



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

**November 18-19, 2020  
Austin, Texas**

**Wednesday, November 18, 2020**

**Page**

COMMITTEE MEETINGS	8:30 a.m. – 9:45 a.m.
BREAK	9:45 a.m. – 10:00 a.m.
COMMITTEE MEETINGS	10:00 a.m. – 11:00 a.m.
CONVENE IN OPEN SESSION TO RECESS TO EXECUTIVE SESSION PURSUANT TO <i>TEXAS GOVERNMENT CODE</i> , CHAPTER 551	11:00 a.m.
Individual Personnel Matters Relating to Officers or Employees – Section 551.074	

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

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEM

RECESS	11:15 a.m. <i>approximately</i>
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**Thursday, November 19, 2020**

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER AGENDA ITEMS	8:30 a.m.	
STANDING COMMITTEE RECOMMENDATIONS AND REPORTS TO THE BOARD	8:35 a.m.	
1. <b>U. T. System Board of Regents: Approval of Consent Agenda and consideration of any item referred to the full Board</b>	8:45 a.m.	<b>5</b>
2. <b>U. T. System: Annual Meeting with Officers of the U. T. System Employee Advisory Council</b>		<b>6</b>

<u>Thursday, November 19, 2020 (cont.)</u>	Page
3. <b>U. T. System Board of Regents: Consideration of Award of President Emeritus Designation</b>	7
4. <b>U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments of Regents' <i>Rules and Regulations</i>, Rule 10501 (Delegation of Authority)</b>	8
5. <b>U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' <i>Rules and Regulations</i>, Rule 20601 (Aircraft Use), regarding Helicopters</b>	11

RECESS TO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, CHAPTER 551

9:30 a.m.

BREAK, as needed

1. Individual Personnel Matters Relating to Officers or Employees – Section 551.074
  - a. **U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions including interim presidents); U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors); other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive); Board members; and U. T. System and institutional employees**
  - b. **U. T. Austin: Discussion and appropriate action regarding individual personnel matters associated with proposed expansion of the clinical enterprise at U.T. Austin, including future developments with local partners**
  - c. **U. T. Southwestern Medical Center: Discussion and appropriate action regarding proposed compensation for Dai Chung, M.D., Chief Medical Officer, Children's Health System of Texas-UT Southwestern Joint Pediatric Enterprise (Regents' *Rules and Regulations*, Rule 20204, regarding compensation for highly compensated employees)**
  - d. **U. T. Health Science Center - Tyler: Discussion and appropriate action regarding proposed compensation for Joseph M. Conflitti, M.D., Clinical Assistant Professor of Surgery, Dennis S. DeVinney, D.O., Clinical Assistant Professor of Surgery, and Alireza Behboudi, D.O., Clinical Assistant Professor of Surgery (Regents' *Rules and Regulations*, Rule 20204, regarding compensation for highly compensated employees)**
2. Negotiated Contracts for Prospective Gifts or Donations – Section 551.073
  - a. **U. T. System Academic Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features**

**Thursday, November 19, 2020 (cont.)**

- b. U. T. System Health Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features**
- 3. Consultation with Attorney Regarding Legal Matters or Pending and/or Contemplated Litigation or Settlement Offers – Section 551.071
  - a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues**
  - b. U. T. System Board of Regents: Discussion and appropriate action regarding legal issues concerning pending legal claims by and against U. T. System**
  - c. U. T. System: Discussion of legal issues associated with operation of Regional Campus Laredo**
  - d. U. T. Austin: Discussion regarding legal issues associated with proposed expansion of the clinical enterprise at U.T. Austin, including future developments with local partners**
- 4. Deliberation Regarding Security Devices or Security Audits - Sections 551.076 and 551.089
  - U. T. System Board of Regents: Discussion and appropriate action regarding safety and security issues, including security audits and the deployment of security personnel and devices**
- 5. Deliberations Regarding the Purchase, Exchange, Lease, Sale, or Value of Real Property – Section 551.072

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS

*11:00 a.m.*

ADJOURN

*11:15 a.m.  
approximately*

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

RECOMMENDATION

The Board will be asked to approve the Consent Agenda beginning on [Page 82](#).

2. **U. T. System: Annual Meeting with Officers of the U. T. System Employee Advisory Council**

INTRODUCTION

The U. T. System Employee Advisory Council (EAC) will discuss their work and planned activities.

BACKGROUND INFORMATION

The U. T. System Employee Advisory Council was established in August 2000 to provide a vehicle for communication and to facilitate the flow of ideas and information between and among the Board of Regents, U. T. System Administration, and the institutions. The EAC functions to define, analyze, and make recommendations on employee issues to the Board through the Chancellor.

Council officers are:

Chair: Ms. Nyma Shah, Assistant Director of Special Use Facilities, U. T. M. D. Anderson Cancer Center

Vice Chair: Mr. Peter James Ehimika, Program Manager, Student Academic Success, U. T. Rio Grande Valley

Secretary: Ms. Trudy Jacobs, Senior Development Coordinator, U. T. Health Science Center - Houston

Historian: Ms. Elisa Perkins (Cuellar), Program Manager, Citymester Program, U. T. San Antonio

3. **U. T. System Board of Regents: Consideration of Award of President Emeritus Designation**

**RECOMMENDATION**

Chairman Eltife and Chancellor Milliken may recommend award of the title President Emeritus for consideration by the Board of Regents. Approval of this recommendation is being requested in accordance with the Regents' *Rules and Regulations*, Rule 20301.

**BACKGROUND INFORMATION**

Regents' *Rules and Regulations*, Rule 20301 provides that the title President Emeritus may be conferred only by the action of the Board on an individual who is fully retired.

4. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments of Regents' Rules and Regulations, Rule 10501 (Delegation of Authority)**

RECOMMENDATION

The Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the Vice Chancellor and General Counsel concur in the recommendation of the General Counsel to the Board that Regents' *Rules and Regulations*, Rule 10501, Delegation of Authority, be amended as set forth in congressional style on the following pages.

BACKGROUND INFORMATION

The proposed substantive edits to Regents' Rule 10501 identified below are intended to increase efficiency of U. T. System operations and additional definitions are suggested to clarify meaning.

The recommended change to Section 2.2.15 of the Rule acknowledges the additional flexibility provided by state law concerning the procurement of services and equipment for medical operations.

The proposed change for Section 2.3.1 will delegate greater latitude to U. T. academic institutions for timely execution of contracts related to dual credit partnership agreements by delegating approval authority to the institutional president rather than the Executive Vice Chancellor for Academic Affairs.

New language proposed for Section 2.3.4 codifies delegation to the Chancellor to submit strategic plans for research at each U. T. academic institution required to make such submissions to the Texas Higher Education Coordinating Board. The delegation request has previously been presented to the Board every five years prior to the report deadline.

The proposed minor addition to the first sentence of Section 2.4 gives specific delegation to the Chancellor and presidents to execute certain documents, such as federal tax forms, as well as contracts and agreements.

The proposed changes to Section 3 reflect that current approval thresholds for contracts vary by institution and are no longer generally set at \$1 million.

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

**The University of Texas System  
Rules and Regulations of the Board of Regents**

**Rule: 10501**

**1. Title**

Delegation to Act on Behalf of the Board

**2. Rule and Regulation**

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Sec. 2 General Authority to Execute Contracts.

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2.2 Contracts Not Requiring Board Approval. The following contracts or agreements, including purchase orders and vouchers, do not require prior approval by the Board of Regents.

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2.2.15 Health Operations. Contracts or agreements for the procurement of routine services or the purchase or lease of routine medical equipment, required for the operation or support of a hospital or medical clinic, if the services or equipment were acquired through approved procurement procedures or competitively procured.

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2.3 Delegation of Other Matters.

2.3.1 Institutional Agreements for Dual Credit. The Board of Regents delegates the authority to approve and execute dual credit partnership agreements for the academic institutions to the presidents ~~Executive Vice Chancellor for Academic Affairs.~~

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2.3.4 Strategic Plan for Research. The Board of Regents delegates to the Chancellor the authority to submit to the Texas Higher Education Coordinating Board the strategic plan for research for each U. T. academic institution designated by the Coordinating Board as a research university or emerging research university.

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**The University of Texas System  
Rules and Regulations of the Board of Regents**

**Rule: 10501**

- 2.4 Signature Authority. The Board of Regents delegates to the Chancellor or the president of an institution authority to execute and deliver on behalf of the Board contracts, ~~and agreements,~~ and other documents of any kind or nature, including without limitation licenses issued to the board or an institution.

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- Sec. 3 Matters Not Delegated. The following contracts or agreements, including purchase orders or vouchers and binding letters of intent or memoranda ~~memorandums~~ of understanding, must be submitted to the Board for approval or authorization:

- 3.1 Contracts Exceeding ~~\$1 Million~~ the Institutional Threshold.

3.1.1 All contracts or agreements, with a total cost or monetary value to the U. T. System or any of the institutions of more than ~~\$1 million~~ the Institutional Threshold, unless delegated for approval in Section 2 or exempted in Section 4 below. The total cost or monetary value of the contract includes all potential contract extensions or renewals whether automatic or by operation of additional documentation. For purposes of this Rule, any contract with unspecified cost or monetary value with a term of greater than four years is presumed to have a total value of greater than \$1 million.

3.1.2 Any amendment, extension, or renewal that increases the cost or monetary value of the original contract to more than the Institutional Threshold ~~\$1 million~~ must be submitted to the Board for approval or authorization.

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**3. Definitions**

Execute – for purposes of this Rule, the authority to negotiate, approve, and sign contracts on behalf of the Board and deliver those contracts to counter-parties.

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Institutional Thresholds – the review threshold identified for System Administration and each U. T. institution in the Board Contract Approval Threshold Table.

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5. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' Rules and Regulations, Rule 20601 (Aircraft Use), regarding Helicopters**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor of Business Affairs and the Vice Chancellor and General Counsel that Regents' *Rules and Regulations*, Rule 20601 (Aircraft Use), to describe the appropriate use of helicopters in lieu of fixed-wing aircraft, as set out below, and renumbering the remaining sections:

1. Rule 20601

Aircraft Use

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Sec. 11 Helicopters. Use of a helicopter in lieu of fixed-wing aircraft is permitted only when use of a fixed-wing aircraft is impractical for the purpose of the flight.

Sec. ~~412~~ Minimum Number of Pilots. With the exception of helicopter flights, ~~t~~Two pilots are required for all flights used in conjunction with official University business. This Section is applicable to U. T. System aircraft, leased aircraft, chartered flights, privately owned aircraft, and donor aircraft.

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Sec. ~~4718~~ Donor Aircraft.

~~4718~~.1 Usage

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- (c) With the exception of helicopters, Donor Aircraft must be multiengine turboprop or jet.
- (d) With the exception of helicopter flights, ~~e~~Each flight must have 2 current and qualified pilots.

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BACKGROUND INFORMATION

The proposed revision would allow for the use of a helicopter or similar aircraft when the use of fixed-wing aircraft would be impractical for the purpose of a desired flight. Examples of instances when use of a helicopter would be appropriate include an examination of a parcel of land or observation of wildlife. The proposed changes were drafted in consultation with U. T. System Administration's Office of Risk Management.

These proposed revisions do not impact the full-time equivalent (FTE) employee count Systemwide and have the potential for a favorable budget impact through increased availability of flight equipment options. The proposed amendments were reviewed by the U. T. institutional presidents and representatives of the Student Advisory Council, the Faculty Advisory Council, and the Employee Advisory Council.