

EXCERPT FROM THE MINUTES

AUG 09 1990

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendment to Chapter III, Section 6, Subsection 6.(12) [Tenure, Promotion, and Termination of Employment].--In order to clarify the procedures to be followed when academic positions must be reduced because of financial exigency, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 6 (Tenure, Promotion, and Termination of Employment) by separating the first and second sentences of Subsection 6.(12) as set out below:

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

- 6.(12) The chief administrative officer of a component institution has the responsibility for determining when it shall be necessary to reduce academic positions, the titles of which are given in Subsection 1.8 of this Chapter, or academic programs or both, subject to approval by the appropriate Executive Vice Chancellor and the Chancellor of The University of Texas System.

When such reductions are necessary as a result of financial exigency, the procedure for the selection and notification of those academic positions that are to be terminated shall be governed by this Section, and neither the procedures specified in Subsection 6.3 of this Chapter nor the notice requirements of Subsections 6.23, 6.7, and 6.8 of this Chapter shall be applicable.

In this amendment, the first sentence becomes a separate paragraph of this Subsection in order to avoid any allegation that the detailed procedures for dealing with financial exigency are also applicable to situations addressed in the first sentence. This is consistent with the long-standing administrative interpretation and application of the Subsection.

EXCERPT FROM THE MINUTES

JUN 14 1990

1. U. T. Board of Regents - Regents' Rules and Regulations: Amendments to Part One, Chapter I, Section 7, Subdivision 7.15; Chapter II, Section 3, Subsection 3.3; and Section 7, Subdivision 7.32; and Part Two, Chapter II, Section 3.--In order to conform with the Texas Internal Auditing Act (Article 6252-5d, Vernon's Texas Civil Statutes) passed by the 71st Legislature, The University of Texas System Comptroller's Office has been restructured to promote the independence of the internal audit function from the accounting function.

In accordance therewith, the Board amended certain chapters of Parts One and Two of the Regents' Rules and Regulations as set forth below:

- a. Part One, Chapter I, Section 7, Subdivision 7.15 was amended to read as follows:

- 7.15 Duties of the Personnel and Audit Committee.--
The Personnel and Audit Committee shall:
- 7.151 Counsel with the Chancellor and recommend appropriate Board action with respect to any recommendations by the Chancellor related to the appointment, promotion, and dismissal of such System Administration Officers as report directly or indirectly to the Chancellor.
 - 7.152 Recommend to the Board all compensation for the System Administration and the rates of professional compensation.
 - 7.153 Consider and recommend to the Board matters related to all employee personnel programs, fringe benefits, retirement programs, and labor relations in the System Administration and the component institutions.
 - 7.154 Obtain, review, and report to the Board on all State, System Administration, and institutional audit reports.
 - 7.155 Exercise supervision over all internal and external auditing activities related to the conduct and administration of the System and component institutions.
 - 7.156 Transmit to the Chancellor, subject to the prior approval of the Board, such instructions as it deems necessary for the enforcement of sound accounting and auditing practices.

7.157 Initiate System Administration and institutional audits as deemed necessary to ensure management control within The University of Texas System. (In this regard, the Chairman of the Personnel and Audit Committee shall have direct access to the System Director of Audits.)

b. Part One, Chapter II, Section 3, Subsection 3.3 was amended to read as follows:

3.3 Audit.

The Chancellor, as chief executive officer of the System, is responsible for insuring the implementation of appropriate audit procedures for the U. T. System and System Administration. Accordingly, the System Director of Audits reports directly to the Chancellor.

3.31 System Director of Audits.

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

3.311 Appointment and Tenure.

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

3.312 Duties and Responsibilities.

The primary responsibilities of the System Director of Audits include:

3.3121 Conducting internal audits of System Administration and each component institution in accordance with the Texas Internal Auditing Act, the Standards for the Professional Practice of Internal Auditing published by the Institute of Internal Auditors, Inc. and "College and University Business Administration" published by the National Association of College and University Business Officers.

- 3.3122 Conducting audits of the revenue produced from the Permanent University Fund lands.
 - 3.3123 Formulating policies for the internal audit activity at each component institution.
- 3.32 The System audit staff is comprised of the internal auditors for System Administration and augments the audit work of the institutional internal auditor and the State Auditors at the component institutions. An annual audit plan is submitted to the Chancellor for approval. An executive summary of all audit activity by the System audit staff and the institutional internal audit staff is prepared for the Chancellor on a monthly basis.
- c. Part One, Chapter II, Section 7, Subdivision 7.32 was amended to read as follows:
- 7.32 Comptroller.
Subject to delegation by the Vice Chancellor for Business Affairs, the Comptroller formulates and recommends procedures to be followed in the business operations of the System for:
- 7.321 Accounting, reporting, and expenditure control.
 - 7.322 Procurement and purchasing.
 - 7.323 Management of auxiliary service enterprises.
 - 7.324 Data processing systems - including prior approval of equipment acquisitions by purchase or lease.
 - 7.325 Accounting and business system development.
 - 7.326 Accounting records, forms, procedures, and financial reports, including format for such reports.
 - 7.327 Lease contracts for building space.
 - 7.328 Approval of the business aspects and overhead rates in research and other contracts with outside agencies.
- d. Part Two, Chapter II, Section 3 was amended to read as follows:

Sec. 3. Auditing.

3.1 Internal auditors are responsible for reviewing, evaluating, and reporting on the institution's system of internal administrative and accounting controls and the efficiency and effectiveness of the operations when compared with established standards. The objective of internal auditing is to assist the chief administrative officer in the effective discharge of his or her responsibilities by furnishing objective analyses, appraisals and recommendations concerning the activities reviewed. The Texas Internal Auditing Act, the Standards

for the Professional Practice of Internal Auditing published by the Institute of Internal Auditors, Inc. and "College and University Business Administration" published by the National Association of College and University Business Officers shall serve as guidelines for internal audit activities.

- 3.2 Each institution is expected to maintain an internal audit staff unless otherwise exempt from this requirement by the Chancellor. The internal auditor reports to the institutional chief administrative officer or the institutional audit committee. The internal auditor submits an annual audit plan for approval by the chief administrative officer and forwards a copy to the appropriate Executive Vice Chancellor and the System Director of Audits.
- 3.3 The System Director of Audits shall review the annual audit plan of the component institutions and make recommendations as appropriate.
- 3.4 The State Auditor's Office, as part of the legislative branch of state government, is the external independent auditor of The University of Texas System. The State Auditor's Office conducts financial and performance audits and makes recommendations for improving financial and management controls within The University of Texas System. The State Auditor's Office reviews The University of Texas System's internal control structure and operations to determine the scope of the examination and reliability of the entity's financial and nonfinancial data. The internal audit function is considered a part of the internal control structure of The University of Texas System.

EXCERPT FROM THE MINUTES

APR 12 1990

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter III, Section 24, Subdivision 24.22 (Textbooks and Other Materials Prescribed for the Use of Students).--In order to implement revisions to the institutional dockets to delegate approval of the use of faculty-authored materials to the chief administrative officers of the component institutions and to require an annual report of approved materials to The University of Texas System Administration, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 24, Subdivision 24.22 concerning textbooks and other materials prescribed for the use of students to read as follows:

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

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 and the dean or deans concerned and by the chief administrative officer. An annual list of such approved materials shall be reported to System Administration via the appropriate Executive Vice Chancellor each August. The report shall indicate the proposed prices and profits, and the authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given by the chief administrative officer.

EXCERPT FROM THE MINUTES

APR 12 1990

4. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VI (Student Services and Activities).--In order to provide more definitive notice to students concerning standards of conduct and to provide administrative officers of The University of Texas System component institutions with more concise guidelines for implementing disciplinary procedures, approval was given to amend the Regents' Rules and Regulations, Part One, Chapter VI (Student Services and Activities) to read as follows:

CHAPTER VI

STUDENT SERVICES AND ACTIVITIES INCLUDING FACILITIES USE

Sec. 1. General Provisions.

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

Sec. 2. Definitions.

- 2.1 Student.--The following persons shall be considered students for purposes of these policies and regulations:
- 2.11 A person currently enrolled at a component institution of the System.
 - 2.12 A person accepted for admission or readmission to a component institution of the System.
 - 2.13 A person who has been enrolled at a component institution of the System in a prior semester or summer session and is eligible to continue enrollment in the semester or summer session that immediately follows.
 - 2.14 An individual for prohibited conduct that occurred while an individual was a student.
- 2.2 Campus.--The campus consists of all real property, buildings or facilities owned or controlled by the component institution.

Sec. 3. Student Conduct and Discipline.

- 3.1 The component institutions shall adopt rules and regulations concerning student conduct and discipline. Such rules shall be in compliance with the Regents' Rules and Regulations and shall become effective upon review and approval by the appropriate Executive Vice Chancellor. Each student is responsible for notice of and compliance with the provisions of the Regents' Rules and Regulations and the rules of the component institution.
- 3.2 All students are expected and required to obey the law, to comply with System and institutional rules and with directives issued by an administrative official in the course of his or her authorized duties, and to observe standards of conduct appropriate for an academic institution.
- 3.21 Any student who engages in conduct that is prohibited by System or institutional rules or by federal, state, or local law is subject to discipline whether such conduct takes place on or off campus or whether civil or criminal penalties are also imposed for such conduct.
 - 3.22 Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another

- person, any act designed to give unfair advantage to a student or the attempt to commit such acts.
- 3.23 Any student who is guilty of the illegal use, possession and/or sale of a drug or narcotic on the campus of a component institution is subject to discipline. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.
- 3.24 Any student who engages in conduct that endangers the health or safety of any person on the campus of a component institution or any property, building, or facility owned or controlled by the System is subject to discipline.
- 3.25 Any student who, acting singly or in concert with others, obstructs, disrupts or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity or public performance authorized to be held or conducted on campus or on property owned or controlled by the System is subject to discipline. Obstruction or disruption includes but is not limited to any act that interrupts, modifies or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records or computer networks accessible through the university's computer resources.
- 3.26 Any student who engages in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action is subject to discipline.
- 3.27 Any student who appropriates university resources for private gain is subject to discipline.
- 3.28 Any student who, acting singly or in concert with others, engages in hazing is subject to discipline. Hazing in state educational institutions is prohibited by state law (Sections 4.51 to 4.58, Texas Education Code). Hazing with or without the consent of a student whether on or off campus is prohibited, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. Initiations or

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

- 3.29 A student who alters any official record of the component institution or who submits false information or omits requested information that is required for or related to an application for admission, the award of a degree, or any official record of the institution is subject to discipline.
- 3.2(10) Any student who defaces, mutilates, destroys or takes unauthorized possession of any property of a component institution or the System is subject to discipline.
- 3.2(11) A student is subject to discipline for prohibited conduct that occurs while participating in off-campus activities sponsored by a component institution including field trips, internships, rotations or clinical assignments.
- 3.2(12) A student who receives a period of suspension as a disciplinary penalty is subject to further disciplinary action for prohibited conduct that takes place on campus during the period of suspension.
- 3.3 A former student who has been suspended or expelled for disciplinary reasons is prohibited from being on the campus of any component institution during the period of such suspension or expulsion without prior written approval of the chief student affairs officer of the institution at which the suspended or expelled student wishes to be present.
- 3.4 The Dean of Students shall have primary authority and responsibility for the administration of student discipline at each institution. It shall be the Dean's duty to investigate allegations that a student has engaged in conduct that is prohibited by the Regents' Rules and Regulations, the rules and regulations of the institution, specific instructions issued by an administrative official of the institution in the course of his or her authorized duties, or any provisions of federal, state, and/or local laws. In such cases, the Dean may proceed with disciplinary action, notwithstanding any action taken by other authorities.
- 3.41 The Dean of Students may take immediate interim disciplinary action, including suspension

- pending a hearing, against a student for violation of a rule or regulation of the System or of the institution when the continuing presence of the student poses a danger to persons or property or an ongoing threat of disrupting any authorized university activity.
- 3.42 The Dean may authorize interim withholding of a student's grades, degree or official transcript when such withholding would be in the best interest of the institution.
- 3.43 The Dean may summon the student for purposes of discussing the allegations by mailing to the address appearing in the registrar's records a written request for the student to appear at a certain place and time at least three weekdays after the date of the letter. If the Dean of Students determines that allegations of misconduct are not unfounded, the Dean shall notify the student of the allegations and proceed under Subdivision 3.44 or Subsection 3.5 as appropriate. If a student fails to appear without a valid reason, the Dean may implement hearing procedures in the absence of the student or may bar or cancel the student's enrollment until the student appears or responds to the summons.
- 3.44 In any case where the accused student does not dispute the facts upon which the charges are based and executes a written waiver of the hearing procedures specified in Subsection 3.5, the Dean of Students shall assess a penalty pursuant to Subsection 3.6 that is appropriate to the charges and inform the student of such action in writing. The minimum penalty that the Dean may assess when a student admits illegal use, possession, and/or sale of a drug or narcotic on campus is the penalty prescribed in Subdivision 3.23 of this Section.
- 3.45 The decision of the Dean of Students on penalty may be appealed as in the case of a decision rendered subsequent to a hearing in accordance with Subsection 3.5. The appeal is limited to the issue of penalty and no transcript will be required.

3.5 In those cases in which the accused student disputes the facts upon which the charges are based, such charges shall be heard and determined by a fair and impartial person, hereinafter called the Hearing Officer, selected in accordance with procedures adopted by the institution.

3.51 Except in those cases where immediate interim disciplinary action has been taken under authority of Subdivisions 3.41 and/or 3.42, the accused student shall be given at least ten (10) days' notice of the date, time, and place for such hearing and the name of the Hearing Officer. The notice shall include a written statement of the charge(s) and a summary statement of the evidence supporting such charge(s). The notice shall be delivered in person or mailed to the student at the address appearing in the registrar's records. Hearings held following interim disciplinary action under Subdivisions 3.41 and/or 3.42 will be held under the same procedures set forth below, but will be held as soon as practicable within ten (10) days after the interim disciplinary action has been taken.

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

3.53 The hearing shall be conducted in accordance with procedures adopted by the institution and that assure both parties (institutional representative and the accused student) the following minimal rights:

- (1) Each party shall provide the other party a list of witnesses, a brief summary of the testimony to be given by each, and a copy of documents to be introduced at the hearing at least three days prior to the hearing.
- (2) Each party shall have the right to appear and present evidence in person or through a designated representative or counsel of choice.
- (3) Each party, or his or her designated representative or counsel, shall have the right to cross-examine witnesses.

- (4) The hearing will be recorded. If either party desires to appeal the finding, the record will be transcribed and both parties will be furnished a copy of the transcript.
- 3.54 The accused student may challenge the impartiality of the Hearing Officer up to three days prior to the hearing. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies himself or herself, a substitute will be chosen in accordance with procedures adopted by the institution.
- 3.55 The Hearing Officer shall render and send to both parties a written decision which shall contain findings of facts and conclusions as to the guilt or innocence of the accused student and shall assess a penalty or penalties pursuant to Subsection 3.6. If the Hearing Officer finds the student guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the Hearing Officer must assess a minimum penalty as provided in Subdivision 3.23 of this Section.
- 3.6 The following penalties may be assessed by the Dean of Students or the Hearing Officer in accordance with the procedures specified in Subdivisions 3.41, 3.42, 3.44 and 3.55:
- 3.61 Disciplinary probation.
 - 3.62 Withholding of grades, official transcript and/or degree.
 - 3.63 Bar against readmission.
 - 3.64 Restitution or reimbursement for damage to or misappropriation of institutional or System property.
 - 3.65 Suspension of rights and privileges, including participation in athletic or extracurricular activities.
 - 3.66 Failing grade for an examination or assignment or for a course and/or cancellation of all or any portion of prior course credit.
 - 3.67 Denial of degree.
 - 3.68 Suspension from the institution for a specified period of time.
 - 3.69 Expulsion (permanent separation from the institution).
 - 3.6(10) Revocation of degree and withdrawal of diploma.
 - 3.6(11) Other penalty as deemed appropriate under the circumstances.
- 3.7 Appeal Procedures.--A student may appeal a disciplinary action taken by the Dean

or the Hearing Officer in accordance with the following procedures:

- 3.71 Within fourteen (14) days after the parties have been notified of the decision, either or both parties may give notice of appeal to the chief administrative officer of the institution. If the decision is sent by mail, the date the decision is mailed initiates the fourteen (14) day period. The decision will be reviewed on the basis of the transcript, if any, and evidence considered at the hearing. In order for the appeal to be considered, all the necessary documentation to be filed by the appealing party, including written argument, must be filed with the chief administrative officer within fourteen (14) days after notice of appeal is given and the transcript, if any, is available. Both parties may, at the discretion of the chief administrative officer, present oral argument.
- 3.72 The chief administrative officer may approve, reject, or modify the decision in question or may require that the original hearing be reopened for the presentation of additional evidence and reconsideration of the decision. It is provided, however, that if the finding as to guilt is upheld in a case involving the illegal use, possession, and/or sale of a drug or narcotic on campus, the penalty may not be reduced below the minimum penalty prescribed by Subdivision 3.23 of this Section.
- 3.73 The action of the chief administrative officer shall be communicated in writing to the student and the Dean of Students within thirty (30) days after the appeal and related documents have been received. The decision of the chief administrative officer is the final appellate review.
- 3.8 Each component institution shall maintain a permanent written disciplinary record for every student assessed a penalty of suspension, expulsion, denial or revocation of degree and/or withdrawal of diploma. A record of scholastic violations shall be maintained for at least five years unless the record is permanent in conjunction with the above stated penalties. A disciplinary record shall reflect the nature of the charge, the disposition of the charge, the penalty assessed and any other pertinent information. This disciplinary record shall be

separate from the student's academic record, shall be treated as confidential, and shall not be revealed except upon written request of the student or in accordance with applicable state or federal laws.

Sec. 4. Student Organizations.

- 4.1 An organization in which membership is limited to students (recognizing that faculty and staff may also be members) of a component institution may become a registered student organization at that institution by complying with the registration procedures established by the chief student affairs officer.
- 4.2 The chief student affairs officer, with the approval of the chief administrative officer, may establish regulations requiring faculty or staff advisers for registered student organizations.
- 4.3 A registered student organization may state that its membership is composed of students, or of students, faculty, and/or staff, of a component institution, but it shall not suggest or imply that it is acting with the authority or as an agency of that institution. A student organization shall not use the name of a component institution or the name of The University of Texas System as a part of the name of the organization, and it shall neither display the seal of either a component institution or The University of Texas System in connection with any activity of the organization nor use such seal or seals as a part of any letterhead, sign, banner, pamphlet, or other printed material that bears the name of the organization.
- 4.4 The chief student affairs officer, with the approval of the chief administrative officer, may issue regulations governing the eligibility of students for participation in organized activities.
- 4.5 Each component institution may establish a committee or committees to assist the chief student affairs officer in overseeing the programs of 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 chief administrative officer 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 Subsection 6.(10) 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 a written statement that the organization or group does not, and will not during the semester, have as a member any person who is not either a student or a member of the faculty or staff of the institution. If an organization or group fails or refuses to file the required statement, or if the Dean of Students determines that the statement is or has become false, the Dean of Students, after providing notice, shall begin disciplinary proceedings. The Dean or Hearing Officer may cancel

- the registered status of the organization or group or impose other appropriate penalties.
- 4.74 No organization or group, whether registered or not, may use the facilities of any component institution as long as it owes a monetary debt to the institution and the debt is considered delinquent by the crediting institutional agency.
- 4.8 No component institution shall register any student organization or group whose actions or activities, in the opinion of the chief administrative officer or the appropriate Executive Vice Chancellor, are inimical to the educational purpose and work of the institution.
- 4.9 A registered student organization whose registered status has been cancelled by the Dean of Students pursuant to Subdivisions 4.73 or 6.63 of this Chapter may apply for re-registration not less than six months following the date of such cancellation.

Sec. 5. Participation in Student Government.

- 5.1 Students' Associations.--Students' associations currently authorized at the component institutions of the System are hereby approved. They shall have such jurisdictions and shall exercise such powers as the Board may now or hereafter delegate to them.
- 5.11 Constitutions and Bylaws Approved.--The constitutions and bylaws of the several associations in force at the date of adoption of these Rules and Regulations are hereby approved.
- 5.12 Mode of Amending Constitutions and Bylaws.--An amendment to the constitution or bylaws of a students' association may be adopted by an association, in accordance with its constitution and laws, but the change shall not become effective until transmitted to and acted upon by the chief student affairs officer, the chief administrative officer, the appropriate Executive Vice Chancellor, and the Chancellor and approved by the Board. Amendments to internal rules of procedure do not require administrative approval.
- 5.13 Amendment or Repeal by Regents.--The Board shall amend or repeal any portion of the constitution and bylaws of a students' association when, in the judgment of the Board, the interests of the particular institution shall require it.

- 5.14 Amendment or Repeal by the Chief Student Affairs Officer.--The chief student affairs officer shall have the power, when in his or her judgment the interests of the institution require it, to amend or repeal any provision in the constitution or bylaws of the particular association, but such action shall be in force only until the next meeting of the Board when Subdivision 5.13, above, shall become applicable.
- 5.15 Salaried Employees.--All persons officially employed on salary by or under the direct supervision of a students' association shall be subject to approval by the chief student affairs officer and the chief administrative officer.
- 5.16 Annual Financial Reports.--Every officially recognized students' association shall make annually a complete financial report to the institutional chief business officer and shall make such special reports as may be called for by such business officer. A duplicate copy of each report shall be filed with the chief student affairs officer. Committees and administrative units of a students' association shall make such interim reports of financial condition as may be required by the chief student affairs officer.
- 5.2 The students' association on each campus shall be a recognized forum of student opinion.
- 5.21 When a students' association takes a position with reference to issues directly related to a component institution and its operations, its recommendations shall go through the chief student affairs officer, the chief administrative officer, the appropriate Executive Vice Chancellor, and the Chancellor to the Board.
- 5.22 When a students' association takes a position on non-University issues, it shall make clear the fact that it does not speak for the institution.
- 5.23 A students' association may conduct polls, initiate petitions, and/or establish forums for debate or discussion under conditions approved by the chief student affairs officer.

5.24 Officers of a students' association may so identify themselves when they express their personal views, but they shall then make it clear that they are not speaking for the institution, or for the student body, and they shall make it clear they are not speaking for the students' association unless the legislative body of that association has authorized the statement in advance.

Sec. 6. Use of University-Owned Facilities.

6.1 The campuses of the component institutions of The University of Texas System and the property, buildings or facilities owned or controlled by the System are not open for assembly and expression of free speech as are the public streets, sidewalks and parks. The responsibility of the Board of Regents to operate and maintain an effective and efficient system of institutions of higher education requires that the time, place, and manner of the exercise of the right of assembly and free speech on the grounds and in the buildings and facilities of the various component institutions be regulated. Acting pursuant to the general authority of Chapter 65 of the Texas Education Code and the specific authority of Chapter 51 of the Texas Education Code, the Board of Regents adopts and promulgates the Rules and Regulations of this Section and this Chapter relating to the use of institutional buildings, grounds and other facilities for purposes other than regular academic use.

6.2 Identification Required.

(a) Pursuant to the authority conferred upon the Board of Regents by Section 51.209, Texas Education Code, 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 or herself to an institutional representative in response to a request. For the purpose of this Subsection, a person identifies himself or herself by: (1) giving his or her name and complete address; and (2) stating truthfully whether or not he or she is a

- student at the institution and whether or not he or she is an employee of the institution.
- (b) For the purpose of Subsection (a), an "institutional representative" is:
- (1) any member of the Board of Regents or the Executive Secretary to the Board;
 - (2) any administrative officer of the System, including the Chancellor, Executive Vice Chancellors, Vice Chancellors, and the Director of Police;
 - (3) any administrative officer of the component institution, including the chief administrative officer, assistants to the chief administrative officer, vice presidents, 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 or herself 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 or employee who refuses to identify himself or herself in accordance with Subsection (a) is, in addition to the penalty prescribed in Subsection (c), subject to discipline.

6.3

Pursuant to the authority conferred upon the Board of Regents by Sections 51.202 and 51.204, Texas Education Code, 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 unless such person shall have theretofore been granted permission by the chief administrative officer of that institution to enter, remain, or be in such water.

- (a) 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.

- (b) 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.
- (c) Any person who violates any portion of Subsection 6.3 shall upon conviction thereof be punished by a fine of not more than \$200.
- (d) Any student or employee who violates any portion of Subsection 6.3 shall, in addition to the penalty prescribed above, be subject to discipline.

6.4 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. However, with the prior consent of the chief administrative officer, the foregoing provisions of this Subsection may be waived with respect to any specific event which is sponsored by the institution. In any case, state law will be strictly enforced at all times on all property controlled by the System and its component institutions.

6.5 No individual, organization, group, association, or corporation may use the grounds, buildings, or facilities owned or controlled by any component institution or by the System except as permitted by the provisions of the Regents' Rules and Regulations and approved institutional rules and regulations.

6.6 Solicitation.

- 6.61 The term "solicitation" as used herein means the sale or offer for sale of any property or service, whether for immediate or future delivery; the distribution of material that is designed to encourage the purchase or rental of any property, product, or service; the oral or written appeal or request to support or join an organization other than a registered student, faculty, or staff organization; the receipt of or request for any gift or contribution; and the request that a vote be cast for or against a candidate, issue, or proposition appearing on the ballot at any election held pursuant to state or federal law.
- 6.62 No solicitation shall be conducted in any building, structure, or facility of any component institution or of the System. The following activities shall be deemed not to be

solicitations prohibited by this Subsection if they are conducted in accordance with the rules and regulations of a component institution and in a manner that will not disturb or interfere with the academic or institutional programs being carried on in a building, structure or facility, or do not interfere with entry to or exit from a building, structure or facility:

(1) The distribution, sale or offer for sale of any newspaper, magazine, or other publication by means of an unattended rack or vending machine in an area designated in advance by the chief administrative officer or his or her delegate for the conduct of such activity.

(2) The sale or offer for sale of any food, drink or other product or service that may be lawfully sold by means of a vending machine operated by the institution or its subcontractor in an area designated in advance by the chief administrative officer or his or her delegate for the conduct of such activity.

(3) The sale or offer for sale by a component institution or its subcontractor 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)(a) The operation by the institution of any service or facility maintained for the convenience of the students, staff and/or faculty.

(b) The operation by the institution's subcontractor or lessee (through appropriate written agreements approved as to content by the chief administrative officer of the institution and the appropriate Executive Vice Chancellor, as to form by the Office of General Counsel, and by the Board of Regents through the Chancellor's Docket) of one of the following services or facilities, maintained for the convenience of the students, staff and/or faculty: any bookstore, specialty store, laundry, pharmacy, cafeteria, child care facility (limited to children or bona-fide dependents of students, staff and/or faculty), state or federal credit union (the membership in which must be limited primarily to students, faculty, and staff of the institution but which may include: students,

faculty, and staff of other area institutions of higher education; students, faculty, and staff of other component institutions of the U. T. System; staff members of the System Administration; and staff members of organizations closely related to the institution's educational mission such as ex-student organizations and cooperative bookstores), private post office boxes (the use of which must be limited to students, faculty, and staff), unmanned teller machines (any agreement for the placement of which must include a provision expressly prohibiting advertising the location of the unmanned teller machine to the general public), or travel agency (the use of which must be limited primarily to students, faculty and staff of the institution and which agency must agree to undertake no public advertising concerning the location of the facility).

(5) The sale or offer for sale by the institution or its subcontractor of food and drink items and programs at athletic contests or at any other program or event sponsored or authorized by the institution.

(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 or by a registered faculty, staff, or student organization, when permitted by and scheduled in accordance with the facilities use regulations of the component institution.

(9) The solicitation of funds by any organization that can present to the chief administrative officer, or his or her delegate, written evidence from the Internal Revenue Service that the organization has been granted an exemption from taxation under Section 501(c)(3) (Internal Revenue Code). No

organization may solicit under this subdivision for more than a total of fourteen days, whether continuous or intermittent, during each state fiscal year.

(10) Occasional sales or offers of sales of goods or services that otherwise comply with state law and municipal ordinances and are conducted in the privacy of an individual university residence hall room or individual apartment when the resident of such room or apartment has given specific invitation in advance for salespersons to come to the individual residence hall room or individual apartment for that purpose, provided that neither sales nor offers of sales of goods or services within a university residence hall room or apartment by the occupant thereof on a continuing or scheduled basis, nor door-to-door sales or offers of sales of goods or services are included in the activity permitted by this exception.

(11) The acknowledgement or advertisement by scoreboard, electronic message or banner displayed at athletic facilities pursuant to an institutional policy concerning approval and selection of advertisement.

6.63

No solicitation shall be conducted on the grounds, sidewalks, or streets on the campus of any component institution or 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 Subdivision 6.63 must be conducted in such a way (a) that it will not disturb or interfere with the 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 Dean of Students 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 Dean determines that a solicitation is being conducted in a manner violative of this Subsection, the Dean shall prohibit the offending organization from solicitation on the campus for such period or periods of time as shall be determined to be appropriate and in the case of repeated violations of these solicitation rules, the Dean may cancel the registered status of the offending organization or impose other appropriate penalties.

- (2) The students' association and each registered student organization shall, within thirty days of the beginning of the following long session semester, file with the Dean of Students a statement fully and fairly disclosing the sources and amounts of money which it obtained from solicitations (sales, contributions, and/or other revenues) 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 received no money or thing of value other than from its own members need file only a 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.
- (3) The distribution at no cost by a students' association or a registered student, faculty or staff organization of a newspaper, magazine or other publication

that contains paid advertising and is published at the sole expense of such organization shall comply with the provisions of Subdivisions 6.63(1) and 6.63(2).

6.7 Use of Physical Facilities of the System by Registered Student, Faculty or Staff Organizations or Officially Recognized Alumni Associations.

- 6.71 Registered student, faculty or staff organizations or any officially recognized alumni association that qualifies under Subdivision 6.62(9) of this Section and whose fund-raising activities are dedicated to the benefit of any component institution 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, faculty or staff who are not registered or groups of alumni other than officially recognized alumni associations whose fund-raising activities are dedicated to the benefit of any component institution may not use the institution's buildings and/or grounds. Registered student, faculty or staff organizations or alumni associations may not enter into joint sponsorship of any on-campus project or program with individuals, groups, or students that are not registered.
- 6.72 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 academic and institutional programs.
- 6.73 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, libelous, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

- 6.74 No person, whether or not a student or employee of a component institution, shall post or carry any sign or poster that is obscene, libelous, or directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- 6.75 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 are obscene, libelous, or directed to inciting or producing imminent lawless action and are likely to incite or produce such action. 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.
- 6.8 The use of student center or student union facilities on the campus of each component institution shall be subject to Regents' Rules and Regulations and to reasonable and nondiscriminatory regulations promulgated by that center's or union's governing board and the component institution and included in the Handbook of Operating Procedures.
- 6.9 Extracurricular student, faculty or staff 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 academic and institutional programs and shall not result in damage to or defacement of property.
- 6.(10) Use of Grounds and Physical Facilities by Outside Groups, the System as a Joint Sponsor.--Use of grounds and physical facilities of the System, especially auditoriums, gymnasiums, and large rooms, by outside individuals, groups or associations shall be subject to the following rules in which the "System" shall include any component institution.
- 6.(10)1 The System will not permit the unrestricted use by non-System groups of any of its facilities. Whenever non-System groups share in the use of System buildings, it must be upon the invitation of the System, under its joint

- sponsorship, and with the further understanding that all conditions governing such sponsorship are to be set by the System.
- 6.(10)2 The System will enter into joint sponsorship of a project or program only if the educational implications are self-evident and directly supplement the educational purposes of the System and there is to be no private gain for the cooperating individuals, group or associations.
- 6.(10)3 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 in Section 7.2 of this Chapter.
- 6.(10)4 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.(10)5 It shall be understood that the scheduling of the System's facilities for System activities shall always have priority over the scheduling of facilities for functions other than System activities.
- 6.(10)6 In the case of programs for which the System is a joint sponsor with an individual, 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.(11) Notwithstanding any other provisions of this Chapter, the chief administrative officer of a component institution may designate specific facilities of a component institution, such as special events centers, conference 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.(11)1 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.(11)2 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.(11)3 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.
- 6.(11)4 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.(11)3 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 the 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.

- 6.(11)5 The rules and regulations applicable to a Special Use Facility may provide procedures for the rental of space for display of advertising in designated areas inside the Facility that have been approved by the chief administrative officer of the component institution or his or her delegate, and by lighted displays on an electronic scoreboard. Such rules and regulations may further provide procedures for the sale of advertising space on ticket envelopes for events sponsored by the Facility and in any publication of the Facility distributed in connection with a sponsored event or announcing future sponsored events.

Sec. 7. Speech and Assembly.

- 7.1 The freedoms of speech and assembly are basic and essential to intellectual development. However, these activities are subject to the well-established right of colleges and universities to regulate time, place, and manner so that the activities do not intrude upon or interfere with the academic programs and administrative processes of the System or the component institutions. Each component institution may designate one or more appropriate areas on the campus where students may assemble and engage in speech activities without prior administrative approval. In other areas on the campus, all speech and assembly activities must be conducted in accordance with the provisions of this Chapter and the rules and regulations of the component institution.

Students, faculty or staff who are candidates for public office or who wish to campaign on behalf of a particular candidate or candidates may engage in conduct in behalf of such candidacy in the areas designated pursuant to this Subsection or in accordance with the provisions of Subsection 7.2 of this Chapter relating to off-campus speakers.

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 or her own and not necessarily those of the System or of any component institution.
- 7.23 An off-campus speaker is subject to all provisions of federal, state and/or local laws.
- 7.24 Registered student organizations, faculty or staff organizations, University-owned dormitories, and the students' association may be permitted the use of System-owned facilities to present off-campus speakers on campus pursuant to the facilities use regulations of the System and the institution.
- 7.25 An application for the use of any facility of the System or a component institution must be made to the chief administrative officer, or his or her delegate, at least forty-eight hours before the time the event is scheduled to take place.
- 7.26 No person shall be permitted on any campus of the System to engage in speech, either orally or in writing, that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.
- 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.

EXCERPT FROM THE MINUTES

OCT 13 1989

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter III, Section 6, Subsection 6.3 (Tenure, Promotion, and Termination of Employment) and Section 31 (Retirement and Modified Service).--In order to comply with recent State legislation which prohibits institutions of higher education from imposing a mandatory retirement age for tenured faculty, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsection 6.3 (Tenure, Promotion, and Termination of Employment) and Section 31 (Retirement and Modified Service) to read as follows:

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

6.3 Termination by an institution of the employment of a faculty member who has been granted tenure and of all other faculty members before the expiration of the stated period of appointment, except as is otherwise provided in Subsection 6.26 or by resignation or retirement, 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.

b. Sec. 31. Retirement and Modified Service.

31.1 No person employed by the U. T. System or any component institution shall be required to retire because of age except as permitted by law. A law enforcement officer shall not be employed beyond the end of the fiscal year that includes the officer's seventieth birthday. A pilot shall not be employed beyond the end of the fiscal year that includes the pilot's sixty-fifth birthday.

31.2 The Board of Regents, upon the recommendation of the appropriate Executive Vice Chancellor, Chancellor and, when appropriate, the chief administrative officer of the affected component institution, may appoint a person who has retired to modified service. Retirement is defined as withdrawal from employment with The University of Texas System or a component institution with a retirement benefit.

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

EXCERPT FROM THE MINUTES

AUG 10 1989

3. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval of Amendments to Chapter VIII, Section 4 (Institutions and Entities Composing the System).--
The Board, upon recommendation of the Executive Committee, amended the Regents' Rules and Regulations, Part One, Chapter VIII, Section 4 (Institutions and Entities Composing the System) as set forth below:

a. Subdivision 4.31 of Subsection 4.3 was amended to read as follows:

4.31 The University of Texas
at Arlington School
of Architecture

b. Subsection 4.5 was amended by renumbering present Subdivisions 4.52 through 4.57 as Subdivisions 4.53 through 4.58, respectively; adding a new Subdivision 4.52; and amending the renumbered Subdivision 4.55 to read as follows:

4.52 The University of Texas
at Dallas Erik Jonsson
School of Engineering
and Computer Science

4.55 The University of Texas
at Dallas School of
Management

c. Present Subsection 4.(10) was deleted and present Subsections 4.7 through 4.9 and 4.(11) through 4.(17) were renumbered as Subsections 4.9 through 4.(18), respectively.

d. A new Subsection 4.7 was added to read as follows:

	<u>Full Title</u>	<u>Short Title</u>
4.7	The University of Texas - Pan American	U. T. Pan American
4.71	The University of Texas - Pan American College of Arts and Sciences	
4.72	The University of Texas - Pan American School of Business Administration	
4.73	The University of Texas - Pan American School of Education	
4.74	The University of Texas - Pan American Division of Health Related Professions	

e. A new Subsection 4.8 was added to read as follows:

	<u>Full Title</u>	<u>Short Title</u>
4.8	The University of Texas - Pan American at Brownsville	U. T. Pan American (Brownsville)

f. Renumbered Subsection 4.9 was amended as follows:

	<u>Full Title</u>	<u>Short Title</u>
4.9	The University of Texas of the Permian Basin	U. T. Permian Basin
4.91	The University of Texas of the Permian Basin Division of Behavioral Science and Physical Education	
4.92	The University of Texas of the Permian Basin Division of Business	
4.93	The University of Texas of the Permian Basin Division of Education	
4.94	The University of Texas of the Permian Basin Division of Humanities and Fine Arts	
4.95	The University of Texas of the Permian Basin Division of Science and Engineering	

g. Renumbered Subdivision 4.(10)5 was amended to read as follows:

	<u>Full Title</u>	<u>Short Title</u>
4.(10)5	The University of Texas Institute of Texan Cultures at San Antonio	U. T. Institute of Texan Cultures - San Antonio

EXCERPT FROM THE MINUTES

AUG 10 1989

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval of Amendments to Chapter II, Section 12, Subsection 12.1 (Chief Administrative Officers of Component Institutions).--Upon recommendation of the Executive Committee, the Board amended the Regents' Rules and Regulations, Part One, Chapter II, Section 12, Subsection 12.1 concerning the selection process for chief administrative officers of component institutions of The University of Texas System to read as set forth below:

Sec. 12. Chief Administrative Officers of Component Institutions.

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

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

- The Chancellor;
- Two Chief Administrative Officers;
(to be appointed by the Chairman of the Board from two of the component institutions)
- Two Regents;
(to be appointed by the Chairman of the Board)

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

One Dean;

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

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

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

Not more than two representatives of the component's external constituency who have demonstrated a deep interest in and support of the institution, its programs and its role in community activities to be appointed by the Chairman of the Board of Regents.

12.12 The Advisory Committee shall set up selection criteria that relate to the needs of the individual component, initiate mechanisms to develop an appropriate candidate pool, seek information on the several candidates and inquire from competent sources as to the

candidates' academic, administrative and business ability. The Committee may also interview candidates as a part of its selection process keeping in mind that the confidentiality of the process is important to its ultimate success.

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

12.14 When the Board has candidate(s) from recent searches at other component institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for consideration, the Chairman of the Board of Regents shall appoint a Special Committee to provide the Board of Regents with advice and evaluation consistent with that usually provided by an Advisory Committee. The Special Committee shall be composed as specified above for the Advisory Committee but will not include members of the Board of Regents. The advice of the Special Committee shall be provided to the Board through the appropriate Executive Vice Chancellor and the Chancellor. The Special Committee shall not extend its consideration beyond those nominees referred to it by the U. T. Board of Regents without specific concurrence from the Board.

Essentially, these changes will reduce the size of the presidential selection advisory committee from 20 to 15 while retaining its diversity of membership. An alternative method of selection, when there is a preexisting slate of potential candidates, will retain advisory input from faculty, student and community groups.

EXCERPT FROM THE MINUTES

AUG 10 1989

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter VI, Section 6, Subsection 6.14 (Use of University-Owned Facilities).--Approval was given to amend the Regents' Rules and Regulations, Part One, Chapter VI, Section 6, Subsection 6.14 relating to use of University-owned facilities to read as follows:

6.14 Use of Physical Facilities of the System by Registered Student, Faculty or Staff Organizations or Officially Recognized Alumni Associations.--Registered student, faculty or staff organizations or any officially recognized alumni association that qualifies under Subdivision 6.12(9) of this Section and whose fund-raising activities are dedicated to the benefit of any component institution 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, faculty or staff who are not registered or groups of alumni other than officially recognized alumni associations whose fund-raising activities are dedicated to the benefit of any component institution may not use an institution's buildings and/or grounds. Registered student, faculty or staff organizations or alumni associations may not enter into joint sponsorship of any on-campus project or program with individuals, groups, or students that are not registered.

AUG 10 1989

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Proposed Amendments to Chapter III, Section 31 (Retirement and Modified Service) (Deferred).--Committee Chairman Roden reported that Chancellor Mark had requested that the item related to proposed amendments to the Regents' Rules and Regulations, Part One, Chapter III, Section 31 (Retirement and Modified Service) be deferred for consideration at a future meeting to permit staff to consider the need for additional amendments to other sections of the Regents' Rules and Regulations.

APR 6 1989

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter I, Section 7.15 (Duties of the Finance and Audit Committee) and Section 7.18 (Duties of the Buildings and Grounds Committee) and Authorization for the Executive Secretary to the Board to Make Editorial Changes Therein.--Upon recommendation of the Executive Committee, the Regents' Rules and Regulations, Part One, Chapter I, Section 7.15 (Duties of the Finance and Audit Committee) and Section 7.18 (Duties of the Buildings and Grounds Committee) were amended to read as set forth below and the Executive Secretary to the Board and the Office of General Counsel were authorized to make such additional editorial amendments in the Regents' Rules and Regulations as are required to ensure conformity with these amendments.

- 7.15 Duties of the Personnel and Audit Committee.--
The Personnel and Audit Committee shall:
- 7.151 Counsel with the Chancellor and recommend appropriate Board action with respect to any recommendations by the Chancellor related to the appointment, promotion, and dismissal of such System Administration Officers as report directly or indirectly to the Chancellor.
- 7.152 Recommend to the Board all compensation for the System Administration and the rates of professional compensation.

- 7.153 Consider and recommend to the Board matters related to all employee personnel programs, fringe benefits, retirement programs, and labor relations in the System Administration and the component institutions.
 - 7.154 Obtain, review, and report to the Board on all State, System Administration, and institutional audit reports.
 - 7.155 Exercise supervision over post-auditing activities related to the conduct and administration of the System and component institutions.
 - 7.156 Transmit to the Chancellor, subject to the prior approval of the Board, such instructions as it deems necessary for the enforcement of sound accounting and auditing practices.
 - 7.157 Initiate System Administration and institutional audits as deemed necessary to ensure management control within The University of Texas System. (In this regard, the Chairman of the Personnel and Audit Committee shall have direct access to the person who occupies the position of chief auditor of the System.)
- 7.18 Duties of the Finance and Facilities Committee.--
The Finance and Facilities Committee shall:
- 7.181 Consider matters relating to the acquisition and use of the grounds and buildings of all campus and campus-related real property of The University of Texas System.
 - 7.182 Recommend to the Board the award of contracts to consulting and other architects; approve plans and accept bids for construction projects.
 - 7.183 Recommend to the Board the award and execution of construction and equipment contracts and approve progress reviews and beneficial occupancy of construction projects.
 - 7.184 Consider capital improvement requests and, with the prior approval of the Academic or Health Affairs Committee, make recommendations to the Board.
 - 7.185 Make recommendations to the Board with respect to the naming of University buildings, streets, roads, and other facilities including redesignation of existing facilities.
 - 7.186 Consider and make recommendations to the Board on all matters relating to the fiscal management of The University of Texas System Administration and each component institution of the System.

- 7.187 Following consultation with the Academic Affairs Committee and the Health Affairs Committee, consider and recommend to the Board the operating budgets of The University of Texas System Administration and each component institution of the System.
- 7.188 Following consultation with the Academic Affairs Committee and the Health Affairs Committee, consider and recommend to the Board biennial submissions of appropriation requests to the Legislative Budget Board and to the Governor as prepared by the System Administration and component institutions in accordance with Section 6 of Chapter II of Part Two of these Rules and Regulations.
- 7.189 Propose to the Board all appropriations of funds and all modifications of or additions to such appropriations.
- 7.18(10) Following consultation with the Academic Affairs Committee and the Health Affairs Committee, recommend to the Board matters which commit the U. T. System or any component thereof to operating expenditures in future fiscal years.
- 7.18(11) Consider and make recommendations to the Board concerning the availability of funds for, and application of funds to, capital improvement requests.

OCT - 7 1988

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter II, Section 12, Subsection 12.4 (Staff and Officers of System Administration) and Authorization for the Executive Secretary to the Board to Make Editorial Changes Therein (Exec. Com. Letter 88-28).--In order to clarify the process related to the appointment and continuing employment of certain staff and officers of The University of Texas System Administration, the Board, upon recommendation of the Executive Committee, amended the Regents' Rules and Regulations, Part One, Chapter II, Section 12, by renumbering present Subsection 12.4 (Staff and Officers of System Administration) as Section 10 to read as set forth below:

Sec. 10. Other Code 1000 Staff and Officers of System Administration.

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

Further, present Sections 10, 11 and 12 were renumbered as Sections 11, 12 and 13, respectively, and the Executive Secretary to the Board of Regents, in consultation with the Office of General Counsel, was authorized to make such editorial changes in the remainder of the Regents' Rules and Regulations as are necessary to conform to the foregoing amendments.

DEC - 8 1988

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendment to Chapter VI, Section 6, Subsection 6.12 (Use of University-Owned Facilities).--In order to allow the component institutions of The University of Texas System to implement a policy permitting University approved acknowledgements and advertisements in athletic facilities, the Board, upon recommendation of the Academic Affairs Committee, amended the Regents' Rules and Regulations, Part One, Chapter VI, Section 6, Subsection 6.12, concerning solicitation, by adding a new Subdivision 6.12(11) to read as set out below:

Sec. 6. Use of University-Owned Facilities.

6.12 No solicitation shall be conducted in any building, structure, or facility 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 academic or institutional programs being carried on in a building, structure or facility, or do not interfere with entry to or exit from a building, structure or facility:

(11) The acknowledgement or advertisement by scoreboard, electronic message or banner displayed at athletic facilities pursuant to an institutional policy concerning approval and selection of advertisement.

OCT -7 1988

2. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Approval of Amendments to Chapter VI, Section 3, Subsections 3.2 and 3.(13)(b) [Student Conduct and Discipline].--Upon recommendation of the Health Affairs and Academic Affairs Committees, the Board amended the Regents' Rules and Regulations, Part One, Chapter VI, Section 3, Subsections 3.2 and 3.(13)(b), concerning student conduct and discipline, to read as set out below:

- 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. If a student is found guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the minimum penalty shall be suspension from the institution for a specified period of time and/or suspension of rights and privileges.
- 3.23 Each component institution of the U. T. System that enrolls students shall amend its Handbook of Operating Procedures to provide for the imposition of the minimum penalty set out in Subdivision 3.22 of this Section.
- 3.(13)...
- (b) If a Hearing Officer finds a student guilty of the illegal use, possession, and/or sale of a drug or narcotic on campus, the Hearing Officer must assess a minimum penalty as provided in Subdivision 3.22 of this Section.

The Texas Higher Education Coordinating Board has issued procedural guidelines related to implementation of House Resolution 235 and Senate Resolution 645 passed by the 70th Legislature, Regular Session 1987, requiring mandatory suspension for possession, use or sale of illegal drugs on campus. These amendments are consistent with those guidelines and will allow more institutional flexibility in imposition of punishment consistent with the fact situation and circumstances.

OCT -7 1988

1. U. T. Board of Regents - Regents' Rules and Regulations, Part One: Amendments to Chapter III, Section 6, Subsection 6.2 (Tenure, Promotion, and Termination of Employment).--In order to bring all of the degree granting components of The University of Texas System under the same rules for regular tenure appointments and on behalf of The University of Texas of the Permian Basin, the Board amended the Regents' Rules and Regulations, Part One, Chapter III, Section 6, Subsection 6.2 (Tenure, Promotion, and Termination of Employment) to read as set out below:

6.2 Tenure denotes a status of continuing appointment as a member of the faculty at a component institution. Except for the title Regental Professor, only members of the faculty with the academic titles of Professor, Associate Professor, or Assistant Professor may be granted tenure. Tenure may be granted at the time of appointment to any of such academic ranks, or tenure may be withheld pending satisfactory completion of a probationary period of faculty service, however, such tenure status shall not be applicable to the faculty of The University of Texas M.D. Anderson Cancer Center.

Effective with the Fall Semester of 1988, The University of Texas of the Permian Basin is authorized to discontinue use of seven-year term appointments of faculty and to institute a tenure system. In accordance with Regents' Rules and Regulations, The University of Texas of the Permian Basin will develop new policies and procedures for tenure review of future faculty and faculty now employed on term appointments for inclusion in the institutional Handbook of Operating Procedures. No new term appointments are to be made and current term appointments shall be renewed only for currently employed faculty who do not qualify for tenure appointment.

The University of Texas M.D. Anderson Cancer Center is authorized to award a seven-year term appointment which will denote a status of continuing appointment at that institution as a member of the faculty for a period of seven years. Only members of the faculty with academic titles of Professor, Associate Professor, or Assistant Professor may be granted a seven-year term appointment. A seven-year term appointment may be granted at the time of appointment to any of such academic 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 M.D. Anderson Cancer Center.

Policies and procedures for administering tenured appointments have been developed for inclusion in the U. T. Permian Basin Handbook of Operating Procedures. These policies closely parallel the procedures which have been in place at other U. T. System components and provide for initial reviews of current faculty holding term appointments to be completed during the 1988-89 academic year.