

1. Title

Board Authority and Duties

2. Rule and Regulation

Sec. 1 Authority of the Board. The Legislature, which is given the duty and authority to provide for the maintenance, support, and direction of The University of Texas by [Article VII, Section 10](#) of the Texas Constitution, has delegated the power and authority to govern, operate, support, and maintain The University of Texas System to the Board of Regents. (See *Texas Education Code* [Section 65.11](#) et seq. and [Section 51.352](#).) Texas court cases construing these statutes have held that the Board has wide discretion in exercising its power and authority and that the rules adopted by the Board have the same force as statutes. The System's lands and buildings are State of Texas property subject to the control of the Board as the State's agent.

Sec. 2 Amendment or Suspension of Rules. The Regents' *Rules and Regulations* may be added to, amended, waived, or suspended by a majority of all of the members of the Board of Regents present at any regular meeting or at any special meeting called for that purpose.

Sec. 3 Duties and Responsibilities of Each Regent.

3.1 In carrying out the duties and responsibilities referenced in Section 1 above, it is the responsibility of each Regent to be knowledgeable in some detail regarding the operations, management, finances, and effectiveness of the academic, research, and public service programs of the U. T. System, and each member of the Board of Regents has the right and authority to inform himself/herself as to the duties, responsibilities, and obligations of the member. Members of the Board of Regents are to be provided access to such information as will enable them to fulfill their duties and responsibilities as Regents of the U. T. System.

3.2 Information requests for data or for the compilation of information by an individual member of the Board will be processed in compliance with Regents' Rule 10801 concerning Transparency, Accountability, and Access to Information.

- 3.3 A Regent may not publicly disclose information that is confidential by law, unless disclosure is required by law or made pursuant to a vote of the Board to waive an applicable privilege.

In addition, the use or disclosure of information that has not been made public may implicate the provisions of *Texas Penal Code* [Section 39.06](#) (Misuse of Official Information).

- 3.4 Members of the Board shall bring concerns about operations, accountability, compliance, or the need for an investigation to the Chancellor, Chairman, Board, or an appropriate Committee of the Board.
- 3.5 Members of the Board will at all times respect the role of the Chancellor as the chief executive officer of the U. T. System and will at all times respect management and reporting lines for U. T. System and institutional employees.
- 3.6 Each member of the Board must attend an intensive short orientation course as required by *Texas Education Code* [Section 61.0841](#) developed by the Texas Higher Education Coordinating Board, and training sponsored or coordinated by the Office of the Governor on the first opportunity after taking the oath of office. No member of the Board may vote on a budgetary or personnel matter until the intensive short course is completed.

Sec. 4 Board Self-Evaluation. To assess the effectiveness of the Board of Regents as a whole, the Board will continue to regularly define and evaluate its responsibilities and expectations as follows:

- 4.1 The Board will conduct a self-evaluation of its responsibilities and expectations at least every two years. The Board may also choose to engage in an additional self-evaluation upon the election of a new Chairman.
- 4.2 The self-evaluation will include assessments regarding
- (a) Board organization, leadership, and committee responsibilities and structure;
 - (b) Board orientation and ongoing education;

- (c) Board fiduciary oversight of U. T. System and the U. T. institutions;
- (d) Board's role in establishing policy;
- (e) Board's oversight of the Chancellor as chief executive officer of the U. T. System; and
- (f) Board's method for identifying and addressing potential Regental conflicts of interest.

Sec. 5 Communication with Faculty, Staff, and Administration. Members of the Board of Regents are to be provided access to such personnel as in their individual judgments will enable them to fulfill their duties and responsibilities as Regents of the U. T. System.

5.1 The regular channel of communication from members of the Board to the faculty, staff, and administration is through the Chancellor, the Deputy Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved, and a copy of any communication sent by a Regent directly to any member of the faculty, staff, or administration should be furnished to the Chancellor, the Deputy Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved; however, individual Board members are not precluded from direct participation and communication with the presidents, faculty, staff, and students of the U. T. System.

5.2 Official materials for members of the Board of Regents shall be sent to the Office of the Board of Regents for distribution to the Board.

Sec. 6 Public Statements on Controversial Matters. The Board of Regents acts to determine the official position of the U. T. System or the Board of Regents on matters of an obviously controversial nature.

6.1 Statements on such matters on behalf of the Board or the U. T. System shall be made by the Chairman of the Board or the Chancellor.

6.2 Except as allowed in this Rule, no Regent, officer, or employee shall make or issue any public statement on an obviously controversial subject which might reasonably be construed as a statement of the official position of the

U. T. System or the Board of Regents without the advance approval of the Board. Each institution's *Handbook of Operating Procedures* may specify the institutional officers authorized to speak on behalf of the institution.

6.3 It is not the intent of this policy statement to stifle the right of freedom of speech of anyone speaking in a personal capacity where that person makes it clear by an express statement that he or she is not speaking for the U. T. System or the Board of Regents.

6.4 Except in unusual circumstances, Regents are expected to coordinate media contacts with and to provide advance notice to the U. T. System Office of External Relations regarding any media contacts and press statements.

Sec. 7 Records and Information Management. Members of the Board of Regents shall comply with the Systemwide policies regarding records retention and information management, including System Administration policies on encryption, retention, destruction, and release of documents.

7.1 In addition to required training under State law, each member of the Board will be provided training on records and document management, including compliance with U. T. System records and retention policies.

7.2 U. T. System Administration will provide a U. T. System email address and account to each Regent at the beginning of service as a member of the Board of Regents. Members of the Board are expected to use U. T. System email addresses for all communications related to public business or public policy over which the Board of Regents has supervision or control.

3. Definitions

None

4. Relevant Federal and State Statutes

Texas Constitution [Article VII, Section 10](#) – Establishment of University

Texas Education Code [Section 61.084](#) – Training for Members of Governing Boards

Texas Education Code [Section 65.11](#) – Board of Regents

Texas Education Code [Section 51.352](#) – Responsibility of Governing Boards

Texas Government Code [Section 551.006](#) – Written Electronic Communications Accessible to Public

Texas Penal Code [Section 39.06](#) – Misuse of Official Information

5. Relevant System Policies, Procedures, and Forms

Regents' *Rules and Regulations*, [Rule 10403](#) – Board Meeting Accessibility and Public Participation

Regents' *Rules and Regulations*, [Rule 10801](#) – Policy on Transparency, Accountability, and Access to Information

The University of Texas System Administration Policy [UTS115](#) – Records and Information Management Policy

The University of Texas System Administration Policy [UTS139](#) – Texas Public Information Act

The University of Texas System Administration Policy [UTS165](#) – Information Resources Use and Security Policy

6. Who Should Know

Board of Regents
Administration
Faculty
Staff
Students

7. System Administration Office(s) Responsible for Rule

Office of the Board of Regents

8. Dates Approved or Amended

February 15, 2018

Editorial amendments made on September 7, 2017
November 5, 2015
Editorial amendments made to Sec. 4.1 on July 13, 2015
May 14, 2015
Editorial amendments made on March 30, 2015
May 20, 2014
February 6, 2014
December 10, 2004

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu