



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

**November 9-10, 2016  
Austin, Texas**

	<b>Board Meeting</b>	<b>Page</b>
<b><u>Wednesday, November 9, 2016</u></b>		
COMMITTEE MEETINGS	9:00 a.m. - 11:45 a.m.	
CONVENE THE BOARD IN OPEN SESSION TO RECESS TO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE, CHAPTER 551 (Working lunch at noon)	11:45 a.m.	
<p>Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of Officers or Employees – Section 551.074</p> <ul style="list-style-type: none"> <li>a. <b>U. T. Rio Grande Valley: Discussion with president regarding assignment and duties, including individual responsibilities associated with outlining a vision and plans for the future of the institution (Regents' Rules and Regulations, Rule 20201, Section 5, regarding Evaluation of Presidents)</b></li> <li>b. <b>U. T. Medical Branch - Galveston: Periodic comprehensive performance review of institutional president (Regents' Rules and Regulations, Rule 20201, Section 5, regarding Evaluation of Presidents)</b></li> <li>c. <b>U. T. Health Science Center - Tyler: Periodic comprehensive performance review of institutional president (Regents' Rules and Regulations, Rule 20201, Section 5, regarding Evaluation of Presidents)</b></li> </ul>		
RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER AGENDA ITEMS	1:15 p.m.	
1. <b>U. T. Rio Grande Valley: President's report on the Strategic Vision and Institutional Priorities</b>	1:15 p.m. <b>Report/Presentation</b> <i>President Bailey</i>	<b>7</b>
2. <b>U. T. System: Annual Meeting with Officers of the U. T. System Employee Advisory Council</b>	1:30 p.m. <b>Report/Discussion</b> <i>Mr. Ryan Baldwin, Chair</i>	<b>10</b>
RECESS TO COMMITTEE MEETINGS	2:15 p.m. - 4:30 p.m.	

	<b>Board Meeting</b>	<b>Page</b>
<b><u>Thursday, November 10, 2016</u></b>		
RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER AGENDA ITEMS	<i>8:30 a.m.</i>	
3. <b>U. T. System Board of Regents: Approval of Consent Agenda items and consideration of any items referred to the full Board</b>	<i>8:31 a.m.</i> <b>Action</b>	<b>14</b>
4. <b>U. T. System Board of Regents: Certificate of appreciation to U. T. Tyler President Rodney H. Mabry</b>	<i>8:35 a.m.</i> <b>Presentation</b>	<b>15</b>
5. <b>U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' <i>Rules and Regulations</i>, Rule 31001 (Faculty Appointments and Titles), Section 2, regarding academic titles</b>	<i>8:45 a.m.</i> <b>Action</b>	<b>16</b>
6. <b>U. T. System: Discussion and appropriate action concerning proposed amendments to Regents' <i>Rules and Regulations</i>, Rule 80101 (Category of Facilities and Authorized Users), Section 3, regarding individuals authorized to verify identification on U. T. System property or in U. T. System buildings</b>	<i>8:50 a.m.</i> <b>Action</b>	<b>18</b>
7. <b>U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendment of Regents' <i>Rules and Regulations</i>, Rule 90101 (Intellectual Property)</b>	<i>8:55 a.m.</i> <b>Action</b>	<b>20</b>
8. <b>U. T. System: Appropriation of \$392.2 million of Permanent University Fund Bond Proceeds for nine capital projects at the academic and health institutions</b>	<i>9:00 a.m.</i> <b>Action</b>	<b>35</b>
9. <b>U. T. System: Report on strategic Quantum Leaps initiatives: The American Leadership Program, Enhancing Fairness and Opportunity, and Enhancing Student Success</b>	<i>9:15 a.m.</i> <b>Report</b> <i>Chancellor McRaven</i> <i>Mr. Cucolo</i> <i>Ms. Shaw Thomas</i> <i>Dr. Karoff</i>	<b>38</b>
10. <b>U. T. System: Update on the Systemwide after-hours mental health crisis line and bystander intervention initiative and the alcohol education, intervention, and recovery programs</b>	<i>9:45 a.m.</i> <b>Report</b> <i>Dr. Mercer</i> <i>Dr. Christopher Brownson, U. T. Austin</i>	<b>39</b>
11. <b>U. T. System: 85th Texas Legislative Session Preview</b>	<i>10:05 a.m.</i> <b>Report</b> <i>Mr. McBee</i>	<b>43</b>
STANDING COMMITTEE RECOMMENDATIONS AND REPORTS TO THE BOARD	<i>10:15 a.m.</i>	

RECESS TO EXECUTIVE SESSION PURSUANT TO *TEXAS GOVERNMENT CODE*, CHAPTER 551 (working lunch at noon)

10:30 a.m.

1. Deliberations Regarding the Purchase, Exchange, Lease, Sale, or Value of Real Property – Section 551.072
  - a. **U. T. El Paso: Discussion and appropriate action regarding the purchase of approximately 458 acres of land out of the J. Baker Survey #10 and the I. F. Harrison Survey #54, located on Paisano Drive and Interstate Highway 10 in El Paso, El Paso County, Texas, commonly known as the former ASARCO smelter site, from ASARCO Texas Custodial Trust, for future programmed campus expansion**
  - b. **U. T. System: Discussion and appropriate action regarding the lease of approximately 1.75 acres of improved land consisting of Block 71 of the original City of Austin Subdivision, and bounded by West 6th, West 7th, Colorado and Lavaca Streets, Austin, Travis County, Texas, to an entity related to the Trammell Crow Company, a subsidiary of CBRE Group, Inc., for commercial use**
2. Negotiated Contracts for Prospective Gifts or Donations – Section 551.073
  - a. **U. T. Austin: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
  - b. **U. T. Rio Grande Valley: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
  - c. **U. T. Tyler: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
  - d. **U. T. Health Science Center - Houston: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
  - e. **U. T. Health Science Center - San Antonio: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
  - f. **U. T. M. D. Anderson Cancer Center: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
3. Consultation with Attorney Regarding Legal Matters or Pending and/or Contemplated Litigation or Settlement Offers – Section 551.071
  - a. **U. T. System Board of Regents: Discussion with Counsel on pending legal issues**
  - b. **U. T. System Board of Regents: Discussion and appropriate action regarding legal issues concerning pending legal claims by and against U. T. System**
  - c. **U. T. System Board of Regents: Discussion and appropriate action regarding pending litigation styled *Glass, Moore, and Carter v. State of Texas, University of Texas at Austin, et al.***

- d. **U. T. System Board of Regents: Discussion and appropriate action regarding pending litigation styled *The Board of Regents of The University of Texas System v. HOK/BFW-SA, L.L.C., Hellmuth, Obata & Kassabaum, Inc. and Skanska USA Building Inc.***
4. Deliberation Regarding Security Devices or Security Audits – Section 551.076
  - U. T. System Board of Regents: Discussion and appropriate action regarding safety and security issues, including security audits and the deployment of security personnel and devices**
5. Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of Officers or Employees – Section 551.074
  - a. **U. T. Tyler: Discussion and appropriate action on individual personnel matters related to consideration of the appointment of Dr. Michael V. Tidwell as President**
  - b. **U. T. Southwestern Medical Center: Discussion and appropriate action regarding proposed increases in compensation for**
    - **Neelan S. Doolabh, M.D.**, Associate Professor of Cardiovascular and Thoracic Surgery and Director of the Minimally Invasive Valve Surgery Program;
    - **Joseph M. Forbess, M.D.**, Professor of Cardiovascular and Thoracic Surgery, Division of Pediatric Cardiothoracic Surgery;
    - **Bruce A. Meyer, M.D.**, Executive Vice President Health Systems Affairs;
    - **John J. Warner, M.D.**, Vice President and Chief Executive Officer, University Hospitals; and
    - **Ms. Marianne R. Williams**, Senior Executive Officer, Market Relations, Southwestern Health Resources**(Regents' Rules and Regulations, Rule 20204, regarding compensation for highly compensated employees)**
  - c. **U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions), U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors), other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive), members of the Board of Regents, and U. T. System and institutional employees**
  - d. **U. T. System: Discussion and appropriate action concerning individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of U. T. System and institutional employees including employees covered by Regents' Rules and Regulations, Rule 20204, regarding compensation for highly compensated employees, and Rule 20203, regarding compensation for key executives**

	<b>Board Meeting</b>	<b>Page</b>
<b>e. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to compensation including achievement of goals for performance incentive compensation for Presidents, Executive Officers, and other highly compensated employees</b>		
<b>f. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to assignment and duties of the Chancellor with regard to the process for presidential search and selection</b>		
RECONVENE IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS AND TO CONSIDER AGENDA ITEM	<i>1:30 p.m.</i>	
<b>12. U. T. System Board of Regents: Discussion and possible action regarding the process for presidential search and selection (Regents' Rules and Regulations, Rule 20201, Presidents), including the roles of the Board and the Chancellor</b>	<b>Discussion/Action</b>	<b>44</b>
ADJOURN	<i>2:00 p.m.</i>	

1. **U. T. Rio Grande Valley: President's report on the Strategic Vision and Institutional Priorities**

REPORT

President Bailey will report on the strategic plan for U. T. Rio Grande Valley, using a Stat Sheet on Fall 2016 Enrollment set forth on the following page.

BACKGROUND INFORMATION

Pursuant to Regents' *Rules and Regulations*, Rule 20201, Section 5.1, President Bailey will present his vision and plans for U. T. Rio Grande Valley to the Board of Regents.

U. T. Rio Grande Valley's priorities and strategies include:

1. Enhancing Student Success
  - Focus recruiting on students who have a reasonable chance of graduating
  - Create a tuition mechanism that encourages graduation in four years
  - Expand advising and support mechanisms for students
  - Develop innovative mechanisms for program and course delivery
  - Increase the proportion of faculty able to design and deliver high quality courses/programs in a variety of platforms
2. Increasing Educational Opportunities for Students
  - Selectively develop new graduate, professional, and certificate programs that meet workforce needs and that align with our strategic vision
  - Expand internship, experiential learning, and research opportunities for undergraduates
  - Expand access to educational programs through the development and implementation of innovative technologies that address barriers of distance, scheduling, language, and culture
  - Strategically increase high quality educational opportunities for Pre-K to 12 students
  - Expand engaged-learning opportunities for students locally and globally
3. Expanding Medical and Health-Related Educational Opportunities to Improve Access to Health Care in the Rio Grande Valley
  - Continue to build a medical school of the first order by recruiting top-notch students and first-class faculty
  - Increase access to health education programs at the undergraduate, master's, and doctoral-levels and develop new programs where needed
  - Strengthen the relationships both among our existing health programs and also with hospitals, clinics, government agencies, and the biomedical industry to maximize the impact of our health science programs
  - Develop a research infrastructure that will support world-class researchers in selected fields
  - Support the Middle School to Medical School (M2M) initiative by establishing health and educational partnerships with school districts

4. Growing Our Research Efforts, Especially on Issues Affecting the Rio Grande Valley
  - Attract and retain faculty who produce nationally competitive research and creative works
  - Build a research enterprise, including shared equipment, infrastructure, and facilities, to support these nationally competitive faculty
  - Streamline and develop internal processes and support programs for researchers
  - Develop new graduate programs with an eye towards our strategic research directions, our unique geographic location, and our faculty strengths
  - Incorporate research and experiential learning opportunities for students at all levels
  
5. Engaging with Our Communities to Provide Sustainable Relationships That Support Both the Needs of the University and the Public Good
  - Expand and strengthen community outreach programs
  - Increase internships, experiential learning opportunities, and employment opportunities with local businesses, governmental, and community organizations
  - Become an anchor institution that contributes to community wealth building



# Fall 2016 Enrollment:

## Quick Look Stat Sheet



More than

# 50%

entering freshmen who graduated in top 25% of their high school class



# 13%

more valedictorians and salutatorians in entering freshman class compared to 2015



# 1 in 5

entering freshmen graduated in top 10% of their high school class

# 27,551

## Headcount Enrollment



# 21%

increase in applications compared to 2015



# 272

more transfer students compared to 2015



# 32.5%

students enrolled in 15 or more credit hours compared to 24.3% in 2015

# 80%

first-second year retention rates (state average: 72.4% national average: 78.6%)



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

REPORT

Representatives of the U. T. System Employee Advisory Council will meet with the Board to discuss the Council's activities from the past year, as set forth on the following pages. Council members scheduled to attend are:

**Chair 2016: Mr. Ryan Baldwin**, Senior Information Technology Manager, U. T. Austin

**Vice Chair and Secretary: Ms. Karla Iscapa**, Program Coordinator/Manager for the College of Liberal Arts, U. T. El Paso

**Historian: Ms. Rochelle Peña**, Fiscal Officer for the Eric Jonsson School of Engineering and Computer Science, U. T. Dallas

**Chair 2017: Mr. James Smiley**, Director of Parking and Shuttle Services, U. T. Health Science Center - Houston

BACKGROUND INFORMATION

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

**THE UNIVERSITY OF TEXAS SYSTEM  
EMPLOYEE ADVISORY COUNCIL  
REPORT  
TO THE BOARD OF REGENTS  
THE UNIVERSITY OF TEXAS SYSTEM**

The following is a brief listing of the recommendations submitted by the U. T. System Employee Advisory Council (EAC) to the U. T. System Board of Regents.

**Recommendation No. 1: Assess Campus Safety**

The EAC recommends that U. T. System initiate an assessment of campus security at each U. T. System institution similar to the campus security assessment performed at U. T. Austin by the Texas Department of Public Safety.

In his 2015 letter responding to campus carry legislation to Governor Abbott, Lieutenant Governor Patrick, and Speaker Straus, Chancellor McRaven stated that “As Chancellor of a system educating over 210,000 students, and with over 90,000 faculty and staff, my utmost concern is their safety.” Safety in the workplace is paramount for the ability of U. T. System to win the talent war in recruiting and retaining quality employees.

In Fall 2015, the EAC representatives identified campus safety as a concern for their respective campuses. This concern came, in part, as a result of campus carry legislation and enactment. In response, EAC requested in the November 2015 Board of Regents meeting that training and education be a focus as the U. T. System made preparations to comply with the campus carry legislation.

After the tragic death of a student at U. T. Austin in Spring 2016, campus safety was again brought under the spotlight. The EAC invited U. T. System Director of Police, Mike Heidingsfield, to a subsequent meeting. He addressed a number of topics including the events at U. T. Austin. Director Heidingsfield spoke about the efforts U. T. Austin had undertaken to improve campus safety. In particular, the Texas Department of Public Safety was requested by President Fenves to assess the safety of the U. T. Austin campus. As a result of this assessment, efforts to improve campus lighting, building access and security, and evening transportation programs are some areas of campus safety that are being addressed. EAC believes these improvements could be realized at all U. T. System institutions.

## **Recommendation No. 2: Establish a Regents' Outstanding Employee Awards**

EAC recommends the creation of a Regents' Outstanding Employee Awards that would recognize the significant contributions of the staff of U. T. System.

Employee recognition programs can be a positive influence in attracting and retaining talented staff. The Board of Regents annually recognizes outstanding efforts by our faculty and students. Unfortunately, there is no Systemwide recognition for staff. The staff represent just under 80% of all U. T. System employees. EAC suggests there should be Regents' Outstanding Employee Awards. The EAC recognition committee has worked diligently over the past year to develop a framework for such awards. The proposed Regents' Outstanding Employee Awards would annually recognize 20 non-teaching employees from across the U. T. System with a one-time gift of \$5,000 for those who demonstrate outstanding contributions for the U. T. System. EAC believes this would serve as a way to recognize deserving employees, who otherwise would not be recognized in our other Systemwide awards programs. The EAC would work with the designated U. T. System office to facilitate the awards program.

### **Budget Impact**

The proposed awards program would require an allocation of \$100,000 per year for awards for all U. T. System institutions and U. T. System Administration. The maximum number of awards permitted for all institutions would be 20 awards. There also may be additional costs for an awards ceremony and other incidentals.

The following is a possible framework for implementing the awards program.

### **The Nominations Process**

#### **Eligibility Criteria**

All U. T. System full-time benefits eligible non-teaching staff must have two years of consecutive university service to be eligible. Individuals must be in good standing with their current performance evaluation reflecting high ratings. The candidate must not have previously received this award and must be employed as of the date of the award.

The call for nominations for the 2017 Regents' Outstanding Employee Awards would be issued in October 2017. Nominations would be due on or before January 31, 2018. Candidate selection would be a rigorous institutional-based process, relying heavily on peer staff evaluations within all departments followed by various stages of evaluation at the department and college/division levels. Each institution's president would determine the internal process required, including whether the nomination process begins at the department level, college/division level, or an alternative access point. Recommendation from the campus president would be required for all candidates.

The number of nominations per institution would be based on the size of the staff population relative to the size of the other institutions. Each campus president would submit the following number of nominations:

UT Arlington	2
UT Austin	3
UT Dallas	2
UT El Paso	2
UT Permian Basin	1
UT Rio Grande Valley	2
UT San Antonio	2
UT System Administration	1
UT Tyler	1
UTHSC Houston	2
UTHSC San Antonio	2
UTHSC Tyler	1
UT Medical Branch	3
UT MD Anderson Cancer Center	3
UT Southwestern	3
<b>Total Nominations</b>	<b>30</b>

#### Nomination Materials Required

Each packet would include the completed Regents' Outstanding Employee Award Nomination form. Packets would also include evidence of employee contributions in the following (but not limited to) areas, along with letters of support from key individuals.

- Superior Performance
- Outstanding Customer Service
- Outstanding Contributions to the Institution or Beyond
- Acts that Enhance the Image of the University and/or Community Outreach
- Teamwork

#### The Selection Process

A designated committee would oversee the selection process on behalf of the U. T. System Board of Regents. The committee would consist of members of appropriate U. T. System offices and executive officers of the EAC. The committee would review nominations and determine the award recipients. A maximum of 20 award recipients would be selected from the 30 nominations. Actual awards would be made on the strength of individual employees, not proportionally by campus. The evaluation of candidates would be complete by late March, and institutions and candidates would be notified of award decisions in late April. The award recipients would be acknowledged at a future U. T. System Board of Regents meeting. If deemed necessary, a reception would be held to honor the recipients who would also receive a small gift to commemorate this special event.

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

RECOMMENDATION

The Board will be asked to approve the Consent Agenda items and will discuss any items referred for consideration by the full Board.

4. **U. T. System Board of Regents: Certificate of appreciation to U. T. Tyler President Rodney H. Mabry**

5. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' *Rules and Regulations*, Rule 31001 (Faculty Appointments and Titles), Section 2, regarding academic titles**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Deputy Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel that proposed amendments to Regents' *Rules and Regulations*, Rule 31001 (Faculty Appointments and Titles), Section 2, regarding academic titles, be approved as set forth below in congressional style:

Sec. 2 Academic Titles. To achieve consistency in the use of academic titles among the institutions of the System, the following Subsections describe the use of titles to apply in all institutions.

...

2.2 Other Titles. The following academic titles may also be used by the institutions of the U. T. System. Tenure may not be awarded to a person appointed to these titles. With the exception of the title of Instructor, academic service with these titles may not be counted toward the satisfaction of any maximum probationary period. Appointments to these titles shall be for a period of time not to exceed one academic year except in the case of Lecturer, Senior Lecturer, or a clinical or research position with a title authorized by Section 2.2(g) below when an appointment may be for periods of time not to exceed three academic years. With the exception of the title of Instructor, such appointments shall terminate at the expiration of the stated period of appointment without notification of nonrenewal. If an institution determines that it is to the benefit of the institution, it may offer reappointments to these titles in accordance with *Texas Education Code* Section 51.943 and may provide annual renewability of two- and three-year appointments.

...

(l) Professor ~~in~~ of Practice, Associate Professor ~~in~~ of Practice, and Assistant Professor ~~in~~ of Practice. These titles may be used by the institutions of the U. T. System to designate regular part-time or full-time service for faculty involved in a professional experience program. Appointments to the faculty with a Professor ~~in~~ of Practice title may be with or without pay and shall be for a period of time not to exceed three academic years. Such appointments shall terminate upon expiration of the stated period of appointment without notification of nonrenewal. If an institution determines that it is to the benefit of the institution, it may offer reappointment to a faculty member in accordance with ~~the~~ *Texas Education Code* Section 51.943.

- (m) Professor of Instruction, Associate Professor of Instruction, and Assistant Professor of Instruction. These titles may be used by the institutions of the U. T. System to designate full-time, nontenure-track faculty primarily engaged in instruction. Appointments to the faculty with a Professor of Instruction title may be with or without pay and shall be for a period of time not to exceed three academic years. Such appointments shall terminate upon expiration of the stated period of appointment without notification of nonrenewal. If an institution determines that it is to the benefit of the institution, it may offer reappointment to a faculty member in accordance with Texas Education Code Section 51.943.

....

Lettering for current (m) and (n) will be revised.

### BACKGROUND INFORMATION

Regents' Rule 31001 contains all of the permissible academic titles to be used by U. T. System institutions to ensure consistency in use. The proposed language adds three new titles under the section related to nontenure-track positions. These positions are Professor of Instruction, Associate Professor of Instruction, and Assistant Professor of Instruction. All are full-time, nontenure-track positions primarily engaged in instruction.

Additionally, the proposed addition to Subsection 2.2 to authorize annual renewability for two- and three-year appointments is recommended by the Faculty Advisory Council (FAC). The FAC also recommends the minor amendment from Professor in Practice to Professor of Practice to track with terminology in use at other institutions.

This agenda item was reviewed by the U. T. System institutional presidents and representatives of the Student Advisory Council, the Faculty Advisory Council, and the Employee Advisory Council.



6. **U. T. System: Discussion and appropriate action concerning proposed amendments to Regents' *Rules and Regulations*, Rules 80101 (Category of Facilities and Authorized Users), Section 3, regarding individuals authorized to verify identification on U. T. System property or in U. T. System buildings**

**RECOMMENDATION**

The Chancellor concurs in the recommendation of the Deputy Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel that Regents' *Rules and Regulations*, Rule 80101 (Category of Facilities and Authorized Users), Section 3, regarding individuals authorized to verify identification on U. T. System property or in U. T. System buildings, be amended as set forth below in congressional style:

Sec. 3 Identification Required. Pursuant to the authority conferred upon the Board of Regents by *Texas Education Code* [Section 51.209](#), in order to protect the safety and welfare of students, employees, patients, and other participants in the programs and activities of the U. T. System and the institutions and to protect the property and buildings of the U. T. System and the institutions, it shall be unlawful for any person who is on any property or in a building owned or controlled by the U. T. System or any of the institutions to refuse to identify himself or herself in response to a request by an institutional authorized representative or any peace officer of the U. T. System acting pursuant to authority of Texas law. For purposes of this Section, authorized representative is any member of the Board of Regents, any executive or administrative officer of the U. T. System Administration or U. T. System institutions, public safety officers, and any secondary delegate as determined by the rules promulgated by U. T. System or each institution. For the purpose of this Section, a A person identifies himself or herself by stating truthfully: (1) giving his or her name and complete address, as substantiated by a current driver's license, ~~voter registration card~~, or other official documentation; and (2) his or her legitimate business on U. T. System property stating truthfully whether he or she is a student or employee of the U. T. System or any of the institutions. For the purpose of this Section, an "institutional representative" is:

~~3.1—Any member of the Board of Regents or the General Counsel to the Board;~~

~~3.2—Any executive officer or administrative officer of the U. T. System or any of the institutions;~~

~~3.3—Any attorney of the U. T. System or the institutions; and~~

~~3.4—Any peace officer or security officer of the U. T. System or any of the institutions acting pursuant to authority of Texas law.~~

- Sec. 4 Refusal to Identify. ~~Any person who refuses to identify himself or herself in accordance with this Rule may be convicted of a misdemeanor punishable by a fine of not more than \$200. Pursuant to Section 51.209 of the *Texas Education Code*, authorized representatives may refuse to allow individuals who do not identify themselves or who have no legitimate business to enter or remain on U. T. System property and may eject such individuals on their refusal to leave peaceably on request.~~ Students, faculty, or staff who refuse to identify themselves in accordance with this Rule are also subject to disciplinary action.

### BACKGROUND INFORMATION

Section 51.209 of the *Texas Education Code* permits authorized representatives of a governing board of an institution of higher education to request identification and to refuse entry onto campus property to certain persons. Section 3 of Regents' Rule 80101 defines those representatives and requires any person who is on property or in a building owned or controlled by U. T. System to identify himself or herself in response to a request by those representatives.

In response to a campus request, seeking to better protect the safety and welfare of students, employees, patients, and other visitors on U. T. System campuses, a clarification of the language regarding individuals who may ask for identification is proposed. Specifically, individuals identified as authorized representatives for the institutions permitted to request identification would be authorized to delegate their authority, in writing, to a secondary delegate who has the ability to enforce provisions on a day-to-day basis. The recommended language will promote efficiency and provide a clear path for a delegation of authority.

The revised Rule also removes voter registration cards from the example of identification; however, that and other official documentation are still permissible forms of identification. In addition, Section 4 has been revised to more closely align the language with Section 51.209 of the *Texas Education Code*.

This agenda item was reviewed by the U. T. System institutional presidents and representatives of the Student Advisory Council, the Faculty Advisory Council, and the Employee Advisory Council.

7. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendment of Regents' Rules and Regulations, Rule 90101 (Intellectual Property)**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Deputy Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel that Regents' *Rules and Regulations*, Rule 90101 (Intellectual Property) be amended as set forth in congressional style on the following pages.

BACKGROUND INFORMATION

On February 12, 2015, the U. T. System Task Force on Intellectual Property made recommendations to the Board. As a result, the Regents' Rules on intellectual property were revised, clarified, and condensed into Regents' Rule 90101 and approved by the Board on August 20, 2015. A new advisory group, which included faculty and technology commercialization and sponsored research experts, was subsequently charged with providing input into policies to implement the Rule.

The advisory group has recommended additional substantive changes to the Rule, including

- a. adding "*grant appropriate access to*" in Section 2 and in Section 12.1 to conform these sections to the explicit language in Section 1.3 regarding industry expectations of ownership rights in, or appropriate access to, intellectual property resulting from sponsored research; and
- b. revising Section 12.1 (a) regarding consideration of needs and preferences in the negotiation of any agreement pertaining to intellectual property resulting from privately sponsored research to reference both parties.

Separately and as part of the ongoing effort to streamline operations, the Office of General Counsel recommends an additional amendment. Under current Rule 90101, every research-related conflicts of interest management plan must be reviewed and approved by the respective Executive Vice Chancellor and the Office of General Counsel, in addition to the full review and approval done at each institution. Changes to Sections 13.2 and 14.1 are proposed to eliminate redundant reviews and allow the decision to be made at the institutional level. Conflicts of interest management plans for presidents, however, will still require review according to Office of General Counsel guidelines.

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

**Rule: 90101**

**1. Title**

Intellectual Property

**2. Rule and Regulation**

Sec. 1 Preamble. This intellectual property Rule is intended to serve the public good, promote partnerships with the private sector, encourage innovation, promote the engagement of faculty, staff, and students in research, and foster economic development. The Board of Regents recognizes the high importance of discovery commercialization as a core mission. U. T. System recognizes that it will attract more collaborative research supported by industry if timely and efficient processes exist to manage intellectual property.

This Rule is intended to be adaptable to the highly varied circumstances that characterize the private sector and the portfolio of research at U. T. System institutions. In all cases, U. T. System institutions will strive to enable the ease of intellectual property creation, protection, management, and transfer to the private sector and society within an environment that promotes the highest quality and integrity of academic activity, teaching, and research.

U. T. System is guided by the following fundamental principles on intellectual property:

- 1.1 The successful deployment of intellectual property developed through teaching, research, discovery, creative activities, and application of knowledge, whether through sponsored research, licensing, or other types of transactions or arrangements, allows for knowledge and technology to be disseminated to benefit the broad public and comports with the mission of the U. T. System;
- 1.2 Sponsored research is very important to the vitality and competitiveness of U. T. System institutions, the State of Texas, and our nation. All U. T. System institutions shall (a) encourage and strengthen

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university-industry partnerships, (b) efficiently and expeditiously manage intellectual property created from these partnerships, and (c) remain understanding, flexible, and open to the varied circumstances and needs of potential industry sponsors;

- 1.3 U. T. System institutions should expect that when industry is underwriting sponsored research, industry commences negotiations with the expectation of speed in the execution of critical agreements, clear financial outcomes, and ownership rights in, or appropriate access to, intellectual property resulting from the work;
- 1.4 Sponsored research is frequently tightly integrated with the educational mission at many U. T. System institutions but must not abridge publication and research rights, impinge upon the dissemination of research results, including student theses and dissertations, nor diminish an environment of academic and research integrity;
- 1.5 The primary research-related duties of members of the faculty at U. T. System institutions are to teach, study, investigate, discover, create, disseminate, develop professionally, and infuse new knowledge into their classes and student interaction;
- 1.6 Commercialization of technology enhances the reputation of the U. T. System and enables transformation of knowledge into the marketplace; and
- 1.7 Compliance with all applicable federal laws and regulations, the Texas Constitution, and applicable laws of the State of Texas is essential for successful U. T. System technology commercialization.

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- Sec. 2 Ownership of Intellectual Property. Except as set forth in Section 5, the Board of Regents automatically owns the intellectual property created by individuals subject to this Rule, yet recognizes the importance of discovery commercialization. In appropriate circumstances concerning intellectual property resulting from research supported by (a) an entirely private, nongovernmental grant or contract with a nonprofit or for-profit entity, or (b) an entirely private gift or grant to the U. T. System or any U. T. System institution, as set forth in Section 12.1, the U. T. System or a U. T. System institution may enter into an agreement to transfer or grant appropriate access to the Board of Regents' rights in intellectual property to third parties. For purposes of this Rule, intellectual property includes, but is not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, research data, work of authorship and software, regardless of whether subject to protection under patent, trademark, copyright, or other laws.
- Sec. 3 Individuals Subject to this Rule. While students are governed by Section 6, this Rule applies to all persons employed by the U. T. System or any U. T. System institution, as well as to anyone using the facilities or resources of the U. T. System or any U. T. System institution. All individuals subject to this Rule must assign, and do hereby assign, their rights in such intellectual property to the Board of Regents, and such individuals shall promptly execute and deliver all documents and other instruments as are reasonably necessary to reflect the Board of Regents' ownership of such intellectual property. A creator of intellectual property owned by the Board of Regents has no independent right or authority to convey, assign, encumber, or license such intellectual property other than to the Board of Regents. U. T. System institutions may promulgate institutional rules, regulations, or policies defining the course and scope of employment for persons or classes of persons and specifying that authorized outside employment is or is not within an employee's course and scope of employment.
- Sec. 4 Intellectual Property Subject to this Rule. Intellectual property (a) developed within the course and scope of employment of the individual, (b) resulting from activities performed on U. T.

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System time or with support of State funds, or (c) resulting from using facilities or resources owned by the U. T. System or any U. T. System institution (other than incidental use) is owned by the Board of Regents.

- Sec. 5 Intellectual Property Not Subject to this Rule. Intellectual property developed or created by a U. T. System employee outside the course and scope of employment of the individual that is developed or created on his/her own time and without the support of the U. T. System or any U. T. System institution or use of U. T. System facilities or resources, is the exclusive property of the creator.
- Sec. 6 Students and Intellectual Property. A student enrolled at a U. T. System institution, such as in an undergraduate or graduate degree program or certificate program, including a postdoctoral and predoctoral fellow, owns the intellectual property he or she creates (a) in courses, (b) during extracurricular activities, and (c) while using the resources and facilities of U. T. System institutions commonly provided for a student's use and for which a student has paid tuition and fees, unless:
- 6.1 The student is also an employee of the U. T. System or any U. T. System institution and the intellectual property is developed within the course and scope of his or her employment, in which case the provisions of this Rule relating to employees shall apply;
  - 6.2 The student works on a work-for-hire or institutional project as described by Section 8, in which case Section 8 governs that work;
  - 6.3 The student participates in a research project where any intellectual property created under that project has already been committed to, or encumbered by an agreement with, a governmental, philanthropic, corporate or other sponsor, including a sponsor as described in Section 12.1; or
  - 6.4 The student jointly creates the intellectual property with a non-student, in which case this Rule (other

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than Section 6) and applicable law dictate ownership of the intellectual property as if the student was a non-student described in Section 3.

- Sec. 7 Interest in Certain Copyrights. Notwithstanding Section 2 but subject to Section 12, the Board of Regents will not assert an ownership interest in the copyright of scholarly or educational materials, artworks, musical compositions, and literary works related to the author's academic or professional field, regardless of the medium of expression. Such creators are encouraged to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works consistent with applicable institutional policies.

As the Board of Regents has done historically, as reasonably required for the limited purpose of continuing an institution's scheduled course offerings, the Board of Regents retains for one year following the loss of a course instructor's services a fully paid-up, royalty-free, nonexclusive worldwide license to use, copy, distribute, display, perform, and create derivative works of materials prepared by the instructor (including lectures, lecture notes, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, examinations, web-ready content, and educational software) for use in teaching a course.

- Sec. 8 Works for Hire and Institutional Projects. Notwithstanding any provisions of Sections 6 or 7 to the contrary, the Board of Regents shall have sole ownership of all intellectual property created by (a) an employee, student, or other individual or entity commissioned, required, authorized, or hired specifically to produce such intellectual property by the U. T. System or any U. T. System institution, and (b) an employee, student, or other individual as part of an institutional project. The provisions of Section 11.5 shall not apply to intellectual property governed by this Section unless approved by the institution or U. T. System Administration in a written agreement.
- Sec. 9 Use of Research Data. Research data or results created by an employee are owned by the Board of Regents and except to the extent that rights to such research data are contractually



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assigned or licensed to another by the Board of Regents, the creator shall have a nonexclusive license to use such data for patient care, teaching, scholarly, and other academically related purposes and nonprofit research, provided such activities are within the scope of the employee's employment.

Sec. 10 Use of Facilities and Resources. Other than in connection with student-owned intellectual property governed by Section 6, U. T. System and U. T. System institution facilities and resources may not be used (a) to create, develop, or commercialize intellectual property outside the course and scope of employment of an individual, or (b) to further develop or commercialize intellectual properties that have been released to an inventor by the Board of Regents under Section 11.2, except as the institution's president may approve in writing where the U. T. System retains an interest under the terms of the release.

Sec. 11 Invention Disclosure and Commercialization.

11.1 Determination of the Board of Regents' Interest. Before intellectual property owned by the Board of Regents is disclosed to any party outside the U. T. System, to the public generally, or for commercial purposes, and before publishing same, the creator shall submit a reasonably complete and detailed invention disclosure of such intellectual property to the president (or designee) of his or her institution for determination of the Board of Regents' interest. The institution will regularly and promptly communicate with the creator during this decision-making process and ~~commercialization the creator shall not proceed with any disclosure, commercialization, or publication~~ until that decision is made.

11.2 Election Not to Assert Ownership Interest. If the institution's president elects not to assert the Board of Regents' ownership interest, the institution's president shall notify the U. T. System Office of General Counsel and the primary creator in writing within 20 business days after the decision is made that the institution will release the intellectual property to the

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creator, except where prohibited by law or contractual obligations or requirements. Thereafter, the creator will be free to obtain and exploit a patent or other intellectual property protection in his or her own right and the U. T. System and U. T. System institutions shall not have any further rights, obligations, or duties with respect thereto except that, in appropriate circumstances, the institution's president may elect to (a) retain income rights, and (b) impose certain limitations or obligations, including, but not limited to, a nonexclusive license for the creator, U. T. System, and any U. T. System institution to use the released invention for patient care, teaching, scholarly, and other academically related purposes, nonprofit research, and to comply with United States government reporting and license requirements.

- 11.3 Later Release of Invention. Except where prohibited by law or contractual obligations or requirements, the institution's president may elect to release an invention to its creator at any time after asserting the Board of Regents' ownership interest, with notice to the U. T. System Office of General Counsel; however, such release must include provisions for the recovery by U. T. System of any patent and licensing expenses as well as the retention of income rights by U. T. System, and may include certain limitations or obligations, including those set forth in Section 11.2.
- 11.4 Protection and Commercialization of Intellectual Property. With respect to intellectual property in which the Board of Regents asserts an interest, the institution's president, or his or her designee, shall decide how, when, and where the intellectual property is to be protected and commercialized. The institution may contract with outside counsel for legal services with the prior consent of the Vice Chancellor and General Counsel and, if required by law, the approval of the Attorney General.

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- 11.5 Reimbursement of Licensing Costs and Allocation of Income. In those instances where the U. T. System or any U. T. System institution licenses rights in intellectual property to third parties, the costs of licensing, including, but not limited to, the costs to operate and support a technology transfer office and the costs of obtaining a patent or other protection for the property on behalf of the Board of Regents must first be recaptured from any royalties or other license payments received by the U. T. System or any U. T. System institution. The remainder of any such income (including, but not limited to, license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, and sublicense payments) shall be divided as follows:

30-50% to creator(s), and  
50-70% to U. T. System institutions.

The U. T. System or the U. T. System institution ~~licensing rights in intellectual property to third parties~~ shall decide on a case-by-case basis the allocation of income within these ranges for all creators, with the remainder to be disbursed to and/or retained by the U. T. System or the applicable U. T. System institution. A creator may, however, disclaim his/her interest in such income, in which case the institution shall receive and/or retain the creator's share and shall decide, in its sole discretion, if, how and when to disburse such income. Income received and/or retained by the U. T. System or any U. T. System institution from any intellectual property shall be used by the U. T. System institution where the intellectual property originated.

Sec. 12 Sponsored Research.

- 12.1 Private Sources. Intellectual property resulting from research supported by private sources is owned by the Board of Regents. However, with respect to intellectual property resulting from research entirely supported by

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(a) a private, nongovernmental grant or contract with a nonprofit or for-profit entity, or (b) a private gift or grant to the U. T. System or any U. T. System institution, if otherwise permitted by this Rule, applicable law and Section 12.3, the U. T. System and U. T. System institutions are permitted and encouraged to negotiate an agreement acceptable to U. T. System Administration or applicable U. T. System institution to transferring or grant appropriate access to the Board of Regents' ownership rights or other rights in the intellectual property resulting from such arrangements to the sponsor or the sponsor's designee. Any such agreement shall be negotiated:

- (a) In accordance with the sponsor's needs and preferences of the parties, as best may be accomplished;
- (b) With flexibility and adaptability in mind; and
- (c) In a timely, cooperative, and efficient manner; and
- (d) In a manner which identifies the benefits that accrue to U. T. System institutions as set forth by Section 15.2.

12.2 Public Sources. Intellectual property resulting from research supported by a grant or contract with the government (federal and/or state) or an agency thereof is owned by the Board of Regents.

12.3 Nonconformance with Intellectual Property Guidelines. Approval by a U. T. System institution under Section 15.2 of grants and contracts containing ownership and other provisions inconsistent with this Rule and other policies and guidelines adopted by the Board of Regents, including, but not limited to, The University of Texas Systemwide Policy [UTS125, Processing of Intellectual Property Agreements](#) is permissible, as it implies a decision that the benefit and value to the U. T. System or any U. T. System institution from receiving the grant or

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performing the contract outweighs the impact of any nonconforming provisions on the intellectual property policies and guidelines of the U. T. System or any U. T. System institution, such as The University of Texas Systemwide Policy [UTS125, Processing of Intellectual Property Agreements](#).

- 12.4 Conflicting Provisions. Subject to approval as described in Section 12.3, the intellectual property policies and guidelines of the U. T. System or any U. T. System institution are subject to, and thus amended and superseded by, the specific terms pertaining to intellectual property rights included in state and/or federal grants and contracts, or grants and contracts with nonprofit and for-profit nongovernmental entities or private donors, to the extent of any such conflict.
- 12.5 Cooperation with Necessary Assignments. Those persons subject to this Rule whose intellectual property creations result from (a) a grant or contract with the government (federal and/or state), or any agency thereof, (b) a grant or contract with a nonprofit or for-profit nongovernmental entity, or (c) private gift to the U. T. System or any U. T. System institution, shall promptly execute and deliver such documents and other instruments as are reasonably necessary for the U. T. System or any U. T. System institution to discharge its obligations, expressed or implied, under the particular agreement.
- 12.6 Sharing of Royalty Income. In the event that two or more persons who are entitled to share royalty income or equity cannot agree in writing on an appropriate sharing arrangement, the institution's president shall determine that portion of the royalty income (or equity) to which the creators are entitled under the circumstances and such amount will be distributed (or issued) to them accordingly. In the event that the creators are located at two or more U. T. System institutions and cannot agree, such royalty (or equity) distribution decision shall be made by the involved institutions' presidents (or their

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respective designees). In the further event that the involved presidents cannot agree, then the Chancellor shall decide and his/her decision shall be binding on the creators.

- 12.7 Geographical Scope of Protection. A decision by the U. T. System or any U. T. System institution to seek patent or other available protection for intellectual property covered by Section 9 shall not obligate the U. T. System or any U. T. System institution to pursue such protection in all national jurisdictions. The U. T. System's decision relating to the geographical scope and duration of such protection shall be final.

Sec. 13 Equity Interests.

- 13.1 Agreements with Business Entities. The U. T. System or any U. T. System institution may receive equity interests as partial or total compensation for the conveyance of intellectual property rights. The institution where the intellectual property was created may elect, at its sole option and discretion, to share an equity interest, dividend income, or a percentage of the proceeds of the sale of an equity interest with the creator(s). The U. T. System or any U. T. System institution may also receive equity interests in a business entity as consideration for the institution's role as a founder, or for other contributions made to the business entity other than as a licensor, and the institution shall not be obligated to share such equity interests with the creator(s). The U. T. System or any U. T. System institution may also, but shall not be obligated to, negotiate an equity interest on behalf of any employee who conceived, created, discovered, invented, or developed intellectual property owned by the Board of Regents that is the subject of an agreement between the U. T. System or any U. T. System institution and a business entity relating thereto.
- 13.2 Creator Holding Equity and Managing Conflict of Interest. Employees of the U. T. System Administration or any U. T. System institution who conceive, create, discover,

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invent, or develop intellectual property may hold an equity interest in a business entity that has an agreement with the U. T. System or any U. T. System institution relating to the research, development, licensing, or exploitation of that intellectual property only so long as the institution where the intellectual property was developed is in full compliance with the requirement to have, implement, and enforce for that employee an effective conflict of interest management plan ~~approved by the institution's president, the Office of General Counsel, and the appropriate Executive Vice Chancellor~~ as set forth in the U. T. System Office of General Counsel's [Procedure for Managing Conflicts of Interest](#). In any case where an actual conflict of interest is found, the employee may be required to divest the equity interest or terminate affected research.

Sec. 14 Conflicts of Interest.

- 14.1 Approval to Serve as Officer or Director. Any individual subject to Sections 2, 3, 4, or 8 who conceives, creates, discovers, invents, or develops intellectual property may serve, in his/her individual capacity, as a member of the board of directors or other governing board or as an officer or an employee (other than as a consultant) of a business entity that has an agreement with the U. T. System or any U. T. System institution relating to the research, development, licensing, or exploitation of that intellectual property only so long as the institution where the intellectual property was developed is in full compliance with the requirement to have, implement, and enforce for that individual an effective conflict of interest management plan ~~approved by the institution's president, the Office of General Counsel, and the appropriate Executive Vice Chancellor~~ as set forth in the U. T. System Office of General Counsel's [Procedure for Managing Conflicts of Interest](#). In any case where an actual conflict of interest is found, the individual may be required to terminate the business relationship or the relevant research.

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- 14.2 Request for Employee to Serve as Officer or Director. When requested by the Board of Regents, an employee may serve on behalf of the Board of Regents as a member of the board of directors or other governing board of a business entity that has an agreement with the U. T. System or any U. T. System institution relating to the research, development, licensing, or exploitation of intellectual property, but may not accept any consideration offered for service on such board.
- 14.3 Report of Equity Interest and Service as Officer or Director. Any individual subject to this Rule ~~or this Section~~ must report in writing to the president of the institution the name of any business entity in which the person has an interest or for which the person serves as a director, officer, or employee, and shall be responsible for submitting a revised written report upon any change in the interest or position held by such person in such business entity. The U. T. System institution or its office of technology commercialization will file a report by October 1 of each year with the Office of the Board of Regents for transmittal to the Comptroller of Public Accounts as required by Section 51.912 and Section 51.005, *Texas Education Code*.

Sec. 15 Execution of Documents Related to Intellectual Property.

- 15.1 Execution of Agreements. Agreements that grant an interest in the Board of Regents' intellectual property, including, but not limited to, option and license agreements and contracts with corporate sponsors, may be executed and delivered in accordance with the provisions of Regents' [Rule 10501](#), after any required review by the U. T. System Office of General Counsel.
- 15.2 Agreements That Do Not Conform to the Rules. Any agreement that deviates substantially from this Rule or other policies and guidelines adopted by the Board of Regents, including, but not limited to, The University of Texas Systemwide Policy [UTS125, Processing of Intellectual Property Agreements](#) may be executed and



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delivered as set forth above if, in the judgment of the institution's president and after any required review by the U. T. System Office of General Counsel, the benefits from the level of funding for proposed research and/or other consideration from a sponsor, licensee, or other party outweigh any potential disadvantage that may result from the deviation.

- 15.3 Delegation of Authority. The Chancellor, the Deputy Chancellor, the appropriate Executive Vice Chancellor, or the Vice Chancellor and General Counsel may execute, on behalf of the Board of Regents, legal documents relating to the Board of Regents' rights in intellectual property, including, but not limited to, assignments of ownership, applications, declarations, affidavits, powers of attorney, disclaimers, and other such documents relating to patents and copyrights; applications, declarations, affidavits, affidavits of use, powers of attorney, and other such documents relating to trademarks; and corporate documents related to the formation of new companies. In addition, the institution's president may execute, on behalf of the Board of Regents, (a) institutional applications for registration or recordation of transfers of ownership and other such documents relating to copyrights, and (b) corporate documents related to the formation of new companies if first reviewed and approved by (i) the U. T. System Office of General Counsel, or (ii) [the](#) institution's outside counsel working under a U. T. System Office of General Counsel-approved outside counsel agreement.

**8. U. T. System: Appropriation of \$392.2 million of Permanent University Fund Bond Proceeds for nine capital projects at the academic and health institutions**

RECOMMENDATION

The Chancellor, the Deputy Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Executive Vice Chancellor for Business Affairs recommend that the U. T. System Board of Regents approve the appropriation of \$392,200,000 of Permanent University Fund (PUF) Bond Proceeds for nine capital projects as follows:

U. T. Austin Energy Engineering Building	\$100,000,000
U. T. Dallas Math and Science Building	89,000,000
U. T. Permian Basin Kinesiology Building	14,200,000
U. T. Southwestern O'Donnell Brain Institute/Simmons Cancer Center	39,000,000
U. T. Medical Branch - Galveston Behavioral Health Treatment, Research, and Education Center	15,000,000
U. T. Health Science Center - Houston Research Building	30,000,000
U. T. Health Science Center - San Antonio Barshop Institute	30,000,000
U. T. Health Science Center - Tyler School of Community and Rural Health	30,000,000
Cancer Collaboration (U. T. M. D. Anderson Cancer Center, U. T. Health Science Center - San Antonio, U. T. Health Science Center - Tyler, U. T. Medical Branch - Galveston, U. T. Austin Dell Medical School)	<u>45,000,000</u> Total \$392,200,000

Projects with a Total Project Cost of \$10 million or more will proceed as Major Projects pursuant to Regents' Rule 80301. Projects with a Total Project Cost of less than \$10 million will proceed as Minor Projects pursuant to Regents' Rule 80403 and will be institutionally managed.

BACKGROUND INFORMATION

**U. T. Austin: Energy Engineering Building**

This is the top priority for U. T. Austin and is strategic for the positioning of the Cockrell School of Engineering to move from its current Top Ten status nationally to the very top of engineering programs nationally. Since engineering is core to the reputation of U. T. Austin, funding of this capital project will also position the campus for advancement into the very top tier of public research universities in the United States. The Chancellor approved this project for Definition Phase on August 8, 2016, with an anticipated total project cost of \$160 million with funding of \$100 million from PUF, \$50 million from Gifts, and \$10 million from Unexpended Plant Funds.

### **U. T. Dallas: Math and Science Building**

This request is for funding for a 175,000 gross square foot building that is critically needed for the U. T. Dallas campus. This building will allow the campus to continue to recruit and retain outstanding Science, Technology, Engineering, and Mathematics (STEM) faculty to support the advancement toward Tier One status. This building will also have needed classroom space to support planned increases in enrollment. The Chancellor approved this project for Definition Phase on September 21, 2016. This project is under consideration for addition to the CIP in the Facilities Planning and Construction Committee (FPCC) with an anticipated total project cost of \$101 million with funding of \$89 million in PUF and \$12 million of Revenue Financing System (RFS) debt (see FPCC Item 3 on [Page 147](#)).

### **U. T. Permian Basin: Kinesiology Building**

Over the past several years, Kinesiology has been among the most popular degree programs, ranking as the third most popular major on campus in 2015. Many of the U. T. Permian Basin's Kinesiology majors plan to attend physical therapy school, medical school, or graduate school upon completion of their undergraduate experience. The 43,000 square foot Kinesiology building will house the Kinesiology Department's classrooms, labs, offices, and storage areas, Athletic Training Manager's classrooms, labs, training room, storage, and office spaces, and house a Strength and Conditioning Center for kinesiology, athletics, and student recreational use. The Chancellor approved this project for Definition Phase on September 8, 2016, with an anticipated total project cost of \$16.2 million with funding of \$14.2 million in PUF and \$2 million in Gifts that have been fully raised.

### **U. T. Southwestern Medical Center: O'Donnell Brain Institute/Simmons Cancer Center**

Two areas of prioritization for U. T. Southwestern in the years ahead are brain health and cancer. The Peter O'Donnell Jr. Brain Institute is in its first year of operation and the Harold C. Simmons Comprehensive Cancer Center was recognized this past year as a National Cancer Institute-designated comprehensive cancer center. Neither program can grow further without new space. U. T. Southwestern proposes a 300,000 square foot mixed use (research, academic, clinical) facility at a total cost of \$245 million. The \$39 million in PUF represents less than 16% of the total project cost. The balance of the project is expected to be funded with \$133 million of RFS debt, \$49 million of philanthropy, and \$25 million of institutional funds.

### **U. T. Medical Branch - Galveston: Behavioral Health Treatment, Research, and Education Center**

The State of Texas faces a shortage of mental health providers and facilities, and there is an inadequate pipeline of providers-in-training to care for the existing and future needs. The proposed facility is intended to address this crisis by combining within a single facility, education, research, and treatment services. The 33,000 square foot facility will be located within the John Sealy Hospital, which is about to undergo complete renovation. The total estimated cost of \$30 million will be funded with \$15 million in PUF and \$15 million from local sources.

### **U. T. Health Science Center - Houston: Research Building**

The greatest limiting factor for continued growth at U. T. Health Science Center - Houston is a shortage of research space for current and future faculty. Either as part of the TMC3 project, or if that is delayed, as an independent project, U. T. Health Science Center - Houston proposes to build a 187,000 square foot research building at a total cost of \$136 million. Research to be conducted within the building includes medical, public health, informatics, and interprofessional work. The institution proposes to finance \$106 million of the cost with RFS debt and \$30 million in PUF with the balance paid with the requested PUF funds.

### **U. T. Health Science Center - San Antonio: Barshop Institute**

One of the centers of excellence at U. T. Health Science Center - San Antonio and in the nation for research on aging is the Sam and Ann Barshop Institute for Longevity and Aging Studies. Located 23 miles from the main campus, the Institute is not sited ideally for maximum efficiency and interaction with other programs. Increasingly, the Institute is being surrounded by residential and commercial property. The Board approved the marketing and sale of the present facility and associated undeveloped land via the Consent Agenda on May 12, 2016, thereby allowing the flexibility to build a replacement facility on the main campus. The Chancellor approved this project for Definition Phase on May 24, 2016, with an anticipated total project cost of \$60 million. Currently, the project is anticipated to be funded by \$30 million in PUF and \$30 million in RFS debt to be repaid from proceeds of the sale of the present facility and land.

### **U. T. Health Science Center - Tyler: School of Community and Rural Health**

On February 11, 2016, the Board approved the creation of the first school at U. T. Health Science Center - Tyler, and preparations are underway to welcome the first students in January 2017. The focus of the new school will be on educating a workforce to address the considerable health challenges facing Northeast Texas and other rural parts of the state. The 67,000 square foot building would be constructed at a total cost of \$30 million (PUF funds) and primarily would include offices and classrooms.

### **Cancer Collaboration (MDACC, UTHSC-SA, UTHSC-T, UTMB, Dell Medical School)**

One of the pillars of the Quantum Leap for Advancing the Health Care Enterprise is to develop U. T. Systemwide service lines, starting with cancer and building upon the expertise and reputation of U. T. M. D. Anderson Cancer Center. Four separate collaborations are being developed between U. T. M. D. Anderson Cancer Center and sister U. T. entities, each of which leverages the unique strengths of both parties. The \$45 million in PUF funds will be divided roughly equally between the five locales, targeted at the most critical capital needs in each setting. Examples of potential uses of these funds include renovation of existing facilities; construction of new facilities; and purchasing of equipment and information systems, including those enabling digital health services such as telepathology and teleradiology.

9. **U. T. System: Report on strategic Quantum Leaps initiatives: The American Leadership Program, Enhancing Fairness and Opportunity, and Enhancing Student Success**

REPORT

Chancellor McRaven will report on implementation of strategic Quantum Leaps initiatives at the U. T. System, including

1. The American Leadership Program – Associate Vice Chancellor Anthony Cucolo
2. Enhancing Fairness and Opportunity – Vice Chancellor Amy Shaw Thomas
3. Enhancing Student Success – Associate Vice Chancellor Rebecca Karoff

BACKGROUND INFORMATION

On November 5, 2015, Chancellor McRaven presented his strategic vision and mission for the U. T. System following a presentation, Leading in a Complex World, a Strategic Approach, 2015-2020. He outlined the following eight Quantum Leaps for the U. T. System:

1. Texas Prospect Initiative
2. The American Leadership Program
3. Winning the Talent War
4. Enhancing Fairness and Opportunity
5. The U. T. Health Care Enterprise
6. Leading the Brain Health Revolution
7. The U. T. Network for National Security
8. U. T. System Expansion in Houston

A ninth Quantum Leap on Student Success was subsequently added.

The Chancellor presented an update to the Board on the status of implementation of the initiatives on February 11, 2016. A report on the Houston Advisory Task Force created to advance the U. T. System's Expansion in Houston Quantum Leap was made to the Board on July 13, 2016, and a report on the U. T. Health Care Enterprise Quantum Leap was presented to the Health Affairs Committee on August 24, 2016.

10. **U. T. System: Update on the Systemwide after-hours mental health crisis line and bystander intervention initiative and the alcohol education, intervention, and recovery programs**

REPORT

Dr. Wanda Mercer, Associate Vice Chancellor for Student Affairs in the U. T. System Office of Academic Affairs, and Dr. Christopher Brownson, Associate Vice President for Student Affairs at U. T. Austin, will provide an update on the Systemwide after-hours mental health crisis line and bystander intervention initiative and the alcohol education, intervention, and recovery programs. Related materials are set forth on the following pages.

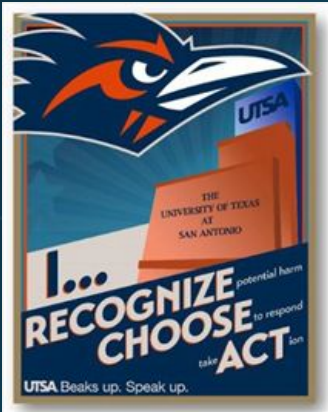
The Mental Health Crisis and Bystander Intervention Initiative provides an after-hours mental health crisis line for students at all U. T. System institutions and this report will provide information on costs, usage, and specific types of interventions. The progress of the implementation and results of the three-year Bystander Intervention Initiative will also be reported.

The Alcohol Education initiative provides online training to combat high-risk drinking and education to prevent sexual assaults. The program also includes alcohol intervention for problem drinkers and the award winning Systemwide initiative to establish Centers for Students in Recovery. This report will include information on funding and usage of these programs.

BACKGROUND INFORMATION

On August 21, 2014, the U. T. System Board of Regents accepted the recommendations in the report of the U. T. System Task Force on Student Mental Health and Safety. The Board approved the proposal to fund after-crisis counseling services for five years and the implementation of a Systemwide bystander intervention initiative for a three-year time period with a total allocation to U. T. Austin for both programs of \$2,552,268.

# U. T. System Bystander Intervention Initiative



The University of Texas at Dallas

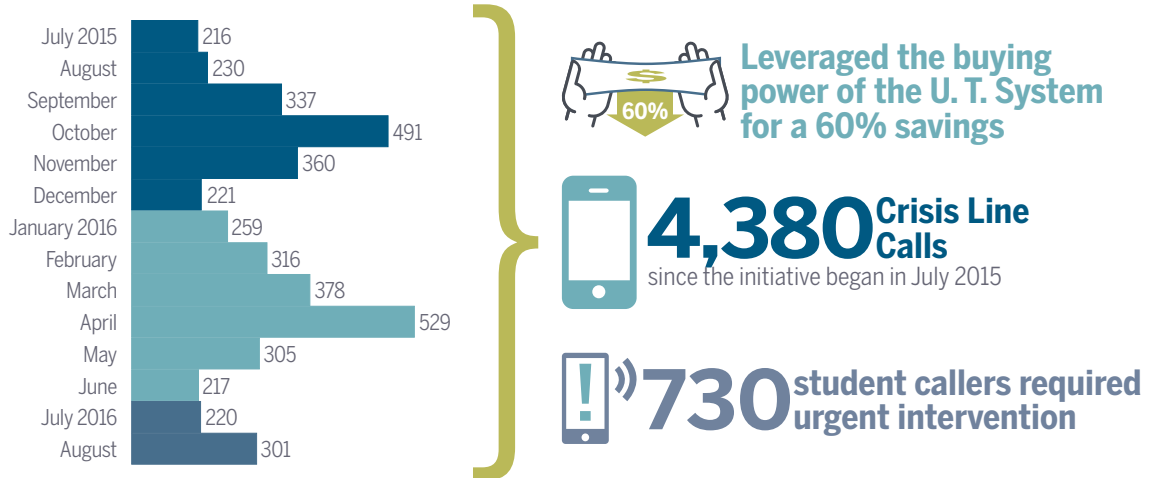


THE UNIVERSITY of TEXAS SYSTEM  
**Mental Health Crisis and Bystander Intervention Initiatives**

## After Hours Mental Health Crisis Line

**Funds Allocated:** \$1,111,000    **Project Duration:** 2015-2020

Students at all 14 U. T. System academic and health institutions now have after hours and weekend access to crisis counseling services staffed by mental health professionals who respond according to the unique needs of each campus. This initiative has prevented suicides and homicides on multiple campuses across the U. T. System.



## The U. T. System Bystander Intervention Initiative

**Funds Allocated:** \$1,441,268    **Project Duration:** 2015-2018

This initiative provides funding and technical assistance to all 14 U. T. System academic and health institutions, enabling them to create campus-specific bystander intervention initiatives that help to create a safer campus and empower students, faculty, and staff to recognize and reduce harmful situations. The U. T. System's approach applies three simple steps to help reduce suicide, sexual assault, interpersonal violence, incidents of bias, high-risk drinking, hazing, and academic dishonesty:

### Recognize. Choose. Act.

Bystander intervention is recognizing a potentially harmful situation or interaction and choosing to respond in a way that could positively influence the outcome.

Arlington [Mavs Standup](#) • Austin [BeVocal](#) • Dallas [Comet Voice](#) • El Paso [Do One Thing](#)  
 Permian Basin [Falcon Family](#) • Rio Grande Valley [Super Hero Project](#) • San Antonio [Beaks Up Speak Up](#) • Tyler [Swoop In](#)

### Creating Leaders

A peer health educator from U. T. Dallas was selected to be on the White House's *It's On Us* Student Advisory Committee.

#### Innovation

Each institution creates a shareable project each year, creating a library of resources for the sister institutions, and ultimately the entire higher education community.



#### Collaboration

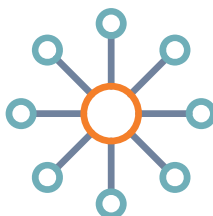
The U. T. System hosts campus leaders from each institution every January to share successes and challenges and to learn from national experts in bystander intervention.

**546**

Bystander intervention campus activities

**77,392**

Participants at activities and trainings



**15**

Student scholarships given



**177**

Campus partnerships created

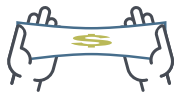


THE UNIVERSITY of TEXAS SYSTEM  
**Alcohol Education, Intervention, and Recovery Initiatives**

## AlcoholEdu/Haven

**Funds Allocated:** \$598,500    **Project Duration:** 2015-2018 2019

This program provides online high-risk drinking and sexual assault prevention education to incoming students under the age of 21 at all U. T. System academic institutions as part of a comprehensive plan to address these risk behaviors. AlcoholEdu/Haven has been proven to reduce dangerous alcohol use and alcohol-related harm and increase the use of protective behaviors. It is Title IX compliant and fulfills educational requirements found in the Violence Against Women Act (VAWA).



Secured a contract for AlcoholEdu/Haven that resulted in **significant cost-savings to pay for an extra year.**



**Negotiated the option to implement Haven Plus**

(sexual assault prevention program) for all graduate students at no additional cost and at health institutions for a reduced rate.



In a randomized controlled study, at one-month follow-up, students who completed AlcoholEdu demonstrated a **reduction in negative alcohol related consequences.**



**Over 33,000 incoming first year and transfer students**

were given AlcoholEdu/Haven to complete this fall.

## Brief Alcohol Screening & Intervention for College Students (BASICS)

**Funds Allocated:** \$601,800    **Project Duration:** 2015-2018

BASICS is an evidence-based program designed for college students 18 to 24 years old who drink heavily and have experienced negative consequences as a result. The program has been shown to successfully reduce high-risk drinking behaviors and related consequences in this population.



Experts facilitated a 2-day BASICS training in Austin in August 2015 and August 2016.

**34 staff from U. T. System academic campuses**

have been trained in BASICS facilitation and motivational interviewing skills.



During just the first semester, **450 students participated in BASICS** across the U. T. System.



A U. T. Austin campus evaluation demonstrated **decrease in peak blood alcohol concentration** among participants 3 months after attending BASICS and a **reduction in negative consequences.**

## Centers for Students in Recovery

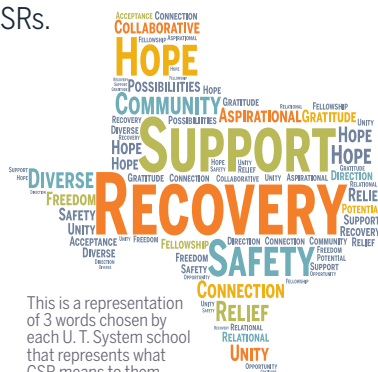
**Funds Allocated:** \$1,198,500    **Project Duration:** 2015-2018

The U. T. System became the first university system in the U.S. to fund the establishment of centers for students in recovery (CSRs) at all academic institutions in 2012, and this funding was extended in 2015. U. T. System students in recovery or in hope of recovery from addiction can now enjoy a genuine college experience free from alcohol and other drugs in the safe spaces and supportive communities provided by U. T. System CSRs.

In 2015-16, CSRs in the U. T. System interacted with



**8,685** students, faculty, staff, and community members.



This is a representation of 3 words chosen by each U. T. System school that represents what CSR means to them.

**Each campus has stories of students who have benefitted and campus cultures that have begun to shift:**

“Being able to merge [my recovery and education] paths has been a great benefit to me.” Matty M., U. T. Dallas

“I’ve taken part in almost everything this college has to offer, always feeling safe in knowing that the fellowship of people at [CSR] had my back.” Dewayne T. U. T. Austin

**11. U. T. System: 85th Texas Legislative Session Preview**

REPORT

Mr. Barry McBee, Vice Chancellor and Chief Governmental Relations Officer, will present a preview of the 85th Texas Legislative Session, including a summary of the System's and institutions' budget requests and legislative priorities, proposals affecting higher education that the Legislature may consider, and the major budgetary and substantive issues facing the Legislature.

12. **U. T. System Board of Regents: Discussion and possible action regarding the process for presidential search and selection (Regents' *Rules and Regulations*, Rule 20201, Presidents), including the roles of the Board and the Chancellor**

#### DISCUSSION

The Board will discuss the presidential search and selection process, including the roles of the Board and the Chancellor. The related excerpt from the Regents' *Rules and Regulations*, Rule 20201, is set forth on the following pages as background for the discussion. Sections 1.7 to 1.10 address Board action following receipt of recommendations from the Presidential Search Advisory Committee.

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

**Rule: 20201**

**1. Title**

Presidents

**2. Rule and Regulation**

Sec. 1 Presidential Selection. The Board of Regents selects the president of each institution.

1.1 Presidential Search Advisory Committee. When there is to be a vacancy in the office of a president, an Advisory Committee shall be established to recommend candidates to the Board. No person who elects to be a candidate for the vacancy may serve on the Advisory Committee. The Chancellor, the Deputy Chancellor, the Executive Vice Chancellor for Health Affairs, or the Executive Vice Chancellor for Academic Affairs shall serve as Chairman of the Advisory Committee unless the Chairman of the Board makes another appointment. Committee membership is as follows:

- (a) At least one Regent to be appointed by the Chairman of the Board.
- (b) Two presidents from the U. T. System to be appointed by the Chairman of the Board.
- (c) The Executive Vice Chancellor for Academic or Health Affairs.
- (d) Three faculty members from the institution involved. At least two of the members shall have the rank of associate professor or higher. The method of selection for faculty members shall be determined by the faculty governance of the campus.
- (e) One Dean to be selected by the Deans' Council of the institution involved for academic institutions. At health institutions, the member will be the Dean of the Medical School or in the absence of that position the member will be a senior representative of the teaching program of the institution selected by the Chairman of the Board.

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

**Rule: 20201**

- (f) One student, in good academic standing, from the institution involved. The method of selection shall be determined by the student governance of the campus or, if there is no student governance, by the Chairman of the Board. If the institution does not have students, this category of representation shall be omitted.
  - (g) The President of the alumni association of the campus involved. If the institution does not have an active alumni organization, an alumnus of the institution may be selected by the Chairman of the Board.
  - (h) One nonfaculty employee of the institution involved. The method of selection shall be determined by the staff or employee council of the institution involved. If there is no staff or employee council, selection will be by the Chairman of the Board.
  - (i) At least two representatives of the institution'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.
- 1.2 Diversity of Members. Campus constituent groups with responsibility for selection of Advisory Committee representatives are expected to consider diversity, particularly as it relates to minority and female representation. Unless there are unusual delays in faculty, staff, or student representative selection that postpone initiation of the committee process, the Chairman of the Board will make his or her appointments to the Advisory Committee after campus selections to maximize the prospect that the total committee composition reflects diversity. The Chairman's appointments to the Advisory Committee will be made following due consideration of input from members of the Board, the institutional leadership, and community leaders.
- 1.3 Selection Criteria. Selection criteria for the president shall relate to the needs of the individual institution.
- 1.4 Responsibilities of the Committee Chairman. The Committee Chairman shall develop a timetable for the

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

**Rule: 20201**

Committee's work, in consultation with the Chancellor and the Chairman of the Board, and shall initiate mechanisms to develop an appropriate candidate pool and to seek information on several candidates.

- 1.5 Responsibilities of the Advisory Committee. Following an introduction and charge by the Chancellor, the Advisory Committee shall inquire from competent sources as to the candidates' academic, administrative, and business abilities.
- 1.6 Interviews. The Advisory Committee may interview candidates as a part of its selection process. Interviews should be conducted on the basis that the confidentiality of the process is critical to its ultimate success.
- 1.7 Recommendation. The Advisory Committee shall submit to the Board, through its Chairman, a list of no more than 10 recommended candidates with no preference indicated. Candidates recommended shall have received a majority vote of the Committee.

The Committee shall strive to include candidates with diverse professional backgrounds and experiences. In making its recommendation, the Committee shall follow the [U. T. Systemwide Policy UTS187, \*Interviews of Executive Administrators and Other Senior Administrators\*](#), to provide the Board with a diverse candidate pool. If it is not possible or practical to provide such a pool, the search committee chair shall identify for the Board efforts made to achieve a diverse candidate pool.

- 1.8 Finalists. The Board determines which candidates will be further interviewed prior to naming a finalist or finalists. If none of the names submitted by the Advisory Committee is satisfactory to the Board of Regents, the Board in its discretion may either name a new committee or proceed to select a president under such other procedures as in its discretion it may deem proper and appropriate.
- 1.9 Alternate Process. When the Board of Regents has candidate(s) from recent searches at other institutions, from within the U. T. System, and/or of national prominence from outside the U. T. System to advance for

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

**Rule: 20201**

consideration, the Chairman of the Board of Regents shall appoint a Special Committee to provide the Board 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 Special Committee shall not extend its consideration beyond those candidates referred to it by the Board of Regents without specific concurrence from the Board.

- 1.10 Confidentiality. The presidential selection process must be conducted in a manner that protects the identity of all candidates. Information about the process, other than statements or releases by the Chairman of the Board, the Chancellor, or the Deputy Chancellor, will be distributed only as required by the Texas Public Information Act (TPIA). Each individual participating in the search process, including U. T. System employees, members of the Board, search firm representatives, members of a Presidential Search Advisory Committee, and individuals asked to meet with candidates, must sign a confidentiality agreement in a form approved by the General Counsel to the Board and the U. T. System Vice Chancellor and General Counsel prior to participation.

An individual found to have violated the confidentiality agreement may be removed from the search process. A U. T. System employee found to have violated the confidentiality agreement is subject to disciplinary action, up to and including termination. A member of the Board found to have violated the confidentiality agreement is subject to sanctions.