

RULES AND REGULATIONS

OF THE

BOARD OF REGENTS

OF

THE UNIVERSITY OF TEXAS SYSTEM

FOR THE GOVERNMENT OF

THE UNIVERSITY OF TEXAS SYSTEM

PART ONE

**Adopted by the Board of Regents on September 16, 1977
(with Amendments to October 20, 1978)**

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Explanatory Statement

The Rules and Regulations contained in this volume are those which are adopted by the Board of Regents and which apply generally to the entire University of Texas System. They are to be known as the Regents' Rules and Regulations to distinguish them from each component institution's rules and regulations which are promulgated by the chief administrative officers of the component institutions and which are published in separate volumes and entitled Handbook of Operating Procedures for (name of the institution).

These Rules and Regulations are published in loose-leaf form to facilitate their being kept current. As promptly as possible after an amendment is approved, the Secretary will distribute new pages bearing the amended text.

CHAPTER I

BOARD OF REGENTS

- Sec. 1. Authority. The Legislature, which is given the duty and authority to provide for the maintenance, support, and direction of The University of Texas by Article VII, Section 10, of the Texas Constitution, has delegated the power and authority to administer The University of Texas System to the Board of Regents in broad terms. (See Sections 65.11 et. seq. Texas Education Code.) Texas cases construing these statutes have held that the Board of Regents has wide discretion in exercising its power and authority and that the rules adopted by the Board of Regents have the same force as statutes. Foley v. Benedict, 122 Tex. 193, 55 S.W. 2d 805 (1932) Rainey v. Malone, 141 S.W. 2d 713 (Tex. Civ.App., 1940, no writ history); Morris v. Nowotny, 323 S.W. 2d 301 (Tex. Civ.App., 1959, writ refused, n.r.e.; cer. den., 361 U. S. 889, 80 S.Ct. 164, 4 L.Ed. 2d 124). The System's lands and buildings are state property subject to the control of the Board of Regents as the state's agent. Splawn v. Woodard, 287 S.W. 677 (Tex.Civ.App., 1926, no writ history); Walsh v. University of Texas, 169 S.W. 2d 993 (Tex.Civ.App., 1942, writ refused).
- Sec. 2. Composition. --The Board of Regents (hereinafter sometimes referred to as "Board") is composed of nine members appointed by the Governor, with the advice and consent of the Senate, for staggered terms of six years each, the terms of three members expiring on January 10th of odd-numbered years.
- Sec. 3. Chairman of the Board.
- 3.1 Election of Chairman. --The Chairman of the Board shall be elected by the Board from its number, shall serve at the pleasure of the Board, and shall report and be responsible to the Board. In case of the death, resignation, disability, removal, or disqualification of the Chairman, the Board shall elect a successor Chairman as soon as practicable. In no event shall a Board member serve as Chairman for more than 24 consecutive months without submitting his or her resignation as Chairman, but such member shall be eligible for re-election as Chairman.

- 3.2 Duties of the Chairman.--The duties and responsibilities of the Chairman shall include the following:
- 3.21 The Chairman shall preside over the meetings of the Board.
 - 3.22 The Chairman shall be authorized to call special meetings of the Board, as herein provided.
 - 3.23 The Chairman shall appoint the standing and special committees of the Board, as herein provided.
 - 3.24 The Chairman shall be an ex officio member of all committees of the Board.
 - 3.25 The Chairman shall sign, with the Secretary attesting, any bonds, contracts or other documents or instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board to some other officer, official or agent of the System.

Sec. 4. Vice-Chairman of the Board.--The Vice-Chairman of the Board shall be elected by the Board from its number when the Chairman is elected and shall serve at the pleasure of the Board. In case of the absence, death, resignation, disability, removal, or disqualification of the Chairman, the Vice-Chairman shall perform the duties of the Chairman until the Chairman shall resume his or her office or a successor Chairman shall have been elected as herein provided. Upon the death, resignation, disability, or removal of the Vice-Chairman, the Board shall elect a successor Vice-Chairman as soon as practicable.

Sec. 5. Secretary to the Board.

- 5.1 Appointment.--At the meeting at which the Chairman and Vice-Chairman of the Board are elected, the Board shall elect a Secretary who is not a member of the Board and who shall receive such compensation as may be fixed by the Board. The Secretary shall report and be responsible to the Board. The Secretary shall serve subject to the pleasure of the Board and may be removed by the Board at any time. Upon the death, resignation, disability, removal, or disqualification of the Secretary, the Board shall elect a successor Secretary as soon as practicable.
- 5.2 Duties and Functions.--The duties and functions of the Secretary shall include the following:
- 5.21 Meetings.--The Secretary shall make preparations for all meetings of the Board.
 - 5.22 The Agenda.--Under the direction of the Chairman of the Board, the Secretary shall prepare and distribute the Agenda and the Material Supporting the Agenda for all meetings of the Board and its committees.
 - 5.23 Open Meetings Act.--Under the direction of the Chairman of the Board, the Secretary shall post notices of all meetings, and the subject matter thereof, as may be required under law.

- 5.24 Minutes.--The Secretary shall record, prepare, and index the official Minutes of the Board and shall distribute copies thereof, including the annual budgets, to members of the Board and to other persons on the approved list. The official copy of the Minutes shall be kept in the Office of the Secretary, and certified excerpts from these Minutes shall be prepared by the Secretary.
- 5.25 Documents.--The Secretary shall keep on file in the Office of the Secretary to the Board all official documents, correspondence, and proceedings of the Board.
- 5.26 Seal.--The custody of the official seal of the System shall be with the Secretary. The secretary shall affix such official seal to, and attest, all documents executed in the name of the Board and requiring attestation.
- 5.27 Rules and Regulations.--The Secretary shall be charged with the responsibility of keeping current the Official Copies of the Regents' Rules and Regulations, and furnishing to members of the Board and the administrative officers on the approved list any changes or additions as soon as possible after the meeting at which they are finally adopted.
- 5.28 Reports.--The Secretary shall prepare and distribute such reports and communications as are directed by the Board.
- 5.29 Other Duties.--In addition, the Secretary shall perform such functions and have such other duties and responsibilities as may be assigned to the Secretary by the Board or as are usual and customary to the position of Secretary and which assist the members of the Board in the discharge of their official duties.

Sec. 6. Meetings of the Board.

- 6.1 Regular Meetings.--Regular meetings of the Board shall be held at such times and places as the Board shall designate. Unless otherwise determined in advance by the Board, all regular meetings shall be held in Austin.
- 6.2 Special Meetings.--Special meetings of the Board shall be held upon the call of the Chairman, or upon the written request of three members of the Board. The Chairman shall cause written notification of the time, place, and purposes of any special meeting to be mailed to each member of the Board by the Secretary at least three days before the time of the meeting.
- 6.3 Official Business.--No business other than that placed on the Agenda and noticed as required by law shall be officially transacted at a meeting of the Board or its committees.

Sec. 7. Committees.

- 7.1 Standing Committees.--The following committees shall be standing committees of the Board to consider policies for the government of all major areas: (a) Committee of the Whole; (b) System Administration Committee; (c) Academic and Developmental Affairs Committee; (d) Health Affairs Committee; (e) Buildings and Grounds Committee; (f) Land and Investment Committee.
- 7.11 Appointment and Term of Standing Committees and Authority of Chairman Thereof.--All members of the Board shall be members of each of the standing committees. The Chairman of each standing committee (other than the Committee of the Whole) shall be appointed by the Chairman of the Board shortly after his or her election, by and with the consent of the Board, and shall remain as Chairman of the standing committee (unless a vacancy shall be caused by death, resignation, or refusal of some member of a committee to act) until the succeeding Board Chairman shall have reconstituted the committees. The Chairman of any of the six standing committees may appoint subcommittees on either a standing or ad hoc basis to give special consideration to special problems.
- 7.12 Method of Filling Vacancies in the Chairmanship of Standing Committees.--In case a vacancy shall occur in the chairmanship of any of the standing committees, the Chairman of the Board shall appoint another member of the Board to serve as Chairman of the standing committee by and with the consent of the Board, and, if confirmed, the appointment shall stand until the time for appointment of Chairmen of the standing committees as provided in Subdivision 7.11 of this Chapter.
- 7.13 Time of Meeting of Committees of the Board.--The committees of the Board customarily shall meet on the first day of any scheduled Board meeting and at such other times as the majority of the members of each committee shall determine.
- 7.14 Authority of Standing Committees.--The authority of standing committees of the Board shall be subject to action of the whole Board and, except in cases where it is necessary for the System Administration Committee to act for the Board during the interim periods between Board meetings, the committees' actions shall be referred to the Board before they shall become effective.
- 7.15 Committee of the Whole.--The Chairman of the Board shall serve as Chairman of the Committee of the Whole. The Committee of the Whole shall receive and consider items referred

to it by the Chairman of the Board and by other committees of the Board.

- 7.16 Composition and Duties of the System Administration Committee. --The System Administration Committee shall have authority to act for the Board on all matters that require action between meetings of the Board, but at each meeting of the Board, the System Administration Committee shall report in writing (for ratification) all actions taken by it since the last meeting of the Board.

The System Administration Committee shall in addition thereto

- 7.161 Consider and make recommendations on all budgetary matters relating to System Administration, including the budgets for all properties occupied by System Administration personnel
- 7.162 Consider and make recommendations on all matters relating to the administrative organization of the System and its component parts.
- 7.163 Consider and make recommendations with respect to the role, operation, and budget of any special function or offices controlled by System Administration.
- 7.17 Duties of the Academic and Developmental Affairs Committee. --The Academic and Developmental Affairs Committee shall:
- 7.171 Consider and make recommendations relating to matters of academic policy and student life in the general academic institutions.
- 7.172 Study and make recommendations relating to developmental matters concerning the general academic institutions.
- 7.173 Consider all matters affecting the growth and usefulness of the libraries of the University.
- 7.18 Duties of the Health Affairs Committee. --The Health Affairs Committee shall consider all matters connected with the health related institutions and schools except those specifically assigned to other committees of the Board. There shall be a Subcommittee on Hospitals of the Health Affairs Committee to consist of the Chairman of the Health Affairs Committee and two Regents appointed by the Chairman of the Board. The System Vice President for Health Affairs shall be an ex officio member of the Subcommittee. The Subcommittee on Hospitals shall have the following duties with respect to each Hospital owned by the System:
- (Amended)
- 7.181 Participate in the accreditation process for the Hospital;
- 7.182 Review long-range plans for the Hospital;
- 7.183 Review and make recommendations to the Board concerning the bylaws, rules and regulations of the medical staff of the Hospital, and approval of same;

- 7.184 Review and make recommendations to the Board concerning mechanisms and controls for the achievement and maintenance of high standards of professional practices in and at the Hospital, and approval of same
- 7.185 Hold regular meetings at least once annually, at the Hospital to review programs and problems; and
- 7.186 Report to the Board the substance of each meeting of the Subcommittee and make any appropriate recommendations.
- 7.19 Duties of the Buildings and Grounds Committee.--The Buildings and Grounds Committee shall have the following duties:
 - 7.191 It shall consider and make recommendations relating to the acquisition and use of land and the construction and use of buildings and other matters involving the physical expansion of the System and its component institutions.
 - 7.192 It shall review, and make recommendations regarding all proposals for new construction in an amount exceeding \$5,000.00, all proposals for repairs and remodeling of the physical plant which involve proposed expenditures of \$50,000.00 or more, and proposals for extensive improvements of the grounds of the System and its component institutions.
- 7.1(10) Duties of the Land and Investment Committee.--The Land and Investment Committee shall consider and make recommendations on all matters relating to (a) the investment of the Permanent University Fund and all trusts and special funds, (b) management of the state lands constituting the permanent endowment of the University, (c) the acquisition, management, and sale of trust property and special funds, and (d) the issuance of bonds.
- 7.2 Board for Lease of University Lands.--Two members of the Board shall be appointed by the Chairman of the Board, by and with the consent of the Board, to serve on the Board for Lease of University Lands. Neither of such appointees shall be employed either directly or indirectly by any oil or gas company nor shall be an officer or attorney for any oil or gas company.
- 7.3 Special Committees.--The Chairman of the Board shall appoint such special committees of the Board as the Board may authorize.

Sec. 8. Procedure.

- 8.1 Rules of Order.--Robert's Rules of Order, when not in conflict with any of the provisions of this chapter, shall be the rules of parliamentary procedure when the Board or any of its committees is in session.
- 8.2 Order of Business.--Customarily the order of business at a regular meeting of the Board shall be as follows:
 - 8.21 Correction and approval of Minutes of preceding meeting.

- 8.22 Special items:
- (a) Chancellor
 - (b) President of the System
 - (c) Chief administrative officers of the component institutions
 - (d) Members of the Board
- 8.23 Reports of standing committees.
- 8.24 Reports of special committees.
- 8.25 Report of the Committee of the Whole.
- 8.3 Open and Closed Meetings. --Meetings of the Board shall be open to the press and the public, unless otherwise determined by the Board, in accordance with law.
- 8.4 Matters to be Referred to Committees. --Insofar as it is practicable and desirable, all subjects and matters requiring Board action shall be referred to the appropriate committee for consideration and recommendation before action is taken thereon by the Board.
- 8.5 Communications to the Board.
- 8.51 Nothing herein shall be construed to prevent members of the Board from informing themselves as to their duties and obligations in such manner as they may deem proper. However, the regular channel of communication from members of the Board to the faculty, staff, and administration is through the President of the System and the chief administrative officer of the institution involved, and a copy of any communication sent by a Regent directly to any member of the faculty, staff or administration should be furnished to the President of the System and the chief administrative officer of the institution involved. All staff and faculty proposals that are to be acted upon by the Regents shall be presented to the President of the System in sufficient time to permit him to consider such proposals, make recommendations thereon, and transmit them to the Secretary to the Board no later than seventeen days prior to the next meeting of the Board, in order that the calendar, agenda, and supporting material may be prepared in time to mail to the members of the Board so they will receive it at least five days prior to the meeting. Except where emergency proposals are involved, all such proposals not submitted to the Secretary within the time prescribed shall not be considered by the Board but shall automatically be deferred until the next meeting of the Board.

- 8.52 Except upon invitation of the Board, the Chairman of the Board, the Chancellor, or the President of the System, no person shall appear before the Board or any committee thereof unless he shall file with the Secretary to the Board a written request for such appearance at least ten 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; provided, however, that the chief administrative officer, or his delegate, and/or the president of the students' association, or his delegate, of any component institution, without prior notice or request but subject to such time limitation as may be prescribed by the Chairman or a majority of the Board (or by the chairman or a majority of the committee), may appear before the Board or any committee thereof whenever the matter under consideration by the Board or committee directly affects the component institution represented by such chief administrative officer and/or student president. Whenever time and other circumstances permit, the president of the students' association, or his delegate, of such component institution, shall consult with the chief administrative officer, or his delegate, of such institution regarding said "matter under consideration" prior to the meeting of the Board or committee. Insofar as possible, any person who appears before the Board pursuant to the ten-day notice provision or without notice pursuant to the provisions of this paragraph shall provide a written statement of the substance of such person's presentation to the Board, and, insofar as possible, such written statement shall be delivered to the Secretary to the Board in sufficient time for copies to be distributed to the Regents prior to the meeting.
- 8.53 All official material to be distributed to the Regents shall be transmitted through the Office of the Secretary to the Board. Copies of all official communications from administrative officers to the Regents shall be sent to the Secretary. Communications from the Chancellor or President of the System shall be exempt from this requirement at their discretion, but in such cases information copies shall be furnished to the Secretary.
- 8.54 A docket, to be entitled "Docket No. ___ of the President of the System," 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 President of the System. All docket items from the component institutions must be received in the office of the President of the System not less than twenty-one days prior to the next regular scheduled meeting for inclusion on the docket for that meeting. The Docket of the President of the System shall be distributed by the Secretary to all members of the Board ten days before the Board convenes, together with a ballot to be returned seven days thereafter. The ballot will read: "Approved, except as to the following items:" with space provided for listing the excepted items. All items not excepted by any Regent will be approved by the Board at its next meeting, without detailed consideration. Any excepted item listed by any Regent will be deferred and will be processed through the System Administration Committee for consideration at the first regular meeting of the Board following action on the item by the System Administration Committee.

8.55

Except for communications from the Chancellor, the President of the System and the Secretary to the Board, all communications to the Board from members of the faculty and staff should be in writing. The regular channel of communication from the faculty, staff, and administration to the Board is through the chief administrative officer of the institution involved and the President of the System. A copy of any communication sent directly to a Board member should be furnished to the President of the System and to the chief administrative officer of the institution involved. A description of all matters to be considered by the Board at any meeting shall be mailed or delivered to each member of the Board and to the President of the System at least five days in advance of the meeting at which they are to be considered, and insofar as possible, such material shall be mailed or delivered to the Regents and the President of the System at least ten days in advance of the meeting. Each such matter shall be accompanied by a summary of the facts pertaining thereto, the needs for action thereon, and the recommendations of the President of the System. Where contractual awards are involved, the summary shall show the method of competition, if any, the names and offers of all interested parties, and generally sufficient information to show the reasons for and fairness of each transaction. The recommendations of the President of the System shall state whether or not they are fully concurred in by any institutional head involved, and if not, the views and

recommendations of the institutional head shall be included. Any matter not sent to the members of the Board, documented as herein provided, at least five days in advance of the meeting at which it is to be considered, shall go over to the next meeting for consideration; provided, however that if sufficient emergency exists requiring immediate action and it appears that the delay was unavoidable, this requirement may be waived by a two-thirds vote of the Board.

- 8.6 Report to Press on Actions of Board. --Matters of public interest will be given as promptly as possible after each meeting to the press by the Vice President for Administration under the direction of the Chairman of the Board or the President of the System.
- 8.7 Political and Otherwise Obviously Controversial Matters. --The Board reserves to itself the responsibility for passing upon matters of a political or obviously controversial nature which represent an official position of the System or any institution or department thereof. Statements on such matters shall be made by the Chairman of the Board, or the President of the System. No Regent, officer, or faculty or staff member shall make or issue any public statement on any political or other subject of an obviously controversial nature which might reasonably be construed as a statement of the official position of the System or any institution or department thereof, without the advance approval of the Board. It is not the intent of this policy statement to stifle the right of freedom of speech of anyone speaking in a personal capacity where he makes it clear that he is not speaking for the System or any of its component institutions. Statements on matters of an emergency nature shall be cleared by the President of the System with the Chairman of the Board, and the President of the System will advise the Chancellor concerning such matters.

Sec. 9. Executive Associate for Economic Affairs

- 9.1 The Executive Associate for Economic Affairs is a staff officer of the System. He is elected by the Board, serves at the pleasure of the Board reports to and is responsible to the Board, and receives such compensation as may be fixed by the Board.
- 9.2 Duties. --The Executive Associate on a continuing basis conceives and develops long-range plans and studies with respect to the development and management of the economic component institutions, and upon request, consults and advises with the Board and the Executive Director for Investments, Trusts and Lands regarding plans and studies.

CHAPTER II

ADMINISTRATION

Sec. 1. General Provisions.

- 1.1 The "System Administration" is the administration of The University of Texas System.
- 1.2 Component Insitutions.
The University of Texas System (herein sometimes called the "System" is composed of those institutions assigned by the Constitution or by the Legislature to be governed by the Board of Regents of The University of Texas System.
- 1.3 Location.
The System Administration shall be based at Austin, to benefit from the proximity of state agencies and to take advantage of economies made possible by share use of personnel and facilities with The University of Texas at Austin. System Administration officers shall travel to the other component institutions as their administrative responsibilities require.

Sec. 2. Officers of System Administration.

- 2.1 Chancellor Emeritus.
The authority to bestow the title of Chancellor Emeritus shall rest with the Board, and an individual holding this title shall receive such salary and emoluments as are determined by the Board. This title shall be held at the pleasure of the Board. The Chancellor Emeritus shall have such duties and responsibilities as may be delegated or assigned to him by the Board and in these matters he shall report directly to the Board.
- 2.2 Principal Officers.
The Chancellor is the chief executive officer of the System. The other principal executive and administrative officer of the System is the President and Chief Operating Officer (herein sometimes called "President of the System").

2.3 Administrative Officers.

The other administrative officers of the System are the Executive Assistant to the Chancellor; the Director for Development; the Vice President for Academic Affairs; the Vice President for Administration; the Vice President for Business Affairs; the Vice President and General Counsel; the Vice President for Health Affairs; the Vice President for Operations; the Budget Director; the Comptroller; the Executive Director for Investments, Trusts and Lands; the Associate General Counsel; the Director of Facilities, Planning and Construction; the Director of Police; the Director for Public Affairs; the Director for Special Services; the System Personnel Director; the Director for Accounting

2.4 Appointment and Tenure of Administrative Officers.

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

2.42 The Executive Assistant to the Chancellor and the Director for Development shall each be appointed by the Board after nomination by the Chancellor. Each of such officers shall hold office without fixed term, subject to the pleasure of the Chancellor, whose actions concerning such officers are subject to review and approval by the Board. Officers so appointed shall not have tenure by virtue of their respective administrative offices.

2.43 All other administrative officers of the System shall be appointed by the Board after nomination by the President of the System. Officers so appointed shall not have tenure by virtue of their respective administrative offices. They shall hold office without fixed term, subject to the pleasure of the President of the System. His actions concerning administrative officers are in turn subject to review and approval by the Board.

2.5 Staff and Line Functions of Officers Other than the Chancellor, the President of the System, Executive Assistant to the Chancellor and Director for Development.

2.51 Staff Function. Each officer of System Administration, other than the Chancellor, the President of the System, the Executive Assistant to the Chancellor, and the Director for Development; shall be responsible for planning and policy formulation

in his particular field as delegated by the officer to whom he reports and shall serve as adviser in his area to the officer to whom he reports. In addition, with the knowledge of the officer to whom he reports, he shall advise and consult with other members of System Administration and with the officials of the component institutions in his particular area of responsibility.

- 2.52. Duties. Such officers of System Administration shall have such duties as shall be assigned to them by the President of the System, or the officer to whom they report, and as the personal representatives of such officers, they may be assigned specific executive responsibilities for carrying out administrative policies.

Sec. 3. Administrative Authority, Duties and Responsibilities of Officers of System Administration.

3.1 Chancellor.

The Chancellor is the chief executive officer of the System and shall report to and be responsible to the Board within the policies and the Rules and Regulations of the Board in the areas of development, general policy, and general academic planning for the System and its component institutions. The Chancellor, by delegation from the Board, is authorized to exercise the power and authority possessed by the Board in the governance of the institutions composing the System. He shall:

- 3.11 Advise and counsel with the Board in establishing and promulgating basic policies.
- 3.12 Interpret the academic programs and needs of the System and its component institutions to the general public and other constituencies under policies established by the Board.
- 3.13 Represent the System in the articulation of educational policy concerns at the community, state, regional, and national levels.
- 3.14 Serve as chief executive agent of the Board in establishing policies and procedures for determining and approving developmental needs of the System and in directing efforts to attract private fund support for meeting these needs.
- 3.15 Have direct access to the chief administrative officers as required in the fulfillment of these responsibilities.

3.2 Executive Assistant to the Chancellor.

The Executive Assistant to the Chancellor is an administrative officer of the System, and is the principal assistant to the Chancellor in the

administration of the responsibilities of the Office of the Chancellor. In this regard, the duties of the position include, but are not limited to:

- 3.21 Coordination of all matters between the Office of the Chancellor and the activities and functions in the Office of the President of the System.
- 3.22 Coordination of all matters between the Office of the Chancellor and the Office of the Secretary to the Board.
- 3.23 Ongoing evaluation and coordination of the internal administrative procedures and supporting staff of the Office of the Chancellor.
- 3.24 Such other duties and responsibilities as may be directed by the Chancellor.

3.3 Director for Development.

The Director for Development is an administrative officer of the System

- 3.31 In carrying out his duties and responsibilities he:
 - 3.311 Serves as executive officer for the System Development Advisory Council.
 - 3.312 Acts under the authority delegated by the Chancellor for private fund development for the System.
 - 3.313 Coordinates policies and activities involving internal foundations and University-related external foundations.
 - 3.314 Coordinates and cooperates with the chief administrative officers of the component institutions in development programs.
 - 3.315 Coordinates efforts of component institution officials to create a favorable climate for philanthropic support among various constituencies, including alumni, foundations, business and industry, associations, parents of students, friends and benefactors.
 - 3.316 Advises component institution administrative officials, deans, and directors on projects involving private gift support, suggests possible granting agencies or benefactors, and assists when needed in the preparation of grant proposals and their presentation.
 - 3.317 Administers procedures for the preparation of gift records, gift processing, gift acknowledgments, and gift docketts for the Board.

3.32 The Director for Development reports to and is responsible to the Chancellor.

3.4 President of the System.

The President of the System is the chief operations officer of the System and, by delegation from the Board and within the policies of the Board, is authorized to exercise the powers and authorities of the Board in the governance of the System. The chief administrative officer of each component institution in the System, acting in a line capacity for the operation of his institution, reports to and is responsible to the President of the System.

3.41 The major tasks of the President of the System include:

- 3.411 Advising and counseling with the Board with respect to basic policies, and representing the System in all respects as he deems proper and required to properly carry out the policies, purposes and goals of the System.
- 3.412 Act as agent of the Board in implementing policies of the Board.
- 3.413 Present to the Board nominations for all officers of System Administration (other than Chancellor, the Executive Assistant to the Chancellor, and the Director for Development) and component institutions as provided in these Rules and Regulations.
- 3.414 With the aid and advice of the Board, represent the System with the Legislature, the Coordinating Board, Texas College and University System, and other state and federal agencies.
- 3.415 Conduct periodic review of the organization of the System and its component institutions. In light of this review, he shall report to the Board recommendations for changes in organization, assignments, and procedures.
- 3.416 Normally act through the chief administrative officer regarding the affairs of any component institution of the System; however, he shall not be precluded from any direct participation and communication with faculty members and groups.

- 3.417 Prepare and approve recommendations for the meetings of the Board and submit such approved recommendations to the Secretary to the Board for consideration by the Chairman of the Board.
- 3.418 Recommend annual operating budgets and biennial legislative submissions of each component institution of the System.
- 3.419 Approve initiation and settlement of claims and lawsuits involving the System with approval of the Board.
- 3.41(10) Develop and implement programs for the most efficient management of personnel resources.
- 3.41(11) Develop and implement programs of long-range planning for academic programs, physical facilities and financial resources.
- 3.41(12) Through the System Administration and the staff of the component institutions develop training programs for personnel in the nonacademic areas.
- 3.41(13) Plan and implement programs for uniform business systems development and management.
- 3.41(14) Have direct administrative authority and responsibility for efficient functioning of the following officers and operations:
 - 3.41(14) 1 Vice President for Academic Affairs
 - 3.41(14) 2 Vice President for Health Affairs
 - 3.41(14) 3 Executive Director for Investments, Trusts and Lands
 - 3.41(14) 4 Vice President for Operations
 - 3.41(14) 5 Vice President for Administration
 - 3.41(14) 6 Director for Public Affairs
 - 3.41(14) 7 Comptroller
 - 3.41(14) 8 Budget Director
 - 3.41(14) 9 Vice President and General Counsel
 - 3.41(14) (10) Vice President for Business Affairs
- 3.42 The President of the System reports to and is directly responsible to the Board of Regents.

- 3.43 The University Development Council. The University Development Council is composed of the Chancellor and the chief administrative officers of all component institutions of the System. The Chancellor shall serve as the chairman, and the Council shall review the development of private gifts and grants for the System and its component institutions.
- 3.44 The Council of Academic Institutions. The Council of Academic Institutions is composed of the President of the System, the Vice President for Academic Affairs, and the chief administrative officers of the general academic institutions of the System. The President shall serve as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented. The Vice President for Academic Affairs shall be the permanent vice-chairman.
- 3.45 Council of Health Institutions. The Council of Health Institutions is composed of the President of the System, the Vice President for Health Affairs, and the chief administrative officers of the component institutions of the System concerned directly with health affairs. The President of the System acts as the Council's permanent chairman and shall conduct regular meetings to review common problems of planning, development, and operation of the several institutions represented. The Vice President for Health Affairs shall be the permanent vice-chairman.
- 3.46 Business Management Council. The Business Management Council advises the President of the System in the areas of budgeting, business management, data processing, physical plant operations, planning, construction, and accounting systems development. The Council is composed of the chief business officers and the Vice President for Business Affairs (the Chairman), who prepares the agenda.
- 3.5 Vice President for Academic Affairs.
The Vice President for Academic Affairs is an administrative officer of the System.
- 3.51 Subject to delegation by the President of the System, the Vice President for Academic Affairs has the general assignment of effective coordination of the general academic institutions. Specifically, he:
- 3.511 Submits to the President of the System recommendations on the System programs in education, research, and public service, including

- general plans and operations of general academic institutions.
- 3.512 Reviews and makes recommendations on proposals from the general academic institutions requiring action by the President of the System.
- 3.513 Works with the general academic institutions to develop general guidelines concerning faculty workload and faculty policies and recommends to the President of the System concerning System policies on these matters.
- 3.514 Prepares and submits to the President of the System long-range and immediate academic plans for the general academic institutions including programs for continuous evaluation of existing academic programs.
- 3.515 Pursuant to governing policies, recommends to the President of the System upon the annual operating budget requests submitted by each general academic institution.
- 3.516 Recommends to the President of the System legislative appropriation requests (and policies for the development of such requests) to be submitted by the System on behalf of the general academic institutions.
- 3.517 Processes all academic matters for the System general academic institutions with the Coordinating Board, and coordinates other academic matters directed to the Coordinating Board.
- 3.518 Coordinates the preparation of the agenda for meetings of the Council of Academic Institutions.
- 3.519 In matters involving joint programs between System general academic institutions and System health institutions, coordinates with the Vice President for Health Affairs.
- 3.52 The Vice President for Academic Affairs reports to and is responsible to the President of the System.

3.6 Vice President for Health Affairs.

The Vice President for Health Affairs is an administrative officer of the System.

- 3.61 Subject to delegation by the President of the System, the Vice President for Health Affairs has the general assignment of effective coordination of those component institutions concerned primarily with health sciences.

Specifically, he:

- 3.611 Submits to the President of the System recommendations on System programs on health science education, research, and public service, including general plans and operations for the health institutions.
- 3.612 Reviews and makes recommendations on proposals from the health institutions requiring action by the President of the System.
- 3.613 Prepares and submits to the President of the System long-range and immediate plans for health science education, research and public service for the health institutions.
- 3.614 Pursuant to governing policies, recommends to the President of the System upon the annual operating budget requests submitted by each health institution.
- 3.615 Recommends to the President of the System legislative appropriation requests (and policies for the development of such requests) to be submitted by the System on behalf of the health institutions.
- 3.616 Processes all matters for the System health institutions with the Coordinating Board, and coordinates other health education matters directed to the Coordinating Board.
- 3.617 Coordinates the preparation of the agenda for meetings of the Council of Health Institutions.
- 3.618 Coordinates the development and implementation of interinstitutional programs to benefit the individual institutions in the achievement of their missions.
- 3.619 Interprets the health institutions' policies and programs to health professional groups at the local, state and national levels, and coordinates efforts with such health professional groups and state and federal regulatory agencies to assist the health institutions in the achievement of their missions.
- 3.61(10) In matters involving joint programs between System academic institutions and System health institutions, coordinates with the Vice President for Academic Affairs.

3.62 The Vice President for Health Affairs reports to and is responsible to the President of the System

3.7 Executive Director for Investments, Trusts and Lands.

The Executive Director for Investments, Trusts and Lands is an administrative officer of the System.

3.71 Subject to delegation by the President of the System, the Executive Director for Investments, Trusts and Lands implements, when they are approved by the Board, policies and actions with respect to:

3.711 The investment, management, and administration of all endowment funds belonging to the System and its component institutions, including the Permanent University Fund and all trust and special funds.

3.712 The management and administration of the surface of all endowment lands and real estate belonging to the System and its component institutions, except campus properties, but including the West Texas Lands and all trust properties.

3.713 The management and administration of oil, gas, and other mineral exploration and production on all endowment lands and real estate belonging to the System and its component institutions, including the West Texas Lands and all trust properties.

3.714 The issuance, management, and payment of all bonds and other evidences of indebtedness issued by the Board for the System and its component institutions.

3.715 Working closely with the Board for Lease of University Lands in the discharge of its duties and responsibilities.

3.716 Presenting to the Board through the President of the System periodic reports of the status and prospect of funds for which he has responsibility and that will be available for expenditure by the System and its component institutions.

3.717 Consulting with the Executive Associate for Economic Affairs with respect to the development of long-range plans for the development and management of the economic resources of the System and its component institutions.

- 3.718 Supervising the proper operation of the following budgeted activities:
 - Office of Investments, Trusts and Lands;
 - Board for Lease - University Lands;
 - Auditing Oil and Gas Production;
 - University Lands - Geology and Surveying;
 - Oil Field Supervision and Geophysical Exploration;
 - University Lands - Surface Leasing.
- 3.72 The Executive Director for Investments, Trusts and Lands reports to and is responsible to the President of the System.
- 3.8 Vice President for Operations.
 The Vice President for Operations is an administrative officer of the System.
 - 3.81 Subject to delegation by the President of the System, the Vice President for Operations is responsible for:
 - 3.811 Supervising and directing the operations of the Offices of Facilities Planning and Construction, System Personnel, Special Services, Equal Opportunity and Employee Relations.
 - 3.812 Supervising and coordinating the acquisition of all real property at the component institutions.
 - 3.813 Direct responsibility for the purchasing, accounting, equipment inventories, and vouchering operations for the offices of the Chancellor and the President of the System and coordination of building services for System buildings.
 - 3.814 Representing the President of the System at all meetings of:
 - Committee of Governing Boards;
 - Council of College Presidents;
 - Coordinating Board;
 - TASSCUBO;
 - Texas Association of Classroom Teachers;
 - and such other organizations as the President of the System may designate.
 - 3.815 Direct responsibility for the management of the System-wide insurance programs (except the System Plan for Professional Medical Malpractice Self-Insurance), including approval of all policies

and coverages, such programs to include:
Fire and Extended Coverage;
Liability;
Health;
Life;
Accidental Death and Dismemberment;
Income Replacement; and
Retirement.

3.816 Special assignments, as delegated or assigned by the President of the System.

3.82 The Vice President for Operations reports to and is responsible to the President of the System.

3.9 Vice President for Administration.

The Vice President for Administration is an administrative officer of the System.

3.91 Subject to delegation by the President of the System, the Vice President for Administration is responsible for:

3.911 Representing the System in its relations with federal governmental bodies and units; informing appropriate administrative officers of developments on the National level of significance to the System; recommending System actions and policies responsive to those developments; maintaining and distributing information to, and advising appropriate System Administration and component institution officials, in order to assure proper action by the System with respect to federal governmental programs and activities.

3.912 Communicating the activities of the Board and System Administration; coordinating news releases and other public information emanating from the component institutions, which involves the Board and System Administration; coordinating and serving as liaison to System Administration consultants in the area of media relations and public information dissemination; developing a format for the presentation of information about System institutions and activities to the general public; making recommendations to the President of the System regarding budget requests and staffing requirements for the public information services of the component institutions.

- 3.913 Making recommendations to the President of the System in the area of public policy as it affects the relationships of the System with the federal government, the press, and the general public.
 - 3.914 Performing other duties and assignments as delegated by the President of the System.
 - 3.92 The Vice President for Administration reports to and is responsible to the President of the System.
- 3.(10) Director for Public Affairs.
The Director for Public Affairs is an administrative officer of the System.
- 3.(10)1 Subject to delegation by the President of the System, the Director for Public Affairs shall:
 - 3.(10)11 On the direction of the President of the System represent the System in its relations with state and local legislative bodies and agencies.
 - 3.(10)12 Regularly advise the President of the System on relations with state and local legislative bodies and agencies.
 - 3.(10)13 Inform appropriate administrative officers of current and long-range developments on the state level, which may affect the System.
 - 3.(10)14 Maintain and distribute information on state programs to assure proper action by the System on applications and communications to federal and state agencies and offices.
 - 3.(10)15 Assist the Vice President for Administration in monitoring federal activities of significance to the System.
 - 3.(10)2 The Director of Public Affairs reports to and is responsible to the President of the System.
- 3.(11) Director of Facilities Planning and Construction.
The Director of Facilities Planning and Construction is an administrative officer of the System.
- 3.(11)1 Subject to delegation by the President of the System through the Vice President for Operations, the Director:
 - 3.(11)11 Has direct supervisory responsibility over the administration and general supervision of any new building construction and initial equipping thereof costing in excess of \$5,000; any inside

or outside repairs, remodeling, rehabilitation, new construction of improvements other than building, or campus planning costing \$50,000 or more; any preliminary planning, feasibility studies, or investigations which are estimated to ultimately develop into one of the above projects at any component institution of the System; and over consultation, advise and work with the architects and engineers employed by the Board subject to the terms and conditions of the contracts with those architects and engineers.

- 3.(11)12 Serves as ex officio member of all faculty building committees at the component institutions.
- 3.(11)13 Prepares and executes all documents relating to the acquisition and the use of funds received from the federal government and state agencies in connection with construction grant awards.
- 3.(11)14 Coordinates the preparation of and approves all grant applications on approved construction projects filed with governmental agencies.
- 3.(11)15 Coordinates the development of and maintains master plans for all component institutions, including but not limited to land utilization, utility, and landscape plans.
- 3.(11)16 Develops standards for maintenance of all physical facilities at component institutions.
- 3.(11)17 Has direct responsibility for negotiation and approval of all utility contracts.
- 3.(11)2 The Director of Facilities Planning and Construction reports to and is responsible to the Vice President for Operations.

3.(12) Comptroller.

The Comptroller is an administrative officer of the System.

- 3.(12)1 Subject to delegation by the President of the System, the Comptroller formulates and recommends procedures to be followed in the business operations of the System:
 - 3.(12)11 Accounting, auditing and reporting, and expenditure control.
 - 3.(12)12 Receipt, disbursement, and custody of moneys.
 - 3.(12)13 Procurement and purchasing.
 - 3.(12)14 Management of auxiliary service enterprises.

- 3.(12)15 Data processing systems--including prior approval of equipment acquisitions by purchase or lease.
- 3.(12)16 Accounting and business system development.
- 3.(12)17 Accounting records, forms, procedures, and financial reports, including format for such reports.
- 3.(12)18 Terms of depository agreements with banks.
- 3.(12)19 Lease contracts for building space.
- 3.(12)1(10) Approval of the business aspects and overhead rates in research and other contracts with outside agencies.
- 3.(12)1(11) Supervision of post auditing at each component institution.
- 3.(12)2 The Comptroller is responsible as joint custodian with the Director of Accounting of The University of Texas at Austin for securities owned by the System funds that are not on deposit in the State Treasury.
- 3.(12)3 The Comptroller reports to and is responsible to the President of the System.

3.(13) Budget Director.

The Budget Director is an administrative officer of the System.

- 3.(13)1 The Budget Director's primary responsibilities are to plan and develop systems and procedures for uniform budget preparation, budget control and financial reporting.
- 3.(13)2 Subject to delegation by the President of the System, the Budget Director:
 - 3.(13)21 Formulates procedures governing the preparation and review of all budgets and development of effective methods of presenting approved budgets to appropriate agencies.
 - 3.(13)22 Recommends procedures to be followed, including format, schedules of budget preparation, and effective review of budgets.
 - 3.(13)23 Prepares budget-writing instructions.
 - 3.(13)24 Conducts budget and other related research studies.
 - 3.(13)25 Plans systems and procedures for budgetary control and financial reporting.
 - 3.(13)26 Controls and supervises distribution of all budgets, and processes and approves (as delegated) interim budget changes.

- 3.(13)27 Prepares periodic budgetary, financial, and special reports, as appropriate.
 - 3.(13)28 Serves as liaison with the staff of the Legislative Budget Board, the Governor's Budget Office, and the Coordinating Board, Texas College and University System.
 - 3.(13)3 The Budget Director reports to and is responsible to the President of the System.
- 3.(14) Vice President and General Counsel for the System.
The Vice President and General Counsel for the System is an administrative officer of the System.
- 3.(14)1 Subject to delegation by the President of the System, the Vice President and General Counsel of the System is basically responsible for providing all legal services required by the System and its personnel to insure the proper protection and advancement of System operations and interests, and to maintain such services at a high level of effectiveness. The regular major tasks of the General Counsel are:
 - 3.(14)11 Manages and directs all legal affairs and personnel of the System.
 - 3.(14)12 Provides advice, counsel and legal interpretations to System officials and personnel concerning legal matters affecting System operations.
 - 3.(14)13 Directs Office of General Counsel (OGC) personnel with respect to work priorities and assignments, standards of performance, and career development, delegates to staff members responsibility for particular legal and OGC administrative tasks; and coordinates and controls OGC budget and personnel levels.
 - 3.(14)14 Directs and manages (within applicable limits of authority) all litigation and administrative agency hearings; authorizes and approves the institution of legal proceedings; evaluates, directs and approves action and procedures relative to prosecution or defense of pending litigation and administrative proceedings; employs outside counsel; approves payment of outside counsel fees; and authorizes and approves settlement or appeal of litigation.

- 3.(14)15 Advises, counsels and disseminates information to affected System units relative to the nature, evaluation, progress and results of litigation, administrative proceedings, and other legal matters, and makes recommendations to System officials and other personnel as to future operations and objectives.
- 3.(14)16 Approves as to form all contracts and agreement and all amendments to the Regents' Rules and Regulations; and approves as to both form and content all Institutional Handbooks of Operating Procedures, whether finally approved or not, and all amendments to such handbooks.
- 3.(14)17 Drafting all legislation that has been approved by the Board or requested by any System officer for submission to the Board for approval.
- 3.(14)18 Identifies and evaluates administrative and functional problems and directs or recommends, as appropriate, course of action for solution.
- 3.(14)19 Represents the System before legal, educational and governmental groups and associations.
- 3.(14)1(10) Acts as administrator of the System Plan for Professional Medical Malpractice Self-Insurance and System Patent Officer.
- 3.(14)1(11) Works in cooperation with the Attorney General of the State of Texas, State Agency legal counsel and outside counsel.
- 3.(14)1(12) Assumes responsibility for any other legal, administrative or operational matters delegated by the President of the System.
- 3.(14)2 The Vice President and General Counsel of the System reports to and is responsible to the President of the System.
- 3.(15) System Personnel Director
The System Personnel Director is an administrative officer of the System.
 - 3.(15)1 The System Personnel Director's primary responsibility is to plan, develop, and coordinate System-wide personnel policies and procedures. Subject to delegation by the President of the System through the Vice President for Operations, the System Personnel Director:
 - 3.(15)11 Acts as liaison between component institution personnel officers and the System offices

- regarding all personnel matters related to classified personnel, administrative staff, and certain matters relating to teaching and/or academic personnel.
- 3.(15)12 Advises the System Officers and makes recommendations concerning development of methods and procedures designed to maximize the effectiveness of System Personnel Programs.
 - 3.(15)13 Reviews and recommends all classified personnel pay plans for each component institution, including the establishment of proper classifications and pay scales consistent with needs and System-wide policies and procedures.
 - 3.(15)14 Reviews and recommends the Personnel Office budgets for each component institution.
 - 3.(15)15 Directs administration of the System Personnel Office, including the Workmen's Compensation Insurance section.
 - 3.(15)16 Reviews and recommends to System Officers any rules and regulations or changes thereto that, after proper consultation with officers of component institutions, are considered beneficial or necessary for the proper administration of the System-wide Personnel Program.
 - 3.(15)17 Establishes Employee Development and Training Programs for all component institutions, including particularly Supervisory Training Programs.
 - 3.(15)18 Formulates policies and procedures concerning labor relations and employer-employee relationships.
 - 3.(15)19 Assists in establishing Personnel Data Systems and proper practices and procedures concerning the personnel records of all employees.
 - 3.(15)1(10) Conducts System-wide Wage and Salary Research Studies and formulates data for proper implementation of personnel pay programs.
 - 3.(15)1(11) In consultation with the personnel offices of the component institutions, develops and maintains a System-wide personnel pay plan with uniform titles and account numbers.
- 3.(15)2 The System Personnel Director reports to and is responsible to the Vice President for Operations.

3. (16) Director of Accounting of The University of Texas at Austin.
 The Director of Accounting of The University of Texas at Austin is the accounting officer for both The University of Texas at Austin and for System Administration.
3. (16)1 Subject to delegation by the President of the System through the Vice President for Business Affairs, he shall:
3. (16)11 Have responsibility for custody, accounting, and reporting of all funds handled by the Director of Accounting's Office for the component institutions outside of Austin, and for System Administration, the Permanent University Fund, the Available University Fund, and trust and special funds.
3. (16)12 Have custodianship with the Comptroller of securities owned by the System funds that are not on deposit in the State Treasury.
3. (16)13 Maintain a full and complete set of records that accurately reflect the balances and transactions of all financial and property accounts of the System (as contrasted with such accounts of the component institutions).
3. (16)2 With respect to System Administration matters, the Director of Accounting of The University of Texas at Austin reports to and is responsible to the Vice President for Business Affairs. With respect to other matters, he reports to the appropriate officers of The University of Texas at Austin.
3. (17) Director of Police.
 The Director of Police is an administrative officer of the System.
3. (17)1 Subject to delegation by the President of the System through the Vice President for Business Affairs, the Director of Police is responsible for:
3. (17)11 Approving qualifications for police personnel at the component institutions of the System and approving all applicants to a basic or in-service training school or academy.
3. (17)12 Approving the organizational structure for police departments at the component institutions of the System.
3. (17)13 Establishing and supervising all training programs for System police, including basic and in-service training, as well as on-the-job training at each component institution of the System.

- 3.(17)14 Conducting the System training in accordance with the standards of the Texas Commission on Law Enforcement Officer Standards and Education, in order to maintain accreditation with this state agency.
- 3.(17)15 Maintaining liaison with The Director of Training, Texas Department of Public Safety, and the Coordinator of Training, Federal Bureau of Investigation, and being aware of new training techniques, procedures, programs, and equipment.
- 3.(17)16 Establishing a uniform reporting and record system for police departments at the component institutions of the System and approving any changes thereto.
- 3.(17)17 Conducting periodic inspections of the police departments of the component institutions of the System and evaluating their performance as police agencies.
- 3.(17)18 Formulating and establishing policies and procedures for police operations on a System-wide basis.
- 3.(17)19 Establishing, maintaining, and supervising on a System-wide basis, a program for police personnel promotion.
- 3.(17)1(10) Reviewing and recommending the pay scale for police personnel throughout the System.
- 3.(17)1(11) Surveying all component institutions of the System for security needs of existing buildings, grounds, and lighting, in order to make the appropriate recommendations to insure the prevention of criminal activities and the protection of life and property.
- 3.(17)1(12) Consulting with the Office of Facilities Planning and Construction on security needs for new construction, including security lighting on the property of the component institutions of the System.
- 3.(17)1(13) Coordinating the use of police throughout the System in emergency situations.
- 3.(17)1(14) Submitting periodic reports to the Vice President for Business Affairs concerning the operations of the police departments of the component institutions of the System.

3.(17)2 The Director of Police reports to and is responsible to the Vice President for Business Affairs

3.(18) Vice President for Business Affairs.

The Vice President for Business Affairs is an administrative officer of the System.

3.(18)1 Subject to delegation by the President of the System, the Vice-President for Business Affairs has the general assignment of effective coordination of the business activities of the component institutions in the System.

Specifically, he:

3.(18)11 Submits recommendations to the President of the System on business operations of the components of the System.

3.(18)12 Reviews and makes recommendations on uniform business systems and management.

3.(18)13 Submits recommendations relating to programs for the most efficient management of personnel and resources.

3.(18)14 Submits recommendations for program development for training of personnel in nonacademic areas.

3.(18)15 Reviews and makes recommendations on programs of long range planning for physical facilities and financial resources.

3.(18)16 Reviews and makes recommendations relating to police and security matters within the System.

3.(18)17 Has responsibility for coordinating the business affairs of the System with other officers and members of the System Administration staff.

3.(18)18 Coordinates activities of Business Administrative Operations of the Component Institutions.

3.(18)2 The Vice President for Business Affairs reports to and is responsible to the President of the System.

3.(19) Associate General Counsel

The Associate General Counsel is an administrative officer of the System.

3.(19)1 Subject to delegation by the Vice President and General Counsel for the System, the Associate General Counsel is responsible (within delegated limits of authority) for:

3.(19)11 Providing legal counsel and advise to System officers, and their staffs, with respect to legal matters arising from System operations.

- 3.(19)12 Representing the System in court and before administrative boards and tribunals.
 - 3.(19)13 Preparation, analysis and legal approval of agreements, contracts and various legal documents and instruments; amendments to Regents' Rules and Regulations; and approval as to both form and content of all Institutional Handbooks for Operating Procedures, and all amendments thereto.
 - 3.(19)14 Reviewing, analyzing and providing legal counsel on pending and enacted legislation and governmental regulations, and drafting proposed legislation and regulations.
 - 3.(19)15 Giving functional and administrative direction and guidance to assigned attorneys and staff.
 - 3.(19)16 Substitutes for the General Counsel, as assigned, and otherwise assists the General Counsel with respect to the responsibilities and activities of the Office of General Counsel.
- 3.(19)2 The Associate General Counsel reports to and is responsible to the Vice President and General Counsel for the System.

Sec. 4. Chief Administrative Officers of Component Institutions.

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

At all times, the Chancellor of the System and the President of the System shall be looking for promising candidates to whom they may refer the advisory committee when it is established.

When it is known that there is to be a vacancy in the office of a chief administrative officer of a component institution, an Advisory Committee, with the Chancellor of the System as Chairman, shall be established as follows to recommend candidates to the Board:

- Chancellor of the System (Chairman)
- President of the System
- Vice President for Health Affairs or Vice President for Academic Affairs (as determined by the President of the System)
- Three Chief Administrative Officers (to be appointed by the Chairman of the Board from three of the component institutions)

- Three Regents
(to be appointed by the Chairman of the Board)
- Five Faculty members of the institution involved, at least three of whom shall have the rank of associate professor or higher (method of selection to be determined by the General Faculty of the campus)
- One Dean
(for academic institutions to be selected by Dean's Council of the institution involved)
(for health science centers to be the Dean of Medicine of the health science center involved)
- Two Students from the institution involved
(method of selection to be determined by the Student Government of the campus involved)
- President of the Ex-Students' Association of the campus involved or his designee
(if institution does not have an active alumni organization, then a member of the development board or an interested layman to be appointed by the President or Acting President of the institution involved)

The Advisory Committee shall determine the availability of each candidate selected. To evaluate a candidate, the Advisory Committee shall set up criteria that relate to the needs of the individual component and shall seek advice on the ability of each candidate interviewed including advice from competent sources as to the candidate's administrative and business ability.

Finally, the Advisory Committee shall submit through its Chairman, the Chancellor of the System, its recommendations with no preference indicated. Candidates submitted shall have received a majority vote of the Committee. 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.

- 4.2 Each chief administrative officer reports to and is responsible to the President of the System, and serves without fixed term, subject to the pleasure of the President of the System and approval by the Board.
- 4.3 Within the policies and regulations of the Board, and under the supervision and direction of the President of the System, the chief administrative officer has general authority and responsibility for the administration of that institution.
- 4.31 Specifically, the chief administrative officer is expected, with the appropriate participation of the staff, to:
- 4.311 Develop and administer plans and policies for the program, organization, and operation of the institution.
 - 4.312 Interpret the System policy to the staff, and interpret the institution's program and needs to the President of the System and to the public.
 - 4.313 Develop and administer policies relating to students, where applicable, to the proper management of services to patients.
 - 4.314 Recommend appropriate operating budgets and supervise expenditures under approved budgets.
 - 4.315 Nominate all members of the faculty and staff, maintain efficient personnel programs, and recommend staff members for promotion, retention, or dismissal for cause.
 - 4.316 Insure efficient management of business affairs and physical property; recommend additions and alterations to the physical plant.
 - 4.317 Serve as presiding officer at official meetings of faculty and staff of the institution, and as ex officio member of each college or school faculty (if any) within the institution.
 - 4.318 Appoint all faculty, staff, and student committees.
 - 4.319 Cause to be prepared and submitted to the President of the System the rules and regulations for the governance of the institution. When such rules and regulations have been finally approved by the President of the System, they shall thereafter constitute the Handbook of Operating Procedures for that institution. Provided, however that whether or not finally approved by the President of the System, any rule or regulation in

- any such institutional Handbook of Operating Procedures that is in conflict with any rule or regulation in the Regents' Rules and Regulations, is null and void and has no effect, and whenever any such conflict is detected, the President of the System and the chief administrative officer of the component institution shall immediately make such amendments to the institutional Handbook of Operating Procedures as may be necessary to eliminate such conflict.
- 4.31(10) Assume initiative in developing long-range plans for the program and physical facilities of the institution.
 - 4.31(11) Assume active leadership in developing private fund support for the institution in accordance with policies and procedures established in the Regents' Rules and Regulations.
 - 4.32 In the areas of private fund development, the chief administrative officer has direct access to the Chancellor.

Sec. 5. Appointment of Other Administrative Officers.

- 5.1 The Board delegates to the President of the System and the President of the System delegates to the chief administrative officer of each component institution the responsibility for the appointment of all other administrative officers of each component institution, including vice-presidents, deans, directors and their equivalents. However, prior approval of the President of the System shall be necessary for each such permanent or acting appointment. All such other administrative officers serve without fixed terms and subject to the pleasure of the chief administrative officer of the institution and the aforesaid approval of the President of the System.
- 5.2 The Board delegates to the President of the System and the President of the System delegates to the chief administrative officer of each component institution the responsibility for the permanent or acting appointment of department chairmen, department heads, and their equivalents. Such department chairmen, department heads and their equivalents serve without fixed terms and subject to the pleasure of the chief administrative officer of the institution.
- 5.3. The Board endorses the principle of reasonable faculty and student consultation in the selection of administrative officers of the component

institutions, and the primary operating units, and expects the chief administrative officer, as he deems appropriate, to consult in the selection process with representatives of the faculty and student body. However, the chief administrative officer of the component institution is responsible for executing the duties of his office and consequently shall not be bound by nominations to key administrative positions in his office by campus selection committees in making his nominations to the President of the System. Such advice and consultation as he may seek or be given shall not be binding upon his nominations for appointments to positions in the echelon immediately below his position.

CHAPTER III

PERSONNEL

Sec. 1. Appointments.

- 1.1 The Board, upon the recommendation of the President of the System, shall elect or appoint, as the case may be, all of the officers, faculty members, and other employees of the System and of the component institutions and agencies of the System, fixing, subject to State and Federal laws, the duties, rights, and privileges of each employee or each class or group of employees; provided, however, that the Board may delegate to the President of the System, or through him, to the chief administrative officers of the component institutions, authority to appoint employees in certain designated classes or categories.
- 1.2 All appointments shall be made on the basis of merit.
- 1.3 The chief administrative officers of the component institutions shall investigate thoroughly the character, integrity, scholastic attainment, etc., of prospective members of their faculties and staffs before nominating them to the President of the System and the Board, or before exercising any delegated authority for making appointments.
- 1.4 The chief administrative officers of the component institutions shall not nominate or appoint, nor will the Board approve the appointment of, any person whose conduct or views are not exemplary; and the Board may inquire, or authorize inquiry, into family history, health, and personal and moral character.
- 1.5 As provided in the Constitution of the State of Texas, Article I, Section 4, and by statute, no religious qualification shall be required for appointment to any office or position connected with the System or any component institution thereof.
- 1.6 There shall be full compliance with statutory and rider provisions requiring notification to employees of specific provisions or languages.
- 1.7 Each component institution may require X-rays of the chest for applicants to be employed in regular positions. Employees whose duties

will require the handling of food or the care of patients must pass a physical examination indicating fitness for the position for which application is made. The examination may be made at the health service of the component institution at which the applicant will be employed, if such service exists. Reports of physical examinations shall be filed as determined by the institutional head.

1.8 Academic Titles.

In order to achieve consistency in the use of academic titles among the component institutions of the System, the following subsections describe the use of titles to apply in all institutions from the date of adoption of this section.

- 1.81 Except for the title Regents Professor, the only titles to be used henceforth in which faculty members may hold tenure are as follows:
- (a) Professor
 - (b) Associate Professor
 - (c) Assistant Professor (As amended 10/20/78)
- 1.82 Persons holding a named chair or professorship or a position designated by academic discipline may acquire tenure by virtue of one of the three positions listed above, but not through the named chair or professorship or position designated by academic discipline. At M. D. Anderson, the institution head under special circumstances may use the term Faculty Associate in lieu of Instructor.
- 1.83 Other academic titles which may be used but in which tenure cannot be held are as follows:
- (a) Instructor. This title denotes a probationary appointment as a member of an institutional faculty. During the period of probationary appointment to this rank the scholarly competence, teaching performance, and professional promise of the candidate will be evaluated.
 - (b) Lecturer. This title is used for persons whose salary rates are comparable to those with tenure positions but who for various reasons should not be given formal tenure appointments.
 - (c) Assistant Instructor or Teaching Associate. These titles may be used interchangeably for (1) certain graduate students teaching on a part-time or full-time basis who are in the last phase of their doctoral programs and who are unconditionally enrolled in graduate study, or (2) persons who, because of the nature of their duties, such as in a laboratory or in a

hospital, do not qualify for one of the usual academic titles and do not hold the academic training or professional distinction usually required for attaining tenure positions.

- (d) Teaching Assistant. This title usually applies to graduate students who are teachers and who are employed on a part-time basis. The only other teaching titles for graduate students are Teaching Associate and Assistant Instructor.
- (e) Faculty Associate. This title may be applied to a person assigned to a research or nonteaching center, institute, or other unit or interdisciplinary program of a component institution.
- (f) 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 institutional head and the President of the System, the title may carry appropriate descriptive prefixes so as to indicate the specific area of proficiency, e.g. Practice Teaching Specialist, Physical Activity Specialist, Social Work Field Training Specialist.

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

- (a) Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor. These titles are used only for temporary appointments of persons either visiting from other institutions where they hold similar ranks or who are brought to the University on a trial basis. Such appointments are limited to two years.
- (b) Adjunct Professor, Adjunct Associate Professor, and Adjunct Assistant Professor. One of these titles may be used when a qualified person from business, industry, government, private practice, or another institution of higher education may be teaching a course or participating in the teaching of a course at one of the component institutions. Except in special circumstances, this prefix should be used to designate part-time service on the faculty. In the health components, this prefix should be used only for those persons not involved in patient care who otherwise satisfy the above criteria. Appointments to the faculty with an adjunct title may be with or without pay and shall be for a stated period of time not to exceed one academic year. Such appointments shall terminate upon expiration of the stated period of appointment without the notification of nonrenewal required by

Section 6. 8 of this Chapter of the Regents' Rules and Regulations. If a component determines that it is to the benefit of the institution it may offer reappointment to an adjunct faculty member.

(c) Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor and Clinical Instructor. These titles may be used by the components to designate regular part-time service on the faculty while involved in a health professions clinical experience program. Appointments to the faculty with a clinical title may be with or without pay and shall be for a period of time not to exceed one academic year. Such appointments shall terminate upon expiration of the stated period of appointment without the notification of nonrenewal required by Section 6. 8 of this Chapter of the Regents' Rules and Regulations. If a component determines that it is to the benefit of the institution it may offer reappointment to a clinical faculty member.

(d) Professor Emeritus and Associate Professor Emeritus. One of these titles may be given to a retired faculty member or in anticipation of the retirement of a faculty member, effective upon his retirement. The conferring of one of these titles is not automatic upon retirement and is conferred in accordance with procedures developed at the institution and upon approval by the President of the component institution.

1. 85 Any person holding a position of Research Scientist, Research Associate, Research Assistant or (in the health units) other appropriate research title will be under the classified personnel system, unless he is specifically identified as faculty or special approval has been granted by the chief administrative officer of the institution to designate him as an unclassified employee in such a position.

1. 86 Any faculty member who is awarded the Nobel Prize or who has in the past been awarded the Nobel Prize may, upon recommendation of the head of the component institution and the Chancellor of the System, be given the title Regents Professor. Because of the great honor associated with the award of a Nobel Prize, tenure is awarded to Regents Professors by virtue of the appointment to this rank. (As amended 10/20/78)

1. 87 The following are titles used in the past on occasion and the use of which is to be discontinued:

- (a) System Professor
- (b) University Professor
- (c) Research Professor. Positions for which this title was used in the past should carry the title of Research Scientist or Research Associate or other appropriate title.

(d) Guest Professor. In the future Visiting Professor should be used in lieu of this title.

Although persons may not in the future be appointed to any of the above four titles, this provision does not require that such titles be removed from persons currently holding them, provided, however, that present System Professors must be assigned to specific departments in specific institutions for purposes of determining accountability for their time, and present University Professors must be assigned to specific departments at their institutions for purposes of determining accountability for their time.

Sec. 2. Classified Personnel Systems.

- 2.1 Subject to System-wide rules, each of the component institutions shall provide a classified personnel system covering all positions not entailing significant instructional responsibilities or responsibilities for administration of instructional or research activities. These systems shall be as nearly uniform as possible, and shall include a schedule of class titles, job specifications for each class, a schedule of pay ranges, and policies and rules relating to personnel administration.
- 2.2 All appointments of classified personnel shall be made within appropriate salary ranges and on salary steps as defined by the classified personnel program approved by the Board for the particular component institution.
- 2.3 The system-wide rules as to classified personnel are found in Part Two, Chapter V, Section 1.

Sec. 3. Employment of Aliens on Sponsored Projects.

Where sponsored contracts and grants do not otherwise prohibit or limit the employment of noncitizens, such noncitizens may be employed upon certification by the Director of the International Office at The University of Texas at Austin, or by an appropriate administrative officer at the other component institutions, that he has examined the applicant's visa and found it to be in order and has ascertained that the applicant has the approval of the United States Immigration authorities to accept such employment.

Sec. 4. Code of Ethics. -- Each employee, under State law, shall be furnished a copy of the Code of Ethics bill, which prescribes the following standards of conduct for employees of the System and its component institutions:

- 4.1 No employee shall accept any gift, favor, or service that might reasonably tend to influence him in the discharge of his official duties.

- 4.2 If an employee owns a controlling interest in a corporation, firm, partnership, or other business entity which is under the jurisdiction of any State regulatory agency, he shall file a sworn statement with the Secretary of State disclosing such interest.
- 4.3 No employee shall use his official position to secure special privileges or exemptions for himself or others, except as may be otherwise provided by law.
- 4.4 No employee shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.
- 4.5 No employee shall disclose confidential information gained by reason of his official position, nor shall he otherwise use such information for his personal gain or benefit.
- 4.6 No employee shall transact any business in his official capacity with any business entity of which he is an officer, agent, or member, or in which he owns a controlling interest.
- 4.7 No employee shall make personal investments in any enterprise which will create a substantial conflict between his private interests and the public interest.
- 4.8 No employee shall accept other employment which might impair his independence of judgment in the performance of his public duties.
- 4.9 No employee shall receive any compensation for his services as an employee from any source other than the State of Texas, except as may be otherwise provided by law.

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

- 5.1 Whenever an appointment is made, either on a full-time or part-time basis, it shall be made solely with regard to the special fitness of the appointee, subject to applicable statutes; and subject also to the provisions of this section of the Regents' Rules and Regulations.
- 5.2 In accordance with the prohibition of Article 5996a, Vernon's Civil Statutes, no person related to any member of the Board of Regents within the second degree by affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position,

employment, or duty with The University of Texas System or any component institution thereof, when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind or character.

5. 21 Article 5996a, Vernon's Civil Statutes, does not prohibit the reappointment or continued employment of any person who shall have been continuously employed in any such office, position, employment, or duty for a period of two (2) years prior to the appointment of the member of the Board of Regents related to such person within the prohibited degree, nor does it apply to prohibit honorary or nonremunerative positions.

5. 22 Those persons related within the prohibited degrees are indicated on the charts displayed in this Section as Table I. (Page III-7a)

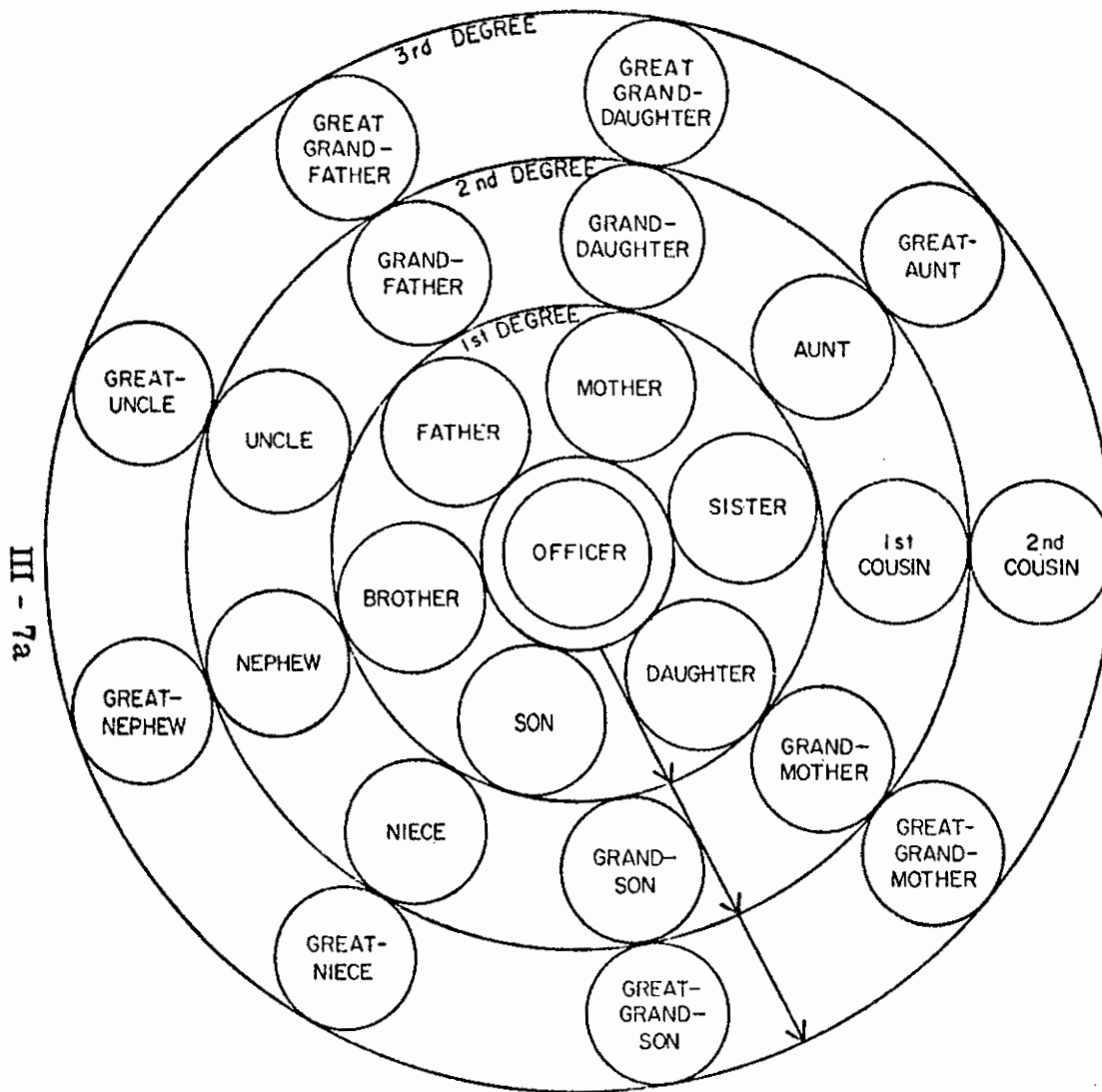
5. 23 The prohibition of Article 5996a, Vernon's Civil Statutes, applies to all programs administered under the Board of Regents and may not be waived. (As amended 10/20/78)

5. 3 Even though the appointment of a person would not be prohibited by Article 5996a, Vernon's Civil Statutes, no officer, official or employee of The University of Texas System may approve, recommend, or otherwise act with regard to the appointment, reappointment, promotion, or salary of any person related to such officer, official, or employee within the second degree by affinity or the third degree by consanguinity regardless of the source of funds for payment of salary.

5. 31 If the appointment, reappointment, or promotion of a person places him or her under an administrative supervisor related within the above specified degree, all subsequent actions with regard to reappointment, promotion, or salary shall be the responsibility of the next highest administrative supervisor. It shall also be the responsibility of the next highest administrator to make a written review of the work performance of such employee at least annually and submit each review for approval or disapproval by the component institution's Personnel Director in the case of classified employees or the Chief Administrative Officer in the case of faculty or nonclassified employees.

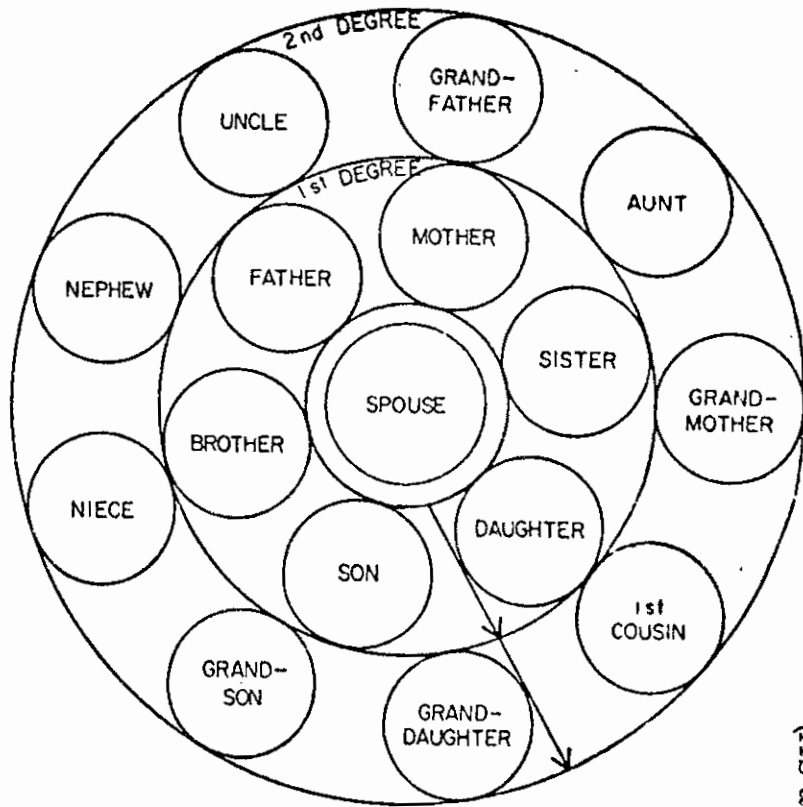
5. 32 The provisions of Section 5. 31 shall apply to situations where two employees of the System marry and one spouse is the administrative supervisor of the other.

5. 33 All situations covered by Section 5. 31 shall be reported annually through the institution's docket. (As amended 10/20/78)



III - 7a

CONSANGUINITY KINSHIP CHART



AFFINITY KINSHIP CHART

TABLE I

(As amended 10/20/78)

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

- 6.1 Subject to the provisions of Section 65.32 of the Texas Education Code, which reads, "The board may remove any officer, member of the faculty, or employee connected with the system when in its judgment the interest of the system requires the removal," and subject to the terms and provisions of these Regents' Rules and Regulations, the principles governing tenure and promotion are specified for each component institution in the Handbook of Operating Procedures applicable to that institution. See also Section 1.8 above on academic titles.
- 6.2 Tenure denotes a status of continuing appointment as a member of the faculty at a component institution. Only members of the faculty with the academic titles of Professor, Associate Professor, or Assistant Professor 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 of the Permian Basin or The University of Texas System Cancer Center.

The University of Texas of the Permian Basin and The University of Texas System Cancer Center are 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 ranks, or may be withheld pending satisfactory completion of a probationary period of faculty service.

No component institution may adopt or implement a seven-year term appointment policy except The University of Texas of the Permian Basin and The University of Texas System Cancer Center.

- 6.21 Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, or any combination thereof, shall be counted toward fulfillment of a required probationary period related to the acquisition of tenure or a seven-year term appointment. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period.

- 6.22 Prior service at other academic institutions, whether inside or outside the System, shall not be counted toward fulfillment of the required probationary period unless specifically permitted under the provisions of a component institution's Handbook of Operating Procedures.
- 6.23 The maximum period of probationary faculty service in nontenured status in any academic rank or combination of academic ranks specified in Section 6.21 shall not be more than seven years of full-time academic service. In the event that a component institution fails to specify the maximum length of probationary service in its Handbook of Operating Procedures, such period shall be seven years. No later than August 31st of the penultimate academic year of the maximum probationary period in effect at any component institution, all nontenured faculty serving in a rank which accrues time toward satisfaction of a probationary period shall be given notice that the subsequent academic year will be the terminal year of employment or that beginning with the subsequent academic year tenure or a seven-year term appointment will be granted. In the event that the employment of a nontenured faculty member is to be terminated prior to the end of the maximum probationary period notice shall be given in accordance with Section 6.8 below.
- 6.24 For purposes of calculating the period of probationary service, an "academic year" shall be the period from September 1st through the following August 31st. If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the following September 1st 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 if he is 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.
- 6.25 All faculty appointments are subject to the approval of the Board. No nontenured member of the faculty should expect continued employment beyond the period of his or her current appointment as approved by the Board. Any commitment to employ a nontenured member of the faculty beyond the period of his or her current appointment shall have no force and effect until approved by the Board.

- 6.26 Accrued faculty service under tenure policies in effect at any component institution prior to October 20, 1972, must be counted toward fulfillment of the probationary period of service prescribed by this Rule. In the event that the probationary period under any such existing tenure policy exceeds seven years, no person who on October 20, 1972, is then serving in his or her seventh or succeeding year shall be deemed to have been granted tenure by virtue of the adoption of this Rule. All such persons shall be given notice on or before August 31, 1973, that the subsequent academic year will be the terminal year of employment or that beginning with the subsequent academic year tenure will be granted.
- 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 their appointment, except by resignation or retirement for age in accordance with these rules, will be only for good cause shown. In each case the issue will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of the System.
- 6.31 An institutional head may for grave cause suspend an accused faculty member pending immediate investigation or speedy trial as hereinafter provided.
- 6.32 In cases of incompetency, gross immorality, or felony, where the facts are admitted, summary dismissal 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 against him, which, on reasonable notice, will be heard by a special hearing tribunal whose membership shall be appointed by the institutional head from members of the faculty whose academic rank is at least equal to that of the accused faculty member.
- 6.331 In every such hearing the accused will have the right to appear in person and by counsel of his own selection and to confront and cross-examine witnesses who may appear against him.
- 6.332 He shall have the right to testify, but may not be required to do so, and he may introduce in his behalf all evidence, written or oral, which may be relevant or material to his defense.
- 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 against the accused faculty member and in support of the charge brought against such faculty member, and such institution representative shall have the right to cross-examine the accused faculty member (if he testifies in his own behalf) and the witnesses offered on behalf of the faculty member.
- 6.335 The hearing tribunal shall not include any accuser of the faculty member, and if the accused faculty member is not satisfied with the fairness or objectivity of any member or members of the hearing tribunal, he may challenge his or their alleged lack of such fairness or objectivity, but he shall have no right to disqualify any such member or members from serving on the tribunal. It shall be up to each such challenged member to determine whether he can serve with fairness and objectivity in the matter, and if any such challenged member should voluntarily disqualify himself, the institutional head shall appoint a substitute member of the tribunal who is qualified hereunder.
- 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's tenure. 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 basic recommendation, together with any supplementary suggestions, shall be delivered to the Board and a copy thereof to the accused. If minority findings, recommendation, or suggestions are made, they shall be similarly treated.
- 6.34 The Board, by a majority of the total membership, will approve, reject, or amend such findings, recommendation, and suggestions, if any, or will recommit the report to the same tribunal for hearing additional evidence and reconsidering its findings, recommendation, and suggestions, if any. Reasons for approval, rejection, or amendment of such findings, recommendation, or suggestions will be stated in writing and communicated to the accused.

- 6.35 Nontenured faculty members who are notified in accordance with Section 6.8 that they will not be reappointed or who are notified in accordance with Section 6.23, 6.8, or 6.9 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. No hearing to review such a decision shall be held unless the affected faculty member submits in writing to the chief administrative officer of the institution factual allegations that the decision to terminate was based upon the faculty member's exercise of rights guaranteed by the laws or Constitution of this State or the United States and requests an administrative hearing to review these allegations. Such allegations shall be heard under the same procedures 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 at such hearing that the decision in question was based on his exercise of rights guaranteed by 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 a prima facie case in support of his allegations.
- 6.4 Any employee of any component institution of the System, including any member of the faculty or administration, who is placed on probation for or finally convicted of the illegal use, possession, or sale of a drug or narcotic, shall be dismissed as an employee, regardless of whether or not the illegal act that gave rise to the conviction was committed on the campus of one of the component institutions of the System.
- 6.5 Any employee of any component institution of the System, including any member of the faculty or administration, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a component institution of the System, shall be subject to dismissal as an employee. As used in this subsection, the words "force or violence" include such acts as "stand-ins," "sit-ins," and "lie-ins," when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

6.6 Every faculty member and employee is expected to obey all federal, state, and local laws, and particularly the three state statutes set out below. Any faculty member or employee who violates any provision of these three statutes is subject to dismissal as a faculty member or employee, notwithstanding any action by civil authorities on account of the violation:

6.61 DISORDERLY CONDUCT.

Sec. 1 No person, acting alone or in concert with others, may engage in disorderly conduct. Disorderly conduct consists of any of the following:

- (1) behavior of a boisterous and tumultuous character in a residential area or a public place such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists; or
- (2) interfering with the peaceful and lawful conduct of persons in or about their homes or public places under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (3) violent and forceful behavior at any time in or near a public place, such that there is a clear and present danger that free movement of other persons will be arrested or restrained, or other persons will be incapacitated in the lawful exercise of business or amusement; or
- (4) behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or affrays; or
- (5) in a public or private place engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (6) willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when such conduct tends to cause or provoke a disturbance; or
- (7) behavior near a courthouse or other public building wherein judicial proceedings are being held, designed or having the effect of interfering with the administration of justice, whether by disrupting the courts or by intimidating the judges, witnesses, jurors, or other persons having business with the courts; or

- (8) behavior near any public building wherein matters affecting the public are being considered or deliberated, designed or having the effect of interfering with such proceedings under circumstances in which such conduct tends to cause or provoke a disturbance; or
- (9) willful and malicious behavior which obstructs or causes the obstruction of any doorway, hall, or any other passageway in a public building to such an extent that the employees, officers, and other persons, including visitors and tourists, having business with the government are denied entrance into, exit from, or free passage in such building; or
- (10) behavior involving the display of any deadly weapon in a public place in such a manner as to alarm or frighten other persons present; or
- (11) enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.

Sec. 2 Any person who violates any of the provisions of Section 1 of this Article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two Hundred Dollars (\$200). For any second or subsequent conviction of any of the provisions of Section 1 of this Article such person shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000), or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment. (H.B. No. 57, Acts of the 61st Legislature, Regular Session, 1969)

6.62 DISRUPTIVE ACTIVITY.

Sec. 1 No person or group of persons acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any private or public school or institution of higher education or public vocational and technical school or institute.

Sec. 2 (a) For the purposes of this Act, "disruptive activity" means:

- (1) obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
- (2) seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research, or other authorized activity;
- (3) preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration;
- (4) disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
- (5) obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

(b) For the purposes of this Act, a lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Sec. 3. A person who violates any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$200 or by confinement in jail for not less than 10 days nor more than 6 months, or both.

Sec. 4 Any person who is convicted the third time of violating this act shall not thereafter be eligible to attend any school, college, or university receiving funds from the State of Texas for a period of two years from such third conviction.

Sec. 5 Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitutions of the United States or the State of Texas. (H. B. No. 141, Acts of the 61st Legislature, Regular Session, 1969)

6.63 FIREARMS.

Sec. 1 It shall be unlawful to interfere with the normal activities, the normal occupancy, or normal use of any building or portion of a campus of any private or public school or institution of higher education or public vocational and technical school or institute by exhibiting or using or threatening to exhibit or use a firearm.

Sec. 2 A person who violates Section 1 of this Act is guilty of a felony and upon conviction is punishable by a fine of up to \$1,000 or by imprisonment in jail for a period not to exceed 6 months, or by both fine and imprisonment, or by imprisonment in the state penitentiary for a period not to exceed five years. (H.B. No. 1450, Acts of the 61st Legislature, Regular Session, 1969)

- 6.7 The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every faculty member and employee of the System and its component institutions. Any faculty member or employee who violates the minimum standards of conduct required by any felony statute of Texas or the United States is subject to dismissal as a faculty member or employee, regardless of whether or not any action is taken against the faculty member or employee by civil authorities on account of such violation. If action for dismissal is taken, the appropriate administrative official shall proceed with the action in the same manner as he would in the case of a violation by a faculty member or employee of any other provision of these rules and regulations or a provision of any institutional supplement.
- 6.8 In the event of decision not to reappoint a nontenured faculty member, written notice will be given him or her not later than March 1st of the first academic year of probationary service if the appointment expires at the end of that academic year, or not later than December 15th of the second academic year of probationary service if the appointment expires at the end of that academic year. After two or more academic years written notice shall be given not later than August 31st that the subsequent year will be the terminal academic year of appointment. The notice required by this Section is not applicable where termination of employment is for good cause under Section 6.3 above.

- 6.9 A faculty member serving a seven-year term appointment shall be given notice not later than August 31st of the sixth academic year of such appointment period that the subsequent academic year will be the terminal year of employment or that, subject to the approval of the Board, at the conclusion of the subsequent academic year he or she will be reappointed to a seven-year term appointment.
- 6.(10) Reappointment of nontenured members of the faculty to a succeeding academic year, reappointment of members of the faculty who are serving a seven-year term appointment to a succeeding seven-year term appointment, or the award of tenure or a seven-year term appointment, may be accomplished only by notice by the chief administrative officer of a component institution or his delegate with the approval of the Board. Notwithstanding any provisions of Sections 6.23, 6.8 or 6.9 to the contrary, no person shall be deemed to have been reappointed or to have been awarded tenure or a seven-year appointment because notice is not given or received by the time prescribed in Sections 6.23, 6.8, or 6.9 or in the manner prescribed in Section 6.(11). Should it occur that no notice is received by the time prescribed in Sections 6.23, 6.8 or 6.9, it is the duty of the academic employee concerned to make inquiry to determine the decision of the chief administrative officer of a component institution, who shall without delay give the required notice to the academic employee.
- 6.(11) Each faculty member shall keep the chief administrative officer of the component institution or his delegate notified of his current mailing address. The written notice required by Sections 6.23, 6.8, or 6.9 shall be sent by certified mail, return receipt requested, to the last address given by the faculty member.
- 6.(12) Dismissal or demotion of classified or nonteaching personnel before the expiration of the stated period of appointment will be only for good cause shown, as determined by appropriate administrative officers to whom this responsibility is delegated by the chief administrative officer of the component institution and in case of such dismissal or demotion any appeal shall be reviewed by the chief administrative officer of the component institution.

Sec. 7. Rights and Responsibilities as a Citizen and as a Teacher.

- 7.1 The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties.

- 7.2 The teacher is entitled to freedom in the classroom in discussing his subject, but he is expected not to introduce into his teaching controversial matter which has no relation to his subject.
- 7.3 The University teacher is a citizen, a member of a learned profession, and an officer of an educational institution supported by the State. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make it plain that he is not an institutional spokesman. As a member of the staff of a State institution of higher education, he should refrain from involving the System or any of its component institutions in partisan politics.
- 7.4 The Board of the System recognizes and affirms the right of a member of the faculty or staff to participate in political activities so long as such political activities do not interfere with the discharge of the duties and responsibilities that he owes to the System or any of its component institutions and so long as such political activities do not involve the System or its component institutions in partisan politics (See Section 7.3). With the interest of the System or its component institutions being given first consideration, a leave of absence without pay may--but need not--be granted to a member of the faculty or staff (See Section 16). However, it would be inappropriate for a leave of absence without pay to be granted primarily to permit a member of the faculty or staff of the System or its component institutions to participate in political activity, including, but not limited to, being a candidate for political office, holding a political office, or directing the political campaign of another person seeking a political office. Therefore, if a member of the faculty or staff wishes to engage in political activity that interferes with the discharge of the duties and responsibilities that he owes to the System or any of its component institutions, he should voluntarily terminate his employment by the University. On the other hand, if the faculty or staff member does not voluntarily terminate his employment by the University and if the faculty or staff member's superior officer, such as the institutional head, the President of the System, or the Board, finds that the faculty or staff member's political activity does in fact interfere with the discharge of the duties and responsibilities

that he owes to the System or any of its component institutions, the institutional head, the President of the System, or the Board shall terminate his employment by the University.

Sec. 8 The Greater Duties of a Member of the Teaching Staff.

- 8.1 Common practice has fixed the greater duties of a member of the teaching staff so clearly that many institutions do not even list them among their regulations. They are:
- 8.11 Teaching in the classroom, laboratory, seminar, or ward.
 - 8.12 Studying, investigating, discovering, and creating.
 - 8.13 Performing curricular tasks auxiliary to teaching and research, e. g., serving on faculty committees, attending to administrative and disciplinary tasks, promoting diligence and honest work in the student body.
 - 8.14 Influencing beneficially students and citizens in various extra-curricular ways.
- 8.2 Performance as a teacher, as a scholar, as an administrator, and as an individual is valued greatly by any university, for in these four ways its work is chiefly done.
- 8.3 A state university being a public enterprise of maximum social importance, it is the duty of all persons connected with it to be as civic-minded as possible. It is also a duty to cooperate with the Board in carrying out the purposes and policies of the Board which are deliberately considered, usually by both the Board and the several faculties, in accordance with law and designed to attain the best educational results with the resources available. The Regents and all administrative officers are entitled to the cheerful acquiescence of all staffs in carrying out the policies duly adopted. At the same time, administrative officers are expected to listen with an open and appreciative mind to criticisms and suggestions coming to them from members of their staffs.

Sec. 9. Acquaintance with, Conformity to, and Improvement of University Regulations.

- 9.1 It is a specific and important duty of each member of the several teaching staffs to become acquainted with and to conform to all the rules and regulations relating to him and to the proper and orderly discharge of his work that are to be found set forth in both these Regents' Rules and Regulations and the institutional Handbook of Operating Procedures; in catalogues, announcements of courses, and other official publications; in printed or other material regularly prepared for the use of the staff;

and in minutes of the faculties. To this end, copies of the Regents' Rules and Regulations, Part One, and the official institutional Handbook of Operating Procedures shall be reproduced by the chief administrative officer and distributed and located on his campus as considered appropriate by the chief administrative officer. The chief administrative officer shall have one copy of the Rules and Regulations and the institutional Handbook of Operating Procedures available at an appropriate location in his office for ready reference. In addition, he shall distribute a copy of these two documents to the secretary to the faculty or representative faculty body at his institution. The official, current copy of the Regents' Rules and Regulations is maintained by the Secretary to the Board.

- 9.2 It is also the specific duty of each member of the teaching staffs to consider the regulations and the routines in conforming to them and to propose what seem to be desirable changes in these regulations and routines to the appropriate faculty or official.

Sec. 10. Communications, Appeals, and Hearings.

- 10.1 Every member of a teaching staff has the right to propose changes in policies and procedures and to present arguments in support thereof.
- 10.11 Proposals should originate and follow routines as prescribed elsewhere in the Regents' Rules and Regulations or in the institutional supplements.
- 10.12 When a proposal has been approved or amended by the appropriate institutional officials, faculties, and head of the component institution, it shall then go to the President of the System for recommendation to the Board if such action is required.
- 10.13 When a proposal has been approved or amended or rejected by the appropriate institutional officials, faculties, and the component institutional head, any member or group of members of the staff may present an appeal in opposition to the action of the majority or in opposition to the recommendation of the institutional official or the component institutional head, and this appeal, accompanied by reasons for and against the proposal, shall go through the prescribed administrative channels and shall be presented to the President of the System and thence to the Board for final action. The deans and other institutional officials, the component institutional head, the President of the System and the Board may invite both sides for personal conferences and discussions.

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

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

10.3 Appeals of classified (nonteaching) employees concerning conditions of employment must be made in keeping with the rules governing such employees.

Sec. 11. Communication with the Legislature and Other State Agencies or Officials. --

The Board is the only proper channel through which recommendations concerning the administration of the System, as a whole or in any of its parts, should reach the Legislature or other State agencies or officials.

Sec. 12. Office Hours. --Members of the teaching staffs are expected to post on their office doors, and publish in any other manner required by the institutional head, office hours and conference periods most advantageous to students.

Sec. 13. Outside Employment.

13.1 Members of the faculty or staff of component institutions should not be discouraged from accepting appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions. The consideration to the System of such activity is the improvement of the individual by virtue of his continuing contact with real problems in the real world.

13.2 Members of the faculty or staff should be discouraged from accepting regular employment with units outside the System because this action would be divisive of loyalties and does not provide the return to the institutions indicated in 13.1.

13.3 Conflict of interest should be avoided in all instances of outside employment, but conflict of interest in an academic institution means outside activity which intrudes upon the academic functions of teaching, scholarly activities, and service to the institution.

13.4 Even in the case of members of the staff specifically engaged only in residence work, there exists an obligation, usually intermittent, to furnish expert knowledge and counsel for public benefit free of charge,

provided that the meeting of this obligation by a faculty or staff member does not interfere with his regular duties, and provided further that in meeting this obligation a faculty or staff member on full-time duty shall avoid undue competition with legitimate private agencies.

- 13.5 No member of the faculty or staff engaged in outside remunerative activities shall use in connection therewith the official stationery of the System or any of its component institutions, or give as a business address any building or department of the institution.
- 13.6 No member of the faculty or staff shall accept employment or any position of responsibility if the discharge of such employment or responsibility will be antagonistic to the interests of the State of Texas or the System or any of its component institutions.
- 13.7 Every member of the faculty or staff who gives professional opinions must protect the System and its component institutions against the use of such opinions for advertising purposes. That is, when he does work in a private capacity, he must make it clear to those who employ him that his work is unofficial and that the name of the System and its component institutions is not in any way to be connected with his name, exceptions being made of the name of the author attached to books, pamphlets, and articles in periodicals.
- 13.8 No member of the faculty or staff shall accept pay from private persons or corporations for tests, assays, chemical analyses, bacteriological examinations, or other such work of a routine character, which involve the use of property owned by the System or its component institutions, unless advance permission has been obtained from the institutional head and provision has been made for compensation to the System or its component institutions.
- 13.9 No member of the full-time staff of the System on a twelve-month or nine-month basis shall be employed in any outside work or activity or receive from an outside source a regular retainer fee or salary until a description of the nature and extent of the employment has been filed with and approved by appropriate administrative officials as set forth in the institutional supplement of each component institution. For special provisions relating to other state or federal employment, see subsections 13.10, 13.11, and 13.12 of this section.
- 13.(10) Subject to the other provisions of this section, a member of the faculty or staff may hold other nonelective offices or positions of honor, trust,

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

- 13.(11) Before a member of the faculty or staff may accept an offer to serve in other nonelective offices or positions of honor, trust, or profit with the State of Texas or the United States, the member of the faculty or staff must obtain from the appropriate administrative officials and the Board a finding that the requirements of this section have been fulfilled, including the expected additional compensation to be received from such service. The finding of the Board shall be recorded in the official minutes of the meeting of the Board at which approval was granted.
- 13.(12) The institutional head must keep a record of compensation received from additional state or federal employment, or both, including specifically: salary, bonuses, and per diem or other type of compensation.

Sec. 14. Holidays.

- 14.1 All faculty, classified and other nonteaching personnel are entitled to such holidays as are provided by the Legislature in the then current appropriation bill and as are approved annually by the President of the System and the Board, or alternate holidays approved in the official calendars of the various institutions by the President of the System and the Board. (See the Classified Personnel rules in the institutional Handbook of Operating Procedure.)

Sec. 15. Vacation.

- 15.1 Vacations for faculty, classified and other nonteaching personnel shall be as provided by the Legislature in the then current appropriation bill and as approved by the Board, except that vacation accumulated by faculty on nine-month appointments shall be counted as having been taken during periods when classes are not in session within the appointment period. Vacations for hourly and part-time employees shall be on a percentage basis for the time appointed. (See the Classified Personnel rules in the institutional Handbook of Operating Procedure.)
- 15.2 An employee who resigns, is dismissed, or separates from University employment shall be entitled to be paid in "lump sum" for all vacation

leave entitlement duly accrued at the date of termination provided the employee has had continuous employment with the State for six months. The payment shall be calculated at the rate of compensation being paid the employee at the time of termination.

- 15.3 In the case of death of an employee who has accumulated vacation leave, his estate will be paid for all accumulated vacation leave. The payment shall be calculated at a rate of compensation being paid the employee at the time of his death.

Sec. 16. Leaves of Absence without Pay.

- 16.1 With the interest of the institution being given first consideration and for good cause, leaves of absence without pay may be granted for a period within the term of appointment of a member of any faculty or staff.
- 16.2 The maximum unit period for which a leave of absence will be granted is the end of the fiscal or academic year in which the leave begins. In normal times, leaves for one year will be granted liberally, provided the department so recommends and can supply satisfactory replacements.
- 16.3 A second consecutive year of leave should not be requested except for military service, reasons of health, or continued graduate study. This provision will be interpreted liberally in the case of junior staff members working on advance degrees.
- 16.4 Except in very unusual circumstances a third consecutive leave of absence for one year will not be granted. Such circumstances would now include extended military service or prolonged illness.
- 16.5 After a return to active duty of one year or more, the leave-of-absence privilege will again be available.
- 16.6 The granting of a leave of absence does not affect in any way the tenure position of the grantee.
- 16.7 For leave of absence to participate in a political campaign see Part One, Chapter III, Sec. 7.4.

Sec. 17. Faculty Development Leaves. -- Faculty development leaves for faculty members may be granted as set out in House Bill 669, 60th Legislature, Regular Session, 1967. This bill provides that after two consecutive academic years at the same institution faculty members as defined in this Act may be considered for a faculty development leave for one academic year at one-half his regular salary or for one-half academic year at his full regular salary. Such leaves shall be granted pursuant to procedures outlined in the Act and to the limitations therein.

Sec. 18. Division of Salaries for Staff Engaged in Teaching and Nonteaching Activities. -- Each component institution shall develop policies covering budgetary division of salaries for individuals whose employment is divided between teaching and nonteaching assignments subject to current statutory requirements or limitations. These policies shall be set forth in the institutional supplements.

Sec. 19. Sick Leave.

19.1 In cases where illness incapacitates a member of an institutional or professional staff, arrangements for carrying on his usual duties must be made through appropriate administrative channels with the chief administrative officer of the institution.

19.2 In cases of illnesses of classified or other nonteaching personnel the rules and regulations for each of the several component institutions shall apply, subject to controlling provisions of State law.

19.3 In the case of death of an employee who has accumulated sick leave, the estate will be paid for the accumulated sick leave as permitted by law. The payment shall be calculated at the rate of compensation being paid the employee at the time of death.

Sec. 20 Leave for Jury Duty. -- Necessary time off for jury duty is allowed without loss of pay or vacation leave.

Sec. 21 Absence from Usual and Regular Duties.

21.1 Authorization for any member of a faculty or staff to be absent from his usual and regular duties will be granted only under the following conditions:

21.11 When such absence is on State business, and

21.12 When appropriate provisions are made to carry on the duties of the absent person without additional expense to the institution; or

21.13 In the case of military leave, not to exceed 15 working days each year.

- 21.2 Permission to be absent from usual and regular duties shall be obtained as prescribed in the Fiscal Rules (see Part Two hereof).

Sec. 22 Authorization to Travel.

- 22.1 Authorization to travel will be granted only under the conditions specified in the Fiscal Rules (see Part Two hereof).
- 22.2 A faculty or staff member whose usual duties do not require travel shall not absent himself from his regular place of work and his usual duties except with permission obtained according to the Fiscal Rules (see Part Two hereof).

Sec. 23 Compensation for Correspondence and Extension Teaching of Full-Time Staff Members. -- Compensation rates for correspondence courses and extension center teaching for full-time teachers on a nine months' basis or for other employees on a twelve months' basis shall be in accord with rates fixed by the then current appropriation bill. If not so fixed, they shall be set from year to year by the institutional head with the approval of the President of the System.

Sec. 24 Textbooks and Other Materials Prescribed for the Use of Students.

- 24.1 The policy of the Board concerning textbooks and other materials prescribed for the use of students is as follows:
- 24.11 Although generally the individual instructor or the department should have wide discretion in the choice of materials to be used in the courses offered by the department, frequent changes in the textbooks prescribed should be discouraged and should be made only for cogent reasons.
- 24.12 Although the authorship of books, outlines, manuals and similar materials by members of the staff should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Where practicable and equitable, the charge for outlines, syllabi, and similar materials prescribed for the use of students should be borne by the instructional department concerned. Whenever a charge is authorized for such mimeographed or similarly processed materials, the prices should be as low as possible, consistent with the payment of a fair and reasonable royalty to the author or authors.
- 24.2 To carry out this statement of policy the following procedures are prescribed:
- 24.21 Any proposed change in the textbook of any course, within one year from the date of first adoption, shall be approved by the

departmental faculty having jurisdiction, and a statement of the authorization with reasons therefor shall be transmitted by the chairman of the department through the dean to the institutional head.

24.22 Textbooks, notebooks, manuals, or other materials for the use of students of a component institution, written or prepared by a member of the faculty of that institution, shall not be prescribed for the use of students in that institution or sold to such students until such books, notes, manuals, or materials shall have been approved, with reasons stated, by the departmental faculty, the dean or deans concerned, and transmitted to the institutional head for approval and inclusion in the next regular docket. All such requests shall indicate the proposed prices and profits, and their authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given.

Sec. 25 Sectarian Courses Prohibited. --No course of instruction of a sectarian character shall be taught in the System or any of its component institutions. (Article 2604, Vernon's Civil Statutes)

Sec. 26 Acceptance of Money from Students.

26.1 Members of teaching staffs, without previous and special approval of the Board, shall not collect from students any fees or charges to be expended for institutional purposes, and shall not sell to students books, notes, or similar student supplies.

26.2 A member of the faculty or staff of the rank of instructor or above may not accept pay for extra instruction or teaching of students registered in the institution where he is employed.

26.3 With written approval, teaching assistants, assistants, and other like instructional employees below the rank of an instructor, may accept pay from students for extra-class instruction or coaching but only in courses or sections of courses with which they have no instructional connection. The Institutional Supplement of the component institution shall specify the procedure for approval at the institutional level.

Sec. 27 Power to Authorize Expenditures out of System Funds.

27.1 No expenditure out of funds under control of the Board of the System shall be made and no debt or obligation shall be incurred and no promise shall be made in the name of the System or any of its component

institutions or of the Board by any member of the respective staffs of the System or any of its component institutions except:

- 27. 11 In accordance with general or special budgetary apportionments authorized in advance by the Board and entered in its minutes; or
- 27. 12 In accordance with authority specifically vested by the Board in a committee of the Board; or
- 27. 13 In accordance with authority to act for the Board when it is not in session, specifically vested in some University officer by these Rules and Regulations or by special action of the Board.

27. 2 It shall be the duty of the Auditor of The University of Texas at Austin and the several institutional business managers to see that all claims for payments of items not authorized as indicated above are refused and returned unpaid.

27. 3 There shall be no sale to or purchase from the System or its component institutions by any employee thereof unless same has been duly authorized by the Board and the details relating thereto have been entered in its minutes.

Sec. 28 Indebtedness to the System or the State. --Neither salary payments nor any other payments shall be made to an employee, his agent or assignee, who is indebted to the System, any of its component institutions, or to the State until such debt is paid.

Sec. 29 Power to Bind the System in Fixing its Policies. --No employee of the System or any of its component institutions, as an individual or as a member of any association or agency, has the power to in anywise bind the System or any of its component institutions unless such power has been officially conferred in advance by the Board. Any action which attempts to change the policies or otherwise bind the System or any of its component institutions, taken by any individual or any association or agency, shall be of no effect whatsoever until the proposed action has been approved by the institutional head concerned, if any, and the President of the System, and ratified by the Board.

Sec. 30 Institutional Employees as Students. --The Institutional Supplement for each of the component teaching institutions shall express the institutional policy as to the amount of course work full-time and part-time employees shall be permitted to carry.

Sec. 31 Retirement and Modified Service.

- 31.1 Members of institutional faculties will not be continued on their standard full-time service or full-time compensation rate beyond the end of the fiscal year that includes their seventieth birthday.
- 31.2 Members of the institutional nonteaching staffs who are without faculty rank will not be continued on their standard full-time service or full-time compensation rate beyond the end of the fiscal year that includes their sixty-fifth birthday, except as provided in subsequent subsections. Nonteaching staff members who are without faculty rank may, at the end of the fiscal year that includes their sixty-fifth birthday, be employed in an academic status on a full-time or part-time basis until the end of the fiscal year during which their seventieth birthday occurs on the condition that employment in such capacity shall be considered temporary and on a year-to-year basis. Such a nomination shall be made by a teaching department solely on the basis of the institution's need.
- 31.3 Faculty members who have served continuously the System, except as set out in Sections 31.(16) and 31.(17), for twenty (20) years or more and have the faculty rank of Instructor, Assistant Professor, Guest Assistant Professor, Associate Professor, Guest Associate Professor, Professor, or Guest Professor, shall be continued after reaching the age of seventy (70) on a reduced salary and upon modified service until the Board, upon recommendation of the President of the System and the institutional head involved, determines that they shall retire completely from service with and compensation from the System.
- 31.4 Faculty members who do not have the rank of Instructor, Assistant Professor, Guest Assistant Professor, Associate Professor, Guest Associate Professor, Professor, or Guest Professor shall not be appointed to modified service after the end of the fiscal year which includes their seventieth birthday.
- 31.5 Subject to the provisions of Paragraph 31.2, nonteaching staff members who have served the System continuously for fifteen (15) years or more shall be continued after reaching the age of sixty-five (65) on a reduced salary from the System and upon modified service until the end of the fiscal year during which their sixty-seventh birthday occurs, except as provided in the subsections below:
- (typo correction)
- 31.51 Nonteaching staff members who have reached their forty-fifth birthday by September 1, 1964, and who at that time will have

- been employed continuously for a period of at least fifteen (15) years, may continue on a full-time service and compensation through the fiscal year that includes their sixty-fifth birthday and they may then be continued upon modified service until the Board, upon recommendation of the President of the System and the institutional head involved, determines that they shall retire completely from service with and compensation from the System.
- 31.52 Nonteaching staff members who have reached their fifty-fifth birthday by September 1, 1964, and who will at that time have been employed continuously for a period of ten (10) years may be continued on full-time service and compensation through the fiscal year that includes their sixty-fifth birthday and upon modified service, if physically qualified, until the end of the fiscal year that includes their seventieth birthday.
- 31.53 Nonteaching staff members who have reached their sixtieth birthday by September 1, 1964, may be continued on full-time service and compensation through the fiscal year that includes their seventieth birthday; thereafter, if at that time they have completed twenty (20) years of continuous service, they will be eligible, if physically qualified, for appointment to modified service through the fiscal year that includes their seventy-second birthday.
- 31.54 Nonteaching staff members who have reached their sixty-fifth birthday by September 1, 1964, may continue on full-time service and compensation through the fiscal year that includes their seventieth birthday, and, if they have at that time completed twenty (20) years of continuous service, they may continue upon modified service until the Board, upon recommendation of the President of the System and the institutional head involved determines that they shall retire completely from service with and compensation from the System.
- 31.55 Nonteaching employees in nonadministrative performance level positions appointed to modified service will be assigned to such duties within the individual's capacities as will be to the benefit of the institution.
- 31.56 Nonteaching employees in administrative policymaking positions appointed to modified service must retire from their full-time position and shall be assigned such other and different duties within the individual's capacity as are determined to be most beneficial to the institution.

- 31.6 The salary rate for modified service shall be one-half the average regular salary rate for each individual during the five years of full-time service immediately preceding the fiscal or academic year, as appropriate, in which modified service begins. Adjustments in rate will be made to care for any general change in salary scale under policies developed from time to time by the component institutions and approved by the President of the System and the Board.
- 31.7 The work load of a faculty or staff member placed on modified service shall be essentially one-half of his immediately previous full-time work load, but he may not continue, or be assigned, major administrative duties.
- 31.8 During the fiscal year in which the faculty member's seventieth birthday occurs or the nonteaching staff member's sixty-fifth birthday occurs and before the budget is prepared for the following year, and each year thereafter until full retirement, there must be an administrative determination of the employee's fitness to fulfill his duties.
- 31.9 Members of institutional faculties who have served the System continuously for twenty (20) years, and members of the nonteaching staff who have served the institution continuously for fifteen (15) years, may, upon approval of the institutional head, change to the modified service in the System for which they are eligible at any time after reaching their sixtieth birthday.
- 31.(10) No person appointed to the institutional faculties or nonteaching staffs after the age of fifty shall have the right to modified service.
- 31.(11) Members of institutional faculties and staffs who are not members of the Teacher Retirement System and faculty members who have served less than twenty (20) years and nonteaching staff members who have served less than fifteen (15) years may secure modified service status only upon special recommendation of the institutional head and the President of the System and approval by the Board, and such recommendation and approval must be made annually on the basis of institutional need.
- 31.(12) In deciding when a faculty member shall retire from all service with and compensation from the System, the Board will consider his current capacity for work, his service to the System and the retirement benefits to which he is entitled under the Teacher Retirement System

of Texas and the Federal Social Security laws; with the expectation that for each voting member of the faculty with at least twenty-five (25) years of faculty membership in the System, modified service will be continued until the retirement benefits receivable are approximately equal to the amount that would be received under modified service.

31.(13) Nonteaching Staff Members with Faculty Rank. --Every full-time or part-time nonteaching staff member who also has the faculty rank of Instructor, Assistant Professor, Guest Assistant Professor, Associate Professor, Guest Associate Professor, Professor, or Guest Professor shall retire from his administrative position [see Subsection 31.(15) below] at the close of the fiscal year in which his sixty-fifth birthday occurs and, if he chooses, return to a full-time faculty assignment. Thereafter, his rights shall be in accord with any other member of the faculty.

31.(13)1 Every full-time or part-time nonteaching staff member who has academic rank but does not have the faculty rank of Instructor, Assistant Professor, Guest Assistant Professor, Associate Professor, Guest Associate Professor, Professor, or Guest Professor shall retire from his administrative position [see Subsection 31.(15) below] at the close of the fiscal year in which his sixty-fifth birthday occurs and he may choose to return to full-time faculty assignments until the close of the fiscal year in which his seventieth birthday occurs without eligibility for modified service, or he may choose to be continued in a nonteaching position on modified service and compensation through the fiscal year in which his sixty-seventh birthday occurs.

31.(14) Administrative Officers. --Administrative officers with policymaking responsibility shall retire from their administrative positions at the end of the fiscal year in which their sixty-fifth birthday occurs. Administrative officers in this paragraph shall include all executive officers, deans and directors, assistant and associate deans and directors, departmental chairmen, administrative personnel within the professional and administrative classifications in the Personnel Pay Plan of each institution of the System, or unclassified administrative positions, and others by title whose positions are deemed involved in policymaking decisions by the President of the System and his staff. This determination will be made annually by the President of the System, upon recommendation of the executive head of the component institution, at the time of budget preparation.

- 31.(15) Employment after Retirement. --Any person receiving service retirement benefits from the Teacher Retirement System of Texas and who is over sixty (60) years of age may be employed in a public school of Texas on as much as a one-third time basis. This would usually limit employment in instruction to no more than one (1) three-semester-hour course during any one semester of the long term, one (1) three-semester-hour course during a six-week term. One-third employment for staff shall in no case exceed fifty-nine (59) clock hours in any calendar month. This employment of a person receiving service retirement shall not affect his right to continue to receive benefits under the Teacher Retirement System of Texas. However, this employment does not entitle the person to receive additional creditable service under the Teacher Retirement System of Texas and the person so employed shall not be required to make further contributions to the Teacher Retirement System of Texas. Application of this provision to individual cases shall be based on institutional benefit or need and will be recommended through appropriate administrative officers to the President of the System for approval.
- 31.(16) The regulations and provisions of this section (Sec. 31) shall not apply to those professional and nonclassified administrative staff members of The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston who participate in the retirement program financed through the Physicians Referral Service. Such individuals shall retire at age 65. Any subsequent employment prior to age 70 shall be recommended on a year-to-year basis only for those persons whose specialized talent or productivity meets an institutional need.
- 31.(17) Whenever such action appears to be to the advantage and best interest of the System or any of its component institutions, the Board, upon recommendation of institutional heads and the President of the System, may, by unanimous vote of the members present, make exceptions to this rule in special and extreme cases.

Sec. 32 Staff Benefits. --For other staff benefits, see Part Two hereof.

CHAPTER IV

FACULTY ORGANIZATION

Sec. 1. Educational Policy.

- 1.1 The Board will devote its best efforts to making all of the institutions composing the System institutions of the "first class," as the Texas Constitution directs in Article VII, Section 10. The Board will be guided in general by the best practices of the best universities in the United States and abroad, especially by the best practices of the United States state universities.
- 1.2 The Board will not, except in extraordinary cases, act on important matters of academic policy until it has received, or requested and obtained, advice thereupon from the institutional faculty or faculties affected or their legislative bodies. When new policies originating in any faculty give rise to serious differences of opinion in that body, the advice and recommended legislation shall, at the request of the minority, be accompanied by a record of the vote and by a summary of the reasons for and against the matters proposed.

Sec. 2. Institutional, College, School, and Departmental Faculties and Legislative Bodies.

- 2.1 General Authority. --Subject to the authority of the Board and subject further to the authority that the Board has vested in the various administrative officers and subdivisions of the System, the faculties of the component institutions regularly offering instruction shall have a major role in the governance of their respective institutions in the following areas:
 - 2.11 General academic policies and welfare.
 - 2.12 Student life and activities.
 - 2.13 Requirements of admission and graduation.
 - 2.14 Honors and scholastic performance generally.
 - 2.15 Approval of candidates for degrees.
 - 2.16 Faculty rules of procedure.

- 2.2 Necessity of Approval by Regents. --Legislation recommended by an institutional faculty, or legislative body thereof, requiring approval of the Board, shall not be effective unless and until approved by the Board. Such legislation by a college or school faculty shall not be presented to the Board until it has been approved by the institutional faculty, either directly or through its legislative body, and has received the consideration and recommendation of the appropriate institutional head(s) and the President of the System. The faculty affected will be notified by the Board through administrative channels, of its action on recommended faculty legislation.
- 2.3 When Legislation is Effective. --Except where the Board has specifically authorized procedure for placing into effect emergency faculty legislation without prior Board approval, institutional faculty legislation shall become effective only upon approval by the Board or at such later time as the Board shall specify. The secretary of the institutional faculty shall be notified of Board action, and notice of such action shall be included in the official minutes of the faculty.
- 2.4 Approval of Degree Candidates. --It shall be the duty of the several institutional faculties to recommend approval or disapproval of all candidates for degrees. This duty may be delegated for any academic year by affirmative vote of the institutional faculty, or its legislative body, to the respective deans or other appropriate official. Should this duty not be delegated, then the institutional registrar, or his equivalent, shall furnish to the members of the institutional faculty a complete list of the degree candidates for recommendation.
- 2.5 List of Degree Candidates in Minutes. --The institutional registrar, as soon as possible after each commencement, shall provide the secretary of his institutional faculty, or its legislative body, with a complete list of all successful degree candidates, and the secretary shall insert the list in the minutes of the faculty.
- 2.6 Changes in Degree Requirements. --Changes in degree requirements shall not become effective until approved by the Board and published in the appropriate catalogue; provided, however, that students may be given the benefit of any action reducing or modifying the requirements for their degree immediately upon Board approval.
- 2.7 Faculty Minutes. --Copies of institutional faculty minutes, or of their legislative bodies, shall be available for use of members of the

particular faculties individually, if desired; and shall be filed in the office of their secretaries, the institutional heads, the President of the System, and the Secretary to the Board and in the institutional libraries.

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 component institution of the System shall be responsible to the President of the System, and through him, to the Board for the policies and administration of the graduate programs.
- 1.1 "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 President of the System.
- Sec. 2 Within the general academic components, the designation "Graduate School" will be used if (a) there is a minimum of three distinct programs approved for doctoral degrees and thirty such doctoral degrees have been awarded; or (b) there is a minimum of ten distinct programs approved for master's degrees and fifty master's degrees have been awarded. In component institutions that do not meet these requirements, graduate study will be in a "Division of Graduate Studies."
- Sec. 3 Graduate programs in the biomedical components shall be administered as follows:
- 3.1 In the Health Science Centers at Dallas, Houston, and San Antonio and at Galveston Medical Branch the graduate programs will be administered through a Graduate School of Biomedical Sciences.
- 3.2 In the Nursing Schools of component institutions, graduate education will be administered as specific graduate programs coordinated by an administrative officer designated by the chief administrative officer of the component institution.

3.3 In the System Cancer Center research and graduate instruction will be offered in cooperation with other components which are authorized to award graduate degrees.

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

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

Where two or more components of The University of Texas System are authorized to conduct joint or cooperative degree programs, the chief administrative officers of the cooperating institutions shall be authorized to establish, subject to the approval of the President of The University of Texas System, special procedures and organizations for the administration of such programs.
(Amended June 9, 1978)

CHAPTER VI

STUDENT SERVICES AND ACTIVITIES

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 institutional supplement for each institution.
- 1.2 When the title, "Dean of Students," appears in this chapter, reference is made to the administrator bearing that title, or the officer or officers directly responsible for student affairs at each component institution.
- 1.3 All authority held and exercised by a Dean of Students is delegated to him by the institutional head just as all authority held and exercised by an institutional head is delegated to him by the President of the System. Therefore, any action taken is subject to review by the institutional head and the President of the System, and both the President of the System and the institutional head may approve, amend, or disapprove such action, just as the President of the System may approve, amend, or disapprove any action taken by the administrative head of any component institution.
- 1.4 Any individual student, group of students, or student organization may petition the Board on any matter relating to these policies and regulations through the Dean of Students, the institutional head, and the President of the System.
- 1.5 These policies and regulations shall become effective on November 11, 1977 and shall, at that time, supersede all other policies and regulations that may be in conflict herewith.
- 1.6 Definition of Student. --A student is one who is currently enrolled at any of the component institutions of the System. These policies and regulations will also apply to any prospective or a former student

who has been accepted for admission or readmission to any component institution while he is on the campus of any component institution.

- 1.7 Definition of Campus. --The campus of a component institution is defined as all real property over which that institution has possession and control.

Sec. 2 The Dean of Students and His Staff.

- 2.1 The Dean of Students shall be the administrative officer primarily responsible for the development and administration of policies relating to students and for the development and implementation of services to students in the areas assigned to him. He shall have responsibility for the initial preparation of institutional regulations which will implement the policies and regulations set forth in this chapter.
- 2.2 The Dean of Students shall have primary responsibility for (1) the supervision and development of student out-of-class programs and the activities and of all student organizations; (2) the development of policies affecting student life; (3) the promulgation and enforcement of institutional rules that govern student conduct; and (4) the administration of student discipline on the campus.
- 2.3 The administrative staff of the Dean of Students shall consist of the heads of services for which he has administrative responsibility.
- 2.4 The Dean of Students shall work with academic deans and department chairmen in structuring and implementing a program of faculty advising for both old and new students.
- 2.5 The Dean of Students shall be responsible for the preparation of the budgetary recommendations for the student services and activities under his jurisdiction.

Sec. 3 Student Conduct and Discipline.

- 3.1 The System and its component institutions have rules and regulations for the orderly and efficient conduct of their business, and each student is charged with notice and knowledge of the contents and provisions thereof.

- 3.2 All students are expected and required to obey the law, to show respect for properly constituted authority, and to observe correct standards of conduct.
- 3.21 Gambling, immoral conduct, dishonesty, or the excessive use of intoxicating liquors renders the student subject to discipline.
- 3.22 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 of the System is subject to discipline, including expulsion, pursuant to the procedures set out in Subsections 3.(10) and 3.(11) of this chapter.
- 3.3 For the purpose of this subsection, H.B. No. 447, Acts of the 63rd Legislature, Regular Session, 1973, shall be referred to as the Texas Controlled Substances Act. With respect to acts giving rise to charges under the foregoing Subsection 3.3b before the effective date of the Texas Controlled Substances Act, (1) the word "drug" means "dangerous drug" as defined in Section 2, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended, and as in effect prior to the effective date of the Texas Controlled Substances Act (Article 726d, Vernon's Texas Penal Code); and (2) the word "narcotic" means "narcotic drugs" as defined in Section 1, Chapter 169, Acts of the 45th Legislature, Regular Session, 1937, as amended and as in effect prior to the effective date of the Texas Controlled Substances Act (Article 725b, Vernon's Texas Penal Code). With respect to acts giving rise to charges under the foregoing Subsection 3.3b after the effective date of the Texas Controlled Substances Act, the word "drug" or "narcotic," or both, includes any controlled substance listed in Schedules I through V, Penalty Groups 1 through 4, Section 2.17, and Section 4.05 of the Texas Controlled Substances Act.
- 3.4 The use of intoxicating beverages is prohibited in classroom buildings, laboratories, auditoriums, library buildings, museums, faculty and administrative offices, intercollegiate and intramural athletic facilities, and all other public campus areas; provided, however, that with the prior consent of the institutional head, the foregoing provisions of this section may be waived with respect to any specific affair which is sponsored by the institution. However, with respect to the possession and consumption of alcoholic beverages, state law will be strictly enforced at all times on all property controlled by the System and its component institutions.

- 3.5 No former student who has been suspended for disciplinary reasons from a component institution of the System shall be permitted on the campus of any component institution during the period of such suspension without the prior written approval of the chief administrative officer of that institution.
- 3.6 Hazing in state educational institutions is prohibited by state law (Section 4.19, Chapter 4, Title I, Texas Education Code). Hazing with or without the consent of a student is prohibited by the System, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline.
- 3.7 Initiations by organizations may include no feature which is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders the organization subject to discipline.
- 3.8 Any student who advocates or recommends, either orally or in writing, the conscious and deliberate violation of any federal, state or local law is subject to discipline.
- 3.9 Any student who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a component institution of the System, shall be subject to discipline, including expulsion. As used in this subsection, the words "force or violence" include such acts as "stand-ins," "sit-ins," and "lie-ins," when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.
- 3.(10) The Dean of Students shall have primary authority and responsibility for the administration of student discipline at his institution. It shall be his duty to investigate allegations that a student has violated the Regents' Rules and Regulations, the rules and regulations of the institution, or specific orders and instructions issued by an administrative official of the institution in the course of his duties.
- 3.(10)1 If the Dean of Students determines that such allegations are not unfounded, he shall prepare a written statement of charges, a statement of the evidence supporting such charges, including a list of witnesses and brief summary of the testimony to be given by each, and shall send such charges and statement to the accused student by certified mail, return receipt requested, addressed to the address appearing in the registrar's records.

- 3.(10)2 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.(11), the Dean of Students shall assess the penalty appropriate to the charges and inform the student of such action in writing. The decision of the dean of students may be appealed as in the case of a decision rendered subsequent to a hearing in accordance with Subsection 3.(11).
- 3.(11) 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 person selected in accordance with procedures adopted by the institution. Except in those cases where immediate interim disciplinary action has been taken under authority of Subsection 3.15, the accused student shall be given at least 10 day's notice of the date, time, and place for such hearing and the name of the person who will hear and decide upon the charges. Upon a hearing of the charges, the institution has the burden of going forward with the evidence and the burden of proving the charges by the greater weight of the credible evidence. The hearing shall be conducted in accordance with procedures adopted by the institution and that assure both the institution and the accused student the following minimal rights:
- (A) the right of the Dean of Students and the accused student to have, reasonably in advance of the date fixed for the hearing, a list of the witnesses to be presented by the opposing party and a brief summary of the testimony to be given by each;
 - (B) the right to appear and present evidence in person or through a designated representative or counsel of choice;
 - (C) the right to cross-examine the witnesses testifying on behalf of the opposing party; and
 - (D) the right to have all proceedings at the hearing recorded electronically or stenographically and transcribed.
- 3.(11)1 Prior to the date of the hearing, the accused student may challenge the fairness or objectivity of the person designated to hear the charges, but he shall not be entitled to disqualify the person challenged. It shall be up to the individual challenged to determine whether he can serve with fairness and objectivity. The institutional regulations shall provide for the selection of a substitute for a challenged person who disqualifies himself.

- 3.(11)2 The person hearing the charges shall render a written decision as to the accused student's guilt or innocence of the charges and shall set forth findings of fact in support of the charges. The penalty shall also be stated in the decision. The accused student and the Dean of Students shall each be given a copy of the decision. (Amended 12/16/77)
- 3.(11)3 Either the Dean of Students or the accused student may appeal the decision to the President of the System through the chief administrative officer of the institution. The decision will be reviewed at each level of such appeal upon the basis of the written transcript of the hearing. Arguments either against or in support of the Decision will be considered by the reviewing authority and, at the discretion of such authority, will be presented in writing rather than orally. (Amended 12/16/77)
- 3.(11)4 The chief administrative officer of the institution or the President of the System 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. The action of each reviewing authority shall be communicated in writing to the accused student and the Dean of Students. The decision of the President of the System shall be the final appellate review.
(Amended Dec. 16, 1977)
- 3.(12) Through matriculation at an institution of the System, a student neither loses the rights nor escapes the responsibilities of citizenship. Students who violate the law may incur penalties prescribed by civil authority, but institutional penalties shall not be used merely to duplicate the penalties imposed by civil authority. However, when a student violation of the law occurs on the campus of a component institution or in connection with a component institution-oriented activity, institutional penalties may be imposed regardless of whether penalties have been imposed by civil authority for the same offense.
- 3.(13) Upon his indictment for a felony, a student may be suspended by the Dean of Students pending a final disposition of the indictment. If the student is not acquitted, his readmission to the institution will be subject to the approval of the Dean of Students and the institutional head.
- 3.(14) Since the value of an academic degree depends on the absolute integrity of the work done by the student for that degree, it is imperative that a student maintain a high standard of individual honor in his scholastic work. Scholastic dishonesty is the submission as one's

own work of material that is not one's own. As a general rule, it involves one of the following acts: cheating, plagiarism, and/or collusion. Each component institution will adopt detailed regulations concerning scholastic dishonesty.

3. (15) The Dean of Students, the institutional head, or the President of the System may take immediate interim disciplinary action, including suspension pending a hearing, against a student for violation of a rule and regulation of the System or of the institution at which the accused is a student when, in the opinion of such official, the interest of the System or the component institution would be served by such action.
3. (16) Each component institution shall maintain for every student who has received any disciplinary penalty at such institution, a permanent written disciplinary record that shall reflect the nature of the charge, the penalty assessed, and any other pertinent information. This disciplinary record shall be separate from the student's academic record and shall be treated as confidential, and the contents shall not be revealed except upon request of the student or upon direction of the institutional head or his delegate.
3. (17) Every student is expected to obey all federal, state, and local laws, and particularly the three state statutes set out below. Any student who violates any provision of these three statutes is subject to disciplinary action, including expulsion, notwithstanding any action taken by civil authorities on account of the violation:
 3. (17)1 DISORDERLY CONDUCT.
 - Section 1. No person, acting alone or in concert with others, may engage in disorderly conduct. Disorderly conduct consists of any of the following:
 - (1) behavior of a boisterous and tumultuous character in a residential area of a public place such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists; or
 - (2) interfering with the peaceful and lawful conduct of persons in or about their homes or public places under circumstances in which such conduct tends to cause or provoke a disturbance; or
 - (3) violent and forceful behavior at any time in or near a public place, such that there is a clear and present danger that free

- movement of other persons will be arrested or restrained, or other persons will be incapacitated in the lawful exercise of business or amusement; or
- (4) behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or affrays; or
 - (5) in a public or private place engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance; or
 - (6) willful and malicious behavior that interrupts the speaker of any lawful assembly or impairs the lawful right of others to participate effectively in such assembly or meeting when such conduct tends to cause or provoke a disturbance; or
 - (7) behavior near a courthouse or other public building wherein judicial proceedings are being held, designed or having the effect of interfering with the administration of justice, whether by disrupting the courts or by intimidating the judges, witnesses, jurors, or other persons having business with the courts; or
 - (8) behavior near any public building wherein matters affecting the public are being considered or deliberated, designed or having the effect of interfering with such proceedings under circumstances in which such conduct tends to cause or provoke a disturbance; or
 - (9) willful and malicious behavior which obstructs or causes the obstruction of any doorway, hall, or any other passageway in a public building to such an extent that the employees, officers, and other persons, including visitors and tourists, having business with the government are denied entrance into, exit from, or free passage in such building; or

- (10) behavior involving the display of any deadly weapon in a public place in such a manner as to alarm or frighten other persons present; or
- (11) enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.

Section 2. Any person who violates any of the provisions of Section 1 of this Article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two Hundred Dollars (\$200). For any second or subsequent conviction of any of the provisions of Section 1 of this Article such person shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000), or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment.

(H.B. No. 57, Acts of the 61st Legislature, Regular Session, 1969)

3.(17)2 DISRUPTIVE ACTIVITY.

Sec. 1. No person or group of persons acting in concert may willfully engage in disruptive activity or disrupt a lawful assembly on the campus or property of any private or public school or institution of higher education or public vocational and technical school or institute.

Sec. 2(a) For the purposes of this Act, "disruptive activity" means:

- (1) obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
- (2) seizing control of any building or portion of a building for the purpose of interfering with any administrative, educational, research or other authorized activity;
- (3) preventing or attempting to prevent by force or violence or the threat of force or violence any lawful assembly authorized by the school administration;
- (4) disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or

(5) obstructing or restraining the passage of any person at an exit or entrance to said campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from said property or campus without the authorization of the administration of the school.

(b) For the purposes of this Act, a lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur.

Sec. 3 A person who violates any provision of this Act is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$200 or by confinement in jail for not less than 10 days nor more than 6 months, or both.

Sec. 4 Any person who is convicted the third time of violating this act shall not thereafter be eligible to attend any school, college or university receiving funds from the State of Texas for a period of two years from such third conviction.

Sec. 5 Nothing herein shall be construed to infringe upon any right of free speech or expression guaranteed by the Constitutions of the United States or the State of Texas.

(H.B. No. 141, Acts of the 61st Legislature, Regular Session, 1969)

Sec. 6 Neither the institutional head nor the President of the System, nor any representative of either of them when dealing with disruptive activities as defined in Section 2(a) above, shall negotiate or attempt to negotiate with any person or persons engaged in any disruptive activity on the campus of any component institution of the System. When such a situation arises, the institutional head or the President of the System, or any representative of either of them, shall take immediate action to utilize all lawful measures to halt and eliminate any and all such disruptive activities that come to their attention.

Sec. 7 Any person who, acting either singly or in concert with others, engages in any disruptive activity [as defined in Section 2(a) above] on the campus of any component institution of the System is subject to discipline, including expulsion from enrollment as a student or dismissal from employment as a faculty or staff member. The institutional head or the President of the System may take immediate interim disciplinary action, including suspension as a student or faculty or staff member pending a hearing, against any person who engages in any such disruptive activity.

3.(17)3 FIREARMS.

Sec. 1 It shall be unlawful to interfere with the normal activities, the normal occupancy, or normal use of any building or portion of a campus of any private or public school or institution of higher education or public vocational and technical school or institute by exhibiting or using or threatening to exhibit or use a firearm.

Sec. 2 A person who violates Section 1 of this Act is guilty of a felony and upon conviction is punishable by a fine of up to \$1,000 or by imprisonment in jail for a period not to exceed 6 months, or by both fine and imprisonment, or by imprisonment in the state penitentiary for a period not to exceed five years.

(H.B. No. 1450, Acts of the 61st Legislature, Regular Session, 1969)

3.(18) Pursuant to the authority conferred upon the Board of the System by Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes), and in order to protect the safety and welfare of students and employees of the component institutions of the System and to protect the property of the System, it is hereby declared that it shall be unlawful for any person to enter, walk, run, lie, play, remain, or be in the water of any fountain or other artificial body of water located on the campus of any component institution of the System unless such person shall have theretofore been granted permission by the administrative head of that institution to enter, remain, or be in such water.

It shall further be unlawful for any person to dump, throw, place, or cause to be placed any material, object, trash, waste, or debris in the water of any fountain or other artificial body of water located on the campus of any component institution of the System.

It shall also be unlawful for any person to damage, deface, or remove any portion of any fountain, monument, or memorial located on the campus of any component institution of the System.

Any person who violates any portion of this regulation shall upon conviction thereof be punished by a fine of not more than \$200.

Any student of a component institution who violates any portion of this regulation shall, in addition to the penalty prescribed in the last preceding section, be subject to discipline, including expulsion, by the institution.

- 3.(19) The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every student attending any component institution of the System. Any student who violates such standards of conduct is subject to discipline by the Dean of Students, regardless of whether or not any action is taken against the student by civil authorities on account of such violation. If disciplinary action is taken, the Dean of Students shall proceed with action in the same manner as he would in the case of a violation of any other provision of these rules and regulations or a provision of any institutional supplement.

Sec. 4 Student Organizations.

- 4.1 An organization in which membership is limited to students (recognizing that faculty and staff may also be members) of a component institution may become a registered student organization at that institution by complying with the registration procedures established by the Dean of Students.
- 4.2 The Dean of Students, with the approval of the institutional head, may establish regulations requiring faculty or staff advisers for registered student organizations.
- 4.3 A registered student organization may state that its membership is composed of students, or of students, faculty, and/or staff, of a component institution, but it shall not suggest or imply that it is acting with the authority or as an agency of that institution.
- 4.4 The Dean of Students, with the approval of the institutional head, may issue regulations governing the eligibility of students for participation in organized activities.

- 4.5 At each component institution, an appropriate committee or committees shall have initial jurisdiction over all registered student organizations.
- 4.6 Any student organization is subject to disciplinary action or revocation of registration as a student organization for violation of a rule or regulation of the System and/or of, the institution at which the organization is registered.
- 4.7 The administrative head of each component institution of the System shall require and enforce the following:
- 4.71 As a condition to being a registered student organization or group during a semester, every registered student organization or group shall furnish to the appropriate institutional officer at the beginning of each such semester a complete list of officers or other members of the organization or group who are authorized to speak for or represent the organization or group in its relations with the institution and who are authorized to receive for the organization or group official notices, directives, or information from the institution. Each such list shall be kept current and accurate throughout the semester by the organization or group, and it shall be conclusively presumed that the officers or members whose names are on the list most recently filed by the organization or group are authorized to speak for and represent the organization or group in its relations with the institution and are authorized to receive for the organization or group official notices, directives, or information from the institution.
- 4.72 No registered student organization or group may have any person as a member who is not either a student or a member of the faculty or staff of the institution. Except pursuant to the provisions of Section 6.5 of this chapter, no organization or group, whether registered or not, may use any facility of any component institution of the System if it has as a member any person who is not either a student or a member of the faculty or staff of the institution.
- 4.73 At the beginning of each semester, each registered student organization or group must file with the appropriate institutional officer an affidavit stating that the organization or group does not, and will not during the semester, have as a member any person who is not either a student or a member of the faculty or staff of the institution. If an organization or group fails or refuses to file the required affidavit, or if, after such reasonable investigation as the institutional

head shall deem appropriate (which investigation shall afford the accused registered organization or group every right guaranteed to it by the due process clauses of the United States and Texas Constitutions), the institutional head shall during the semester find that the affidavit is or has become false, and that the organization or group does, in fact, have as a member a person who is not either a student or a member of the faculty or staff of the institution, the institutional head shall immediately cancel the registered status of the organization or group and shall deny to the organization or group any and all privileges to which it would otherwise be entitled as a registered student organization or group.

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

4.8 No component institution shall register any student organization or group whose actions or activities, in the opinion of the institutional head or the President of the System, are inimical to the educational purpose and work of the institution.

4.9 A registered student organization whose registered status has been canceled by the institutional head pursuant to Subsection 6.13 of Section 6 of this chapter or Subsection 4.73 of Section 4 of this chapter may apply for re-registration not less than six months following the date of such cancellation.

Sec. 5 Participation in Student Government.

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

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

5.12 Mode of Amending Constitutions and Laws. --An amendment to the constitution or laws of a students' association may be adopted by an association, in accordance with its constitution and laws, but the change shall not become effective until transmitted to and acted upon by the Dean of Students, the institutional head, and the President of the System and approved by the Board.

- 5.13 Amendment or Repeal by Regents. --The Board shall amend or repeal any portion of the constitution and laws of a students' association when, in the judgment of the Board, the interests of the particular institution shall require it.
 - 5.14 Amendment or Repeal by Dean of Students. --The Dean of Students shall have the power, when in his judgment the interests of the institution require it, to amend or repeal any provision in the constitution or laws of the particular association, but his action shall be in force only until the next meeting of the Board when Section 5.13, above shall become applicable.
 - 5.15 Salaried Employees Approved by Regents. --All persons officially employed on salary by or under the direct supervision of a students' association shall be subject to approval by the Dean of Students, the institutional head, the President of the System, and the Board, both as to salary and as to qualifications
 - 5.16 Annual Financial Reports. --Every officially recognized students' association shall make annually a complete financial report to the institutional business officer, and shall make such special reports as may be called for by such business officer. A duplicate copy of each report shall be filed with the Dean of Students. Committees and administrative units of a students' association maintaining a budget in excess of \$25.00 per annum shall make such interim reports of financial condition as may be required by the Dean of Students.
- 5.2 The students' association on each campus shall be a recognized forum of student opinion.
- 5.21 When a students' association takes a position with reference to issues directly related to a component institution and its operations, its recommendations shall go through the Dean of Students, the institutional head, and the President of the System to the Board.
 - 5.22 When a students' association takes a position on non-University issues, it shall make clear the fact that it does not speak for the institution.
 - 5.23 A students' association may conduct polls, initiate petitions, and/or establish forums for debate or discussion under conditions approved by the Dean of Students.
 - 5.24 Officers of a students' association may so identify themselves when they express their personal views, but they shall then make it clear that they are not speaking for the

institution, or for the student body, and they shall make it clear they are not speaking for the students' association unless the legislative body of that association has authorized the statement in advance.

Sec. 6 Use of University-Owned Facilities.

- 6.1 The institutional head or his delegate has the responsibility of establishing regulations and procedures for the use of institutional buildings, grounds, and other facilities for purposes other than regular academic use. Such regulations and procedures shall be in accordance with the following:
- 6.11 As used in this section, the word "solicitation" means the sale or offer for sale of any property or service, whether for immediate or future delivery, and the receipt of or request for any gift or contribution.
- 6.12 No solicitation shall be conducted in any building or structure on the campus of any component institution of the System, provided, however, that the following activities shall be deemed not to be solicitations prohibited by this subsection if they are conducted in a manner that will not disturb or interfere with the regular academic or institutional programs being carried on in a building or structure, or do not interfere with entry to or exit from a building or structure:
- (1) The sale or offer for sale of any newspaper, magazine, or other publications by means of a vending machine in an area designated in advance by the institutional head or his delegate for the conduct of such activity.
 - (2) The sale or offer for sale of any food or drink item by means of a vending machine in an area designated in advance by the institutional head or his delegate for the conduct of such activity.
 - (3) The sale or offer for sale of any publication of the institution or of any book or other printed material to be used in the regular academic work of the institution.
 - (4) The operation by the institution or its subcontractor of any bookstore, specialty store, laundry mat, cafeteria, or other service facility maintained for the convenience of the students and/or faculty.
 - (5) The sale or offer for sale by the institution or its subcontractor of food and drink items and programs at athletic contests.
 - (6) The collection of tuition and fees in connection with enrollment of a student in any course or degree program.

(7) The collection of membership fees or dues by registered student, faculty, or staff organizations at meetings of such organizations scheduled in accordance with the facilities use regulations of any component institution.

(8) The collection of admission fees for the exhibition of movies or other programs that are sponsored by the component institution, a recognized faculty group, or a registered student organization, and are scheduled in accordance with the facilities use regulations of the component institution.

(9) The activities of any organization that can present to the institutional head, or his delegate, written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under 26 U.S.C.A. 501 (c) (3) (Internal Revenue Code).

6. 121 No organization may solicit under Subdivision (9) of this subsection for more than a total of fourteen days, whether continuous or intermittent, during each state fiscal year.

6. 13 No solicitation shall be conducted on the grounds, sidewalks, or streets on the campus of any component institution of the System, except by the agents, servants, or employees of that institution acting in the course and scope of their agency or employment, or by the students' association of that institution, or by a registered student, faculty, or staff organization at that institution.

(1) Solicitation made pursuant to the terms of Subsection 6. 13 must be conducted in such a way (a) that it will not disturb or interfere with the regular academic or institutional programs being carried on in campus buildings, (b) that it will not interfere with the free and unimpeded flow of pedestrian and vehicular traffic on sidewalks and streets and at places of ingress and egress to and from campus buildings, and (c) that it will not harass, embarrass, or intimidate the person or persons being solicited. If, after such reasonable investigation as the institutional head shall deem appropriate (which investigation shall afford the accused organization every right guaranteed by the due process clauses of the United States and Texas Constitutions) the institutional head determines that a solicitation is being conducted in a manner violative of this subsection, the institutional head shall prohibit the offending organization from solicitation on the campus for such

period or periods of time as he shall determine to be appropriate and in the case of repeated violations of these solicitation rules, the institutional head may cancel the registered status of the offending organization.

- (2) The students' association and each registered student organization shall, within 30 days following the end of each academic semester or summer session, file with the institutional head or his delegate a sworn statement fully and fairly disclosing the sources and amounts of money which it obtained from solicitations (sales and contributions) on the campus during the preceding semester or summer session and fully and fairly disclosing the beneficiaries and amounts of the expenditures which it made during the preceding semester or summer session. A registered student organization which during a semester or summer session receives no money or thing of value other than from its own members need file only a sworn statement to that effect. Any organization failing to comply with the provisions of this paragraph shall be prohibited from solicitation on the campus until such organization places itself in compliance.

6. 14 Use of Physical Facilities of the System by Registered Student Organizations.--Registered student organizations may use an institution's buildings and/or grounds in compliance with reasonable and nondiscriminatory institutional regulations that shall specify the procedures under which such organizations may reserve the institution's buildings and/or grounds for their use. Groups of students who are not registered may not use the institution's buildings and/or grounds. Registered student organizations may not enter into joint sponsorship of any on-campus project or program with individuals, groups, or students that are not registered.
6. 15 Reasonable and nondiscriminatory regulations may be promulgated to authorize students and registered student organizations, under specified conditions, to petition, post signs, set up booths, and/or peacefully demonstrate on the campus. Such regulations shall prohibit any activity that would interfere with regular academic and institutional programs.
6. 16 No person, whether or not a student or employee of a component institution, shall publicly distribute on the campus of any such institution any petition, handbill, or piece of literature that is obscene, vulgar, or libelous, or that advocates the deliberate violation of any federal, state, or local law.

- 6.17 No person, whether or not a student or employee of a component institution, shall post or carry any sign or poster that is obscene, vulgar, or libelous, or that advocates the deliberate violation of any federal, state, or local law.
- 6.18 No person, whether or not a student or employee of a component institution, shall install, occupy, or use on the campus of any such institution any booth, if the use of the booth is wholly or partly for the distribution or dissemination of words or material that is obscene, vulgar, or libelous, or that advocates the deliberate violation of any federal, state, or local law. For the purpose of this provision, the word "booth" includes furniture, enclosure, and any other structure temporarily installed for distributing petitions, handbills, or literature, or for displaying signs, or for raising funds or soliciting tangible items.
- 6.2 The use of student center or student union facilities on the campus of each component institution shall be subject to reasonable and nondiscriminatory regulations as may be promulgated by that center's governing board and approved by the Dean of Students and the institutional head.
- 6.3 Extracurricular student activities involving the use of System-owned buildings and grounds shall be conducted in accordance with local, state and national law and in accordance with the applicable System and institutional regulations. Such activities shall not disrupt or disturb the regular academic and institutional program and shall not result in damage to or defacement of property.
- 6.4 Identification Required.
- (a) Pursuant to the authority conferred upon the Board of the System by Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes), and in order to protect the safety and welfare of students and employees of the component institutions of the System, and to protect the property of the System, it is hereby declared that it shall be unlawful for any person on any property either owned or controlled by the System or any component institution to refuse to identify himself to an institutional representative in response to a request. For the purpose of this subsection, a person identifies himself by:
- (1) giving his name and complete address; and (2) by stating truthfully whether or not he is a student at the institution and whether or not he is an employee of the institution.

- (b) For the purpose of Subsection (a), an "institutional representative" is:
- (1) any member of the Board of the System;
 - (2) any administrative officer of the System, including the Chancellor, the Executive Assistant to the Chancellor, the Director for Development, the President of the System, the Vice President for Academic Affairs, the Vice President for Administration, the Vice President for Health Affairs, the Executive Director for Investments, Trusts and Lands, the Vice President for Operations, the Director for Public Affairs, the Comptroller, the Director of Facilities Planning and Construction, the Budget Director, the Vice President and General Counsel for the System, the Director of Police, the System Personnel Director, the Director for Special Services, and the Director of Accounting of The University of Texas at Austin;
 - (3) any administrative officer of the component institution, including the institutional head, any assistant to the institutional head, any vice president, any Dean of Students, and any associate or assistant dean of students; and
 - (4) any attorney, peace officer, or security officer of the System or the institution.
- (c) Any person who refuses to identify himself fully in accordance with Subsection (a) is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$200.
- (d) Any student who refuses to identify himself fully in accordance with Subsection (a) is, in addition to the penalty prescribed in Subsection (c), subject to discipline, including expulsion, by the institution.

6.5 Use of Physical Facilities by Outside Groups, the System as a Joint Sponsor. --Use of physical facilities of the System, especially auditoriums, gymnasiums, and large rooms, by outside groups shall be subject to the following rules in which the "System" shall mean any component institution.

6.51 The System will not permit the unrestricted use by non-System groups of any of its facilities.

6.52 The System will not enter into joint sponsorship of any project or program that is to result in private gain for the cooperating group or groups.

- 6.53 The System, established as a public institution without regard to political affiliation or religious faith, cannot be a joint sponsor with any noncampus organization for political or sectarian gatherings. However, the appearance by or on behalf of a candidate for public office may be authorized under conditions prescribed by the Board.
- 6.54 Whenever non-System groups share in the use of System buildings, it must be upon the invitation of the System and under its joint sponsorship, and with the further understanding that all the conditions governing such sponsorship are to be set by the System.
- 6.55 The System when entering into joint sponsorship of any program or activity assumes full responsibility for all details and reserves the right to approve all copy for advertising, as well as news releases.
- 6.56 The System will not enter into joint sponsorship of any program or activity in which the educational implications are not self-evident and which does not directly supplement the educational purposes of the System.
- 6.57 It shall be understood that the availability of the System's auditorium facilities for functions other than the institution's own activities is strictly subject to the needs and the convenience of the System, which are always to have priority in the scheduling of facilities.
- 6.58 In the case of programs for which the System is a joint sponsor with some other group or organization, the fee to be paid by the co-sponsor will be a matter for negotiation in each case and will be specified in the agreement providing for the joint sponsorship.
- 6.6 The chief administrative officer of a component institution may designate specific facilities of a component institution, such as special events centers, concert halls, theaters, or auditoria, as Special Use Facilities. The chief administrative officer shall cause to be prepared and submitted for approval, as a part of the Handbook of Operating Procedures of the institution, appropriate rules and regulations for the reservation and use of such designated Special Use Facilities. Such rules and regulations must restrict the reservation and use of such facilities in accordance with the following:
- 6.61 Designation as a Special Use Facility shall not constitute the facility as a public facility open to use by non-University persons, groups, associations, or corporations on a first come, first served basis.

- 6.62 Priority in the reservation and use of Special Use Facilities shall be given to activities and events sponsored by the component institution that are in furtherance of and related to the educational, cultural, recreational, and athletic programs of the institution.
- 6.63 As a lower priority, the institutional rules and regulations may provide for reservation and use of Special Use Facilities by non-University individuals, groups, associations or corporations, without the necessity of joint sponsorship by the institution. The institution shall establish rates to be charged for the use of the facility that will, at a minimum, insure recovery of that part of the operating cost of the facility attributable directly or indirectly to such non-University use. If the non-University user charges those attending an event any admission or registration fee, or accepts donations from those in attendance, the institution shall require the user to make a complete account of all funds collected and of the actual cost of the event. If the funds collected exceed the actual cost of the event, the non-University user shall be required to remit such excess funds to the institution as an additional charge for the use of the Special Use Facility. (Amended 4/7/78)
- 6.64 Subject to all constitutional and statutory provisions relating to the use of state property or funds for religious or political purposes, and subject to Subsection 6.63, above, Special Use Facilities may be made available for religious and political conferences or conventions. Religious organizations applying for use of a Special Use Facility must submit written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under Section 501(c)(3) of Title 26 of the United States Code [Internal Revenue Code]. Political organizations applying for use of a Special Use Facility must present written evidence that the organization had candidates for either state, district, or local offices listed on the ballot at the last general election. A religious or political organization shall be permitted to use a Special Use Facility only one time during a calendar year.

Sec. 7 Speech and Assembly.

- 7.1 Freedom of inquiry and discussion are basic and essential to intellectual development. Students have the right, therefore, to freedom of speech and assembly, subject to reasonable nondiscriminatory rules

and regulations adopted by the System and/or the component institution.

7.11 "It shall be unlawful for any person knowingly or willfully to . . . advocate, abet, advise, or teach by any means . . . under such circumstances as to constitute a clear and present danger to the security of the United States, or of the State of Texas, or of any political subdivision of either of them . . ." (Texas Civil Statutes, Article 6889-3A, Sec. 5.)

7.12 Students who are candidates for public office or students appearing in the interest of a particular candidate or candidates for public office may be permitted the use of institution-owned facilities under the provisions of paragraphs 7.241 and 7.242 of this chapter.

7.2 Off-Campus Speakers. --The Board has and reserves the right to regulate the presentation of guest speakers on the campus who are unaffiliated with the System or any component institution thereof (hereafter referred to as off-campus speakers).

7.21 Only registered student organizations, faculty or staff organizations, System-owned dormitories, and Student Government may present off-campus speakers on the campus.

7.22 The organization sponsoring an off-campus speaker has the responsibility of making clear the fact that the organization, not the institution, is extending the invitation to speak and that any views the speaker may express are his own and not necessarily those of the System or of any component institution.

7.23 An off-campus speaker is subject to the Texas Civil Statutes as quoted in Section 7.11 of this chapter.

7.24 Registered student organizations, faculty or staff organizations, University-owned dormitories, and Student Government may be permitted the use of System-owned facilities to present off-campus speakers on campus pursuant to the facilities' use regulations promulgated by the component institution and subject to the requirement that each component institution must submit to the System Administration for approval as a part of its Institutional Handbook for Operating Procedures a copy of all applicable facilities' use regulations, and no facilities' use regulation shall have any force or effect until it has been approved by the President of the System and the Vice President and General Counsel for the System.

7.25 An application for the use of any System-owned facility must be made to the chief administrative officer, or his delegate, at least forty-eight hours before the time the event is scheduled to take place.

7.26 No person shall be permitted to speak on any campus of the System who is known to advocate or recommend, either orally or in writing, the conscious and deliberate violation of any federal, state, or local law.

7.27 No off-campus speaker who is to be paid from state funds as consideration for his or her speech shall be permitted to speak on the campus of any component institution of the System unless the university facility in which the speech is to be delivered will be open to the public, including members of the news media, who will be entitled to record, videotape, or telecast live portions of the speech. The provisions of this subdivision do not apply to classes, seminars, symposia, and conferences intended for the use and benefit of students, faculty, staff, and invited guests. No person may in any way obstruct or lessen in any way the opportunity for the audience to take the fullest advantage of the speech, including the opportunity to see and hear the speaker during the entire speech. The provisions of this subdivision apply prospectively from the date of its adoption by the Board.

Sec. 8 Off-Campus Student Housing.

8.1 Off-Campus Student Housing. --The component institutions of the System will not extend Approved Housing status to any student residential units except those directly operated by the System. Each student at a component institution will have free choice in the selection of his non-University-operated residential accommodations, subject to parietal rules.

Sec. 9 University Policy in Regard to Debts of Students.

9.1 Neither the System nor any component institution is responsible for debts contracted by individual students or by student organizations. On the other hand, all students and student organizations are expected to conduct themselves honorably in all commercial transactions. Neither the System nor any component institution will assume the role of a collection agency except for monies owed to the System or one of its component institutions, nor will the System nor any of its component institutions adjudicate disputes between students and creditors over the existence or the amounts of debts.

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

Sec. 10 Anonymous Publications.

10.1 Anonymous publications are prohibited. Any student publishing or aiding in publishing, or circulating or aiding in circulating, any anonymous publication will be subject to discipline.

Sec. 11 Other Regulations Concerning Student Affairs are Reported in the Rules and Regulations of the Board, as follows:

Fellowships, Scholarships, and Loan Funds - Part Two, Chapter I, Sec. 2, p. 2.

Tuition and Other Fees - Part Two, Chapter I, Sec. 3, p. 2.

Policy Against Discrimination - Part Two, Chapter I, Sec. 5, p. 3.

Auxiliary Enterprises - Part Two, Chapter X, Sec. 1-7, p. 69.

Texas Student Publications at The University of Texas at Austin - Part Two Chapter X, Sec. 8, pp. 70-71.

CHAPTER VII

THE SYSTEM PRIVATE-FUND DEVELOPMENT AND FOUNDATIONS

Sec. 1 The System Private-Fund Development.

- 1.1 Responsibilities of the Board and Administrative Officials of the System in Private-Fund Development. --
 - 1.11 Among the most important responsibilities of the Board are those of establishing policies and procedures by which the developmental needs of the System and its component institutions can be determined and of directing vigorous efforts to attract private-fund support for meeting these needs.
 - 1.12 The Chancellor is to serve as the Chief Executive Officer for Fund Development and as the agent of the Board for the discharge of development responsibilities.
 - 1.121 The Chancellor shall define for the Board, at periodic intervals, descriptions of current and future needs, as determined by the institutional heads and System Administration, taking into account such needs as the System Development Advisory Council and each component institution development board may have recommended.
- 1.2 Responsibilities and Duties of the System Development Advisory Council:
 - 1.21 The System Development Advisory Council is the group responsible for advising the Chancellor on all private-fund development for the System.
 - 1.22 The System Development Advisory Council shall advise the Chancellor on policies to govern activities for cultivating and securing private funds for the System and its component institutions.
 - 1.23 In the absence of unusual circumstances, no major private-fund development effort or decision, not covered by previously adopted regulations of the Board, shall be recommended by the Chancellor to the Board without prior advice thereon from the System Development Advisory Council and the component institution development board, which advice shall be transmitted to the Board.

- 1.24 The System Development Advisory Council shall have particular responsibility to advise the Chancellor with regard to:
- 1.241 The development, with the cooperation and assistance of each component institution development board, of the total private-fund needs of each component institution of the System.
 - 1.242 The planning, coordination, and promoting, with the component institution development board, of support for both current and long-term programs to meet developmental needs of the System and its component institutions.
 - 1.243 The development of continuing gift possibilities not related to predetermined projects.
 - 1.244 The content of periodic progress reports from the Chancellor to the Board on the development plans and programs of the System.
 - 1.245 Appropriate recognition of donors by the System or the institutional development boards.
 - 1.246 The enlistment of the aid of numerous friends of the System and its component institutions in fund-development efforts, and the establishment of such committees and other groups as seem desirable in carrying out its program.

1.3 Composition and Operation of the System Development Advisory Council. --

- 1.31 The System Development Advisory Council membership shall consist of:
- (1) The Chancellor of the System as Chairman.
 - (2) A member to be elected by each component institution development board. Initial appointments to the System Development Advisory Council shall draw lots providing for one-third of the total membership to serve for one, two, or three-year terms. All terms following the initial appointments to the committee will be a three-year term. All terms will officially begin on September 1.
- 1.32 The System Development Advisory Council shall cause accurate minutes of its proceedings to be kept, and shall file copies with the Secretary to the Board. It shall assist the Chancellor in the preparation of an annual evaluation report on the development function. This report shall be transmitted to the Board.

1.33 The System Development Advisory Council shall conduct its operations in accord with the policies and regulations of the Board, and shall make recommendations concerning policies through the Chancellor to the Board.

1.4 Development Executive Officer of the System. --

1.41 Within the Office of the Chancellor there may be appointed by the Chancellor the Executive Director for Development who shall be responsible to the Chancellor. He is subject to supervision, evaluation, and termination of employment by the Chancellor.

1.42 This Executive Director for Development shall have such staff and operating funds as shall be determined from time to time by budgets recommended by the Chancellor and adopted by the Board.

1.5 Finances. -- Financial support of the System Development Advisory Council and the Executive Director for Development shall be provided exclusively by appropriation of the Board. Such appropriation will be made through established budgetary procedures. The Board may accept gifts designated for use by the System Development Advisory Council and may make such funds available for expenditure by said committee.

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

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

2.2 Responsibilities and duties of the component institution development boards:

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

2.22 The component institution development board shall recommend through the institutional head and the Chancellor to the Board of Regents the approval of current and long-range policies which shall govern activities and responsibilities in cultivating and securing private funds for the institution.

- 2.23 The component institution development board shall have responsibility:
- 2.231 For studying and developing total development needs of the component institution.
 - 2.232 For coordinating and formulating plans and actively promoting support for both current and long-range programs to meet the developmental needs of the component institution.
 - 2.233 For developing gift possibilities not related to pre-determined projects.
 - 2.234 For periodic reports of progress to the institutional head and the Chancellor on the plans and programs of the component institution development board. It is expected that a continuing program of the component institution will include collection and dissemination of information regarding gifts and endowments.
 - 2.235 At periodic intervals, the institutional head shall lay before his development board descriptions of current development needs.

2.3 Composition and Operation of the Component Institution Development Board:

- 2.31 The component institution development board shall consist of not more than 25 appointed members, and these shall be recommended and appointed by the institutional head of each component institution with prior specific written approval of the Chancellor and the Board of Regents. Initial appointments to the component institution development board shall draw lots providing for one-third of the total membership to serve for one, two, or three-year terms. All terms following the initial appointment of the board will be for a three-year term. All terms shall officially begin on September 1. At least one member shall be nominated by the ex-students' association of that institution. The institutional head and the Chancellor (or his delegate) shall be ex-officio members with voting privileges. The component institution development board will elect a Chairman and such other officers as are appropriate from among its membership.
- 2.32 The component institution development board shall elect a representative from its membership to the System Development Advisory Council for a three-year term except as specified in paragraph 1.31(2). This representative may serve on the System Development Advisory Council only so long as he is a member of the component institution development board.

- 2.4 General Policies of the Component Institution Development Boards:
- 2.41 A component institution development board shall seek to enlist the aid of numerous friends of the institution in fund-development efforts, and may establish such committees and other groups as seem desirable in carrying out its program.
- 2.42 A component institution development board shall serve the individual component institution of the System to coordinate and assist in the plans and programs of that component institution with consideration of development interests of all component institutions in the System.
- 2.43 A component institution development board will work closely with the internal foundations of the component institutions. No internal foundations shall be established or continued in existence except with the approval of the Chancellor and the Board of Regents. The institutional head of each component institution shall be responsible for stimulating, guiding, and assisting the component institution development board and internal foundations of the component institution he heads and he may require suitable annual reports from each. All such activities shall be coordinated through the office of the institutional head and the director of the component institution development board.
- 2.44 From time to time, special campaigns for specific objectives may be conducted, with or without the assistance of private fund-raising counsel. Such campaigns may originate upon recommendation by the Board of Regents, the System Development Advisory Council, the Chancellor, the institutional head with the concurrence of the Chancellor, or the component institution development board. No such campaign shall be authorized or undertaken, however, until the Chancellor has advised the Board of Regents of his approval or disapproval and the campaign has been approved by the Board of Regents.
- 2.45 Notwithstanding the provisions hereof conferring authority upon and placing responsibility with the Chancellor for fund development and fund raising, it is understood that ex-students' associations of the System component institutions may engage in fund raising for their own support through dues and payments for memberships, both annual and life. However, it is expected that no such ex-students' association will sponsor or participate in any other organized fund-raising effort without first consulting and advising with the institutional head and the Chancellor, and then receiving the approval of the Board of Regents.

2.46 The component institution development boards shall make recommendations to the System Development Advisory Council regarding the appropriate recognition of donors.

2.5 Executive Office of a Component Institution Development Board:

2.51 Within the office of the institutional head there may be appointed by the institutional head, with the approval of the Chancellor, an executive director of the component institution development board. He is to be charged solely with fund-development activity, and subject to supervision, evaluation, and termination of employment by the institutional head.

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

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

Sec. 3 Foundations -- The following policies shall govern the creation and administration of foundations:

3.1 Internal Foundations:

3.11 The establishment of internal foundations shall be limited to teaching and research divisions of the component institutions of the System. This is not in any sense to be construed as excluding nonteaching and nonresearch divisions from seeking support from private sources through the component institution development boards as the authorized agencies for correlating all fund-raising activities.

3.12 The establishment of foundations for other than component institutions, colleges, or schools shall be limited to divisions and departments with respect to which it can be clearly demonstrated that there exists, actually or potentially, the support of a strong business or professional group, the activities of which will not be in substantial conflict with the foundation

which represents the school or college of which the division or department is a part. It is believed that divisions and departments which cannot meet these tests may effectively work as separate groups within the framework of the foundation which represents this school or college. The provisions now existing for the designation of special funds to be used for specific activities should continue within the framework of the various foundations. This opportunity to earmark funds obtained by specific groups should help to avoid stifling the interest and initiative of these groups.

- 3. 13 Any foundation in addition to those now existing shall be authorized by the Board of Regents only after approval by the Chancellor.
- 3. 14 The work of all internal foundations shall be considered a part of the work of the component institution development boards. It is the duty of the System Development Advisory Council and the component institution development boards to cooperate with such foundations at all times and to stimulate their efforts by counsel, by personal contacts and by providing promotional materials. Further, the foundations shall report periodically to the Chancellor through the component institution development boards. Every effort should be made to permit a free range of initiative within the foundations, but activities should be in conformity with policies of the Board of Regents so as to permit maximum overall achievements in fund raising throughout the System.
- 3. 15 There should be periodic reviews of the activities of each foundation to determine its effectiveness; and, if it is unproductive over a reasonable length of time, provisions should be made for its dissolution.
- 3. 16 There shall be established, wherever practical, advisory councils to the foundations. The executive director of each component institution development board shall be an ex-officio nonvoting member of each such advisory council.
- 3. 17 The presently authorized internal foundations are:

<u>Foundation</u>	<u>Date Established</u>
<u>The University of Texas at Austin</u>	
John Charles Townes Foundation (School of Law)	1941

Pharmaceutical Foundation of the the College of Pharmacy	1949
Fine Arts Foundation of the College of Fine Arts	1950
Architectural Foundation of the School of Architecture	1952
Genetics Foundation of the Zoology Department	1952
College of Business Administration Foundation	1953
The Psychological Research Foundation	1953
Geology Foundation	1953
Arts and Sciences Foundation	1955
Engineering Foundation	1955
College of Education Foundation*	1976
School of Social Work Foundation	1966
The Lyndon Baines Johnson School of Public Affairs Foundation, Inc. (Chartered)	1968
Communication Foundation of the School of Communication	1969
Graduate School of Library Science Foundation	1969
<u>University Cancer Foundation</u>	1951
<u>The University of Texas at Arlington Foundation</u>	1967

*Formerly Teacher Education Foundation - 1956

<u>The University of Texas Medical Branch at Galveston Foundation</u>	1967
<u>The University of Texas at El Paso Foundation</u>	1967
<u>The University of Texas Medical School at Houston</u>	
Houston Medical Foundation (Chartered)	1970
<u>The University of Texas System</u>	
Hogg Foundation for Mental Health	1940
The University of Texas System Foundation, Inc. (Chartered)	1967
The University of Texas Nursing School (System-wide) Foundation	1968
<u>The University of Texas at Dallas</u>	
The Aerospace Heritage Foundation, Inc. (Amended 8/4/78)	1978

3.2 External Foundations

- 3.21 No component institution or department or school of a component institution of the System may accept or receive gifts or bequests from any external foundation (whether or not an authorized external foundation) until such gifts or bequests have been accepted and approved by the Board of Regents.
- 3.22 Wherever such external foundations now exist, the Board of Regents shall establish a working relationship with the officials of that foundation and coordinate their activities in such a way as to assure their conformity with the general policies of the Board of Regents.
- 3.23 The only presently authorized external foundations are:

Foundation

Law School Foundation

Texas Chest Foundation

The Business School Foundation

Sec. 4 Institutions and Entities Composing the System. --The System is composed of the component institutions and entities set forth below in paragraphs 4.1 et. seq.; and such other component institutions and activities as may from time to time be assigned to the governance, control, jurisdiction, or management of the Board of the System. To insure uniformity and consistence of usage throughout the System, the component institutions and their respective entities shall be listed in the following order and the following titles shall be used:

	<u>Full Title</u>	<u>Short Title</u>
4.1	The University of Texas System Board of Regents, including	Board of Regents
	The University of Texas Permanent University Fund	Permanent University Fund

CHAPTER VIII

MISCELLANEOUS

Sec. 1 Naming of Buildings and Other Facilities. --Buildings and other facilities (including laboratories and clinics) of the System and its component institutions shall not be named in honor of any person until such person shall have been dead at least five years and a nomination accompanied by reasons shall have been received by the Board from the institutional faculty; provided, however, that the Board may act without receiving a nomination from the institutional faculty when unusual circumstances justify such action and particularly when a substantial donation has been made toward the construction of the building or facility to be named.

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

Sec. 3 Medical and Hospital Services. --No medical or hospital services shall be provided by any component institution of the System to any person without compensation or reimbursement to the System, except that in the case of hospitals operated by the System, which under the law are open to the general public, free or partly free medical and hospital 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 hospital or medical expense.

(Amended 2/10/78) In the health components, full-time faculty in clinical services meeting the American Medical Association definitions of primary care may accept patients for acute or continuing, or both, care without referral by another physician or agency if the patients certify that they have no primary physicians. The patients are accepted for total and continuing care including the obligation to obtain the services of other physicians when indicated.

Full-time faculty in nonprimary care clinical services may accept patients upon the referral of a duly licensed physician, dentist, or governmental agency or for the purpose of presenting testimony before any administrative or judicial tribunal. The referral source should be documented in the patients' records.

This referral policy shall not apply to patients with emergency conditions, or to employees or students of UT component institutions.

- | | | |
|------|--|-------------------------------|
| 4.2 | The University of Texas System
Administration | System Administration |
| 4.3 | The University of Texas at Arlington | U. T. Arlington |
| 4.31 | The University of Texas at
Arlington School of Architecture
and Environmental Design | |
| 4.32 | The University of Texas at
Arlington College of Business | |
| 4.33 | The University of Texas at
Arlington College of Engineering | |
| 4.34 | The University of Texas at
Arlington College of Liberal Arts | |
| 4.35 | The University of Texas at
Arlington School of Nursing | |
| 4.36 | The University of Texas at
Arlington College of Science | |
| 4.37 | The University of Texas at
Arlington School of Social Work | |
| 4.38 | The University of Texas at
Arlington Graduate School | |
| 4.39 | The University of Texas at
Arlington Institute of Urban
Studies | Institute of Urban
Studies |
| 4.4 | The University of Texas at Austin | U. T. Austin |
| 4.41 | The University of Texas at Austin
School of Architecture | |
| 4.42 | The University of Texas at Austin
College of Humanities | |
| 4.43 | The University of Texas at Austin
College of Social and Behavioral
Sciences | |
| 4.44 | The University of Texas at Austin
College of Natural Sciences | |
| 4.45 | The University of Texas at Austin
Division of General and Compara-
tive Studies | |
| 4.46 | The University of Texas at Austin
College of Business Administration | |
| 4.47 | The University of Texas at Austin
School of Communication | |
| 4.48 | The University of Texas at Austin
College of Education | |
| 4.49 | The University of Texas at Austin
College of Fine Arts | |

- 4.4(10) The University of Texas at Austin
School of Law
- 4.4(11) The University of Texas at Austin
Graduate School of Library
Science
- 4.4(12) The University of Texas at Austin
School of Nursing
- 4.4(13) The University of Texas at Austin
College of Pharmacy
- 4.4(14) The University of Texas at Austin
School of Social Work
- 4.4(15) The University of Texas at Austin
Graduate School
- 4.4(16) The University of Texas at Austin
Marine Science Institute
Marine Science Institute
- 4.4(17) The University of Texas at Austin
McDonald Observatory at
Mount Locke
McDonald Observatory

- 4.5 The University of Texas at Dallas
U. T. Dallas
 - 4.51 The University of Texas at Dallas
School of Arts and Humanities
 - 4.52 The University of Texas at Dallas
School of General Studies
 - 4.53 The University of Texas at Dallas
School of Human Development
 - 4.54 The University of Texas at Dallas
School of Management and
Administration
 - 4.55 The University of Texas at Dallas
School of Natural Sciences and
Mathematics
 - 4.56 The University of Texas at Dallas
School of Social Sciences

- 4.6 The University of Texas at El Paso
U. T. El Paso
 - 4.61 The University of Texas at El Paso
College of Business Administration
 - 4.62 The University of Texas at El Paso
College of Education
 - 4.63 The University of Texas at El Paso
College of Engineering
 - 4.64 The University of Texas at El Paso
College of Liberal Arts
 - 4.65 The University of Texas at El Paso
College of Nursing

- 4.66 The University of Texas at El Paso
College of Science
- 4.67 The University of Texas at El Paso
Graduate School

- 4.7 The University of Texas of the Permian Basin U.T. Permian Basin
 - 4.71 The University of Texas of the Permian Basin College of Arts and Education
 - 4.72 The University of Texas of the Permian Basin College of Management
 - 4.73 The University of Texas of the Permian Basin College of Science and Engineering

- 4.8 The University of Texas at San Antonio U.T. San Antonio
 - 4.81 The University of Texas at San Antonio College of Business
 - 4.82 The University of Texas at San Antonio College of Fine and Applied Arts
 - 4.83 The University of Texas at San Antonio College of Humanities and Social Sciences
 - 4.84 The University of Texas at San Antonio College of Multidisciplinary Studies
 - 4.85 The University of Texas at San Antonio College of Sciences and Mathematics
(Amended 8/4/78)

- 4.9 The University of Texas Health Science Center at Dallas Dallas Health Science Center
 - 4.91 The University of Texas Southwestern Medical School at Dallas Dallas Southwestern Medical School
 - 4.92 The University of Texas Graduate School of Biomedical Sciences at Dallas Dallas G.S.B.S.
 - 4.93 The University of Texas School of Allied Health Sciences at Dallas Dallas Allied Health Sciences School

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|---------|---|---|
| 4.(10) | The University of Texas Medical Branch at Galveston | Galveston Medical Branch |
| 4.(10)1 | The University of Texas Medical School at Galveston | Galveston Medical School |
| 4.(10)2 | The University of Texas Graduate School of Biomedical Sciences at Galveston | Galveston G.S.B.S. |
| 4.(10)3 | The University of Texas School of Allied Health Sciences at Galveston | Galveston Allied Health Sciences School |
| 4.(10)4 | The University of Texas Marine Biomedical Institute at Galveston | Marine Biomedical Institute |
| 4.(10)5 | The University of Texas Hospitals at Galveston | Galveston Hospitals |
| 4.(10)6 | The University of Texas School of Nursing at Galveston | |
| 4.(11) | The University of Texas Health Science Center at Houston | Houston Health Science Center |
| 4.(11)1 | The University of Texas Medical School at Houston | Houston Medical School |
| 4.(11)2 | The University of Texas Dental Branch at Houston | Houston Dental School |
| 4.(11)3 | The University of Texas Graduate School of Biomedical Sciences at Houston | Houston G.S.B.S. |
| 4.(11)4 | The University of Texas School of Allied Health Sciences at Houston | Houston Allied Health Sciences School |
| 4.(11)5 | The University of Texas School of Public Health at Houston | Public Health School |
| 4.(11)6 | The University of Texas Speech and Hearing Institute at Houston | Speech and Hearing Institute |
| 4.(11)7 | The University of Texas School of Nursing at Houston | |
| 4.(12) | The University of Texas Health Science Center at San Antonio | San Antonio Health Science Center |
| 4.(12)1 | The University of Texas Medical School at San Antonio | San Antonio Medical School |
| 4.(12)2 | The University of Texas Dental School at San Antonio | San Antonio Dental School |
| 4.(12)3 | The University of Texas Graduate School of Biomedical Sciences at San Antonio | San Antonio G.S.B.S. |

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|---------|--|---|
| 4.(12)4 | The University of Texas School of Allied Health Sciences at San Antonio | San Antonio Allied Health Sciences School |
| 4.(12)5 | The University of Texas School of Nursing at San Antonio | |
| 4.(13) | The University of Texas System Cancer Center | University Cancer Center |
| 4.(13)1 | The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston | M. D. Anderson |
| 4.(13)2 | The University of Texas Environmental Science Park at Smithville | Environmental Science Park |
| 4.(14) | The University of Texas Health Center at Tyler | Tyler Health Center |
| 4.(15) | The University of Texas Institute of Texan Cultures at San Antonio
(Amended 8/4/78) | Texan Cultures Institute |

CHAPTER IX

ENACTMENT AND AMENDMENT

Sec. 1 Repeal of Existing Rules in Conflict Herewith.

- 1.1 All rules, regulations, orders, and resolutions heretofore enacted by the Board which are in conflict with these Regents' Rules and Regulations are hereby repealed.

Sec. 2 Format for Rules.

- 2.1 The Regents' Rules and Regulations for the government of the System apply to and govern the Board and all employees and agencies directly under its control, the Chancellor, the President of the System, the System Administration of The University of Texas System, and the component institutions comprising The University of Texas System.
- 2.2 These Regents' Rules and Regulations are organized in two parts. Part One shall, in general, contain all rules and regulations other than those of a fiscal nature. Part Two shall consist of the fiscal rules and regulations of the Board.

Sec. 3 Official Copies.

- 3.1 The official copies of the Regents' Rules and Regulations and the Handbook of Operating Procedures for each component institution of the System shall be maintained on file in the Office of the Board.
- 3.2 Copies of these Regents' Rules and Regulations and of the Handbooks of Operating Procedures shall be furnished to members of the Board and such other persons and offices as the Board shall designate.

Sec. 4 Amendment of Rules and Regulations. --The rules and regulations contained herein may be added to or amended by a majority of all of the members of the Board at any regular meeting or at any special meeting called for that purpose.

Sec. 5 Distribution of Amendments. --After any change in these Regents' Rules and Regulations, the Secretary to the Board shall conform the Official Copies and shall send corrected pages containing such changes for substitution in copies in the possession of members of the Board, administrative officers, or others on an official list in the Office of the Secretary to the Board.

Sec. 6 Endowment of Academic Positions.

- 6.1 No endowment will be established or announced and no appointment made to an endowed academic position without prior approval by the Board.
- 6.2 No negotiations or commitments implying the establishment of the endowment of an academic position will be undertaken by any faculty member or officer of the component institution until the proposal has been formally approved by the chief administrative officer.
- 6.3 Recommendations to the Board concerning acceptance of gifts for endowment of academic positions will be made through the President of the System in the dockets of the several institutions or System Administration or in special reports by the President of the System to the Board. Before the final action of the Board, such recommendations will be referred to the Land and Investment Committee as to fiscal arrangements and to the Academic and Developmental Affairs Committee as to policy.
- 6.4 The four categories of endowed and named academic positions are: Chairs, Professorships, Visiting Professorships, and Lectureships, and requirements for same are:
 - 6.41 Endowed Chairs. The endowed chair will be established with a minimum of \$500,000 or the equivalent in annual contributions arranged according to agreements recommended by the President of the System and approved by the Board. Grants of \$400,000 already under contractual agreement for the future, bequests included in wills made prior to January 25, 1975 and other prior bona fide arrangements for \$400,000 endowment of chairs are excepted in this regulation. The component institution will pay from its funds such amounts as are necessary to set the salary of the occupant at a level commensurate with his or her record, experience, and position in the faculty. The endowment will be used both for salary supplementation and for other professional support of the holder of the chair, including assistance in his research.

- 6.42 Endowed Professorships. The endowed professorship will be established with a minimum of \$100,000 or the equivalent in annual contributions arranged according to agreements recommended by the President of the System and approved by the Board. Income from endowment will be used chiefly to supplement the salary of the occupant of the professorship but will be available for other professional support, including assistance in his research.
- 6.43 Visiting Professorships. The endowment of the visiting professorship specifies that such positions must be funded with a minimum endowment of \$50,000. Such appointments will be given to distinguished scholars who are in temporary residence at the component while participating in planned academic programs.
- 6.44 Endowed Lectureships. The endowed lectureship will be established with a minimum of \$20,000 and within a range of \$20,000 and \$100,000, with the provision that all such lectureships for which bona fide arrangements are in negotiation are excluded from this regulation. The lectureship will be considered a temporary appointment, usually given to a visiting scholar during temporary residence at the institution where the lectureship is established. Other emoluments for such visiting lectureships may be provided the visiting scholar through regular budgetary procedures, but no visiting lecturer will be remunerated from two or more lectureship endowments.

Sec. 7 Acceptance of Small Gifts. --The Board welcomes contributions, both large and small, in aid of the educational purposes of its various component institutions. Because of the high, and mounting, costs involved in the continued maintenance and servicing of individual accounts, practicality requires the establishment of policies with respect to the acceptance of gifts made for the establishment of permanent endowment funds. Accordingly, the following guidelines are hereby adopted with respect to the establishment hereafter of permanent endowment funds:

- 7.1 No gift of less than \$10,000 will be accepted as a separate permanent endowment.
- 7.2 Any limitation shall not be applied to gifts already received, but all gifts accepted after October 20, 1972, are subject to the ensuing provisions:
- 7.21 Should the Board determine at any time that the fund is not of sufficient size, and has no foreseeable prospects of growing to sufficient size to justify the continuing costs of maintenance of such fund as a separate fund, then in the Board's

7.22 discretion the principal of such fund may be expended for or otherwise devoted to the accomplishment, as near as may be possible, of the purposes for which the fund was established. A permanent register of Memorial Gifts shall be maintained at each component institution to record gifts, or where the gift or donation is not specifically directed to a component, the register shall be maintained by System Administration.

RULES AND REGULATIONS

OF THE

BOARD OF REGENTS

OF

THE UNIVERSITY OF TEXAS SYSTEM

FOR THE GOVERNMENT OF

THE UNIVERSITY OF TEXAS SYSTEM

PART TWO

Adopted by the Board of Regents on September 16, 1977
(with Amendments to August 4, 1978)

Explanatory Statement - Part Two

Part Two consists of rules and regulations which are fiscal in nature. These may be deleted or amended by the Board of Regents without the necessity for prior notice or action.

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CHAPTER I

GENERAL

Sec. 1 Gifts to The University of Texas System.

- 1.1 The authority to accept gifts to the System or to any of the component institutions is vested in the Board.
- 1.2 Recommendations for the acceptance of gifts showing details as to value, form, stipulations regarding use, and provisions for custody and disbursement of funds shall be transmitted by the chief administrative officer to the President of the System and by him, with recommendations, to the Board.
- 1.3 The authority to accept gifts to a component institution is delegated to the chief administrative officer when the gift is to a fund, foundation, or enterprise already approved by the Board or is a continuation of a series which has been previously approved by the Board. Each chief administrative officer is empowered to accept cash gifts to a component institution of the System of \$5,000 or less, within the policies of the Board and Legislature governing the acceptability of gifts, and to deposit such gifts to the appropriate accounts. All gifts (except those described in subsection 1.4 below) shall be reported by the dockets of each component institution as prescribed by the Board.
- 1.4 A quarterly report of such gifts of \$5000 or less showing name and address of donor, amount, purpose, and date of the gift shall be filed with the Board within thirty (30) days after August 31, November 30, February 28, and May 31 of each year. Such reports will summarize gifts of \$500 or less showing only total dollars and number of gifts.
- 1.5 Except as provided in the preceding sections, no member of the staff of any institution has the authority to accept gifts of money to the System or to any of its component institutions. Gifts to the component institutions of books or other objects of very small value and very obvious propriety, without conditions attached, may be accepted by individual members of the staffs provided these gifts are reported to the Board.

- 1.6 Neither the System nor any of its component institutions will accept a gift for the benefit of any designated student unless the donor is exempt from Federal Income Taxes as defined by the Commissioner of Internal Revenue.
- 1.7 The acceptance of gifts of real property is prohibited without prior express approval of the Legislature except for establishing scholarships, professorships, or other trusts for educational purposes, provided that such property will not thereafter require legislative appropriations for operation, maintenance, repair, or construction of buildings. (Current Appropriation Bill)

Sec. 2 Fellowships, Scholarships, and Loan Funds.

- 2.1 After gifts for fellowships, scholarships, and loan funds have been accepted by the Board, as indicated previously, they are administered jointly by designated committees and the business office of each component institution.
- 2.2 In the case of scholarships and fellowships, the appropriate committee, or designated individual, receives applications, makes the necessary inquiries, and determines the award. The committee advises the institutional head of the award and he, in turn, approves and forwards the notice of award to the business office. Payments on scholarships and fellowships are made through the business office of the component institution.
- 2.3 In the case of loan funds, the appropriate committee or designated person receives applications for loans, makes the necessary inquiries, and approves or declines the original loan as well as all renewals and extensions. The chairman notifies the business office of the granting of loans, and all records including notes, cash, accounts and collections are thereafter handled by that office. The principal of loan funds is kept intact insofar as possible. The chairman of the awarding committee may be requested by the business office to assist in collection of past due interest or principal.

Sec. 3 Tuition and Other Fees. -- Tuition fees and other charges will be fixed as prescribed or as authorized by statute, and will be set out in the institutional catalogue.

Sec. 4 Fiscal Year. -- The fiscal year of the System shall be September 1 through August 31.

Sec. 5 Policy Against Discrimination. --No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under, any program or activity sponsored or conducted by the System or any of its component institutions, on any basis prohibited by applicable law, including, but not limited to, race, color, national origin, religion, sex, or handicap.

Sec. 6 General Admission Policy.

6.1 The System will make maximum use of its resources, subject to the limited enrollment policy of the Board, to admit and educate as many qualified students as possible, consistent with accreditation standards and consistent with maintaining a high quality of education. Neither the faculty nor students of any component institution will solicit or recruit for admission to that institution any person who cannot meet the usual academic requirements for admission to that institution. Other than for the exceptions set forth in the General Appropriation Act, no funds appropriated by the Legislature, including local institutional funds, may be expended for the recruitment of students, whether qualified or unqualified. However, this provision does not prohibit the distribution of informational literature about an institution or a particular program in appropriate schools or among economic or social groups which might have a special interest in a particular institution or educational program. Such information might focus upon, but need not be limited to, programs for which there is a state-wide need for graduates. Nor does it prohibit visits by students, faculty members, or administrators, upon request, with groups of high school or college students or other groups interested in information on higher education, a particular institution, or particular programs when such visits are supported by funds from gifts and bequests.

6.2 All Texas resident applicants to medical schools within the System shall be notified of their eligibility to apply to the State Rural Medical Education Board for financial assistance pursuant to Article 4498 (c), Vernon's Civil Statutes. Article 4498 (c) authorizes the Rules Medical Education Board to make loans, grants or scholarships to medical students who are contractually obligated to practice medicine in rural areas of the State. The notification will also inform applicants that they may seek financial assistance from the State Rural Medical Education Board at any time during medical school should they subsequently determine that they desire to enter the practice of medicine in a rural area. The fact that an applicant has contracted for a loan, grant or scholarship from the State Rural Medical Education Board will be considered by the admissions committee in the overall consideration of the applicant.

Sec. 7 Admission of Nonresident Students. --No nonresident of the State of Texas shall be enrolled as a new or transfer student in any school, college, or degree-granting program at any component institution of the System when all of the three following conditions occur: (1) when there is a limitation on the number of students that will be enrolled in the class of which such nonresident would be a member if he were enrolled; (2) when the result of enrolling such nonresident would be to increase to greater than 10% the percentage of nonresidents enrolled in the class of which such nonresident would be a member if he were enrolled; and (3) when at the time of the proposed enrollment of such nonresident, admission to the school, college, or degree-granting program is being denied to one or more Texas residents who have applied for admission and who reasonably demonstrate that they are probably capable of doing the quality of work that is necessary to obtain the usual degree awarded by the school, college, or degree-granting program.

Sec. 8 Official Seal, Colors, Flag, and Mascot.

- 8.1 The official seal of the System shall be the seal held in the custody of the Secretary to the Board on which shall be inscribed "Seal of The University of Texas." The official seal of each component institution shall consist of the System seal with such heraldic variations as may be approved by the Board upon recommendation of the head of the component institution and System Administration. This official seal shall be used for the purpose of certifying diplomas, official transcripts for students and for such other official purposes as may be approved by the Board, by System Administration, or by the chief administrative officer of a component institution. Provided, however, that if any component institution has previously adopted and presently uses an institutional seal, such component institution may continue to use such seal in lieu of the seal hereby provided for. Provided further, however, no component institution shall use as its official seal that seal approved herein as the official seal of the System, unless the full title of the institution as designated in the Rules and Regulations of the Board, Part One, Chapter VIII, Section 4, is also used as an integral part of the seal.
- 8.2 The official colors for the System shall be orange and white; provided, however, that a component institution may adopt other colors to be used only in connection with athletic activities of the institution when approved by the Board upon recommendation of the chief administrative officer of the component institution and System Administration.
- 8.3 The Texas State Flag shall be designated as the official flag of the System, and the official flag of each component institution shall be the

Texas State Flag with a streamer with the official name of the component institution in white letters on an orange field. No component institution shall have or display as its official flag or as a flag representative or symbolic of the institution any other flag.

8.4 Each component institution may adopt a theme and a mascot to be used in connection with athletic activities, provided same is approved by the Board upon recommendation of the chief administrative officer of the component institution and System Administration.

Sec. 9 Appropriation Act Riders. --The System will comply with the provisions of the current General Appropriation Act insofar as applicable.

CHAPTER II

ACCOUNTING, AUDITING, REPORTING, AND BUDGETARY CONTROL

Sec. 1 Types of Funds.

1. 1 Current Funds.

1. 11 General. --General Funds are those unrestricted operating funds which are available for any purpose. Such funds are expended in accordance with the budgets and appropriations approved by the Board. General Funds balances shall not be reappropriated from one fiscal year to another unless specific approval is given by the President of the System and the Board.
1. 12 Auxiliary Enterprises. --Auxiliary Enterprises Funds are those funds set aside for operating entities which exist to furnish specified services to students, faculty, or staff, and which charge fees that are directly related to the cost of the service.
1. 13 Designated. --Designated Current Funds are those funds designated for special activities by the System. The income and expenditures are ordinarily related to a particular department. Expenditures follow the same programs as are found in the General and Restricted Current Funds. Such funds are subject to the same budgetary restrictions as General Funds although balances are automatically reappropriated at the end of each fiscal year.
1. 14 Restricted. --Restricted Current Funds are those received from federal and local governments, state agencies, individuals, foundations, corporations, etc., or income derived from endowments, to be used only for a particular purpose or project, specified by the donor, such as research, conferences, scholarships, fellowships, etc. The period of use is usually designated in the agreement approved by the Board. The accounting for the funds will be on the accrual basis; however, in financial reporting, the amounts reported as revenues are limited to the expenditures. Unless otherwise specified, balances are automatically reappropriated at the end of each fiscal year.

- 1.2. Loan Funds. --Those funds that have been set aside for loans to be granted to students, faculty, or staff, including interest earned thereon.
- 1.3. Endowment and Similar Funds.
 - 1.31 Endowment Funds. --Those funds that donors have stipulated, as a condition of gift, that the principal is to be maintained inviolate in perpetuity, or in the case of "term" endowments to be maintained inviolate for a specified term. All endowment funds are administered by the Office of Investments, Trusts and Lands of System Administration as provided in Part Two, Chapter IX of these Rules and Regulations.
 - 1.32 Quasi-endowment Funds. --Funds functioning as endowment as a result of determination by the Board that they are to be retained and invested. All quasi-endowment funds are administered by the Office of Investments, Trusts and Lands of System Administration as provided in Part Two, Chapter IX of these Rules and Regulations.
- 1.4. Annuity and Life Income Funds. --Those funds acquired by the System subject to annuity contracts, living trust agreements, or gifts and bequests reserving life income to one or more beneficiaries. Such funds shall be administered by the Office of Investments, Trusts and Lands of System Administration.
- 1.5. Plant Funds.
 - 1.51 Unexpended Plant Funds. --Funds specified by the Board or by external sources for the acquisition, construction, or improvement of physical properties to be used for institutional purposes.
 - 1.52 Renewals and Replacement Funds. --Funds specified by the Board or by external sources to be used for the renewal and replacement of plant fund assets. A regular source for such funds shall be the portion of indirect cost allowances represented by use charges on buildings, other improvements and equipment allocated to sponsored programs. (See also Part Two, Chapter XI, Section 7).
 - 1.53 Retirement of Indebtedness Funds. --Funds specified by the Board or by external sources to be set aside to meet debt service charges and the retirement of indebtedness on institutional plant assets. All such funds shall be administered by the Office of Investments, Trusts and Lands of System Administration.

1.54 Investment in Plant Funds.--Funds invested in physical properties to be used for institutional purposes.

1.6 Agency Funds.--Those funds received and held by the System as custodian or fiscal agent for others. Agency funds shall be expended in accordance with the limitations of the agency agreement.

Sec. 2 Accounting.

2.1 The financial records of the System shall be kept as nearly as practicable in accordance with the recommendations set forth in "College and University Business Administration, Third Edition," (1974) published by the National Association of College and University Business Officers. Where those recommendations conflict with statutes or with regulations of the Coordinating Board, Texas College and University System, the latter shall be controlling.

2.2 All accounting records and procedures shall be subject to the approval of the chief business officer and the President of the System, or his delegate.

2.3 The business office of each component institution shall be the central office for accounting control for all financial transactions of the institutions. The chief business officer shall confer with departmental and administrative officials and instruct them concerning the records of financial transactions to be kept by the departments, as indicated in the next subsection.

2.4 Each person directly responsible for a department or other administrative unit (hereinafter called "department head") shall keep an account of funds and property for which he is responsible, as detailed as necessary to supplement the business office records.

2.5 All expenditures must be in accordance with the approved institutional operating budget.

2.6 Statements of department or other administrative unit accounts shall be prepared monthly by the business office and shall be sent periodically to the department heads who will compare their records with those of the business office and report any differences promptly to the business office.

2.7 A person in each department or other administrative unit may be designated by the department head, with the approval of the chief business officer, to sign vouchers, requisitions, etc., in the absence

of the department head. These designations shall expire upon receipt of notification by the accounting office in writing from the department head or upon termination or transfer of the designee from the department.

Sec. 3 Auditing.

- 3.1 The chief business officer is initially responsible for the preaudit of all business transactions as a part of the regular accounting procedures of the business office and consistent with the system of internal control.
- 3.2 Postauditing shall be regularly performed with formalized audit programs developed by the chief business officer and the System Comptroller. Each institution is expected to maintain an internal audit staff to perform the basic postaudit functions and to augment the work of the System Comptroller's staff and the State Auditor, unless otherwise exempt from this requirement by the President of the System.
- 3.3 The audit staff of the System Comptroller shall review and/or conduct postaudits of business activities at the component institutions. Such audits shall be conducted in accordance with accepted auditing standards, including necessary tests of the records. Written reports will be prepared for all such audits, calling attention to transactions which may not be in accord with legal requirements, System and institutional accounting principles, policies and regulations. The audit staff shall recommend corrective measures and procedures when appropriate.
- 3.4 The audit staff of the System Comptroller, in addition to the above duties, shall review the internal audit programs of the component institutions, and shall conduct procedural studies and make recommendations for effective, and insofar as practical, uniform systems of accounting and reporting for all component institutions of the System.
- 3.5 The State Auditor, under State law, is responsible for the external audit of the books of the System.

Sec. 4 Reporting.

- 4.1 All financial reports shall be prepared in accordance with the provisions of the statutes, official directives of the Coordinating Board, Texas College and University System, and directives of the Board, and in conformity with the manual, "College and University Business Administration, Third Edition," (1974) referred to above. The reports shall be prepared by the chief business officer and approved by the System Comptroller.

- 4.2 Two reports, both of which shall be prepared under the direction of the chief business officer and the System Comptroller, shall be prepared annually:
- 4.21 Annual Financial Report. --As required by law, printed financial reports, in the format recommended in "College and University Business Administration, Third Edition," (1974), or its successor publication, shall be filed with the Coordinating Board, Texas College and University System, and other State offices as specified by law.
- 4.22 Salary Payment Report. --On or before December 31, each year, an itemized report in format prescribed by System Administration shall be prepared of salaries and wages paid all employees for services during the preceding fiscal year out of any funds from any source or character under the control and/or custody of the Board, listing for each employee the total amount paid from each source during the twelve months of the fiscal year, the title of the position held or kind of service rendered. Copies of this report shall be furnished the Secretary to the Board, the System Budget Director, and the System Comptroller.
- 4.3 Monthly financial reports, in the form prescribed by the System Comptroller, shall be prepared by each institutional chief business officer and distributed to the chief administrative officer, the Secretary to the Board, the System Budget Director, and the System Comptroller.

Sec. 5 Operating Budgets.

- 5.1 Operating Budgets for all the component institutions shall be approved annually by the Board within the budget estimates of income prepared by the chief business officer and the chief administrative officer and approved by the President of the System.
- 5.2 General policies for the budget preparation shall be recommended by the President of the System to the Board and shall be followed in preparing the budgets. Instructions for details of budget preparation shall be furnished to the chief administrative officers by System Administration.
- 5.3 The institutional chief administrative officer shall issue local instructions and shall furnish forms to the budget-recommending officials. Their recommendations for salaries, maintenance and operation, equipment, travel, and other pertinent items shall be reviewed by the chief administrative officer. The budget as finally recommended by the chief administrative officer shall be forwarded to the President of the System for further review and recommendation to the Board.

- 5.4 Rules and procedures for budget administration shall be prepared by System Administration, approved by the Board, and shall be included in the completed budgets.
- 5.5 A copy of each budget, and any subsequent amendment thereto, shall be filed by the Secretary to the Board with the Legislative Reference Library to be available for public inspection, and also with such other State offices as required by law.

Sec. 6 Legislative Budget Requests.

- 6.1 Legislative budget requests, biennial or otherwise, as may be required shall be submitted to the Coordinating Board, Texas College and University System, to the Legislative Budget Board, and to the Executive Budget Office in the form and at the time prescribed.
- 6.2 These legislative budget requests shall be prepared in conformity with the same general procedures, as outlined above in Section 5, for the annual budgets in the following sequence:
 - 6.21 Approval of budget request writing policies by the Board upon recommendation of the President of the System.
 - 6.22 Preparation of a recommended budget request of expenditures by the chief administrative officer in conformity with these policies.
 - 6.23 Approval of the completed budget request by the President of the System and the Board.

CHAPTER III

RECEIPT, CUSTODY, AND DISBURSEMENT OF MONEYS; ABSENCE FROM USUAL AND REGULAR DUTIES INCLUDING TRAVEL

Sec. 1. Receipts, Admission Tickets, and Charges.

- 1.1 No department, division, or individual staff member is authorized to receive money in the name of a component institution of the System unless authorized by the chief business officer and chief administrative officer.
- 1.2 An official receipt in the form prescribed by the chief business officer shall be issued to payors for all moneys received unless the chief business officer has specifically authorized exceptions for certain types of collections.
- 1.3 All moneys received shall be recorded and handled under appropriate internal accounting controls.
- 1.4 Admission tickets, including complimentary tickets, shall have the price of admission indicated thereon, and all such tickets shall be prenumbered, except for certain events where the section, row, and seat number are shown. Admission tickets and coupon books shall be purchased for delivery to the institutional business office and issued to the department concerned. Unused tickets or books shall be returned along with a prescribed ticket report to the business office within 30 days from the date of the event, and a list showing the names of all persons receiving complimentary tickets shall be a part of the prescribed ticket report.
- 1.5 All unpaid (including complimentary, free, or discounted) charges for sales or service of auxiliary enterprises, organized activities, or service departments or similar activities shall be reported to and recorded by the chief business officer or his delegate under appropriate internal accounting controls. A list or other documentation showing the authorization and names of all persons receiving complimentary, free, or discounted goods or services and the values thereof shall be furnished the business office within 30 days from the date such

goods were issued or such services were rendered by any auxiliary enterprise, organized activity, or service department or similar activity.

Sec. 2. Deposits with Institutional Business Office.

- 2.1 Money received by all departments from all sources shall be deposited, using an official form, in the institutional business office, unless depositing directly to a special bank account has been specifically authorized by the System Comptroller. The deposits shall be daily if the receipts are \$50 or more, and weekly even if the accumulation is less than \$50. Except for mail deposits authorized under subsections 2.11 and 2.12, the deposit shall be made in person by a departmental representative to whom an official receipt is issued.
 - 2.11 Mail deposits by on campus departments are authorized if the amount of each deposit is less than \$100 and does not contain cash (currency).
 - 2.12 Mail deposits by off campus activities are authorized if such deposit does not contain cash (currency).
- 2.2 Departments or activities mailing deposits shall maintain adequate record of such deposits, including detailed description of negotiable instruments.
- 2.3 Cash overages or shortages shall be reported to the business office with each deposit. Cash overages shall be deposited in the business office.
- 2.4 Petty cash funds shall be provided only on approval of, and by arrangement of, the department with the chief business officer. Special petty cash fund bank accounts may be established only with the approval of the System Comptroller.

Sec. 3. Deposits with the State Treasurer.

- 3.1 The statutes and the current appropriation act require that all cash receipts of the general academic teaching institutions be deposited in the State Treasury with the exception of those from auxiliary enterprises, noninstructional services, matriculation fees collected in lieu of student activity fees, agency and restricted funds, endowment funds, student loan funds, and Constitutional College Building Amendment Funds.

- 3.2 Institutional receipts required to be deposited in the State Treasury shall be so deposited in the manner prescribed in the statutes and the current appropriation act.
- 3.3 Component institutions of the System are authorized by the current appropriation act to establish Revolving Funds under certain prescribed procedures to facilitate the payment of nominal expenses and to pay bills within cash discount periods, as well as for regular monthly payrolls, weekly, and special payrolls. Such Revolving Funds are authorized, subject to approval of the System Comptroller.

Sec. 4. Local Institutional Funds.

- 4.1 All local income not required to be deposited in the State Treasury, must by law be deposited in official depository banks for safekeeping.
 - 4.11 Depository agreements with official depository banks shall be negotiated, as necessary, by the System Comptroller with those banks approved by the Board and in accordance with the then current policies of the Board. Such depository agreements shall be executed by the Chairman of the Board.
 - 4.12 Requests for authorized signatures, or changes thereto, for bank accounts maintained in all depository banks, shall be forwarded to the System Comptroller, who, after review and approval, shall refer such requests to the President of the System for notification of the banks concerned.
- 4.2 Depository banks selected shall furnish adequate surety bonds or securities to assure safety of these funds. Local funds shall be deposited in the depository banks as soon as possible, but in no event later than seven days from the date of collection. Demand deposits and time deposits will be maintained in accordance with the current policies of the Board.
- 4.3 The Board and the chief administrative officers may not, by law, borrow money from any person, firm, or corporation to be repaid from local funds except as specifically authorized by the Legislature.
- 4.4 Interest on Time Deposits. --As permitted by statute, interest received from depository banks for funds on time deposit shall be credited to appropriate accounts in either general funds or trust funds in relationship to the sources of balances on time deposit, provided that disposition of such earning was not specified by the grantor. Interest received from Current Restricted funds (Trust Funds) time deposits shall be subject to further appropriation or transfer by the Board for any lawful purpose.

Sec. 5. Vouchers for Expenditures.

- 5.1** Properly approved and fully supported vouchers are the authorization for cash disbursements.
- 5.11** The Chairman of the Board or his delegate or the chief administrative officer or his delegate must approve all vouchers. One of these delegates shall be the chief business officer who shall select the other delegates from his staff. Such approval is based upon satisfactory supporting documentation evidencing that goods or services were properly ordered, that the vendor has submitted invoice and certification, and that the goods or services have been received by the institution and are acceptable to the requisitioning department.
- 5.2** Appropriate internal accounting controls shall be exercised over the vouchering and disbursement procedures.
- 5.21** To the extent that centralized receiving facilities are available, delivery of all purchased supplies, materials, and equipment should be received at a centralized location under the direction of the chief business officer.
- 5.22** Vouchers should be prepared centrally in the business offices of those component institutions having centralized receiving operations.
- 5.3** Vouchers are to be coded in the business offices within the approved expenditure codes, and if payable by warrant drawn by the State Treasurer, with the proper expenditure classifications furnished by the State Comptroller, as well as complying with other current requirements of the State Comptroller and the State Board of Control.

Sec. 6. Cash Discounts. --The accounting procedures should be designed to assure realization of advantageous cash discounts allowed by vendors.

Sec. 7. Outstanding Checks. --Outstanding checks shall be carried on the official accounting records for the two fiscal years following the year in which they are issued.

Sec. 8. Institutional Membership Dues. --General funds of the System may be used to pay membership fees only in educational, scientific, or other associations, in which the System, or a component institution thereof, is an institutional member, with memberships approved by the chief administrative officers. Such other approvals as may be required by law shall also be secured.

Sec. 9. Payrolls.

- 9.1 There are three general types of payrolls, those for (1) regular monthly salaried employees; (2) weekly salaried employees; and (3) hourly salaried employees.
- 9.2 All payrolls shall be prepared or verified in the business office from regular budgets, appointment documents, authorizations, time cards, or other documentation, and approved by the chief business officer or a person designated by him.
- 9.3 If payment for regular salaried employees is for less than a month, the salary calculated shall be figured proportionately on the basis of the actual number of working hours in such month.
- 9.4 Deductions for income tax, retirement, social security, and programs authorized by the Board, such as group insurance, are made where applicable on all payrolls.
- 9.5 Dates for distribution of salary checks vary at the component institutions and will be announced by the respective business offices.

Sec. 10. Absence from Usual and Regular Duties, Authorization for Absence, Including Travel, and Travel Expense Reimbursement.

- 10.1 Approvals of travel shall not be routine or perfunctory, but shall be made only after the chief administrative officer or his authorized representative have carefully examined the purpose and need for each trip with a view to the economic and effective utilization of all travel funds.
- 10.2 Approvals of travel by the chief administrative officer or his authorized representative shall be made only:
- 10.21 When such travel is on state business, which shall include among other purposes, the formal presentation of original research by an employee before a national, international, regional, or state learned society; and
- 10.22 When appropriate provisions are made to carry on the duties of the absent person without additional expense to the institution.
- 10.3 Authorization for Absence for Staff Members Whose Regular Duties Do Not Require Travel. -- Authorization for absence from usual and regular duties, including travel from the city or town where the officer or

employee is regularly stationed, will be granted by the Board, or by the administrative officer as hereinafter delegated by the Board, only in advance, as follows:

- 10.31 Requests for authorization to be absent for a period not in excess of two weeks (fourteen calendar days) shall be transmitted through proper administrative channels to the chief administrative officer of the component institution for approval.
 - 10.32 Requests for authorization to be absent for a period in excess of two weeks, but not in excess of twenty-nine days, including travel on official business, shall be transmitted through proper administrative channels to the President of the System for approval prior to such absence.
 - 10.33 Requests for authorization to be absent for a period in excess of twenty-nine days, (excluding holidays approved by the Board), including travel on official business, shall be transmitted through proper administrative channels to the President of the System for approval prior to such absence. Such approvals are to be reported in the regular dockets of the institutions affected.
 - 10.34 Requests for authorization to be absent by the administrative officers and staff of System Administration shall be approved by the President of the System.
 - 10.35 Any travel that contemplates reimbursement from funds appropriated by the Legislature for travel expenses incurred must have the advance written approval of the Governor, with the exception of travel to, in, and from the several states, United States possessions, Mexico, and Canada.
 - 10.36 In lieu of any of the delegations of authority to approve absence from usual and regular duties, including official travel, specified in the above subsections, the President of the System may exercise such authority.
 - 10.37 The chief administrative officers of the component institutions shall keep records of all approved absences which shall be available for review by the President of the System and the Board, or their delegate.
- 10.4 Travel Expense Reimbursements.
- 10.41 Travel expenses shall be reimbursed only from funds appropriated or authorized for travel. The chief administrative officers shall plan the travel of all employees under their authority to achieve maximum economy and efficiency.
 - 10.411 Each travel voucher submitted for reimbursement shall include such a description as to identify persons or places contacted and/or the nature of the

official business of the State performed within the legal responsibilities of the institution.

When recruiting of faculty and staff is involved, names of persons contacted are required.

- 10.412 In submitting travel vouchers for payment from funds in the State Treasury, component institutions should recognize the regulations of the State Comptroller with respect to such claims.
- 10.42 Travel vouchers for reimbursement of all official travel authorized pursuant to the foregoing provisions shall be approved and signed as follows:
- 10.421 System Administration - Reimbursement for all travel by employees of the System Administration shall be approved either by the President of the System or his delegate, or the Director of Accounting or Assistant Director of Accounting of The University of Texas at Austin.
- 10.422 Component Institutions - Reimbursement for all travel by employees of the component institutions shall be approved either by the President of the System or by the institutional administrative officers designated below:
chief administrative officer or
chief business officer or other
senior administrative or fiscal
officers as may be delegated in
writing by the chief administra-
tive officer and the chief business
officer. Such delegations shall be
approved by the President of the
System and filed with the Secretary
to the Board and the State Comp-
troller of Public Accounts, together
with the names of the individuals
occupying the positions named.
- 10.43 Allowances for Meals and Lodging (Including Per Diem), Transportation and Related Expenses. --Provisions of the applicable current appropriations act and the Travel Regulations Act of 1959 (Article 6823a VTCS), as amended, shall govern such allowances.
- 10.431 Exceptions to Per Diem Allowance--
- 10.4311 Chief administrative officers shall be reimbursed for their actual meals, lodging, and incidental expenses (exclusive of expenses

related to motor vehicles for which transportation is paid) when traveling on official business either in or out of state.

10.4312 Partial Per Diem Allowance for Meals and Lodging. --An employee who is traveling on official University business for a continuous period of a minimum of six (6) hours but less than twenty-four (24) hours which does not involve over-night stay will be reimbursed a partial per diem for meals in lieu of actual expenses, for both in-state and out-of-state travel. System Administration shall prescribe such reimbursement within the limitations established by the current appropriations act.

10.4313 In addition to employees, these provisions apply to reimbursement of travel expenses for prospective employees as provided in the statutes.

10.432 Reimbursement for Dues or Membership Fees. -- Reimbursement will not be allowed for dues or membership fees incurred in joining or attending any type of organization or association unless the membership is in the name of the State of Texas and/or the System or a component institution thereof. Such dues or membership fees will not normally be included for reimbursement on a travel claim, but will be separately approved and paid. (See Section 8.)

10.44 Special Exceptions to Foregoing Travel Provisions. -- The foregoing provisions apply to all employees and all funds but employees may elect to take advantage of the specific exceptions authorized below:

10.441 Contracts. --Travel allowances under research or other contracts, which are 100 percent reimbursable, will follow the terms of the contract, and in the absence of specifications the travel rules and regulations covering payments from gifts, grants, and designated funds will apply.

10.442 Gifts, Grants, and Designated Funds. --Reimbursement of travel expenses paid from Gifts, Grants, and Designated Funds will be as follows:

- (a) For grants from or derived from Federal or State agencies, travel allowances shall be paid as specified in the foregoing provisions.
- (b) For other gifts, grants, trust or designated funds travel allowances may be for actual expenses

for meals, lodging and airport parking, not to exceed \$40 per day. The transportation allowances will be as specified in the foregoing provisions.

The provisions of both (a) and (b) above are subject to the terms, provisions and conditions of the particular gifts, grants, or funds involved. Further exceptions to these provisions may be in accordance with specific authorization by the Board with certain designated funds. Likewise, when anticipated living costs are unusually low for those engaged in travel, the person authorizing the travel may reduce the allowance for all or any part of the travel, provided that the employee shall be notified of such reduced allowance before being allowed to incur any expense. When not otherwise prohibited by the terms of the gift or grant, employees may also be reimbursed for required registration fees or similar expenses incurred in attending meetings of organizations or associations. Receipts for lodging, registration fees, or similar expenses shall be obtained and attached to the expense voucher. Project Directors, Principal Investigators, Departmental Chairmen, or other authorized personnel under a gift or grant who travel in their personally owned airplanes on necessary official business may be reimbursed at the rate of twenty-three cents (23¢) per highway mile for in-state travel. The same rate shall apply to out-of-state travel, subject to the limitation that the mileage reimbursement shall not exceed the amount equal to the number of persons flying by private plane times the lowest available airline fare.

- 10.443 Intercollegiate Athletics. --Actual expenses will be paid at no per diem limit, provided such expenditures in the amount of \$4.00 or more are supported by signed receipts.
- 10.45 Travel Advances. --As provided by statute, the System, including component institutions may establish procedures for making advances for travel expenses incurred by employees in the exercise of their official duties. Any such procedures established shall be in accordance with the statute, based on guidelines provided by the State Comptroller, and provide for prompt recovery of any such advances.
- 10.46 Institutional Travel Regulations. --Component institutions shall issue institutional travel regulations to implement the provisions

of this Section 10.4 for guidance of all personnel concerned. Copies of all such regulations shall be filed with the System Comptroller, who shall also issue clarifying instructions as appropriate.

Sec. 11. Insurance on Money and Securities; Fidelity Bonds.

- 11.1 Insurance on Money and Securities. --As approved by the Board, the System carries a blanket System-wide policy insuring against loss of money or securities at any of the component institutions. The premium paid by each institution is separately computed and is based on the coverage applicable at each institution. At the time any loss occurs at any institution, the Vice President for Operations shall be notified by the appropriate chief business officer and shall approve all loss claims and settlements. Any settlement over \$2,000 and under \$10,000 shall be reported to the Board for ratification. Settlements in the amount of \$10,000 or more must have the approval of the Board. Money and Securities coverage may be combined with the blanket position fidelity bond.
- 11.2 Fidelity Bonds.
- 11.21 As approved by the Board, the System shall carry a blanket position (fidelity) bond that shall cover employees of all component institutions. All employees shall be covered in the amount of not less than \$5,000 each. For total coverage in excess of \$10,000, approval of the State Auditor is necessary.
- 11.22 The Secretary of State and the State Comptroller of Public Accounts shall be each furnished with an original of the bond.
- 11.23 The premium for the bond is prorated to the component institutions on the basis of the number of employees covered for which a premium charge is made and the excess coverage thereon.
- 11.24 At the time a loss occurs, the Vice President for Operations shall be notified by the chief business officer and shall approve all loss claims and settlements. Any settlement over \$2,000 and under \$10,000 shall be reported to the Board for ratification. Settlements in the amount of \$10,000 or more must have the approval of the Board.
- 11.25 The blanket position fidelity bond coverage may be combined with money and securities coverage.

CHAPTER IV

PURCHASING

- Sec. 1 Authority to Obligate Institutional Funds. --The official purchasing agents of the component institutions shall have sole authority to obligate institutional funds for purchases of supplies, materials, services, and equipment unless otherwise provided in these regulations or otherwise specifically approved by the component chief administrative officer and the President of the System or by the Board. No liability can be assumed for payment of obligations except those incurred in accordance with authority thus granted.
- Sec. 2 Purchasing Ethics.
- 2.1 First consideration shall be given to the objectives and policies of the System and its component institutions.
 - 2.2 Every effort shall be made to obtain the maximum ultimate value for each dollar of expenditure.
 - 2.3 Honesty in sales representation shall be demanded, whether offered through the medium of oral or written statement, an advertisement, or a sample of the product.
 - 2.4 Purchasing agents and their staffs and others authorized by or under these regulations to make purchases shall not accept personal gifts or gratuities that might in any way result in an obligation to individuals or firms seeking business.
 - 2.5 All qualified, reputable bidders shall be given equal opportunity to submit bids on a uniform basis when competition is possible.
 - 2.6 No bidder shall receive special consideration or be allowed to revise his bid after the time set for opening bids.
 - 2.7 Any violations of these purchasing ethics shall be reported promptly by the chief business officer to the President of the System.

Sec. 3 Contacts with the State Board of Control. --All contact, whether oral or written, with the State Board of Control and with vendors are handled through the official purchasing agents and the divisions, departments, or offices to whom the purchasing function has been specifically delegated, unless advance written authorization is obtained from the purchasing agent or the chief business officer for other persons to do so.

Sec. 4 Purchases of Supplies and Equipment.

4.1 Unless otherwise provided in these Rules and Regulations or specifically approved by the Board, the State Purchasing Act of 1957 shall govern the purchasing policies of the System.

4.2 Under the provisions of the State Purchasing Act of 1957, purchases of the following items may be made without approval of the Board of Control:

- (a) Supplies, materials, services, and equipment for resale.
- (b) Supplies, materials, services, and equipment for Auxiliary Enterprises.
- (c) Supplies, materials, services, and equipment for Organized Activities Relating to Educational Departments.
- (d) Supplies, materials, services, and equipment purchased with gift and grant funds, including contract funds.

Sec. 5 Purchasing Procedures.

5.1 The official purchasing agent of each component institution shall promulgate procedures to facilitate and expedite the purchasing function. Such procedure shall be developed in accordance with sound business practices and applicable state law. Purchasing procedures shall be implemented only after review and approval of the chief business officer.

5.2 Closed or noncompetitive specifications shall not be used except in unusual instances clearly justified as being essential to efficient operating performance. Reports of all such exceptions shall be maintained by the chief business officer.

Sec. 6 Space Leases.

6.1 Space leases involving buildings and paid from State appropriations must, by law, be approved by the State Board of Control and may not extend beyond a ten-year period.

6.2 Proposals for space leases require the advance approval of the President of the System or his delegate. Lease contracts drawn in accordance with such approval shall be executed by the System Comptroller, and submitted for ratification by the Board through the institutional docket.

6.3 A proposal shall be approved and the lease completed prior to occupancy of any space for office, storage, or other purposes. The proposal must show type of space and purpose of its use, approximate number of square feet, location, whether janitor service and/or utilities will be furnished by the lessor, period of lease, and any other requirements.

Sec. 7 Purchases from Employees. --Purchases are not permitted from any officer or employee of the System unless the cost is less than that from any other known source and until approved by the component chief administrative officer, the President of the System, and the Board. Details of such transactions shall be reported in the dockets or Minutes of the Board.

CHAPTER V

PERSONNEL

Sec. 1 Classified Personnel. --The Policy of the Board on the Development and Coordination of the Classified Personnel Programs is and includes:

1.1 System Personnel Director.

The System Personnel Director serves as a staff officer advising the President of the System.

1.2 The development and coordination of the System-wide Classified Personnel Program.

1.21 The Classification Plan.

- 1.211 Coverage. --The Classified Plan of the System shall include all positions which do not entail significant instructional responsibilities or responsibilities for the administration of instructional or research organizations. The chief administrative officer or his delegate of each component institution shall determine the inclusiveness of the Classification Plan within this general definition.
- 1.212 Type of Plan. --Uniform use shall be made of the job grading procedure method system of job evaluation. Job descriptions shall be prepared according to the Procedure for Writing Job Specifications provided by the System Personnel Office.
- 1.213 Job Titles. --Standardized job titles shall be used for similar job classes common to two or more of the component institutions in order that a particular job title shall describe similar work to the extent possible. Classes unique to a component institution shall have suitable descriptive titles.
- 1.214 Job Code. --A uniform job code shall be used to designate job classes.
- 1.215 Job Descriptions. --Standardized job descriptions shall be used for similar job titles common to two or more component institutions when practicable.

- 1.22 **The Pay Plan.**
 - 1.221 A uniform system of salary steps providing for an increase of approximately 3.4 percent, to the nearest dollar, above each preceding step shall be used for all pay plans. All salaries shall be on salary steps, or a fractional part thereof.
 - 1.222 A System-wide Personnel Pay Plan setting forth the salary ranges for each job classification shall be utilized encompassing the salary ranges reflected in the component unit pay plans.
 - 1.223 A classified employee appointed to a part-time paid teaching rank shall be paid at the rate applicable to each position.
 - 1.224 Salary ranges for each job classification shall be dependent upon the competitive labor market situation for each institution.
- 1.23 **The Policies and Rules.**
 - 1.231 Each institution shall operate its Classified Personnel Program under a policy statement covering the appointment, compensation, and working conditions of classified employees.
 - 1.232 Formal approval of the policies and rules developed by each institution was obtained from the Board at the time each program was formally adopted.
 - 1.233 Changes in the policies and rules require the approval of the chief administrative officer or his delegate, the System Personnel Director, and the President of the System.
 - 1.234 Uniform policies shall be followed in providing vacation, sick leave, etc., within the limitations imposed by local operating conditions.
- 1.24 **Approval of additions to and changes in the Classified Personnel Program.**
 - 1.241 Formal approval of the Classification Plan and System-wide Personnel Pay Plan, including annual revision thereto, is obtained annually from the Board. Such approval shall be secured prior to the effective date of the plan.
 - 1.242 Changes in the Classification Plan and System-wide Personnel Pay Plan involving the following require only the approval of the chief administrative officer or his delegate, the System Personnel Director, and the President of the System.

- (a) Type A. Adjustment of a salary range in a component unit plan within the established System-wide salary range, which when approved, will not change the System-wide Personnel Pay Plan in any way.
- (b) Type B. Adjustments to the component unit personnel pay plan, which when approved, will change the System-wide Personnel Pay Plan in some way.
 - (1) Deletion of Title
 - (2) Change in title only
 - (3) Change in code number only
 - (4) Addition of a title to a component unit pay plan that is in the System-wide Plan and the salary range requested is within the established System-wide salary range.

1.243 Changes in the Classification Plan and System-wide Personnel Pay Plan involving the following must have approval of the chief administrative officer or his delegate, the System Personnel Director, and the President of the System. In addition, such changes require ratification of the Board through the docket procedure.

- (a) The addition of a title to a component unit pay plan which is not included in the the System-wide Plan.
- (b) The addition of a title to a component unit pay plan which is included in the System-wide Plan, but the salary range being proposed is not within the established System-wide salary range.
- (c) Adjustment of a salary range in a component unit pay plan that would change the established System-wide salary range.

1.25 Institutional Personnel Officer.

1.251 The chief business officer of each institution shall designate an institutional personnel officer to be responsible for the development and operation of the Classified Personnel Program.

1.252 Functional direction and help on technical personnel matters shall be provided each institutional personnel officer by the System Personnel Director.

Sec. 2 General Personnel.

2.1 Leave for Military Duty.

- 2.11 A leave of absence not to exceed fifteen working days in any one calendar year is granted faculty or staff members who, as members of the National Guard or Official Militia of Texas or members of any of the Reserve Components of the Armed Forces, shall be engaged in authorized training or duty, ordered or authorized by proper authority. During such periods, the employee is absent without loss of efficiency rating, vacation time, or salary, and when relieved from military duty, is restored to the position and status he previously held.
- 2.12 A leave of absence with full pay shall be provided any employee who is called to active duty with the National Guard by the Governor of Texas. Such leave shall in no way be charged against the employee's vacation or sick leave privileges.
- 2.13 The chief business officer of each institution may prescribe forms and procedures for such leaves.

2.2 Maternity Leave

- 2.21 Any employee, whether faculty, classified, or administrative, who expects to be, or who becomes temporarily disabled due to pregnancy, or a pregnancy related illness, may request and receive a leave of absence without pay for a "reasonable period" of time, provided the request is made under the following terms and conditions:
- 2.22 If possible, the employee must notify the department head at least three (3) months prior to the beginning date for the maternity leave.
- 2.23 The employee and the department head will submit a request to the chief administrative officer through channels. The request will include a statement, from the department head, detailing the manner in which the responsibilities of the employee will be assumed. A statement encompassing the details of a maternity leave shall be entered in the remarks section of the appropriate personnel action form.
- 2.24 "Reasonable period," as used herein, shall normally not exceed six (6) months, provided the six (6) month period may be extended upon proper medical evidence.
- 2.25 Accrued sick leave and vacation leave shall be granted in conjunction with maternity leave and shall be governed by the current law and policy on sick leave and vacation leave. Also, vacation leave and sick leave do not accrue while on maternity leave.

- 2.26 An employee, returning from temporary disability leave, shall have the right to return to the former position or to a position of like nature and salary class.
- 2.27 The employee will furnish a statement from a duly licensed physician certifying that the employee is medically capable of resuming normal working duties.
- 2.28 In the case of faculty on maternity leave, the date for return to work will coincide with the beginning of the next semester, following the period of absence, if the chief administrative officer determines that such beginning date is necessary in order to obtain a temporary replacement or to maintain the integrity of the academic program of the institution.
- 2.29 A replacement may be provided on a temporary basis during the absence of an employee on maternity leave.

2.3 Overtime.

- 2.31 The schedule of activities shall be so organized that employees are not required to work in excess of established work periods except when operating necessities demand it. Any overtime services actually required must have the advance written approval of the chief administrative officer or the chief business officer, or both.
- 2.32 With the exception of professional medical personnel and bona fide executive, administrative, and professional positions, regular, full-time employees required to work in excess of forty hours per week shall be compensated for such overtime either:
 - 2.321 By receiving equivalent time off during the same biennium in which the overtime was accrued. If possible, the equivalent time off should be granted within the same pay period in which the overtime was accrued; or
 - 2.322 In cases where granting compensatory time is impracticable, by receiving pay equivalent to one and one-half times the regular rate of pay.
- 2.33 Compensatory time for those employees excepted from this provision, shall be determined by the chief administrative officer of the institution involved.
- 2.34 Institutions paying overtime shall maintain a monthly record of overtime paid indicating the number of employees so compensated and the total amount paid.

2.4 Patent Policy.

- 2.41 Statement of Basic Philosophy and Objectives.
While the discovery of patentable processes or inventions is not the primary objective of the System, for any such discoveries made, it is the objective of the Board to provide a patent

policy which will encourage the development of such inventions for the best interest of the public, the inventor, and the sponsor whenever an invention occurs, and will permit the timely disclosure of any patentable discoveries, whether by patent, publication or both. The policy is further intended to protect the respective interests of all concerned by ensuring that the benefits of patents accrue to the public, to the inventor, to the System and to sponsors of specific research in varying degrees of protection, monetary return and recognition, as circumstances justify or require.

2.42

General Policy.

- 2.421 The patent policy as adopted shall apply to all persons employed by the component institutions of the System, to anyone using System facilities under the supervision of System personnel, and to postdoctoral and predoctoral fellows.
- 2.422 It is the intent of this policy to permit staff members maximum freedom in respect to their findings, consistent with their obligations to the System. Any person affected by this policy who, as a result of his or her researches makes a discovery, other than on certain government or other sponsored research projects, where individual grant agreements provide otherwise, should retain the ultimate right to decide how it is to be made public--by publication, by patenting, or both.
- 2.423 Property rights in inventions will be based on the degree of System support, as hereinafter specified.
- 2.424 The System will provide patent review and management services either by its own staff, through a related Foundation, or by other means.
- 2.425 It is a basic policy of the System that patents be developed primarily to serve the public interest. This objective usually will require patent development by non-exclusive licensing but the public interest may best be promoted by the granting of a limited exclusive license or even an exclusive license for the period of the patent. These determinations will be recommended and made in accordance with the administrative procedures hereinafter set out and with the approval of the Board.

2.43

Institutional Patent Committees and System Patent Office.

- 2.431 Patent Committees: To help administer the patent policy at each component institution and to make

- recommendations to chief administrative officers for further referral to the President of the System and Board (in those cases when action by the President of the System and/or the Board is required), Institutional Patent Committees shall be established as directed by the President of the System.
- 2.432 System Patent Office: To assist the Institutional Patent Committees to provide technical advise to individual faculty and staff members in patent matters, and to coordinate details in respect to patent procedures, a System Patent Office shall be established.
- 2.44 Classification of Discoveries by Source of Research Support.
- 2.441 The patentable idea has developed as a result of the individual's efforts on his own time, with no direct System support or use of System facilities.
- 2.442 The patentable idea has resulted from research performed by the individual on System time, with support by State funds, or using System facilities.
- 2.443 The patentable idea has resulted from research supported by a grant or contract with the Federal Government or an agency thereof, or with a non-profit foundation, or by a private gift to the System.
- 2.444 The patentable idea has resulted from research supported by commercial concerns or industry.
- 2.45 Property Rights and Obligations:
- 2.451 Patentable ideas developed on an individual's own time and without direct System support or use of System facilities (see 2.441) are the exclusive property of the inventor, and the System has no interest in any patent obtained, and no claim to any profits resulting therefrom. Should the inventor choose to offer his invention to the System, the Institutional Patent Committee shall recommend as to whether the System should support and finance the patent application and manage the patent development. If the inventor makes his offer after obtaining the patent, the Institutional Patent Committee shall recommend as to whether the System should reimburse the inventor for his expenses in obtaining the patent. If the Patent Committee recommends and the invention is accepted for patent management by the System, the procedures to be followed and the rights of the parties shall be those set out in Sub-section 2.4524 following.

- 2.452 Patentable ideas resulting from research performed on System time, with support by State funds, or using System facilities (see 2.442).
- 2.4521 The inventor may choose to publish the details of his research and not to patent.
- 2.4522 Before or after publishing, if the inventor decides to patent ideas resulting from research done on System time, with support by State funds, or using System facilities, he shall submit such ideas to the Institutional Patent Committee for determination of the System's interest. In those instances, however, where delay would jeopardize obtaining the patent, the inventor may, with the approval of the Chairman of the Institutional Patent Committee and the chief administrative officer, file the patent application prior to the Committee and administrative review provided in the following two subsections. If the request is granted, the inventor may proceed with the filing of his patent application pending the determination of the System's interest as provided therein; provided, however, that the inventor shall be reimbursed for his expenses in filing the patent application if the decision of the System is to assert and exploit its interests. The Chairman of the Institutional Patent Committee shall notify the System Patent Office of any such application.
- 2.4523 If the Institutional Patent Committee recommends that the System not assert and exploit its interest, and that recommendation is approved by the System Patent Officer and the President of the System, the inventor shall be notified within ninety (90) days of the date of submission that he is free to obtain and exploit a patent in his own right and the System shall not have any further rights, obligations or duties thereto. (In some instances, the Committee may elect to impose certain limitations or obligations, dependent upon the degree of System support.)

2.4524 If the System decides to patent and assert and exploit its interest, it shall proceed either through its own efforts or those of a patent agent to obtain and manage the patent. The division of royalties or other income, patenting and licensing costs first being recaptured, shall be as follows:

0 - \$ 5,000 / 75% to Inventor
25% to System

5,000 - 10,000 / 50% to Inventor
50% to System

above - 10,000 / 25% to Inventor
75% to System

The division of royalties and other income from patents managed by a patent agent will be controlled by the System's, agreement with such agent, as approved by the Board. Any other deviation from this rule requires the prior approval of the Board.

2.453 Patentable ideas resulting from research supported by a grant or contract with the Federal Government, or an agency thereof, or with a non-profit foundation or by a private gift to the System (see 2.443).

2.4531 Administrative approval of application requests to, and acceptance of grants or contracts with, the Federal Government, or any agency thereof, or with a non-profit foundation, implies a definite decision that the value to the System of receiving the grant or performing the contract outweighs the impact of any resulting change in the basic patent policy of the System.

2.4532 The patent policy of the System is subject to, and thus amended and superseded by, the specific terms pertaining to patent rights included in Federal grants and contracts, or grants and contracts with non-profit foundations, to the extent of any conflict.

2.4533 In those instances where it is possible to negotiate System-wide patent agreements with the Federal agencies or non-profit

foundations and thereby obtain more favorable treatment for the inventor and the System, every effort will be made to do so after consultation with the Institutional Patent Committees and the chief administrative officer.

- 2.454 Patentable ideas resulting from research supported by a grant or contract with commercial concerns and industry. (see 2.444)
- 2.4541 The System recognizes the academic advantages which can come from close scientific cooperation between the research staffs of the System and the research staffs of industry.
- 2.4542 The provisions of joint research arrangements with industry shall take into account (a) the extent of the industrial participant's contribution of funds and other services, including unique knowledge; (b) the import of the joint effort to the research and educational program of the System; (c) the protection of the personal achievements of the System participant or participants; and (d) most importantly, the interests of the State and its citizens who provide basic fiscal support.
- 2.4543 Balancing the equities between these different interests may require the joint arrangement to contain provisions for (a) non-exclusive licensing; (b) granting exclusive information prior to publication or patent application; (c) royalty free non-exclusive license; (d) exclusive license for some limited period of time; (e) exclusive license for the life of the patent; or (f) such other provisions as will properly equate the equities involved, including the right of the System to terminate an exclusive license upon failure of the industrial participant to develop or exploit the invention in a manner which will enhance the interests of the public.
- 2.4544 All such arrangements or contracts with industrial participants shall be approved

in advance by the Institutional Patent Committee and recommended and approved by the chief administrative officer, the President of the System, and the Board.

2.4545 Any agreement altering the basic patent policy of the System as set out in the preceding sections shall have the advance approval of the Patent Committee, the chief administrative officer, the President of the System and the Board.

2.46 University Income from Patents.

The portion of the net income the System retains from royalty or other patent-related income shall be used first to defray the expenses of the System Patent Office, if any, and thereafter, as approved by the Board, for research purposes at the component institutions where the invention originated.

2.47 Implementation of Revised Patent Policy.

A Patent Procedures Manual shall be developed to provide more detail as to procedures to be followed under the various provisions of this policy.

Sec. 3 Certain Provisions in Current Appropriation Act. --The Rules and Regulations of the Board are subject to and shall comply with the provisions appearing in the current Appropriation Act, including the following pertaining to personnel:

3.1 Use of Alcoholic Beverages. --"None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who uses alcoholic beverages while on active duty. None of the funds appropriated under this Act for travel expenses may be expended for alcoholic beverages."

3.2 Advocating Overthrow of the Government. --"None of the funds appropriated to the agencies and institutions of higher education enumerated in this Act shall be expended in payment of salary or other compensation of any faculty member or employee who advocates the overthrow of the Government of the United States of America, or of any State, by force, violence or any other unlawful means."

Sec. 4 Employee Training, Education, and Development.

4.1 The Texas State Employees Training Act of 1969, Chapter 283, Acts of the 61st Legislature, Regular Session, 1969 (Article 6252-11a, Vernon's Texas Civil Statutes), recognizes that the State departments and other State institutions, including the System, must develop a more

comprehensive Training Program as an integral part of a successful personnel program. The System Personnel Director, as delegated by the President of the System, is responsible for promulgating the necessary policies and procedures for implementation of the State Employees Training Act, consistent with the guidelines already approved by the Governor of the State of Texas and the Regents' rules.

- 4.2 Through implementation of the State Employees Training Act, the System will provide programs that will greatly benefit most employees. In addition, the use of various types of training programs will also encourage the initiative of young, talented employees and stimulate and motivate less productive employees. Organized training programs will, moreover, help identify those employees who are willing to exercise their initiative and prove their performance and also find the areas where employees are resisting change and improved procedures and programs.
- 4.3 The following general objectives of the overall training effort will lead to the System's gaining more efficiency and economy in its overall personnel program:
 - 4.31 Developing well trained staffs, both professional and supportive;
 - 4.32 Assisting all employees toward achieving their highest potential usefulness;
 - 4.33 Motivating employees and stimulating a sense of participation and involvement;
 - 4.34 Insuring that the System receives a fair return on its investment in training and education.
- 4.4 The program elements for this general training program are:
 - 4.41 Identifying staff members who need staff development in order to determine the exact kind and scope of program needed;
 - 4.42 Training individuals for current assignments and developing them for future assignments, as a means of improving the quality and quantity of work done;
 - 4.43 Developing all supervisors to enable them to assume and discharge their primary responsibility for the maximum utilization of personnel, the training of their staff members, and the maintenance of sound employee relations;
 - 4.44 Advising and assisting employees with respect to continuing education, and means by which they can improve their usefulness;
 - 4.45 Evaluating all training and education activities to determine whether they have effectively met the needs of the System.

- 4.5 With these objectives and general program elements as a background, four specific training programs are established. The administration and implementation of the following training programs at each component is to be primarily the task and responsibility of the institutional personnel officer, with approval of the chief administrative officer. The System Personnel Director shall have the responsibility of coordinating all training programs through review and approval of training policies promulgated by the component institution.
- 4.6 College or University Degree Program.
- 4.61 Definition: This program will provide graduate or undergraduate level training leading to a degree. Basically, it provides for fulltime student enrollment and is to be for selected, qualified employees of the System. This program will be provided by the System on the basis of need of the System and to the extent funds are available.
- 4.62 Objectives: To provide a college or university education for qualified System employees specifically required in their area of employment.
- 4.63 Program Elements: This training is essentially of only one type: to provide full-time student enrollment in a graduate or undergraduate program leading to a degree.
- 4.64 Administration: Eligibility Requirements
- 4.641 Selected employees must have necessary academic qualifications to meet all entrance requirements of the college or university where training is provided.
- 4.642 Degree training must be directly related to an existing job or job series used by the System.
- 4.643 Selected employees must be scheduled for appointment to a job requiring the degree training on completion of schooling.
- 4.644 Selected employees must have been successfully evaluated as to competence and aptitude for training granted and recommended through the chief administrative officer and approved by the System Personnel Director.
- 4.645 Selected employees on educational stipend shall be considered as employees on official leave of absence while in student status. Vacation, sick leave, group insurances, and other benefits will be governed under appropriate rules regarding such official leaves of absence.
- 4.65 Administration: Obligations. Employees who receive financial assistance under this program from the System, in completion of either undergraduate or advanced degrees, will be

obligated to fulfill the following terms and conditions:

- 4.651 An agreement to be bound by the rules and regulations contained herein and such other policies, rules, and procedures as may be promulgated by the System Personnel Director applicable to the college degree training program.
- 4.652 An agreement to return to the System as an employee upon graduation and attainment of the degree and to remain in the employment of the System for a period of time subsequent to his graduation that is proportionate either to the period of time the employee has received financial assistance to attend college or university or to the amount of financial assistance he has received.
- 4.653 An agreement to execute, as required by the System Personnel Director, a formal obligatory document between the System and the recipient of assistance under this program, to repay in a lump sum or such alternate arrangement as the System Personnel Director may prescribe, the amount of money expended by the System for the cost of such college education if the individual for any reason, except circumstances beyond his control, fails to complete the training or otherwise defaults in any provision of the agreement between the System and himself.

4.7 In-Service Training and Education Program.

- 4.71 Definition: This training and education is job-oriented training that is provided essentially within the System. It may include on-the-job training, training in preparation for job assignment, and continuing training programs that are basically job oriented. This program is for selected individual staff members and will be provided on the basis of need and to the extent funds are available.
- 4.72 Objectives: To equip an individual to perform a particular task within a particular situation and/or to equip the employee to deal with new technological and legal developments, to develop additional work capabilities, or increase his level of competence.
- 4.73 Program Elements: In-service training and education programs are divided into the following three principal categories:
 - 4.731 Orientation serves the purpose of acquainting the employee to a new job situation. It does not include the development of skills for that particular job situation.

- 4.732 Basic Training for a Specific Task includes pre-employment and recruit type training involving job knowledge and/or the development of skills required for a specific task. It also includes training in supervisory and managerial skills.
- 4.733 Advanced In-Service Training includes the development of a higher level of skill, an increase in job knowledge, and instruction in new concepts and changing aspects of job responsibility.
- 4.74 Administration: Eligibility Requirements. It is a basic responsibility of the System to provide training as the individual situation may require. It is recognized that the need for some of these programs will vary according to skills required and the availability of pre-employment training. Manpower needs and the availability of skilled applicants may also be a determining factor. With this general background as reference, employees will be identified, selected, trained, and evaluated according to the needs of the System.
- 4.75 Administration: Obligations. The employee has an obligation to successfully complete the training program and should recognize that the System will use this type of training as a continuation of the selection process.
- 4.8 Out-of Agency Staff Development Program.
 - 4.81 Definition: This program is to provide training through workshops, seminars, institutes, training sessions, extension courses, college or university courses (with or without academic credit), and other special programs or activities offered either within or outside the State. Such programs must be of concentrated, precise content and designed to improve the individual's professional or technical knowledge in the performance of his present or prospective duties and responsibilities. This program is for selected individual staff members and will be provided on the basis of need of the System and to the extent funds are available.
 - 4.82 Objectives: To improve and enhance the individual's professional and technical knowledge and ability in the performance of his present or prospective duties and responsibilities.
 - 4.83 Program Elements: This program is generally the type that meets the following criteria: relatively short term; specific in content; and presented outside the employing agency.
 - 4.84 Administration: Eligibility Requirements.
 - 4.841 Out-of-Agency Staff Development education and training authorized by the System will be conducted primarily for the benefit of the System.

- 4.842 The training and education must be related to the employee's current or prospective duty assignment during the period of his participation.
 - 4.843 Such training and education must be approved by the chief administrative officer or someone delegated by him on recommendation of the head of the employing department or unit.
 - 4.85 Administration: Obligations. Employees receiving Out-of-Agency Staff Development authorized by the System will be obligated to fulfill such terms and conditions as the chief administrative officer may prescribe, compatible with the nature and extent of the training or education.
- 4.9 Internship Training Program.
- 4.91 Definition: Internship training is intended to provide the type of learning experience that can be obtained only through actual work experience. Internship programs will normally be of a longer duration than training mentioned under the headings of Out-of-Agency Staff Development and In-Service Training and Education. This training will be provided to those individuals selected under the standards listed below in 4.95, Eligibility Requirements. This training will be provided on the basis of need of the System and to the extent funds are available.
 - 4.92 Objectives: This type of training and education has a broader objective than other types of training in that it serves not only the System but also the State of Texas in the following ways:
 - 4.921 It allows the System and/or the State of Texas to screen potential employees while simultaneously enjoying an advantageous recruiting position.
 - 4.922 It facilitates the infusion of new people and new ideas into the information interchange which is continually taking place between State government and the System.
 - 4.923 It will allow the System and/or the State to gain trained personnel who can carry a heavier work load in a relatively short period of time.
 - 4.924 Internship programs produce a work product, although this is not the justification for any internship program.
 - 4.93 Program Elements: Type I Internships are those that are within the System for Non-Employees of the State.
 - 4.931 Type I Internships are held with the System by persons who are not employed by the State or the System.

- 4.932 Such internships relate to the educational program of the person serving the internship, which suggests that there will be a constant interchange and evaluation between both the System and the sponsor of the person's educational program.
- 4.933 These internships should be initiated only to the extent that the System can provide a meaningful working role and learning experience.
- 4.934 Type I Internships are not designed primarily to produce a work product. (Example: The employee of a private data processing equipment firm observing and being trained in the Data Processing Department of a component institution which serves as the training ground.)
- 4.94 Program Elements: Type II Internship Programs are for the State of Texas and/or System employees.
- 4.941 Type II (a) internships provide for the State of Texas to be the trainee represented by a person in the employ of a State agency other than the System. [Example: An employee of another state agency (State Auditor's Office) serving as an intern trainee with the System.]
- 4.942 Type II (b) internships provide for the State of Texas to be the trainee represented by a person in the employ of the System. A Type II (b) internship may be served either within the System or with another State agency. Employees on Type II (b) internship status should be considered as employees of the System as they would if they were physically present on the job. (Example: An employee of a System component serving as an intern trainee at another System component or with another State agency, i. e., an accountant from a component business office serving as a trainee in the business office of another component or in the State Auditor's Office.)
- 4.943 The primary objective sought by both of the Type II Internship programs is for the trainee to gain skills from the training agency and to promote the ability of persons to work with broader situations and more competently in the multi-levels of administration of the State or the System.
- 4.944 A "No Proselyting" agreement should be secured in both of the Type II Internship programs.

- 4.95 Administration: Eligibility Requirements.
 - 4.951 Internship education and training authorized by the System will be conducted primarily for the benefit of the System.
 - 4.952 Internship training and education must be approved by the chief administrative officer or someone delegated by him on recommendation of the head of the employing department or unit.
- 4.96 Administration: Obligations.
 - 4.961 Type I - No obligatory arrangement is required.
 - 4.962 Type II - The following standards should be observed:
 - 4.9621 The need for these programs will vary according to skills required and the availability of pre-employment training within the State of Texas and/or the System.
 - 4.9622 The employee has an obligation to successfully complete the training program and should recognize that the State of Texas and the System will use this type of training as a continuation of the selection process.
 - 4.9623 Employees receiving internship training authorized by the System will be obligated to fulfill such terms and conditions as the System Personnel Director may prescribe, compatible with the nature and extent of the training or education.

Sec. 5 Other Regulations Concerning Personnel are Reported in the Rules and Regulations of the Board, Part One, as follows:

Physical Examination - Chapter III, Sec. 1.7

Employment of Aliens - Chapter III, Sec. 3

Indebtedness to the System or the State - Chapter III, Sec. 28

Appointment of Relative (Nepotism Rule) - Chapter III, Sec. 5

Holidays - Chapter III, Sec. 14

Vacation - Chapter III, Sec. 15

Sick Leave - Chapter III, Sec. 19

Leave for Jury Duty - Chapter III, Sec. 20

Absence from Usual and Regular Duties - Chapter III, Sec. 21

Leaves of Absence Without Pay - Chapter III, Sec. 16

Office Hours - Chapter III, Sec. 12

Outside Employment - Chapter III, Sec. 13

Acceptance of Money from Students - Chapter III, Sec. 26

Textbooks and Other Materials Prescribed for the Use of Students - Chapter III, Sec. 24

Institutional Employees as Students - Chapter III, Sec. 30

Power to Authorize Expenditures out of the System Funds - Chapter III, Sec. 27

Division of Salaries for Staff Engaged in Teaching and Non-teaching Activities - Chapter III, Sec. 18

Compensation for Correspondence and Extension Teaching of Full-time Staff Members - Chapter III, Sec. 23

Classified Personnel Systems - Chapter III, Sec. 2

Code of Ethics - Chapter III, Sec. 4

Tenure, Promotion, and Termination of Employment - Chapter III, Sec. 6

Retirement and Modified Service - Chapter III, Sec. 31

Faculty Development Leaves - Chapter III, Sec. 17

CHAPTER VI
STAFF BENEFITS

(Staff benefits may be subject to change by State and Federal Laws.
Application in specific instances should be verified.)

Sec. 1. Teacher Retirement System.

- 1.1 Effective September 1, 1977, there is only one class of membership in the Teacher Retirement System. The single class of membership includes those previously defined as "teacher" and "auxiliary" members.

- 1.2 Effective September 1, 1974, any employee of the System employed at least one-half time, whether paid on a monthly or hourly basis, and provided his employment will continue for a period of four and one-half (4-1/2) months cumulative within one (1) fiscal year, is eligible for and required by law to participate in the Teacher Retirement System, which became effective for teacher members September 1, 1937, and for auxiliary members September 1, 1949, except:
 - 1.21 persons eligible at those times who executed waivers within the period allowed by law and have not revoked such waiver if later permitted;
 - 1.22 members of the Employees Retirement System, about which information is given later; and
 - 1.23 participants under the Optional Retirement Program, about which information is given later.
 - 1.24 a person who may be for the first time employed at 60 years of age or older.
 - 1.25 a person who is solely employed by a public institution of higher education which requires as a condition of employment that the person be enrolled as a student in that institution.

- 1.3 An employee may purchase withdrawn service credit for any year in which he was employed for four and one-half (4-1/2) cumulative months by rendering service for two (2) subsequent consecutive creditable years or a period of continuous service equal to the length of absence and depositing an amount equal to the deposits and dues he would have

paid for each year of prior service credit, plus a reinstatement fee of five percent (5%) per annum up to redeposit or reinstatement, or both.

- 1.4 Annual membership dues in the Teacher Retirement System are \$5, which amount is deducted from the first salary payment in a fiscal year. Members contribute 6.65 percent of their salary up to and including \$25,000 per year, with the maximum contribution of \$1,662.50 per year which amount is deducted from the monthly salary payment. The contributions are sent monthly by the business offices to the Teacher Retirement System. Each year members receive a statement from the Teacher Retirement System, through the business offices, of their total contributions, plus accumulated interest through August 31 of the preceding year. The State contributes 7.5 percent of each member's salary, up to and including \$25,000 per year, with the maximum contribution of \$1,875 per year.
- 1.5 The annuity payable at retirement is based on the salary earned by the member. Annuity payments are based upon the average salary earned in the five highest years of creditable service, not to exceed \$25,000 of salary for any one year beginning September 1, 1969. Years of service for the period September 1, 1957, through August 31, 1969, have a maximum limit of \$8,400.
- 1.6 When a member leaves the employment that requires membership in the Teacher Retirement System, he or she may withdraw the amount of their contribution, plus accumulated interest, upon application, or he or she may leave the funds at interest for not more than five out of six consecutive years during which period he or she pays the annual membership dues. The performance of a period of active military duty by a member shall not be construed as absence from service; nor shall absence from service terminate membership if the member does not withdraw their accumulated contributions and has ten (10) or more years of creditable service, regardless of age, at or before the time he or she ceases employment that requires membership in the Teacher Retirement System.
- 1.7 If a member dies before retirement, his or her beneficiary, depending upon the relationship to the member, will be entitled to death benefit payments or survivor benefit payments, whichever renders the greater advantage to the beneficiary. If there is no beneficiary with an insurable interest, payment will be limited to the accumulated contributions plus interest standing to the account of the member with the Teacher Retirement System.

- 1.8 Eligibility for retirement benefits is as follows:
- 1.81 With ten years creditable service upon reaching age 65, member is entitled to retire with full benefits based on service rendered and salary earned. Members are entitled to minimum benefits of \$75 per month.
 - 1.82 With ten years creditable service upon reaching age 55, member is entitled to retire at reduced actuarial equivalent of benefit payable at age 65.
 - 1.83 With twenty years creditable service upon reaching age 60, member is entitled to retire with full benefits based on service rendered and salary earned. Members are entitled to minimum benefits of \$130 per month.
 - 1.84 With twenty years creditable service upon reaching age 55 or with thirty years creditable service at any age, member is entitled to retire with a percentage of the standard annuity designated by Teacher Retirement System tables.
- 1.9 Creditable service consists of prior service, former membership service, and current membership service. "Prior service" means service by such person as a teacher or auxiliary employee prior to (A) September 1, 1937, as relates to any person who became a member or who at any time on or before August 31, 1949, was eligible for membership in the Teacher Retirement System, or (B) September 1, 1949, as relates to any person who for the first time became eligible for membership in the Teacher Retirement System on or after September 1, 1949.
- 1.(10) Information pertaining to options under which retirement benefits may be drawn and to reciprocal service between the Teacher and Employees Retirement Systems, as well as other information, may be secured from the component institution business or personnel office, the System Personnel Office, or the Teacher Retirement System in Austin.
- 1.(11) Few employees of The University of Texas System are members of the Employees Retirement System because they are no longer eligible for initial membership in this system. Only those who were eligible between September 1, 1947, and August 31, 1949, and who did not waive membership as of September 1, 1947, are now members. Beginning September 1, 1949, new employees who would previously have been eligible for this plan became eligible for membership in the Teacher Retirement System. Contributions, membership fees, and benefits shall be in accordance with Article 6228a, V.T.C.S.

Sec. 2. Optional Retirement Program.

- 2.1 Pursuant to Chapter 729, Acts of the 60th Legislature, Regular Session, 1967 (Article 2922-li, Vernon's Texas Civil Statutes), as amended, the Board of the System has authorized:
 - 2.11 The establishment of an Optional Retirement Program in lieu of active membership in Teacher Retirement System of Texas to become effective September 1, 1968.
 - 2.12 Any insurance or annuity company qualified and admitted to do business in this State to offer an Optional Retirement Plan to eligible employees of the System.
 - 2.13 The ceiling on both the employee's contribution and the State's matching contribution to the Optional Retirement Plan to be the same as is in effect for contributions to the Teacher Retirement System.
 - 2.14 Compliance with the terms and provisions of the Act, and further compliance with prescribed rules and regulations of the State Board of Insurance and the System.

- 2.2 Eligibility - The following types of employees are eligible to participate in the Optional Retirement Program:
 - 2.21 All full-time faculty members appointed at least 4-1/2 months.
 - 2.22 All full-time administrative, research or professional personnel appointed for at least 4-1/2 months, excluding any person employed in a position which is in the classified personnel pay plan of a component institution of the University.
 - 2.23 A full-time person who enters the program and later reduces to part-time status will remain eligible for the Program.
 - 2.24 Any employee who becomes ineligible for the Optional Retirement Program, but is nevertheless eligible for Teacher Retirement, must rejoin Teacher Retirement [A. G. Op. No. M-647 (1970)].

- 2.3 Effective Date of Participation
 - 2.31 Eligible employees in the System employed as of September 1, 1968, shall elect to participate in the Optional Retirement Program no later than the first day of August 1969. An eligible employee not exercising the option to participate in the Optional Retirement Program by August 1, 1969, is deemed to have chosen to continue membership in the Teacher Retirement System.
 - 2.32 Eligible employees of the System employed September 2, 1968, or later, shall within ninety days following date of employment, elect to participate or not to participate in the Optional

Retirement Plan. A person is automatically considered a member of the Teacher Retirement System Program unless he elects to participate in the Optional Retirement Program during the first ninety days of employment.

- 2.4 Contributions to Retirement Plan shall be as follows:
- 2.41 The Optional Retirement Act authorizes a salary ceiling for contributions equivalent to the Teacher Retirement System. This ceiling, effective September 1, 1977, is 6.65 percent of the salary ceiling of \$25,000 per year for employee contributions. This ceiling, effective September 1, 1977, is 7.5 percent of the salary ceiling of \$25,000 for employer contributions.
- 2.5 The Office of the President of the System will approve the companies authorized to offer to eligible employees an Optional Retirement Program in accordance with the Conditions and Procedures To Be Met By Insurance Carrier To Be Authorized To Write Annuity Contracts Under The Optional Retirement Program For The University of Texas System. The Conditions and Procedures will be issued by the Director, System Personnel Office, with the concurrence of the Office of General Counsel in accordance with Sections 51.351 through 51.358, Texas Education Code, Attorney General's Opinions, Internal Revenue Service Rulings, and other applicable federal and State laws and agency regulations.
- 2.6 The eligible member electing to participate in the Optional Retirement Plan shall elect the company he chooses if that company has been approved by the System.
- 2.7 There can only be one change in Optional Retirement Program carriers per year, and such change may be made on the first day of any month.
- 2.8 Application blanks of authorized insurance carriers will not be furnished by the component institutions because of the possible large number of insurance carriers that may be authorized under the program. It is the responsibility of each individual interested in participating in the Optional Retirement Program to contact the authorized insurance carrier of his choice for an application blank.
- 2.9 Optional Retirement programs provide for vesting of benefit rights after one year of participation in the program by the employee. Vesting is to be effective on the first day of employment after one year's participation in the program under the System. Participation may be with more than one approved carrier [A. G. Op. M-420 (1969)].

Sec. 3 Tax Deferred Annuities.

- 3.1 Under a plan approved by the Board, employees of the System may purchase 403 (b) Tax Sheltered Annuities from Texas-licensed insurance companies.
- 3.2 An employee desiring to participate in this program may enter into an agreement with his component institution and designate a portion of his monthly gross compensation to be used by the component institution to purchase an annuity for the employee from the company selected by the employee. There can be only one change of Tax Sheltered Annuity Program carriers per year, and such change may be made on the first day of any month.
- 3.3 The chief business officer, or his delegate, of each component institution in the System is authorized to sign applications for annuities with the company requested by the employee. The payroll reduction method will be employed for the annuity payments and the amounts contracted for by the employees will be forwarded to each insurance company after the payroll reductions therefor.
- 3.4 The Office of the President of the System will approve the companies authorized to offer to eligible employees a Tax Sheltered Annuity Program in accordance with the Conditions and Procedures to be Met by Insurance Carrier to be Authorized to Write Tax Sheltered Annuities for The University of Texas System. The Conditions and Procedures will be issued by the Office of the President of the System with the concurrence of the Office of General Counsel in accordance with Article 6228a-5, Vernon's Texas Civil Statutes, Attorney General's Opinions, Internal Revenue Service Rulings, other applicable federal and State laws and agency regulations.

Sec. 4 Group Hospitalization and Medical Benefit Plan.

- 4.1 A System-wide contract is in effect to provide group hospitalization and medical insurance coverage on an optional basis for employees of all component institutions of the System subject to approval of the President of the System and the Board.
- 4.2 Any employee employed at least one-half time or more is eligible for coverage. An insured employee's spouse and unmarried children between the ages of 19 and 25 may also be covered.
- 4.3 Employees may enroll within 60 days after they become eligible for coverage. Employees who do not enroll within 60 days may then do so only during the annual enrollment period.

- 4.4 The anniversary date of the contract is September 1 of each year. The annual enrollment period will fall during the month of September.
- 4.5 The contract offers three benefit schedules that provide each employee with options to determine the most suitable plan consistent with his income. The premium rates for coverage depend on the plan selected by the employee and the number of persons in the family to be covered.
- 4.6 Under the In-Patient and Out-of-Hospital portions of the contract, specified percentages of costs are provided for under the three plans.
- 4.7 An insurance continuation provision is available for employees who leave the employment of the System or who retire.

Sec. 5 Group Term Life Insurance.

- 5.1 The System carries a master group term life insurance policy, applicable to all component institutions, with the Aetna Life Insurance Company for a "One Year Term Plan." Premiums are payable monthly by payroll deduction and increase with each year of age. The program is optional and is available to any employee employed at least one-half time or more; new employees are notified of their eligibility by the personnel office at the time of employment.
- 5.2 The amount of insurance available is based on a schedule that may not exceed two times annual earnings with a maximum of \$100,000 or 200% of annual compensation, whichever is the lesser amount. The amount of insurance for any employee who does not elect to change to the new schedule will continue to conform to the Insurance Table in effect prior to September 1, 1975. Annual earnings for academic personnel shall be the nine-month or twelve-month academic rate as applicable. Annual earnings for nonteaching personnel shall be the twelve-month rate. When an employee classification changes, due to increase or decrease in earnings, including Modified Service, the amount of insurance will be adjusted on the annual renewal date (January 1) following the date of the change provided the employee is available for work.
- 5.3 No medical examination is required if application is made for insurance within 60 days from date of employment. After the 60-day period, an "Evidence of Insurability" form, prepared by the company and available through the personnel office, is required. No medical examination is required if this form is accepted by the company after review, but, if it is not accepted, the applicant must have a medical examination at his expense.

- 5.4 Beneficiaries are designated by the policyholders on the application forms and may be changed during the life of the policy upon application to the business office or personnel offices. Each policyholder receives a certificate issued by the company and transmitted through the business office or personnel office.
- 5.5 A policyholder who is less than 60 years of age and who becomes permanently and totally disabled may receive benefits not to exceed 50% of the maximum amount in the two times earnings schedule of benefits. Insurance coverage in excess of the aforementioned amount may be retained for estate purposes with automatic premium waiver. There are no disability benefits after age 60.
- 5.6 Benefits at death are payable according to one of several options. Upon notification of the death of a policyholder, the personnel office assists in the preparation of the required records to be sent to the company.
- 5.7 Participation in the Group Life Insurance Program automatically terminates when employment terminates unless (1) the policyholder retires under the provisions of the Teacher Retirement System, the Optional Retirement Program, or the Employees Retirement System with at least 10 years of coverage under the insurance; (2) the policyholder has attained 62 years of age with at least 10 years of coverage under the insurance; or (3) the policyholder converts the group policy into one for regular individual life insurance. When an employee retires, the amount of insurance will be reduced to \$5,000 or the amount in force immediately prior to retirement, whichever is less, provided the employee has been insured continuously during the 10 years prior to retirement.
- 5.8 The life insurance will cease at the end of the last policy month for which a contribution was made except that if death should occur within thirty-one days thereafter, the death benefits will be payable. Within this thirty-one day period, by making application and paying the first premium to the Aetna Life Insurance Company, one may convert his Group Life Insurance to an individual life insurance policy on any regular Whole Life or Endowment Plan. This individual policy will be issued without medical examination at the Insurance Company's regular rates.

Sec. 6 Supplemental Cash Value Paid-Up at Age 65 Life Insurance Plan.

- 6.1 Supplemental Group Cash Value Paid-Up at Age 65 Life Insurance was made available to employees of the System by a rider to the group term life insurance master policy with the Aetna Life Insurance Company.

Premiums remain level and are based on the age of the insured at the time he enrolls or, if he increases coverage, his age at the time he changes the amount of insurance. The program is optional and is available to any employee insured under the maximum (two times annual earnings) group term life insurance who has not attained age 65. In order to be eligible for group term life insurance, an individual must be employed at least one-half time or more. New employees are notified of their eligibility at the time of employment. The plan became effective initially April 1, 1972.

- 6.2 The amount of insurance available is based on a schedule of annual earnings and is in units of \$5,000, \$10,000, or \$15,000. Annual earnings for academic personnel shall be the nine month or twelve month rate, as applicable. Annual earnings for nonacademic personnel shall be the twelve month rate. For personnel paid on an hourly basis, the annual earnings shall be the hourly rate times 2,080 hours. When an employee becomes eligible for a greater amount of insurance, a new request form must be completed, and coverage will become effective on the annual renewal date, April 1, of this plan.
- 6.3 No medical examination is required if application is made for insurance within sixty (60) days from date of employment. After sixty (60) days the insurance company will require that the employee furnish evidence of insurability at his own expense before he can obtain the insurance.
- 6.4 If an employee elects a lesser amount of insurance than annual earnings permit, or does not take an insurance increase that he is eligible for, he will be unable to elect an additional amount of insurance, regardless of the circumstances, without evidence of insurability. No medical examination is required if evidence of insurability is accepted by the company after review, but if it is not accepted, the applicant must have a medical examination at his own expense.
- 6.5 Beneficiaries are designated by the insured on the application forms and may be changed during the life of the policy upon application to the business or personnel offices. Each insured receives a certificate issued by the company and transmitted through the business office or personnel office.
- 6.6 The Plan provides employees with the option, upon retirement at age 65, to elect either the cash value of the policy or life insurance protection after age 65 that is paid-up, and requires no further premium payments. If an employee leaves the System prior to retirement, he has the option of electing the cash value of the policy or taking his paid-up insurance with him.

- 6.7 A waiver of premium is provided for an insured who becomes totally and permanently disabled before age sixty (60). Provided disability has lasted nine months and proofs of disability are accepted, contributions will cease and no further contributions will be required as long as the employee remains disabled.
- 6.8 Benefits at death are payable to the beneficiary in lump sums or in regular installments. Upon notification of death of an insured, the personnel officer assists in the preparation of the required records to be sent to the insurance company.
- 6.9 Participation in this plan terminates when the employee terminates unless the insured retires under bona-fide retirement provisions of the Teacher Retirement System, the Employee's Retirement System, or the Optional Retirement Program. A person may continue to keep the coverage, however, during a period of temporary lay-off or official leave of absence by paying a sufficient amount in advance through the business office of the appropriate component institution to cover contributions that will become due during the period of leave.
- 6.(10) The life insurance under this plan will cease at the end of the last policy month for which a contribution was made, except, that if death should occur within 31 days thereafter, the death benefits will be payable. Within this 31-day period, by making application and paying the first premium to the Aetna Life Insurance Company, one may convert a part of his cash value insurance to an individual life insurance policy or any regular whole life or endowment plan. The part that is convertible is the difference between the amount of insurance in force and the amount of paid-up insurance available in accordance with the non-forfeiture provision of the plan. The premiums will be based on the age of the insured at the time of conversion.
- 6.(11) When an employee terminates and does not wish to convert to another insurance plan, he may elect to withdraw the cash value or keep the amount of paid-up insurance he is entitled to without making another premium payment. Cash value is available only upon termination of employment.
- 6.(12) The insured employee may not borrow against the cash value of his policy.

Sec. 7 Group Long Term Disability Income Insurance.

- 7.1 The System carries a master group long term disability income insurance policy, covering all component institutions, with the Aetna Life

Insurance Company. Premiums are payable monthly by payroll deduction, and the rate applies to the monthly rate of basic earnings of each covered employee regardless of age. The program is optional and is available to any employee employed at least one-half time or more. New employees are notified of their eligibility by the personnel office at the time of employment. The plan became effective initially on October 1, 1965.

- 7.2 Monthly rate of basic earnings is the rate in effect on the March 1 before the start of an individual's disability. Furthermore, monthly rate of basic earnings is defined as 1/9 of the base rate for academic personnel paid on a nine-month basis and 1/12 of the base annual rate for non-teaching employees or any other person paid on a twelve-month basis. In no case shall monthly rate of basic earnings exceed \$4,166.66 per month. All premiums and benefits are payable 12 months per year.
- 7.3 The plan guarantees benefits of 65% of the monthly rate of pay up to maximum monthly benefits of \$2,708.33 per month, and any extra compensation is excluded. The plan will pay all of the 65% guarantee if the insured is not eligible for "other income benefits." If he is eligible for "other income benefits," the plan will add to the total of "other income benefits" to make up this 65% guarantee. In general, the plan counts as "other income benefits" any wages, salary, or other remuneration a person might receive from his component institution, or from any other employer, while he is eligible for income benefits from the plan. Also counted are any disability benefits payable under any law or under any plan sponsored by the System.
- 7.4 Covered employees will be eligible for the first income payment from the plan after having been "totally disabled" throughout a qualifying period of 90 days. Payments will be made as of the end of each calendar month. Benefits continue to be paid as long as a person is "totally disabled"; however, all income payments will stop when a person recovers, dies, or reaches age 65, whichever happens first.
- 7.5 No medical examination is required if application is made for insurance within 60 days from date of employment. After the 60-day period, an "Evidence of Insurability" form prepared by the company and available through the personnel office is required. No medical examination is required if this form is accepted by the company after review, but, if it is not so accepted, the applicant must have a medical examination at his expense.

- 7.6 Each policyholder receives a certificate issued by the company which is prepared and transmitted through the business office or personnel office.
- 7.7 The insurance of any employee under this policy shall terminate at the earliest time specified below:
- 7.71 Upon discontinuance of the policy.
 - 7.72 At the end of a policy month during which the employee's employment with the System in the classes eligible for the insurance terminates.
 - 7.73 On the date the employee attains the age of 65 years.
- 7.8 A person may continue to keep the coverage during periods of official Leave of Absence upon the direct payment of premiums through the business office of the appropriate component institution.

Sec. 8 Group Accident Insurance.

- 8.1 Group Accident Insurance was made available to employees of the System by a rider to the Long Term Disability Insurance Master Policy with the Aetna Life Insurance Company. The Group Accident Plan became effective February 1, 1968, and is available to any employee under age 70 employed at least one-half time or more. Eligible employees can join the plan either during the first 60 days of their employment or during an annual enrollment period in December of each year for coverage effective February 1.
- 8.2 Coverage under the Group Accident Plan is provided to insure against accidental death (in such areas as travel by automobile and travel on an aircraft being used solely for the transportation of passengers, and the coverage is extended to travel outside of the United States). The death benefit is also provided if an individual becomes totally disabled while insured before age 60 as a result of an accident of the type covered by the plan. Scheduled dismemberment benefits are also provided for specified losses.
- 8.3 The amount of coverage that may be selected ranges in multiples of \$10,000 from the minimum of \$20,000 to the maximum of \$200,000; however, no eligible employee may select an amount of coverage that exceeds 10 times his annual salary (for academic personnel the 12-month equivalent of their 9-month contract salary is used in computing the maximum amount of coverage allowable). Employees who select coverage for themselves may also take coverage for their

spouses in an amount between \$10,000 up to a maximum of 50 percent of the amount actually taken for themselves. Unmarried children under age 19 are automatically covered for \$1,000 from the spouse's coverage, unless waived by the employee. Also, unmarried children 19 years of age and over who are regularly attending school and depend solely upon the employee for support are eligible as dependents until their 23rd birthday.

Sec. 9 Workers' Compensation Insurance.

- 9.1 The Workers' Compensation Insurance Program is on a System-wide, self-insuring basis, financed by setting aside not more than 2 percent of the annual payroll of covered employees, and provides certain benefits for injuries sustained on the job. These benefits include payments for reasonable medical aid, hospitalization, etc.; total or partial incapacity; specific losses; and death.
- 9.2 The System Personnel Director, with the cooperation and assistance of other appropriate officials of the System or its component institutions, investigates accidents and injuries, and endeavors to develop, publish, and enforce safety rules and regulations. His office keeps a complete record of all injuries on the job and is responsible for reporting them to the Industrial Accident Board. His office is responsible for the System-wide coordination of occupational safety and health activities, and for administration and enforcement of state and national laws and standards applicable to occupational safety and health.
- 9.3 All employees whose names appear on the payrolls are eligible.
- 9.4 Eligible employees who do not wish coverage may waive all rights to the benefits at the time of appointment. However, the waiver may be revoked at any time during continuous employment.
- 9.5 The institution shall give notice to all workers that such insurance has been provided.
- 9.6 The percentage of annual payroll, within the 2 percent mentioned in Subsection 9.1 above, is approved by the Board, and the amount is set aside from available appropriation other than itemized salary appropriations. Institutional chief business officers shall prepare and send to the System Personnel Director a monthly report of covered employees showing the source of their salaries and a check and/or state warrant for the amount due. These checks will be deposited in a depository bank and the State Comptroller will be requested to transfer the amounts due on payrolls paid from State funds to the Workers' Compensation Insurance Fund.

- 9.7 The System shall furnish such medical aid, hospital services, and medicines as may reasonably be required at the time of the injury, and at any time thereafter to cure and relieve the injured employee from the effects naturally resulting from the injury.
- 9.71 Each employee shall have the right to select or choose the persons or facilities to furnish medical aid, chiropractic, osteopathic, podiatric, hospital and nursing services.
- 9.72 Excessive charges or unreasonable expenses for services can be appealed to the Industrial Accident Board by the System.
- 9.73 Although the employee has the right to select or choose the person or facilities to furnish reasonable treatment, each component institution may provide guidance in that choice, if the employee desires, by referring the injured employee to reputable specialists or general practitioners, depending on the nature of the injury.
- 9.8 The supervisor of a covered employee who is injured during the course of employment must file a complete report with the supervisor of the Workers' Compensation Insurance Office whether or not time is lost from work. If time is lost, a supplemental report is filed when the employee returns to work. When the time lost is over 60 days, this report is filed at the end of each 60-day period. The same form is used if the employee is disabled later due to the original injury. In the event of death of the injured employee, the form is filed immediately.
- 9.9 The employees' supervisors are also responsible for keeping in close touch with injured employees and their attending physicians and investigating medical attention to see that unnecessary aid and visits are avoided. They approve the statement from the physician as to services rendered although not actual charges for treatment.
9. (10) A covered employee disabled from work due to an on-the-job injury may remain on the payroll until his earned vacation and sick leave are exhausted or may request use of any reasonable portion thereof, during which time full medical benefits will remain available. Should an employee continue to remain disabled from work after earned vacation and sick leave are exhausted, provided such accrued leave totals seven days or more, there will be no waiting period before weekly compensation benefits accrue. Employees who have no sick leave or vacation accrued will be subject to a 7-day waiting period, for which they will be compensated in the event disability lasts 28 days or more. Vacation and sick leave used due to an on-the-job injury, are not charged against holidays, weekends, or other authorized days off.

9. (11) The weekly compensation benefit for a covered employee injured in the course of his work is equal to 66 2/3 percent of the average weekly earnings for the 12 months immediately preceding injury, though not more nor less than the amount set forth in Article 8306, Section 29, Vernon's Texas Civil Statutes. Compensation to an employee on less than a full work day basis is not more than 66 2/3 percent of his average weekly earnings, with the same maximum as the amount set forth in Article 8306, Section 29, Vernon's Texas Civil Statutes. Benefits may be paid for no longer than 401 weeks from date of removal from payroll for total incapacity and no longer than 300 weeks for partial incapacity for work. For specific injuries, the supervisor has information available on request concerning benefits for specific injuries such as the loss of a hand or eye. In case of death, benefits shall be the same as those provided in Article 8306, Section 8, Vernon's Texas Civil Statutes.
9. (12) Payment for medical aid, hospitalization and compensation is through the System Personnel Office.
9. (13) The System Personnel Office shall issue an annual report through proper channels to the President of the System and to the Secretary to the Board for the information of the members of the Board which shall include at least the following information for each component institution: the total claims and number of days lost, total compensation and medical benefits paid, receipts, and total expenditures including allocation of overhead. The report shall also include the balance in the fund at the beginning of the fiscal year, total receipts including interest, total disbursements, and balance in the fund at the end of the fiscal year.

Sec. 10 Unemployment Compensation Program.

- 10.1 The System Unemployment Compensation Program, effective January 1, 1972, and thereafter, is administered on a System-wide basis. Under the program, certain weekly benefits are payable to former employees who were separated from employment with the System under conditions specified in the Texas Unemployment Compensation Act and are unable to find suitable employment. Two methods of funding the cost of approved claims for such former employees will be in effect, as follows:
- 10.11 For former employees whose salaries were paid from State General Revenue Funds, the cost of approved claims chargebacks are paid by the State Comptroller as provided in the current State General Appropriation Act. Initially, the Texas

Employment Commission (TEC) pays approved claims and, quarterly, notifies the State Comptroller's Office and the appropriate System component institution of the claims amounts paid by individual. TEC bills the State Comptroller's Office, which makes payments to TEC from State General Revenue Funds appropriated for this purpose. Administration of claims, periodic reporting of salaries paid, and other aspects of administering the program for employees whose salaries are paid out of State General Revenue are the same as for those whose salaries are not paid out of State General Revenue, except that the assessments provided in Subsection 10.4 are not applied to salaries paid from State General Revenue Funds, or such other exceptions as are deemed by the System Personnel Director to be necessary for effective administration.

10.12 For former employees whose salaries were paid from funds other than State General Revenue, the cost of approved claims chargebacks is paid initially by the State Comptroller as specified under 10.11 above. Quarterly, or periodically as otherwise required by the State Comptroller, the System, by check made payable to the State Comptroller, reimburses the State General Revenue Fund from the System Unemployment Compensation Insurance Fund, a self-insurance fund described in Subsection 10.4.

10.2 The System Personnel Director, working in close cooperation with the System Comptroller and other appropriate officials of the System and its component institutions, is responsible for:

10.21 Administering the Unemployment Compensation Program for all employees of the System, with the assistance of appropriate institutional officials.

10.22 Determining the System's official position regarding claims protests in questionable cases, and assisting component officials in protest hearings.

10.23 Representing the institutions in all cases where claims are appealed to Appeals Tribunal or Commission Review and assisting the State Attorney General as required in representing the System with institutional participation in all cases in court actions provided for in the law.

10.24 Establishing and maintaining such additional policies and procedures as are necessary for the effective administration of the program as provided under existing statutes and these Rules and Regulations, including requirements for employee separation and claims administration, informing affected personnel about the Unemployment Compensation Program, and analyzing statistical data as needed.

- 10.25 Administering the Unemployment Compensation Insurance Fund and all policies and procedures necessary to bring about effective fund management and loss control for the Unemployment Compensation Program.
- 10.26 Maintaining records of all claims filed and paid, all chargebacks, and other records necessary to separate approved claims information applicable to student employment and extending such record-keeping to any additional group(s) of employees for which such analysis may be deemed by the System Personnel Director to be necessary for effective administration, including records necessary to determine individual "benefit ratios" consistent with provisions in the Texas Unemployment Compensation Act under Subsection 10.6 for each of the following categories of fund sources:
10.261 State General Revenue
10.262 Other than State General Revenue
- 10.27 Assuring that upon adequate notice, sufficient fiscal information will be available to determine a benefit ratio for each of the following categories of funding sources:
(a) Organized Research (including contract research and services)
(b) Educational Service Agreements (including training grants)
(c) Organized Activities Related to Educational Departments (including hospitals and clinics)
(d) Auxiliary Enterprises
(e) All Other
(Amended 8/4/78)
- 10.3 All services performed in the employ of the System are deemed to constitute employment and are provided for under the Unemployment Compensation Program. However, benefits based on service in an instructional, research, or principal administrative capacity are not payable between two contractual periods of service, as specified in the Texas Unemployment Compensation Act.
- 10.4 The System-wide Unemployment Compensation Insurance Fund is established January 1, 1972, to accumulate necessary funds to pay reimbursements to the State Comptroller for claims of former employees whose salaries were not paid out of State General Revenue Funds. Sources of all salaries other than State General Revenue are charged an assessment beginning on the effective date and each month or payroll period thereafter. Checks covering these charges will be forwarded monthly to the System Personnel Director for deposit in the Unemployment Compensation Insurance Fund. Following the close of each calendar quarter, or such other reporting period as may be

deemed by the System Personnel Director to be necessary for effective administration, institutional chief business officers will prepare and send to the System Personnel Office reports itemizing by employees the salaries reported to the TEC and the amounts of such salaries subject to assessment. The reported assessable salaries will be reconciled to the checks submitted monthly in payment of the assessments. The reports will also contain such other information as may be required for effective reporting. In instances in which amounts may be due the Unemployment Compensation Insurance Fund from the State Comptroller for adjustments on claims paid, assessments, or as otherwise deemed necessary by the institutional chief business officers for effective and commensurate allocation of assessments or approved claims chargebacks, the State Comptroller is requested to issue a State warrant for the amount due.

- 10.5 Separate and apart from all other System monies or funds, an Unemployment Compensation Fund, administered under the same custodianship as other monies administered by the System, is established and maintained in one or more regular depositories of the System, secured by collateral in accordance with state statutory requirements. The fund consists of all assessments collected, all interest earned on deposits of any monies in the fund, and all other monies received for the fund from any other source. Investments or time deposits of such funds will be in accordance with regular System policies. This fund is designated as a "revolving fund" under the "University of Texas Central Services Account" provision of the current General Appropriation Act. Expenditures from the Unemployment Compensation Insurance Fund are restricted to direct costs: payments and chargebacks of approved Unemployment Compensation claims, and System administrative costs not to exceed five percent per year of the balance in the fund at the beginning of each preceding year. The administrative costs will be identified and charged as direct cost to the Unemployment Compensation Program consistent with procedures for other similar benefits programs operated by The University of Texas System. Such direct cost charges will be supported by a payroll distribution system in accordance with Federal Management Circular 73-8, Section J.7. A financial report will be prepared and submitted annually to the Board of Regents summarizing the transactions and balances of the Unemployment Compensation Insurance Fund for the fiscal year. (Amended 8/4/78)

- 10.6 The System Unemployment Compensation Insurance Fund operates under principles agreed upon between The University of Texas System and the Department of Health, Education and Welfare, and includes the following procedures:
- 10.61 Assessment rates determined in accordance with 10.621 below will be applied to salaries and wages up to the maximum salary base which conforms to provisions of Federal and State Unemployment Insurance legislation.
- 10.62 The University will review all available data on loss experience and levels of funds within six months after the end of the year. Based upon such review and projections of anticipated future activities and costs, a calculation of the rate to be charged in the following fiscal year will be submitted to the Department of Health, Education and Welfare.
- 10.621 Rates will be calculated to fulfill the following objectives:
- (a) To maintain the fund balances within a range of \$1,215,000 to \$1,755,000,
 - (b) To provide minimal fluctuations in Fund balances from year to year, and
 - (c) To provide maximum rate stability consistent with the first two objectives.
- 10.622 The above objectives are expected to permit considerable flexibility in rate determination by the University. However, formal rate negotiations may be required upon determination by DHEW that a prospective rate is inconsistent with such objectives.
- 10.63 A single assessment rate is charged to all affected fund sources on a nondiscriminatory basis throughout the System.
(Amended 8/4/78)
- 10.7 In the event that the amount in the Unemployment Compensation Insurance Fund is fully depleted and further reimbursement payments create a deficit in the fund, at the end of any month, such deficit will be recovered by additional emergency assessments which the component institutions will fund by distribution of the costs to all accounts based upon the covered wages which had been charged to the accounts during the month and paid from funds other than State General Revenue.
- 10.8 The System Personnel Office will issue an annual report to include separate reporting of income and disbursements by institution, fund categories, and such other information as may be deemed necessary for effective administration.

Sec. 11 Social Security (Old Age and Survivors Insurance).

- 11.1 As an employer, the System complies with the relevant provisions of the Social Security Act. All employees are required to participate in the Federal Social Security Program as a condition of employment.

Sec. 12 Deferred Compensation Plan.

- 12.1 As an employer, the System complies with the relevant provisions of Senate Bill 872, 63rd Legislature, Regular Session, which authorized the Deferred Compensation Plan for public employees (Article 6252-3b, Vernon's Texas Civil Statutes).

- 12.2 The State Comptroller is the administrator of the program. The System Administration has been authorized by the Board to develop administrative and fiscal procedures for operation of the program.

Sec. 13 Premium Sharing.

- 13.1 The System provides each full-time employee with the full amount of Premium Sharing specified in the current Appropriations Bill, for payment of certain group insurance premiums. Employees appointed half-time or more, but less than full-time, are provided an amount of Premium Sharing which is proportionate to the percentage of time employed.

- 13.2 Each employee employed half-time or more will automatically be covered under a basic plan of insurance effective September 1, 1977, or on the first date of employment following that date. Each such employee may elect optional coverages within 60 days of the automatic coverage date, or waive at any time subsequent to the automatic coverage date. Only those employees who do not elect optional coverages shall be provided automatic coverages. The total premium for the basic coverages provided under the automatic coverage plan shall not exceed the amount of the employer contributions to which the employee is entitled.

Sec. 14 U.S. Savings Bonds.

- 14.1 The System provides each employee with the opportunity to participate in the purchase of U.S. Savings Bonds by payroll deduction.

CHAPTER VII

PHYSICAL PROPERTIES

Sec. 1 Except as otherwise specifically authorized, property of the System shall be used only for official business. Only library books and other items of similar nature of well-established use may be used for the personal benefit or pleasure of employees. The chief administrative officer of each component institution shall designate a property manager.

Sec. 2 Inventories.

- 2.1 An actual physical inventory of property of the System shall be made each fiscal year in accordance with the State Property Act, as amended (Article 6252-6, Vernon's Texas Civil Statutes), and in compliance with appropriate regulations issued thereunder. The chief business officer of each component institution shall issue the necessary implementing instructions.
- 2.2 Department heads are responsible for all System property in their care and for the taking of the inventory on the prescribed record forms.
- 2.3 Inventories as of August 31 include all equipment on hand as defined by the State Board of Control under the State Property Act. Items that are worn out or discarded shall be deleted in accordance with the regulations of the State Board of Control.

Sec. 3 Motor Vehicles.

- 3.1 Any motor vehicles permitted under State law to be owned and operated by the System shall be used only on official business. Each vehicle shall carry an inscription on both sides as prescribed by law.
- 3.2 As required by statutes, a daily report shall be prepared by the person using the vehicle on the forms approved by the State Auditor and shall be filed within ten days in a central location designated by the chief business officer.

- 3.3 The operators of System-owned vehicles must hold, at their expense, an appropriate operator's license for the type of vehicle operated.
- 3.4 System-owned vehicles are subject to the compulsory inspection required by law.
- 3.5 It shall be the obligation of the chief business officer of each of the component institutions to see that all employees who are required to drive System-owned vehicles are fully informed of their personal responsibility and liability for their negligent operation.
- 3.6 Each component institution shall be cognizant of and render reports on operation of motor vehicles as required by the current appropriations bill.

Sec. 4 Insurance on Property of the System.

- 4.1 The following types of insurance coverage shall be maintained on a System-wide basis:
 - Fire and Extended Coverage Insurance
 - Boiler and Machinery Insurance
 - Blanket Position (Fidelity) Bond] may be one policy
 - Money and Securities Insurance
 - Motor Vehicle Liability Insurance on State Owned Vehicles
- 4.2 The terms of the policies covering the risks indicated above are negotiated by the Vice President for Operations in accordance with procedures approved by the President of the System and the Board.
- 4.3 When it is necessary or advisable to insure risks on a basis other than System-wide, insurance policies covering such risks shall be approved by the Vice President for Operations on an individual basis upon recommendation by the chief business officer of the component institution affected.
- 4.4 At the time a loss occurs applicable to either System-wide or individual insurance policies, the Vice President for Operations shall be notified by the chief business officer, and shall approve all loss claims and settlements. Any settlement over \$2,000 and under \$10,000 shall be reported to the Board for ratification. Settlements in the amount of \$10,000 or more must have the approval of the Board.

Sec. 5 Safe and Vault Combinations. --The combinations to all vaults and safes used by component institutions shall be filed under seal with the chief business officer.

Sec. 6 Police and Security Officers.

- 6.1 Police and other security officers are employed at the component institutions to protect and safeguard the property of the institution.
- 6.2 Employees shall cooperate in the security program by exercising caution to safeguard the equipment and supplies in their offices.

Sec. 7 Telephones. --The director of physical plant, or the chief business officer, shall be responsible for the installation of telephones and the administration of all telephone facilities. Personal toll calls shall not be charged to institutional telephones. Charges for telephones and toll calls shall be under the supervision of the persons named above.

Sec. 8 Disposal of Property of the System.

- 8.1 Whenever any item of equipment becomes obsolete or useless for the needs and purposes of the department concerned, a written report of such fact shall be made to the chief business officer. Upon receipt of such report, it shall be the responsibility of the chief business officer to determine whether or not such item of equipment is needed by any other department and, if so, to transfer and assign the equipment to such department.
- 8.2 If the chief business officer shall determine that the equipment is not needed for any department and that it is not practicable to store the equipment for possible future use, he shall proceed to sell the item concerned.
- 8.3 For items of little value or limited use where sale on competitive bids is not practicable, the chief business officer shall have the authority to dispose of the property on the basis of negotiated bids in amounts under \$2,000.
- 8.4 Sale of property estimated to bring \$2,000 or more shall be made on a basis of competitive bids.
- 8.5 Sales in amount of \$10,000 or more shall be approved in advance by the President of the System and ratified by the Board through the institutional docket.
- 8.6 Sales to U. T. Employees. --Sealed bid sales of surplus equipment or abandoned property may be made to employees of the System or of any of its component institutions only after authorization by the chief administrative officer and approval of the President of the System. Such sales shall be reported in the institutional docket.
8.61 The authorization and reporting requirements in Section 8.6 are not required for public auction sales of surplus equipment or abandoned property to employees of the System. (Amended 6/9/78)

- Sec. 9** Transfer of Property. --Property may be transferred from one State agency to another when it becomes surplus. Such transfers from one component institution to another, or from a component institution to another State agency shall have the advance approval of the chief business officer concerned and shall be reported to the chief administrative officer. The chief business officer or his delegate shall advise departments and administrative offices as to the procedure to be followed in disposing of or acquiring property by this means.
- Sec. 10** Disposition of Abandoned and Unclaimed Personal Property. --Abandoned and unclaimed personal property of every kind, except vehicles and drugs, which is not being held as evidence to be used in a pending criminal case which shall remain in the custody of any component institution department for a period of ninety (90) days without being claimed or reclaimed by the owner, whether known or not, will be transferred to the component institution's designated Property Manager to be disposed of in the following manner:
- 10.1** The designated Property Manager shall mail a notice to the last known address of the owner of such property by certified mail, if the owner is known, if the owner is unknown, then the Property Manager shall cause to be published once in the student newspaper, then in a paper of general circulation in the county in which the institution is located, such notice shall contain the description of the property held, the name of the owner if known, the name and address of the officer holding the property, a statement that if the owner does not claim such property within ninety (90) days from the date of publication, such property will be sold, and the date and place of such sale.
 - 10.2** All personal property which remains unclaimed at the expiration of ninety (90) days from the date of publication of the notice required by Section 10.1, or from the date of service by certified mail, if the owner was known, shall be deemed to be abandoned and may be sold.
 - 10.3** The designated Property Manager shall sell the property which has been abandoned to the highest bidder at public sale; the Property Manager may decline the highest bid and reoffer such property for sale, if he considers such bid insufficient; he need not offer any property for sale, if, in his opinion, the probable cost of sale is in excess of the value of the property; the designated Property Manager shall deposit all proceeds of the sale into a fund which shall be designated for this purpose.
 - 10.4** Any person claiming an interest in any property delivered to the designated Property Manager, which has been presumed abandoned and sold under the provisions of this section, shall be allowed to file a claim to

such property with the designated Property Manager on forms and through procedures prescribed by the Property Manager; upon approval of such claim by the designated Property Manager, the owner may recover the proceeds of such sale after deducting the reasonable expense of keeping such property and the cost of the sale.

- 10.5 Proceeds of the sale, which remain unclaimed, may be used by the institution for student scholarships.
- 10.6 Vehicles, which are abandoned and unclaimed, will be disposed of in accordance with Article 6687-9 of Vernon's Texas Civil Statutes as hereafter amended.
- 10.7 Drugs in the possession of any component institutional police department will be disposed of in the manner prescribed by Article 4476-14, Section 8, of the Texas Dangerous Drugs Act and by Article 4476-15, Section 5.08, of the Texas Controlled Substances Act, or as hereafter amended. (Amended Nov. 11, 1977)

CHAPTER VIII

PHYSICAL PLANT IMPROVEMENTS

Sec. 1 New Building Construction Exceeding the Amount of \$5,000 per Project.

- 1.1 After the Board approves the construction of new buildings, the procedures shall be as follows:
 - 1.11 The Institutional Building Advisory Committee shall hold necessary hearings and make proper investigations to translate the approved academic program into priorities for new construction, with suggestions as to total project area and function, and make such recommendations to the chief administrative officer.
 - 1.12 The Institutional Building Advisory Committee shall be relieved of further direct responsibility whenever a building contract is awarded, but shall be available for consultation as the building progresses, as requested by the chief administrative officer, the President of the System, or his delegate, and the project architect.
 - 1.13 New projects shall be submitted to the Board for approval, including proposed funding, upon recommendation of the chief administrative officer, the President of the System, or his delegate.
- 1.2 Project Development.
 - 1.21 The Board will employ a project architect for each new major building project at all component institutions.
 - 1.22 The chief administrative officer may appoint according to the Institutional Handbook of Operating Procedure an Ad Hoc Project Building Committee composed of but not limited to representatives of the departments or divisions that will occupy the building. The committee shall work with the Office of Facilities Planning and Construction to prepare a detailed program of the needs for each project.

- 1.23 The chairman of the Institutional Building Advisory Committee, or his delegate, shall be an ex officio member of each Ad Hoc Project Building Committee.
 - 1.24 The project architect shall be given the detailed program and will work in conjunction with the Office of Facilities Planning and Construction to prepare preliminary plans, exterior design, outline specifications, cost estimates, etc., which shall be submitted to the Board for approval upon the recommendation of the institutional head, the President of the System, or his delegate.
 - 1.25 After approval of the preliminary plans, the Board shall authorize the preparation of the working drawings and specifications. In the preparation of the final plans and specifications, the project architect shall work with the Ad Hoc Project Building Committee and the Office of Facilities Planning and Construction.
 - 1.26 The final working drawings and specifications shall be submitted to the Board for approval upon the recommendation of the institutional head, the President of the System, or his delegate.
- 1.3 Bidding and Construction Phase of Project.
- 1.31 After the Board approves the final plans and specifications, the Board shall authorize the Office of Facilities Planning and Construction to advertise for bids. Advertisements for bids for buildings shall be in accordance with State law and shall be published for four consecutive weeks unless the urgency, limited scope of work, or economy, as determined by the President of the System, shall justify a lesser period of time.
 - 1.32 The President of the System, or his delegate, shall receive and open bids, with the project architect and others, tabulate and study such bids, and make recommendations to the Board.
 - 1.33 The Board will award the contracts for all work in excess of the amounts of \$5,000 for new construction and \$50,000 for major remodeling/repair projects. The contract will be signed by the contractor(s) involved and the Chairman of the Board and approved by the Board in accordance with law.
 - 1.331 In the event the lowest bidder is found to be not responsible, or other facts and circumstances necessitate award of contract to other than the lowest bidder, the bidder(s) submitting proposal(s) lower than the bidder to whom award is proposed shall be notified of the Board's proposed decision for award.

- 1. 332 If the lowest bidder fails to timely state his protest of such award and requests to present evidence, the Board's proposed award will be final.
- 1. 333 If the lowest bidder timely files notice of protest, the Board will hear the protest or will delegate to the President of the System the authority to appoint a Hearing Officer who shall promptly convene and conduct a hearing and subsequently prepare and submit a report of his findings through the President of the System to the Board. The Board shall make a final decision based upon the records of the hearing before the Hearing Officer.
- 1. 334 The contract documents will be prepared by the Project Architect and approved by the President of the System, or his delegate, and the General Counsel for the System, or his delegate, before submission to the Chairman of the Board.
- 1. 335 At the time contracts are awarded, additional appropriations will be made if required.
- 1. 34 The President of the System, or his delegate, shall approve contractor's estimates, sign change orders, and provide general supervision of all new construction. He shall advise the Board if developments during construction require additional funds or other decisions of the Board.
- 1. 35 The President of the System, or his delegate, shall inspect the completed building and recommend final acceptance and final payment.

Sec. 2 New Building Construction Involving Less than \$5,000 per Project.--New construction that involves a total expenditure of \$5,000 or less per project may be handled at the component institution. Necessary funds must have been approved through the proper procedure. In each case, the project must have been approved by the director of physical plant, the chief business officer, and the chief administrative officer of the institution involved.

Sec. 3 Minor Repairs and Remodeling and Improvements other than Buildings.--Minor repairs and remodeling of the physical plant and construction of improvements other than buildings involving proposed expenditures of less than \$50,000 per project shall be made under the supervision of the director of physical plant and the chief business officer at the component institutions, with the approval of the chief administrative officer, provided that necessary funds have been approved through proper procedure.

Sec. 4 Major Repairs and Remodeling and Improvements other than Buildings.

- 4.1 Any repair or remodeling project of the Physical Plant and construction of improvements other than buildings involving an estimated expenditure of \$50,000 or more shall be deemed a construction project.
- 4.2 Unless otherwise approved by the Board, the procedures and regulations pertaining to new building construction shall apply to major repairs and remodeling projects.

Sec. 5 Professional Services.--Each component institution is authorized to make use of architects, engineers, and other professional services up to a maximum cost of \$3,000 with the approval of the President of the System on recommendation of the chief business officer.

Sec. 6 Constitutional and Legislative Restrictions.

- 6.1 Section 18, Article VII, of the Texas Constitution requires approval by the Legislature, or an agency designated by the Legislature, prior to the construction of physical improvements financed by bonds authorized under this section at the component institutions other than The University of Texas at Austin and at El Paso.
- 6.2 Under the provisions of the current Appropriation Bill, prior to the allocation, expenditure or encumbrance of any funds provided under the authority of Article VII, Sections 17 and 18, of the Texas Constitution, for individual building construction projects costing in excess of Twenty-five Thousand Dollars (\$25,000), other than classroom, library and laboratory building projects. Notice of intent shall be filed with the Legislative Budget Board and the Governor's Budget Office.
- 6.3 New construction projects not otherwise authorized by law, in excess of \$100,000 and all major repair and rehabilitation projects in excess of \$100,000, must be approved by the Coordinating Board, Texas College and University System, as to purpose and gross dimensions. Format for submission will be as prescribed by the Coordinating Board. Submission will be prepared by the component institution, in consultation with and assisted by the Office of Facilities Planning and Construction, if necessary, and forwarded to System Administration for review, approval and handling of submission. It is the objective to submit the necessary documents to the Coordinating Board when the project scope and estimated cost are sufficiently defined to meet the Coordinating Board's requirements for approval. Normally, submission will be made when the Board approves preliminary plans and specifications and the related cost estimate.

Sec. 7 Modification of Bids.

- 7.1 No bid shall be changed, amended, or modified by telegram or otherwise after it has been submitted or filed in response to an advertisement for bids in connection with the construction or erection of permanent improvements at any of the component institutions of the System under Article 2593, Revised Civil Statutes of Texas, 1925.
- 7.2 The substance of this requirement shall be stated in the advertisement for such bids; provided, however, that this requirement shall not be construed to prohibit the submission of filing of more than one separate and independent bid by any bidder.

Sec. 8 Institutional Building Advisory Committees.

- 8.1 At each of the component institutions there shall be an institutional building advisory committee.
- 8.2 The committee shall be appointed by the chief administrative officer in the same manner as other institution-wide committees are appointed.
- 8.3 The composition of the institutional building advisory committee shall be set forth in the Institutional Handbook of Operating Procedure of each component institution.
- 8.4 The President of the System, or his delegate, and the chief business officer of the institution shall be ex officio members of such committees.

CHAPTER IX

MATTERS RELATING TO THE OFFICE OF INVESTMENTS, TRUSTS AND LANDS

Sec. 1 Authorizations re Sales, Assignments, Conveyances, Receipt of Property and Proxies.

- 1.1 Authority to Purchase, Exchange, and Sell Securities for and on Behalf of the Permanent University Fund of The University of Texas (hereinafter sometimes referred to as "PUF") and the Board. --The President of the System or his delegate, or the Executive Director for Investments, Trusts and Lands, or the investment officer, are each authorized to purchase, exchange and sell any and all securities for and on behalf of the PUF or the Board, and to execute any and all documents necessary to the consummation of any purchases or exchanges.
- 1.2 Authority to Assign and Transfer Securities Held by the PUF and the Board of the System. --The President of the System, the Executive Director for Investments, Trusts and Lands or any trust officer may assign and transfer any and all securities of any description, whatever, and execute any and all documents necessary to the consummation of any sale, assignment or transfer of any securities registered in the name of the PUF or the Board, or in any other form of registration of such securities held for the account of the PUF or the Board in whatever manner, including all fiduciary capacities, and including those registered in the names of trusts or foundations managed and controlled by said Board.
- 1.3 Authority to Execute Instruments Relating to Land and Mineral Interests. --The Chairman of the Board, the Vice-Chairman, the President of the System, and the Executive Director for Investments, Trusts, and Lands are each authorized to execute conveyances, deeds, surface and/or mineral leases, easements, rights of way, oil and gas division orders, and transfer orders, geophysical and material source permits, water contracts, pooling and unitization agreements and any other instruments as may be necessary or appropriate from time to time,

relating to the handling, management, control, and disposition of any real estate or mineral interests held or controlled by the Board as a part of the PUF or as a part of any trust or special fund.

- 1.4 Authority to Receive and Collect Money and/or Property. --The President of the System, the Executive Director for Investments, Trusts and Lands, or any trust officer are each authorized and empowered to ask, demand, collect, recover, and receive any and all sums of money, debts, dues, rights, property, effects, or demands, whatever, due, payable, or belonging, or that may become due, payable, or belonging to any of the above funds, from any person or persons, whatever, and to execute any and all necessary or proper receipts, releases, and discharges therefor.
- 1.5 Authority to Execute Proxies. --The President of the System or the Executive Director for Investments, Trusts and Lands, or any trust officer, or the director of stock research are each authorized to execute proxies within the approved investment policies.

Sec. 2 Investment Policy for PUF.

- 2.1 Investments Authorized for Purchase.
 - 2.11 Bonds of the United States, the State of Texas or counties of said State, or in school bonds of municipalities, or in bonds of any city of said State, or in bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States, July 17, 1916, and amendments, thereto.
 - 2.12 Bonds or other obligations issued, insured, or guaranteed in any manner by the United States Government or any of its agencies.
 - 2.13 Bonds, debentures, or obligations, and preferred and common stocks issued by corporations, associations, or other institutions.
 - 2.14 Convertible securities, of all kinds, issued by corporations on the approved list.
- 2.2 Standards as to Quality.
 - 2.21 Corporate Stocks:
 - 2.211 Stocks eligible for purchase shall be restricted to stocks of companies incorporated within the United States which have paid dividends for five (5) consecutive years or longer immediately prior to the date of purchase.

- 2.212 Except for bank and insurance shares, stock must be listed upon an exchange registered with the Securities and Exchange Commission or its successors.
- 2.213 Common stocks and convertible securities are eligible for purchase if they are issued by corporations which have been approved by the Board.
- 2.22 Corporate Obligations and Preferred Stocks: Corporate Bonds and Preferred Stocks must be rated "A" or better by Moody's Investors Service, Inc., or by Standard and Poor's Corporation. Bonds or preferred stocks offered by private placement and not rated may be purchased if in the opinion of the University's Investment Counsel they are of "A" quality or better. Commercial Paper must be rated in the two highest quality classes by Moody's Investors Service, Inc., or Standard and Poor's Corporation to be eligible for purchase.
- 2.23 FHA Mortgage Loans:
 - 2.231 Loan Standards:
 - 2.2311 The security for the loans shall be single family, owner occupied residences (including Row or Town Houses) of good design and construction, in good condition, and comparable in value to other homes in the neighborhood.
 - 2.2312 Borrower must have a good credit rating and have adequate income to support the loan.
 - 2.2313 Loans shall be for \$10,000 or more and shall be fully insured by the FHA to the maximum extent permitted under the law.
 - 2.2314 Title and hazard insurance policies, written by companies acceptable to the Board, shall be furnished with respect to each loan purchased. Hazard insurance policies must be written by companies having a Best's rating of A-BBB or better.
 - 2.2315 No loan shall be purchased from any Seller-servicer until a formal contract has been entered into with such Seller-servicer on a form approved by the Board.
 - 2.232 Minimum standards for Seller-servicers from which FHA loans are purchased:
 - 2.2321 The Seller-servicer must be an approved FHA Mortgagee, and must have satisfactory credit rating, and an unimpaired capital and surplus of at least \$250,000.

- 2.2322 It must have been actively engaged for at least five years in the mortgage loan business, and except for commercial banks, the mortgage loan business must be its principal business, and must have a capable and experienced organization, together with the necessary equipment to furnish timely accountings on a block basis.
- 2.2323 It must be servicing at least \$25,000,000 of loans, and its clients (other than Federal National Mortgage Association) must include at least three institutional investors, and must have a capability of producing not less than \$1,000,000 per year in FHA loans.
- 2.2324 It must carry a Mortgage Bankers Blanket Bond in an amount not less than \$250,000.
- 2.233 Implementation of FHA Mortgage Loan Purchase program: The President of the System, the Executive Director for Investments, Trusts and Lands or any trust officer, are each authorized
 - 2.2331 To recommend the Seller-servicers with which Purchase and Servicing Agreements should be made, and after approval by the Board, to execute the Purchase and Servicing Agreements on the approved forms.
 - 2.2332 To perform such acts and execute such documents as may be necessary from time to time in carrying out the provisions of any such Purchase and Servicing Agreement, including authority to accept or reject loans tendered under such agreements, to execute releases of the liens securing any loan or loans when paid in full, and to execute assignments of any notes and liens when appropriate to do so.
 - 2.2333 To take any and all steps as may be considered necessary or advisable to protect the interest of the PUF in event of default occurring with respect to any FHA Insured First Mortgage note held by such Fund. Not by way of limitation, but by way of illustration only, such authority shall

include power to acquire title on behalf of the Board to the property securing any such note, by Trustees sale, foreclosure, or otherwise; to execute on behalf of the Board the necessary deed conveying the properties so acquired to the Federal Housing Administration; to handle any properties so acquired pending conveyance to the Federal Housing Administration; and to incur and pay such reasonable expenses as may be necessary in the acquisition and care of any such properties.

2.3 Diversification.

2.31 Not more than 5% of the voting stock of any one (1) corporation shall be owned at any given time by the PUF.

2.32 Not more than 1% of the book value of the PUF shall be invested at any given time in securities issued by any one (1) corporation.

2.4 Standard of Care.

2.41 Prudent Man Rule: In making or retaining each and all investments for the PUF, and in management, purchase, and sale of such investments from time to time, there shall be exercised the judgment and care under the circumstances then prevailing that men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital.

2.5 Policies with Respect to Stock Rights, Fractional Shares, and Proxies.

2.51 As a general rule, stock rights received are to be exercised. In each instance, exercise or sale of the rights is to be made at the discretion of the President of the System or the Executive Director for Investments, Trusts and Lands.

2.52 As a general rule, fractional shares received from stock dividends, etc., are to be sold. In each instance, the decision to round out fractional shares or to sell will be made by the President of the System or the Executive Director for Investments, Trusts and Lands.

2.53 As a general rule voting stocks held are to be voted by returning proxies to present management. When the Executive Director for Investments, Trusts and Lands determines that

a vote with management would not be in the shareholder's best financial interest, or when a proposal under consideration is of a social nature, the matter will be referred to the President of the System or, in his absence, to the Chairman of the Land and Investment Committee.

2.6 Implementation of Policies.

- 2.61 Approved List. A list of companies whose stocks are considered suitable for purchase or retention shall, after consultation with the Staff Investment Committee, the Investment Counsel, and the Investment Advisory Committee, be submitted by the President of the System, or the Executive Director for Investments, Trusts and Lands for approval by the Board through the Regents' Land and Investment Committee. This list will be reviewed annually.
- 2.62 Authority regarding purchase and sale of securities. Within the limitations of these Rules and Regulations, the President of the System or the Executive Director for Investments, Trusts and Lands is authorized to buy, sell or exchange, from time to time, securities issued by the companies within the approved list, provided that sales in any one calendar month of stocks owned shall not exceed 2 1/2% of the book value of the PUF. With the approval of the Chairman of the Land and Investment Committee, or the Chairman of the Board, the President of the System or the Executive Director for Investments, Trusts and Lands may sell stocks in excess of 2 1/2%, but not in excess of 5%, of the value of the PUF. Sales of stocks in any one month in excess of 5% of the value of the PUF require prior approval of the Board.
- 2.63 Exchange of Bonds. The President of the System or the Executive Director for Investments, Trusts and Lands is authorized to exchange bonds owned from time to time, on a par for par basis (with such cash adjustments as may be required) for other eligible bonds or obligations. In any such exchange the cost of the bonds exchanged out (plus or minus the cash adjustment involved) shall be carried forward as the cost of the bonds or obligations acquired, even though the sale and purchase may be effected through different brokers.
- 2.64 Advice of Investment Advisory Committee. --The President of the System or the Executive Director for Investments, Trusts and Lands shall seek the advice and counsel of the Investment Advisory Committee at its regular quarterly meetings on all of the major matters involving the PUF.

2.65 Reports of purchases, sales, and exchanges of Investments.-- All purchases, sales, and exchanges of investments shall be reported for ratification by the Board through the Regents' Land and Investment Committee at each meeting of the Board.

Sec. 3 Investment Policy for Trust and Special Funds.

3.1 Investments authorized for purchase:

- 3.11 Unless otherwise limited by the terms of the instrument by which the fund was created, trust and special funds under the control of the Board shall be invested and reinvested in such securities and investments as are permitted by the Texas Trust Act as legal investments for funds held by trustees.
- 3.12 Except as broadened by the foregoing Section 3.11, the general statement of policies outlined in Section 2 with respect to the PUF shall likewise apply to the investment and management of any trust or special funds under the control of the Board.

3.2 Implementation of Policies.--The provisions of Section 2.6 with respect to the implementation of policies for the investment and management of the PUF shall likewise apply to trust and special funds, provided that approval of the Board shall be required before any stock is purchased which is not on the approved list.

Sec. 4 Investment Policy for Common Trust Fund.--The policies for the investment and management of funds for the System Common Trust Fund shall be the same as those outlined in Section 3 with respect to trust and special funds.

Sec. 5 Staff Investment Committee.

- 5.1 Membership.--The Staff Investment Committee shall consist of the President of the System, the Executive Director for Investments, Trusts and Lands, the investment officer, and such other members as may be designated from time to time by the President of the System or the Executive Director for Investments, Trusts and Lands.
- 5.2 Duties.--The Staff Investment Committee shall cooperate and advise with the President of the System or the Executive Director for Investments, Trusts and Lands on matters relating to the management of investments for which he is responsible.

Sec. 6 Investment Advisory Committee.--The Investment Advisory Committee is and has been established in order to assist and advise the President of the System and the Executive Director for Investments, Trusts and Lands with respect to

matters relating to the management of investments for which said Executive Director is responsible. The following rules shall apply to such Committee:

- 6.1 Membership. --Five members of the Committee shall be selected because of their particular qualifications and experience in the field of investments, including experience in bond and corporate stock investments.
- 6.2 Selection Procedure. --Appointments to such Committee shall be made by the Board after recommendation by the President of the System or the Executive Director for Investments, Trusts and Lands.
- 6.3 Term of Office. --Each member shall serve a five year term on a rotating basis, with the term of one member expiring each August 31.
- 6.4 Meetings. --Meetings shall be held quarterly and at such other dates as may be considered advisable by the President of the System or the Executive Director for Investments, Trusts and Lands.

Sec. 7 Investment Transactions: Sales, purchases and exchanges shall be effected through investment dealers or brokers in accordance with normal investment practices, if, in the judgment of the President of the System or the Executive Director for Investments, Trusts and Lands, these services will produce the maximum benefit to the System.

CHAPTER X

AUXILIARY ENTERPRISES

- Sec. 1 Auxiliary Enterprises are those operated primarily for service to students and staff. Such enterprises are expected to be self-supporting. Examples of such enterprises are residence halls, dining halls, student hospitals, student unions, bookstores, and any activities supported from fees collected as Student Activities Fees, whether such fees are optional or mandatory.
- Sec. 2 Annual budgets for these activities shall be prepared and submitted through regular administrative channels, and expenditures shall be within budgets approved by administrative officials and the Board. Income of Auxiliary Enterprises is not deposited with the State Treasurer, however, and any balances or deficits at the end of a fiscal year may be reappropriated for the succeeding year.
- Sec. 3 With the exception of intercollegiate athletic departments, to which the general and special provisions of the Appropriation Bill do not apply, the same regulations and applicable laws shall govern as apply to the budgeting and expenditure of general funds unless otherwise specifically authorized. The Board, upon recommendation of appropriate administrative officials, approves the regulations for the management and operation of athletic departments.
- Sec. 4 Rentals and related policies and rates for dormitories and housing facilities shall be approved in advance by the chief administrative officer, the President of the System, and the Board.
- Sec. 5 Rules and regulations for the administration of dormitories, other housing facilities, dining halls, and other eating facilities, shall be promulgated by administrative officials and the chief administrative officer at the institution concerned.
- Sec. 6 The money values of meals, lodging, and other services the employees are authorized to receive in lieu of additional wages or salary, are recommended to the chief administrative officer by the chief business officer and approved by the President of the System and the Board.

Sec. 7 Statutory Provisions Currently in Effect. --Auxiliary Budgets shall comply with statutory provisions and rider provisions of current Appropriation Bill.

Sec. 8 Student Publications (The University of Texas at Austin).

- 8.1 All assets of the former Texas Student Publications, Inc., now vested in the Board of the System shall be delivered to, and recorded in the accounting records of, The University of Texas at Austin, to be used for the maintenance and support of student publications as an auxiliary enterprise of The University of Texas at Austin. The recording, budgeting and expenditure of these assets will be in accordance with the Rules and Regulations for the management of this type of funds and account.
- 8.2 The day-to-day operations of student publications on the campus of The University of Texas at Austin are under the control and jurisdiction of a Publishing Board, constituted as hereinafter set out. The Publishing Board shall transact all business connected with student publications on the campus of The University of Texas at Austin, pursuant to these Rules and Regulations.
- 8.3 The Publishing Board is responsible for the issuance, publication, and distribution of the student publications on the campus of The University of Texas at Austin. Such publications presently consist of The Daily Texan, The Summer Texan, The Texas Ranger Magazine, Cactus, Peregrinus, Texas Engineering and Science Magazine, and Riata. The Publishing Board may authorize other publications.
- 8.4 The Publishing Board shall consist of eleven voting members, composed as follows:
 - (1) Four undergraduate students out of the Journalism Department of The University of Texas at Austin elected (two to be elected in even-numbered years and two to be elected in odd-numbered years after the initial election; at the initial election under these rules all four shall be elected with provision for staggered terms as hereinafter set out) by those students certified by the chairman of such department as being journalism majors. Said election is to be held at least three weeks before the spring government election each year pursuant to the rules established by the Publishing Board. No student shall be eligible to be a candidate for a position on the Publishing Board unless he has completed or will have completed by the end of the spring semester in which the election is held twelve hours of journalism courses; is in good standing (not on

scholastic probation); and has completed at least one semester in residence in the long term at The University of Texas at Austin. The eligibility of a candidate must be certified to by the Chairman of the Department of Journalism prior to the time of said election.

- (2) Two undergraduate students elected at large from the student body of The University of Texas at Austin (one to be elected in even-numbered years and one to be elected in odd-numbered years after the initial election; at the first election under these rules both shall be elected with provision for staggered terms as hereinafter set out) at the same time as the editor of The Daily Texan pursuant to Subsection 8.(10) of this section. If the President of the Students' Association is not one of the students elected at the election, then the President of the Students' Association shall serve as an ex officio member of the Publishing Board without vote.
- (3) Two members of the faculty out of the voting faculty of the Department of Journalism and one member of the faculty out of the voting faculty of the College of Business Administration, all three to be appointed directly by the chief administrative officer of The University of Texas at Austin.
- (4) Two professional newspapermen appointed by the chief administrative officer of The University of Texas at Austin.

8.5 Voting members of the Publishing Board shall serve a term of two years beginning June 1 of each calendar year. However, in order to provide staggered terms, the following procedure shall be used concerning the first Publishing Board selected under this section, to take office June 1, 1972.

- (1) The four journalism students elected from the Department of Journalism shall draw lots in the presence of a quorum of the Publishing Board to determine which two shall serve initial terms of one year and which two shall serve initial terms of two years.
- (2) The two undergraduate students elected at large from the student body of The University of Texas at Austin shall draw lots in the presence of a quorum of the Publishing Board to determine which one shall serve an initial term of one year and which one shall serve on initial term of two years.
- (3) The chief administrative officer of The University of Texas at Austin shall appoint one of the faculty out of the Department of Journalism for an initial term of one year, and he shall appoint the other journalism faculty member for an initial term of two years. The chief administrative officer of The University of Texas at Austin shall appoint the remaining faculty member for an initial term of two years.

- (4) The chief administrative officer of The University of Texas at Austin shall appoint one of the professional newspapermen for an initial term of one year, and shall appoint the other professional newspaperman for an initial term of two years.
- 8.6 Should any voting member or members of the Publishing Board resign, become ineligible, or for any other reason fail to serve, the chief administrative officer of The University of Texas at Austin shall, after consultation with the Publishing Board, select a successor or successors to fill the unexpired term.
- 8.7 In addition to the aforementioned voting members of the Publishing Board, the following persons shall serve as ex officio, nonvoting members: the Dean of Students or his representative; the Editorial Manager of The Daily Texan; the General Manager of the publications; the Editor and Managing Editor of The Daily Texan; and the student editors of all other publications published by the Publishing Board.
- 8.8 The number and method of selection of the Publishing Board may be changed only by amendment to these rules.
- 8.9 The officers of the Publishing Board shall be a President, a Vice President, and a Secretary and such other officers as the Publishing Board may from time to time find necessary to carry on the business of the publications. Officers shall be elected from among the voting members of the Publishing Board at the first meeting after June 1 of each year. Officers' terms shall be for one year, but a person is eligible to serve one additional one-year term.
- 8.(10) At least three weeks prior to the spring student government elections there shall be a student publications election on the campus of The University of Texas at Austin. At such election there shall be elected the Editor of The Daily Texan by the students of The University of Texas at Austin, but voting members of the Board shall appoint the Editor of The Daily Texan in the case of a vacancy. The eligibility of a candidate for Editor of The Daily Texan must be certified to by the Publishing Board on standards set out in their Handbook prior to the time of said election. The Publishing Board shall set out in its Handbook the conditions under which said elections may be held, including length of the campaign. The Editor of The Daily Texan shall serve for a term of one year beginning June 1. There shall also be elected at this election the two student members of the Publishing Board (one student to be elected each year after the first spring election) as provided in Subsection 8.4(2).

- 8.(11) In the performance of all of its duties and in the exercise of all of its powers the Publishing Board shall be subject to the direction of the Regents' Rules and Regulations. The Publishing Board shall conduct its meetings in strict adherence to Roberts' Rules of Order.
- 8.(12) There shall be an Executive Committee of the Publishing Board to be composed of three faculty members and two journalism students to be elected by the Publishing Board from its membership.
- 8.(13) The Executive Committee shall appoint a General Manager who shall be selected annually during the month of May for the fiscal year beginning September 1. The Executive Committee shall determine the compensation of the General Manager. The duties of the General Manager shall be prescribed by the Executive Committee, subject to basic policies set forth by the Publishing Board. The Editorial Manager(s) will be appointed by the Executive Committee, subject to basic policies set forth by the Publishing Board. The Executive Committee shall determine compensation of the Editorial Manager(s). The Editorial Manager of The Daily Texan shall be authorized to coordinate the activities between The Daily Texan and the Department of Journalism so as to secure the most effective use of the journalism laboratories and classes in the preparation of material for The Daily Texan. The Executive Committee shall fix the compensation of all editorial workers on student publications, subject to the final approval of the Publishing Board. The Executive Committee shall appoint and fill all vacancies for Editor and Managing Editor of every publication, except The Daily Texan, and shall fix their compensation subject to final approval of the Publishing Board at its next regular meeting.
- 8.(14) The Executive Committee is authorized to implement, and is responsible for implementation of, the policies of the Publishing Board between meetings of the Publishing Board.
- 8.(15) A definitive relationship between the Department of Journalism of The University of Texas at Austin and The Daily Texan published by the Publishing Board must exist. Accordingly, the chief administrative officer of The University of Texas at Austin shall promulgate an operating procedure to establish this relationship. The operating procedure may be amended from time to time by mutual agreement between the Department of Journalism, through its chairman, and the Publishing Board, with the concurrence of the chief administrative officer of The University of Texas at Austin. In the event the Chairman of the Department and the Board of Directors are unable to agree on amendments, the chief administrative officer of The University of Texas at Austin shall make the final decision.

- 8.(16) There shall be established within the Publishing Board a Review Committee which shall be composed of one member of the journalism faculty, one journalism student, and one professional newspaperman. Such members are to be elected by the Publishing Board out of its membership. All appeals on material withheld from publication by the Editorial Manager, or respective publications supervisors, shall be considered by the Review Committee within 24 hours of the action. A decision of the Review Committee may be appealed to the Publishing Board, but seven affirmative votes of the Publishing Board are required to overrule said decision of the Review Committee. In all such matters, the actions of the Publishing Board shall be final and complete without review outside the Publishing Board.
- 8.(17) It shall be the duty of the Publishing Board to furnish on request to the chief administrative officer of The University of Texas at Austin, the President of the System, and the Board of the System, within two weeks of such request, any special reports requested by such officials.
- 8.(18) At least eighteen copies of the minutes of all meetings of the Publishing Board shall be delivered promptly to the chief administrative officer of The University of Texas at Austin for distribution to the President of the System, the Vice President for Academic Affairs, the members of the Board, the Secretary to the Board, and such members of The University of Texas at Austin administration as the chief administrative officer of The University of Texas at Austin may direct. No action of the Publishing Board shall have any force or effect unless included in the minutes and until it has been approved by the chief administrative officer of The University of Texas at Austin, except actions of the Publishing Board pertaining to decisions of the Review Committee, and except as to actions of the Publishing Board with respect to the appointment, discipline, or removal of editors, which actions need only be reported in the minutes for information, but are not reviewable outside the Publishing Board.
- 8.(19) No budget or budget amendment adopted by the Publishing Board shall have any force or effect until such budget or budget amendment has been approved by the Board.
- 8.(20) No expenditure shall be made by the Publishing Board unless it is made in accordance with and pursuant to a budget item that has been previously adopted by the Publishing Board and approved by the Board.
- 8.(21) Within 90 days following the close of each fiscal year, the chief administrative officer of The University of Texas at Austin shall be furnished for distribution to the President of the System and to the members of

the Board, the Secretary to the Board, and to such members of The University of Texas at Austin administration as the chief administrative officer of The University of Texas at Austin may direct, at least fifteen copies of a complete audit of the fiscal year.

8. (22) All employees, editors, editorial workers, and staff members employed to work on student publications under the control and jurisdiction of the Publishing Board, including all employees of the former corporation known as Texas Student Publications, Inc., holding office or employed as of the effective date of this section of these rules and regulations shall continue in office or employment (unless disciplined or removed from office in accordance with this section) at the same wage rates and under the same terms of their current office or employment (unless changed by the Publishing Board in accordance with this section).
8. (23) Subject to Subsection 8.22 of this section, the Publishing Board shall have the authority: (1) to appoint the Managing Editor of The Daily Texan, from among qualified students; (2) to take disciplinary action against the employees, editors, editorial workers, and staff members of student publications, including the removal from office after due notice, for a violation of the policies of the Publishing Board or for nonperformance of duties; such removal shall require a majority vote (action of the Publishing Board in the matter of the appointment discipline, and removal of editors shall be final and complete); provided, however, that no action taken by the Publishing Board with respect to the employment, dismissal, salary, or duties and responsibilities of either the General Manager or the Editorial Manager(s) shall have any force or effect until it has been approved by the Board; and (3) to determine the character and policies of all student publications.
8. (24) Since all funds utilized in the operations of student publications are under the direct control of an agency of the university. The Publishing Board, the Vice President for Business Affairs of The University of Texas at Austin, and the director of The University of Texas at Austin Personnel Office shall immediately make arrangements for assuring that all appropriate personnel are placed under the budgetary and personnel regulations applicable to other University of Texas at Austin employees.
8. (25) The Publishing Board shall promulgate and implement a handbook which shall contain the operating policies of the Publishing Board.

8. (26) As an interim measure, to assure the uninterrupted operation of student publications on the campus of The University of Texas at Austin, the chief administrative officer of The University of Texas at Austin shall appoint two journalism faculty members, one college of business administration faculty member, two professional newspapermen, and six students, who shall serve only until June 1, 1972, when a Publishing Board selected under procedures set out in this section will take office. This interim board will arrange for the election of the Editor of The Daily Texan and Publishing Board members as required under Subsections 8.4 and 8.(10) for the new year of offices beginning June 1, 1972.

Sec. 9 The Texas Union (The University of Texas at Austin).

- 9.1 Subject to all relevant provisions of the Rules and Regulations of the Board of Regents and the rules and regulations of The University of Texas at Austin, the Board of Directors of the Texas Union shall recommend to the chief administrative officer of The University of Texas at Austin rules, regulations, and procedures regarding the operation and use of the Texas Union, shall review the Texas Union Budget, shall advise the chief administrative officer in the appointment of the Union Director and shall be involved in the future development of the Texas Union. The Texas Union is designed to provide facilities, services and programs for the students, faculty and staff of The University of Texas at Austin, including the coordination of beneficial co-curricular activities of students and faculty members, programs for intellectual, social, cultural and recreational development, for the promotion of genuine democracy, for the cultivation of a more intelligent interest in and deeper affection for The University of Texas at Austin.
- 9.2 The Board of Directors of the Texas Union shall consist of nine voting members: Six students and three faculty members. The Dean of Students, or his/her delegate, the Secretary of the Board of Directors, and the Union Director shall be ex officio members without vote.
- 9.21 The faculty members shall be appointed by the chief administrative officer for three-year overlapping terms, one to be appointed each year. New faculty member appointments shall become effective on May first of each year.
- 9.22 The six student members of the Board shall be as follows: the President of the Students' Association, the Coordinator of the Texas Union Program Council, and four other students to be appointed for two-year overlapping terms. The four non-ex officio student members shall be registered for at

least six semester hours during each long session semester of service and shall be selected as follows: A public announcement of Union Board vacancies shall be published in The Daily Texan and an interview process shall be conducted by the Executive Officers of the Students' Association, or by the appropriate committee of the Students' Association. Appointments shall be ratified by a 2/3 vote of the Student Senate. New student appointments shall become effective on May first of each year.

- 9.3 The officers of the Board of Directors of the Texas Union shall be as follows: Chairman; Vice-Chairman; Secretary; and Union Director. The Chairman shall be elected each year from the student membership of the Board of Directors by the voting members of the Board. In order to qualify for election as Chairman, a student shall have at least one year's experience on either the Texas Union Program Council or the Board of Directors. The Vice-Chairman shall be the President of the Students' Association, and the Secretary and the Union Director shall be elected by the voting members of the Board of Directors. The officers of the Board of Directors shall perform the usual duties of their respective offices.
- 9.31 The Chairman shall be elected each year to serve a term to extend from the first official Board meeting of the Fall Semester until May 15th.
- 9.32 An Interim Chairman shall be elected each year to serve a term from May 15th until the first official Board meeting of the following Fall Semester. The Interim Chairman shall have the same qualifications as the Chairman.
- 9.4 The Board of Directors may, at its discretion, authorize any three voting members of the Board to serve as an executive committee acting for the Board of Directors between meetings, but only during the period from May 15th until the first day of registration for the fall semester, or during official UT semester break or holiday periods. All actions taken by the Executive Committee are subject to later ratification by the Board of Directors.
- 9.5 At least two copies of the minutes of all meetings of the Board of Directors and the Executive Committee shall be delivered promptly to the chief administrative officer of The University of Texas at Austin. No budget or budget amendment adopted by the Board of Directors of the Texas Union, or of any committee or subcommittee of such Board, shall have any force or effect until such budget or budget amendment has been approved by the Board of Regents.

- 9.6 No expenditure shall be made by the Board of Directors of the Texas Union, unless it is made in accordance with and pursuant to a budget item which has previously been adopted by the Board of Directors of the Texas Union and approved by the Board of Regents.
- 9.7 Within ninety days following the close of each fiscal year of the Texas Union, there shall be furnished to the chief administrative officer of The University of Texas at Austin for distribution to the President of the System, to the members of the Board of Regents, to the Secretary to the Board of Regents, and to such other members of the administration as the chief administrative officer of The University of Texas at Austin may direct, at least 15 copies of a complete audit of the fiscal affairs of the Texas Union during the preceding fiscal year.
- 9.8 The Board of Directors of the Texas Union shall meet at least once a month during each Long Session, setting its own date for meetings, formulating its own rules of procedure, setting up and appointing such committees as it may deem necessary and desirable for the proper use of the facilities of the Union Building, and exercising all powers not specifically assigned herein.
- 9.9 The Union Director shall serve as chief executive official in the Union Building. The Board of Directors of the Texas Union shall recommend annually on June 1 through the chief administrative officer of The University of Texas at Austin to the President of the System and the Board of Regents the appointment of the Union Director. His term of service shall extend from September 1 through the following August 31. The Union Director shall have the responsibility for the day-to-day operation of the Union Building and its programs or activities. He shall be charged with coordinating the various functions of the Building and the interests of the various groups served by the Building. The Union Director shall consult with the Texas Union Board of Directors regarding the appointment of appropriate staff members. He shall employ, supervise, and direct the work of all subordinate employees. The Union Director shall be a member of all committees without vote. On May 1 annually he shall make a complete report to the Board of Directors of the Texas Union covering the activities in the Union Building. The report shall be transmitted through the chief administrative officer of The University of Texas at Austin to the President of the System, to the Board of Regents, to the Secretary to the Board of Regents, and to such other members of the administration as the chief administrative officer of The University of Texas at Austin may direct. The Union Director shall perform such additional services as may be required by the Board of Directors and approved by the Board of Regents.

- 9.(10) While various parts and facilities of the Union Building are reserved primarily for the general use of students and faculty, provision is made by extending the use of portions of the Building to special groups for their exclusive use when this can be done in such manner as not to interfere with the regular program of the Union, and in such cases a rental price may be charged. However, when persons, groups, or organizations officially designated by the chief administrative officer of The University of Texas at Austin, by the President of the System, or by the Board of Regents as guests of the University desire to use the facilities of the Union, such privilege shall be granted and shall be granted without cost to the guest group. It is understood, of course, that all requests for the use of the facilities of the Union shall be subject to the principle that prior reservations will be respected, and for that reason requests for the use of the Building or any part of it should be made as early as possible.
- 9.(11) Notwithstanding any other provision of this section, every action of the Board of Directors of the Texas Union, and every action of any committee or subcommittee of such board, shall be reviewed by the chief administrative officer of The University of Texas at Austin and the chief administrative officer of The University of Texas at Austin may approve, reverse, or modify each such action. After reviewing the minutes of the Board of Directors, the chief administrative officer of The University of Texas at Austin shall deliver to the President of the System two copies of such minutes and a copy of the action, if any, taken by the chief administrative officer with regard to the approval, modification, or reversal of any action of the Board of Directors. Nothing in this section shall be deemed to limit or restrict the authority of the Board of Regents.

Sec. 10 Athletics Council (The University of Texas at Austin).

- 10.1 At least two copies of the minutes of all meetings of the Athletics Council at The University of Texas at Austin shall be delivered promptly to the chief administrative officer of The University of Texas at Austin. No budget or budget amendment adopted by the Athletics Council, or of any committee or subcommittee of such Council, shall have any force or effect until such budget or budget amendment has been approved by the Board.
- 10.2 The chief administrative officer of The University of Texas at Austin shall review the minutes of all meetings of the Athletics Council and may subsequently approve, reverse, or modify any action therein. After reviewing the minutes of a meeting of the Athletics Council, the

chief administrative officer of The University of Texas at Austin shall deliver to the President of the System two copies of such minutes and a copy of the action, if any, taken by the chief administrative officer with regard to the approval, modification, or reversal of any action of the Athletics Council. Nothing in this section shall be deemed to limit or restrict the authority of the Board.

Sec. 11 Employment of a Students' Attorney.

- 11.1 If an attorney is retained in any manner by a component institution or by a Students' Association or other agency of student government at any component institution of the System to serve as a students' attorney, said attorney shall not act as counsel of record nor represent any student, faculty member, or staff member, or any group of combination of students, faculty members, or staff members, or System Administration or any component institution of the System:
- 11.11 In any matter that required an administrative decision to be made by any officer, committee, board, or agency of a component institution of the System, the System, or the Board.
- 11.12 At any stage of any criminal proceeding in any federal, state, county, or local court.
- 11.13 At any stage of any civil proceeding in any federal, state, county, or local court where such proceeding is directly or indirectly against or antagonistic to the interest of the System or any component institution thereof, or against or antagonistic to the interests of any person who is sued in his official capacity as an officer of the System or any component institution thereof.
- 11.2 Any contract or agreement for legal services entered into by a Students' Association or other agency of student government or other agency of a component institution with an attorney whose remuneration will be paid from funds under the control and management of the Board, including funds from student fees whether mandatory or optional, is expressly subject to the applicable provisions of the Regents' Rules and Regulations, including, but not limited to, the foregoing provisions of this Section 11 and the following:

Section 8.8 of Chapter I of Part One;
Section 1.1 of Chapter III of Part One;
Section 1.3 of Chapter III of Part One;
Section 11 of Chapter III of Part One;
Section 5.15 of Chapter VI of Part One; and
Section 5.21 of Chapter VI of Part One.

Administration review and approval as directed by the President of the System. Proposals to private foundations for support should be forwarded via the Office of the System Comptroller to the Chancellor for further approval. The chief business officer at each component institution is responsible for the business aspects of the proposals.

- Sec. 3 Copies of contracts, grants, and agreements specified in Section 1 of this chapter shall be filed with the Secretary to the Board, together with a copy of the proposal or application, if any, that resulted in the contract, grant, or agreement.
- Sec. 4 Detailed budgets are generally included in the proposals that result in a contract or grant for a specific research, training, or educational project, and expenditures should conform to such budgets, unless amended by authorized procedures. For those institutional or "formula" type grants identified in Subsection 1.3 of Section 1 of this chapter, a proposed budget must be submitted to the Office of the President of the System for review, approval, and submission to the Board.
- Sec. 5 Proposals as to overhead rates and specialized rates for fringe benefits, computers, and other facilities chargeable to cost-reimbursement contracts and other government contracts and grants shall be worked out in preliminary form by the chief business officer concerned and shall be reviewed and approved by the System Comptroller before being submitted. Subject to approval of the President of the System, the System Comptroller shall negotiate all such rates for the component institutions of the System.
- Sec. 6 Information as to overhead and specialized rates applicable to the type of contract, grant or agreement to be entered into shall be secured from the System Comptroller via the business officers and/or the appropriate research administration officer.
- Sec. 7 To the extent that indirect cost recoveries from the application of overhead rates are derived from use charges for buildings, other improvements, or equipment, the funds so derived shall be designated for renewals and replacements of plant fund assets or for other purposes specified and approved in the budgetary processes as related to the indirect cost recoveries.