library	1
System Administration	8
Chancellor	
Executive Vice Chancellor for Academic Affairs	
Executive Vice Chancellor for Health Affairs	
Executive Vice Chancellor for Business Affairs	
Executive Associate to the Chancellor	
Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
Vice Chancellor for Development and External Relations	
Chief Administrative Officers of Component Institutions	15
Mr. Thomas G. Ricks	<u>1</u>
President and Chief Executive Officer	
UTIMCO	
 TOTAL	 41

NOTE: See July 6, 1988 letter from Coordinating Board which requests that only those amendments related to (1) academic work load and (2) faculty development leaves be sent to that office.

Addresses of State Officials Who Receive Copies
of the Regents' Rules and Regulations

Governor's Budget and Planning Office
711 Sam Houston Building
Austin, Texas 78711
INTERAGENCY MAIL

Mr. John Keel
Director, Legislative Budget Board
John H. Reagan Building
Third Floor
Austin, Texas 78701
INTERAGENCY MAIL

State Auditor's Office
Two Commodore Plaza
206 East 9th Street
Suite 1900
Austin, Texas 78701
INTERAGENCY MAIL

Ms. Sally Reynolds
Director
Legislative Reference Library
Room 207-B, Capitol Building
Austin, Texas 78711
INTERAGENCY MAIL

Publications Clearing House
Room 307, Archives Building
Texas State Library
Austin, Texas 78711
INTERAGENCY MAIL

Dr. Kenneth H. Ashworth
Commissioner, Texas Higher
Education Coordinating Board
7745 Chevy Chase Drive, Building 5
Austin, Texas 78752
INTERAGENCY MAIL

(NOTE: Send only when there are
amendments related to (1) academic
work load or (2) faculty development
leaves.)

Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

May 8, 1997

RULES AND REGULATIONS
OF THE
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM
FOR THE GOVERNMENT OF
THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

Part One was completely reissued as of June 1, 1988.
(Substantive amendments through May 8, 1997,
and editorial amendments through May 1997
have been issued with this cover sheet.)

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- 9.62 The acceptance, processing, or administration of gifts and bequests, which actions are governed by Part Two, Chapter I and Part Two, Chapter IX of these Rules and Regulations and applicable policies of the Board.
- 9.63 Any power, duty, or responsibility that the Board has no legal authority to delegate, including any action that the Constitution of the State of Texas requires be taken by the Board.

Sec. 10. Ethics Policy.

Each member of the Board of Regents shall perform his or her activities on behalf of The University of Texas System in conformity with the Ethics Policy as set out in Part One, Chapter III, Section 4 of the Regents' Rules and Regulations and other state laws related to standards of conduct and conflict of interest.

Sec. 11. Importance of Attendance at Board and Committee Meetings.

Recognizing the broad authority and responsibility vested in the Board of Regents for the governance and operation of The University of Texas System, there is a specific expectation that members of the Board understand and recognize the importance of their attendance at Board and committee meetings and will make a sincere commitment to attend as many of these as possible.

CHAPTER VI

STUDENT SERVICES AND ACTIVITIES INCLUDING FACILITIES USE

Sec. 1. General Provisions.

- 1.1 These policies and regulations apply to all component institutions of the System and shall be implemented appropriately in the Handbook of Operating Procedures for each institution.
- 1.2 When the designation "chief student affairs officer" appears in this Chapter, reference is made to the administrative officer or officers directly responsible for student affairs at each component institution. The designation "Dean of Students" or "Dean" in the context of this Chapter shall refer to the administrative officer or officers responsible for the administration of the disciplinary process at each component institution.
- 1.3 All authority held and exercised by a chief student affairs officer is delegated to that officer by the chief administrative officer. Any action taken by the chief student affairs officer is subject to review by the chief administrative officer.
- 1.4 The chief student affairs officer shall be the administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this Chapter.
- 1.5 Any individual student, group of students, or student organization may petition the Board on any matter relating to these policies and regulations (other than a disciplinary action) through the chief student affairs officer, the chief administrative officer, the appropriate Executive Vice Chancellor, and the Chancellor.

- 1.6 Student Advisory Group.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a student advisory group representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the U. T. Board of Regents, the U. T. System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of student advisory group representatives. Representatives of the student advisory group may from time to time address the Board at meetings of the Board and may recommend action to the Board through the Chancellor. The student advisory group shall provide an annual report of activities, recommendations, and actions to the Board.

Sec. 2. Definitions.

- 2.1 Student.--The following persons shall be considered students for purposes of these policies and regulations:
- 2.11 A person currently enrolled at a component institution of the System.
 - 2.12 A person accepted for admission or readmission to a component institution of the System.
 - 2.13 A person who has been enrolled at a component institution of the System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
 - 2.14 A person who engaged in prohibited conduct at a time when he or she met the criteria of Subdivisions 2.11, 2.12, or 2.13.
- 2.2 Campus.--The campus consists of all real property, buildings or facilities owned or controlled by the component institution.
- 2.3 Hearing Officer.--An individual selected in accordance with procedures adopted by the component institution to hear disciplinary charges, make findings of fact and, upon a finding of guilt, impose an appropriate sanction(s).

2.4 Weekday.--Monday through Friday, excluding any day that is an official holiday of the component institution.

2.5 Day.--A calendar day.

Sec. 3. Student Conduct and Discipline.

3.1 The component institutions shall adopt rules and regulations concerning student conduct and discipline. Such rules shall be in compliance with the Regents' Rules and Regulations and shall become effective upon review and approval by the appropriate Executive Vice Chancellor. Each student is responsible for notice of and compliance with the provisions of the Regents' Rules and Regulations and the rules of the component institution.

3.2 All students are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with System and institutional rules and regulations, with directives issued by an administrative official of the System or component institution in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

3.21 Any student who engages in conduct that violates the Regents' Rules and Regulations, the System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

3.22 Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

- 3.23 Any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus of a component institution is subject to discipline. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.
- 3.24 Any student who engages in conduct that endangers the health or safety of any person on the campus of a component institution or on any property, or in any building, or facility owned or controlled by the System or component institution is subject to discipline.
- 3.25 Any student who, acting singly or in concert with others, obstructs, disrupts or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the System or component institution is subject to discipline. Obstruction or disruption includes but is not limited to any act that interrupts, modifies or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources.
- 3.26 Any student who engages in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action is subject to discipline.
- 3.27 Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the System or component institution is subject to discipline.
- 3.28 Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (Section 51.936, Texas Education Code).

- Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Initiations or activities of organizations may include no feature which is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.
- 3.29 A student who alters or assists in the altering of any official record of the System or component institution or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the System or institution is subject to discipline. A former student who engages in such conduct is subject to bar against readmission, revocation of degree and withdrawal of diploma.
- 3.2(10) Any student who defaces, mutilates, destroys or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by a component institution or the System is subject to discipline.
- 3.2(11) A student is subject to discipline for prohibited conduct that occurs while participating in off-campus activities sponsored by a component institution or the System including field trips, internships, rotations or clinical assignments.
- 3.2(12) Unless authorized by federal, state, or local laws, a student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by state or federal law, while on campus or on any property or in any building or facility owned or controlled by the system or component institution, is subject to discipline.
- 3.2(13) A student who receives a period of suspension as a disciplinary penalty is subject to further disciplinary action for prohibited conduct that takes place on campus during the period of suspension.

- 3.3 A former student who has been suspended or expelled for disciplinary reasons is prohibited from being on the campus of any component institution during the period of such suspension or expulsion without prior written approval of the chief student affairs officer of the institution at which the suspended or expelled student wishes to be present.
- 3.4 The Dean of Students shall have primary authority and responsibility for the administration of student discipline at each component institution. It shall be the Dean's duty to investigate allegations that a student has engaged in conduct that violates the Regents' Rules and Regulations, the rules and regulations of the institution or the System, specific instructions issued by an administrative official of the institution or the System in the course of his or her authorized duties, or any provisions of federal, state, and/or local laws. The Dean may proceed with the investigation and with the disciplinary process, notwithstanding any action taken by other authorities.
- 3.41 A student may be summoned by written request of the Dean for a meeting to discuss the allegations. The written request shall specify a place for the meeting and a time at least three (3) weekdays after the date of the written request. The written request may be mailed to the address appearing in the records of the registrar or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Dean, the Dean may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the Dean may proceed to implement the disciplinary procedures provided for in Subsection 3.5. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.
- 3.42 Pending a hearing or other disposition of the allegations against a student, the Dean may take such immediate interim disciplinary action as is appropriate to the circumstances, including: (a) suspension and bar from the campus when it reasonably appears

- to the Dean from the circumstances that the continuing presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the institution; or (b) the withholding of grades, degree or official transcript when such action is in the best interest of the institution.
- 3.43 When interim disciplinary action has been taken by the Dean under Subdivision 3.42, a hearing of the charges against the student will be held under the procedures specified in Subsection 3.5, but will be held within ten (10) days after the interim disciplinary action was taken unless the student agrees in writing to a hearing at a later time or unless the student waives a hearing and accepts the decision of the Dean in accordance with Subdivision 3.44.
- 3.44 In any case where the accused student does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures specified in Subsection 3.5, the Dean shall assess one or more of the penalties specified in Subsection 3.6 that is appropriate to the charges and inform the student of such action in writing. The minimum penalty that the Dean may assess when a student admits illegal use, possession, and/or sale of a drug or narcotic on campus is the penalty prescribed in Subdivision 3.23 of this Section. The decision of the Dean on penalty only may be appealed to the chief administrative officer.
- 3.5 In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial Hearing Officer.
- 3.51 Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least ten (10) days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence

supporting such charge(s). The notice shall be delivered in person to the student or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing, excluding any intervening Sunday. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Dean.

3.52 The accused student may challenge the impartiality of the Hearing Officer. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer through the Office of the Dean at least three (3) days prior to the hearing. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies himself or herself, a substitute will be chosen in accordance with procedures of the institution.

3.53 Upon a hearing of the charges, the Dean or other institutional representative has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.

3.54 The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the System. The Hearing Officer shall render and send to the Dean and the accused student a written decision that contains findings of fact and a conclusion as to the guilt or innocence of the accused student. Upon a conclusion of guilt the Hearing Officer shall assess a penalty or penalties specified in Subsection 3.6. Guilt of the illegal use, possession, or sale of a drug or narcotic on campus requires the assessment of a minimum penalty provided in Subdivision 3.23.

- 3.55 The hearing shall be conducted in accordance with procedures adopted by the component institution that assure the institutional representative and the accused student the following minimal rights:
- (1) Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least five (5) days prior to the hearing.
 - (2) Each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Dean's advisor may be an attorney from the Office of General Counsel of the System. An advisor may confer with and advise the Dean or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer.
 - (3) The Dean may recommend a penalty to be assessed by the Hearing Officer. The recommendation may be based upon past practice of the component institution for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Dean. The accused student shall be entitled to respond to the recommendation of the Dean.
 - (4) The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer. At the request of the chief administrative officer the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript.

- 3.6 The following penalties may be assessed by the Dean pursuant to Subdivision 3.44 or by the Hearing Officer after a hearing in accordance with the procedures specified in Subdivision 3.55:
- 3.61 Disciplinary probation.
 - 3.62 Withholding of grades, official transcript and/or degree.
 - 3.63 Bar against readmission.
 - 3.64 Restitution or reimbursement for damage to or misappropriation of institutional or System property.
 - 3.65 Suspension of rights and privileges, including participation in athletic or extracurricular activities.
 - 3.66 Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit.
 - 3.67 Denial of degree.
 - 3.68 Suspension from the institution for a specified period of time.
 - 3.69 Expulsion (permanent separation from the institution).
 - 3.6(10) Revocation of degree and withdrawal of diploma.
 - 3.6(11) Other penalty as deemed appropriate under the circumstances.

- 3.7 Appeal Procedures.--A student may appeal a disciplinary penalty assessed by the Dean in accordance with Subdivision 3.44. Either the Dean or the student may appeal the decision of the Hearing Officer. An appeal shall be in accordance with the following procedures:

- 3.71 Written notice of appeal must be delivered to the chief administrative officer of the component institution within fourteen (14) days after the appealing party has been notified of the penalty assessed by the Dean or the decision of the Hearing Officer. If the notice of penalty assessed by the Dean or the decision of the Hearing Officer is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for giving notice of appeal. An appeal of the penalty assessed by the Dean in accordance with Subdivision 3.44 will be reviewed solely on the basis of the written argument of the student and the Dean. The

appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the chief administrative officer within fourteen (14) days after notice of appeal is given. At the discretion of the chief administrative officer, both parties may present oral argument in an appeal from the decision of the Hearing Officer.

3.72 The chief administrative officer may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, that if the finding as to guilt is upheld in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed by Subdivision 3.23 of this Section.

3.73 The action of the chief administrative officer shall be communicated in writing to the student and the Dean within thirty (30) days after the appeal and related documents have been received. The decision of the chief administrative officer is the final appellate review.

3.8 Each component institution shall maintain a permanent written disciplinary record for every student assessed a penalty of suspension, expulsion, denial or revocation of degree and/or withdrawal of diploma. A record of scholastic dishonesty shall be maintained for at least five years unless the record is permanent in conjunction with the above stated penalties. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the penalty assessed and any other pertinent information. This disciplinary record shall be maintained separately from the student's academic record, shall be treated as confidential, and shall not be accessible to or used by anyone other than the Dean, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

Sec. 4. Student Organizations.

- 4.1 An organization in which membership is limited to students (recognizing that faculty and staff may also be members) of a component institution may become a registered student organization at that institution by complying with the registration procedures established by the chief student affairs officer.
- 4.2 The chief student affairs officer, with the approval of the chief administrative officer, may establish regulations requiring faculty or staff advisers for registered student organizations.
- 4.3 A registered student organization may state that its membership is composed of students, or of students, faculty, and/or staff, of a component institution, but it shall not suggest or imply that it is acting with the authority or as an agency of that institution. A student organization shall not use the name of a component institution or the name of The University of Texas System as a part of the name of the organization, and it shall neither display the seal of either a component institution or The University of Texas System in connection with any activity of the organization nor use such seal or seals as a part of any letterhead, sign, banner, pamphlet, or other printed material that bears the name of the organization.
- 4.4 The chief student affairs officer, with the approval of the chief administrative officer, may issue regulations governing the eligibility of students for participation in organized activities.

On behalf of the faculty, staff, and students of the institution, President Howe welcomed the members of the Board and other guests to San Antonio.

U. T. BOARD OF REGENTS: APPROVAL OF MINUTES OF REGULAR MEETING HELD ON FEBRUARY 5-6, 1997, AND SPECIAL MEETINGS HELD ON FEBRUARY 24, APRIL 9, AND APRIL 29, 1997.--Upon motion of Regent Hicks, seconded by Regent Lebermann, the Minutes of the regular meeting of the Board of Regents of The University of Texas System held on February 5-6, 1997, in Austin, Texas, were approved as distributed by the Executive Secretary. The official copy of these Minutes is recorded in the Permanent Minutes, Volume XLIV, Pages 616 - 1077.

Upon motion of Vice-Chairman Loeffler, seconded by Vice-Chairman Clements, the Minutes of the special meetings of the Board of Regents of The University of Texas System held on February 24, April 9, and April 29, 1997, in Austin, Texas, were approved as distributed by the Executive Secretary. The official copies of these Minutes are recorded in the Permanent Minutes, Volume XLIV, Pages 1078 - 1090.

SPECIAL ITEMS

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter I (Board of Regents) to Add Section 11 to Recognize the Importance of Attendance at Board and Committee Meetings.--In recent audits at other colleges and universities, the State Auditor has recommended that an institution's bylaws or rules and regulations include a statement recognizing the importance of and commitment by the members of the governing board to attendance at official meetings.

In an effort to be responsive to what will be a continuing recommendation by the State Auditor, the Board amended the Regents' Rules and Regulations, Part One, Chapter I (Board of Regents) by adding Section 11 as set forth on Page 7 to recognize and emphasize the importance of attendance at Board and committee meetings.

Sec. 11. Importance of Attendance at Board and Committee Meetings.

Recognizing the broad authority and responsibility vested in the Board of Regents for the governance and operation of The University of Texas System, there is a specific expectation that members of the Board understand and recognize the importance of their attendance at Board and committee meetings and will make a sincere commitment to attend as many of these as possible.

2. U. T. System: Report of Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for December 1, 1996 Through February 28, 1997.--Vice Chancellor for Development and External Relations Perry reviewed the Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for The University of Texas System for the period December 1, 1996 through February 28, 1997, as set forth on Pages 8 - 12.

Vice Chancellor Perry reported that during this period 84 items conforming to Board policy were approved including the acceptance of \$13,275,890 in gifts. Other matching contributions from previously accepted Board-held matching funds totaled \$1,000,000 and the transfer of funds from one endowment to others totaled \$79,275.

Mrs. Perry noted that this report includes only those funds which relate to endowments, estates, and other such funds which are managed by the U. T. System Office of Development and External Relations.

REPORT AND RECOMMENDATIONS OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 34 - 74).--Committee Chairman Lebermann reported that the Academic Affairs Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Academic Affairs Committee and approved in open session and without objection by the U. T. Board of Regents:

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VI, Sections 1 Through 3 (Student Services and Activities Including Facilities Use).--Upon recommendation of the Academic Affairs and Health Affairs Committees, the Board amended the Regents' Rules and Regulations, Part One, Chapter VI, Sections 1 through 3, relating to student services and activities including facilities use, to read as set forth below:

CHAPTER VI

STUDENT SERVICES AND ACTIVITIES INCLUDING FACILITIES USE

Sec. 1. General Provisions.

- 1.1 These policies and regulations apply to all component institutions of the System and shall be implemented appropriately in the Handbook of Operating Procedures for each institution.
- 1.2 When the designation "chief student affairs officer" appears in this Chapter, reference is made to the administrative officer or officers directly responsible for student affairs at each component institution. The designation "Dean of Students" or "Dean" in the context of this Chapter shall refer to the administrative officer or officers responsible for the administration of the disciplinary process at each component institution.

- 1.3 All authority held and exercised by a chief student affairs officer is delegated to that officer by the chief administrative officer. Any action taken by the chief student affairs officer is subject to review by the chief administrative officer.
- 1.4 The chief student affairs officer shall be the administrative officer primarily responsible for the development and administration of policies relating to students, for the development and implementation of services to students, and for the initial preparation of institutional regulations that will implement the policies and regulations set forth in this Chapter.
- 1.5 Any individual student, group of students, or student organization may petition the Board on any matter relating to these policies and regulations (other than a disciplinary action) through the chief student affairs officer, the chief administrative officer, the appropriate Executive Vice Chancellor, and the Chancellor.
- 1.6 Student Advisory Group.--At the discretion of the Chairman of the Board of Regents and the Chancellor, a student advisory group representing component institutions in the U. T. System may be formed to facilitate the flow of ideas and information between and among the U. T. Board of Regents, the U. T. System Administration, and the component institutions. The Chairman and Chancellor will promulgate guidelines for the selection of student advisory group representatives. Representatives of the student advisory group may from time to time address the Board at meetings of the Board and may recommend action to the Board through the Chancellor. The student advisory group shall provide an annual report of activities, recommendations, and actions to the Board.

Sec. 2. Definitions.

- 2.1 Student.--The following persons shall be considered students for purposes of these policies and regulations:
- 2.11 A person currently enrolled at a component institution of the System.
- 2.12 A person accepted for admission or readmission to a component institution of the System.
- 2.13 A person who has been enrolled at a component institution of the System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
- 2.14 A person who engaged in prohibited conduct at a time when he or she met the criteria of Subdivisions 2.11, 2.12, or 2.13.
- 2.2 Campus.--The campus consists of all real property, buildings or facilities owned or controlled by the component institution.
- 2.3 Hearing Officer.--An individual selected in accordance with procedures adopted by the component institution to hear disciplinary charges, make findings of fact and, upon a finding of guilt, impose an appropriate sanction(s).
- 2.4 Weekday.--Monday through Friday, excluding any day that is an official holiday of the component institution.
- 2.5 Day.--A calendar day.

Sec. 3. Student Conduct and Discipline.

- 3.1 The component institutions shall adopt rules and regulations concerning student conduct and discipline. Such rules shall be in compliance with the Regents' Rules and Regulations and shall become effective upon review and approval by the appropriate Executive Vice Chancellor. Each student is responsible for notice of and compliance with the provisions of the Regents' Rules and Regulations and the rules of the component institution.

3.2 All students are expected and required to obey federal, state, and local laws, to comply with the Regents' Rules and Regulations, with System and institutional rules and regulations, with directives issued by an administrative official of the System or component institution in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.

3.21 Any student who engages in conduct that violates the Regents' Rules and Regulations, the System or institutional rules and regulations, specific instructions issued by an administrative official of the institution or the System acting in the course of his or her authorized duties, or federal, state, or local laws is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.

3.22 Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.

3.23 Any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus of a component institution is subject to discipline. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.

- 3.24 Any student who engages in conduct that endangers the health or safety of any person on the campus of a component institution or on any property, or in any building, or facility owned or controlled by the System or component institution is subject to discipline.
- 3.25 Any student who, acting singly or in concert with others, obstructs, disrupts or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by the System or component institution is subject to discipline. Obstruction or disruption includes but is not limited to any act that interrupts, modifies or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources.
- 3.26 Any student who engages in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action is subject to discipline.
- 3.27 Any student who engages in the unauthorized use of property, equipment, supplies, buildings, or facilities owned or controlled by the System or component institution is subject to discipline.
- 3.28 Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (Section 51.936, Texas Education Code). Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Initiations or

activities of organizations may include no feature which is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

- 3.29 A student who alters or assists in the altering of any official record of the System or component institution or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the System or institution is subject to discipline. A former student who engages in such conduct is subject to bar against readmission, revocation of degree and withdrawal of diploma.
- 3.2(10) Any student who defaces, mutilates, destroys or takes unauthorized possession of any property, equipment, supplies, buildings, or facilities owned or controlled by a component institution or the System is subject to discipline.
- 3.2(11) A student is subject to discipline for prohibited conduct that occurs while participating in off-campus activities sponsored by a component institution or the System including field trips, internships, rotations or clinical assignments.
- 3.2(12) Unless authorized by federal, state, or local laws, a student who possesses or uses any type of explosive, firearm, imitation firearm, ammunition, hazardous chemical, or weapon as defined by state or federal law, while on campus or on any property or in any building or facility owned or controlled by the System or component institution, is subject to discipline.
- 3.2(13) A student who receives a period of suspension as a disciplinary penalty is subject to further disciplinary action for prohibited conduct that takes place on campus during the period of suspension.

- 3.3 A former student who has been suspended or expelled for disciplinary reasons is prohibited from being on the campus of any component institution during the period of such suspension or expulsion without prior written approval of the chief student affairs officer of the institution at which the suspended or expelled student wishes to be present.
- 3.4 The Dean of Students shall have primary authority and responsibility for the administration of student discipline at each component institution. It shall be the Dean's duty to investigate allegations that a student has engaged in conduct that violates the Regents' Rules and Regulations, the rules and regulations of the institution or the System, specific instructions issued by an administrative official of the institution or the System in the course of his or her authorized duties, or any provisions of federal, state, and/or local laws. The Dean may proceed with the investigation and with the disciplinary process, notwithstanding any action taken by other authorities.
- 3.41 A student may be summoned by written request of the Dean for a meeting to discuss the allegations. The written request shall specify a place for the meeting and a time at least three (3) weekdays after the date of the written request. The written request may be mailed to the address appearing in the records of the registrar or may be hand delivered to the student. If a student fails to appear without good cause, as determined by the Dean, the Dean may bar or cancel the student's enrollment or otherwise alter the status of the student until the student complies with the summons, or the Dean may proceed to implement the disciplinary procedures provided for in Subsection 3.5. The refusal of a student to accept delivery of the notice or the failure to maintain a current address with the registrar shall not be good cause for the failure to respond to a summons.
- 3.42 Pending a hearing or other disposition of the allegations against a student, the Dean may take such immediate interim disciplinary action as is appropriate to the circumstances, including: (a) suspension and bar from the campus when it reasonably appears to the Dean from the circumstances that the continuing

presence of the student poses a potential danger to persons or property or a potential threat for disrupting any activity authorized by the institution; or (b) the withholding of grades, degree or official transcript when such action is in the best interest of the institution.

- 3.43 When interim disciplinary action has been taken by the Dean under Subdivision 3.42, a hearing of the charges against the student will be held under the procedures specified in Subsection 3.5, but will be held within ten (10) days after the interim disciplinary action was taken unless the student agrees in writing to a hearing at a later time or unless the student waives a hearing and accepts the decision of the Dean in accordance with Subdivision 3.44.
- 3.44 In any case where the accused student does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures specified in Subsection 3.5, the Dean shall assess one or more of the penalties specified in Subsection 3.6 that is appropriate to the charges and inform the student of such action in writing. The minimum penalty that the Dean may assess when a student admits illegal use, possession, and/or sale of a drug or narcotic on campus is the penalty prescribed in Subdivision 3.23 of this Section. The decision of the Dean on penalty only may be appealed to the chief administrative officer.
- 3.5 In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial Hearing Officer.
- 3.51 Except in those cases where immediate interim disciplinary action has been taken, the accused student shall be given at least ten (10) days written notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall include a statement of the charge(s) and a summary statement of the evidence supporting such charge(s). The notice shall be delivered in person to the student or mailed to the student at the address appearing in the registrar's records. A notice sent by mail will be considered to have been received on the third day after the date of mailing,

excluding any intervening Sunday. The date for a hearing may be postponed by the Hearing Officer for good cause or by agreement of the student and Dean.

- 3.52 The accused student may challenge the impartiality of the Hearing Officer. The challenge must be in writing, state the reasons for the challenge, and be submitted to the Hearing Officer through the Office of the Dean at least three (3) days prior to the hearing. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies himself or herself, a substitute will be chosen in accordance with procedures of the institution.
- 3.53 Upon a hearing of the charges, the Dean or other institutional representative has the burden of going forward with the evidence and has the burden of proving the charges by the greater weight of the credible evidence.
- 3.54 The Hearing Officer is responsible for conducting the hearing in an orderly manner and controlling the conduct of the witnesses and participants in the hearing. The Hearing Officer shall rule on all procedural matters and on objections regarding exhibits and testimony of witnesses, may question witnesses, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of the System. The Hearing Officer shall render and send to the Dean and the accused student a written decision that contains findings of fact and a conclusion as to the guilt or innocence of the accused student. Upon a conclusion of guilt the Hearing Officer shall assess a penalty or penalties specified in Subsection 3.6. Guilt of the illegal use, possession, or sale of a drug or narcotic on campus requires the assessment of a minimum penalty provided in Subdivision 3.23.
- 3.55 The hearing shall be conducted in accordance with procedures adopted by the component institution that assure the institutional representative and the accused student the following minimal rights:
- (1) Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy

of documents to be introduced at the hearing at least five (5) days prior to the hearing.

- (2) Each party shall have the right to appear, present testimony of witnesses and documentary evidence, cross-examine witnesses and be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Dean's advisor may be an attorney from the Office of General Counsel of the System. An advisor may confer with and advise the Dean or accused student, but shall not be permitted to question witnesses, introduce evidence, make objections, or present argument to the Hearing Officer.
 - (3) The Dean may recommend a penalty to be assessed by the Hearing Officer. The recommendation may be based upon past practice of the component institution for violations of a similar nature, the past disciplinary record of the student, or other factors deemed relevant by the Dean. The accused student shall be entitled to respond to the recommendation of the Dean.
 - (4) The hearing will be recorded. If either party desires to appeal the decision of the Hearing Officer, the official record will consist of the recording of the hearing, the documents received in evidence, and the decision of the Hearing Officer. At the request of the chief administrative officer the recording of the hearing will be transcribed and both parties will be furnished a copy of the transcript.
- 3.6 The following penalties may be assessed by the Dean pursuant to Subdivision 3.44 or by the Hearing Officer after a hearing in accordance with the procedures specified in Subdivision 3.55:
- 3.61 Disciplinary probation.
 - 3.62 Withholding of grades, official transcript and/or degree.
 - 3.63 Bar against readmission.
 - 3.64 Restitution or reimbursement for damage to or misappropriation of institutional or System property.

- 3.65 Suspension of rights and privileges, including participation in athletic or extracurricular activities.
 - 3.66 Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit.
 - 3.67 Denial of degree.
 - 3.68 Suspension from the institution for a specified period of time.
 - 3.69 Expulsion (permanent separation from the institution).
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- 3.7 Appeal Procedures.--A student may appeal a disciplinary penalty assessed by the Dean in accordance with Subdivision 3.44. Either the Dean or the student may appeal the decision of the Hearing Officer. An appeal shall be in accordance with the following procedures:
- 3.71 Written notice of appeal must be delivered to the chief administrative officer of the component institution within fourteen (14) days after the appealing party has been notified of the penalty assessed by the Dean or the decision of the Hearing Officer. If the notice of penalty assessed by the Dean or the decision of the Hearing Officer is sent by mail, the date the notice or decision is mailed initiates the fourteen (14) day period for giving notice of appeal. An appeal of the penalty assessed by the Dean in accordance with Subdivision 3.44 will be reviewed solely on the basis of the written argument of the student and the Dean. The appeal of the decision of the Hearing Officer will be reviewed solely on the basis of the record from the hearing. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the chief administrative officer within fourteen (14) days after notice of appeal is given. At the discretion of the

chief administrative officer, both parties may present oral argument in an appeal from the decision of the Hearing Officer.

3.72 The chief administrative officer may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, that if the finding as to guilt is upheld in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed by Subdivision 3.23 of this Section.

3.73 The action of the chief administrative officer shall be communicated in writing to the student and the Dean within thirty (30) days after the appeal and related documents have been received. The decision of the chief administrative officer is the final appellate review.

3.8 Each component institution shall maintain a permanent written disciplinary record for every student assessed a penalty of suspension, expulsion, denial or revocation of degree and/or withdrawal of diploma. A record of scholastic dishonesty shall be maintained for at least five years unless the record is permanent in conjunction with the above stated penalties. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the penalty assessed and any other pertinent information. This disciplinary record shall be maintained separately from the student's academic record, shall be treated as confidential, and shall not be accessible to or used by anyone other than the Dean, except upon written authorization of the student or in accordance with applicable state or federal laws or court order or subpoena.

. . . .

These amendments to the Regents' Rules and Regulations, Part One, Chapter VI, Sections 1 through 3 will provide more definitive notice to students concerning standards of conduct and will provide administrative officers of The University of Texas System component institutions more concise guidelines for implementing disciplinary procedures. The revisions, which are consistent with current court decisions relating to student discipline, include rearrangement of a number of sections and subdivisions into a more logical flow and clarify current provisions.

2. U. T. System: Request to Adopt Guidelines for a Student Exchange Program Among Component Institutions (Catalog Change) (Deferred).--The item related to the proposed adoption of Guidelines for a Student Exchange Program Among Component Institutions of The University of Texas System was deferred until the August 1997 meeting.
3. U. T. Arlington: Approval of Policy for Undergraduate Admissions to be Effective with the Fall Semester 1998 (Catalog Change).--The Academic Affairs Committee recommended and the Board approved the Policy for Undergraduate Admissions at The University of Texas at Arlington as set forth below to be effective after September 1, 1997, for applicants seeking admission for the Fall Semester 1998 or a subsequent enrollment period:

The University of Texas at Arlington
Policy for Undergraduate Admissions

- I. Entering Freshman
 - A. Applicants will be eligible for automatic admission if they have:
 1. graduated from high school with at least 20 acceptable high school units, including the subjects prescribed under "High School Units" described in this policy,
 2. achieved a satisfactory level of performance on the Scholastic Assessment Test (SAT) or American College Test (ACT) as described in this policy, and

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
201 WEST SEVENTH STREET, AUSTIN, TEXAS 78701-2981
(512) 499-4402

MEMORANDUM

March 6, 1997

TO: Those Who Receive Official Copies of
the Regents' Rules and Regulations (List Attached)

FROM: Art Dilly *AD*

SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

"A"	"B"
Cover Page	Cover Page
Pages I-19 through I-22	Pages I-19 through I-22
Pages III-7, III-8, and III-8a	Pages III-7 and III-8
Page VII-14	Page VII-14

The amendments approved at the February 6, 1997 meeting of the U. T. Board of Regents, as well as editorial amendments, have been incorporated on the revised pages.

AD/cf

Enclosures

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System Administration	8
Chancellor	
Executive Vice Chancellor for Academic Affairs	
Executive Vice Chancellor for Health Affairs	
Executive Vice Chancellor for Business Affairs	
Executive Associate to the Chancellor	
Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
Vice Chancellor for Development and External Relations	
Chief Administrative Officers of Component Institutions	15
Mr. Thomas G. Ricks	_1
President and Chief Executive Officer UTIMCO	
TOTAL	41

NOTE: See July 6, 1988 letter from Coordinating Board which requests that only those amendments related to (1) academic work load and (2) faculty development leaves be sent to that office.

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Two Commodore Plaza
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Suite 1900
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Dr. Kenneth H. Ashworth
Commissioner, Texas Higher
Education Coordinating Board
7745 Chevy Chase Drive, Building 5
Austin, Texas 78752
INTERAGENCY MAIL

(NOTE: Send only when there are
amendments related to (1) academic
work load or (2) faculty development
leaves.)

Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

Feb. 6, 1997

RULES AND REGULATIONS

OF THE

BOARD OF REGENTS

OF

THE UNIVERSITY OF TEXAS SYSTEM

FOR THE GOVERNMENT OF

THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

Part One was completely reissued as of June 1, 1988.
(Substantive amendments through February 6, 1997,
and editorial amendments through March 1997
have been issued with this cover sheet.)

a manner as they may deem proper. The regular channel of communication from members of the Board to the faculty, staff and administration is through the Chancellor, the appropriate Executive Vice Chancellor and the chief administrative officer of the institution involved, and a copy of any communication sent by a Regent directly to any member of the faculty, staff or administration should be furnished to the Chancellor, the appropriate Executive Vice Chancellor and the chief administrative officer of the institution involved; however, individual Board members are not precluded when they deem it necessary and proper from direct participation and communication with the chief administrative officers, representatives, and personnel of The University of Texas System Administration and its component institutions, faculty members and other groups. All staff and faculty proposals that are to be acted upon by the Regents shall be presented to the System Administration in sufficient time to permit the appropriate officer to consider such proposals, make recommendations thereon to the Chancellor, and transmit them to the Executive Secretary to the Board no later than seventeen days prior to the next meeting of the Board, in order that the calendar, agenda, and supporting material may be prepared in time to mail to the members of the Board so they will receive it at least five days prior to the meeting. Except where emergency proposals are involved, all such proposals not submitted to the Executive Secretary within the time prescribed shall not be considered by the Board but shall automatically be deferred until the next meeting of the Board.

8.52 Except upon invitation of the Board, the Chairman of the Board, the Chancellor, or the appropriate Executive Vice Chancellor, no person shall appear before the Board or any committee thereof unless that person files with the Executive Secretary to the Board a written request explaining the purpose of such appearance at least six days before the date of such appearance and unless the Chairman of the Board, or a

majority of the whole Board, shall approve the request. It is understood, however, that the chief administrative officer or his or her delegate and/or the president or chair of the student or faculty governance organization(s) or his or her delegate may appear without prior notice or request before the Board or any committee whenever the matter under consideration directly affects the component institution represented by such person. Persons requesting to appear must identify the subject of their remarks, which must be directly related to a matter on the Agenda for consideration by the Board. Whenever time and other circumstances permit, the person making the request shall first consult with the chief administrative officer, or his or her delegate, of such institution regarding the purpose of the appearance prior to the meeting of the Board or committee. Insofar as possible, any person who appears before the Board shall provide a written statement of the substance of such person's presentation to the Board, and such written statement shall be delivered to the Executive Secretary to the Board in sufficient time for copies to be distributed to the Regents prior to the meeting. Any person appearing before the Board or a committee shall be subject to restrictions on time, place and manner as may be prescribed by the Chairman or a majority of the Board or by the Chairman or a majority of a committee. The Chairman or a majority of the Board may prescribe sanctions against any person exceeding established time, place or manner limits; disrupting a meeting of the Board or a committee of the Board; or violating any provision of the Regents' Rules and Regulations. Sanctions may include the refusal to allow such person to speak again to the Board or committees of the Board for up to one year.

8.53

All official material to be distributed to the Regents shall be transmitted through the Office of the Board of Regents. Copies of all official communications from administrative officers to the Regents shall be

sent to the Executive Secretary. Communications from the Chancellor and Executive Vice Chancellors shall be exempt from this requirement but in such cases information copies shall be furnished to the Executive Secretary. The regular channel of communication from the faculty, staff, students and administration to the Board is through the chief administrative officer of the institution involved, the appropriate Executive Vice Chancellor and the Chancellor. A copy of any communication sent directly to a Board member should be furnished to the Chancellor, the appropriate Executive Vice Chancellor and to the chief administrative officer of the institution involved.

Except for communications from the Chancellor, the Executive Vice Chancellors and the Executive Secretary to the Board, all communications to the Board from members of the university community should be in writing.

B.54

Communications from the Faculty Advisory Council and the Student Advisory Group to the Board are through the Chancellor. A docket, to be entitled "Chancellor's Docket No. __," composed of routine matters arising from System Administration and the component institutions, which are required to be reported to and/or approved by the Board in accordance with established policies of the Board, shall be prepared as directed and approved by the Chancellor, appropriate Executive Vice Chancellor, and Vice Chancellor, as appropriate. All docket items from the component institutions must be received by the System Administration not less than twenty-one days prior to the next regular scheduled meeting for inclusion on the docket for that meeting. The Chancellor's Docket shall be distributed by the Executive Secretary to all members of the Board at least ten days before the Board convenes, together with a memorandum to be returned within seven days thereafter. The memorandum will permit any member of the Board

to except any item or items from the Docket. All items not excepted by any Regent will be considered by the Board at its next meeting, without detailed review. Any excepted item listed by any Regent will be deferred and will be processed through the appropriate standing committee for consideration at the first regular meeting of the Board following action of the item by the appropriate standing committee.

8.55

A description of all matters to be considered by the Board or a standing committee of the Board at any meeting shall be mailed or delivered to each member of the Board or to each member of the appropriate standing committee of the Board and to designated officials at least five days in advance of the meeting at which they are to be considered, and insofar as possible, such material shall be mailed or delivered to each member of the Board or to each member of the appropriate standing committee of the Board and the designated officials at least ten days in advance of the meeting. Each such matter shall be accompanied by a summary of the facts pertaining thereto, the need for action thereon, and the recommendations of the Chancellor. Where contractual awards are involved, the summary shall show the method of competition, if any, the names and offers of all interested parties, and generally sufficient information to show the reasons for and fairness of each transaction. The recommendations of the Chancellor shall state whether they are fully concurred in by any Executive Vice Chancellor, Vice Chancellor or chief administrative officer involved, and if not, their views and recommendations shall be included. Any matter not sent to the members of the Board or the members of a standing committee of the Board, documented as herein provided, at least five days in advance of the meeting at which it is to be considered, shall go over to the next meeting for consideration; provided, however,

- (c) Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor and Clinical Instructor. These titles may be used by the components to designate regular part-time service on the faculty while involved in a health professions clinical experience program. Appointments to the faculty with a clinical title may be with or without pay and shall be for a period of time not to exceed one academic year. Such appointments shall terminate upon expiration of the stated period of appointment without the notification of nonrenewal required by Section 6.7 of this Chapter of the Regents' Rules and Regulations. If a component determines that it is to the benefit of the institution, it may offer reappointment to a clinical faculty member.
- (d) Chair Emeritus, Professor Emeritus and Associate Professor Emeritus. One of these titles may be given to a retired faculty member or in anticipation of the retirement of a faculty member, effective upon retirement. The conferring of one of these titles is not automatic upon retirement and may be conferred only upon approval by the chief administrative officer of the component institution in accordance with procedures included in the institutional Handbook of Operating Procedures and final approval by the Board of Regents.

1.85 Any person holding a position of Research Scientist, Research Associate, Research Assistant, or (in the health units) other appropriate research title, will be under the classified personnel system, unless special approval has been granted by the chief administrative officer of the institution to designate the individual as an unclassified employee in such a position.

- 1.86 Honorific Titles.
- (a) Regental Professor. Any faculty member who is awarded the Nobel Prize or who has in the past been awarded the Nobel Prize may, upon recommendation of the chief administrative officer of the component institution, the appropriate Executive Vice Chancellor, and the Chancellor, be given the title Regental Professor. Because of the great honor associated with the award of a Nobel Prize, institutional tenure is awarded to Regental Professors by virtue of the appointment to this rank.
 - (b) Distinguished Teaching Professor. Members of the U. T. Austin Academy of Distinguished Teachers or a similar approved academy may use the honorific title Distinguished Teaching Professor to recognize faculty members who have made significant contributions to education.
- 1.87 Administrative and academic (faculty) titles, duties, and pay rates for individuals who hold both administrative and academic appointments are distinct and severable. Tenured or tenure-track academic appointments and promotions in academic rank for administrators are subject to the same requirements and approval processes as for other faculty and are to include the establishment of an appropriate academic rate (whether or not any pay is to be generated from that rate) at the time of approval of the academic appointment. Departure or removal from an administrative position does not impair the individual's rights and responsibilities as a faculty member. Upon return to faculty service, whether on a part-time or full-time basis, salary for general academic component faculty is to be based on the approved academic rate, and salary for health component faculty is at the rate established pursuant to salary practices for faculty.

- 5.3 The following internal corporations are presently authorized:

<u>Internal Corporations</u>	<u>Date Chartered</u>
The Aerospace Heritage Foundation, Inc.	9/7/78
The University of Texas System Medical Foundation, Inc.	10/5/73
The University of Texas at Austin School of Law Continuing Legal Education, Inc.	8/17/81
The University of Texas at Austin School of Law Publications, Inc.	8/17/81

Sec. 6. External Nonprofit Corporations.

The Board of Regents recognizes that there are legally incorporated nonprofit organizations (most having the word "foundation" in their charter) whose sole purpose is to benefit The University of Texas System, its component institutions, or teaching, research, and other activities within those component institutions. These organizations are administered by boards of directors independent from the control and supervision of the Board of Regents. Accordingly, as is the case with other external organizations, no component institution, or department or school of a component institution, may accept or receive gifts or bequests from any such external organization until such gifts or bequests have been accepted and approved by the Board of Regents.

U. T. BOARD OF REGENTS: APPROVAL OF MINUTES OF REGULAR MEETING HELD ON NOVEMBER 13-14, 1996, AND SPECIAL MEETING HELD ON DECEMBER 20, 1996.--Upon motion of Regent Temple, seconded by Regent Evans, the Minutes of the regular meeting of the Board of Regents of The University of Texas System held on November 13-14, 1996, in Dallas, Texas, were approved as distributed by the Executive Secretary. The official copy of these Minutes is recorded in the Permanent Minutes, Volume XLIV, Pages 5 - 613.

Upon motion of Regent Loeffler, seconded by Vice-Chairman Smiley, the Minutes of the special meeting of the Board of Regents of The University of Texas System held on December 20, 1996, in Austin, Texas, were approved as distributed by the Executive Secretary. The official copy of these Minutes is recorded in the Permanent Minutes, Volume XLIV, Pages 614 - 615.

SPECIAL ITEMS

2/6/97
M.O.'s

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter I, Section 8, Subsection 8.5, Subdivisions 8.52 and 8.54 (Communications by and to the Board).--Approval was given to amend the Regents' Rules and Regulations, Part One, Chapter I, Section 8, Subsection 8.5, Subdivisions 8.52 and 8.54, regarding communications by and to the Board, to read as set forth below:

Sec. 8. Procedure.

. . .

8.5 Communications by and to the Board.

. . .

8.52 Except upon invitation of the Board, the Chairman of the Board, the Chancellor, or the appropriate Executive Vice Chancellor, no person shall appear before the Board or any committee thereof unless that person files with the Executive Secretary to the Board a written request explaining the purpose of such appearance at least six days before the date of such

appearance and unless the Chairman of the Board, or a majority of the whole Board, shall approve the request. It is understood, however, that the chief administrative officer or his or her delegate and/or the president or chair of the student or faculty governance organization(s) or his or her delegate may appear without prior notice or request before the Board or any committee whenever the matter under consideration directly affects the component institution represented by such person. Persons requesting to appear must identify the subject of their remarks, which must be directly related to a matter on the Agenda for consideration by the Board. Whenever time and other circumstances permit, the person making the request shall first consult with the chief administrative officer, or his or her delegate, of such institution regarding the purpose of the appearance prior to the meeting of the Board or committee. Insofar as possible, any person who appears before the Board shall provide a written statement of the substance of such person's presentation to the Board, and such written statement shall be delivered to the Executive Secretary to the Board in sufficient time for copies to be distributed to the Regents prior to the meeting. Any person appearing before the Board or a committee shall be subject to restrictions on time, place and manner as may be prescribed by the Chairman or a majority of the Board or by the Chairman or a majority of a committee. The Chairman or a majority of the Board may prescribe sanctions against any person exceeding established time, place or manner limits; disrupting a meeting of the Board or a committee of the Board; or violating any provision of the Regents' Rules and Regulations.

Sanctions may include the refusal to allow such person to speak again to the Board or committees of the Board for up to one year.

. . . .

- 8.54 A docket, to be entitled "Chancellor's Docket No. ___," composed of routine matters arising from System Administration and the component institutions, which are required to be reported to and/or approved by the Board in accordance with established policies of the Board, shall be prepared as directed and approved by the Chancellor, appropriate Executive Vice Chancellor, and Vice Chancellor, as appropriate. All docket items from the component institutions must be received by the System Administration not less than twenty-one days prior to the next regular scheduled meeting for inclusion on the docket for that meeting. The Chancellor's Docket shall be distributed by the Executive Secretary to all members of the Board at least ten days before the Board convenes, together with a memorandum to be returned within seven days thereafter. The memorandum will permit any member of the Board to except any item or items from the Docket. All items not excepted by any Regent will be considered by the Board at its next meeting, without detailed review. Any excepted item listed by any Regent will be deferred and will be processed through the appropriate standing committee for consideration at the first regular meeting of the Board following action of the item by the appropriate standing committee.

. . . .

These amendments to the Regents' Rules and Regulations, Part One, Chapter I, Section 8, Subsection 8.5, Subdivisions 8.52 and 8.54 (1) permit the chair of the component faculty governance organization to appear before the Board without prior notice when the Board is considering

matters directly affecting that component and (2) clarify that, procedurally, there is no vote on the items in the Docket except that taken in open session during the Business Affairs and Audit Committee portion of the agenda.

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval of Amendments to Chapter VII, Section 5, Subsection 5.3 (Internal Corporations).--The Board amended the Regents' Rules and Regulations, Part One, Chapter VII, Section 5, Subsection 5.3, regarding internal corporations, to read as set forth below to reflect the court approved dissolution of the Ima Hogg Foundation, Inc.:

Sec. 5. Internal Corporations.

. . .

- 5.3 The following internal corporations are presently authorized:

<u>Internal Corporations</u>	<u>Date Chartered</u>
The Aerospace Heritage Foundation, Inc.	9/7/78
The University of Texas System Medical Foundation, Inc.	10/5/73
The University of Texas at Austin School of Law Continuing Legal Education, Inc.	8/17/81
The University of Texas at Austin School of Law Publications, Inc.	8/17/81

The Ima Hogg Foundation was incorporated on June 26, 1964, as a charitable and educational foundation with the U. T. Board of Regents as Trustees. At the April 1993 meeting, the Trustees of the Foundation authorized its dissolution and the dissolution was approved by subsequent judicial action on December 27, 1994. The revision to the Regents' Rules and Regulations, Part One, Chapter VII, Section 5, Subsection 5.3 is an editorial change to reflect that the Ima Hogg Foundation, Inc. is no longer an internal corporation of the U. T. System. The income from the Ima Hogg

Endowment will be used in conformance with purposes set forth in the original Articles of Incorporation of the Foundation as interpreted by the August 3, 1974, codicil to Miss Hogg's Will to benefit active mental health programs in the Houston, Texas, area.

3. U. T. System: Report of Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for September 1, 1996 Through November 30, 1996.--Vice Chancellor for Development and External Relations Perry reviewed the Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for The University of Texas System for the period September 1, 1996 through November 30, 1996, as set forth on Pages 11 - 15.

Vice Chancellor Perry reported that during this period 89 items conforming to Board policy were approved including the acceptance of \$13,416,014 in gifts. Other matching contributions from previously accepted Board-held matching funds totaled \$1,275,000 and the transfer of a previously reported unrestricted gift totaled \$300,000.

Mrs. Perry noted that this report includes only those funds which relate to endowments, estates, and other such funds which are managed by the U. T. System Office of Development and External Relations.

Vice Chancellor Perry distributed to the members of the Board a comprehensive and comparative report outlining private sector support for current programs and capital projects at the fifteen U. T. System component institutions for the Fiscal Years 1987 through 1996. She reported that for the Fiscal Year ending August 31, 1996, the total of private gifts and grants to the U. T. System was \$283,593,739.

A copy of the report on The University of Texas System Private Gifts and Grants is set forth on Pages 16 - 19.

At the conclusion of Mrs. Perry's report, Chairman Rapoport encouraged the members of the Board to become involved in the private fund development area of each component institution and urged the Board to review the report in depth. He pointed out that the excellent fund-raising progress over a ten-year period is in keeping with a commitment to be a System of first class institutions.

REPORT AND RECOMMENDATIONS OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 91 - 120).--Committee Chairman Lebermann reported that the Academic Affairs Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Academic Affairs Committee and approved in open session and without objection by the U. T. Board of Regents:

- 2/6/97 minutes
1. U. T. Board of Regents - Regents' Rules and Regulations, Part One; Amendments to Chapter III, Section 1, Subsection 1.8, Subdivision 1.87 (Academic Titles).--Upon recommendation of the Academic Affairs and Health Affairs Committees, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 1, Subsection 1.8, Subdivision 1.87, related to academic titles, to read as set forth below:

1.8 Academic Titles.

. . .

- 1.87 Administrative and academic (faculty) titles, duties, and pay rates for individuals who hold both administrative and academic appointments are distinct and severable. Tenured or tenure-track academic appointments and promotions in academic rank for administrators are subject to the same requirements and approval processes as for other faculty and are to include the establishment of an appropriate academic rate (whether or not any pay is to be generated from that rate) at the time of approval of the academic appointment. Departure or removal from an administrative position does not impair the individual's rights and responsibilities as a faculty member. Upon return to faculty service, whether on a part-time or full-time basis, salary for general academic component faculty is to be based on the approved academic rate, and salary for health component faculty is at the rate established pursuant to salary practices for faculty.

This revision to the Regents' Rules and Regulations, Part One, Chapter III, Section 1, Subsection 1.8, Subdivision 1.87 deletes unneeded language concerning long-abandoned faculty titles and includes language detailing current practice and commonly held expectations related to administrators who also hold tenured or tenure-track faculty appointments.

2. U. T. Arlington: Adoption of a Revised Role and Mission Statement and Authorization to Submit Statement to the Coordinating Board for Approval.--The Academic Affairs Committee recommended and the Board adopted the revised Role and Mission Statement for The University of Texas at Arlington as set out on Page 93 and authorized The University of Texas System Administration to submit the statement to the Texas Higher Education Coordinating Board for approval.

The revised mission statement relates to the accreditation process which is underway at U. T. Arlington. The underlying premise for the Southern Association of Colleges and Schools' (SACS) process of institutional accreditation has been an evaluation of whether the institution has accomplished its stated purpose. The purpose statement must be appropriate to collegiate education and also include research and public service, where those are significant institutional responsibilities. The formulation of a statement of purpose is a major educational decision involving the efforts of the institution's faculty and administration.

In commencing the SACS self-study process approximately two years ago, the Mission and Purpose Statement Committee members examined the extant mission statement for U. T. Arlington and determined that it did not adequately proclaim the individuality of the University. Through an extensive two-year process involving many members of the University community, the revised Mission Statement has been developed.

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
201 WEST SEVENTH STREET, AUSTIN, TEXAS 78701-2981
(512) 499-4402

MEMORANDUM

January 24, 1997

TO: Those Who Receive Official Copies of
the Regents' Rules and Regulations (List Attached)
FROM: Art Dilly *AD*
SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

<u>"A"</u>	<u>"B"</u>
Cover Page	Cover Page
Page i	Page i
Pages I-25, I-26, and I-27	Pages I-25, I-26, I-27, and I-28
Pages II-15 through II-25	Pages II-15 through II-26
Pages III-14 through III-20a	Pages III-14 through III-20c
Pages VI-30 and VI-31	Pages VI-30 and VI-31
Pages VIII-1 and VIII-2	Pages VIII-1, VIII-1a, and VIII-2

The amendments approved at the November 14, 1996 meeting of the U. T. Board of Regents, as well as editorial amendments, have been incorporated on the revised pages.

AD/cf

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Executive Vice Chancellor for Business Affairs	
Executive Associate to the Chancellor	
Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
Vice Chancellor for Development and External Relations	
Chief Administrative Officers of Component Institutions	15
Mr. Thomas G. Ricks	<u>1</u>
President and Chief Executive Officer	
UTIMCO	
TOTAL	41

NOTE: See July 6, 1988 letter from Coordinating Board which requests that only those amendments related to (1) academic work load and (2) faculty development leaves be sent to that office.

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Dr. Kenneth H. Ashworth
Commissioner, Texas Higher
Education Coordinating Board
7745 Chevy Chase Drive, Building 5
Austin, Texas 78752
INTERAGENCY MAIL

(NOTE: Send only when there are
amendments related to (1) academic
work load or (2) faculty development
leaves.)

Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

RULES AND REGULATIONS
OF THE
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM
FOR THE GOVERNMENT OF
THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

Part One was completely reissued as of June 1, 1988.
(Substantive amendments through November 14, 1996,
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- 9.22 All contracts or agreements, including purchase orders and vouchers, with a cost or value of more than \$500,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda except the following, which do not require prior approval or ratification by the Executive Committee or the Board regardless of the contract amount:
- 9.221 Contracts, agreements, and documents relating to construction projects previously approved by the Board in the Capital Improvement Program and Capital Budget.
 - 9.222 Contracts or grant proposals for sponsored research, including institutional support grants, that do not include a license for or conveyance of intellectual property owned or controlled by the Board.
 - 9.223 Contracts or agreements for the purchase of replacement equipment.
 - 9.224 Contracts or agreements for the purchase of routinely purchased supplies.
 - 9.225 Purchases made under a group purchasing program.
 - 9.226 Purchases of new equipment identified specifically in the institutional budget approved by the Board.
- 9.23 All contracts for consulting services for more than \$250,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda.
- 9.24 The officer or employee executing any document on behalf of the Board shall be responsible for assuring that he or she has authority to act on behalf of the Board and that such authority is exercised in compliance with applicable conditions and restrictions.

- 9.25 The primary delegate identified in these Rules and Regulations may further delegate his or her delegated authority unless otherwise specified. Any such further delegation of authority must be made in writing and the primary delegate shall permanently maintain, or cause to be maintained, evidence of all such delegations. A delegate of the primary delegate may not further delegate such authority.
- 9.26 The primary delegate identified in these Rules and Regulations as authorized to execute and deliver on behalf of the Board various types of contracts, agreements, and documents shall maintain, or cause to be maintained, necessary and proper records with regard to all contracts, agreements, and documents executed and delivered pursuant to such delegated authority. An original of each executed contract or agreement shall be kept for a minimum period of four (4) years after the expiration of the contract or agreement, or longer as may be specified by any applicable records retention schedule or policy adopted by the Board, the U. T. System Administration, or the component.
- 9.27 All authority to execute and deliver contracts, agreements, and other documents is subject to compliance with all applicable laws and regulations and all applicable provisions of these Rules and Regulations.
- 9.28 All purchases, regardless of the source of funds, shall be made on a competitive basis unless otherwise authorized by law, U. T. System policy, or approved component policy.
- 9.29 All contracts and agreements of any kind or nature with a foreign government or agency thereof and all contracts and agreements for sponsored research with a corporation or other entity organized and operating under the laws of a foreign state must be approved by the Board via the docket or the agenda.

- 9.3 Prior Approval, Ratification, and Reporting.-- Actions taken pursuant to delegated authority must receive the prior approval of, be ratified by, or be reported to the Board only as specifically required in these Rules and Regulations, the policies of the Board, or any special instructions or guidelines issued as provided in these Rules and Regulations.
- 9.4 Actions of the Board as Trustee.--Authority delegated by the Board in these Rules and Regulations includes actions that may be taken by the Board in its capacity as trustee of any trust, to the extent such delegation is permitted by law.
- 9.5 Delegation of Authority to the Executive Committee.--Except as may be specifically set out otherwise in these Rules and Regulations, the Board delegates to the Executive Committee of the Board authority to approve on behalf of the Board any contract, agreement, or document. When approving any contract, agreement, or document, the Committee shall designate the officer, employee, or agent authorized to execute and deliver the contract or agreement and specify any other required approvals. The designated delegate may further delegate his or her delegated authority unless otherwise specified. Any such further delegation of authority must be made in writing and the designated delegate shall permanently maintain, or cause to be maintained, evidence of any such delegation. A delegate of the primary delegate may not further delegate such authority. The Executive Committee shall report to the Board at its next regular meeting actions taken by the Committee on behalf of the Board as provided in Part One, Chapter I, Section 7 of these Rules and Regulations.
- 9.6 Exceptions.--This Section does not apply to the following:
- 9.61 Management of assets by UTIMCO, which is governed by contract and the provisions of Part Two, Chapter IX of these Rules and Regulations.

- 9.62 The acceptance, processing, or administration of gifts and bequests, which actions are governed by Part Two, Chapter I and Part Two, Chapter IX of these Rules and Regulations and applicable policies of the Board.
- 9.63 Any power, duty, or responsibility that the Board has no legal authority to delegate, including any action that the Constitution of the State of Texas requires be taken by the Board.

Sec. 10. Ethics Policy.

Each member of the Board of Regents shall perform his or her activities on behalf of The University of Texas System in conformity with the Ethics Policy as set out in Part One, Chapter III, Section 4 of the Regents' Rules and Regulations and other state laws related to standards of conduct and conflict of interest.

- 9.24 Recommending policies relating to acceptance, processing, and administration (excluding investment management) of gifts for all of the U. T. System's component institutions.
- 9.25 Making recommendations with respect to the acceptance of all proposed gifts and approval of all other actions related to the processing and administration of gifts managed by the Office of Development and External Relations, the terms of which do not conform to all relevant laws and Board policies.
- 9.26 Reporting to the Board on gifts processed and administered by the Office of Development and External Relations.
- 9.27 The organization and administration of programs for providing information to the public relating to the System and coordinating those programs with the public information programs of the component institutions.
- 9.28 Directing the administration of the System Office of Special Services.
- 9.29 Directing the administration of the System Office of Estates and Trusts.
- 9.2(10) To assist in the development, organization, and administration of programs and activities related to alumni of System component institutions in coordination with appropriate personnel of the component institutions.
- 9.2(11) Coordinating the policies and activities of the System and the component institutions related to internal and external foundations that provide support for the System and the component institutions.
- 9.2(12) The performance of such other duties and responsibilities as may be assigned by the Chancellor.

Sec. 10. Vice Chancellor for Telecommunications and Information Technology.

The Vice Chancellor for Telecommunications and Information Technology reports to the Chancellor and will lead the System-wide efforts in all aspects of information technology initiatives and activities. The Vice Chancellor for Telecommunications and Information Technology provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of their responsibilities.

10.1 Appointment and Tenure.

The Vice Chancellor for Telecommunications and Information Technology shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Telecommunications and Information Technology shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Vice Chancellor for Telecommunications and Information Technology are subject to review and approval by the Board.

10.2 Duties and Responsibilities.

The primary responsibilities of the Vice Chancellor for Telecommunications and Information Technology include:

- 10.21 The implementation of an infrastructure that will permit information technology to enhance the effectiveness of initiatives related to the basic missions of the U. T. System, including standards for creation, distribution, and storage of information.
- 10.22 The management of the U. T. System Network to include planned growth, standards, and operating procedures and the coordination of administrative videoconferencing.
- 10.23 The coordination of training workshops and seminars, activities related to a virtual university, purchase of System-wide software licenses, assessment of distance education effectiveness, and evaluation of pilot projects related to information technology.
- 10.24 The formation of a U. T. System information technology committee.
- 10.25 The performance of such other duties and responsibilities as may be assigned by the Chancellor.

Sec. 11. Officers of System Administration and Other Code 1000 Staff.

- 11.1 Executive Officers.--For purposes of these Rules and Regulations, the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Associate Executive Vice Chancellor for Academic Affairs, the Associate Vice Chancellor for South Texas/Border Area Development, the Executive Associate to the Chancellor, the Associate Vice Chancellor for Business Affairs, and the Special Consultant to the Chancellor are the Executive Officers of The University of Texas System.
- 11.2 Other Code 1000 Staff and Officers of System Administration.--Staff and officers of System Administration designated as code 1000 shall be appointed by the Chancellor, the Executive Vice Chancellors, or Vice Chancellors to whom they will report, and shall have appropriate job descriptions on file with the Office of Human Resources. Persons so appointed shall not have tenure by virtue of their respective positions. They shall serve without fixed term, subject to the pleasure of the officer to whom they report. The actions of the appointing officer concerning such positions are in turn subject to review and approval by the Chancellor or the Board as required by the Regents' Rules and Regulations.

Sec. 12. Councils of the System.

- 12.1 The System Council.
The System Council is composed of the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Executive Associate to the Chancellor, and the chief administrative officers of all the component institutions of The University of Texas System. The Chancellor shall serve as the Council's permanent chairman and shall conduct regular meetings to discuss those matters of general concern to the operation of The University of Texas System.

- 12.2 The Council of Academic Institutions.
The Council of Academic Institutions is composed of the Executive Vice Chancellor for Academic Affairs and the chief administrative officers of the general academic institutions of the System. The Chancellor, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive Associate to the Chancellor serve as ex officio members of this Council. The Executive Vice Chancellor for Academic Affairs shall serve as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.
- 12.3 The Council of Health Institutions.
The Council of Health Institutions is composed of the Executive Vice Chancellor for Health Affairs and the chief administrative officers of the component institutions of the System concerned directly with health affairs. The Chancellor, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive Associate to the Chancellor serve as ex officio members of this Council. The Executive Vice Chancellor for Health Affairs acts as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.
- 12.4 The Business Management Council.
The Business Management Council advises the System Administration in the areas of component budgeting, business management, data processing, physical plant operations, planning, construction, and accounting systems development. The Council is composed of the Executive Vice Chancellor for Business Affairs and the chief business officers of the component institutions. The Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External

Relations, and the Executive Associate to the Chancellor, or their delegates, serve as ex officio members of this Council. The Executive Vice Chancellor for Business Affairs shall serve as the Council's permanent chairman and shall conduct regular meetings of the Council.

Sec. 13. Chief Administrative Officers of Component Institutions.

13.1 The Board selects the chief administrative officer of each component institution.

13.11 When there is a vacancy or it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution having faculty and students and the Board does not have candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, an Advisory Committee shall be established to recommend candidates to the Board. The Executive Vice Chancellor having responsibility for the operation of the institution where the vacancy has occurred or is to occur shall be chairman of the Advisory Committee. In circumstances where this Executive Vice Chancellor may be a candidate for the office, the chairman of the Advisory Committee shall be the Chancellor or the Chancellor's designee. In addition to the chairman, committee membership is as follows:

The Chancellor;

Two Chief Administrative Officers;

(to be appointed by the Chairman of the Board from two of the component institutions)

Two Regents;

(to be appointed by the Chairman of the Board)

Three Faculty members of the institution involved, at least two of whom shall have the rank of associate professor or higher; (method of selection to be determined by the General Faculty of the campus)

One Dean;

(for academic institutions to be selected by Dean's Council of the institution involved)
(for health-related institutions to be the Dean of the Medical School involved or in the absence of that position a senior representative of the teaching program of the component selected by the chief administrative officer)

Two Students from the institution involved; (method of selection to be determined by the Student Government of the campus involved or, if there be no Student Government, by the chief administrative officer of the institution; if the component does not have students, this category of representation shall be omitted)

President of the Ex-Students' Association of the campus involved; (if institution does not have an active alumni organization, then an alumnus of the component selected by the Chairman of the Board of Regents; if the component does not have degree granting authority, this category shall be omitted)

Two non-faculty employees of the institution involved, one in a classified position and one in an administrative position; (to be selected by the chief administrative officer or

in accordance with institutional procedures approved by the chief administrative officer) Not more than two representatives of the component's external constituency who have demonstrated a deep interest in and support of the institution, its programs and its role in community activities to be appointed by the Chairman of the Board of Regents. Where a component institution has a statewide mission; special area programmatic relationships or partnerships with junior or community colleges, private universities or public schools, business/corporate entities, community or public service agencies; or other unique constituencies, the Chairman of the Board of Regents may appoint an additional representative.

Campus constituent groups with responsibility for selection of Advisory Committee representatives are expected to consider diversity, particularly as it relates to minority and female representation. Unless there are unusual delays in faculty, staff or student representative selection which postpone initiation of the committee process, the Chairman of

the Board will make his or her appointments to the Advisory Committee after campus selections in order to maximize the prospect that the total committee composition reflects diversity.

- 13.12 The Advisory Committee shall set up selection criteria that relate to the needs of the individual component, initiate mechanisms to develop an appropriate candidate pool, seek information on the several candidates and inquire from competent sources as to the candidates' academic, administrative and business ability. The Committee may also interview candidates as a part of its selection process keeping in mind that the confidentiality of the process is important to its ultimate success.
- 13.13 Finally, the Advisory Committee shall submit, through its Chairman, a recommended list of not less than five or more than ten candidates with no preference indicated. Candidates submitted shall have received a majority vote of the Committee. The recommended list should be developed and submitted without regard to the Advisory Committee's assessment of the potential availability of any candidate. If none of the names submitted in the report of the Advisory Committee is satisfactory to the Board, then the Board in its discretion may either name a new committee or proceed to select a chief administrative officer under such other procedures as in its discretion it may deem proper and appropriate.
- 13.14 When the Board has candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, the Chairman of the Board of Regents shall appoint a Special Committee to provide the Board of Regents with advice and evaluation

consistent with that usually provided by an Advisory Committee. The Special Committee shall be composed as specified above for the Advisory Committee but will not include members of the Board of Regents. The advice of the Special Committee shall be provided to the Board through the appropriate Executive Vice Chancellor and the Chancellor. The Special Committee shall not extend its consideration beyond those nominees referred to it by the U. T. Board of Regents without specific concurrence from the Board.

- 13.2 Each chief administrative officer reports to and is responsible to the Executive Vice Chancellor having responsibility for the institution, and serves without fixed term, subject to the pleasure of the appropriate Executive Vice Chancellor and approval by the Chancellor and the Board. The chief administrative officer has access to the Chancellor and is expected to consult with the appropriate Executive Vice Chancellor and the Chancellor on significant issues on an as needed basis.
- 13.3 Within the policies and regulations of the Board, and under the supervision and direction of the Executive Vice Chancellor having responsibility for the institution, the chief administrative officer has general authority and responsibility for the administration of that institution.
- 13.31 Specifically, the chief administrative officer is expected, with the appropriate participation of the staff, to:
- 13.311 Develop and administer plans and policies for the program, organization, and operation of the institution.
- 13.312 Interpret the System policy to the staff, and interpret the institution's programs and needs to the System Administration and to the public.

- 13.313 Develop and administer policies relating to students, and where applicable, to the proper management of services to patients.
- 13.314 Recommend appropriate operating budgets and supervise expenditures under approved budgets.
- 13.315 Nominate all members of the faculty and staff, maintain efficient personnel programs, and recommend staff members for promotion, retention, or dismissal for cause.
- 13.316 Insure efficient management of business affairs and physical property; recommend additions and alterations to the physical plant.
- 13.317 Serve as presiding officer at official meetings of faculty and staff of the institution, and as ex officio member of each college or school faculty (if any) within the institution.
- 13.318 Appoint, or establish procedures for the appointment of, all faculty, staff, and student committees.
- 13.319 Cause to be prepared and submitted to the appropriate Executive Vice Chancellor the rules and regulations for the governance of the institution. When such rules and regulations have been finally approved by the Chancellor or appropriate Executive Vice Chancellor, they shall thereafter constitute the Handbook of Operating Procedures for that institution. Provided, however, that whether or not finally approved by the Chancellor, any rule or regulation in any such institutional Handbook of Operating Procedures that is in conflict with

any rule or regulation in the Regents' Rules and Regulations, is null and void and has no effect, and whenever any such conflict is detected, the Chancellor and the chief administrative officer of the component institution shall immediately make such amendments to the institutional Handbook of Operating Procedures as may be necessary to eliminate such conflict.

- 13.31(10) Assume initiative in developing long-range plans for the program and physical facilities of the institution.
- 13.31(11) Assume active leadership in developing private fund support for the institution in accordance with policies and procedures established in the Regents' Rules and Regulations.
- 13.31(12) Develop and implement plans and policies to ensure that the institution remains in compliance with any accreditation requirements appropriate to the component or its programs, including, for the health components and those academic components with student health services, the accreditation of hospitals, clinics and patient-care facilities.

Sec. 14. Appointment of Other Officers and Staff.

- 14.1 The Board delegates to the Chancellor and the Executive Vice Chancellor having responsibility for the institution and they, in turn, delegate to the chief administrative officer of each component institution the responsibility for the appointment and dismissal of all other administrative officers of each component institution, including vice presidents, deans, directors and their equivalents. However, prior approval of the appropriate Executive Vice Chancellor shall be necessary for each such permanent or acting appointment and for each such dismissal whether from a permanent or acting appointment. All such other administrative officers serve without fixed terms and subject to the pleasure of the chief administrative officer of the institution and the aforesaid approval of the Executive Vice Chancellor.

- 14.2 The Board delegates to the Chancellor and the Executive Vice Chancellor having responsibility for the institution and they, in turn, delegate to the chief administrative officer of each component institution the responsibility for the permanent or acting appointment of department chairmen, department heads, and their equivalents. Such department chairmen, department heads and their equivalents serve without fixed terms and subject to the pleasure of the chief administrative officer of the institution.
- 14.3 The Board endorses the principle of reasonable faculty and student consultation in the selection of administrative officers of the component institutions, and the primary operating units, and expects the chief administrative officer, as he or she deems appropriate, to consult in the selection process with the representatives of the faculty and student body. However, the chief administrative officer of the component institution is responsible for executing the duties of the office and consequently shall not be bound by nominations to administrative positions by campus selection committees, and the Handbook of Operating Procedures of each component institution shall so state.
- 14.4 Honorary Titles.
The titles Chancellor Emeritus, President Emeritus and similar honorary designations shall be conferred only by appropriate action of the Board on individuals who are fully retired. No person is authorized to use any such title unless it has been bestowed by the Board.

Sec. 6. Tenure, Promotion, and Termination of Employment.

- 6.1 Subject to the provisions of Section 65.32 of the Texas Education Code, which reads, "The board may remove any officer, member of the faculty, or employee connected with the system when in its judgment the interest of the system requires the removal," and subject to the terms and provisions of these Regents' Rules and Regulations, the principles governing tenure and promotion are specified for each component institution in the Handbook of Operating Procedures applicable to that institution. See also Section 1.8 above on academic titles.
- 6.2 Tenure denotes a status of continuing appointment as a member of the faculty at a component institution. Except for the title Regental Professor, only members of the faculty with the academic titles of Professor, Associate Professor, or Assistant Professor or, at U. T. Brownsville, with the additional technical titles of Master Technical Instructor, Associate Master Technical Instructor, or Assistant Master Technical Instructor may be granted tenure. Tenure may be granted at the time of appointment to any of such academic ranks, or tenure may be withheld pending satisfactory completion of a probationary period of faculty service; however, such tenure status shall not be applicable to the faculty of The University of Texas M.D. Anderson Cancer Center.

The University of Texas M.D. Anderson Cancer Center is authorized to award a seven-year term appointment which will denote a status of continuing appointment at that institution as a member of the faculty for a period of seven years. Only members of the faculty with academic titles of Professor, Associate Professor, or Assistant Professor may be granted a seven-year term appointment. A seven-year term appointment may be granted at the time of appointment to any of such academic rank or may be withheld pending satisfactory completion of a probationary period of faculty service.

No component institution may adopt or implement a seven-year term appointment policy except The University of Texas M.D. Anderson Cancer Center.

- 6.21 Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, or any combination thereof, or in the academic ranks of Master Technical Instructor, Associate Master Technical Instructor, Assistant Master Technical or Technical Instructor, or any combination thereof, shall be counted toward fulfillment of a required probationary period related to the award of tenure or a seven-year term appointment. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period.
- 6.22 Prior service at other academic institutions, whether inside or outside the System, shall not be counted toward fulfillment of the required probationary period unless specifically permitted under the provisions of a component institution's Handbook of Operating Procedures.
- 6.23 The maximum period of probationary faculty service in nontenured status in any academic rank or combination of academic ranks specified in Subdivision 6.21 shall not be more than seven years of full-time academic service at the general academic institutions of the System and not more than nine years of full-time academic service at the health-related institutions of the System. In the event that a component institution fails to specify the maximum length of probationary service in its Handbook of Operating Procedures, such period shall be seven years at the general academic institutions of the System and nine years at the health-related institutions of the System. No later than August 31st of the penultimate academic year of the maximum probationary period in effect at any component institution, all nontenured faculty serving in a rank which accrues time toward satisfaction of a probationary period shall be given notice that the subsequent academic year will be the terminal year of employment or that beginning with the subsequent academic year tenure or a seven-year term appointment will be granted.

- In the event that the employment of a non-tenured faculty member in any academic rank specified in Subdivision 6.21 is to be terminated prior to the end of the maximum probationary period, notice shall be given in accordance with Subsection 6.7 below.
- 6.24 For purposes of calculating the period of probationary service, an "academic year" shall be the period from September 1 through the following August 31.
- 6.241 If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the following September 1 shall not be counted as academic service toward fulfillment of the maximum probationary period. One year of probationary service is accrued by at least nine months full-time academic service during any academic year. A faculty member shall be considered to be on full-time academic service when in full compliance with Regental standards pertaining to minimum faculty workloads at general academic institutions or when in compliance with the academic service standard in the Handbook of Operating Procedures of any health-related institution.
- 6.242 Each component institution with tenured faculty will establish and appropriately communicate a policy for the extension of the maximum probationary period and include the policy in the institutional Handbook of Operating Procedures following the standard review and approval process. In the case of U. T. M.D. Anderson Cancer Center, the institution may establish a policy that allows the extension of a term-tenure appointment consistent with these guidelines

and the term-tenure policy. Institutional policies are to be consistent with the following guidelines:

- (a) A faculty member who determines that certain personal circumstances may impede his or her progress toward achieving demonstration of eligibility for recommendation of award of tenure may make a written request for extension specifying the reason(s) for the requested extension. Personal circumstances that may justify the extension include, but are not restricted to, disability or illness of the faculty member; status of the faculty member as a principal caregiver of a preschool child; or status of the faculty member as a principal caregiver of a disabled, elderly, or ill member of the family of the faculty member. It is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted.
- (b) The request for extension shall be limited to one academic year. A request for an additional academic year's extension will follow the established request process, with the maximum duration of extension, whether consecutive or nonconsecutive, to be two academic years.
- (c) Normally, requests for extension must be made in advance of the academic year or semester for which the extension is desired and may be made no later than three months prior to the deadline for initiation of the mandatory review process to

determine recommended award of tenure or notice as provided under Subsection 6.7 of these Rules that the next year will be the faculty member's terminal year of appointment.

- (d) The decision regarding the request shall be made by the chief academic officer of the institution, upon recommendation of the department chair and the dean, within a reasonable period of time and in a manner specified by institutional policy.

6.25 All faculty appointments are subject to the approval of the Board. No nontenured member of the faculty shall expect continued employment beyond the period of his or her current appointment as approved by the Board. Any commitment to employ a nontenured member of the faculty beyond the period of his or her current appointment shall have no force and effect until approved by the Board.

6.26 A person appointed to a faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor or with the title of Technical Instructor, Assistant Master Technical Instructor, Associate Master Technical Instructor or Master Technical Instructor at a component institution of the System may not, during the term of such appointment, hold a tenured position on the faculty of another educational institution outside the System.

6.261 Appointments within the System to the above specified titles shall be conditioned upon the appointee having resigned any tenured position that the appointee may then hold on the faculty of an educational institution outside

the System. Such resignation must be completed and effective prior to the effective date of the appointment at the System component; otherwise, such appointment shall be void and of no effect.

6.262 The acceptance of an appointment to a tenured position on the faculty of an educational institution outside the System shall be considered as a resignation of any faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor or with the title of Technical Instructor, Assistant Master Technical Instructor, Associate Master Technical Instructor or Master Technical Instructor that such appointee may hold at a System component.

6.3 Termination by an institution of the employment of a faculty member who has been granted tenure and of all other faculty members before the expiration of the stated period of appointment, except as is otherwise provided in Subdivision 6.26 and Subsections 6.(11) and 6.(12) or by resignation or retirement, will be only for good cause shown. In each case the issue will be determined according to the equitable procedures provided in this Subsection.

6.31 The chief administrative officer shall assure that all allegations against a faculty member that involve the potential for termination are reviewed under the direction of the chief academic officer unless another officer is designated by the chief administrative officer. The faculty member who is the subject of the allegations shall be given an opportunity to be interviewed prior to a determination by the chief academic officer whether the allegations are supported by evidence that constitutes good cause for termination. The chief academic officer will recommend to the chief administrative officer whether to proceed with charges for termination. A faculty member under review for matters that may result in charges for termination may file a grievance pursuant to a faculty grievance procedure only if the subject of the grievance is not involved in the review. A pending grievance may proceed only if it does not involve a subject under review.

- 6.32 If the chief administrative officer determines that the allegations are supported by evidence that constitutes good cause for termination, the chief administrative officer will meet with the faculty member, explain the allegations and supporting evidence, and give the faculty member a reasonable amount of time, as determined by the chief administrative officer, to respond either orally or in writing. In cases of incompetency or gross immorality, where the facts are admitted, or in the case of a felony conviction, the hearing procedures of Subdivision 6.33 shall not apply and dismissal by the chief administrative officer will follow.
- 6.33 In cases where other offenses are charged, and in all cases where the facts are in dispute, the accused faculty member will be informed in writing of the charges. If the chief administrative officer determines that the nature of the charges and the evidence are such that it is in the best interest of the institution, the accused faculty member may be suspended with pay pending the completion of the hearing and final decision by the Board. On reasonable notice, the charges will be heard by a special hearing tribunal of at least three faculty members. The academic rank of each member of the tribunal must be at least equal to that of the accused faculty member. The notice will specify the date, time, and place for the hearing and will specify the names of the faculty members appointed to the hearing tribunal. The hearing tribunal members are appointed by the chief administrative officer from a standing panel (pool) of members of the faculty. At least 50% of the panel members from which the hearing tribunal members are appointed shall be selected by a procedure established by the faculty governance organization, selected by an existing faculty committee with oversight for university-wide faculty committee selection, or selected through an approved process designed to provide appropriate faculty input into the selection. The remaining members of the panel shall be appointed by the chief administrative officer. A minimum of

one member of a hearing tribunal appointed by a chief administrative officer is to be from among panel members selected by the faculty input, existent faculty committee or faculty governance procedure.

- 6.331 In every such hearing the accused faculty member will have the right to appear in person and by counsel of the accused's selection and to confront and cross-examine witnesses who may appear. If the accused faculty member is represented by counsel, the institution is entitled to be represented by counsel from the Office of General Counsel.
- 6.332 The accused faculty member shall have the right to testify, but may not be required to do so, and may introduce in his or her behalf all evidence, written or oral, which may be relevant and material to the charges.
- 6.333 A stenographic or electronic record of the proceedings will be taken and filed with the Board, and such record shall be made accessible to the accused.
- 6.334 A representative of the institution may appear before the hearing tribunal to present witnesses and evidence in support of the charge against such faculty member, and such institutional representatives shall have the right to cross-examine the accused faculty member (if the faculty member testifies) and the witnesses offered on behalf of the faculty member. The institution has the burden to prove good cause for termination by the greater weight of the credible evidence.
- 6.335 The hearing tribunal shall not include any accuser of the faculty member. If the accused faculty member is not satisfied with the fairness or objectivity of any member or members of the hearing tribunal, the faculty member may challenge the alleged lack of fairness or objectivity, but any such challenge

must be made in writing to the hearing tribunal at least three (3) week days prior to the date for the hearing. The accused faculty member shall have no right to disqualify any member or members from serving on the tribunal. It shall be up to each challenged member to determine whether he or she can serve with fairness and objectivity in the matter, and if any challenged member should voluntarily disqualify himself or herself, the chief administrative officer shall appoint a substitute member of the tribunal from the panel described in Subdivision 6.33.

6.336 The hearing tribunal, by a majority of the total membership, will make written findings on the material facts and a recommendation of the continuance or termination of the accused faculty member. The hearing tribunal, by a majority of its total membership, may make any supplementary suggestions it deems proper concerning the disposal of the case. The original of such findings and the recommendation, with any supplementary suggestions, shall be delivered to the Board and a copy to the accused. If minority findings, recommendations, or suggestions are made, they shall be similarly treated. The original transcript of the testimony and the exhibits shall also be forwarded to the Board.

6.34 The Board, by a majority of the total membership, will approve, reject, or amend such findings, recommendations, and suggestions, if any, or will recommit the report to the same tribunal for hearing additional evidence and reconsidering its findings, recommendations, and suggestions, if any. Reasons for approval, rejection, or amendment of such findings, recommendations, or suggestions will be stated in writing and communicated to the accused.

- 6.35 Tenure-track faculty members who are notified in accordance with Subsection 6.7 that they will not be reappointed or who are notified in accordance with Subdivision 6.23 or Subsections 6.7 or 6.8 that the subsequent academic year will be the terminal year of appointment shall not be entitled to a statement of the reasons upon which the decision for such action is based. Such a decision shall be subject to review under this Subdivision only to determine whether the decision was made for reasons that are unlawful under the laws or Constitution of this state or the United States. A review under this Subdivision may be granted only in those cases where the affected faculty member submits a written request for a review to the chief administrative officer that describes in detail the facts relied upon to prove that the decision was made for unlawful reasons. If the chief administrative officer determines that the alleged facts, if proven by credible evidence, support a conclusion that the decision was made for unlawful reasons, such allegations shall be heard under the procedures in Subsection 6.3 as in the case of dismissal for cause, with the following exceptions:
- (1) the burden of proof is upon the affected faculty member to establish by the greater weight of the credible evidence that the decision in question was made for reasons that are unlawful under the laws or Constitution of this state or the United States;
 - (2) the administration of the institution need not state the reasons for the questioned decision or offer evidence in support thereof unless the affected faculty member presents credible evidence that, if unchallenged, proves the decision was made for unlawful reasons;
 - (3) the hearing tribunal shall make written findings and recommendations based on the evidence presented at the hearing and shall forward such findings and recommendations with the transcript and exhibits from the hearing to the chief administrative officer;
 - (4) the chief administrative officer may approve, reject, or amend the recommendations of the hearing tribunal or may reach different conclusions based upon the record of the hearing. The decision of the chief administrative officer shall be final.

Requests to film a motion picture or television production will be reviewed and considered on a case by case basis and, subject to the provisions of this Subsection, it shall be within the discretion of the chief administrative officer or his or her delegate to determine whether to grant the request. The safety of students, faculty, and staff; the potential for damage to buildings, facilities, or property and for disruption of administrative or academic programs or other scheduled activities; and the subject matter of the film shall be of primary consideration in determining whether to grant a filming request.

- 6.(11)1 The chief administrative officer or his or her delegate will be responsible for assuring that scheduled time(s) and location(s) for filming do not interfere with administrative and academic programs or other scheduled activities of the U. T. System or component institution.
- 6.(11)2 The U. T. System or a component institution shall not be identified as the filming location in the film credits or in any media advertising for the film. The film may not include any building, statue, fountain, facility, mark, symbol, or logo that identifies the U. T. System or a component institution as the filming location. This prohibition shall not apply to the filming of an approved script that relates to the life and accomplishments of a present or former officer or employee of the U. T. System or of the component institution at which the script is filmed.
- 6.(11)3 The script for the motion picture or television production must be approved by the chief administrative officer or his or her delegate.
- 6.(11)4 The production company must identify the persons or entities with an interest in the company.

- 6.(11)5 The production company must provide a policy of comprehensive general liability and property damage insurance issued by a company authorized to do business in the State of Texas naming the Board of Regents, the U. T. System, the component institution, and the officers and employees of each as additional insureds, providing coverage for bodily injury and death of persons and damage to property that result directly or indirectly from the negligent or intentional act or omission of, or from the use or condition of any property, equipment, machinery, or vehicle used, operated, or controlled by, the production company or its officers, employees, agents, or subcontractors while on property owned or controlled by the U. T. System or a component institution. The limits of coverage shall be determined by the chief administrative officer or his or her delegate on the basis of the nature and extent of the activities to be conducted by the production company and the property, buildings, or facilities to be utilized. In no event shall the limits of liability for each occurrence be less than two million dollars (\$2,000,000.00) for bodily injury or death of a person and one million dollars (\$1,000,000.00) for property damage.
- 6.(11)6 A use fee will be established in each case based upon the nature and extent of the activities of the production company and the U. T. System or component institution property, buildings, facilities, personnel, and services that are required to accommodate such activities. The use fee must be paid in advance by a certified or cashier's check made payable to the U. T. System or component institution. If the production company cancels a scheduled use, the deposit, less any expense incurred by the U. T. System or component institution in preparation for such use, will be refunded.

CHAPTER VIII

MISCELLANEOUS

Sec. 1. Naming of Buildings and Other Facilities.

- 1.1 The naming of buildings and other facilities, such as laboratories, classrooms, seminar rooms, auditoria, concert halls, clinics, and patient rooms of the U. T. System and its component institutions, whether for an individual or with a functional or historical designation, is the prerogative and responsibility of the Board of Regents and can be initiated by the Board when circumstances warrant. When recommendations for naming of buildings or other facilities originate at other than the level of the Board, such recommendations shall be forwarded to the Board of Regents with recommendations of the Chancellor, appropriate Executive Vice Chancellor, and appropriate chief administrative officer, accompanied by reasons for the recommendation, and campus consultations where appropriate. Recommendations for naming of buildings require Board of Regents' approval via the agenda. Recommendations for naming of other facilities shall be submitted for Regental approval via the docket.
- 1.2 Buildings and other facilities may be named to memorialize or otherwise recognize substantial gifts and significant donors, individuals designated by donors, or individuals who have made exemplary or meritorious contributions to the System, component institution, or society. Such designation may be for a single gift, multiple gifts over time, or for a combination of gifts and other contributions.
- 1.3 Each component institution will develop guidelines for what constitutes substantial and significant donations to warrant a building name. These guidelines may vary from campus to campus and sometimes within a campus dependent upon the nature and purpose of the building or other factors. Institutional donor guidelines are subject to prior administrative review and approval procedures for inclusion in the institutional Handbook of Operating Procedures. Exceptions to any approved guidelines are subject to the same approval process.

- 1.4 The naming of buildings and other facilities in honor of campus administrative officials, faculty, or staff or elected or appointed public officials shall normally occur only after the campus employment or public service has concluded.
- 1.5 When the naming of buildings or other facilities is contemplated as part of a special private-fund development campaign, that campaign, the buildings to be named, and the associated private-fund contributions to be sought shall have prior approval of the appropriate Executive Vice Chancellor, the Chancellor, and the Board as required in Part One, Chapter VII, Section 2, Subdivision 2.44 of the Regents' Rules and Regulations. Recommendations by the Chancellor, appropriate Executive Vice Chancellor, and chief administrative officer regarding the naming of each building or facility included in a fund development campaign shall be submitted to the Board of Regents for approval as set forth in Subsection 1.1 above.
- 1.6 The Chancellor will arrange for the Board of Regents to be briefed periodically by component chief administrative officers and System administrative officials via the annual budget process or other appropriate forum regarding buildings to be named and the private-fund contributions to be sought. Unexpected naming opportunities not covered in such briefings should be reviewed with the Board via regular Board of Regents' briefings. No commitment regarding the naming of a building or facility is to be made prior to the briefings and approvals required by this Section.

- Sec. 2. Flags at Half Mast.--Flags at any of the component institutions of the System shall be placed at half mast on the death of a Regent, the death of a member of the teaching or non-teaching staff, the death of a student in residence at the institution, or at such other times as may be deemed appropriate by the chief administrative officer.
- Sec. 3. Medical and Hospital Services.--No health care services shall be provided by any component institution of the System to any person without compensation or reimbursement to the System, except that in the case of health care facilities operated by the System, which under the law are open to the general public, free or partly free health care services may be rendered to persons who are indigent and who are able to offer proof that they are not financially able to pay either all or any part of their health care expenses.
- Health components may accept patients for acute or continuing, or both, care without referral by another physician or agency. The patients are accepted for total and continuing care including the obligation to obtain the services of other physicians when indicated.
- Sec. 4. Institutions and Entities Composing the System.--The System is composed of the component institutions and entities set forth below in paragraphs 4.1 et seq. and such other component institutions and activities as may from time to time be assigned to the governance, control, jurisdiction, or management of the Board of the System. To insure uniformity and

Upon motion of Regent Temple, seconded by Vice-Chairman Hicks and Regent Lebermann, the Minutes of the special meetings of the Board of Regents of The University of Texas System held on August 29, 1996, and October 8, 1996, in Austin, Texas, were approved as distributed by the Executive Secretary. The official copies of these Minutes are recorded in the Permanent Minutes, Volume XLIII, Pages 2356 - 2396 and Volume XLIV, Pages 1 - 4, respectively.

SPECIAL ITEMS

- 11/14/96
M.D.
1. U. T. Board of Regents: Amendments to the Regents' Rules and Regulations, Part One, Chapter II (Administration) to Add a New Section 10 Relating to the Vice Chancellor for Telecommunications and Information Technology.--Approval was given to amend the Regents' Rules and Regulations, Part One, Chapter II (Administration) by adding a new Section 10 as set forth below and renumbering present Sections 10 through 13 as Sections 11 through 14:

✓ Sec. 10. Vice Chancellor for Telecommunications and Information Technology.

The Vice Chancellor for Telecommunications and Information Technology reports to the Chancellor and will lead the System-wide efforts in all aspects of information technology initiatives and activities. The Vice Chancellor for Telecommunications and Information Technology provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of their responsibilities.

10.1 Appointment and Tenure.

The Vice Chancellor for Telecommunications and Information Technology shall be appointed by the Board after nomination by the Chancellor. The Vice Chancellor for Telecommunications and Information Technology shall hold office without fixed term, subject to the pleasure of the Chancellor. The Chancellor's actions regarding the Vice Chancellor

for Telecommunications and Information Technology are subject to review and approval by the Board.

10.2

Duties and Responsibilities.

The primary responsibilities of the Vice Chancellor for Telecommunications and Information Technology include:

- 10.21 The implementation of an infrastructure that will permit information technology to enhance the effectiveness of initiatives related to the basic missions of the U. T. System, including standards for creation, distribution, and storage of information.
- 10.22 The management of the U. T. System Network to include planned growth, standards, and operating procedures and the coordination of administrative videoconferencing.
- 10.23 The coordination of training workshops and seminars, activities related to a virtual university, purchase of System-wide software licenses, assessment of distance education effectiveness, and evaluation of pilot projects related to information technology.
- 10.24 The formation of a U. T. System information technology committee.
- 10.25 The performance of such other duties and responsibilities as may be assigned by the Chancellor.

In December 1994, the Chancellor established the U. T. System Office of Telecommunications and Information Technology to provide System-wide direction and coordination in those important areas.

To increase the visibility and importance of that office, the title for the head of that office was changed from Director to Vice Chancellor for Telecommunications and Information Technology. The change in title for this position, which was effective September 1, 1996, should enhance the ability of the U. T. System and its component institutions to develop, coordinate, and administer programs and activities related to telecommunications and information technology initiatives.

Dr. Mario J. Gonzalez is the first holder of this vice chancellor position.

2. U. T. System: Report of Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for June 1, 1996 Through August 31, 1996.--Vice Chancellor for Development and External Relations Perry reviewed the Summary of Gift Acceptance and Related Administrative Actions Conforming to Board Policy for The University of Texas System for the period June 1, 1996 through August 31, 1996, as set forth on Pages 28 - 32.

Vice Chancellor Perry reported that during this period 136 items conforming to Board policy were approved including the acceptance of \$10,192,846 in gifts and \$325,639 in Regents' Endowment Program matching contributions. Other matching contributions from previously accepted Board-held matching funds totalled \$1,054,166.

Mrs. Perry noted that this report includes only those funds which relate to endowments, estates, and other such funds which are managed by the U. T. System Office of Development and External Relations. The comprehensive report outlining private sector support for current programs and capital projects at the fifteen U. T. System components for the 1995-96 year is in the process of being compiled and will be available for distribution after the first of the year.

REPORT AND RECOMMENDATIONS OF THE BUSINESS AFFAIRS AND AUDIT COMMITTEE (Pages 83 - 127).--Committee Chairman Smiley reported that the Business Affairs and Audit Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Business Affairs and Audit Committee and approved in open session and without objection by the U. T. Board of Regents:

1. U. T. System: Approval of Chancellor's Docket No. 87 (Catalog Change).--Upon recommendation of the Business Affairs and Audit Committee, the Board approved Chancellor's Docket No. 87 in the form distributed by the Executive Secretary. It is attached following Page 268 in the official copies of the Minutes and is made a part of the record of this meeting.

It was expressly authorized that any contracts or other documents or instruments approved therein had been or shall be executed by the appropriate officials of the respective institution involved.

It was ordered that any item included in the Docket that normally is published in the institutional catalog be reflected in the next appropriate catalog published by the respective institution.

To avoid any appearance of a possible conflict of interest, Regent Deily was recorded as abstaining from any vote on Items 1 and 2 on Page G - 4 of The University of Texas Medical Branch at Galveston Docket related to contracts with Houston Lighting & Power Company.

2. U. T. Board of Regents - Regents' Rules and Regulations: Amendments to Part One, Chapter I (Board of Regents), and Part Two, Chapter VIII (Physical Plant Improvements), Chapter XI (Contract Administration), and Chapter XIII (Contracts and Grants for Sponsored Research) to Comply with Previous Board Actions Relating to the Delegation of Selected Contract Approval Authority to Designated U. T. System Administration and Component Officials.--The Board, upon recommendation of The University of Texas System Process Review Committee and the Business Affairs and Audit Committee, amended the Regents' Rules and

Regulations, Parts One and Two as set forth below to further implement actions approved by the Board at the May 1996 and August 29, 1996 meetings regarding delegation of selected contract approval authority to designated U. T. System Administration and component officials:

- a. Part One, Chapter I (Board of Regents), Section 9, Subsection 9.2, Subdivisions 9.22 and 9.23, relating to contracting authority, were amended to read as set forth below:

✓ 9.22 All contracts or agreements, including purchase orders and vouchers, with a cost or value of more than \$500,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda except the following, which do not require prior approval or ratification by the Executive Committee or the Board regardless of the contract amount:

- 9.221 Contracts, agreements, and documents relating to construction projects previously approved by the Board in the Capital Improvement Program and Capital Budget.
- 9.222 Contracts or grant proposals for sponsored research, including institutional support grants, that do not include a license for or conveyance of intellectual property owned or controlled by the Board.
- 9.223 Contracts or agreements for the purchase of replacement equipment.
- 9.224 Contracts or agreements for the purchase of routinely purchased supplies.
- 9.225 Purchases made under a group purchasing program.
- 9.226 Purchases of new equipment identified specifically in the institutional budget approved by the Board.

✓ 9.23 All contracts for consulting services for more than \$250,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda.

- b. Part One, Chapter I, Section 9, Subsection 9.2 was amended by adding Subdivision 9.29, relating to contracts or agreements with foreign entities, as follows:
- ✓ 9.29 All contracts and agreements of any kind or nature with a foreign government or agency thereof and all contracts and agreements for sponsored research with a corporation or other entity organized and operating under the laws of a foreign state must be approved by the Board via the docket or the agenda.
- c. Part Two, Chapter VIII (Physical Plant Improvements), Section 2, Subsection 2.2, Subdivision 2.23, relating to contracts for the services of a project architect or engineer for major projects, was amended to read as set forth below:
- 2.23 The Chancellor, on behalf of the Board, will utilize the services of a project architect or engineer for each Major Project or portion thereof as may be desirable or required by law. Contracts with architects and engineers shall comply with guidelines issued by the Office of General Counsel and shall be written on a standard form approved by the Office of General Counsel.
- d. Part Two, Chapter VIII, Section 3, Subsection 3.3, relating to contracts for professional services in connection with minor projects, was amended to read as follows:
- 3.3 Professional Services.--Subject to the provisions of Part One, Chapter I, Section 9 of these Rules and Regulations, each chief administrative officer is authorized to execute and deliver on behalf of the Board contracts and agreements with architects, engineers, and other professional service providers for Minor Projects previously approved in accordance with this Chapter. Contracts with architects and engineers shall comply with guidelines issued by the Office of General Counsel and shall be written on a standard form approved by the Office of General Counsel.

- e. Part Two, Chapter XI (Contract Administration), Section 2, Subsection 2.1, relating to delegation of contracting authority for small purchases, was amended to read as set forth below:

2.1 Small Purchase Programs.--The Board delegates to each chief administrative officer authority to implement, manage, and oversee a small purchase program to allow purchases of routine supplies, services, and equipment to be made by specified employees. A small purchase program shall not permit any purchase for more than \$5,000. The small purchase program shall provide appropriate oversight and include all procedures necessary to assure compliance with these Rules and Regulations and applicable laws.

- f. Part Two, Chapter XI, Section 3, Subsection 3.2, relating to authority to settle claims and disputes, was amended as set forth below:

3.2 Settlement of Disputes.--Except as provided in Subsection 3.3 of this Section, the Board delegates to the Vice Chancellor and General Counsel authority to execute and deliver on behalf of the Board agreements for legal services with outside counsel and agreements settling any claim, dispute, or litigation with a third party in the following amounts. The Vice Chancellor and General Counsel shall consult with the chief administrative officer and the appropriate Executive Vice Chancellor with regard to all significant settlements that will be paid out of institutional funds. The Vice Chancellor and General Counsel shall consult with the Office of Development and External Relations with respect to settlement of will contests and other matters relating to gifts and bequests administered by that Office.

<u>Amount</u>	<u>Additional Requirements</u>
\$150,000 or less	None
\$150,001 to \$300,000	Concurrence of the Chancellor or the appropriate Executive Vice Chancellor
\$300,001 to \$500,000	Concurrence of the Chairman of the Board
More than \$500,000	Concurrence of the Board of Regents, the Executive Committee, or the appropriate standing committee of the Board

g. Part Two, Chapter XI, Section 3 was amended by adding Subsection 3.3, regarding authority to settle claims and disputes relating to construction contracts, as follows:

3.3 Settlement of Claims and Disputes Relating to Construction Projects.--The Board delegates authority to execute all documents necessary or desirable to settle claims and disputes relating to construction projects to the System or component official designated in the construction contract to the extent funding for the project has been authorized in accordance with the provisions of Part Two, Chapter VIII of these Rules and Regulations.

h. Part Two, Chapter XIII (Contracts and Grants for Sponsored Research), Section 1, relating to delegation of contracting authority with respect to sponsored research and grant proposals, was amended to read as follows:

Sec. 1. Delegation of Authority.--Subject to the general provisions of Part One, Chapter I, Section 9, the Board delegates to each chief administrative officer authority to

execute and deliver on behalf of the Board contracts or grant proposals for sponsored research, other than agreements that grant to a third party an interest in intellectual property owned or controlled by the Board, which agreements must be processed as required by Part Two, Chapter XII, Subsection 9.1 of these Rules and Regulations. Funds shall not be encumbered or expended prior to execution of the contract or grant by the chief administrative officer. The chief administrative officer may require that the chief business officer or delegate approve the business aspects of contracts or grant proposals for sponsored research prior to execution.

- i. Part Two, Chapter XIII, Section 1, present Subsections 1.1 and 1.2, relating to intellectual property and foreign contracts, were deleted in their entirety.

The foregoing amendments contain substantive and minor editorial corrections for the record as summarized below:

- a. Regents' Rules and Regulations, Part One, Chapter I (Board of Regents) -- Clarifies the kinds of contracts and agreements that are not subject to the \$500,000 general limitation on delegated authority, specifies that contracts or grant proposals for sponsored research that do not include a license or grant of intellectual property are not subject to the \$500,000 general limitation on delegated authority, and clarifies that all contracts and agreements with foreign governments or entities must be approved by the Board via the docket or the agenda.
- b. Regents' Rules and Regulations, Part Two, Chapter VIII (Physical Plant Improvements) -- Clarifies that contracts for professional services in connection with construction projects must be on a standard form approved by the Office of General Counsel and conform to guidelines issued by the Office of General Counsel.

- c. Regents' Rules and Regulations, Part Two, Chapter XI (Contract Administration) -- Delegates authority to each chief administrative officer to implement, manage, and oversee a small purchase program to allow purchases of routine supplies, services, and equipment up to \$5,000 to be made by specified employees, deletes the requirement that foreign contracts be approved by the Board, which requirement is now found in the general provisions relating to delegation of contracting authority in Part One, Chapter I, Section 9 of the Regents' Rules and Regulations, and specifies that authority to settle claims and disputes relating to construction projects will be as provided in the construction contract. The authority to implement a small purchase program is in addition to the general authority to execute and deliver contracts subject to the limitations of Part One, Chapter I, Section 9 of the Regents' Rules and Regulations.
- d. Regents' Rules and Regulations, Part Two, Chapter XIII (Contracts and Grants for Sponsored Research) -- Clarifies delegation of authority to execute certain sponsored research agreements and grant proposals and deletes the requirement that foreign contracts be approved by the Board, which requirement is now found in the general provisions relating to delegation of contracting authority in Part One, Chapter I, Section 9 of the Regents' Rules and Regulations.
3. U. T. System: Approval of Bank Card Services Agreement Between the U. T. Board of Regents and National Data Payment Systems, Atlanta, Georgia, Effective January 1, 1997, and Authorization for the Chancellor to Execute the Agreement.--Pursuant to Part One, Chapter I, Section 9, Subsection 9.2, Subdivision 9.22 of the Regents' Rules and Regulations, contracts in excess of \$500,000 must be approved by the U. T. Board of Regents. The current contract for bank card processing with NationsBank (now Unified Merchant Services) expired March 1, 1996, and was renewed through January 1, 1997, to allow time to request proposals for the services.

REPORT AND RECOMMENDATIONS OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 128 - 145).--Committee Chairman Lebermann reported that the Academic Affairs Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Academic Affairs Committee and approved in open session and without objection by the U. T. Board of Regents:

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter III, Section 6, Subsections 6.2 and 6.3 (Tenure, Promotion, and Termination of Employment).--Committee Chairman Lebermann called on Chancellor Cunningham to provide background information on the proposed amendments to the Regents' Rules and Regulations, Part One, Chapter III, Section 6 related to tenure, promotion, and termination of employment within The University of Texas System.

Chancellor Cunningham reported that the proposed amendments to Subsection 6.3 related to tenure, promotion, and termination of employment deal specifically with the manner of selection of peer faculty members for a special hearing tribunal to hear charges against a tenured faculty member or certain tenure-track faculty members being considered for termination by the component institution and codify the procedure to be followed prior to a determination that good cause exists for termination. He noted that the changes refine current policies, are in no way a finding that the current provisions of the Regents' Rules and Regulations are unlawful or unfair, and are, in part, a response to a June 1995 resolution from the U. T. System Faculty Advisory Council concerning tribunal selection and a November 1995 resolution recommending changes to the termination procedures.

Noting there had been much debate about the proposal, Dr. Cunningham recommended that the item as set forth in the Material Supporting the Agenda be amended to reflect the addition of the following sentence at the end of Subdivision 6.33 of Subsection 6.3:

A minimum of one member of a hearing tribunal appointed by a chief administrative officer is to be from among panel members selected by the faculty input, existent faculty committee or faculty governance procedure.

Dr. Cunningham then recognized Dr. Alan Cline, David Bruton, Jr. Professor of Computer Sciences at The University of Texas at Austin and Chair of The University of Texas System Faculty Advisory Council, who had requested permission to speak to the Board on the issue of panel selection.

Dr. Cline reported that he would specifically address the proposed amendments to Subdivision 6.33 which provide guidelines for the selection of a panel of potential hearing tribunal members and directed the attention of the members of the Board to a document entitled "Four Policies for Tribunal Selection," which is set forth on Page 130.

Four Policies for Tribunal Selection

Current Regents' Rules:

A special hearing tribunal whose membership shall be appointed by the chief administrative officer from members of the faculty whose academic rank is at least equal to that of the accused faculty member.

Proposal by System Administration:

...a special hearing tribunal of at least three persons whose academic rank is at least equal to that of the accused faculty member. At least 50% of the panel members from which the hearing tribunal members are appointed shall be selected by a procedure established by the faculty governance organization, selected by an existing faculty committee with oversight for university-wide faculty committee selection, or selected through an approved process designed to provide appropriate faculty input into the selection. The remaining members of the panel shall be appointed by the chief administrative officer.

Proposal by System Faculty Advisory Council:

...a special hearing tribunal of at least three persons whose academic rank is at least equal to that of the accused faculty member. The hearing tribunal members are appointed by the chief administrative officer from a standing panel (pool) of members of the faculty. The panel members from which the tribunal members are selected shall be selected by a procedure that assures that each panel member has the approval of both the chief administrative officer and the faculty governance organization, or, absent a faculty governance organization, an existing faculty committee with oversight for university-wide faculty committee selection .

Policy of UT Austin:

The panel shall consist of 5 faculty members drawn at random from those faculty members in the pool whose academic rank is at least equal to that of the aggrieved faculty member... . The pool shall be constituted in the following manner:

1. Each member of the Faculty Senate shall appoint a hearing officer to serve for the period of the Senator's term
2. the President may appoint 10 additional hearing officers each year to serve two-year terms.

Dr. Cline stated that the U. T. System Administration proposal related to panel selection should be changed and urged the Board to substitute the U. T. System Faculty Advisory Council proposal set out in the document "Four Policies for Tribunal Selection."

Dr. Cunningham pointed out that the recommended language in Subdivision 6.33 provides for faculty involvement in the panel selection and insures that at least one member of any hearing tribunal will be chosen from the panel members selected by the procedures requiring at least 50% of the panel to be selected (1) by a procedure established by the faculty governance organization, (2) by an existing faculty committee with oversight for university-wide faculty committee selection, or (3) through an approved process designed to provide appropriate faculty input. The Faculty Advisory Council would prefer that the hearing panel be composed entirely of faculty agreed to by the faculty and the chief administrative officer.

Following a detailed discussion and upon recommendation of the Academic Affairs and Health Affairs Committees, Regent Temple moved that the Board adopt the proposed amendments to the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsections 6.2 and 6.3 to include the additional amendment to Subdivision 6.33 as recommended by Chancellor Cunningham. Regent Evans seconded the motion and the Board unanimously amended the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsections 6.2 and 6.3 to read as set forth below:

Sec. 6. Tenure, Promotion, and Termination of Employment.

. . .

- 6.2 Tenure denotes a status of continuing appointment as a member of the faculty at a component institution. Except for the title Regental Professor, only members of the faculty with the academic titles of Professor, Associate Professor, or Assistant Professor or, at U. T. Brownsville, with the additional technical titles of Master Technical Instructor, Associate Master Technical Instructor, or Assistant Master Technical Instructor may be granted tenure. Tenure may be granted at the time of appointment to any of such academic

ranks, or tenure may be withheld pending satisfactory completion of a probationary period of faculty service; however, such tenure status shall not be applicable to the faculty of The University of Texas M.D. Anderson Cancer Center.

The University of Texas M.D. Anderson Cancer Center is authorized to award a seven-year term appointment which will denote a status of continuing appointment at that institution as a member of the faculty for a period of seven years. Only members of the faculty with academic titles of Professor, Associate Professor, or Assistant Professor may be granted a seven-year term appointment. A seven-year term appointment may be granted at the time of appointment to any of such academic rank or may be withheld pending satisfactory completion of a probationary period of faculty service.

. . . .

6.3 Termination by an institution of the employment of a faculty member who has been granted tenure and of all other faculty members before the expiration of the stated period of appointment, except as is otherwise provided in Subdivision 6.26 and Subsections 6.(11) and 6.(12) or by resignation or retirement, will be only for good cause shown. In each case the issue will be determined according to the equitable procedures provided in this Subsection.

6.31 The chief administrative officer shall assure that all allegations against a faculty member that involve the potential for termination are reviewed under the direction of the chief academic officer unless another officer is designated by the chief administrative officer. The faculty member who is the subject of the allegations shall be given an opportunity to be interviewed prior to a determination by the chief academic officer whether the allegations are supported by evidence that constitutes good cause for termination. The chief academic officer will recommend

- to the chief administrative officer whether to proceed with charges for termination. A faculty member under review for matters that may result in charges for termination may file a grievance pursuant to a faculty grievance procedure only if the subject of the grievance is not involved in the review. A pending grievance may proceed only if it does not involve a subject under review.
- 6.32 If the chief administrative officer determines that the allegations are supported by evidence that constitutes good cause for termination, the chief administrative officer will meet with the faculty member, explain the allegations and supporting evidence, and give the faculty member a reasonable amount of time, as determined by the chief administrative officer, to respond either orally or in writing. In cases of incompetency or gross immorality, where the facts are admitted, or in the case of a felony conviction, the hearing procedures of Subdivision 6.33 shall not apply and dismissal by the chief administrative officer will follow.
- 6.33 In cases where other offenses are charged, and in all cases where the facts are in dispute, the accused faculty member will be informed in writing of the charges. If the chief administrative officer determines that the nature of the charges and the evidence are such that it is in the best interest of the institution, the accused faculty member may be suspended with pay pending the completion of the hearing and final decision by the Board. On reasonable notice, the charges will be heard by a special hearing tribunal of at least three faculty members. The academic rank of each member of the tribunal must be at least equal to that of the accused faculty member. The notice will specify the date, time, and place for the hearing and will specify the names of the faculty members appointed to the hearing tribunal.

The hearing tribunal members are appointed by the chief administrative officer from a standing panel (pool) of members of the faculty. At least 50% of the panel members from which the hearing tribunal members are appointed shall be selected by a procedure established by the faculty governance organization, selected by an existing faculty committee with oversight for university-wide faculty committee selection, or selected through an approved process designed to provide appropriate faculty input into the selection. The remaining members of the panel shall be appointed by the chief administrative officer. A minimum of one member of a hearing tribunal appointed by a chief administrative officer is to be from among panel members selected by the faculty input, existent faculty committee or faculty governance procedure.

6.331 In every such hearing the accused faculty member will have the right to appear in person and by counsel of the accused's selection and to confront and cross-examine witnesses who may appear. If the accused faculty member is represented by counsel, the institution is entitled to be represented by counsel from the Office of General Counsel.

6.332 The accused faculty member shall have the right to testify, but may not be required to do so, and may introduce in his or her behalf all evidence, written or oral, which may be relevant and material to the charges.

6.333 A stenographic or electronic record of the proceedings will be taken and filed with the Board, and such record shall be made accessible to the accused.

- 6.334 A representative of the institution may appear before the hearing tribunal to present witnesses and evidence in support of the charge against such faculty member, and such institutional representatives shall have the right to cross-examine the accused faculty member (if the faculty member testifies) and the witnesses offered on behalf of the faculty member. The institution has the burden to prove good cause for termination by the greater weight of the credible evidence.
- 6.335 The hearing tribunal shall not include any accuser of the faculty member. If the accused faculty member is not satisfied with the fairness or objectivity of any member or members of the hearing tribunal, the faculty member may challenge the alleged lack of fairness or objectivity, but any such challenge must be made in writing to the hearing tribunal at least three (3) week days prior to the date for the hearing. The accused faculty member shall have no right to disqualify any member or members from serving on the tribunal. It shall be up to each challenged member to determine whether he or she can serve with fairness and objectivity in the matter, and if any challenged member should voluntarily disqualify himself or herself, the chief administrative officer shall appoint a substitute member of the tribunal from the panel described in Subdivision 6.33.

- 6.336 The hearing tribunal, by a majority of the total membership, will make written findings on the material facts and a recommendation of the continuance or termination of the accused faculty member. The hearing tribunal, by a majority of its total membership, may make any supplementary suggestions it deems proper concerning the disposal of the case. The original of such findings and the recommendation, with any supplementary suggestions, shall be delivered to the Board and a copy to the accused. If minority findings, recommendations, or suggestions are made, they shall be similarly treated. The original transcript of the testimony and the exhibits shall also be forwarded to the Board.
- 6.34 The Board, by a majority of the total membership, will approve, reject, or amend such findings, recommendations, and suggestions, if any, or will recommit the report to the same tribunal for hearing additional evidence and reconsidering its findings, recommendations, and suggestions, if any. Reasons for approval, rejection, or amendment of such findings, recommendations, or suggestions will be stated in writing and communicated to the accused.
- 6.35 Tenure-track faculty members who are notified in accordance with Subsection 6.7 that they will not be reappointed or who are notified in accordance with Subdivision 6.23 or Subsections 6.7 or 6.8 that the subsequent academic year will be the terminal year of appointment shall not be entitled to a statement of the reasons upon which the decision for such action is based. Such a decision shall be subject to review under this Subdivision only to determine whether the decision was made for reasons that are unlawful under the

laws or Constitution of this state or the United States. A review under this Subdivision may be granted only in those cases where the affected faculty member submits a written request for a review to the chief administrative officer that describes in detail the facts relied upon to prove that the decision was made for unlawful reasons. If the chief administrative officer determines that the alleged facts, if proven by credible evidence, support a conclusion that the decision was made for unlawful reasons, such allegations shall be heard under the procedures in Subsection 6.3 as in the case of dismissal for cause, with the following exceptions:

- (1) the burden of proof is upon the affected faculty member to establish by the greater weight of the credible evidence that the decision in question was made for reasons that are unlawful under the laws or Constitution of this state or the United States;
- (2) the administration of the institution need not state the reasons for the questioned decision or offer evidence in support thereof unless the affected faculty member presents credible evidence that, if unchallenged, proves the decision was made for unlawful reasons;
- (3) the hearing tribunal shall make written findings and recommendations based on the evidence presented at the hearing and shall forward such findings and recommendations with the transcript and exhibits from the hearing to the chief administrative officer;
- (4) the chief administrative officer may approve, reject, or amend the recommendations of the hearing tribunal or may reach different conclusions based upon the record of the hearing. The decision of the chief administrative officer shall be final.

.

The change to the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsection 6.2 deletes language related to term tenure at The University of Texas of the Permian Basin since there are no longer any faculty members on term-tenure appointments at U. T. Permian Basin and the language is inoperative.

Additional substantive changes to Subsection 6.3 are summarized below:

- a. Subdivision 6.31 - provides a general framework for the review of allegations prior to the decision to recommend a hearing on charges and includes a specific requirement that the faculty member under review be allowed an opportunity for interview by the chief academic officer prior to the chief academic officer's determination that there is evidence to support the allegations. New language clarifies existing practice related to the appropriate interplay between the grievance process and an ongoing review or termination proceeding.
- b. Subdivision 6.32 - makes clear that if the chief administrative officer finds that good cause exists to initiate charges, the faculty member is to be given an opportunity to respond to the findings and also consolidates current language to effect that the formal hearing process is not required when the facts are admitted or the faculty member has been finally convicted of a felony offense.
- c. Subdivision 6.33 - rearranges existing language on interim suspension with pay and provides guidelines for the selection of a panel of potential hearing tribunal members. The language provides for faculty involvement in the panel selection but retains presidential prerogative for hearing tribunal appointment and leaves the issue of appropriate academic rank for the panel members as an institutional decision. The Faculty Advisory Council would prefer the panel be selected by faculty or its composition be agreed to by faculty and administration.
- d. Subparagraph 6.334 - specifically references the burden of proof in a termination proceeding which, as under current practice, is upon the institution.
- e. Subdivision 6.35 - includes minor amendments to make clear that the notice provisions referenced are only applicable to nontenured faculty on tenure-track.

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval to Amend Chapter VI, Section 6, Subsection 6.(11) (Use of Property, Buildings, or Facilities for Filming Motion Pictures or Television Productions).-- In order to implement suggestions recently received from the Texas Film Commission, the Academic Affairs and Health Affairs Committees recommended and the Board amended the Regents' Rules and Regulations, Part One, Chapter VI, Section 6, Subsection 6.(11), regarding use of property, buildings, or facilities of The University of Texas System for filming motion pictures or television productions, to read as follows:

Sec. 6. Use of University Facilities.

6.(11) Use of Property, Buildings, or Facilities for Filming Motion Pictures or Television Productions.--The chief administrative officer of the U. T. System or a component institution or his or her delegate may authorize the use of property, buildings, or facilities owned or controlled by the U. T. System or component institution for filming motion pictures or television productions under a written agreement approved pursuant to U. T. System procedures. Requests to film a motion picture or television production will be reviewed and considered on a case by case basis and, subject to the provisions of this Subsection, it shall be within the discretion of the chief administrative officer or his or her delegate to determine whether to grant the request. The safety of students, faculty, and staff; the potential for damage to buildings, facilities, or property and for disruption of administrative or academic programs or other scheduled activities; and the subject matter of the film shall be of primary consideration in determining whether to grant a filming request.

- 6.(11)1 The chief administrative officer or his or her delegate will be responsible for assuring that scheduled time(s) and location(s) for filming do not interfere with administrative and academic programs or other scheduled activities of the U. T. System or component institution.
- 6.(11)2 The U. T. System or a component institution shall not be identified as the filming location in the film credits or in any media advertising for the film. The film may not include any building, statue, fountain, facility, mark, symbol, or logo that identifies the U. T. System or a component institution as the filming location. This prohibition shall not apply to the filming of an approved script that relates to the life and accomplishments of a present or former officer or employee of the U. T. System or of the component institution at which the script is filmed.
- 6.(11)3 The script for the motion picture or television production must be approved by the chief administrative officer or his or her delegate.
- 6.(11)4 The production company must identify the persons or entities with an interest in the company.
- 6.(11)5 The production company must provide a policy of comprehensive general liability and property damage insurance issued by a company authorized to do business in the State of Texas naming the Board of Regents, the U. T. System, the component institution, and the officers and employees of each as additional insureds,

providing coverage for bodily injury and death of persons and damage to property that result directly or indirectly from the negligent or intentional act or omission of, or from the use or condition of any property, equipment, machinery, or vehicle used, operated, or controlled by, the production company or its officers, employees, agents, or subcontractors while on property owned or controlled by the U. T. System or a component institution. The limits of coverage shall be determined by the chief administrative officer or his or her delegate on the basis of the nature and extent of the activities to be conducted by the production company and the property, buildings, or facilities to be utilized. In no event shall the limits of liability for each occurrence be less than two million dollars (\$2,000,000.00) for bodily injury or death of a person and one million dollars (\$1,000,000.00) for property damage.

- 6.(11)6 A use fee will be established in each case based upon the nature and extent of the activities of the production company and the U. T. System or component institution property, buildings, facilities, personnel, and services that are required to accommodate such activities. The use fee must be paid in advance by a certified or cashier's check made payable to the U. T. System or component institution. If the production company cancels a scheduled use,

the deposit, less any expense incurred by the U. T. System or component institution in preparation for such use, will be refunded.

Subdivision 6.(11)4 of the Regents' Rules and Regulations, Part One, Chapter VI, Section 6, was amended to delete the requirement that the production company be in operation for three years. The Texas Film Commission advises that a new production company is often formed for each project.

At the Texas Film Commission's suggestion, Subdivision 6.(11)5 was amended to reduce the minimum required liability insurance from \$5.0 million to \$2.0 million for bodily injury or death. This change impacts the minimum requirement only; additional coverage may be required as appropriate for the nature of the project.

3. U. T. Austin: Repeal of Bowl Game Policy.--The Board repealed the Regental Bowl Game Policy for The University of Texas at Austin and authorized acceptance of bowl game invitations by the chief administrative officer of a general academic component institution following review and approval of the proposed bowl game budget by the Executive Vice Chancellor for Academic Affairs and the Executive Vice Chancellor for Business Affairs.

The existing policy, which was adopted in October 1962 and amended in part at the February 1982 meeting of the U. T. Board of Regents, is very outdated and has been replaced in practice for the last three U. T. Austin bowl games by prior approval of proposed bowl game budgets by the Executive Vice Chancellor for Academic Affairs and coverage of compensation issues by individual contracts and institutional policy.

Each institution will adopt Handbook of Operating Procedures provisions to implement this policy requirement. Final bowl budgets will be ratified by the U. T. Board of Regents via institutional budget approvals.

REPORT AND RECOMMENDATIONS OF THE FACILITIES PLANNING AND CONSTRUCTION COMMITTEE (Pages 241 - 259).--Committee Chairman Temple reported that the Facilities Planning and Construction Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, all actions set forth in the Minute Orders which follow were recommended by the Facilities Planning and Construction Committee and approved in open session and without objection by the U. T. Board of Regents:

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VIII, Section 1 (Naming of Buildings and Other Facilities).--Committee Chairman Temple called on Regent Lebermann, Chairman of The University of Texas System Process Review Committee, to summarize the proposed changes to the Regents' Rules and Regulations related to the naming of buildings and other facilities within the U. T. System.

Regent Lebermann reported that following an extensive review of the policies for the naming of buildings and other facilities at numerous universities in the United States and a review of existing institutional policies within the U. T. System, it was determined that the current Section 1 of Chapter VIII of Part One of the Regents' Rules and Regulations should be deleted in its entirety and a new Section 1 developed accordingly. Mr. Lebermann emphasized that the recommended amendments provided a framework within which each of the components could develop operational policies appropriate to the needs and resources of that campus.

Upon recommendation of the U. T. System Process Review Committee and the Business Affairs and Audit Committee, the Board amended the Regents' Rules and Regulations, Part One, Chapter VIII by deleting present Section 1, relating to the naming of buildings and other facilities, in its entirety and substituting the following in lieu thereof:

✓
Sec. 1. Naming of Buildings and Other Facilities.

- 1.1 The naming of buildings and other facilities, such as laboratories, classrooms, seminar rooms, auditoria, concert halls, clinics, and patient rooms of the U. T. System and its

component institutions, whether for an individual or with a functional or historical designation, is the prerogative and responsibility of the Board of Regents and can be initiated by the Board when circumstances warrant. When recommendations for naming of buildings or other facilities originate at other than the level of the Board, such recommendations shall be forwarded to the Board of Regents with recommendations of the Chancellor, appropriate Executive Vice Chancellor, and appropriate chief administrative officer, accompanied by reasons for the recommendation, and campus consultations where appropriate. Recommendations for naming of buildings require Board of Regents' approval via the agenda. Recommendations for naming of other facilities shall be submitted for Regental approval via the docket.

- 1.2 Buildings and other facilities may be named to memorialize or otherwise recognize substantial gifts and significant donors, individuals designated by donors, or individuals who have made exemplary or meritorious contributions to the System, component institution, or society. Such designation may be for a single gift, multiple gifts over time, or for a combination of gifts and other contributions.
- 1.3 Each component institution will develop guidelines for what constitutes substantial and significant donations to warrant a building name. These guidelines may vary from campus to campus and sometimes within a campus dependent upon the nature and purpose of the building or other factors. Institutional donor guidelines are subject to prior administrative review and approval procedures for inclusion in the institutional Handbook of Operating Procedures. Exceptions to any approved guidelines are subject to the same approval process.

- 1.4 The naming of buildings and other facilities in honor of campus administrative officials, faculty, or staff or elected or appointed public officials shall normally occur only after the campus employment or public service has concluded.
- 1.5 When the naming of buildings or other facilities is contemplated as part of a special private-fund development campaign, that campaign, the buildings to be named, and the associated private-fund contributions to be sought shall have prior approval of the appropriate Executive Vice Chancellor, the Chancellor, and the Board as required in Part One, Chapter VII, Section 2, Subdivision 2.44 of the Regents' Rules and Regulations. Recommendations by the Chancellor, appropriate Executive Vice Chancellor, and chief administrative officer regarding the naming of each building or facility included in a fund development campaign shall be submitted to the Board of Regents for approval as set forth in Subsection 1.1 above.
- 1.6 The Chancellor will arrange for the Board of Regents to be briefed periodically by component chief administrative officers and System administrative officials via the annual budget process or other appropriate forum regarding buildings to be named and the private-fund contributions to be sought. Unexpected naming opportunities not covered in such briefings should be reviewed with the Board via regular Board of Regents' briefings. No commitment regarding the naming of a building or facility is to be made prior to the briefings and approvals required by this Section.

RECONVENE.--At 4:00 p.m., the Board reconvened as a committee of the whole to consider those items remaining on the agenda.

REPORT OF SPECIAL COMMITTEE

11/14/96
m.o.

U. T. Board of Regents: Report of Special Committee on Minorities and Women and Approval of Amendments to the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsection 6.2, Subdivision 6.24 to Provide for the Extension of the Tenure-Track Probationary Period Under Certain Limited Circumstances.--At the request of Chairman Rapoport, Regent Holmes, Chairman of the Special Committee on Minorities and Women, submitted the following report on behalf of that Committee:

Report

The Special Committee on Minorities and Women, composed of Regents Smiley, Evans, and myself with Chairman Rapoport as an ex officio member, held a briefing session on October 8, 1996, in Austin. We were joined in that session by Chancellor Cunningham, Executive Vice Chancellors Duncan and Burck, Vice Chancellor Perry, and several System administrators who have been serving as staff to the Committee.

The briefing session concerned two areas of special interest to the Committee.

The first area of interest related to a working draft of a salary study for component institutions of The University of Texas System. The draft includes a narrative summary, as well as statistical information. Each component draft includes a salary comparison, by ethnicity and gender, for executive, administrative, and managerial staff, and for tenured, tenure-track, and nontenured faculty by colleges, schools, and departments. The data is a salary "snapshot" of the U. T. System taken on April 30, 1996.

The Committee was gratified by the expressions of commitment by U. T. System components to advancing the status of minorities and women. Programs and activities currently in place at U. T. components which will enhance the numbers and positions of minorities and women at the executive, administrative, and managerial levels include some of the following:

- Searching diligently for qualified minorities and women to serve in higher levels of University administration by conducting the broadest possible search efforts
- Including minorities and women in the employee screening process
- Offering professional development programs designed to assist minorities and women who wish to advance
- Striving to maintain competitive salaries with the private industry labor market
- Making salary equity adjustments when possible and appropriate
- Identifying campus and community factors that negatively or positively affect the recruitment of underrepresented staff and, when appropriate, making recommendations or taking action for improvement.

With regard to faculty, salaries continue to be carefully monitored on a regular basis. Some of the disparities which seem to exist between the salaries of males and females may be a function of the following:

- Many white males have been in their positions longer than minorities and women in comparable positions
- Market rates are different for various academic disciplines.

Some of the issues that have an impact on minority and female faculty members are outlined as follows:

- The pipeline for minorities remains almost constant with African-Americans and Hispanics accounting for approximately 5% or less of the national total of doctoral, law, and medical degrees awarded each year
- Demographic issues at some U. T. components, such as inadequate social/cultural life for minorities and lack of ethnic diversity in the area, are a concern
- Science, engineering, and computer science disciplines do not have a large minority or female representation. (Nationally, very few minorities receive doctorates in science and engineering.)
- Engineering and computer science professions pay more in private industry, thereby making it difficult to attract and retain well-qualified minorities and women
- Some U. T. components compete with institutions with stronger national reputations for the limited number of well-qualified minorities and women
- Some faculty in the health components experience apprehension over job security due to the continuing changes in the health-care industry
- Outstanding minority and female faculty members have a number of available employment options to consider.

Although the recruitment, employment, and retention of qualified minorities and women is not yet at the level throughout the U. T. System where we would like it to be, the draft data reflects encouraging trends and helps to identify areas where additional study and emphasis may be appropriate. Chancellor Cunningham

has asked the chief administrative officers of each of the component institutions to review the draft information in some detail and to forward comments to him. Additional information will be shared with the Committee at its next briefing.

The second area of interest at our Committee briefing was a status report on the topics which are being addressed in the report of the System-wide Committee on the Advancement of Women. While this Committee was appointed by Chancellor Cunningham and will direct its final report to him, Dr. Cunningham and I have agreed that Vice Provost Patricia Ohlendorf of The University of Texas at Austin, who is Chair of that Committee, should bring a preliminary report to the Board at this time. Mr. Chairman, following Ms. Ohlendorf's presentation, I will have a motion to suggest for consideration by the Board.

Vice Provost Ohlendorf summarized the activities of the Committee on the Advancement of Women and reported that the Committee is preparing its report for submission to the Chancellor in the near future. She noted that the Committee has focused on issues which included:

- A review of institutional programs to increase the number of women preparing for academic careers
- An analysis of data regarding salaries for women faculty and administrators
- A monitoring of issues of concern to women in higher education
- The recruitment and retention of qualified women in faculty and senior administrative positions and recommended methods of professional advancement.

Executive Secretary's Note: Vice Provost Ohlendorf's report to the Board was recorded and is on file in the Office of the Board of Regents.

Ms. Ohlendorf noted that the U. T. System Committee on the Advancement of Women strongly recommends that a policy be approved that would allow extension of the maximum probationary period for tenure-track faculty when certain personal circumstances have the potential to negatively impact a faculty member's progress toward a recommendation for the award of tenure.

Following Ms. Ohlendorf's presentation and on behalf of the Board, Regent Holmes expressed appreciation to her and the Committee for their important contribution.

Vice-Chairman Smiley offered her personal thanks to Vice Provost Ohlendorf, the Committee on the Advancement of Women, and the chief administrative officers for their diligent efforts to develop approaches which will advance the fundamental principles of equality and fairness throughout the U. T. System.

Regent Holmes then directed the Board's attention to the proposed recommendation, which was on yellow paper and which was distributed in advance of the meeting, that the Regents' Rules and Regulations related to tenure be amended to provide for the extension of the tenure-track probationary period under certain limited conditions.

Chancellor Cunningham noted that the proposed amendments to the Regents' Rules and Regulations had been reviewed by the chief administrative officers, and, while there was some concern about the breadth of the reasons for an extension and the possibility that such extensions may be perceived as a right rather than a privilege, there was general support for the authority to establish institutional policies permitting such extensions when, in the judgment of the chief academic officer, they are justified.

Dr. Cunningham pointed out that several of the Committee's recommendations that provide suggested detail for institutional policy are not included in the proposed amendments to the Regents' Rules and Regulations. For example, current Regents' Rules and Regulations authorize a "tolling" of the maximum probationary period for any year in which the faculty member is not in full-time academic service. Thus, it was not necessary to include a portion of the Committee's recommendation that military service be listed as a reason for extension. The recommendation that each department chair or unit head be required to provide a copy of institutional policy to all faculty annually has been replaced with language that the policy will be publicized. The recommended requirement concerning a specific appeals procedure for denied requests was considered best addressed in institutional policy or handled through existing appeal procedures.

Upon motion of Regent Holmes, seconded by Vice-Chairman Smiley and Regent Evans, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsection 6.2, Subdivision 6.24, to provide for the extension of the tenure-track probationary period under certain limited circumstances, to read as set forth below:

Sec. 6. Tenure, Promotion, and Termination of Employment.

. . . .

6.2

✓ 6.24 For purposes of calculating the period of probationary service, an "academic year" shall be the period from September 1 through the following August 31.

6.241 If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the following September 1 shall not be counted as academic service toward fulfillment of the maximum probationary period. One year of probationary service is accrued by at least nine months full-time academic service during any academic year. A faculty member shall be considered to be on full-time academic service when in full compliance with Regental standards pertaining to minimum faculty workloads at general academic institutions or when in compliance with the academic service standard in the Handbook of Operating Procedures of any health-related institution.

6.242 Each component institution with tenured faculty will establish and appropriately communicate a policy for the extension of the maximum probationary period and include the policy in the

institutional Handbook of Operating Procedures following the standard review and approval process. In the case of U. T. M.D. Anderson Cancer Center, the institution may establish a policy that allows the extension of a term-tenure appointment consistent with these guidelines and the term-tenure policy. Institutional policies are to be consistent with the following guidelines:

- (a) A faculty member who determines that certain personal circumstances may impede his or her progress toward achieving demonstration of eligibility for recommendation of award of tenure may make a written request for extension specifying the reason(s) for the requested extension. Personal circumstances that may justify the extension include, but are not restricted to, disability or illness of the faculty member; status of the faculty member as a principal caregiver of a preschool child; or status of the faculty member as a principal caregiver of a disabled, elderly, or ill member of the family of the faculty member. It is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted.

- (b) The request for extension shall be limited to one academic year. A request for an additional academic year's extension will follow the established request process, with the maximum duration of extension, whether consecutive or nonconsecutive, to be two academic years.
- (c) Normally, requests for extension must be made in advance of the academic year or semester for which the extension is desired and may be made no later than three months prior to the deadline for initiation of the mandatory review process to determine recommended award of tenure or notice as provided under Subsection 6.7 of these Rules that the next year will be the faculty member's terminal year of appointment.
- (d) The decision regarding the request shall be made by the chief academic officer of the institution, upon recommendation of the department chair and the dean, within a reasonable period of time and in a manner specified by institutional policy.

. . . .

It was noted that, based on the recommendation of President Mendelsohn, the amendment makes clear that it could also be applicable to the term-tenure faculty at The University of Texas M.D. Anderson Cancer Center upon the implementation of appropriate institutional policy to extend the maximum length of a term-tenure appointment at that institution.

T. B. W. Board of Regents

OFFICE OF THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM
201 WEST SEVENTH STREET, AUSTIN, TEXAS 78701-2981
(512) 499-4402

MEMORANDUM

September 20, 1996

TO: Those Who Receive RRR Amendments (List Attached)
FROM: Art Dilly *AD*
SUBJECT: Regents' Rules and Regulations, Part One - Amendments

Please update your copy of the Regents' Rules and Regulations, Part One by destroying the pages listed in Column "A" and substituting in lieu thereof the pages listed in Column "B":

"A"	"B"
Cover Page	Cover Page
Pages i, ii, and iii	Pages i, ii, and iii
Pages I-8, I-24, and I-25	Pages I-8 and I-24 through I-27
Pages II-7, II-8, II-11, II-12, and II-15 through II-17	Pages II-7, II-8, II-11, II-12, and II-15 through II-17
Pages III-21 and III-45	Pages III-21 and III-45 through III-49

The amendments approved at the August 8, 1996 and August 29, 1996 meetings of the U. T. Board of Regents, as well as editorial amendments, have been incorporated on the revised pages.

AD/cf

Enclosures

March 28, 1996

Distribution List for Official Copies of
Regents' Rules and Regulations

Board of Regents	9
Office of the Board of Regents	3
Legislative Budget Board	1
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State Auditor - U. T. Austin Representative	1
Legislative Reference Library	1
System Administration	8
Chancellor	
Executive Vice Chancellor for Academic Affairs	
Executive Vice Chancellor for Health Affairs	
Executive Vice Chancellor for Business Affairs	
Executive Assistant to the Chancellor	
Vice Chancellor and General Counsel	
Vice Chancellor for Governmental Relations	
Vice Chancellor for Development and External Relations	
Chief Administrative Officers of Component Institutions	15
Mr. Thomas G. Ricks	1
President and Chief Executive Officer UTIMCO	
Chief of Staff, Office of the Chancellor, Texas A&M University System (Lancaster)	<u>1</u>
TOTAL	42

NOTE: See July 6, 1988 letter from Coordinating Board which requests that only those amendments related to (1) academic work load and (2) faculty development leaves be sent to that office.

Addresses of State Officials Who Receive Copies
of the Regents' Rules and Regulations

Governor's Budget and Planning Office
711 Sam Houston Building
Austin, Texas 78711
INTERAGENCY MAIL

Mr. John Keel
Director, Legislative Budget Board
Second Floor, Room 207A, Capitol
Austin, Texas 78711
INTERAGENCY MAIL

State Auditor's Office
Two Commodore Plaza
206 East 9th Street
Suite 1900
Austin, Texas 78701
INTERAGENCY MAIL

Ms. Sally Reynolds
Director
Legislative Reference Library
Room 207-B, Capitol Building
Austin, Texas 78711
INTERAGENCY MAIL

Publications Clearing House
Room 307, Archives Building
Texas State Library
Austin, Texas 78711
INTERAGENCY MAIL

Dr. Kenneth H. Ashworth
Commissioner, Texas Higher
Education Coordinating Board
7745 Chevy Chase Drive, Building 5
Austin, Texas 78752
INTERAGENCY MAIL

(NOTE: Send only when there are
amendments related to (1) academic
work load or (2) faculty development
leaves.)

Mr. Thomas G. Ricks
President and Chief Executive Officer
The University of Texas Investment Management Co.
CTJ Hall

Mr. W. C. Lancaster
Chief of Staff
Office of the Chancellor
The Texas A&M University System
College Station, Texas 77843-1117

August 29, 1996

RULES AND REGULATIONS
OF THE
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM
FOR THE GOVERNMENT OF
THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

Part One was completely reissued as of June 1, 1988.
(Substantive amendments through August 29, 1996,
and editorial amendments through September 1996
have been issued with this cover sheet.)

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- the Board, and, if confirmed, the appointment shall stand until the time for appointment of Chairmen of the standing committees as provided in Subdivision 7.113 of this chapter.
- 7.13 Authority of Standing Committees.--The authority of standing committees of the Board shall be subject to action of the whole Board. Except as provided in Subdivision 7.14 of this Section, the committees' actions must be ratified by the Board before they shall become effective.
- 7.14 Duties of the Executive Committee.--Any action taken by the Executive Committee pursuant to authority granted in Part One, Chapter I, Subsection 9.5 of these Rules and Regulations shall be effective at the time the action is taken by the committee unless otherwise stated by the committee and shall be reported to the Board at its next regularly scheduled meeting. The Executive Committee, after appropriate consultation with other members of the Board, shall act for the Board on all other items requiring immediate attention; provided that all actions taken by the Committee that are not authorized by Part One, Chapter I, Subsection 9.5 must be ratified by the Board.
- 7.15 Duties of the Business Affairs and Audit Committee.--The Business Affairs and Audit Committee shall:
- 7.151 Counsel with the Chancellor and recommend appropriate Board action with respect to any recommendations by the Chancellor related to the appointment, promotion, and dismissal of such System Administration Officers as report directly or indirectly to the Chancellor.
- 7.152 Recommend to the Board all compensation for the System Administration and the rates of professional compensation.
- 7.153 Consider and recommend to the Board matters related to all employee personnel programs, fringe benefits, retirement programs, and labor relations in the System Administration and the component institutions.

Sec. 9. Documents Executed on Behalf of the Board.

9.1 General Requirements.--Each Executive Officer and the chief administrative officers shall be responsible for identifying to the Chancellor contracts, agreements, and other documents for which he or she is responsible that are of such significance to require the prior approval of the Board. Each such matter so identified shall be presented to the Board by the Chancellor as an agenda item at a regular or special meeting of the Board. Upon approval, the Board shall designate the person(s) authorized to act on behalf of the Board with regard to the matter and shall specify any conditions or limitations on such authority. Documents executed on behalf of the Board pursuant to authority granted under these Rules and Regulations shall not require certification or attestation by the Executive Secretary to the Board.

9.2 Delegation of Authority to Execute and Deliver Contracts, Agreements, and Documents.--The Board delegates authority to execute and deliver contracts, agreements, and documents on behalf of the Board as set out in these Rules and Regulations. The Board shall take all actions necessary to maintain oversight and to implement all proper and necessary procedures with regard to such delegated authority. All authority to execute and deliver contracts, agreements, and other documents is subject to these Rules and Regulations and compliance with all applicable laws and special instructions or guidelines issued by the Chancellor, an Executive Vice Chancellor, or the Vice Chancellor and General Counsel.

9.21 Special instructions or guidelines by the Chancellor, an Executive Vice Chancellor, or the Vice Chancellor and General Counsel may include without limitation instructions concerning reporting requirements; standard clauses or provisions; ratification or prior approval by the Board, the Executive Committee of the Board, or the appropriate Executive Vice Chancellor; review and approval by the Office of General Counsel; and recordkeeping.

- 9.22 All contracts for consulting services for more than \$250,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda. Except as provided in Subdivision 9.23, all other contracts or agreements, including purchase orders and vouchers, with a cost or value of more than \$500,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda.
- 9.23 Contracts, agreements, and documents relating to construction projects previously approved by the Board in the Capital Improvement Program and Capital Budget and contracts or agreements, including purchase orders and vouchers, for the purchase of replacement equipment, routinely purchased supplies, purchases made under a group purchasing program, or purchases of new equipment identified specifically in the institutional budget approved by the Board do not require prior approval or ratification by the Executive Committee or the Board regardless of the contract amount.
- 9.24 The officer or employee executing any document on behalf of the Board shall be responsible for assuring that he or she has authority to act on behalf of the Board and that such authority is exercised in compliance with applicable conditions and restrictions.
- 9.25 The primary delegate identified in these Rules and Regulations may further delegate his or her delegated authority unless otherwise specified. Any such further delegation of authority must be made in writing and the primary delegate shall permanently maintain, or cause to be maintained, evidence of all such delegations. A delegate of the primary delegate may not further delegate such authority.
- 9.26 The primary delegate identified in these Rules and Regulations as authorized to execute and deliver on behalf of the Board various types of contracts, agreements, and documents shall maintain, or cause to be maintained, necessary and proper records

- with regard to all contracts, agreements, and documents executed and delivered pursuant to such delegated authority. An original of each executed contract or agreement shall be kept for a minimum period of four (4) years after the expiration of the contract or agreement, or longer as may be specified by any applicable records retention schedule or policy adopted by the Board, the U. T. System Administration, or the component.
- 9.27 All authority to execute and deliver contracts, agreements, and other documents is subject to compliance with all applicable laws and regulations and all applicable provisions of these Rules and Regulations.
- 9.28 All purchases, regardless of the source of funds, shall be made on a competitive basis unless otherwise authorized by law, U. T. System policy, or approved component policy.
- 9.3 **Prior Approval, Ratification, and Reporting.--** Actions taken pursuant to delegated authority must receive the prior approval of, be ratified by, or be reported to the Board only as specifically required in these Rules and Regulations, the policies of the Board, or any special instructions or guidelines issued as provided in these Rules and Regulations.
- 9.4 **Actions of the Board as Trustee.--** Authority delegated by the Board in these Rules and Regulations includes actions that may be taken by the Board in its capacity as trustee of any trust, to the extent such delegation is permitted by law.
- 9.5 **Delegation of Authority to the Executive Committee.--** Except as may be specifically set out otherwise in these Rules and Regulations, the Board delegates to the Executive Committee of the Board authority to approve on behalf of the Board any contract, agreement, or document. When approving any contract, agreement, or document, the Committee shall designate the officer, employee, or agent authorized to execute and deliver the contract or agreement and specify any other required approvals. The designated delegate may further delegate his or her delegated authority unless otherwise specified.

Any such further delegation of authority must be made in writing and the designated delegate shall permanently maintain, or cause to be maintained, evidence of any such delegation. A delegate of the primary delegate may not further delegate such authority. The Executive Committee shall report to the Board at its next regular meeting actions taken by the Committee on behalf of the Board as provided in Part One, Chapter I, Section 7 of these Rules and Regulations.

- 9.6 Exceptions.--This Section does not apply to the following:
- 9.61 Management of assets by UTIMCO, which is governed by contract and the provisions of Part Two, Chapter IX of these Rules and Regulations.
 - 9.62 The acceptance, processing, or administration of gifts and bequests, which actions are governed by Part Two, Chapter I and Part Two, Chapter IX of these Rules and Regulations and applicable policies of the Board.
 - 9.63 Any power, duty, or responsibility that the Board has no legal authority to delegate, including any action that the Constitution of the State of Texas requires be taken by the Board.

Sec. 10. Ethics Policy.

Each member of the Board of Regents shall perform his or her activities on behalf of The University of Texas System in conformity with the Ethics Policy as set out in Part One, Chapter III, Section 4 of the Regents' Rules and Regulations and other state laws related to standards of conduct and conflict of interest.

- 6.25 Submitting recommendations for program development for training of personnel in nonacademic areas.
- 6.26 Reviewing and making recommendations on programs of long-range planning for physical facilities and financial resources.
- 6.27 Reviewing and making recommendations relating to police and security matters within the System.
- 6.28 Coordinating the business affairs of the System with other officers and members of the System Administration staff.
- 6.29 In consultation with the appropriate Executive Vice Chancellor, coordinating the activities of business administrative operations of the component institutions.
- 6.2(10) Managing the operations of the offices listed below through such internal administrative organization as he/she deems to be appropriate:
 - Office of the Associate Vice Chancellor for Business Affairs
 - Office of Historically Underutilized Business Development
 - Office of the Director of Police
 - Office of the Assistant Vice Chancellor and Controller
 - Budget Office
 - Office of Information Resources
 - Office of Business and Administrative Services
 - Director of Accounting regarding System Administration accounts

Office of the Assistant Vice
Chancellor for Finance
Office of Facilities Plan-
ning and Construction
Office of Finance
Real Estate Office
Office of Human Resources
Office of Employee Group
Insurance Program
West Texas Operations
University Lands
Accounting Office
Surface Interests
Oil, Gas & Mineral
Interests

- 6.2(11) Supervising and coordinating the acquisition, lease, disposition, and/or management of all real property owned or controlled by the Board with a goal of maximizing the income to be realized from the operation, lease, or conveyance of these properties. In discharging this responsibility, the Executive Vice Chancellor for Business Affairs shall work closely with the appropriate Executive Vice Chancellor and chief administrative officer with regard to the management and conveyance of real property owned or controlled by the Board for the benefit of a particular institution. The Executive Vice Chancellor for Business Affairs shall establish procedures that assure effective coordination with the Director of Estates and Trusts with regard to gifts of real property to the Board.
- 6.2(12) Directing the management of the purchasing, accounting, equipment inventories, and vouchering operations for the offices of the System Administration and coordinating the building services for the System buildings.

- 7.22 Providing all legal services required by the Board of Regents of The University of Texas System and its personnel to insure the proper protection and advancement of the System's interests.
- 7.23 Maintaining the supervision, and delivery of legal services at a high level of effectiveness.
- 7.24 Directing and managing all legal personnel and legal affairs of the System, its units and its component institutions.
- 7.25 Providing advice, counsel and legal interpretations to System officials and personnel concerning legal matters affecting System operations.
- 7.26 Directing the Office of Vice Chancellor and General Counsel personnel with respect to work priorities and assignments, standards of performance, and career development, delegating to staff members responsibility for particular legal and administrative tasks; and coordinating and controlling budget and personnel levels.
- 7.27 Directing and managing (within applicable limits of authority) all litigation and administrative agency hearings; authorizing and approving the institution of legal proceedings; evaluating, directing and approving action and procedures relative to prosecution or defense of pending litigation and administrative proceedings; employing outside counsel; authorizing and approving settlement of claims, disputes, and litigation as authorized in Part Two, Chapter XI, Section 3 of these Rules and Regulations; and authorizing and approving appeal of litigation.
- 7.28 Advising, counseling, and disseminating information to affected System units relative to the nature, evaluation, progress, and results of litigation, administrative proceedings, and other legal matters, and making recommendations to System officials and other personnel as to future operations and objectives.

- 7.29 Reviewing and making recommendations regarding the form of institutional Handbooks of Operating Procedures, whether finally approved or not, and all amendments to such Handbooks.
- 7.2(10) Drafting all legislation that has been approved by the Board or requested by any System officer for submission to the Board for approval and providing legal counsel on pending legislation.
- 7.2(11) Identifying and evaluating administrative and functional problems and directing or recommending, as appropriate, courses of action for solution.
- 7.2(12) Representing the System before legal, educational and governmental groups and associations.
- 7.2(13) Acting as administrator of the System Plan for Professional Medical Liability Self-Insurance and the System Intellectual Property Offices.
- 7.2(14) Working in cooperation with the Attorney General of the State of Texas, state agency legal counsel and outside counsel.
- 7.2(15) Assuming responsibility for any other legal, administrative or operational matters delegated by the Chancellor.
- 7.2(16) Establishing and maintaining guidelines regarding the legal review and form of contracts and agreements, and recordkeeping requirements.
- 7.2(17) Legal review and approval of the form of all amendments to the Regents' Rules and Regulations.

Sec. 8. Vice Chancellor for Governmental Relations.

The Vice Chancellor for Governmental Relations reports to the Chancellor. The Vice Chancellor for Governmental Relations is responsible for coordinating the effective representation of the system in the area of governmental affairs as set out in Section 8.2 of this Chapter. The Vice Chancellor for Governmental Relations provides staff assistance to the Chancellor and the Executive Vice Chancellors in the exercise of

- 9.24 Recommending policies relating to acceptance, processing, and administration (excluding investment management) of gifts for all of the U. T. System's component institutions.
- 9.25 Making recommendations with respect to the acceptance of all proposed gifts and approval of all other actions related to the processing and administration of gifts managed by the Office of Development and External Relations, the terms of which do not conform to all relevant laws and Board policies.
- 9.26 Reporting to the Board on gifts processed and administered by the Office of Development and External Relations.
- 9.27 The organization and administration of programs for providing information to the public relating to the System and coordinating those programs with the public information programs of the component institutions.
- 9.28 Directing the administration of the System Office of Special Services.
- 9.29 Directing the administration of the System Office of Estates and Trusts.
- 9.2(10) To assist in the development, organization, and administration of programs and activities related to alumni of System component institutions in coordination with appropriate personnel of the component institutions.
- 9.2(11) Coordinating the policies and activities of the System and the component institutions related to internal and external foundations that provide support for the System and the component institutions.
- 9.2(12) The performance of such other duties and responsibilities as may be assigned by the Chancellor.

Sec. 10. Officers of System Administration and Other Code 1000 Staff.

- 10.1 Executive Officers.--For purposes of these Rules and Regulations, the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Associate Executive Vice Chancellor for Academic Affairs, the Associate Vice Chancellor for South Texas/Border Area Development,

the Executive Associate to the Chancellor, the Associate Vice Chancellor for Business Affairs, and the Special Consultant to the Chancellor are the Executive Officers of The University of Texas System.

- 10.2 Other Code 1000 Staff and Officers of System Administration.--Staff and officers of System Administration designated as code 1000 shall be appointed by the Chancellor, the Executive Vice Chancellors, or Vice Chancellors to whom they will report, and shall have appropriate job descriptions on file with the Office of Human Resources. Persons so appointed shall not have tenure by virtue of their respective positions. They shall serve without fixed term, subject to the pleasure of the officer to whom they report. The actions of the appointing officer concerning such positions are in turn subject to review and approval by the Chancellor or the Board as required by the Regents' Rules and Regulations.

Sec. 11. Councils of the System.

- 11.1 The System Council.
The System Council is composed of the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Executive Associate to the Chancellor, and the chief administrative officers of all the component institutions of The University of Texas System. The Chancellor shall serve as the Council's permanent chairman and shall conduct regular meetings to discuss those matters of general concern to the operation of The University of Texas System.
- 11.2 The Council of Academic Institutions.
The Council of Academic Institutions is composed of the Executive Vice Chancellor for Academic Affairs and the chief administrative officers of the general academic institutions of the System. The Chancellor, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive Associate to the Chancellor serve as ex officio members of this Council. The Executive Vice Chancellor for Academic Affairs shall serve

as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.

11.3 The Council of Health Institutions.

The Council of Health Institutions is composed of the Executive Vice Chancellor for Health Affairs and the chief administrative officers of the component institutions of the System concerned directly with health affairs. The Chancellor, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive Associate to the Chancellor serve as ex officio members of this Council. The Executive Vice Chancellor for Health Affairs acts as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.

11.4 The Business Management Council.

The Business Management Council advises the System Administration in the areas of component budgeting, business management, data processing, physical plant operations, planning, construction, and accounting systems development. The Council is composed of the Executive Vice Chancellor for Business Affairs and the chief business officers of the component institutions. The Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive Associate to the Chancellor, or their delegates, serve as ex officio members of this Council. The Executive Vice Chancellor for Business Affairs shall serve as the Council's permanent chairman and shall conduct regular meetings of the Council.

Sec. 12. Chief Administrative Officers of Component Institutions.

12.1 The Board selects the chief administrative officer of each component institution.

12.11 When there is a vacancy or it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution having faculty and students and the Board does not have candidate(s) from

- 6.4 Any employee of any component institution of the System, including any member of the faculty or administration, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a component institution of the System, shall be subject to dismissal as an employee. As used in this Subsection, the words "force or violence" include such acts as "stand-ins," "sit-ins," and "lie-ins," when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.
- 6.5 Every faculty member and employee is expected to obey all federal, state, and local laws, and particularly Section 42.01, Texas Penal Code, and Sections 4.30 and 4.31, Texas Education Code. Any faculty member or employee who violates any provision of these three statutes is subject to dismissal as a faculty member or employee, notwithstanding any action by civil authorities on account of the violation.
- 6.6 The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every faculty member and employee of the System and its component institutions. Any faculty member or employee who violates the minimum standards of conduct required by any felony statute of Texas or the United States is subject to dismissal as a faculty member or employee, regardless of whether or not any action is taken against the faculty member or employee by civil authorities on account of such violation. If action for dismissal is taken, the appropriate administrative official shall proceed with the action in the same manner as he or she would in the case of a violation by a faculty member or employee of any other provision of these rules and regulations or a provision of any Handbook of Operating Procedures.
- 6.7 In the event of decision not to reappoint a nontenured faculty member in an academic rank specified in Subdivision 6.21, written notice will be given him or her not later than March 1st of the first academic year of

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elective public office, or directing the political campaign of a candidate for an elective public office. A member of the faculty or staff who wishes to engage in political activity that will interfere with the performance of his or her duties and responsibilities should voluntarily terminate employment. If the chief administrative officer of the component institution, the Chancellor, an Executive Vice Chancellor, or the Board finds that the faculty or staff member's political activity interferes with the performance of his or her duties and responsibilities or does not comply with the requirements of this subsection, the faculty or staff member shall be subject to appropriate disciplinary action, including termination.

Sec. 36. Minimum Faculty Academic Workload Requirements for General Academic Institutions.--Each person paid full time from the appropriations item "Faculty Salaries" shall be assigned a minimum workload equivalent to eighteen semester credit hours of instruction in organized undergraduate classes each nine-month academic year, or fiscal year at an institution's option, in accordance with guidelines listed below.

When a faculty member is paid partially from a source of funds other than the "Faculty Salaries" line item, the minimum workload shall be proportioned to the percentage of salary paid from the appropriations item "Faculty Salaries."

Teaching assistants shall be used only when given proper guidance and supervision to ensure quality instruction. The minimum faculty workload established below does not apply to graduate teaching assistants or assistant instructors who are pursuing degrees. The institutional head is responsible for assuring that all teaching assistants are carefully supervised.

This policy sets the minimum workload and equivalencies only; an institution may enact more intensive and/or more detailed minimum requirements for inclusion in the institutional Handbook of Operating Procedures, following appropriate approvals. For example, an institution may set individual minimum requirements, consistent with these minimum guidelines, for a specific school or college.

No two institutions in the U. T. System (and, indeed, no two teaching units within a particular institution) are alike in the workload required of individual faculty to meet student needs within the funds appropriated by the Legislature. It is the responsibility of each institutional head to require teaching in excess of the minimum where such teaching is necessary to meet the institution's obligations to its students. Each institution will establish additional standards as necessary in accordance with its role and scope, so long as it satisfies the minimum given herein, to meet the instructional obligations of the institution to the students and to operate effectively within the faculty salary resources available. Faculty members not actively involved in a program of research and publication or in equivalent academic service should typically carry a teaching load greater than the minimum.

State law requires the adoption of rules concerning faculty academic workloads. Texas Education Code, Section 51.402(b) recognizes that important elements of workload include classroom teaching, basic and applied research, and professional development. Workload for U. T. System faculty members is expressed in terms of classroom teaching, teaching equivalencies and presidential credits for assigned activities.

- 36.1 Teaching Equivalencies.
 - 36.11 Graduate Instruction. One semester credit hour of graduate instruction will be considered the equivalent of one and one-half semester credit hours of undergraduate instruction.
 - 36.12 Specialized Instruction. One and one-half contact hours of instruction of regularly scheduled laboratory and clinical courses, physical activity courses, studio art, studio music instruction, and primary music performance organizations, such as ensembles and marching bands, for each week of a long-term semester will be considered the equivalent of one semester credit hour of undergraduate instruction.
 - 36.13 Supervision. Supervision of student teachers, clinical supervision, and intern supervision shall be credited such that 12 total student semester credit hours taught will be considered the equivalent of one semester credit hour.

- 36.14 **Practicum and Individual Instruction.** Supervision of student practicum and individual instruction courses, such as honors programs and individual research projects, shall provide equivalency at the rate of one-tenth semester credit hour for each student semester hour of undergraduate instruction and one-fifth semester hour for each student semester hour of graduate instruction per long-term semester. In no case will individual instruction in a single course generate more semester credit hour equivalence than if the course were taught as a regularly scheduled, organized course.
- 36.15 **Thesis and Dissertation Supervision.** Graduate thesis or dissertation supervision shall provide equivalent credit hours only to the chairperson of the thesis or dissertation committee at the rate of one semester credit hour for each six total student semester hours of thesis research credit and at the rate of one semester credit hour for each three total student semester hours of dissertation credit.
- 36.16 **Multiple Sections.** A faculty member who coordinates several sections of a single course shall be given one semester hour of workload credit for each six sections coordinated up to a maximum of three semester hours of credit per semester.
- 36.17 **Large Classes.** Workload credit may be proportionally increased for teaching a large class that requires extensive grading or evaluation of students' work by the faculty member according to the following weighing factors:

<u>Class Size</u>	<u>Weighing Factor</u>
59 or less	1.0
60 - 69	1.1
70 - 79	1.2
80 - 89	1.3
90 - 99	1.4
100 - 124	1.5
125 - 149	1.6
150 - 174	1.7
175 - 199	1.8
200 - 249	1.9
250 or more	2.0

- 36.18 Team Teaching. When more than one teacher participates in the instruction of a single course, the credit is proportioned according to the effort expended.
- 36.19 Insufficient Enrollment. A reduced workload may be granted temporarily if assigned classes do not materialize because of insufficient enrollment and when additional classes or other academic duties cannot be assigned to the faculty member. This exception may be granted for two consecutive long-term semesters only for any particular faculty member.
- 36.2 Other Equivalencies.
 - 36.21 Administrative Assignments. Workload credit may be granted for a faculty member who is head of a department or head of a comparable administrative unit up to a maximum of six semester hours of workload credit per semester. When justified by the department/unit head and approved by the institutional head, three hours of credit may be given to faculty members who provide nonteaching academic services to the department/unit head. In no case will the total for departmental administration, including the head, exceed nine workload credits per semester unless the institution's organizational structure includes academic units composed of more than one academic discipline.
 - 36.22 New Faculty. At the recommendation of the head of the department or comparable unit and upon approval of the institutional head, up to three semester hours of workload credit for each of two semesters may be given to a newly-appointed faculty member during the first year of employment for the purpose of developing instructional materials for the courses he or she will teach.
 - 36.23 New Course Development. At the recommendation of the departmental chair and upon approval of the institutional head, workload credit may be granted to a faculty member involved in the creation of a new course, new course format, or new course materials.

- 36.24 Presidential Credits. Academic workload credit granted by the head of the institution for all other purposes is limited to 1% of the total semester credit hours taught at the institution during the comparable (fall or spring) semester in the previous year. With the approval of the institutional head, limited faculty workload credit (within the 1% limit above) may be granted for major academic advising responsibilities, for basic and applied research following a research work plan approved pursuant to institutional policy, for preparing major documents in the fulfillment of programmatic needs or accreditation requirements, or for duties performed in the best interest of the institution's instructional programs as determined by the head of the institution.
- 36.25 Faculty with Technical Rank. Instructional workload equivalents for faculty members holding technical rank may be determined on a clock-hour basis where full-time employment is equivalent to not less than 30 hours of instructionally related activities each week for contact hour courses taught on a quarterly basis.
- 36.3 Compliance.
- 36.31 The chief administrative officer shall designate the officer of the institution who will monitor workloads, review workload reports, and submit the reports to the institutional head for approval and comment, as appropriate, prior to submitting the reports to the Board of Regents through System Administration following the standard reporting format and deadlines as provided by the Texas Higher Education Coordinating Board in accordance with Section 51.402 of the Texas Education Code and any applicable riders in the current General Appropriations Act.
- 36.32 Every faculty member's compliance with these minimum academic workload requirements shall be assessed each academic year. If a faculty member is found to be out of compliance, the institution shall take appropriate steps to address the noncompliance and to prevent such noncompliance in the future.

REPORT AND RECOMMENDATIONS OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 30 - 42).--Committee Chairman Lebermann reported that the Academic Affairs Committee had met in open session to consider those matters on its agenda and to formulate recommendations for the U. T. Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders which follow were recommended by the Academic Affairs Committee and approved in open session and without objection by the U. T. Board of Regents:

1. U. T. Board of Regents and U. T. Austin: Appointment of (a) Mr. Robert K. Moses, Jr., Houston, Texas, as Regental Representative to Intercollegiate Athletics Council for Men and (b) George Willeford III, M.D., Austin, Texas, as Regental Representative to Intercollegiate Athletics Council for Women Effective September 1, 1996.--Approval was given to appoint the following Regental representatives to The University of Texas at Austin Intercollegiate Athletics Council for Men and the Intercollegiate Athletics Council for Women each for a four-year term beginning September 1, 1996 and ending August 31, 2000:
 - a. Mr. Robert K. Moses, Jr., Houston, Texas, to succeed Mr. Baker Montgomery on the Intercollegiate Athletics Council for Men
 - b. George Willeford III, M.D., Austin, Texas, to succeed Mr. George O. Nokes, Jr., on the Intercollegiate Athletics Council for Women.

Mr. Moses, who is active in many aspects of the men's athletic program, is a well respected Houston businessman and civic leader who won both All Southwest Conference and All American honors on the U. T. Austin football team.

Dr. Willeford, a gastroenterologist in private practice in Austin and a graduate of U. T. Austin and The University of Texas Southwestern Medical School at Dallas, is an active supporter of many aspects of the women's athletic program.

2. U. T. Board of Regents: Approval to Include Minimum Faculty Academic Workload Requirements for General Academic Institutions (Formerly Minimum Faculty Teaching Requirements Policy) in the Regents' Rules and Regulations, Part One, Chapter III, Section 36, and to Delete Present Section 36 (Staff Benefits).--Upon recommendation of the Academic Affairs Committee, the Regental policy on Minimum Faculty Teaching Requirements for general academic institutions within The University of Texas System was retitled Minimum Faculty Academic Workload Requirements for General Academic Institutions and amended accordingly for inclusion in the Regents' Rules and Regulations.

minutes
8/8/96

In accordance therewith, Chapter III, Part One of the Regents' Rules and Regulations was amended as follows:

- a. Present Section 36 (Staff Benefits) was deleted in its entirety
- b. A new Section 36 was added to read as follows:

Sec. 36. Minimum Faculty Academic Workload Requirements for General Academic Institutions. Each person paid full time from the appropriations item "Faculty Salaries" shall be assigned a minimum workload equivalent to eighteen semester credit hours of instruction in organized undergraduate classes each nine-month academic year, or fiscal year at an institution's option, in accordance with guidelines listed below.

When a faculty member is paid partially from a source of funds other than the "Faculty Salaries" line item, the minimum workload shall be proportioned to the percentage of salary paid from the appropriations item "Faculty Salaries."

Teaching assistants shall be used only when given proper guidance and supervision to ensure quality instruction. The minimum faculty workload established below does not apply to graduate teaching assistants or assistant instructors who are pursuing degrees. The institutional head is responsible for assuring that all teaching assistants are carefully supervised.

This policy sets the minimum workload and equivalencies only; an institution may enact more intensive and/or more detailed minimum requirements for inclusion in the institutional Handbook of Operating Procedures, following appropriate approvals. For example, an institution may set individual minimum requirements, consistent with these minimum guidelines, for a specific school or college.

No two institutions in the U. T. System (and, indeed, no two teaching units within a particular institution) are alike in the workload required of individual faculty to meet student needs within the funds appropriated by the Legislature. It is the responsibility of each institutional head to require teaching in excess of the minimum where such teaching is necessary to meet the institution's obligations to its students. Each institution will establish additional standards as necessary in accordance with its role and scope, so long as it satisfies the minimum given herein, to meet the instructional obligations of the institution to the students and to operate effectively within the faculty salary resources available. Faculty members not actively involved in a program of research and publication or in equivalent academic service should typically carry a teaching load greater than the minimum.

State law requires the adoption of rules concerning faculty academic workloads. Texas Education Code, Section 51.402(b) recognizes that important elements of workload include classroom teaching, basic and applied research, and professional development. Workload for U. T. System faculty members is expressed in terms of classroom teaching, teaching equivalencies and presidential credits for assigned activities.

36.1 Teaching Equivalencies.

- 36.11 Graduate Instruction. One semester credit hour of graduate instruction will be considered the equivalent of one and one-half semester credit hours of undergraduate instruction.
- 36.12 Specialized Instruction. One and one-half contact hours of instruction of regularly scheduled laboratory and clinical courses, physical activity courses, studio art, studio music instruction, and primary music performance organizations, such as ensembles and marching bands, for each week of a long-term semester will be considered the equivalent of one semester credit hour of undergraduate instruction.
- 36.13 Supervision. Supervision of student teachers, clinical supervision, and intern supervision shall be credited such that 12 total student semester credit hours taught will be considered the equivalent of one semester credit hour.
- 36.14 Practicum and Individual Instruction. Supervision of student practicum and individual instruction courses, such as honors programs and individual research projects, shall provide equivalency at the rate of one-tenth semester credit hour for each student semester hour of undergraduate instruction and one-fifth semester hour for each student semester hour of graduate instruction per long-term semester. In no case will individual instruction in a single course generate more semester credit hour equivalence than if the course were taught as a regularly scheduled, organized course.
- 36.15 Thesis and Dissertation Supervision. Graduate thesis or dissertation supervision shall provide equivalent credit hours only to the chairperson of the thesis or dissertation committee at the rate of one semester credit hour for each six total student semester hours of thesis research credit and at the rate of one semester credit hour for each three total student semester hours of dissertation credit.

- 36.16 Multiple Sections. A faculty member who coordinates several sections of a single course shall be given one semester hour of workload credit for each six sections coordinated up to a maximum of three semester hours of credit per semester.
- 36.17 Large Classes. Workload credit may be proportionally increased for teaching a large class that requires extensive grading or evaluation of students' work by the faculty member according to the following weighing factors:

<u>Class Size</u>	<u>Weighing Factor</u>
59 or less	1.0
60 - 69	1.1
70 - 79	1.2
80 - 89	1.3
90 - 99	1.4
100 - 124	1.5
125 - 149	1.6
150 - 174	1.7
175 - 199	1.8
200 - 249	1.9
250 or more	2.0

- 36.18 Team Teaching. When more than one teacher participates in the instruction of a single course, the credit is proportioned according to the effort expended.
- 36.19 Insufficient Enrollment. A reduced workload may be granted temporarily if assigned classes do not materialize because of insufficient enrollment and when additional classes or other academic duties cannot be assigned to the faculty member. This exception may be granted for two consecutive long-term semesters only for any particular faculty member.
- 36.2 Other Equivalencies.
- 36.21 Administrative Assignments. Workload credit may be granted for a faculty member who is head of a department or head of a comparable administrative unit up to a maximum of six semester hours of workload credit per semester. When justified by the department/unit head and approved by the institutional head, three hours of credit may be given to faculty members who provide nonteaching academic services to the department/unit head. In no case will the total for departmental administration, including the head, exceed nine workload credits per semester unless the institution's organizational structure includes academic units composed of more than one academic discipline.

- 36.22 New Faculty. At the recommendation of the head of the department or comparable unit and upon approval of the institutional head, up to three semester hours of workload credit for each of two semesters may be given to a newly-appointed faculty member during the first year of employment for the purpose of developing instructional materials for the courses he or she will teach.
- 36.23 New Course Development. At the recommendation of the departmental chair and upon approval of the institutional head, workload credit may be granted to a faculty member involved in the creation of a new course, new course format, or new course materials.
- 36.24 Presidential Credits. Academic workload credit granted by the head of the institution for all other purposes is limited to 1% of the total semester credit hours taught at the institution during the comparable (fall or spring) semester in the previous year. With the approval of the institutional head, limited faculty workload credit (within the 1% limit above) may be granted for major academic advising responsibilities, for basic and applied research following a research work plan approved pursuant to institutional policy, for preparing major documents in the fulfillment of programmatic needs or accreditation requirements, or for duties performed in the best interest of the institution's instructional programs as determined by the head of the institution.
- 36.25 Faculty with Technical Rank. Instructional workload equivalents for faculty members holding technical rank may be determined on a clock-hour basis where full-time employment is equivalent to not less than 30 hours of instructionally related activities each week for contact hour courses taught on a quarterly basis.
- 36.3 Compliance.
- 36.31 The chief administrative officer shall designate the officer of the institution who will monitor workloads, review workload reports, and submit the reports to the institutional head for approval and comment, as appropriate, prior to submitting the reports to the Board of Regents through System Administration following the standard reporting format and deadlines as provided by the Texas Higher Education Coordinating Board in accordance with Section 51.402 of the Texas Education Code and any applicable riders in the current General Appropriations Act.

36.32 Every faculty member's compliance with these minimum academic workload requirements shall be assessed each academic year. If a faculty member is found to be out of compliance, the institution shall take appropriate steps to address the noncompliance and to prevent such noncompliance in the future.

The Minimum Faculty Teaching Requirements Policy, which was first adopted by the U. T. Board of Regents in August 1978 and last amended in May 1995, is included annually in each general academic institution's operating budget. Since the current minimum teaching load policy is the same for all general academic institutions, this policy is being included in the Regents' Rules and Regulations, Part One, Chapter III, Section 36, for easier reference and broader access.

3. U. T. System: Authorization for the Appropriate Executive Vice Chancellor to Submit Distance Learning Plans and Plan Amendments to the Coordinating Board on Behalf of the Component Institutions and Approval of Off-Campus Degree Programs at U. T. Arlington (Bachelor of Science in Nursing Program on the Campus of Trinity Valley Community College in Kaufman, Texas) and U. T. Dallas (Master of Business Administration Degree Program to MBNA American Bank, N.A., in Dallas, Texas).--In April 1996, the Texas Higher Education Coordinating Board adopted revised Rules and Regulations (Chapter 5, Subchapter H) concerning distance learning to replace separate subchapters that had addressed "Telecommunications" and "Delivery of Courses Off-Campus."

The new rules require each institution to file annually a distance learning plan covering all instruction which is intended to be delivered either by telecommunications or by conventional classroom instruction off-campus. The rules further provide for amending the annual plan during a year either by action of the full Coordinating Board through what is referred to as an "expansion of authority" or by approval of the Commissioner to offer selected courses on a temporary basis under what is referred to as "experimental authority."

In accordance therewith and upon recommendation of the Academic Affairs and Health Affairs Committees, the Board authorized:

- a. The appropriate Executive Vice Chancellor to review and approve on behalf of the U. T. Board of Regents all institutional distance learning plans and amendments thereto
- b. The appropriate Executive Vice Chancellor to submit those distance learning plans to the Texas Higher Education Coordinating Board on behalf of the component institutions and the U. T. Board of Regents for review and approval

CONSIDERATION OF EXECUTIVE COMMITTEE LETTER 96-23

1. U. T. Board of Regents: Approval for the Firm of Deloitte & Touche, LLP to Perform Audits of the Financial Statements of The University of Texas Investment Management Company (UTIMCO), the Permanent University Fund, and Other Investment Funds for the Fiscal Year Ended August 31, 1996.--Without objection, the Board approved the selection of Deloitte & Touche, LLP to perform audits of the financial statements of The University of Texas Investment Management Company (UTIMCO) and the investment funds managed by UTIMCO pursuant to the Investment Management Services Agreement approved by the U. T. Board of Regents at its February 1996 meeting.

Section 66.08 of the Texas Education Code, which authorizes the U. T. Board of Regents to contract with UTIMCO for the investment management of funds under its fiduciary care, requires that (a) the U. T. Board of Regents provide for an annual financial audit of the Permanent University Fund and (b) the audit be performed by the auditors of The University of Texas System and The Texas A&M University System (TAMUS) and be presented to the U. T. Board of Regents.

The approval of Deloitte & Touche, LLP by the U. T. Board of Regents follows a Request for Proposal process by UTIMCO and had the prior approval of the UTIMCO Audit and Ethics Committee and Board of Directors, the State Auditor, The Texas A&M University System, and the U. T. System Administration.

2. U. T. Board of Regents - Regents' Rules and Regulations, Parts One and Two: Amendments to Comply with Previous Board Actions Regarding the Delegation of Selected Contract Approval Authority to Designated U. T. System Administration and Component Officials Effective September 1, 1996.--Upon recommendation of the Chancellor, The University of Texas System Process Review Committee, and the Business Affairs and Audit Committee, the Board, without objection, amended the Regents' Rules and Regulations, Parts One and Two as set forth on Pages 3 - 26 to implement the U. T. Board of Regents' actions approved at the May 1996 meeting regarding the delegation of selected contract approval authority to designated U. T. System Administration and component officials effective September 1, 1996.

These amendments to the Regents' Rules and Regulations delegate the authority to execute a variety of contracts and agreements to selected U. T. System Administration or component officials within specific guidelines, conditions, and restrictions. Previously these contracts and agreements were approved or ratified by the U. T. Board of Regents via the Docket process, and the elimination of these items from the Docket will produce a significant savings in staff time at the components and expedite contract administration.

This delegation of authority is consistent with the cost-saving programs recommended by the System Process Review Committee, chaired by Regent Lebermann, and provides an efficient method for the U. T. Board of Regents to delegate contracting authority as authorized by Section 65.31(g) of the Texas Education Code. Implementation of this delegated authority will be monitored periodically through routine reviews and audits.

Minutes
8/29/96

- a. Part One, Chapter I (Board of Regents), Section 7, Subdivisions 7.13 and 7.14, relating to the committee structure of the U. T. Board of Regents, were amended to read as follows:

✓ ✓ 7.13

Authority of Standing Committees.--The authority of standing committees of the Board shall be subject to action of the whole Board. Except as provided in Subdivision 7.14 of this Section, the committees' actions must be ratified by the Board before they shall become effective.

✓ ✓ 7.14

Duties of the Executive Committee.--Any action taken by the Executive Committee pursuant to authority granted in Part One, Chapter I, Subsection 9.5 of these Rules and Regulations shall be effective at the time the action is taken by the committee unless otherwise stated by the committee and shall be reported to the Board at its next regularly scheduled meeting. The Executive Committee, after appropriate consultation with other members of the Board, shall act for the Board on all other items requiring immediate attention; provided that all actions taken by the Committee that are not authorized by Part One, Chapter I, Subsection 9.5 must be ratified by the Board.

- b. Part One, Chapter I, present Section 9, relating to the execution of documents on behalf of the U. T. Board of Regents, was deleted in its entirety and the following substituted in lieu thereof:

✓ ✓ Sec. 9. Documents Executed on Behalf of the Board.

9.1 General Requirements.--Each Executive Officer and the chief administrative officers shall be responsible for identifying to the Chancellor contracts, agreements, and other documents for which he or she is responsible that are of such significance to require the prior approval of the Board. Each such matter so identified shall be presented to the Board by the Chancellor as an agenda item at a regular or special meeting of the Board. Upon approval, the Board shall designate the person(s) authorized to act on behalf of the Board with regard to the matter and shall specify any conditions or limitations on such authority. Documents executed on behalf of the Board pursuant to authority granted under these Rules and Regulations shall not require certification or attestation by the Executive Secretary to the Board.

9.2 Delegation of Authority to Execute and Deliver Contracts, Agreements, and Documents.--The Board delegates authority to execute and deliver contracts, agreements, and documents on behalf of the

Board as set out in these Rules and Regulations. The Board shall take all actions necessary to maintain oversight and to implement all proper and necessary procedures with regard to such delegated authority. All authority to execute and deliver contracts, agreements, and other documents is subject to these Rules and Regulations and compliance with all applicable laws and special instructions or guidelines issued by the Chancellor, an Executive Vice Chancellor, or the Vice Chancellor and General Counsel.

9.21 Special instructions or guidelines by the Chancellor, an Executive Vice Chancellor, or the Vice Chancellor and General Counsel may include without limitation instructions concerning reporting requirements; standard clauses or provisions; ratification or prior approval by the Board, the Executive Committee of the Board, or the appropriate Executive Vice Chancellor; review and approval by the Office of General Counsel; and recordkeeping.

9.22 All contracts for consulting services for more than \$250,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda. Except as provided in Subdivision 9.23, all other contracts or agreements, including purchase orders and vouchers, with a cost or value of more than \$500,000 must be approved by the Executive Committee of the Board or approved by the Board via the docket or the agenda.

9.23 Contracts, agreements, and documents relating to construction projects previously approved by the Board in the Capital Improvement Program and Capital Budget and contracts or agreements, including purchase orders and vouchers, for the purchase of replacement equipment, routinely purchased supplies, purchases made under a group purchasing program, or purchases of new equipment identified specifically in the institutional budget approved by the Board do not require prior approval or ratification by the Executive Committee or the Board regardless of the contract amount.

9.24 The officer or employee executing any document on behalf of the Board shall be responsible for assuring that he or she has authority to act on behalf of the Board and that such authority is exercised in compliance with applicable conditions and restrictions.

- 9.25 The primary delegate identified in these Rules and Regulations may further delegate his or her delegated authority unless otherwise specified. Any such further delegation of authority must be made in writing and the primary delegate shall permanently maintain, or cause to be maintained, evidence of all such delegations. A delegate of the primary delegate may not further delegate such authority.
- 9.26 The primary delegate identified in these Rules and Regulations as authorized to execute and deliver on behalf of the Board various types of contracts, agreements, and documents shall maintain, or cause to be maintained, necessary and proper records with regard to all contracts, agreements, and documents executed and delivered pursuant to such delegated authority. An original of each executed contract or agreement shall be kept for a minimum period of four (4) years after the expiration of the contract or agreement, or longer as may be specified by any applicable records retention schedule or policy adopted by the Board, the U. T. System Administration, or the component.
- 9.27 All authority to execute and deliver contracts, agreements, and other documents is subject to compliance with all applicable laws and regulations and all applicable provisions of these Rules and Regulations.
- 9.28 All purchases, regardless of the source of funds, shall be made on a competitive basis unless otherwise authorized by law, U. T. System policy, or approved component policy.
- 9.3 Prior Approval, Ratification, and Reporting.--Actions taken pursuant to delegated authority must receive the prior approval of, be ratified by, or be reported to the Board only as specifically required in these Rules and Regulations, the policies of the Board, or any special instructions or guidelines issued as provided in these Rules and Regulations.
- 9.4 Actions of the Board as Trustee.-- Authority delegated by the Board in these Rules and Regulations includes actions that may be taken by the Board in its capacity as trustee of any trust, to the extent such delegation is permitted by law.

9.5 Delegation of Authority to the Executive Committee.--Except as may be specifically set out otherwise in these Rules and Regulations, the Board delegates to the Executive Committee of the Board authority to approve on behalf of the Board any contract, agreement, or document. When approving any contract, agreement, or document, the Committee shall designate the officer, employee, or agent authorized to execute and deliver the contract or agreement and specify any other required approvals. The designated delegate may further delegate his or her delegated authority unless otherwise specified. Any such further delegation of authority must be made in writing and the designated delegate shall permanently maintain, or cause to be maintained, evidence of any such delegation. A delegate of the primary delegate may not further delegate such authority. The Executive Committee shall report to the Board at its next regular meeting actions taken by the Committee on behalf of the Board as provided in Part One, Chapter I, Section 7 of these Rules and Regulations.

9.6 Exceptions.--This Section does not apply to the following:

9.61 Management of assets by UTIMCO, which is governed by contract and the provisions of Part Two, Chapter IX of these Rules and Regulations.

9.62 The acceptance, processing, or administration of gifts and bequests, which actions are governed by Part Two, Chapter I and Part Two, Chapter IX of these Rules and Regulations and applicable policies of the Board.

9.63 Any power, duty, or responsibility that the Board has no legal authority to delegate, including any action that the Constitution of the State of Texas requires be taken by the Board.

c. Part One, Chapter II (Administration), Section 6, Subdivisions 6.2(10) and 6.2(11), relating to the duties of the Executive Vice Chancellor for Business Affairs, were amended to read as follows:

✓ ✓ 6.2(10) Managing the operations of the offices listed below through such internal administrative organization as he/she deems to be appropriate:
Office of the Associate Vice
Chancellor for Business Affairs
Office of Historically
Underutilized Business
Development
Office of the Director of
Police

Office of the Assistant Vice
 Chancellor and Controller
 Budget Office
 Office of Information
 Resources
 Office of Business and
 Administrative Services
 Director of Accounting
 regarding System
 Administration accounts
 Office of the Assistant Vice
 Chancellor for Finance
 Office of Facilities Plan-
 ning and Construction
 Office of Finance
 Real Estate Office
 Office of Human Resources
 Office of Employee Group
 Insurance Program
 West Texas Operations
 University Lands
 Accounting Office
 Surface Interests
 Oil, Gas & Mineral
 Interests

✓ 6.2(11)

Supervising and coordinating the acquisition, lease, disposition, and/or management of all real property owned or controlled by the Board with a goal of maximizing the income to be realized from the operation, lease, or conveyance of these properties. In discharging this responsibility, the Executive Vice Chancellor for Business Affairs shall work closely with the appropriate Executive Vice Chancellor and Chief Administrative officer with regard to the management and conveyance of real property owned or controlled by the Board for the benefit of a particular institution. The Executive Vice Chancellor for Business Affairs shall establish procedures that assure effective coordination with the Director of Estates and Trusts with regard to gifts of real property to the Board.

- d. Part One, Chapter II, Section 7, Subdivisions 7.27 and 7.29, relating to the duties of the Vice Chancellor and General Counsel, were amended to read as follows:

✓ 7.27

Directing and managing (within applicable limits of authority) all litigation and administrative agency hearings; authorizing and approving the institution of legal proceedings; evaluating, directing and approving action and procedures relative to prosecution or defense of pending litigation and administrative proceedings; employing outside counsel; authorizing and approving settlement of claims, disputes, and litigation as authorized in Part Two, Chapter XI, Section 3 of these Rules and Regulations; and authorizing and approving appeal of litigation.

✓ 7.29 Reviewing and making recommendations regarding the form of institutional Handbooks of Operating Procedures, whether finally approved or not, and all amendments to such Handbooks.

✓ e. Part One, Chapter II, Section 7, relating to the duties of the Vice Chancellor and General Counsel, was amended by adding new Subdivisions 7.2(16) and 7.2(17) to read as follows:

7.2(16) Establishing and maintaining guidelines regarding the legal review and form of contracts and agreements, and recordkeeping requirements.

7.2(17) Legal review and approval of the form of all amendments to the Regents' Rules and Regulations.

✓ f. Part One, Chapter II, Section 10, Subsections 10.1 and 10.2, relating to the Officers of System Administration, were amended to read as follows:

✓ Sec. 10. Officers of System Administration and Other Code 1000 Staff.

✓ 10.1 Executive Officers.--For purposes of these Rules and Regulations, the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Associate Executive Vice Chancellor for Academic Affairs, the Associate Vice Chancellor for South Texas/Border Area Development, the Executive Associate to the Chancellor, the Associate Vice Chancellor for Business Affairs, and the Special Consultant to the Chancellor are the Executive Officers of The University of Texas System.

✓ 10.2 Other Code 1000 Staff and Officers of System Administration.--Staff and officers of System Administration designated as code 1000 shall be appointed by the Chancellor, the Executive Vice Chancellors, or Vice Chancellors to whom they will report, and shall have appropriate job descriptions on file with the Office of Human Resources. Persons so appointed shall not have tenure by virtue of their respective positions. They shall serve without fixed term, subject to the pleasure of the officer to whom they report. The actions of the appointing officer concerning such positions are in turn subject to review and approval by the Chancellor or the Board as required by the Regents' Rules and Regulations.

For the record, the foregoing amendments contain substantive and minor editorial corrections as summarized below:

- a. Regents' Rules and Regulations, Part One, Chapter I (Board of Regents) -- Adds conditions generally applicable to the delegation of contracting authority, including a limitation specifying that delegated contracting authority applies only to consulting contracts with a value of less than \$250,000 and all other contracts with a value of less than \$500,000, except group purchases, the purchase of replacement equipment and routine supplies, and certain previously approved equipment purchases, for which no maximum contract value will apply; specifies that acquisitions must be made on a competitive basis unless otherwise authorized by law, U. T. System policy, or approved component policy; and amends the duties of the Executive Committee to allow the Executive Committee to approve contracts on behalf of the Board.
- b. Regents' Rules and Regulations, Part One, Chapter II (Administration) -- Updates the description of certain offices within the Office of Business Affairs and clarifies the duties of the Executive Vice Chancellor for Business Affairs; amends the duties of the Vice Chancellor and General Counsel as necessary to accomplish the delegation of authority; and specifies who the System Executive Officers are.
- c. Regents' Rules and Regulations, Part Two, Chapter I (General) -- Clarifies authority to accept, process, and administer gifts and bequests and delegates authority, subject to certain restrictions, to the chief administrative officer to make initial appointments to an endowed or named academic position.
- d. Regents' Rules and Regulations, Part Two, Chapter III (Receipt, Custody, and Disbursement of Moneys; Travel Authorization, Reimbursement, and Institutional Regulations) -- Clarifies contracting authority relating to depository agreements and banking services.
- e. Regents' Rules and Regulations, Part Two, Chapter IV (Purchasing) -- Deletes specific contracting authority previously assigned to the official purchasing agents of the components; deletes specific authority relating to space leases; and clarifies provisions relating to approval for purchase from or sale to an employee. The authority previously assigned to the official purchasing agents is now included in the more broad contracting authority delegated in Part Two, Chapter XI of the Regents' Rules and Regulations. Authority to enter into space leases is now included in Part Two, Chapter IX, Section 6, relating to the management and disposition of interests in real property.

- f. Regents' Rules and Regulations, Part Two, Chapter VIII (Physical Plant Improvements) -- Reorganizes the provisions of the Chapter; with regard to major construction projects, delegates to the Chancellor or his designee the authority to enter into contracts within parameters previously approved or authorized by the Board; incorporates certain provisions of the revised capital improvement process approved by the Board in December 1994; and delegates to the chief administrative officers, or designee, the authority to enter into contracts with regard to minor construction and repair and rehabilitation projects.
- g. Regents' Rules and Regulations, Part Two, Chapter IX (Matters Relating to Investments, Trusts, and Lands) -- Clarifies authority of the Office of Development and External Relations to accept, process, and administer certain assets received by gift or bequest and clarifies delegated authority relating to the management and disposition of real property interests owned or controlled by the Board.
- h. Regents' Rules and Regulations, Part Two, Chapter XI (Contract Administration) -- Delegates contracting authority generally to the chief administrative officers subject to specified conditions and restrictions; delegates contracting authority for System Administration and System-wide contracts to the Executive Vice Chancellor for Business Affairs; and delegates contracting authority relating to legal matters to the Vice Chancellor and General Counsel.
- i. Regents' Rules and Regulations, Part Two, Chapter XII (Intellectual Property) -- Clarifies the type of contracts to which Chapter XII applies and specifies certain types of intellectual property contracts and agreements that may be executed and delivered pursuant to the delegation of contracting authority in the Regents' Rules and Regulations, Part Two, Chapter XI.
- j. Regents' Rules and Regulations, Part Two, Chapter XIII (Contracts and Grants for Sponsored Research) -- Adds a new Chapter delegating authority to pursue grants and enter into contracts for sponsored research to the chief administrative officers. Provisions relating to contracts and grants for sponsored research previously found in Part Two, Chapter XI have been moved to this new Chapter.



MEMORANDUM

REFERRED TO Margaret Glover

- PER OUR CONVERSATION
- FOR YOUR INFORMATION
- FOR YOUR APPROVAL
- FOR YOUR SIGNATURE
- FOR YOUR COMMENTS
- FOR DISCUSSION
- PLEASE RETURN
- PER YOUR REQUEST
- FOR HANDLING
- FOR DISTRIBUTION
- NO NEED TO RETURN
- FOR YOUR FILE

REMARKS

Margaret,

When we made changes, could we consider these minor edits?

yes, will include editorial amendments in future
ppp distribution
mg 9/3

BOARD OF REGENTS
 RECEIVED
 AUG 23 1996
 U.T. SYSTEM

SIGNATURE Francie DATE 8/23/96

6.4 Any employee of any component institution of the System, including any member of the faculty or administration, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a component institution of the System, shall be subject to dismissal as an employee. As used in this Subsection, the words "force or violence" include such acts as "stand-ins," "sit-ins," and "lie-ins," when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

*editorial
amendment
added
9/96*

6.5 Every faculty member and employee is expected to obey all federal, state, and local laws, and particularly Section 42.01, ~~§Texas Penal Code§~~, and Sections 4.30 and 4.31, ~~§Texas Education Code§~~. Any faculty member or employee who violates any provision of these three statutes is subject to dismissal as a faculty member or employee, notwithstanding any action by civil authorities on account of the violation.



6.6 The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every faculty member and employee of the System and its component institutions. Any faculty member or employee who violates the minimum standards of conduct required by any felony statute of Texas or the United States is subject to dismissal as a faculty member or employee, regardless of whether or not any action is taken against the faculty member or employee by civil authorities on account of such violation. If action for dismissal is taken, the appropriate administrative official shall proceed with the action in the same manner as he or she would in the case of a violation by a faculty member or employee of any other provision of these rules and regulations or a provision of any Handbook of Operating Procedures.

6.7 In the event of decision not to reappoint a nontenured faculty member in an academic rank specified in Subdivision 6.21, written notice will be given him or her not later than March 1st of the first academic year of

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ONEIII	.RRR	125,088	06-07-96	12:00p	

nothing

Did find for Executive Assistant
to the Chancellor. Found
4 places phrase mentioned
per attached. Searched
entire RRR.

cf
9/12

Sec. 11. Councils of the System.

11.1 The System Council.

The System Council is composed of the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, the Executive ~~Assistant~~ to the Chancellor, and the chief administrative officers of all the component institutions of The University of Texas System. The Chancellor shall serve as the Council's permanent chairman and shall conduct regular meetings to discuss those matters of general concern to the operation of The University of Texas System.

11.2 The Council of Academic Institutions.

The Council of Academic Institutions is composed of the Executive Vice Chancellor for Academic Affairs and the chief administrative officers of the general academic institutions of the System. The Chancellor, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive ~~Assistant~~ to the Chancellor serve as ex officio members of this Council. The Executive Vice Chancellor for Academic Affairs shall serve as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.

11.3 The Council of Health Institutions.

The Council of Health Institutions is composed of the Executive Vice Chancellor for Health Affairs and the chief administrative officers of the component institutions of the System concerned directly with health

Associate
Additional
Change (per
AT&T 9/96

Part (new)

affairs. The Chancellor, the Executive Vice Chancellor for Business Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive ~~Assistant~~ ^{Associate} to the Chancellor serve as ex officio members of this Council. The Executive Vice Chancellor for Health Affairs acts as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented.

11.4 The Business Management Council.

The Business Management Council advises the System Administration in the areas of component budgeting, business management, data processing, physical plant operations, planning, construction, and accounting systems development. The Council is composed of the Executive Vice Chancellor for Business Affairs and the chief business officers of the component institutions. The Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Vice Chancellor and General Counsel, the Vice Chancellor for Governmental Relations, the Vice Chancellor for Development and External Relations, and the Executive ~~Assistant~~ to the Chancellor, or their delegates, serve as ex officio members of this Council. The Executive Vice Chancellor for Business Affairs shall serve as the Council's permanent chairman and shall conduct regular meetings of the Council.

Sec. 12. Chief Administrative Officers of Component Institutions.

12.1 The Board selects the chief administrative officer of each component institution.

12.11 When there is a vacancy or it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution having faculty and students and the Board does not have candidate(s) from

Part One