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Committee Meeting: 11/11/2009

Janiece Longoria, *Chairman*
Paul Foster
Colleen McHugh
Robert L. Stillwell

Board Meeting: 11/12/2009
Austin, Texas

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1. **U. T. Austin: Authorization to lease approximately five acres out of Survey No. 632 and the William Little Survey in Port Aransas, Nueces County, Texas, together with all improvements, to the Port Aransas Independent School District for the operation and maintenance of athletic facilities; and finding of public purpose**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and President Powers that authorization be granted by the U. T. System Board of Regents, on behalf of U. T. Austin, to

- a. lease approximately five acres out of Survey No. 632 and the William Little Survey in Port Aransas, Nueces County, Texas, together with all improvements, to the Port Aransas Independent School District (PAISD) for the operation and maintenance of athletic facilities;
- b. determine that the lease of the land to the PAISD for the stated reason serves a public purpose appropriate to the function of U. T. Austin, and that the consideration to the U. T. System and U. T. Austin for the lease of the land is adequate; and
- c. authorize the Executive Director of Real Estate to execute the lease and all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary or advisable to carry out the purpose and intent of the foregoing recommendations.

BACKGROUND INFORMATION

The University of Texas Marine Science Institute (MSI), formally founded in 1941, is a department in the College of Natural Sciences at U. T. Austin. The MSI campus is located in Port Aransas, Texas, and includes an 83,000 square foot central complex of office, classroom, lab, workshop, and library space, a 10,000 square foot wet lab, 9,500 square feet of student apartments, and other facilities on approximately 72 acres. There are currently approximately 114 faculty and staff members, 30 graduate students, and 25 part-time undergraduate students. The student apartments house approximately 30 graduate students and their families.

The MSI facilities house a game room that is funded by the Graduate Student Association's allocation of a recreational sports fee paid by the students of MSI to U. T. Austin. The MSI does not have athletic facilities. Rather MSI staff, faculty, and students have access to PAISD's track and adjacent facilities in exchange for a

lease to PAISD of the land on which the track is located. The proposed lease of five acres to PAISD would be the third time the subject property has been leased to PAISD for use as athletic facilities. The five-acre tract is immediately adjacent to the PAISD gymnasium and its softball and tennis complex. MSI students, faculty, and staff are permitted to use those facilities at no cost.

In 1987, PAISD constructed an all-weather athletic track on the five acres at a cost of \$120,000. In 2008, PAISD paid \$33,100 to resurface the track and added lighting. The 1996 lease expired in August 2008.

U. T. Austin and PAISD desire to enter into a new lease of the five-acre tract. The new lease will be for a 20-year term. PAISD will be required to maintain and insure the property. Only track, field, and other athletic activities will be permitted on the leased premises; MSI faculty, staff, and students will continue to be permitted to use the facilities, as well as the adjacent PAISD sports complex, at no cost. Either party will be allowed to terminate the lease with one year notice to the other party. The rental rate is proposed to be a nominal \$200 for the 20-year term, in recognition of the mission-related purpose of the lease.

The Attorney General of the State of Texas has advised in Opinion No. MW-373 (1981) that, for the use of university property without cash rental payments to comply with the Texas Constitution, three requirements must be met: (1) the use of the property must serve a public purpose, appropriate to the function of the university; (2) adequate consideration must be received by the university; and (3) the university must maintain controls over the user's activity to ensure that the public purpose is achieved.

U. T. Austin has concluded that leasing this five-acre parcel to PAISD serves mission-related functions benefiting the institution. The ability of MSI faculty, staff, and students to use PAISD athletic facilities relieves U. T. Austin of the need to provide and maintain such facilities and services. Additionally, the lease enables U. T. Austin to retain the land for future use, while avoiding the costs of maintaining and operating it at the current time.

A transaction summary and map follow.

Transaction Summary

Institution:	U. T. Austin
Type of Transaction:	Lease
Total Area:	Approximately five acres
Location:	Port Aransas, Nueces County, Texas (see map on Page 147)

Tenant: Port Aransas Independent School District

Rental Rate: \$200 for the entire 20-year term

Term: 20 years; either party may terminate the lease with one year notice

Permitted Use: Track, field and other athletic activities by PAISD students, MSI faculty, staff, and students, and the general public



2. **U. T. Tyler: Authorization to purchase real property and improvements located at 2611 Old Omen Road, Tyler, Smith County, Texas, from the Estate of Ruth G. Thompson for a purchase price not to exceed the fair market value as established by an independent appraisal for campus expansion needs and initial use as office space for sponsored research projects**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and President Mabry that authorization be granted by the U. T. System Board of Regents, on behalf of U. T. Tyler, to

- a. purchase the real property and improvements located at 2611 Old Omen Road, Tyler, Smith County, Texas, from the Estate of Ruth G. Thompson for a purchase price not to exceed the fair market value as established by an independent appraisal, plus all due diligence expenses, closing costs, and other costs and expenses to complete the acquisition of the property as deemed necessary or advisable by the Executive Director of Real Estate, for campus expansion needs and initial use as office space for sponsored research projects; and
- b. authorize the Executive Director of Real Estate to execute all documents, instruments, and other agreements, subject to approval of all such documents as to legal form by the Office of General Counsel, and to take all further actions deemed necessary or advisable to carry out the purpose and intent of the foregoing recommendation.

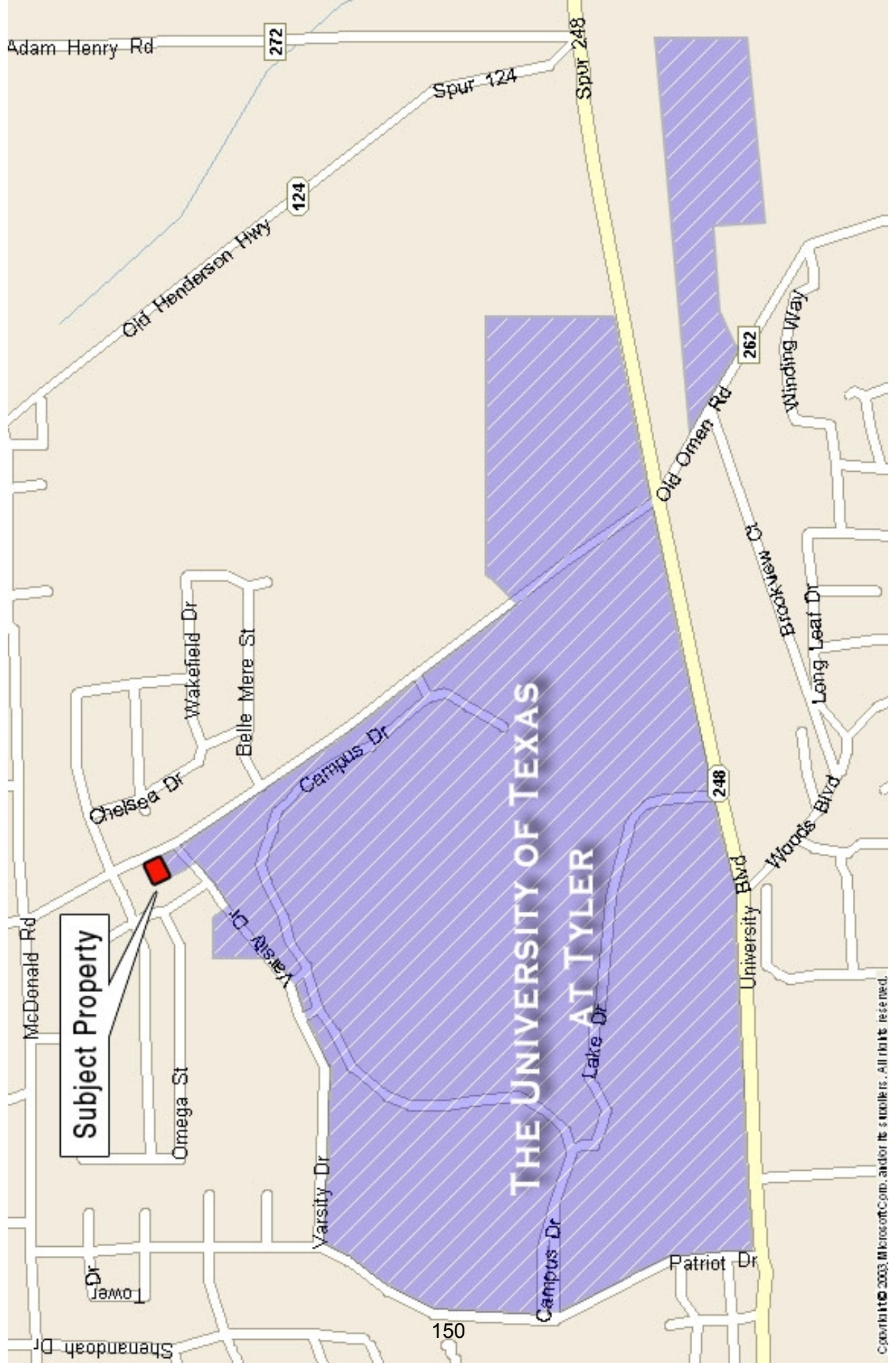
BACKGROUND INFORMATION

U. T. Tyler desires to purchase the subject property and improvements, consisting of a 1,660 square foot house on a 10,492 square foot lot, for a price not to exceed the fair market value as established by an independent appraisal. The property is located adjacent to a former single family residence at 3620 Varsity Drive, which was purchased by U. T. Tyler on March 31, 2006, having been approved by the Board of Regents on February 9, 2006. That property is currently used as office space for sponsored research projects. The subject improvements will initially be used also for office space for sponsored research projects.

To fund the purchase, U. T. Tyler will use unrestricted fund balances. The terms and conditions of the purchase are reflected in the transaction summary on the following page.

Transaction Summary

Institution:	U. T. Tyler
Type of Transaction:	Purchase
Total Area:	10,492 square foot residential lot
Improvements:	1,660 square foot brick veneer house
Location:	2611 Old Omen Road, Tyler, Smith County, Texas; see map on following page
Seller:	Estate of Ruth G. Thompson
Purchase Price:	To be determined
Appraised Value:	\$120,000 (Thompson Appraisal Service, Inc., September 17, 2009) \$126,200 (Smith County Appraisal District, 2009)
Source of Funds:	Unrestricted fund balances
Intended Use:	Campus expansion needs and initial use as office space for sponsored research projects



Subject Property

THE UNIVERSITY OF TEXAS
AT TYLER

3. **U. T. Austin: Authorization for additional use of the Mike A. Myers Stadium and Soccer Field by the Austin Aztex FC soccer organization to hold the Austin Cup soccer tournaments**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Powers that the U. T. System Board of Regents authorize an exception to the Regents' *Rules and Regulations*, Rule 80104 regarding Use of Facilities, to allow the Austin Aztex FC soccer organization to use the Mike A. Myers Stadium and Soccer Field to hold the Austin Cup soccer tournaments for three additional years.

BACKGROUND INFORMATION

On February 12, 2009, the Board of Regents gave approval to the U. T. Austin Departments of Intercollegiate Athletics to work with the Austin Aztex FC soccer organization to hold an Austin Cup soccer tournament in July 2009. The agreement reached with the Austin Aztex FC soccer organization provides for two similar events to be presented within the next three years upon availability of the Stadium and upon mutual agreement of both parties. For the tournaments, Austin Aztex FC is required to supply two internationally-recognized professional soccer teams to be the only teams competing in the tournaments. The events would be held at the Myers Stadium.

The Austin Aztex FC soccer organization is not a registered organization authorized under Regents' Rule 80104 to reserve and use a facility owned by a U. T. System institution. Thus, permission is needed from the Board of Regents to authorize the use of the Myers Stadium as proposed for these events.

National Collegiate Athletic Association (NCAA) bylaws on amateurism prescribe certain types of income that member institutions may receive from professional sports organizations and the uses of that income. The Office of General Counsel has determined that the proposed arrangements are permissible under applicable NCAA rules.

4. **U. T. Austin: Authorization to establish M.A. and Ph.D. degree programs in Religious Studies**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Powers that authorization, pursuant to Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish M.A. and Ph.D. degrees in Religious Studies at U. T. Austin;
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action; and
- c. authorize the Executive Vice Chancellor for Academic Affairs to certify on behalf of the Board of Regents that relevant Coordinating Board criteria for approval by the Commissioner of Higher Education have been met.

BACKGROUND INFORMATION

Program Description

U. T. Austin proposes a graduate degree program in Religious Studies that will offer both the M.A. and Ph.D. degrees. The M.A. degree will require the completion of at least 30 semester credit hours, and the Ph.D. will require the completion of at least 42 semester credit hours, including hours counted toward the M.A. and in addition to hours required for the dissertation. The program will be administered by the Department of Religious Studies in the College of Liberal Arts and by the Graduate School. It will incorporate courses and expertise from the graduate programs in Anthropology, Asian Studies, Classics, History, and Middle Eastern Studies.

The objective of the graduate program in Religious Studies is to train specialists for careers in teaching and/or scholarly research. The training is focused on the analysis of religion, the sophisticated knowledge of different cultures, and social and historical contexts. The anticipated date for enrolling the first students is Fall 2010.

Need and Student Demand

The proposed graduate program in Religious Studies will be the only graduate program in this field at a public university in the State of Texas and in the region. Existing programs at private universities in Texas do not offer the comprehensive historical and geographical range of studies that U. T. Austin resources allow. The number of Religious Studies majors has increased 22% nationally over the last decade. At U. T.

Austin, the number of majors has grown from 23 to 88 between 2001 and 2008, and in the last academic year (2007-2008), 2,776 students enrolled in Religious Studies classes at U. T. Austin. Existing graduate programs nationwide accept no more than 15% of their applicants. The large number of queries (over 50 in the last year) received by the Department of Religious Studies about a graduate program and the number of excellent undergraduates sent to graduate programs out-of-state suggest a healthy demand for a new graduate program.

Program Quality

U. T. Austin and the Department of Religious Studies are highly qualified to offer the proposed graduate degree program. The faculty in the Department of Religious Studies have earned national and international reputations for quality research and participation in the professional activities of the discipline. The department has five current faculty members who have previously chaired Religious Studies departments at other institutions around the country. U. T. Austin's course offerings and its strong and extensive research facilities provide unique resources for the study of religion and its linguistic, historical, and cultural contexts.

Program Cost

Resources and faculty at U. T. Austin are currently in place to support the graduate program in Religious Studies. Resources currently expended for graduate-level courses in other areas will be used for cross-listed graduate-level courses in Religious Studies that will support multiple programs. In addition, new faculty lines already approved for the Department of Religious Studies will supply additional capacity for both the undergraduate and graduate programs. The five-year cost of the new program is anticipated to be \$3,114,215, of which the bulk (\$3,039,215) is for personnel. Because of the design of this new program, \$2,466,218 can be covered through reallocated funds, and for years three, four, and five, \$647,997 will be generated by formula funding. No new funding is being requested.

5. U. T. Brownsville: Report on Satisfactory Academic Progress Policy

REPORT

President García will update the Board on the implementation and success of the Satisfactory Academic Progress Policy established by U. T. Brownsville to increase student retention and graduation rates. This policy allows advisors to monitor students' academic progress, making sure that students maintain an adequate grade point average and get timely academic advising. This policy has increased faculty action to make sure that students are informed about potential academic challenges before the challenges become problems. President García's PowerPoint presentation is on Pages 154 - 157.

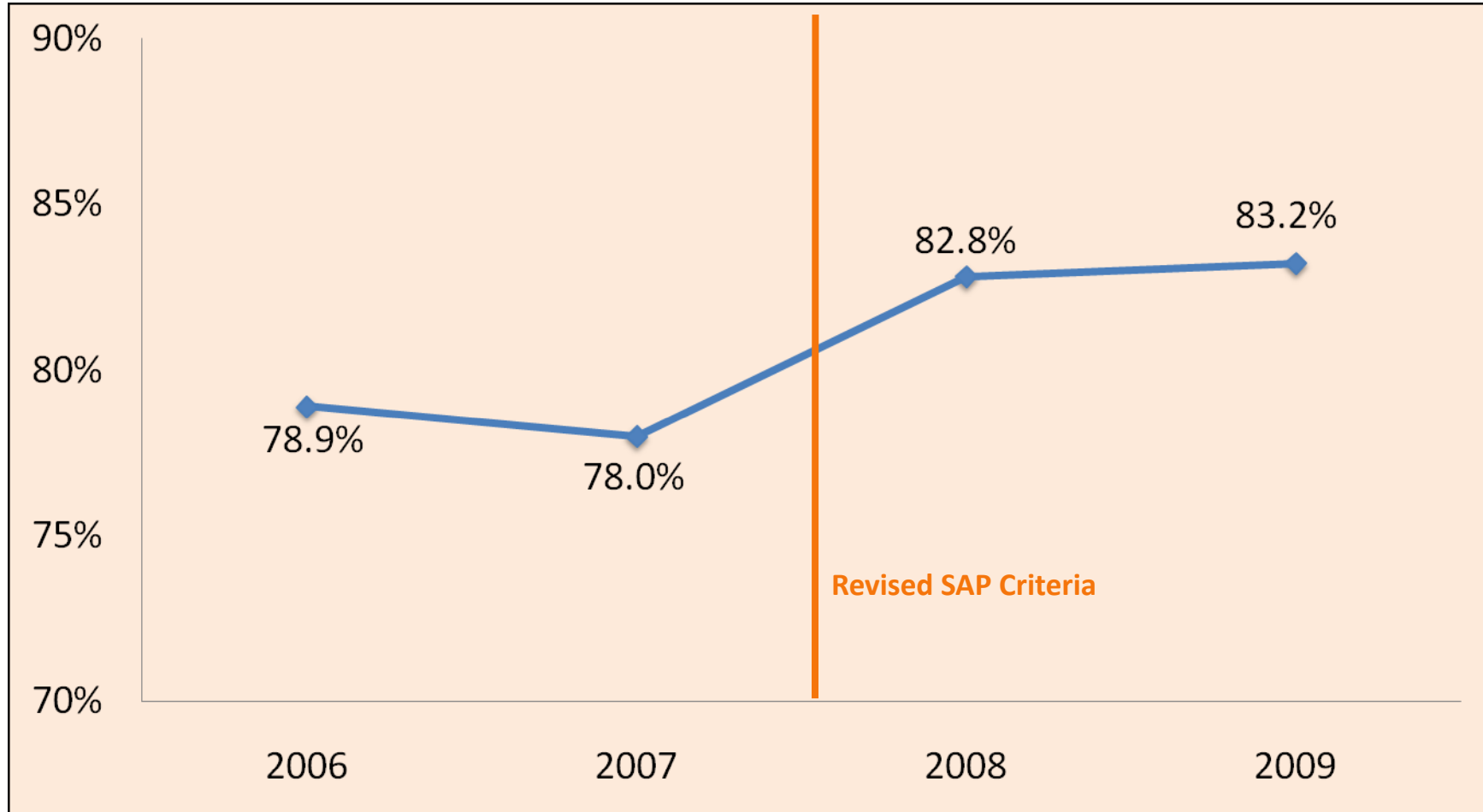
Satisfactory Academic Progress Report



The University of Texas at Brownsville and Texas Southmost College
The University of Texas System Board of Regents' Meeting
Academic Affairs Committee
November 2009

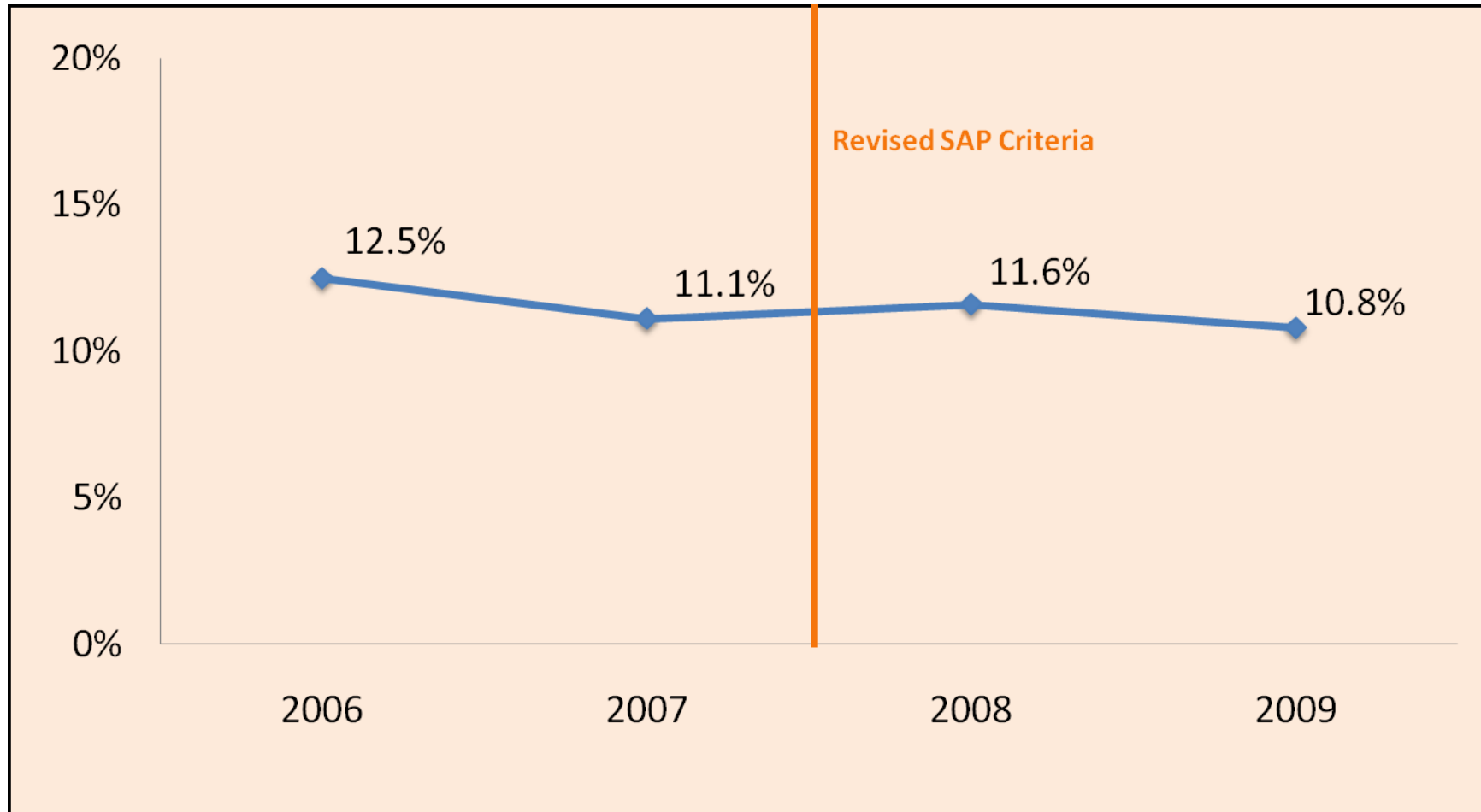


Undergraduate Credit Hours Passed Spring Semesters 2006-2009



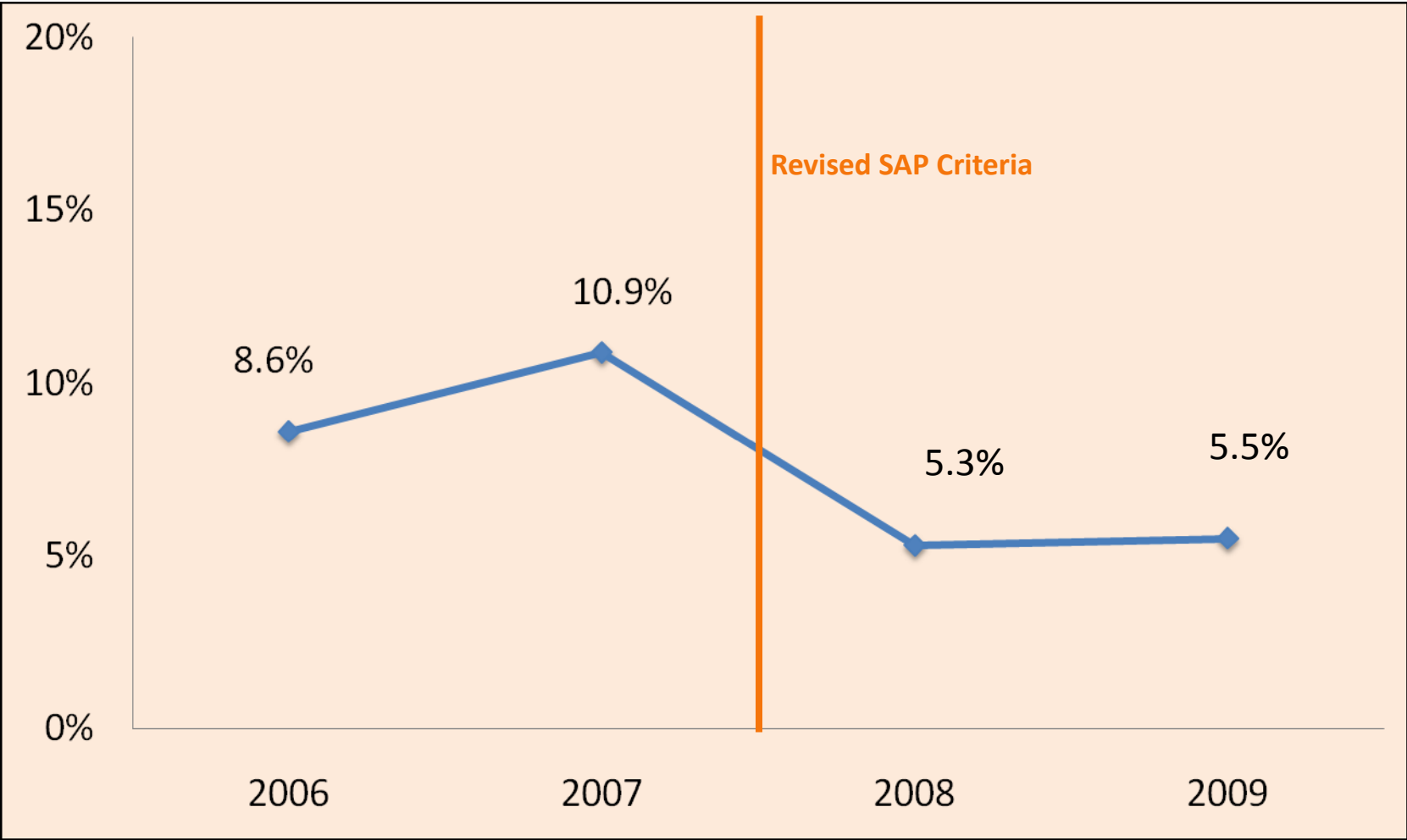
Satisfactory Academic Progress (SAP) Criteria: 2.0 GPA and 70% completion SCHs

Undergraduate Credit Hours Failed Spring Semesters 2006-2009



SAP Criteria: 2.0 GPA and 70% completion SCHs

Undergraduate Credit Hours Withdrawn Spring Semesters 2006-2009



SAP Criteria: 2.0 GPA and 70% completion SCHs

6. **U. T. System: Discussions on academic leadership matters related to distance education**

DISCUSSION

Executive Vice Chancellor Prior will lead a presidential discussion and engagement with the Board of Regents on topics relating to distance education.