



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

May 13-14, 2015
Austin, Texas

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<u>May 13, 2015</u>		
CONVENE THE BOARD IN OPEN SESSION		
1. U. T. System Board of Regents: Election of an additional Vice Chairman of the Board (Regents' <i>Rules and Regulations</i>, Rule 10102, regarding Chairman and Vice Chairmen); approval of Chairman's recommended Committee Chairmen and Regental representatives; and notification of appointments to Standing Committees and Liaison roles for the record (Regents' <i>Rules and Regulations</i>, Rule 10402, regarding Committees and Other Appointments)	9:00 a.m. Action	6
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	9:15 a.m. - 4:00 p.m.	
<u>May 14, 2015</u>		
RECONVENE THE BOARD IN OPEN SESSION		
	8:00 a.m.	
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3. U. T. System: Annual Meeting with Officers of the U. T. System Student Advisory Council	8:40 a.m. Report/Discussion <i>Chair Zack Dunn, U. T. San Antonio</i>	9
4. U. T. System Board of Regents: Award of Regents' Outstanding Student Awards in Arts and Humanities -- recognition of musical arts winners	9:20 a.m. Presentation <i>Dr. Reyes</i>	20
5. U. T. System Board of Regents: Approval of Consent Agenda items and referral of any items to the full Board or to Committee	9:25 a.m. Action	21
6. U. T. System Board of Regents: Proposed appointment of Regent David J. Beck and reappointments of Vice Chairman R. Steven Hicks and Regent Jeffery D. Hildebrand to the Board of Directors of The University of Texas Investment Management Company (UTIMCO)	9:30 a.m. Action	22
7. U. T. System Board of Regents: Approval of proposed appointment of Mr. Robert L. Stillwell as Regental Representative to U. T. Austin Intercollegiate Athletics Council for Men	9:35 a.m. Action	23
8. U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendment of Regents' <i>Rules and Regulations</i>, Rule 10801, Section 3, concerning Compliance with the Texas Public Information Act	9:10 a.m. Action	24

9. U. T. System Board of Regents: Discussion and appropriate action regarding recommended adoption of new Regents' <i>Rules and Regulations</i> , Rule 10901, concerning Statement of U. T. System Values and Expectations	9:10 a.m. Action <i>Chancellor McRaven</i>	25
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17. U. T. System: Report from the Blue Ribbon Panel regarding admissions procedures at U. T. Austin	10:40 a.m. Report/Discussion <i>Dr. Larry Faulkner</i> <i>Dr. Reyes</i>	70
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19. U. T. System: Update and discussion on the Institute for Transformational Learning's (ITL) progress toward developing and implementing competency-based undergraduate degree completion programs in areas of high employment demand	11:15 a.m. Report/Discussion <i>Dr. Mintz</i> <i>Dr. Baker Stein</i>	72
20. U. T. System Board of Regents: Discussion and appropriate action regarding proposed recipient of the Santa Rita Award	11:30 a.m. Action	88

21. **U. T. System Board of Regents: Presentation of Certificate of Appreciation to Student Regent David "Max" Richards** 11:35 a.m.
Presentation
22. **U. T. System Board of Regents: Presentation of Certificate of Appreciation to U. T. System Executive Vice Chancellor for Academic Affairs Pedro Reyes** 11:45 a.m.
Presentation
23. **U. T. System Board of Regents: Presentation of Certificate of Appreciation to U. T. Austin President William Powers, Jr.** 11:55 a.m.
Presentation

STANDING COMMITTEE RECOMMENDATIONS, REPORTS TO THE BOARD 12:05 p.m.

RECESS TO EXECUTIVE SESSION PURSUANT TO *TEXAS GOVERNMENT CODE*, CHAPTER 551 (working lunch at noon) 12:15 p.m.

1. Deliberations Regarding the Purchase, Exchange, Lease, Sale, or Value of Real Property – Section 551.072
- a. **U. T. Health Science Center - Houston: Authorization to purchase approximately 3.423 acres of land and improvements located at 1133 John Freeman Boulevard, Houston, Harris County, Texas, from the Houston Academy of Medicine, a Texas nonprofit corporation for immediate office use and future development and campus expansion; authorization to lease space in buildings located at 1133 John Freeman Boulevard and 1851 Crosspoint Avenue to the Houston Academy of Medicine dba The Texas Medical Center Library; resolution regarding parity debt and finding of public purpose** *Mr. Tames
President Colasurdo,
Mr. Geoff Richards,
and Mr. Kevin Dillon,
U. T. Health
Science Center -
Houston*
- b. **U. T. System: Discussion and appropriate action regarding authorization to sell approximately 0.338 of an acre improved with O.Henry Hall, a historic office building containing approximately 24,572 gross square feet located at 601 Colorado Street in Austin, Travis County, Texas, to the Texas State University System, an agency of the State of Texas, for a price at market value as established by independent appraisals; and leaseback at a nominal rent until the U. T. System vacates O.Henry Hall, estimated to be in Fall 2017**
2. 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 *Dr. Kelley
Director Heidingsfield*
3. 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. Pan American: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
- c. **U. T. San Antonio: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
- d. **U. T. Southwestern Medical Center: Discussion and appropriate action regarding proposed negotiated gifts with potential naming features**
- e. **U. T. Health Science Center - Houston: 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**

4. Personnel Matters Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of Officers or Employees – Section 551.074
 - a. **U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions), 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), and U. T. System and institutional employees**
 - b. **U. T. System: Discussion and appropriate action related to the hiring of a Chief Executive Director for the Texas Energy Research, Education, and Engineering Institute (Regents' *Rules and Regulations*, Rule 20204, regarding compensation for highly compensated employees)**
5. 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. Southwestern Medical Center: Discussion regarding legal issues associated with area health care provider networks**
 - d. **U. T. System Board of Regents: Discussion of legal issues associated with real estate acquisitions**
 - e. **U. T. System Board of Regents: Discussion and appropriate action regarding legal issues related to request for Attorney General's Opinion (RQ-0020-KP), including related changes to Rules and policies and pending Regental requests**
 - f. **U. T. System Board of Regents: Discussion and appropriate action regarding legal issues concerning proposed amendments to Regents' Rules 10101, 10401, and 10801**
 - g. **U. T. System: Discussion and appropriate action regarding authorization to sell approximately 0.338 of an acre improved with O.Henry Hall, a historic office building containing approximately 24,572 gross square feet located at 601 Colorado Street in Austin, Travis County, Texas, to the Texas State University System, an agency of the State of Texas, for a price at market value as established by independent appraisals; and leaseback at a nominal rent until the U. T. System vacates O.Henry Hall, estimated to be in Fall 2017**

RECONVENE IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS AND TO CONSIDER AGENDA ITEM

1:45 p.m.

24. **U. T. System Board of Regents: Discussion and appropriate action regarding amendment of Regents' *Rules and Regulations*, Rule 10101 (Board Authority and Duties), Rule 10401 (Policies and Procedures for Board and Standing Committee Meetings), and Rule 10801 (Policy on Transparency, Accountability, and Access to Information)**

Action

395

ADJOURN

2:00 p.m.

1. **U. T. System Board of Regents: Election of an additional Vice Chairman of the Board (Regents' Rules and Regulations, Rule 10102, regarding Chairman and Vice Chairmen); approval of Chairman's recommended Committee Chairmen and Regental representatives; and notification of appointments to Standing Committees and Liaison roles for the record (Regents' Rules and Regulations, Rule 10402, regarding Committees and Other Appointments)**

RECOMMENDATION

The Board will be asked to approve the election of Regent Jeffery D. Hildebrand as an additional Vice Chairman of the Board, pursuant to Regents' *Rules and Regulations*, Rule 10102, regarding Chairman and Vice Chairmen.

Further, in accordance with the requirements of the Regents' *Rules and Regulations*, Rule 10402, Chairman Foster will request the concurrence of the U. T. System Board of Regents on appointments of Committee Chairmen and Representatives as underlined below. Recommended appointments to The University of Texas Investment Management Company (UTIMCO) Board of Directors and to The University of Texas at Austin Intercollegiate Athletics Council for Men are submitted in separate agenda items (Items 6 and 7 on [Pages 22](#) and [23](#), respectively).

Committee membership is listed below for the record. All appointments will be effective immediately and will remain in effect until new appointments are made.

Committees

Academic Affairs Committee

Ernest Aliseda, Chairman

Alex M. Cranberg

R. Steven Hicks

Brenda Pejovich

Sara Martinez Tucker

Audit, Compliance, and Management Review Committee

Jeffery D. Hildebrand, Chairman

Ernest Aliseda

David J. Beck

R. Steven Hicks

Brenda Pejovich

Facilities Planning and Construction Committee

Brenda Pejovich, Chairman

David J. Beck

Alex M. Cranberg

Wallace L. Hall, Jr.

R. Steven Hicks

Finance and Planning Committee

R. Steven Hicks, Chairman

David J. Beck

Wallace L. Hall, Jr.

Jeffery D. Hildebrand

Sara Martinez Tucker

Health Affairs Committee

Alex M. Cranberg, Chairman

Ernest Aliseda

David J. Beck

Jeffery D. Hildebrand

Sara Martinez Tucker

Technology Transfer and Research Committee

Wallace L. Hall, Jr., Chairman

Ernest Aliseda

Alex M. Cranberg

Brenda Pejovich

Sara Martinez Tucker

Regental Representatives

Athletics Liaison

R. Steven Hicks

Board for Lease of University Lands

David J. Beck

Brenda Pejovich

Liaison to Governor's Office on Technology Transfer and Commercialization Issues

Wallace L. Hall, Jr.

M. D. Anderson Services Corporation Board of Directors

Alex M. Cranberg

Special Advisory Committee on the Brackenridge Tract

David J. Beck

Jeffery D. Hildebrand

Sara Martinez Tucker

Special Liaison on South Texas Projects

Ernest Aliseda

BACKGROUND INFORMATION

The Board's approval of Regent Hildebrand as an additional Vice Chairman will complement the Board's March 27, 2015 approval of Vice Chairman Hicks to serve as Vice Chairman to act in place of the Chairman, as necessary.

2. **U. T. Austin: Recognition of Men's Swimming and Diving Team for their 11th National Championship**

3. **U. T. System: Annual Meeting with Officers of the U. T. System Student Advisory Council**

INTRODUCTION

The U. T. System Student Advisory Council will meet with the Board of Regents to discuss recommendations of the Council and plans for the future. The Council's recommendations are set forth on the following pages.

Council members scheduled to attend are:

Chair: Mr. Zachary Dunn, U. T. San Antonio

Academic Affairs Committee: Ms. Nancy Fairbanks, U. T. Dallas, Political Science

Student Involvement and Campus Life Committee: Ms. Brooke Knudtson, U. T. Dallas, Political Science

Health and Graduate Affairs Committee: Mr. Tyler McDonald, U. T. Southwestern Medical Center, 4th year medical student, School of Medicine

Financial and Legislative Affairs Committee: Mr. Jeff Schilder, U. T. San Antonio, Global Affairs

BACKGROUND INFORMATION

The U. T. System Student Advisory Council was established in 1989 to provide input to the U. T. System Board of Regents working through and with the Chancellor and U. T. System Administration on issues of student concern. The operating guidelines of the Council require that recommendations have a multi-institutional focus and that the Council explore individual campus issues with institutional administrators prior to any consideration thereof. The Student Advisory Council consists of two student representatives from each U. T. System institution enrolling students, and meets three times yearly in Austin. The Standing Committees of the Council are Academic Affairs, Student Involvement and Campus Life, Health and Graduate Affairs, and Financial and Legislative Affairs.



The University of Texas System
Nine Universities. Six Health Institutions. Unlimited Possibilities.

Office of Academic Affairs
601 Colorado Street, Austin, Texas 78701
Phone: 512-499-4233 Fax: 512-499-4240

March 30, 2015

- The University of Texas at Arlington
- The University of Texas at Austin
- The University of Texas at Brownsville
- The University of Texas at Dallas
- The University of Texas at El Paso
- The University of Texas –Pan American
- The University of Texas
of the Permian Basin
- The University of Texas at San Antonio
- The University of Texas at Tyler

William H. McRaven, Adm (Ret.)
Chancellor
The University of Texas System
601 Colorado St.
Austin, TX 78701-2982

Dear Chancellor McRaven:

On behalf of The University of Texas System Student Advisory Council and the over 216,000 students who we are privileged to represent, we would like to express our gratitude to you and the Board of Regents for providing an avenue for student input through our recommendations for the 2014-2015 academic year.

- The University of Texas
Southwestern Medical Center
- The University of Texas
Medical Branch at Galveston
- The University of Texas
Health Science Center at Houston
- The University of Texas
Health Science Center at San Antonio
- The University of Texas
M. D. Anderson Cancer Center
- The University of Texas
Health Science Center at Tyler

This year ushers in a new era for the U. T. System, as new leadership populates the Office of the Governor and the Texas Legislature, and we are graced with your leadership and vision. The Council has full faith in your ability to lead this system to continued excellence in higher education, and we applaud your effort to engage students and increase the collaboration among all who operate within and external to the U. T. System.

www.utssystem.edu

The most rewarding aspect of serving on the Council is that it provides student leaders with the opportunity to meet and exchange ideas as we work to find solutions to issues and implement ideas that affect our respective student populations. The recommendations and policy statements we passed are advanced with the belief that they will positively impact the quality of student life throughout the System. Significant time, effort, and energy are spent by each member to ensure that future students will be granted an even higher degree of excellence than we have been fortunate enough to receive.

With this letter, we are submitting recommendations passed by the Council during our February meeting. We are honored by the invitation to discuss these recommendations in more detail with the Board in May.

With sincere appreciation,

A handwritten signature in black ink, appearing to read "Zack Dunn". The signature is fluid and cursive, with the first name "Zack" being the most prominent.

Zack Dunn
Chair, Student Advisory Council 2014-2015
The University of Texas System

Enclosures

Cc: Dr. Pedro Reyes, Executive Vice Chancellor for Academic Affairs
Dr. Raymond Greenberg, Executive Vice Chancellor for Health Affairs
Dr. Wanda L. Mercer, Associate Vice Chancellor for Student Affairs

THE UNIVERSITY OF TEXAS SYSTEM STUDENT ADVISORY COUNCIL RECOMMENDATIONS TO THE BOARD OF REGENTS OF THE U. T. SYSTEM

After careful consideration, we, the members of The University of Texas System Student Advisory Council (SAC) respectfully submit the following recommendations to the U. T. System Board of Regents. These recommendations concern a wide variety of students at multiple institutions in the U. T. System.

Health and Graduate Affairs Committee

Recommendation 1 - A recommendation to increase the efforts of interdisciplinary education among health professions schools

As our health care system becomes more complex, effective interdisciplinary teamwork among health professionals is becoming more important for providing effective care to patients while maintaining efficiency. However, education programs for these various professionals still largely train them in isolation. As a result, graduates are ill-prepared upon entering the workforce to work well with other players in health care delivery, leading to a reduction in the quality of patient care.

Many schools within the U. T. System have attempted to address this concern in various ways by implementing new programs to enhance and promote interdisciplinary teamwork and communication in many of the related health care degree plans. We applaud the efforts undertaken by these schools and encourage their continued growth and improvement. However, other schools address the problem by offering a one-time event during the course of a student's education rather than providing multiple opportunities throughout the curriculum. These isolated approaches are ineffective if they are not reinforced regularly during a student's education.

To address this issue among medical schools, the Liaison Committee on Medical Education (LCME) requires medical school curricula to include specific instruction in interdisciplinary communication (see LCME Standards 6.7, 7.8, and 7.9).¹ In order to successfully implement standards such as these, UTSSAC believes that the U. T. System institutions should more fully integrate interprofessional education into health care curricula.

Therefore, SAC recommends that the U. T. System Board of Regents adopt a policy requiring U. T. System institutions offering health care-related degrees to expand from an isolated event approach to a more integrated and longitudinal approach to interdisciplinary education.

Recommendation 2 - A recommendation for adoption of a uniform set of guidelines in relation to Electronic Medical Record preparedness

As the current landscape of health care drastically changes, the use of Electronic Medical Records (EMRs) is increasing. As of last year, more than 50% of doctor offices and 80% of hospitals in the United States had adopted EMR usage in some way.² In fact, under the American Recovery and Reinvestment Act of 2009, physicians not using EMRs will incur Medicare reimbursement penalties starting next year, so the percentage of American health care providers using EMRs in their practices can only be expected to increase.

However, despite this shift towards EMR usage, there is still a gap in education and training related to effective use of EMRs for students entering the health care workforce.^{3,4} Within the U. T. System institutions, there is a broad range of student usage of EMRs, from no usage at all, to the ability to write notes, review patient data, and place orders. With this variability in EMR preparedness, many newly graduated U. T. System health care professionals will find themselves underprepared to operate in their clinical environments, hindering their ability to effectively and efficiently care for their patients.

Multiple professional organizations concerned with medical education have expressed concern over this very issue.^{5,6,7} The Alliance for Clinical Education (ACE) recently proposed a set of guidelines to prepare students for EMR competency:

- a. Students must document in the patient's chart and their notes should be reviewed for content and format;
- b. Students must have the opportunity to practice order entry in an EMR, in actual or simulated patient cases, prior to graduation;
- c. Students should be exposed to the utilization of the decision aids that typically accompany EMRs; and
- d. Schools must develop a set of medical student competencies related to charting in the EMR and state how they would evaluate it. This should include specific competencies to be documented at each stage and by time of graduation.

SAC recommends that the U. T. System Board of Regents implement a uniform set of standards related to EMR training for U. T. System institutions training health care students, such as those put forth by the ACE listed above, in order to ensure effective and quality care for patients under the care of U. T. System health care graduates.

Recommendation 3 - A recommendation on expanded training for graduate students

Approximately 15% of current Ph.D. students will attain a tenure-track academic position upon graduation.⁸ This statistic indicates that an overwhelming majority of Ph.D. students are finding positions or careers outside of academia. Therefore, in order to ensure the success of graduate students, it is imperative that the U. T. System institutions consider expanding Ph.D. student training to include nonacademic opportunities.

Research by Dr. Henry Sauerman and Dr. Michael Roach found that as Ph.D. students progressed in their training, they became less interested in academic careers, however, their advisors continued to singularly encourage pursuing an academic research position.⁹ Some guidance about alternative careers is offered through career development seminars featuring speakers from nonacademic careers. However, little to no formal nonacademic training or experience is supported through the U. T. System graduate schools. For true success of alternate Ph.D. training, a student interested in an alternative career will need access to nonacademic advisors and mentors who can provide a broader perspective. The Advanced Energy Consortium (AEC) at U. T. Austin is one example of the successful integration of academic research and industry applications, with industry partners offering internship opportunities and even stipend support to graduate students at U. T. Austin.

SAC recommends that the U. T. System Board of Regents ensure graduate programs work to develop broader Ph.D. training, in line with the industry partnership initiated by the AEC and/or the concept presented by Dr. Keith Yamamoto from the University of California, San Francisco.¹⁰ To contribute to the success and satisfaction of graduate students within the U. T. System institutions, we further recommend:

- a. Providing opportunities for formalized mentorship and advising by nonacademic professionals;**
- b. Supporting externship experiences beyond the academic environment; and**
- c. Continuing to improve career counseling and career development initiatives.**

Student Involvement and Campus Life Committee Recommendations

Recommendation 1 - A recommendation supporting the inclusion of the LGBTQ community

The U. T. System Student Advisory Council strives to maintain an environment free of discrimination against individuals on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation, gender identity or expression, genetic information, or veteran status. SAC recognizes there is not a Systemwide standard for supporting inclusion of the LGBTQ community.

Higher Education Pride Professionals (HEPP) was created in 2010 to formalize a group to represent universities throughout North Texas and work in roles that serve the LGBTQ communities on member campuses. Currently, they have representation from 11 universities including both U. T. Arlington and U. T. Dallas.¹¹ The purpose of HEPP is to collaborate with different universities, support advocacy, and acquire other best and promising practices, such as Ally Safe Zone training, to serve the LGBTQ community. Current data from the U.S. National Library of Medicine and National Institutes of Health suggest that the LGBTQ community suffers a higher rate of depression and mental health issues than their peers.

SAC recommends that U. T. System should recognize the importance of allies, training, and safe zones to achieve a friendlier environment for LGBTQ students on all campuses. SAC recommends that the U. T. System Board of Regents recognize the unique needs of the LGBTQ community by adopting a model similar to HEPP.

By adopting a similar model, the U. T. System would create a committee including one professional administrator and one student from each U. T. System institution to regularly attend Student Involvement and Campus Life committee meetings to discuss further assisting the LGBTQ community at U. T. System institutions.

Recommendation 2 - A recommendation to implement effective enforcement policies for tobacco use at U. T. System institutions

All U. T. System institutions have a tobacco free policy, yet smoking is still prevalent at smoke-free and tobacco-free campuses for four primary reasons: (1) current students are not compliant with campus policies; (2) U. T. System campuses lack effective enforcement when it comes to tobacco free policies; (3) the burden is often placed on students to enforce these policies, which SAC believes should be regulated by the institutions; and (4) consequences are inconsistently enforced, if enforced at all.

SAC recommends the implementation of a model policy that seeks a proactive approach to the enforcement of the tobacco policies on campuses. In order to accommodate the needs of the U. T. System population at-large, SAC recommends the inclusion of a model policy statement in each institutional Handbook of Operating Procedures.

SAC recommends that the model policy is designed to achieve the following:

- 1) Systemwide alignment of smoke and tobacco free policies to the furthest extent possible; and
- 2) Consistent enforcement of policies to alleviate the responsibility placed primarily on students to self-regulate tobacco use on campus

Additionally, SAC recommends that mechanisms be introduced uniformly and effectively as potential consequences for enforcement violations of campus policy.

For example, in addition to fines, campuses could offer participation in a smoking cessation educational program. Once a student receives a violation, they may have the option of participating in an educational program offered by the student health center. Students can maintain the option to appeal the citation for participation in a program.

When considering model policies, SAC found that the University of California System institutions have adopted an enforcement structure that involves both fines and participation in educational programs. They also work to ensure that students are provided adequate education regarding the existence of a tobacco free policy and campus consequences.¹²

Academic Affairs Committee Recommendations

Recommendation 1 - *A recommendation addressing student concerns about online course offerings*

As the U. T. System continues to invest in online course options, including Massive Open Online Courses (MOOCs), Synchronized Massive Online Courses, distance education courses, online medical courses, and hybrid courses, SAC would like to address student concerns regarding online education.

SAC believes that online education is a valuable resource for students who depend on flexible class schedules. However, SAC finds it imperative that the U. T. System Board of Regents address the following issues related to affordability, accessibility, and quality:

1. Online course quality should be equivalent to the high educational standards of in-class courses;
2. Courses that have a significant hands-on or discussion component may not have an appropriate online equivalent and should therefore be maintained as in-class courses;
3. Costs for online courses should be kept low to make them more accessible;
4. Faculty should be highly accessible to and regularly interact with students in online courses; and
5. High standards of academic integrity and accountability should be maintained.

SAC recommends that the U. T. System Board of Regents address each of these potential issues with online education and keep them in mind when considering investing in online course programs. Additionally, SAC asks the U. T. System Board of Regents to compare all online course evaluations completed by students to the equivalent in-class course evaluations. SAC believes that comparing this data will help determine if additional online courses are a quality educational investment for U. T. System students.

Additionally, SAC recommends a reevaluation of current distance education fee charges for online courses. Many institutions within the U. T. System have distance education fees that vary considerably from one institution to the next. SAC recommends that the U. T. System Board of Regents reevaluate the purpose of distance education fees. It is also recommended that the U. T. System Board of Regents provide a detailed explanation of the purpose and use of distance education fees after this reevaluation takes place.

Recommendation 2 - A recommendation to create a central advising record platform at each institution

A central advising record platform system currently exists at various U. T. System institutions. Through software programs such as Degree Works, all students can see their classes taken, grades and credits earned, and the classes they need to take to graduate for their major(s) and minor(s). Students can also determine what their class requirements would look like for other majors and minors in a simulated plan.

SAC finds that having a central advising record is a significant benefit to U. T. System students, especially students that switch majors or transfer to other universities. Having a central advising record gives students easier access to their own course records and also keeps them informed of what the requirements are for their academic program. Finally, this advising record would ensure that all students constantly have access to information regarding the progress in their personal degree plan, which will lessen the burden on academic advisors.

SAC recommends that the U. T. System Board of Regents support the creation of a central advising record platform at each academic institution.

Endnotes

1 Liaison Committee on Medical Education, "Function and Structure of a Medical School: Standards for Accreditation of Medical Education Programs Leading to the M.D. Degree," (March 2014).

2 U.S. Department of Health and Human Services Press Office, "Doctors and hospitals' use of health IT more than doubles since 2012," (November 2013), <http://www.hhs.gov/news/press/2013pres/05/20130522a.html>

3 Hammoud MM, Margo K, Christner JG, Fisher J, Fisher SH, and Pangaro LN, "Opportunities and Challenges in Integrating Electronic Health Records into Undergraduate Medical Education: A National Survey of Clerkship Directors," *Teach Learn Med* (2012), 24(3): 219-24.

4 Mintz M, Narvarte HJ, O'Brien KE, Papp KK, Thomas M, Durning SJ, "Use of Electronic Medical Records by Physicians and Students in Academic Internal Medicine Settings," *Acad Med.* (2009), 84:1698–1704.

5 Tierney MJ, Pageler NM, Kahana M, Pantaleoni JL, Longhurst CA, "Medical Education in the Electronic Medical Record (EMR) Era: Benefits, Challenges, and Future Directions," *Acad Med.* (2013),88:748–752.

6 Hammoud MM, Dalymple JL, Christner JG, Stewart RA, Fisher J, Margo K, Ali II, Briscoe GW, and Pangaro LN, "Medical Student Documentation in Electronic Health Records: A Collaborative Statement from the Alliance for Clinical Education," *Teach Learn Med* (2012), 24(3): 257-66.

7 Society of Teachers of Family Medicine, Position Statement on Medical Student Use of Electronic Health Records (June 2013) Accessed January 2015 http://www.stfm.org/Portals/49/Documents/STFM_Position_StatementJune2013_EHRFinal.pdf

8 Sauerman H and Roach M, Science PhD Career Preferences: Levels, Changes, and Advisor Encouragement. *PLoS ONE*, (2013).

9 Sauerman H and Roach M, Science PhD Career Preferences: Levels, Changes, and Advisor Encouragement. *PLoS ONE*, (2013).

10 Keith Yamamoto, "Time to Rethink Graduate and PostDoc Education. Perf. *IBioMagazine Professional Development*. *IBiology* (2014) Accessed January 2015 <http://www.ibiology.org/ibiomagazine/issue-11/keith-yamamoto-time-to-rethink-graduate-and-postdoc-education.html>

11 HEPP currently includes the following universities: U. T. Dallas, Southern Methodist University, Texas Christian University, Tarrant County College, U. T. Arlington, and the University of North Texas. Other university partners include: North Central Texas College, Baylor University, Paul Quinn College, Texas A&M University–Central Texas, and Alamo College

12 University of California Office of Risk Services, Smoke & Tobacco Free Policy, Accessed January 2015 <http://www.ucop.edu/risk-services/loss-prevention-control/uc-smoke-tobacco-free.html>

4. **U. T. System Board of Regents: Award of Regents' Outstanding Student Awards in Arts and Humanities -- recognition of musical arts winners**

REPORT

Executive Vice Chancellor Reyes will report on the results of the Regents' Outstanding Student Awards in Arts and Humanities and introduce the musical arts winners.

BACKGROUND INFORMATION

In recognition of its support of the arts and humanities, on February 9, 2012, the Board of Regents authorized the Office of Academic Affairs to establish the Regents' Outstanding Student Awards in Arts and Humanities. The awards program is designed to provide a framework that fosters excellence in student performance, rewards outstanding students, stimulates the arts and humanities, and promotes continuous quality in education. This year's awards are for the musical arts.

The nominees were evaluated on the following elements: tone production, technique, rhythm, intonation, interpretation, overall quality of performance, and diction (for vocalists), with the following recognitions:

- Flute: **Ms. Meera Gudipati**, U. T. Austin, for outstanding instrumental performance by an individual/duo
- Guitar Quartet: **Mr. Kyle Comer, Mr. Carlos Martinez, Mr. Tyler Rhodes, and Mr. Thales Smith**, U. T. Austin, for outstanding instrumental performance by a group

5. **U. T. System Board of Regents: Approval of Consent Agenda items and referral of any items to the full Board or to Committee**

RECOMMENDATION

The Board will be asked to approve the Consent Agenda items located at the back of the book under the Consent Agenda tab.

6. **U. T. System Board of Regents: Proposed appointment of Regent David J. Beck and reappointments of Vice Chairman R. Steven Hicks and Regent Jeffery D. Hildebrand to the Board of Directors of The University of Texas Investment Management Company (UTIMCO)**

RECOMMENDATION

Chairman Paul Foster recommends the appointment of Regent David J. Beck to The University of Texas Investment Management Company (UTIMCO) Board of Directors to replace Regent Robert L. Stillwell as a Regental Director effective immediately, for a term to expire on April 1, 2017.

Chairman Foster also recommends that Vice Chairman R. Steven Hicks and Regent Jeffery D. Hildebrand be reappointed to serve on the UTIMCO Board of Directors for terms to expire on April 1, 2017.

The named Regents will abstain from any discussion and Board vote on this item.

BACKGROUND INFORMATION

Texas Education Code Section 66.08 and Regents' *Rules and Regulations*, Rule 10402, Section 4 require that the U. T. System Board of Regents appoint six members to the UTIMCO Board of Directors of whom three must be members of the Board of Regents and the other three must have a substantial background and expertise in investments. The U. T. System Chancellor serves as a member of the UTIMCO Board upon appointment by the Board of Regents, and two additional members are appointed by The Texas A&M University System Board of Regents. The approved UTIMCO bylaws allow Regental directors to serve two-year terms and external directors to serve a maximum of three terms of three years each. All Directors serve until the expiration of such Director's term, or until such Director's successor has been chosen and qualified.

Regent Beck will replace Former Regent Stillwell, whose term on the Board of Regents has expired. Regent Beck was appointed to the U. T. System Board of Regents on January 22, 2015.

Vice Chairman Hicks was appointed to the UTIMCO Board on February 17, 2011, and was reappointed on September 12, 2013. Regent Hildebrand was appointed to the UTIMCO Board on September 12, 2013.

Mr. Ardon E. Moore has agreed to continue to serve as an External Director until a replacement is named. Mr. Moore was appointed to the UTIMCO Board of Directors on July 13, 2006, and serves as Vice Chairman of the UTIMCO Board. Mr. Moore was reappointed for a second term on February 12, 2009, and for a third term on May 3, 2012. Mr. Moore has agreed to serve as an External Director until his replacement is named.

The Board of Regents is also advised that Mr. Phil Adams was appointed to the UTIMCO Board of Directors by The Texas A&M University System Board of Regents to replace Mr. Morris Foster effective April 1, 2015.

7. **U. T. System Board of Regents: Approval of proposed appointment of Mr. Robert L. Stillwell as Regental Representative to U. T. Austin Intercollegiate Athletics Council for Men**

RECOMMENDATION

Chairman Foster recommends the appointment of Mr. Robert L. Stillwell to the position of Regental Representative to the U. T. Austin Intercollegiate Athletics Council for Men to replace and complete Regent David J. Beck's four-year term, effective immediately. If approved, Mr. Stillwell's term will expire on August 31, 2017.

BACKGROUND INFORMATION

The U. T. Austin Intercollegiate Athletics Council for Men is a nine member advisory group composed of two Regental appointees, five members of the University General Faculty, one student, and one ex-student. The Regental appointments are for four-year, staggered terms.

Former Regent Stillwell was appointed to the U. T. System Board of Regents on February 12, 2009, and served until March 11, 2015. During his term on the Board, Mr. Stillwell served as one of the Board's Athletics Liaisons. Former Regent Stillwell would replace Regent Beck, who served on the Council from October 4, 2013, until his confirmation as Regent on March 11, 2015.

Mr. Charles W. Matthews, Jr., currently serves on the Men's Council.

8. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendment of Regents' Rules and Regulations, Rule 10801, Section 3, concerning Compliance with the Texas Public Information Act**

RECOMMENDATION

It is recommended that Regents' *Rules and Regulations*, Rule 10801, Section 3, concerning Compliance with the Texas Public Information Act, be amended as set forth below in congressional style:

Sec. 3 Compliance with Texas Public Information Act (TPIA). The Board requires all U. T. System Administration, U. T. System institutional employees, and members of the Board to comply fully with the requirements of the Texas Public Information Act (TPIA) and to respond thoroughly, ~~and~~ appropriately, ~~to all legal requests for information~~ and in accordance with State and federal laws to all lawful requests as detailed in U. T. Systemwide Policy UTS139. Any substantive changes to UTS139 require approval by the Board.

The Board expects all employees to work to achieve and maintain an environment of transparency, cooperation, and compliance with applicable law and policy. The Board will support staffing levels and acquisition of resources necessary and reasonable to implement and achieve the intent of this Rule.

BACKGROUND INFORMATION

The proposed changes to Regents' Rule 10801 (Policy on Transparency, Accountability, and Access to Information) codify the Board's longstanding expectation of full compliance with the TPIA. Regents' Rule 10801 will also include a link to the recently revised U. T. Systemwide Policy UTS139, regarding procedures and application of the TPIA, and will require that substantive changes to UTS139 require approval by the Board. Revised UTS139 will be the subject of a report and discussion under Item 8 on [Page 132](#) of the Audit, Compliance, and Management Review Committee.

9. **U. T. System Board of Regents: Discussion and appropriate action regarding recommended adoption of new Regents' *Rules and Regulations*, Rule 10901, concerning Statement of U. T. System Values and Expectations**

RECOMMENDATION

Chancellor McRaven recommends that the Board adopt a statement of U. T. System values and expectations for inclusion in the Regents' *Rules and Regulations* as Rule 10901. The Chancellor's recommended statement is set forth on the following pages.

BACKGROUND INFORMATION

This proposed new Rule outlines the values of the U. T. System related to the conduct of all operations with integrity, accountability, transparency, and respect. The Rule was drafted following consideration of a suggestion from Regent Hall.

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

Rule: 10901

1. Title

Statement of U. T. System Values and Expectations

2. Rule and Regulation

Sec. 1 Purpose.

This Rule outlines the general values to be adopted and embraced by all U. T. System officers and employees to ensure that The University of Texas System maintains its reputation as a System that strongly values integrity and requires all operations to be conducted with accountability, transparency, and respect.

The Rule is not a comprehensive guide to all matters of conduct or ethics. Officers and employees are expected to use common sense and best judgment in all situations.

Sec. 2 Compliance with Laws and Policy.

In addition to the expectations outlined below, U. T. System officers and employees are expected to comply with all applicable federal, State, and local laws as well as applicable rules and policies.

Sec. 3 Minimum Expectations.

3.1 Trust and Credibility. The success of The University of Texas System is dependent on maintaining the trust and confidence earned from students, patients, faculty, staff, elected leaders, and members of the public. Trust and confidence are gained by adhering to commitments, displaying honesty and integrity, and reaching goals solely through diligence and honorable conduct.

3.2 Respect for the Individual. The University of Texas System and the Board of Regents are committed to creating an environment where all U. T. System officers and employees are treated with dignity and respect.

3.3 Culture of Open and Honest Communication. Managers have a responsibility to create an open and supportive environment where employees understand the importance and value of raising and responding to

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

Rule: 10901

concerns about potentially questionable or unethical behavior.

- 3.4 Setting the Tone. U. T. System leadership including the Chancellor and the Presidents and the members of the Board of Regents has the added responsibility for demonstrating, through actions and leadership, the importance of the expectations described in this Rule. The Chancellor and the Presidents must be responsible for promptly and appropriately reviewing questions or concerns about ethical behavior raised by employees or others and for taking appropriate and timely steps to address any problems identified.

10. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' *Rules and Regulations*, Rule 20201, Section 1 (Presidential Selection), concerning confidentiality of the search process**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Vice Chancellor and General Counsel, and the General Counsel to the Board that proposed amendments to Regents' *Rules and Regulations*, Rule 20201, Section 1 (Presidential Selection) be adopted to include language on the confidentiality of the presidential selection process as set forth below in congressional style:

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 or the Chancellor, will be distributed only as required by the Texas Public Information Act. 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.

BACKGROUND INFORMATION

The proposed addition of language to the Rule regarding the presidential search process specifically mandates confidentiality in the process and requires each individual participating in the search process to sign and honor a confidentiality agreement.

11. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' *Rules and Regulations*, Rule 20201, Sections 2, 3, and 4, concerning the organizational and reporting structure of the U. T. System**

RECOMMENDATION

The Chancellor recommends a change in the organizational and reporting structure of the U. T. System for the Presidents of the U. T. System institutions. The proposed changes are reflected in the revisions to Regents' *Rules and Regulations*, Rule 20201, Sections 2, 3, and 4 as set forth in congressional style on the following pages.

BACKGROUND INFORMATION

The proposed changes to the U. T. System organizational and reporting structure will have the institutional presidents reporting directly to the Chancellor, with a supervisory and oversight role by the Executive Vice Chancellor for Academic Affairs or the Executive Vice Chancellor for Health Affairs, as appropriate.

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

Rule: 20201

1. Title

Presidents

2. Rule and Regulation

...

Sec. 2 Reporting. The president reports to and is responsible to the ~~Executive Vice~~ Chancellor ~~having responsibility for the institution~~. The president ~~has access to the Chancellor and~~ is expected to consult with the ~~appropriate Executive Vice~~ Chancellor and the appropriate Executive Vice Chancellor on significant issues as needed.

Sec. 3 Term and Removal from Office. The president serves without fixed term, subject to the pleasure of the ~~appropriate Executive Vice~~ Chancellor, following an opportunity for input by the appropriate Executive Vice Chancellor and subject to the approval of by the Chancellor and the Board of Regents. When circumstances warrant or require such action, the Chancellor may take interim action involving a president, including but not limited to suspension or leave of absence, pending approval by the Board.

Sec. 4 Duties and Responsibilities. Within the policies and regulations of the Board of Regents and under the supervision and direction of the Chancellor and the appropriate Executive Vice Chancellor, the president has general authority and responsibility for the administration of that institution.

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12. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' *Rules and Regulations*, Rule 30105, concerning Sexual Harassment and Misconduct and Inappropriate Consensual Relationships**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Vice Chancellor and General Counsel, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Health Affairs that proposed amendments to Regents' *Rules and Regulations*, Rule 30105, regarding Sexual Harassment and Misconduct and Inappropriate Consensual Relationships, be adopted as set forth in congressional style on the following pages. The proposed amendments ensure compliance with federal law and recent guidance and consistency across the U. T. System institutions.

BACKGROUND INFORMATION

The proposed amendments to Regents' Rule 30105 include several changes to better align with the Campus Sexual Violence Elimination (SaVE) Act. The SaVE Act is a 2013 amendment to the federal Jeanne Clery Act. The Act was designed by advocates along with victims/survivors and championed by a bipartisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence at institutions of higher education.

The proposed amendments include a codification of the definition of sexual harassment currently being used in the model policy drafted by the Office of General Counsel for use by the U. T. System institutions. Also, inclusion of a new definition of sexual misconduct is in harmony with the federal definition.

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

Rule: 30105

1. Title

Sexual Harassment, and Sexual Misconduct, and Inappropriate Consensual Relationships

2. Rule and Regulation

Sec. 1 Environment. The educational and working environments of The University of Texas System ~~or any and all~~ of the institutions shall be free from sexual harassment, sexual misconduct, inappropriate consensual relationships, and other inappropriate sexual conduct ~~conduct of a sexual nature. Sexual harassment and misconduct and inappropriate consensual relationships. Engaging in such conduct or relationships are~~ is unprofessional and unacceptable.

Sec. 2 Adoption of Policies. ~~The Each U. T. System~~ institutions ~~of the U. T. System~~ and U. T. System Administration shall adopt policies and procedures prohibiting sexual harassment, sexual misconduct, other and misconduct and inappropriate sexual conduct, and regarding consensual relationships in substantial compliance with the Office of General Counsel model policies and procedures. for review of complaints to be The institution's policies and procedures must be published in the institution's Handbook of Operating Procedures of each institution after review and approval by the appropriate Executive Vice Chancellor.

3. Definitions

Sexual Harassment – Unwelcome conduct of a sexual nature, including, but not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, student status, or participation in University activities; or
- b) Such conduct is sufficiently severe or pervasive that it interferes with an individual's education, employment, or participation in University activities, or creates an objectively hostile environment; or

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

Rule: 30105

- c) Such conduct is intentionally directed towards a specific individual and has the effect of unreasonably interfering with that individual's education, employment, or participation in University activities, or creating an intimidating, hostile, or offensive environment.

Sexual assault, sexual exploitation, dating violence, domestic violence, and stalking are behaviors that may constitute sexual harassment.

~~, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly Texas Penal Code Ann. § 39.03(c). A public servant acting under color of his/her office or employment who intentionally subjects another to sexual harassment is guilty of official oppression. Texas Penal Code Ann. § 39.03(a)(3). Official oppression is a Class A misdemeanor. Texas Penal Code Ann. § 39.03(d).~~

Sexual Misconduct – A broad term encompassing a range of nonconsensual sexual activity or unwelcome behavior of a sexual nature. The term includes, but is not limited to, sexual assault, sexual exploitation, sexual intimidation, sexual harassment, domestic violence, dating violence, and stalking. Sexual misconduct can be committed by men or women, strangers or acquaintances, and can occur between or among people of the same or opposite sex. Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional and inappropriate for the workplace or classroom.

Inappropriate Consensual Relationships – A consensual sexual relationship, romantic relationship, or dating between a university faculty member or other employee and any employee or student over whom the individual has any direct or indirect supervisory, teaching, evaluation, or advisory authority, unless the relationship has been reported in advance and a plan to manage the conflict inherent in the relationship has been approved and documented.

Other Inappropriate Sexual Conduct – Includes unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature directed towards another individual that does not rise to the level of sexual harassment but is unprofessional and inappropriate for the workplace or classroom. It also includes consensual sexual conduct that is unprofessional and inappropriate for the workplace or classroom.

13. **U. T. System Board of Regents: Discussion and appropriate action regarding recommended adoption of new Regents' *Rules and Regulations*, Rule 50801, concerning Student Learning Outcomes Assessment**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel that proposed new Regents' *Rules and Regulations*, Rule 50801, regarding Student Learning Outcomes Assessment, be adopted to ensure that each U. T. System institution and U. T. System Administration have internal policies that incorporate strategies for assessment of student learning outcomes. The proposed Rule is set forth on the following pages.

BACKGROUND INFORMATION

Student learning is the knowledge, skills, and attitudes that students acquire as a result of an educational experience and should always be at the forefront of what institutions of higher education do. Determining whether a student has learned a particular concept or skill set and to what extent she/he has learned it is a critical component of the higher education enterprise. The proposed Regents' Rule seeks to ensure that U. T. System institutions engage thoroughly in the assessment of student learning outcomes. The results of those assessments inform the public of the value added by the higher education experience and should also be used by the institutions as part of their commitment to continuous quality improvement.

A detailed U. T. Systemwide model policy will be developed by the Office of Academic Affairs.

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

Rule: 50801

1. Title

Student Learning Outcomes Assessment

2. Rule and Regulation

Sec. 1 Board Commitment. The Board of Regents and U. T. System Administration are committed to continuous improvement as a means of ensuring institutional effectiveness and ongoing enhancement of all academic programs. Assessing student learning -- the outcomes of an institution's educational programs -- is at the heart of these efforts.

Sec. 2 Purpose. The purpose of this Rule is (a) to ensure that U. T. System institutions design and implement appropriate strategies for assessing student learning outcomes and for the use of assessment findings for continuous improvement of teaching and learning, and (b) to set forth principles and guidelines for the implementation of learning outcomes assessment at U. T. System institutions.

Sec. 3 Principles and Guidelines.

3.1 Student learning outcomes assessment will be used to inform the continuous improvement of teaching and learning in all degree programs offered at each U. T. System institution.

3.2 Assessment of student learning outcomes at the program level are to be designed, implemented, and interpreted by the faculty most directly associated with the program.

Rationale. Outcomes assessment is based on explicit learning goals or expectations associated with particular educational programs. It involves the systematic collection and analysis of data -- both qualitative and quantitative -- to determine how well student performance matches goals or expectations. The major purpose of outcomes assessment is to improve student learning.

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

Rule: 50801

Sec. 4 Requirements.

- 4.1 U. T. System institutions shall develop and implement methods for assessing student learning outcomes in all undergraduate, graduate, and professional programs.
- 4.2 Assessment findings will be systematically analyzed and used as a basis for making changes in curriculum, instruction, advising, or other aspects of an educational program to improve student learning and success.

Sec. 5 Implementation and Reporting.

- 5.1 Implementation of this Rule at the U. T. System institutions is to be consistent with the *Principles of Accreditation: Foundations for Quality Enhancement* as promulgated by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
- 5.2 On a schedule that aligns with its reaffirmation of accreditation with SACSCOC, each institution shall submit an assessment report on student learning outcomes to the Office of Academic Affairs or to the Office of Health Affairs.

14. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed amendments to Regents' Rules and Regulations, Rule 80105, Section 1.2 (Joint Sponsorship of the Use of Property or Buildings) and Rule 80106, Section 2.3 (Special Use Facilities)**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the Vice Chancellor and General Counsel that Regents' *Rules and Regulations*, Rule 80105, Section 1.2 (Joint Sponsorship of the Use of Property or Buildings), and Rule 80106, Section 2.3 (Special Use Facilities) be amended as set forth in congressional style below to enable U. T. System institutions to more efficiently enter into agreements with outside entities to host campus events in furtherance of and related to the educational, cultural, recreational, and athletic programs of the institutions:

Rule 80105: Joint Sponsorship of the Use of Property or Buildings

- Sec. 1.2 ~~In order f~~For joint sponsorship to be appropriate, the ~~educational~~ implications of a program or activity ~~must be self-evident,~~ must, in the determination of the Chancellor or President, directly supplement the educational purposes of the institution, ~~and must not result in financial gain for the invited individual, group, association, or corporation.~~

Rule 80106: Special Use Facilities

- Sec. 2.3 As a lower priority, the rules and regulations may provide for reservation and use of Special Use Facilities by individuals, groups, associations, or corporations without the necessity of joint sponsorship by the U. T. System or any of the institutions. Subject to all constitutional and statutory provisions relating to the use of State property or funds for religious or political purposes, Special Use Facilities may be made available for religious and political conferences or conventions. Rates must be charged for the use of the Special Use Facility that, at a minimum, ensure recovery of that part of the operating cost of the facility attributable directly or indirectly to such use. Agreements for the use of Special Use Facilities shall be consistent with model contracts developed by the Office of General Counsel. ~~If the user charges those attending an event any admission or registration fee, or accepts donations from those in attendance, the institution shall require the user to make a complete account of all funds collected and of the actual cost of the event. If the funds collected exceed the actual cost of the event, the user shall be required to remit such excess funds to the institution as an additional charge for the use of the Special Use Facility provided however, the Board may permit exceptions to this requirement by the authorization of specific use agreements via the Consent Agenda or Agenda.~~

BACKGROUND INFORMATION

The recommended changes to Regents' *Rules and Regulations*, Rule 80105, Section 1.2 and Rule 80106, Section 2.3 were initiated in response to the institutions' need for flexibility and efficiency and are designed to remove current obstacles institutions face when attempting to enter into contracts with outside entities that will bring enriching and cultural events to the campuses. Currently, the Rules prohibit U. T. System institutions from jointly sponsoring or entering into a contract with an outside entity if the non-U. T. entity were to realize any financial gain from the use of the facilities.

The proposed changes allow U. T. System institutions to efficiently negotiate and execute agreements with outside entities to host and/or jointly sponsor cultural, educational, recreational, and athletic events. The Office of General Counsel will provide a template and checklist designed to streamline the process and aid the institutions in contracting, as there is a constitutional consideration with the proposed change. The group or association utilizing a university facility must provide adequate consideration to the university pursuant to the Texas Constitution. Also, a university may receive less than adequate monetary consideration so long as there is a legitimate public purpose, the university retains control, and the university receives a return benefit.

15. **U. T. System Board of Regents: Group Purchasing Organization (GPO)/Sole Source Purchasing Working Group Report**

REPORT

Executive Vice Chancellor Kelley will present the Group Purchasing Organization (GPO)/Sole Source Purchasing Working Group report set forth on the following pages.

BACKGROUND INFORMATION

At the November 6, 2014 meeting of the Board, Executive Vice Chancellor Kelley led a discussion regarding the use of group purchasing contracts through the Texas Department of Information Resources (DIR) and other sources; and issues related to competitive bidding, justification for exclusive acquisitions, and requirements for Board approval. Following the discussion, noting the magnitude of the DIR and GPO contracts, and the guidance received from the Board, then Chancellor Cigarroa asked Executive Vice Chancellor Kelley to gather a working group of internal experts to recommend improvements on these procurement policies and to report at a future Board meeting.

**Group Purchasing Organization (GPO)/Sole Source Purchasing
Working Group Report
to the U. T. System Board of Regents**

BACKGROUND

Following the November 6, 2014 meeting of the Board of Regents, a small working group was formed to review the purchasing policies and practices in the procurement of goods and services through methods other than competitive bidding by the U. T. System and its institutions, and to suggest recommendations for improvement in those practices. Such purchasing practices subject to this review included procurement through sole sourcing, state agencies, and the use of other group purchasing organizations (GPOs).

The working group met initially to review its charge and to formulate a plan moving forward (**Appendix A** - Working Group Charge). In November 2014, a request was made to all of the U. T. System institutions to provide information on all contracts and purchase orders entered into in Fiscal Year 2014 that were not competitively bid—including information on the vendor, method of procurement (sole source, specific GPO, etc.) and dollar amount of each contract. That information was received in late December and summarized and collated in an attempt to ensure consistency and comparability. The data revealed that approximately 30% of our total purchases were procured in a method other than the traditional competitive bidding process. The total dollars spent in Fiscal Year 2014 for Sole Source, TXMAS/State, DIR and other group purchasing organizations were just over \$1.28 billion.

While at first glance this number may seem extraordinarily large, there were valid reasons for why such a large dollar amount was spent procuring goods and services utilizing purchasing methods other than the traditional competitive bidding process. Indeed, the data illustrated both the value of the flexibility the state has provided in procurement methods and, perhaps more importantly, the absolute imperative we have to ensure that the trust given is not abused and that policies and practices are in place to guarantee that U. T. System is fair, transparent and absolutely ethical in all procurements. **Appendix B** provides an excerpt from the *Texas Education Code* under which U. T. System institutions are generally allowed to operate.

Of the \$1.28 billion in identified purchases (utilizing methods other than traditional competitive bidding), almost half or just under \$600 million were categorized as sole source purchases. These sole source purchases included the following:

- Library materials
- Direct Publications/Software Renewals/Maintenance

- Proprietary (i.e. Pharmaceuticals, Chemical Reagents)
- Original Equipment Manufacturer (OEM) Maintenance/Renewals
- Compatibility with Existing Equipment
- Continuity of Services/Research
- Meets Required Specifications/Unique Specifications
- Contractor/Grantor Requirements
- Professional Services (Legal, Architect, Engineer, Physician)
- Professional Organization Memberships
- Insurance
- Emergency Purchases

Also, unlike purchases made using group purchasing organizations that are, for now, exempt from Board of Regents approval under Regents’ Rule 10501, these sole source purchases (in excess of the required dollar threshold) do require approval by the Board. (**Appendix C** - Regents’ Rule 10501 excerpt).

Of the remaining \$680 million, which was not sole sourced, approximately \$230 million (18% of the total \$1.28 billion) were purchases made through state contracts, while \$450 million (35% of the total \$1.28 billion) were purchases from one of more than 25 GPOs, including the U. T. System Supply Chain Alliance.

In addition, two state agencies and three GPOs accounted for over \$620 million (or more than 90%) of the identified \$680 million procured through agency contracts or GPOs. They are as follows:

- | | | |
|---|---|---------------|
| • The Department of Information Resources (DIR) | - | \$178 million |
| • Texas Multiple Awards Schedules (TXMAS) | - | \$ 42 million |
| • Premier Healthcare Alliance GPO | - | \$245 million |
| • U. T. System Supply Chain Alliance | - | \$130 million |
| • E&I Cooperative Services | - | \$ 25 million |

Given the large amount of goods and services procured by the U. T. System through the five organizations mentioned above, the working group requested information from all five groups to better understand individual practices and processes in soliciting contract proposals from vendors and in identifying contract and pricing terms that can be used by members utilizing the organization’s shared contracts. **Appendix D** shows a list of the questions generally asked of the State Agencies/GPOs with whom we visited.

Variation was found in the approach taken by these agencies/GPOs in how they qualify vendors and set pricing for contracts. For example, the U. T. System Supply Chain Alliance engages in a very rigorous competitive bidding process determined not only to qualify vendors for use by U. T. System institutions, but also to ensure that the vendor(s) selected provide the most competitive pricing by, in part, communicating the aggregate spend likely to come from our institutions and agreeing to narrow the choice available to the institutions. Other groups add value by “pre-qualifying” vendors through a competitive bidding process but, by their own admission, are not seeking to necessarily acquire the most favorable pricing terms that would come through the bidding of a large contract. In other words the price

offered by the vendor in the process may be a standard price that the vendor would give to any purchaser.

On January 28, 2015, as the working group was engaged in its work, Governor Abbott issued a letter (**Appendix E**) to all state agency heads asking for greater transparency and better stewardship in the state's contracting and procurement processes. This letter was in response to concerns raised in the contracting processes at another state agency, which reinforces the value and insight of our Board of Regents which noted the risks associated with this important function many months earlier and convened this working group to review practices and policies well in advance of any identified procurement challenges in other state agencies.

Once the letter was issued by Governor Abbott, the U. T. System agreed, to the extent possible to immediately implement the five specific suggestions from the letter to improve transparency and foster accountability. In addition, U. T. System informed the Governor's staff and members of the legislature of the review that was currently underway by this working group and that further recommendations would be coming to the Board of Regents in May. The working group has attempted to adjust its process and to reflect the Governor's suggestions and guidance into its recommendations.

RECOMMENDATIONS

Having reviewed the data, conducted numerous interviews and deliberations, the working group suggests the following recommendations for the Board of Regents to consider.

Recommendation #1: It is recommended that all U. T. System institutions begin using a standardized sole source ("Exclusive Acquisition") procedure and best value determination. The working group recommends that the Office of General Counsel (OGC) publish guidelines to standardize the process for all U. T. System institutions based on a set of best practices. The working group has identified the following Best Practices that should be considered:

- Adopt the term "Exclusive Acquisition" and include justification for:
 - Sole source/proprietary purchases
 - Best value purchases
 - Emergency purchases
 - Purchases of professional services
 - *Texas Government Code* 2254.002/003 requires pre-qualification. In situations where only one supplier is being considered, written justification would be required in the absence of pre-qualification
- Cite in either the procedure or the form the legislative guideline that applies or defines a requirement
- Affirmation signed by the request originator that attests to accuracy of the information presented and absence of any conflict of interest
- Counter signature by the school/department-level administrative official

- Dual approval within the Purchasing Department by both the Buyer and a purchasing manager
 - Purchasing management signature must be in line with established delegation of authority limits

Exclusive Acquisition Justification (EAJ) would be required when only one supplier is being considered for purchases that meet the institution's dollar threshold requirements for competitive bids or proposals.

In **Appendix F**, the working group offers a suggested standardized form that could be used for all sole source (exclusive acquisition) procurements.

Recommendation #2: The working group applauds the purchasing training and certification currently mandated by University of Texas System Policy UTS156 and endorses its continuing application. In UTS156, core training is required for all employees who process procurements of goods or services and must include the following areas:

- Ethics
- Supplier relations
- U. T. System Historically Underutilized Business (HUB) program
- Applicable, laws, rules and regulations
- The role of the buyer and the buyer's fiduciary responsibility
- Documentation and records management
- Applicable policies and procedures
- Contract administration
- Principles of "best value" procurement

In addition, all personnel who process competitive procurements and issue purchase orders in an amount greater than \$25,000 must obtain certification from one of the nationally recognized procurement educational associations and/or Texas Procurement and Support Services (TPASS) training programs listed below:

- Institute for Supply Management
- National Institute of Government Purchasing
- State of Texas (administered by TPASS division of the Texas Comptroller's Office)

Only individuals who have specific procurement knowledge and experience are eligible for certification.

There are three essential components for eligibility:

- Level of education
- A required number of years in procurement experience
- Coursework training and a successful passing score on a formal examination

The required certification levels are classified by the type of purchase (e.g. formal bids, small dollar procurements) and the level of commitment authority given to the purchaser. For example, a purchaser who processes formal bids requires more years of procurement experience and coursework training than a purchaser who process informal quotes. Certifications must be renewed every five years and the recertification process requires continuing education hours ranging from 45 hours to 120 hours depending upon the certifying educational association. Certification requirements are incorporated into institution's job descriptions to ensure all applicable personnel are appropriately certified.

Recommendation #3: The working group recommends that there be a tiered approach to the use of State Agency Contracts/Group Purchasing Organizations. It is recommended that the Regents delegate to the Executive Vice Chancellor for Business Affairs (EVCBA) to work with the U. T. System Purchasing Council and the U. T. System Supply Chain Alliance to develop an "accreditation" process whereby GPOs might be certified for various levels of use. Until a GPO is recommended for certification to the Board of Regents and subsequently approved by the Board, an institution cannot procure goods or services through the GPO. The group, working with the EVCBA, would recommend GPO "certifications" to the Board of Regents and the conditions under which an institution can utilize the GPO's services. It is further recommended that GPOs certified by the Board undergo a recertification process every two years whereby they are reapproved for use by the Board of Regents.

While the accreditation process is being developed and until GPO certification recommendations are approved by the Board, we recommend institutions be permitted full use of contracts provided by the U. T. System Supply Chain Alliance as is, and conditional use of contracts provided by:

- The Department of Information Services (DIR);
- Texas Multiple Awards Schedules (TXMAS);
- Premier Healthcare Alliance GPO; and
- E&I Cooperative Services.

Subject to the following:

Services: Where it is clear that the Agency/GPO has multiple suppliers in the same service category, then the institution must develop a specific scope of work and solicit and receive a minimum of three valid proposals (or two if there are only two firms in the category) from contracted suppliers.

Goods: Where it is clear that the Agency/GPO has multiple suppliers for the same good category, then the institution shall solicit a minimum of three valid proposals (or two if there are only two firms in the category) from contracted suppliers;

- for DIR, TXMAS, and E&I Cooperative Services, this step is applicable to contracts over a \$1.0 million threshold that are calculated based on the contract terms, and

- for Premier Healthcare Alliance GPO, this step is applicable according to the following contract requirement thresholds that are calculated based on the contract term:
 - \$1.0 million for UTB, UTPA, UTPB, UTRGV, UTT and UTHSCT;
 - \$2.0 million for UTA, UTD, UTEP, UTSA; and
 - \$3.0 million for UTAUS, UTHSCH, UTHSCSA, UTMB, UTSWMC, UTMDA, and U. T. System.

In addition, if the institution exceeds the top tier volumes, spend, or market share under a GPO contract with a tiered pricing structure, then the institution shall be required to obtain a minimum of three valid proposals or two if there are only two firms in the category.

Best Value Justification: In all cases the institution must complete and sign off on a standard “best value” justification form. **Appendix G** illustrates a sample process, already implemented at a number of our institutions which takes into account these required conditions. The “best value” form is in development.

Recommendation #4: It is recommended that Regents’ Rule 10501, Sec. 2.2.7, which exempts all purchases made under a group purchasing program that follow all applicable statutory and regulatory standards for procurement from Board of Regents approval – be amended. Instead, it is proposed that:

- First, Section 2.2.7 would only apply to State Agencies/GPOs that have been “certified” by the Board of Regents (see **Recommendation #3**) and contracts that follow the conditions associated with that certification (currently we recommend application of this section to the U. T. System Supply Chain Alliance and the four Agencies/GPOs noted above in **Recommendation #3**).
- Second, purchases made through a “certified” State Agency/GPO purchasing program under:
 - \$1.0 million for UTB, UTPA, UTPB, UTRGV, UTT and UTHSCT;
 - \$2.0 million for UTA, UTD, UTEP, UTSA; and
 - \$3.0 million for UTAUS, UTHSCH, UTHSCSA, UTMB, UTSWMC, UTMDA, and U. T. System be exempt from Board of Regents approval.
- Third, that proposed purchases made through a “certified” State Agency/GPO over the above mentioned thresholds be communicated via email to members of the Audit, Compliance and Management Review (ACMR) committee of the Board and that each member of the ACMR committee be given 48 hours for any individual questions concerning the purchase.
- Fourth, that a quarterly report of all procurements made in the prior three months that are over the above mentioned thresholds and that utilize a State Agency/GPO purchasing program, be provided to the Board of Regents.

Recommendation #5: Consistent with the direction received from Governor Abbott, it is recommended that each U. T. System institution locate and develop a webpage on their website to report information on each sole source contract within 30 days of the signing of the contract. This recommendation has already been implemented.

Recommendation #6: Again, consistent with the direction received from Governor Abbott, it is recommended that for any procurement of more than \$5 million, the institution’s procurement director

or contract manager certify in writing the procurement method to the institution President or Chancellor. **Appendix H** shows a recommended “certification template,” which can be used for this process. And, while the template has yet to be standardized, the certification process for contracts exceeding \$5 million has already been implemented.

Recommendation #7: The working group recommends continued adherence to current U. T. System policy and conflict of interest programs and finds that the policy and programs currently in place adequately protect the U. T. System, its institutions, and its employees from unmanageable conflicts while still allowing for appropriate engagement in needed business activities.

Recommendation #8: While we of course recognize the guidance received from the Governor and will clearly adhere to any new legislative requirement related to transparency and ethical procurement of goods and services, the working group believes that current delegations of contracting authority are reasonable, efficient and reflective of the appropriate levels of accountability. This is particularly apparent when considering University of Texas System Policy UTS156 and the rigorous training and certifications required of all those engaged in the procurement of goods and services. The working group does not believe that requiring the institution President or the Chancellor to sign all contracts in excess of \$1 million is a particularly effective control mechanism and believes such a requirement creates some unnecessary inefficiencies in the system.

Recommendation #9: With a few identified exceptions (including food services/concessions) it is recommended that U. T. System explore the implementation of contract term limits of no more than five years (including extensions). It is recommended that this issue be studied and considered with input from the institutions to determine if such term limits are practical, what length they might be, and what list of exceptions should be identified. Another considered approach would be to require Board of Regents approval for contracts beyond five years, regardless of total dollar value.

FUTURE THOUGHTS

While not part of its specific recommendations the working group would note two other items for possible future discussion and study.

First, there may be a need for more review and consideration of how and when to engage consulting services at the U. T. System and its institutions. It is clear that U. T. System expends large amounts of resources on such services and it is likewise apparent that there is often a need to supplement internal expertise with outside help due to a narrow proficiency required, the temporary nature of a project or study, an independent approach or review, etc. But it is also evident that contracts for consulting services can be some of the most difficult to negotiate and manage to ensure risk is shared, value is maximized,

and objectives are met. Therefore, there may be value in better understanding how, when and why to obtain such services and what might be done to enhance efficiency in this area.

Second, an identified purchasing best practice for future consideration is the possible further consolidation of procurement functions within the U. T. System. If done right, this more corporate like model – relating only to purchasing and procurement – has the advantages of enhanced efficiency, better controls, and simplified processes while still allowing for the individualized decision-making and flexibility critical to the individual institutions.

APPENDIX A
Working Group Charge

As requested by the Board of Regents (BOR) on November 6, 2014, this working group will gather data and information on the processes and procedures under which U. T. institutions acquire goods and services. Based on the data gathered and the information obtained, the working group will make recommendations to the BOR to assure compliance with statutory “best value” requirements, to suggest best practices and enhanced efficiency, and to provide assurance to the BOR that they are exercising an appropriate degree of oversight regarding U. T. System expenditures.

Specifically, the task force will

1. Obtain data on the various ways U. T. institutions acquire goods and services, including number and type of contracts and dollars expended on sole source acquisitions, competitive procurements conducted by the institutions themselves, and group purchases made under contracts procured by the Department of Information Resources, the Comptroller of Public Accounts (TXMAS), Premier, Novation and other significant group purchasing organizations.
2. Review best practices on the use and documentation of sole source and group purchase contracts. Review the competitive processes used by the group purchasing organizations and how well they satisfy our best value requirements.
3. Review how the use of various purchase methods can be justified and documented under the best value purchasing authority.
4. Review the BOR Rules on purchasing, including exemptions from BOR approval, for significant contracts by type and monetary value.
5. Make recommendations on how to strengthen purchasing policies and procedures to reflect best practices, maintain efficiency and flexibility while ensuring proper oversight and public transparency.

APPENDIX B
Texas Education Code Excerpt

The following is an excerpt from the *Texas Education Code* under which U. T. System institutions are generally allowed to operate:

§ 51.9335. ACQUISITION OF GOODS AND SERVICES.

- (a) An institution of higher education may acquire goods or services by the method that provides the best value to the institution, including:
 - (1) competitive bidding;
 - (2) competitive sealed proposals;
 - (3) a catalogue purchase;
 - (4) a group purchasing program; or
 - (5) an open market contract.

- (b) In determining what is the best value to an institution of higher education, the institution shall consider:
 - (1) the purchase price;
 - (2) the reputation of the vendor and of the vendor's goods or services;
 - (3) the quality of the vendor's goods or services;
 - (4) the extent to which the goods or services meet the institution's needs;
 - (5) the vendor's past relationship with the institution;
 - (6) the impact on the ability of the institution to comply with laws and rules relating to historically underutilized businesses and to the procurement of goods and services from persons with disabilities;
 - (7) the total long-term cost to the institution of acquiring the vendor's goods or services;
 - (8) any other relevant factor that a private business entity would consider in selecting a vendor; and
 - (9) the use of material in construction or repair to real property that is not proprietary to a single vendor unless the institution provides written justification in the request for bids for use of the unique material specified.

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APPENDIX C

1. Title

Delegation to Act on Behalf of the Board

2. Rule and Regulation

Sec. 2 Delegation

- 2.1 Compliance with Special Instructions. All authority to execute and deliver contracts, agreements, and other documents is subject to these *Rules and Regulations* and compliance with all applicable laws and special instructions or guidelines issued by the Chancellor, an Executive Vice Chancellor, and/or the Vice Chancellor and General Counsel. Special instructions or guidelines by the Chancellor, an Executive Vice Chancellor, or the Vice Chancellor and General Counsel may include without limitation instructions concerning reporting requirements; standard clauses or provisions; ratification or prior approval by the Board of Regents or the appropriate Executive Vice Chancellor; review and approval by the Office of General Counsel; and recordkeeping.
- 2.2 Contracts Not Requiring Board Approval. The following contracts or agreements, including purchase orders and vouchers, do not require prior approval by the Board of Regents.
 - 2.2.1 Construction Projects. Contracts, agreements, and documents relating to construction projects previously approved by the Board of Regents in the Capital Improvement Program and Capital Budget or Minor Projects.
 - 2.2.2 Construction Settlements. All settlement claims and disputes relating to construction projects to the extent funding for the project has been authorized.
 - 2.2.3 Intellectual Property. Legal documents, contracts, or grant proposals for sponsored research, including institutional support grants, and licenses or other conveyances of intellectual

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property owned or controlled by the Board of Regents as outlined in [Rule 90105](#) of these Rules.

- 2.2.4 Replacements. Contracts or agreements for the purchase of replacement equipment or licensing of replacement software or services associated with the implementation of the software.
- 2.2.5 Routine Supplies. Contracts or agreements for the purchase of routinely purchased supplies or equipment.
- 2.2.6 Approved Budget Items. Purchases of new equipment or licensing of new software or services associated with the implementation of the software, identified specifically in the institutional budget approved by the Board of Regents.
- 2.2.7 Group Purchases. Purchases made under a group purchasing program that follow all applicable statutory and regulatory standards for procurement.
- 2.2.8 Loans. Loans of institutional funds to certified nonprofit health corporations, which loans have been approved as provided in The University of Texas System Administration Policy [UTS166, Cash Management and Cash Handling Policy](#) and The University of Texas System Administration Policy [UTS167, Banking Services Policy](#) concerning deposits and loans.
- 2.2.9 Certain Employment Agreements. Agreements with administrators employed by the U. T. System or any of the institutions, so long as such agreements fully comply with the requirements of *Texas Education Code* [Section 51.948](#) including the requirement to make a finding that the agreement is in the best interest of the U. T. System or any of the institutions, except those with total annual compensation of \$1 million or greater or with proposed multiyear contracts of \$1 million or greater.

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- 2.2.10 Energy Resources. Contracts or agreements for utility services or energy resources and related services, if any, which contracts or agreements have been approved in advance by the Chancellor or the Chancellor's delegate.
- 2.2.11 Library Materials and Subscriptions. Contracts or agreements for the purchase or license of library books and library materials.
- 2.2.12 Athletic employment agreements. Contracts, contract revisions, and contract extensions with athletic directors and coaches except those with total annual compensation of \$1 million or greater or those with proposed multiyear contracts of \$1 million or greater.
 - (a) Contracts, contract revisions, and contract extensions for individuals with total annual compensation of \$1 million or greater may be negotiated and executed by the President following consultation with the Chancellor, the Executive Vice Chancellor for Academic Affairs, the Vice Chancellor and General Counsel, and the Chairman of the Board of Regents and additional consultation, as requested by the Chairman, to determine if special circumstances require an offer or contract change to be made prior to a scheduled meeting of the Board and if the proposed offer or contract change is in the best interest of the institution.
 - (b) Such special circumstance contracts shall be submitted to the Board for formal approval via the Consent Agenda at the next appropriate meeting of the Board as required by [Rule 20204](#) of these Rules.
 - (c) Alternatively, the President may seek prior approval of the Board to negotiate with a slate of identified individuals within defined contract terms and proceed, if authorized, to hire an athletic director or coach and

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submit a contract for formal approval by the Board as set out in (b) above.

- (d) It is the expectation of the Board, the Chancellor, and the Executive Vice Chancellor for Academic Affairs that each President will assure the Chairman, the Chancellor, and the Executive Vice Chancellor for Academic Affairs are provided advance notice of proposed hirings and potential terms of employment related to such contracts in advance of an offer or publication or public distribution of information to allow for meaningful consultations and/or approvals.

- 2.2.13 Athletic Games. Contracts or agreements related to athletic games, including postseason bowl games. If the contract or agreement exceeds \$1 million in value, the contract or agreement must be approved by the Executive Vice Chancellor for Academic Affairs and be in a form acceptable to the Vice Chancellor and General Counsel.
- 2.2.14 Property or Casualty Losses. Contracts or agreements with a cost or monetary value to the U. T. System or any of the institutions in excess of \$1 million but not exceeding \$10 million associated with or related to a property or casualty loss that is expected to exceed \$1 million may be approved, executed, and delivered by the Chancellor. The Chancellor shall consult with the institutional president, if applicable.
- 2.2.15 Health Operations. Contracts or agreements for the procurement of routine services or the purchase or lease of routine medical equipment, required for the operation or support of a hospital or medical clinic, if the services or equipment were competitively procured.
- 2.2.16 Increase in Board Approval Threshold. An institution's dollar threshold specified in Section 3.1 may be increased to up to \$5 million by the

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Vice Chancellor and General Counsel, after consultation with the General Counsel to the Board of Regents, if it is determined that the institution has the expertise to negotiate, review, and administer such contracts. Unless approved in advance by the Vice Chancellor and General Counsel, any increase will not apply to contracts or agreements designated as Special Procedure Contracts by the Vice Chancellor and General Counsel.

- 2.2.17 Group Employee or Student Benefits. Contracts or agreements for uniform group employee or student benefits, including those offered pursuant to [Chapter 1601](#), *Texas Insurance Code*.
- 2.4 Signature Authority. The Board of Regents delegates to the Chancellor or the president of an institution authority to execute and deliver on behalf of the Board contracts and agreements of any kind or nature, including without limitation licenses issued to the Board or an institution. In addition to other primary delegates the Board assigns in the Regents' *Rules and Regulations*, the Board assigns the primary delegate for signature authority for the following types of contracts.
- 2.5 System Administration and Systemwide Contracts. The Board of Regents delegates to the Executive Vice Chancellor for Business Affairs authority to execute and deliver on behalf of the Board contracts or agreements:
 - (a) affecting only System Administration,
 - (b) binding two or more institutions of the U. T. System with the concurrence of the institutions bound, or
 - (c) having the potential to benefit more than one institution of the U. T. System so long as participation is initiated voluntarily by the institution.
- 2.6 Contracts Between or Among System Administration and Institutions. The Board of Regents delegates to the Executive Vice Chancellor for Business Affairs authority to execute on behalf of the Board contracts or agreements between or among System Administration

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and institutions of the U. T. System for resources or services. Any such contract or agreement shall provide for the recovery of the cost of services and resources furnished.

2.7 Contracts with System Administration or Between or Among Institutions. The Board of Regents delegates to the president of an institution authority to execute on behalf of the Board contracts or agreements with System Administration or between or among institutions of the U. T. System for resources or services. Any such contract or agreement shall provide for the recovery of the cost of services and resources furnished.

2.8 Contracts for Legal Services and Filing of Litigation. The Board of Regents delegates to the Vice Chancellor and General Counsel authority to execute and deliver on behalf of the Board contracts for legal services and such other services as may be necessary or desirable in connection with the settlement or litigation of a dispute or claim after obtaining approvals as may be required by law. Litigation to be instituted under these contracts on behalf of the Board, System Administration, or an institution of U. T. System must have the prior approval of the Vice Chancellor and General Counsel.

2.9 Settlement of Disputes. Except as provided in Section 3.6 below, the Board of Regents delegates to the Vice Chancellor and General Counsel authority to execute and deliver on behalf of the Board agreements settling any claim, dispute, or litigation. The Vice Chancellor and General Counsel shall consult with the institutional president and the appropriate Executive Vice Chancellor or Chancellor with regard to all settlements greater than \$150,000 that will be paid out of institutional funds. Settlements greater than \$1,000,000 will require the approval of the Board as outlined in Section 3.6 below. The Vice Chancellor and General Counsel shall consult with the Office of External Relations with respect to settlement of will contests and other matters relating to gifts and bequests administered by that Office.

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

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- 3.1 Contracts Exceeding \$1 Million.
 - 3.1.1 All contracts or agreements, with a total cost or monetary value to the U. T. System or any of the institutions of more than \$1 million, unless exempted in Section 4 below. The total cost or monetary value of the contract includes all potential contract extensions or renewals whether automatic or by operation of additional documentation. For purposes of this Rule, any contract with unspecified cost or monetary value with a term of greater than four years is presumed to have a total value of greater than \$1 million.
 - 3.1.2 Any amendment, extension, or renewal that increases the cost or monetary value of the original contract to more than \$1 million must be submitted to the Board for approval or authorization. Any amendment, extension, or renewal with a cost or monetary value that exceeds 25% of the cost or monetary value of the original contract approved by the Board must be submitted to the Board for approval.
- 3.2 Contracts with Foreign Governments. Contracts or agreements of any kind or nature, regardless of dollar amount, with a foreign government or agencies thereof, except affiliation agreements and cooperative program agreements, material transfer agreements, sponsored research agreements and licenses, or other conveyances of intellectual property owned or controlled by the Board of Regents prepared on an approved standard form or satisfying the requirements set by the Office of the General Counsel, or agreements or contracts necessary to protect the exchange of confidential information or nonbinding letters of intent or memorandums of understanding executed in advance of definitive agreements each as reviewed and approved by the Vice Chancellor and Office of General Counsel.
- 3.3. Contracts Involving Certain Uses of Institution Names, Trademarks, or Logos. Except as specifically allowed under existing contracts entered into between the Board of Regents and nonprofit entities supporting a U. T. System institution, agreements regardless of dollar

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amount that grant the right to a non-U. T. entity to use the institutional name or related trademarks or logos in association with the provision of a material medical-related service or in association with physical improvements located on property not owned or leased by the contracting U. T. System institution.

- 3.4 Contracts with Certain Officers. Agreements, regardless of dollar amount, with the Chancellor, a president, a former Chancellor or president, an Executive Vice Chancellor, a Vice Chancellor, the General Counsel to the Board, or the Chief Audit Executive are subject to the applicable provisions of *Texas Education Code Section 51.948*.
- 3.5 Insurance Settlements.
- (a) Settlements in excess of \$1 million must have the approval of the Board.
- (b) Settlement claims from insurance on money and securities or fidelity bonds of up to \$1 million shall be approved by the Executive Vice Chancellor for Business Affairs.
- (c) If a loss is so extensive that partial payments in excess of \$1 million are necessary, the Chancellor is delegated authority to execute all documents related to the partial payment or adjustment. Final settlement of claims in excess of \$1 million will require approval by the Board.
- 3.6 Settlement of Disputes. Settlements of any claim, dispute or litigation for an amount greater than \$1 million require approval. The settlement may also be approved by the appropriate standing committee of the Board of Regents. The Vice Chancellor and General Counsel shall consult with the institution's president and appropriate Executive Vice Chancellor or Vice Chancellor with regard to all settlements in excess of \$150,000 that will be paid out of institutional funds.
- 3.7 Power to Authorize Expenditures. No expenditure out of funds under control of the Board shall be made and no debt or obligation shall be incurred and no promise shall be made in the name of the System or any of the

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institutions or of the Board of Regents by any member of the respective staffs of the U. T. System or any of the institutions except:

- 3.7.1 In accordance with general or special budgetary apportionments authorized in advance by the Board of Regents and entered in its minutes; or
- 3.7.2 In accordance with authority specifically vested by the Board of Regents in a committee of the Board; or
- 3.7.3 In accordance with authority to act for the Board of Regents when it is not in session, specifically vested by these *Rules and Regulations* or by special action of the Board.

Sec. 4 Exceptions. This Rule does not apply to any of the following:

- 4.1 UTIMCO. Management of assets by UTIMCO, which is governed by contract and the provisions of [Rule 70101](#), [70201](#), [70202](#), and [70401](#) of these *Rules and Regulations*.
- 4.2 Acceptance of Gifts. The acceptance, processing, or administration of gifts and bequests, which actions are governed by [Rule 60101](#), [60103](#), [70101](#), and [70301](#) of these *Rules and Regulations* and applicable policies of the Board of Regents.
- 4.3 Statutory. Any power, duty, or responsibility that the Board has no legal authority to delegate, including any action that the Texas Constitution requires be taken by the Board of Regents.

3. Definitions

Group Purchasing Program – for purposes of this Rule, a purchasing program established by (1) a state agency that is authorized by law to procure goods and services for other state agencies, such as the **Texas Procurement and Support Services Division of the Texas Comptroller of Public Accounts** and the Texas Department of Information Resources, or any successor agencies, respectively; or (2) a group purchasing organization in which the institution participates, such as Novation, Premier, Western States Contracting Alliance, and U.S. Communities Government Purchasing Alliance; or (3) the U. T. System Supply Chain Alliance.

APPENDIX D
Questions for Group Purchasing Organizations

1. Describe how your GPO's sourcing and contracting processes help UT System institutions satisfy legally required "best value" standards (see next page for excerpt from the relevant Texas statute).
2. Please discuss:
 - a. How solicitations for proposals are advertised (e.g., when, where, to whom, minority suppliers, etc.).
 - b. What percentage of your GPO's contract awards are competitively bid, as opposed to being sole sourced, and how you make your members aware of the method used for a particular award.
 - c. How competing bids are evaluated, and what criteria have to be satisfied for a vendor to be awarded a contract.
 - d. How GPO members are involved in the sourcing process.
 - e. How transparency is achieved by making bid materials (e.g., RFP responses, scoring process, etc.) available to members.
3. Does your GPO practice an "all awards" process (e.g., where 80-100% of the bidders are awarded a contract)?
4. What percentage of your contract awards are "all awards," multiple awards," and "single awards," respectively?
5. What instructions do you give to your GPO members about their ability to negotiate terms that are better than those in the awarded contract, or to choose among multiple awards?
6. How do you determine the duration of awarded contracts?
7. Are complete master contract terms and conditions made available to your GPO members?

Only for TXMAS:

Provide details of how business terms are established in contract awards to product distributors, in situations where the federal or state contracts on which TXMAS relies in making its awards are only with the product manufacturers.

APPENDIX E



OFFICE OF THE GOVERNOR

GREG ABBOTT

January 28, 2015

To: All State Agency Heads

Re: Transparency in State Agency Contracting and Procurement

As leaders in state government, we must never forget that we work for the people of Texas, whose hard-earned tax dollars make all our work possible. Our duty to be good stewards of the taxpayers' money is not just a statutory or public policy goal---it is a moral obligation that we owe to the millions of Texans whose precious resources have been entrusted to us.

One simple, effective way state agencies can both maximize value for the taxpayers---and improve the public's confidence in their government---is to utilize a competitive bidding process to purchase goods and services whenever that is possible. As Governor, I must ensure that all state agencies are committed to maximizing value and utilizing open and transparent contracting processes.

With that very important goal in mind, I am strongly supporting contracting reform legislation that Sen. Jane Nelson announced Monday. If enacted, SB 353 would impose meaningful reforms on state contracting processes that would improve transparency and foster accountability in the contracting process. Specifically, Sen. Nelson's legislation would, among other requirements:

Require public disclosure of all no-bid contracts and a public justification for using such a procurement method;

Require that all agency employees involved in procurement or contract management disclose any possible conflicts of interest;

Prohibit contracts with business entities with which high-level agency leadership or staff have a financial interest;

Require that the agency's board chair sign any contract valued at more than \$1 million--or delegate signature authority to the agency head;

For procurements of more than \$5 million, require the agency's central contracting office or procurement director to sign off on the procurement method and to indicate, in writing, to the Board and agency head any potential issue that could arise in the contract solicitation.

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While this bill is still a work in progress and may be amended to include additional reforms, I believe that the filed version of SB 353 is an important first step toward restoring public trust. There is no reason to wait and no time to waste in working to ensure the highest level of transparency and integrity in the state contracting process. And while we plan to work proactively with Sen. Nelson with the goal of enacting even more stringent reforms to the contracting process, as Governor, I believe that immediate action is necessary and that the reforms outlined above form a solid foundation that will improve public confidence and transparency in state contracting.

With that in mind, effective February 1, I expect all state agency heads to begin complying with the reforms outlined above. Again, we recognize that this legislation may be amended as it proceeds through the legislative process, however until the law eventually takes effect, state agencies must begin to implement the reforms outlined in this letter immediately.

Finally, I want to reiterate my commitment to an open and transparent bidding process for all state contracts. In light of that goal, I expect that all state agencies will utilize a competitive bidding process not only when it is required by law-but also at all times that it is feasible to do so. Of course, I understand that emergencies may arise that require immediate action by agencies that is not amenable to a more lengthy competitive bidding process. However, it is my expectation as Governor that agencies will utilize a competitive bidding process at all other times.

This memorandum does not change the law. That is the Legislature's responsibility. It does not change any agency administrative rules regarding contracting or procurement. There is a process for that. The purpose of this letter is to outline higher standards for state agencies and to call on custodians of the public trust to achieve those high standards when they face decisions about how to spend the taxpayers' hard-earned money.

Thank you for your service to the State of Texas.

Sincerely,



Greg Abbott
Governor of Texas

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 (512) 463-2000 (VOICE)/ DIAL 7-1-1 FOR RELAY SERVICES

**APPENDIX F
Sole Source (Exclusive Acquisition) Justification Form**

EXCLUSIVE ACQUISITION JUSTIFICATION (EAJ)

*Use this form for purchases or new contracts over \$5,000 where there are no GPO or bidding opportunities.
Note: Every order exceeding \$100,000 is subject to HUB subcontracting rules and regulations*

For assistance in completing this form please call the Purchasing Office at ext. 78000

Acquisition Type:

Categorization of request:

- Academic
- Direct patient care
- Service/Maintenance
- Research
- Other:

Requisition. # (if applicable)

Acquisition \$ Amount

Definition of Scope:

Recommended Supplier:

What function, scope, or outcome the requested equipment, product, or service will provide? (Please provide a general description of the function. Additionally, you may attach a detailed specification.)

Type of Justification

Sole Source:

(as defined in *Government Code 2155.067*)

- Only known supplier that meets your "definition of scope." (Please complete sections "A" and "B" and "F")

Best Value:

(as defined in *Education Code Section 74.008, Section b*)

- Required for exact compatibility with existing equipment, standardization, or hospital formulary. (Please complete sections "C" and "F")

Emergency:

(as defined in *Government Code 2155.086, Section c*)

- A purchase for which delay would create a hazard to life, health, safety, welfare or property. (Please complete sections "D" and "F")

Professional Services:

(as defined in *Government Code 2254.002*, e.a. Architects, Engineers, RNs, CPAs, Physician, Land Surveyor, etc.)

- Note: For Architects/Engineers Services, if a Direct Appointment Letter is required, please attach the signed letter to this form. (Please complete sections "E" and "F")

A) Explain what unique features or specifications are contained that will allow you to meet your "definition of scope" but aren't offered by any other supplier.

B) Note any other competitor considered and why they were excluded: If none, explain why.

Supplier	Reason for Exclusion/Explanation for "None"

C) Describe the existing condition(s) requiring exact compatibility or standardization.

D) Describe the urgency and impact to the institution for not placing this purchase through the competitive bid process.

E) Professional Services

1) Anticipated contract completion time frame, based from the award date.

2) Supplier Selection

a) Criteria used to select the Supplier for these services.

b) Reason for selection (Identify specific qualifications of selected Supplier)

3) If the recommended supplier is an individual or sole-proprietor, please complete the Employee/ Independent Contractor Verification Form and attach it to this form.

F) Approvals

ATTENTION: For contracts not requiring a requisition for contract signature, or, Contracts for signature only:
Two signatures are required for approval (Financial Approver and Subject Matter Expert)
For contracts with requisition for contract signature, or, Requisitions only:
Only one signature is required for approval from the Subject Matter Expert.

Your approval affirms that:

- No substitute or equivalent product/service exists in the marketplace that can meet your operational needs.
- No employee/employer relationship exists (*IRS regulations and guidelines*).
- This supplier is not related to anyone who has authority over this purchase and has not been employed by the institution within the past 12 calendar months (*Government Code; Section 2252.901*).
- Supplier has not been paid by the institution to develop/recommend specifications or requirements (*Government Code; Section 2155.004*).
- The above statements are true and correct to the best of my knowledge, and that no other material fact or consideration offered or given has influenced this recommendation for an Exclusive Acquisition.

Your SIGNATURE verifies your acknowledgment of the above requirements for disclosure and authorization.

- For contracts not requiring a requisition for contract signature,
or
- Contracts for signature only (no payment)

_____ Financial Approver Signature Date <input style="width: 100%; height: 20px;" type="text"/> Financial Approver Name (typed or printed)	_____ Subject Matter Expert Signature Date <input style="width: 100%; height: 20px;" type="text"/> Subject Matter Expert Name (typed or printed)
--	--

- For contracts with requisition for contract signature,
or
- Requisitions only

_____ Subject Matter Expert Signature Date <input style="width: 100%; height: 20px;" type="text"/> Subject Matter Expert Name (typed or printed)
--

For Purchasing Use Only:

_____ Buyer Review Date	_____ Team/Sr. Team Lead Date <small>(if exceeds Buyer delegation)</small>	_____ Purchasing Manager Date <small>(\$250,000 - \$750,000)</small>	
_____ Purchasing Dir. Approval Date <small>(\$750,000 - \$1,000,000)</small>	_____ EVP & Chief Bus/Fin Officer Approval Date <small>(over \$1,000,000)</small>		

Attachments:

- Attach **complete and signed** form to your requisition in PeopleSoft.
- Attach any quote/proposal from supplier to your requisition in PeopleSoft
- For Architects/Engineers only, attach Direct Appointment Letter (if applicable)

NOTE: Missing documentation and/or information, or signatures on form will cause a delay in processing your request.

APPENDIX G
Sample procedure for utilizing DIR (and other GPO contracts)
currently implemented by some U. T. System institutions

This procedure is effective immediately and applies to group purchase contracts and local contracts for services in which contracts have been awarded to multiple suppliers. This applies specifically to those contracts that require a scope of work (SOW) to be developed that includes establishment of specific tasks/deliverables, resource hours and hourly rates. It includes, but is not limited to:

- Department of Information Resources (DIR) Deliverables-Based IT Services (DBITS) contracts
- Other DIR contracts for services where it is clear on the DIR website that other suppliers have awards in the same service category
- Other Group Purchasing Organization (GPO) service contracts where multiple awards have been made
- Local contracts where multiple awards have been made
 - This includes but is not limited to recent awards under RFP-1402 Digital Asset Development

Procedure

- The business unit requiring the service will develop a SOW and obtain a minimum of three (3) valid proposals from contracted suppliers
 - If only two suppliers have contracts awarded, then two (2) proposals are required
 - A decision by a supplier to not submit a proposal is not counted as a valid proposal
- The business unit will select a winning proposal based on the appropriate best value criteria listed in *Texas Education Code* Section 51.9335(b)
 - All proposals and rationale for selection must be provided to the Purchasing Office or Business Contracts Office as appropriate
 - Appropriateness of the selection must be reviewed and approved by the Assistant Director, Purchasing or Business Contracts Administrator

Exceptions

- Any requests for exception must be reviewed and approved by the AVP, Procurement & Payment Services
 - Requests for approval for consideration of one supplier only will require submission and approval of a best value determination based on the best value criteria listed in *Texas Education Code* Section 51.9335(b)

APPENDIX H
Sample Certification Template

[Date]

TO: Dr. Scott C. Kelley, Executive Vice Chancellor for Business Affairs

FROM: _____

SUBJECT: Certification Memorandum for Contract with _____ [vendor]

The [department] has awarded a contract to [vendor] for [describe goods/services]. The base term of the contract is years, and the total value of the contract over those years is estimated to be \$.

The contract was awarded following a competitive procurement process facilitated by the [department], which included the issuance of request for proposal (RFP) number UTS/ . All proposals received in response to the solicitation were evaluated and scored by a selection committee comprised of Subject Matter Experts (SMEs) from various U. T. System institutions.

The committee identified the proposal submitted by [vendor] as offering best value to U. T. System [Administration] or [and its institutions].

ACKNOWLEDGED BY:

Scott C. Kelley, Executive Vice Chancellor for Business Affairs

16. **U. T. System: Discussion and appropriate action regarding the authorization to sell approximately 0.338 of an acre improved with O.Henry Hall, a historic office building containing approximately 24,572 gross square feet located at 601 Colorado Street in Austin, Travis County, Texas, to the Texas State University System, an agency of the State of Texas, for a price at market value as established by independent appraisals; and leaseback at a nominal rent until the U. T. System vacates O.Henry Hall, estimated to be in Fall 2017**

RECOMMENDATION

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

- a. sell approximately 0.338 of an acre of real property improved with O.Henry Hall (OHH), a historic office building containing approximately 24,572 gross square feet located at 601 Colorado Street in Austin, Travis County, Texas, to the Texas State University System, an agency of the State of Texas, for a price at fair market value as established by independent appraisals, plus all due diligence expenses, closing costs, and other costs and expenses to complete the sale as deemed necessary or advisable by the Executive Director of Real Estate; and leaseback at a nominal rent until the U. T. System vacates OHH, estimated to be in Fall 2017; and
- b. authorize the Executive Director of Real Estate to execute all documents, instruments, and other agreements, and to take all further actions deemed necessary or advisable to carry out the purpose and intent of the foregoing recommendation.

BACKGROUND INFORMATION

On August 21, 2014, the Board of Regents authorized the construction of the U. T. System Replacement Office Building into which all of the System's administrative offices will be consolidated. It was envisioned at the time that the remaining portions of the U. T. System downtown campus would be leased to third parties. The subject property is across Colorado Street from the rest of the U. T. System downtown campus. The Texas State University System (TSUS) approached U. T. System officials regarding the possible purchase of OHH for its system administration facilities. Given the status of TSUS as a fellow higher education agency of the State of Texas, a sale of OHH may be an appropriate transaction. Accordingly, U. T. System desires to sell the subject property located at 601 Colorado Street (at the corner of 6th Street) to TSUS.

The 0.338 of an acre subject property is improved with a four-story office building containing approximately 24,572 gross square feet of which 20,324 is interior gross square footage, and includes the small paved parking court behind OHH. Construction of this building was completed by the Federal government in 1881. It originally housed Federal Courts and the Post Office. Title was transferred to the Board of Regents in 1968. Although remodeled, OHH retains a lot of its

architectural character both inside and out and is listed on the National Register of National Historic Properties and is a Texas Historic Landmark. It currently contains U. T. System's executive offices.

The purchase contract would provide for closing in Summer 2015; this provides both parties with certainty of the transaction. TSUS will receive a price discount or credit at closing for the cost of disconnecting the OHH HVAC units from the U. T. System chilled water facilities.

Simultaneously with the closing, TSUS would lease back the entire facility for continued use by U. T. System until 120 days after the Replacement Office Building is complete, which completion is estimated to be in Summer 2017. Rent will be \$200 total, to be paid at closing. U. T. System will be responsible for all costs to operate and maintain the facility, including the costs of capital replacements, and damages or losses, if any, during the lease term.

TRANSACTION SUMMARY FOR SALE OF O.HENRY HALL

Institution:	U. T. System
Type of Transaction:	Sale
Total Area:	Approximately 0.338 of an acre
Improvements:	O.Henry Hall, an approximately 24,572 gross square foot office building with a small parking court; the buyer will disconnect the property from U. T. System's chilled water system and will install a separate heating and air conditioning unit at the expiration of the lease.
Location:	601 Colorado Street, Austin, Travis County, Texas
Buyer:	Texas State University System, an agency of the State of Texas
Sale Price:	Fair market value as determined by the average of two independent appraisals, less the estimated cost for buyer to disconnect the property from U. T. System's chilled water system and install a separate heating and air conditioning unit to serve OHH
Appraised Value:	Values to be confirmed prior to the Board meeting by Integra Realty Resources and The Aegis Group, Inc.
Use:	The buyer will use the facility for its university system administrative offices.

TRANSACTION SUMMARY FOR LEASE OF O.HENRY HALL

Description: Lease back of O.Henry Hall

Landlord: Texas State University System (TSUS), an agency of the State of Texas

Tenant: U. T. System

Total Area: Approximately 0.338 of an acre

Improvements: O.Henry Hall, an approximately 24,572 gross square foot office building of which 20,324 is interior gross square footage

Location: 601 Colorado Street, Austin, Travis County, Texas

Term: From the closing of the sale of OHH to TSUS, estimated to occur during Summer 2015, through 120 days after the completion of the U. T. System Replacement Office Building, which completion is estimated to occur in Summer 2017

Rent: \$200 total, paid at commencement of the lease

Expenses: The leaseback will be an absolute triple-net lease: all costs to operate and maintain the facility will be borne by U. T. System, including any costs for capital replacements, and damages or losses, if any

Source of Funds: Sale proceeds

Use: Administrative offices

17. **U. T. System: Report from the Blue Ribbon Panel regarding admissions procedures at U. T. Austin**

REPORT

Dr. Larry R. Faulkner, U. T. Austin President Emeritus, will report on the work of the Blue Ribbon Panel regarding admissions procedures at U. T. Austin.

BACKGROUND INFORMATION

In February 2015, Chancellor McRaven formed a Blue Ribbon Panel to study the recommendations offered by Kroll Associates regarding admissions practices at U. T. Austin. The Panel was charged to analyze and compare the recommendations provided by the Kroll Report and the White Paper on Best Practices in Admissions Processes for Undergraduate and Professional Programs approved by the Board of Regents on July 10, 2014.

The Panel consisted of:

- U. T. Austin President Emeritus Larry R. Faulkner
- U. T. Austin President Emeritus Peter T. Flawn
- Former U. T. System Chancellor and U. T. Austin President William H. Cunningham
- Former U. T. System Chancellor Mark G. Yudof
- Former U. T. System Chancellor R. D. (Dan) Burck
- U. T. System Executive Vice Chancellor for Academic Affairs Pedro Reyes, *ex officio*

18. **U. T. System: Report on the official launch of Influent, a U. T. Systemwide research experts tool to promote research collaboration**

REPORT

Dr. Stephanie Bond Huie, Vice Chancellor for Strategic Initiatives, will report on the official launch of the U. T. Systemwide research experts tool through a live demonstration of a website and federated search engine called "Influent at The University of Texas System." Dr. Huie will demonstrate the capabilities of the website and search engine to promote increased research collaborations across all U. T. System institutions and across disciplines. The tool is also designed to facilitate the formation of public-private partnerships.

BACKGROUND INFORMATION

The Board approved funding for the construction of a U. T. Systemwide Research Experts Data Warehouse with big data analytics structures on May 15, 2014. The first phase of this initiative called for the creation of a Systemwide research experts search engine for both business and industry and for internal collaborations. These Board-funded tools will be officially launched and available for public use.

19. **U. T. System: Update and discussion on the Institute for Transformational Learning's (ITL) progress toward developing and implementing competency-based undergraduate degree completion programs in areas of high employment demand**

REPORT

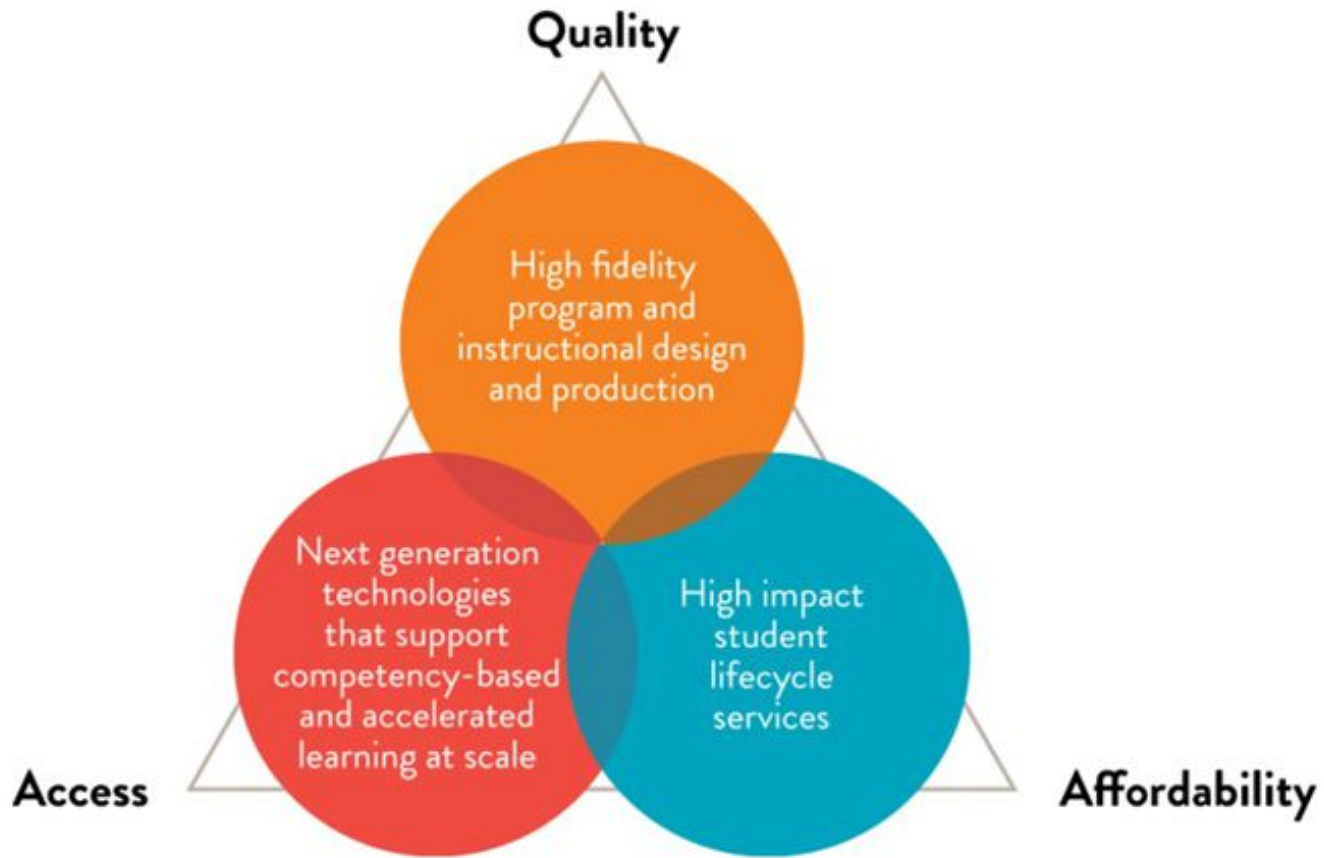
Dr. Steven Mintz, Executive Director of the U. T. System Institute for Transformational Learning (ITL), and Dr. Marni Baker Stein, Chief Innovation Officer, will provide an update on progress toward developing and implementing competency-based undergraduate degree completion programs in areas of high employment demand. Their presentation is set forth on the following pages.

Update on Development of Competency-based Undergraduate Degree Programming Portfolio

Steve Mintz, Ph.D.
Marni Baker Stein, Ph.D.
Institute for Transformational Learning

U. T. System Board of Regents' Meeting
May 2015





UTRGV







Undergraduate Health Professions:

*U. T. Rio Grande Valley: BS in Biomedical Science
U. T. Arlington: BS in Nursing



Engineering

U. T. Permian Basin : BS Petroleum and Energy
U. T. El Paso: BS Electrical
U. T. Arlington: BS Industrial
U. T. Dallas: BS Computer



Computer Science

U. T. Dallas: BS Computer Science
U. T. San Antonio: BS Cybersecurity



Business

U. T. Tyler: BS Marketing
U. T. Dallas: BS Information Technology Management



Criminal Justice

U. T. Rio Grande Valley: BS in Criminal Justice

Unified approach to design and development * Systemwide research collaborative * Systemwide content repository * Operated on a common platform = TEx

*funded by ITL corpus



The Experience

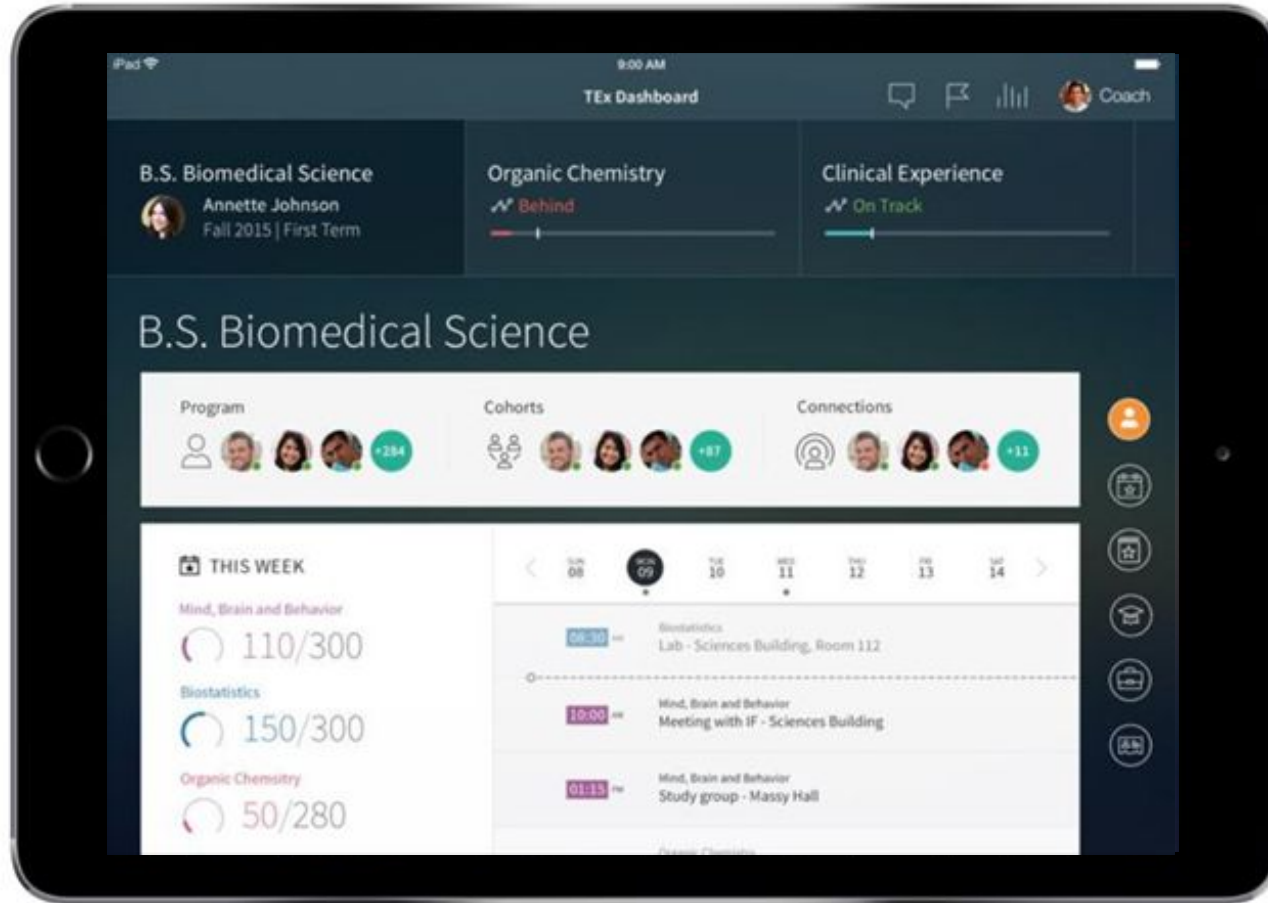


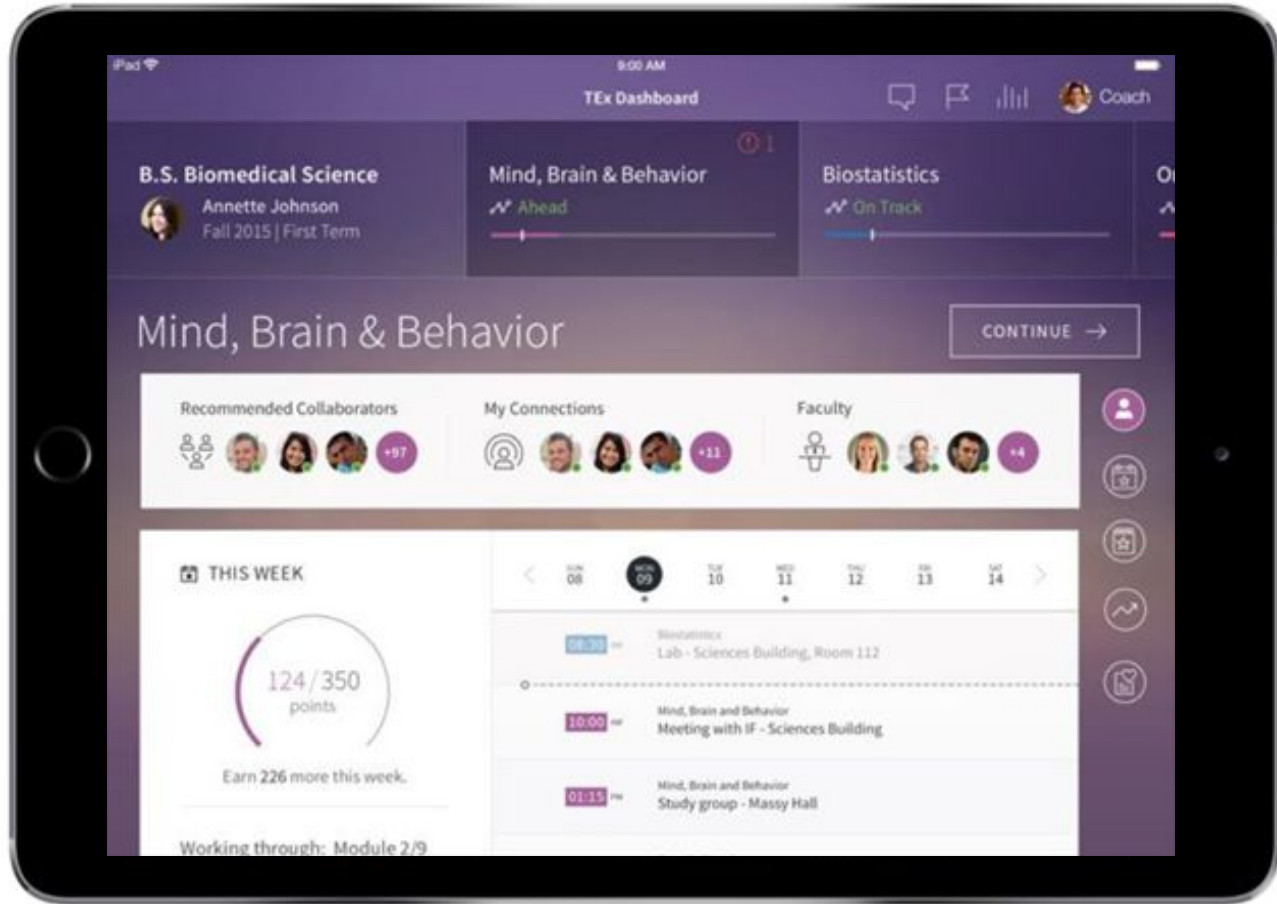
Signature Moments

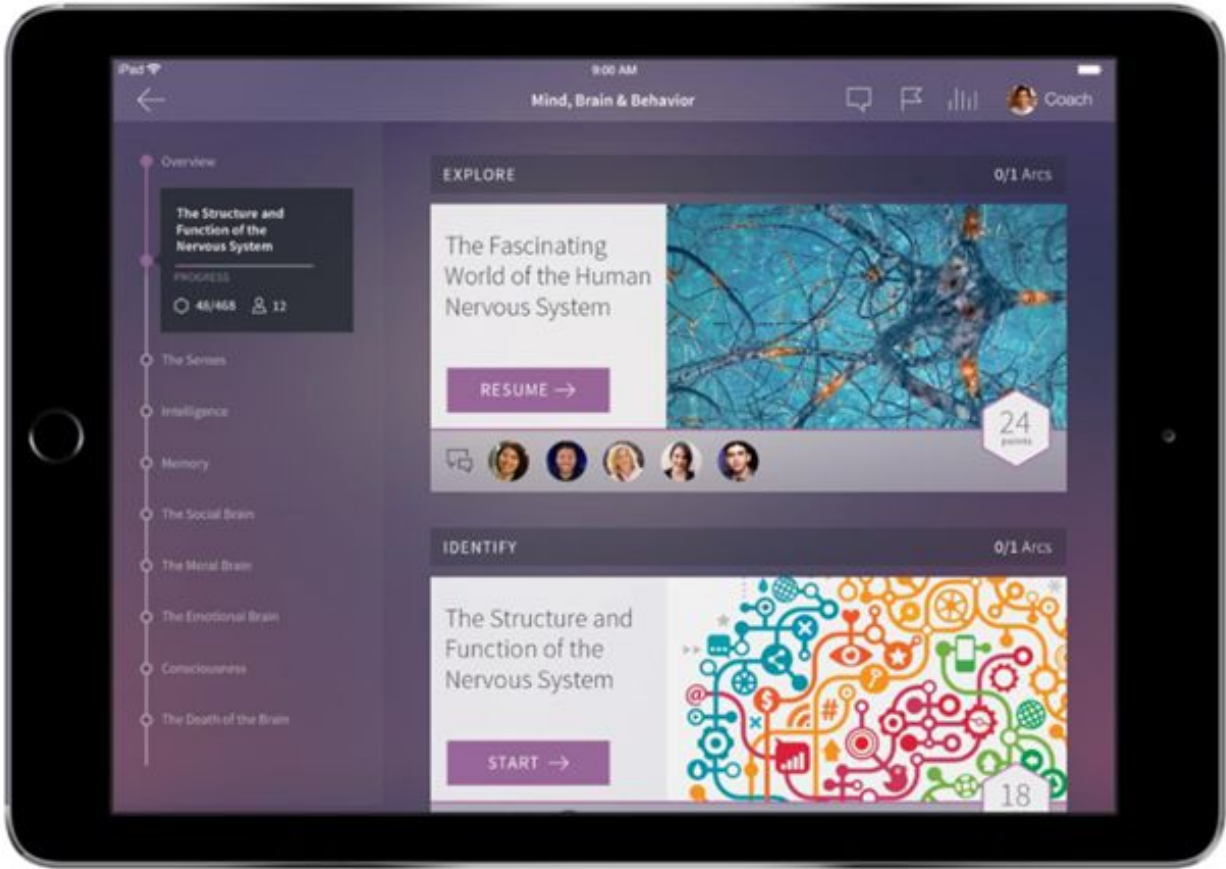


Big Tomorrow
Ideas, Strategy & Design

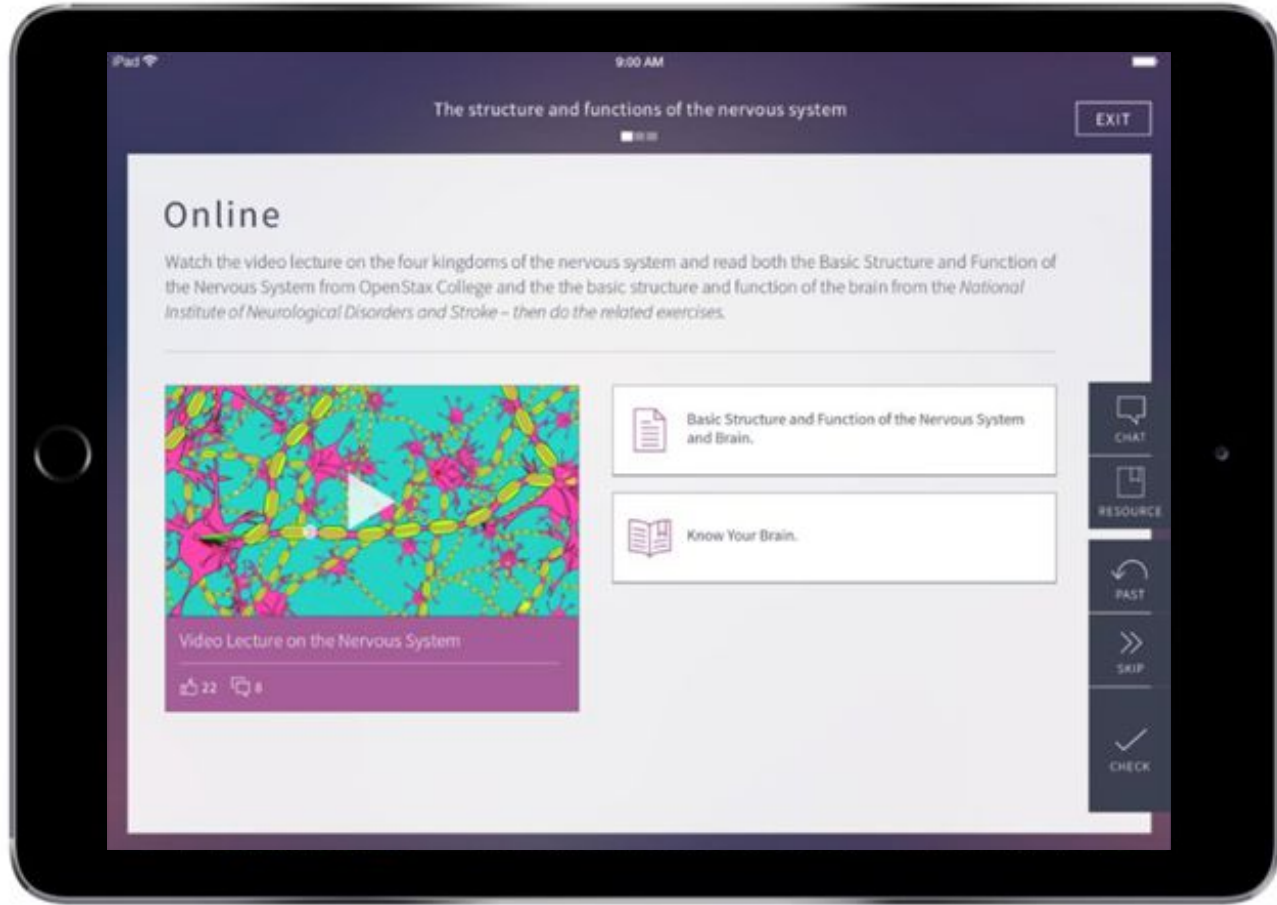


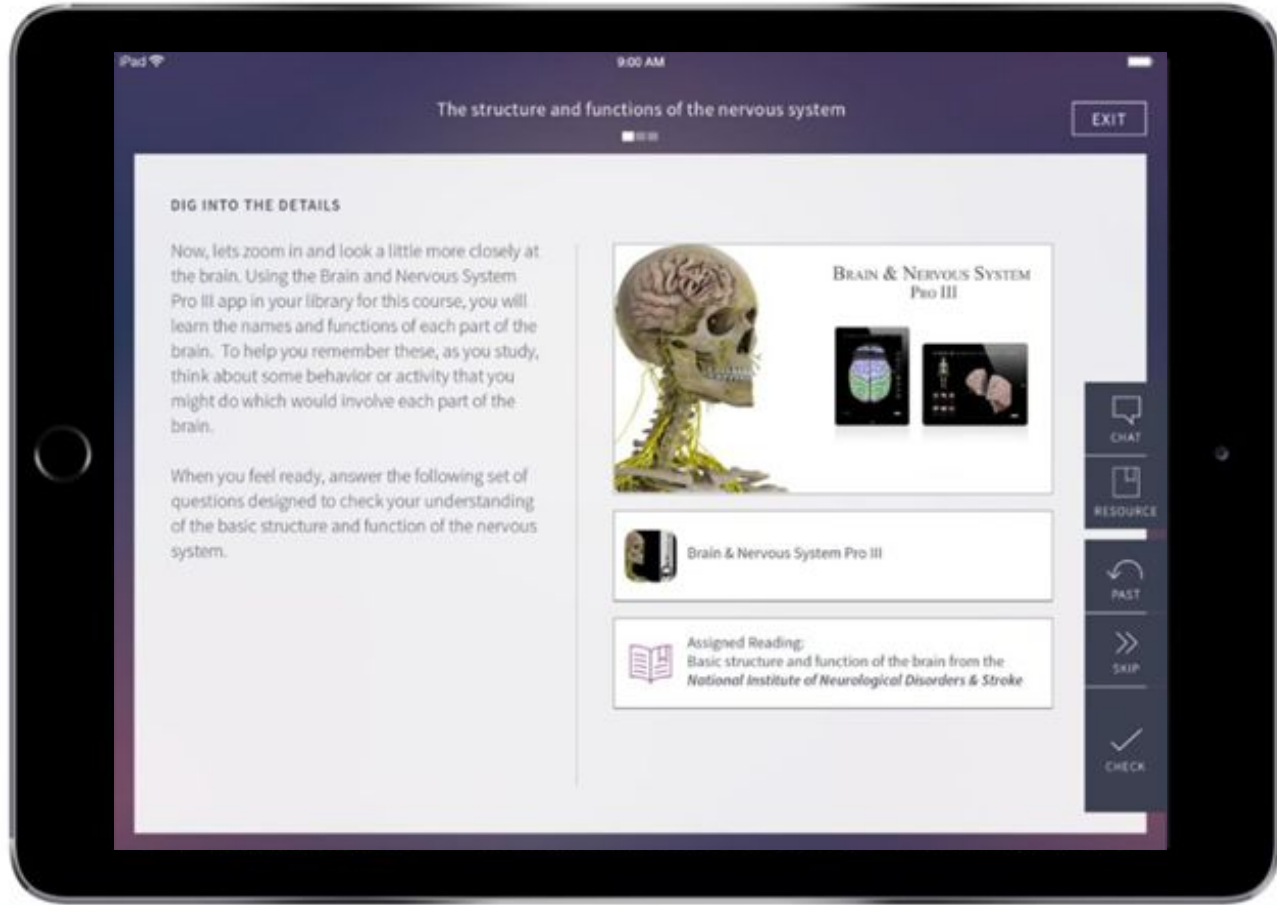












SLM Journey Map





20. **U. T. System Board of Regents: Discussion and appropriate action regarding proposed recipient for the Santa Rita Award**

RECOMMENDATION

Chairman Foster may recommend a recipient of the Santa Rita Award, the highest honor bestowed by the Board of Regents, with a related request to consider an exception to Regents' Rule 10601 because of sustained and unique contributions.

Regents' Rule 10601, concerning the Award, is set forth on the next page as background information.

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

Rule: 10601

1. Title

Guidelines for the Santa Rita Award

2. Rule and Regulation

Sec. 1 Standards. A Systemwide award that may be made annually to an individual who has made valuable contributions over an extended period to The University of Texas System in its developmental efforts. An individual is defined as a person, as opposed to a corporation, charitable trust, foundation, and like entities. The recipient may be judged on the basis of a broad list of criteria, primary among which will be a demonstrated concern for the principles of higher education generally, as well as deep commitment to the furtherance of the purposes and objectives of The University of Texas System specifically.

1.1 Participation by the recipient in the affairs of the U. T. System shall be of such character and purpose to serve as a high example of selfless and public-spirited service. Of particular interest will be the effect that such individual activity may have engendered similar motivation from other public and private areas toward the U. T. System.

Sec. 2 General Conditions. The following general conditions apply to the award:

2.1 The award, to be known as the "Santa Rita Award," will consist of a medallion to be presented no more frequently than annually.

2.2 The award shall be made on behalf of the Board of Regents of The University of Texas System.

2.3 An individual may receive the award only once.

2.4 Posthumous awards may be given.

2.5 No member of the Board of Regents shall be eligible to receive the Santa Rita Award until the termination of the member's service.

Sec. 3 Nominations for Awards. Nominations for the award shall be forwarded to the Chairman of the Board of Regents or the General Counsel to the Board (Office of the Board of Regents, The University of Texas System, 201 West Seventh Street, Suite 820, Austin, Texas 78701-2981). The nominator shall provide such supporting information and documentation as may be requested by the Chairman or the General Counsel to the Board.

Sec. 4 Selection of Awardees. Awards shall be made, upon recommendation of the Chairman of the Board following consultation with others including the Chancellor and other appropriate U. T. System officials, by a majority vote of members present at a Board of Regents' meeting at which a quorum is present.

ADDITIONAL AGENDA ITEM
MEETING OF THE BOARD
MAY 13-14, 2015

24. **U. T. System Board of Regents: Discussion and appropriate action regarding amendment of Regents' *Rules and Regulations*, Rule 10101 (Board Authority and Duties), Rule 10401 (Policies and Procedures for Board and Standing Committee Meetings), and Rule 10801 (Policy on Transparency, Accountability, and Access to Information)**

RECOMMENDATION

It is recommended that the Regents' *Rules and Regulations*, Rule 10101 (Board Authority and Duties), Rule 10401 (Policies and Procedures for Board and Standing Committee Meetings), and Rule 10801 (Policy on Transparency, Accountability, and Access to Information) be amended as set forth on the following pages.

BACKGROUND INFORMATION

The proposed changes to Regents' Rule 10101 (Board Authority and Duties) clarify the duties and responsibilities of members of the Board related to requests for information and disclosure of information. The proposal also includes a new Section 6 concerning Board expectations for the use of official U. T. System email addresses and training on State law and Systemwide policies regarding records and document management.

The proposed changes to Rule 10401 (Policies and Procedures for Board and Standing Committees) would require the Chairman to call a special meeting of the Board at the request of a majority of the Board. A Committee Chairman must call a special meeting of a standing committee upon request of a majority of the committee.

Proposed changes to Rule 10801 (Policy on Transparency, Accountability, and Access to Information) would require specificity in a written request for information by a Regent under Section 5.4.2. For situations where concerns about a Regent's request are to be presented to the Board under Section 5.4, the change would require presentation at the next regular Board meeting rather than within 21 days.

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

Rule: 10101

1. Title

Board Authority and Duties

2. Rule and Regulation

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

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

Sec. 3 Duties and Responsibilities of Each Regent.

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

3.2 Information requests for data or for the compilation of information by an individual member of the Board will be processed in compliance with Regents' Rule 10801

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

Rule: 10101

concerning Transparency, Accountability, and Access to Information.

3.3 A Regent may not ~~publicly~~ disclose information that could only be obtained through Board service or is confidential, by law, unless disclosure is required by law or made pursuant to a vote of the Board ~~to waive an applicable privilege~~.

3.4 Members of the Board shall bring concerns about operations, accountability, compliance, or the need for an investigation to the Chancellor, Chairman, Board, or an appropriate Committee of the Board.

3.5 Members of the Board will at all times respect the role of the Chancellor as the chief executive officer of the U. T. System and will at all times respect management and reporting lines for U. T. System and institutional employees.

Sec. 4 Communication with Faculty, Staff, and Administration.
Members of the Board of Regents are to be provided access to such personnel as in their individual judgments will enable them to fulfill their duties and responsibilities as Regents of the U. T. System.

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

4.2 Communications from the Faculty Advisory Council, the Student Advisory Council, and the Employee Advisory Council to the Board are through the Chancellor.

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

Rule: 10101

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

Sec. 5 Public Statements on Controversial Matters. The Board of Regents acts to determine the official position of the U. T. System or the Board of Regents on matters of an obviously controversial nature.

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

5.2 Except as allowed in this Rule, no Regent, officer, or employee shall make or issue any public statement on an obviously controversial subject which might reasonably be construed as a statement of the official position of the U. T. System or the Board of Regents without the advance approval of the Board. Each institution's *Handbook of Operating Procedures* may specify the institutional officers authorized to speak on behalf of the institution.

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

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

Sec. 6 Records and Information Management. Members of the Board of Regents shall comply with the Systemwide policies regarding records retention and information management, including System Administration policies on encryption, retention, destruction, and release of documents.

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

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

Rule: 10101

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

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

Rule: 10401

1. Title

Policies and Procedures for Board and Standing Committee Meetings

2. Rule and Regulation

Sec. 1 Regular Meetings of the Board. Regular meetings of the Board of Regents shall be held at such times and places as the Chairman of the Board shall designate.

Sec. 2 Special Meetings of the Board. Special meetings of the Board of Regents shall be held upon the call of the Chairman, or upon the written request of not less than five ~~three~~ members of the Board. Written notification of the time, place, and purpose of a special meeting will be provided by the General Counsel to the Board to each member of the Board at least three days before the time of the meeting, ~~when possible~~.

Sec. 3 Regular Meetings of Standing Committees. Regular meetings of standing committees of the Board of Regents shall be held in conjunction with regular meetings of the Board.

Sec. 4 Special Meetings of Standing Committees. Special meetings of standing committees shall be held upon the call of the Chairman of the Committee, upon the call of the Chairman of the Board of Regents, or upon the written request of a majority of the membership of the Committee ~~two members~~ of the Committee. Written notification of the time, place, and purpose of a special meeting will be provided to each member of the Board at least three days before the time of the meeting, when possible.

.....

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

Rule: 10801

1. Title

Policy on Transparency, Accountability, and Access to Information

2. Rule and Regulation

Sec. 1 The Board of Regents and U. T. System Administration are committed to enhancing transparency, accountability, and access and disclosure of information to the public, the media, elected and appointed state and federal officials, and executive policy makers.

Sec. 2 To assist in achieving these goals, the Board wishes to provide maximum transparency to the public and its representatives to the fullest extent allowed by law while ensuring compliance with best governance practices and appropriate protection of confidential information and personal privacy. The Board acknowledges significant U. T. System leadership and progress in expanding access and transparency, supports these ongoing efforts, and recognizes that the efforts will require continuing and long-term commitment.

Sec. 3 The Board requires all U. T. System Administration, U. T. System institutional employees, and members of the Board to respond thoroughly and appropriately to all legal requests for information and in accordance with state and federal laws to all lawful requests. The Board expects all employees to work to achieve and maintain an environment of transparency, cooperation, and compliance with applicable law and policy. The Board will support staffing levels and acquisition of resources necessary and reasonable to implement and achieve the intent of this Rule.

Sec. 4 Enhancement of Access to and Analysis of Data and Information.

4.1 Importance of Data Collection, Retention, and Analysis. The U. T. System recognizes and supports the importance of data collection, retention, and analysis for purposes such as reviewing System operations and policies, guiding decision-making, improving productivity and efficiency, and evaluating performance outcomes.

4.2 Increase in the Amount of Data Available. The U. T. System recognizes that the amount of significant data

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

Rule: 10801

being accumulated by the U. T. System and U. T. System institutions is expanding exponentially each year. The System further recognizes that current data collection and management systems in use are not sufficient to effectively manage and utilize all data becoming available.

4.3 Opportunities for Additional Enhancements. The U. T. System is continually looking for ways to enhance the performance of its institutions, to support access and success for all students, to improve educational outcomes, and to remain a national leader in providing access to data. As such, the U. T. System is committed to continue collecting additional data and finding and utilizing new, better and more expansive systems and software with which to manage and access these data. These improved systems and new software will greatly improve the ability to generate better informed decisions to enhance student success, to increase productivity and efficiency, and to facilitate access to and analysis of the data.

4.4 Framework for Advancing Excellence. The Framework, established in 2011, implemented a centralized data warehouse for the purposes of evaluating the progress of U. T. System institutions in achieving the goals set forth in the Framework. The data warehouse is a central source of information for the U. T. System Productivity Dashboard, which specifically supports the goals of transparency and efficiency as expressed in the Framework.

(Framework url:

<https://www.utsystem.edu/chancellor/speeches/a-framework-for-advancing-excellence-throughout-the-university-of-texas-system>)

4.5 Information Accessible through Data Dashboard. The U. T. System Productivity Dashboard provides a rolling 10 years (where available) of data on the performance of all U. T. System institutions and is available free to the public. The Productivity Dashboard provides important data and metrics concerning students, faculty, research and technology transfer, health care, and productivity and efficiency.

(Productivity Dashboard url: <http://data.utsystem.edu/>)

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Sec. 5 Processing Information Requests.

- 5.1 Requests by Members of the Public. To enhance transparency, U. T. System institutions and U. T. System Administration are expected to act in strict compliance with the Texas Public Information Act (TPIA) and applicable State and federal law in providing public access to governmental records.
- 5.2 Requests by Representatives of the Media. In addition to the public right of access to information through the TPIA, representatives of the media may utilize U. T. System Administration and institutional offices of external relations as an additional resource for questions.
- 5.3 Requests by Members of the Texas Legislature. The TPIA provides members of the Texas Legislature a special right of access to information needed for legislative purposes. U. T. System Administration and institutional offices of governmental affairs serve as additional resources for questions from members of the Legislature.
- 5.4 Requests by Members of the Board of Regents and Chancellor.
 - 5.4.1 This process is not intended nor will it be implemented to prevent a member of the Board of Regents or the Chancellor from access to information or data that the Board member or Chancellor deems is necessary to fulfill his or her official duties and responsibilities.
 - 5.4.2 Except for a request processed under Subsection 5.4.4, requests by an individual Regent for information shall be submitted to the Chancellor in writing by the requesting Regent, with a copy to the Board Chairman and General Counsel to the Board. An individual Regent's written request for information shall identify, with specificity, the need for the information requested and shall provide a requested deadline for response if the request is time-sensitive.

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- 5.4.3 Information requests from or on behalf of an individual member of the Board of Regents seeking the compilation of significant quantities of information or data from a U. T. System institution will be reviewed by the Chairman of the Board and the Chancellor and, if necessary, discussed with the requesting Regent to determine the appropriate scope of the request and timing of the response to avoid inefficiencies and duplication of effort but shall also ensure that requests are fulfilled in a timely manner consistent with applicable law and policy.
- 5.4.4 Smaller requests for existing information or data that do not appear to require significant time or effort may be processed through the Office of the Board of Regents and the Chancellor's Office.
- 5.4.5 Within 5 business days of the receipt of a Regent's information request, the Chancellor's Office will provide the requesting Regent with an estimated date for delivery or production. The Board requires all U. T. System Administration and U. T. System institutional employees to respond thoroughly and appropriately to requests for information from a member of the Board or the Chancellor, without undue delay. In the rare circumstance when the Chairman or the Chancellor has ~~there are~~ concerns about a Regent's request, the matter will be discussed with the Regent within 5 business days of receipt of the request. If concerns about a request for information or data are unresolved following discussion with the Regent, the matter will be presented to the Board as quickly as possible, but in no event later than the next regular Board meeting following 21 days from the date of the receipt of the request, if the matter can be timely posted for that meeting. For the purpose of a Board vote on this issue, the vote of any two or more Regents in support of the request is sufficient to direct that the request will be filled without delay.

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Sec. 6 Access to Requests for Information.

- 6.1 The U. T. System Administration is directed to look for opportunities to expand the existing U. T. System websites, established in 2012 to provide public access to requests for information and which include all Texas Public Information Act requests.

(Open Records website: <http://www.utsystem.edu/open-records?src=uts-homepage>)

- 6.2 It is the intent of the Board that documents responsive to those requests be made available electronically to the extent legal and feasible, with the Chancellor to set timelines for implementation, in consultation with the Chairman.