

EXCERPT FROM THE MINUTES

AUG 13 1998

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VIII, Section 1 (Naming of Buildings and Other Facilities).--Upon recommendation of the Facilities Planning and Construction Committee, the Board amended the Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, regarding naming of buildings and other facilities, to read as set forth below:

Sec. 1. Honorific Namings.

- 1.1 The naming of buildings; other major facilities, such as wings of buildings, major components of buildings, large auditoria, concert halls, atriums, prominent outdoor spaces, and clinics; and other major entities, such as colleges, schools, academic departments, and major academic centers, programs and institutes 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 major facilities or entities 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 or the Vice Chancellor for Academic Affairs, the Vice Chancellor for Development and External Relations, and the chief administrative officer, accompanied by reasons for the recommendation, and following campus consultations where appropriate. Recommendations for naming of buildings or major facilities or entities require Board

of Regents' approval via the agenda. For less prominent facilities such as laboratories, classrooms, seminar rooms, and patient rooms or for less prominent academic centers, programs, and institutes, naming authority is delegated to each component chief administrative officer based on a set of general guidelines which are reviewed and approved by the Chancellor. An annual report of such namings will be included with the annual operating budget submission or updated Capital Improvement Program.

- 1.2 Facilities and other entities may be named to memorialize or otherwise recognize substantial gifts and significant donors or individuals designated by donors. Such designation may be for a single gift, multiple gifts over time, or for a combination of gifts and other contributions. Buildings and other entities may also be named for individuals who have made exemplary or meritorious contributions to the System, component institution, or society.
- 1.3 Each component institution will develop guidelines for what constitutes substantial and significant donations to warrant a naming. These guidelines may vary from campus to campus and sometimes within a campus dependent upon the nature and purpose of the facility or entity 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 Namings 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 major facilities or entities is contemplated as part of a special private-fund development campaign, that campaign, the proposed naming, and the associated private-fund contributions to be sought shall have prior approval of the

chief administrative officer, the Executive Vice Chancellor for Health Affairs or the Vice Chancellor for Academic Affairs, the Vice Chancellor for Development and External Relations, the Chancellor, and the Board as required in Part One, Chapter VII, Section 2, Subdivision 2.44 of the Regents' Rules and Regulations.

- 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 or other major facilities or entities 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 major facility or entity is to be made prior to the briefings and approvals required by this Section.

These amendments to the Regents' Rules and Regulations clarify and distinguish procedures for the naming of major facilities and entities such as buildings, colleges/schools, and distinguish prominent academic programs, centers, and institutes from the delegated approval for the naming of less prominent facilities and entities.

EXCERPT FROM THE MINUTES

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

1.83

. . . .

- (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 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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This amendment delegates authority to the chief administrative officers of the component institutions to make appointments to the nontenured, nontenure-track title of "Specialist" and deletes the need for further review and approval by The University of Texas System Administration.

EXCERPT FROM THE MINUTES

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1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VI, Section 6 (Use of University Facilities) by Adding a New Subsection 6.(12).--The Board amended the Regents' Rules and Regulations, Part One, Chapter VI, Section 6, relating to use of university facilities, by adding a new Subsection 6.(12) to read as set forth below:

Sec. 6. Use of University Facilities.

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- 6.(12) Use of the UT TeleCampus Internet Web Site by Universities and Other Entities Outside the U. T. System.--The UT TeleCampus internet web site established and maintained by the U. T. System Office of Telecommunications and Information Technology shall be for the primary purpose of providing access to distance learning courses offered by the U. T. System component institutions and providing students participating in on-campus or distance learning courses of the U. T. System component institutions with access to student support services such as registration, admission, financial aid, course advising, and library resources. The UT TeleCampus internet web site shall also be utilized by the U. T. System Office of Telecommunications and Information Technology to provide training and support to faculty of the U. T. System component institutions in the development of distance learning courses and degree programs. The U. T. System Office of Telecommunications and Information Technology may establish links to the UT TeleCampus internet web site for distance learning courses and information concerning such courses offered by universities and other entities outside the U. T. System under the following conditions:
 - 6.(12)1 The course or courses must not be competitive with a course of a U. T. System component institution that may be accessed through the UT TeleCampus.

- 6.(12)2 The U. T. System Office of Telecommunications and Information Technology, with the advice of qualified U. T. System faculty, will determine whether the content and quality of each course are appropriate for the UT TeleCampus.
- 6.(12)3 The establishment of the link from the UT TeleCampus internet web site must be pursuant to an approved written agreement that (i) provides for appropriate compensation to the U. T. System Office of Telecommunications and Information Technology and (ii) permits the termination of the agreement with respect to any course or courses upon completion by students currently enrolled, if the U. T. System Office of Telecommunications and Information Technology determines that another source offers a higher quality course or if it is determined that a U. T. System component institution will provide access to a competitive course through the UT TeleCampus internet web site.

Subject to the stated limitations, the amendments permit the Office of Telecommunications and Information Technology to establish external links to the UT TeleCampus internet web site pursuant to an approved written agreement.

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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.

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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

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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.

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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

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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.

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

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

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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.

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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.

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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.

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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.

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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.

EXCERPT FROM THE MINUTES

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:

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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.

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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.

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.

. . . .

- 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.

EXCERPT FROM THE MINUTES

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.

. . .

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.

. . .

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.

EXCERPT FROM THE MINUTES

AUG 14 1997

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.

EXCERPT FROM THE MINUTES

AUG 14 1997

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.

. . .

- 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.

EXCERPT FROM THE MINUTES

AUG 14 1997

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.

. . .

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.
- (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 service 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.

. . . .

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.

EXCERPT FROM THE MINUTES

AUG 14 1997

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.

EXCERPT FROM THE MINUTES

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.

MAY - 8 1997

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.

EXCERPT FROM THE MINUTES

MAY -- 8 1987

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).
 - 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.

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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.

EXCERPT FROM THE MINUTES

FEB -6 1997

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.

EXCERPT FROM THE MINUTES

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:

FEB - 6 1997

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.

EXCERPT FROM THE MINUTES

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.

EXCERPT FROM THE MINUTES

FEB - 6 1997

- 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.

EXCERPT FROM THE MINUTES

- NOV 7 1995
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.

EXCERPT FROM THE MINUTES

- NOV 14 1946
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.

EXCERPT FROM THE MINUTES

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.

EXCERPT FROM THE MINUTES

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.

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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.

EXCERPT FROM THE MINUTES

NOV 14 1996

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 employess 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.

EXCERPT FROM THE MINUTES

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.