

Meeting No. 1,078

THE MINUTES OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

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November 10, 2011

Austin, Texas

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 OF
 THE UNIVERSITY OF TEXAS SYSTEM
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MEETING NO. 1,078

THURSDAY, NOVEMBER 10, 2011.--The members of the Board of Regents of The University of Texas System convened at 12:00 p.m. on Thursday, November 10, 2011, in the Board Meeting Room, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin, Texas, with the following participation:

ATTENDANCE.--

Present

Chairman Powell
Vice Chairman Foster
Vice Chairman Dannenbaum
Regent Cranberg
Regent Gary
Regent Hall
Regent Pejovich
Regent Stillwell
Regent Rutkauskas, Student Regent, nonvoting

Absent

Vice Chairman Hicks
(present for Committee
meetings held earlier in
the day)

In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Powell called the meeting to order.

During the Health Affairs Committee meeting held earlier in the day, Chairman Powell welcomed Ronald A. DePinho, M.D., President of The University of Texas M. D. Anderson Cancer Center, to his first regularly scheduled Board meeting.

AGENDA ITEMS

1. U. T. System Board of Regents: Presentation by Deloitte & Touche LLP on their report on comprehensive information security compliance effectiveness review of the U. T. System and allocation of \$34,872,000 of Available University Funds

Vice Chancellor and General Counsel Burgdorf introduced Mr. Raj Mehta, Security Services Engagement Partner from Deloitte & Touche LLP, who reported on their comprehensive information security compliance effectiveness review of The University of Texas System. (Mr. Mehta's presentation titled Information Security Assessments and Effectiveness Reviews is on file in the Office of the Board of Regents.)

Chancellor Cigarroa then provided remarks on the expectations of information security in providing for the stewardship of the public trust in protecting the sensitive personal information of patients, students, faculty, employees, and

members of the public. In addition to the ethical obligations, he spoke about the regulatory and legal obligations that exist to protect confidential information and individual privacy. Dr. Cigarroa mentioned the Board's establishment in 2006 of the U. T. System information security for institutions to implement security programs based on a U. T. System standard. He noted that Deloitte's review included U. T. System Administration, the U. T. System institutions, and The University of Texas Investment Management Company (UTIMCO). He commented that with proper investment and stewardship, the U. T. System could be a national leader in this area. While he wants to move forward with a sense of urgency to implement Deloitte's recommendations, because of the size of the U. T. System and the complexities involved, full deployment of the recommendations will take two to three years. He said timelines and metrics will be established, and he will provide the Board with annual reports on progress. Part of the consultation will be working with Deloitte to ensure proper oversight and that progress is being made.

Regent Pejovich then moved that the U. T. System Board of Regents

- a. approve the allocation \$34,872,000 of Available University Funds (AUF) to invest in information security compliance enhancements across the U. T. System and to secure the U. T. Research Cyberinfrastructure (UTRC); and
- b. request the Vice Chancellor and General Counsel administer the investment of these funds through a centrally managed program and submit annual reports on progress to the Chancellor and to the Board.

The motion was seconded by Regent Cranberg and carried by acclamation.

Funding will be structured for administration of the initiative by the Vice Chancellor and General Counsel to whom U. T. System compliance and information security report. The Vice Chancellor and General Counsel will administer projects by granting money to the institutions and receiving reports on progress, completion, and impact of each project.

The AUF funds will be used to bolster information security compliance across the U. T. System and to secure the UTRC as follows:

- a. Hardware, software, maintenance, and services in the amount of \$29,255,000 to implement consultant recommendations for improving the state of information security compliance within the U. T. System and U. T. System institutions;
- b. Salary and benefits in the amount of approximately \$820,000 per year for addition of eight full-time information security positions at U. T. System Administration to assist with coordination of consultant

recommendation implementations, to provide assistance to U. T. System institutions in the areas of risk assessment, security technology deployment, monitoring, and targeted training and to provide ongoing assurance activities related to securing of shared infrastructures and resources;

- c. UTRC perimeter protection hardware funding in the amount of \$4,046,000 for purchase, installation, and maintenance of border routers and firewalls;
- d. UTRC network intrusion detection system funding in the amount of \$717,000 for purchase of three intrusion detection appliances to be deployed along the UTRC backbone network to detect cyber attacks and potential data exposures; and
- e. UTRC data center security servers in the amount of \$34,000 for hosting of configuration management, log management, and related security software.

Information Security Technology: The U. T. System Board of Regents directed that a highly qualified consulting firm be engaged to perform a comprehensive information security compliance effectiveness review of the U. T. System central information security program and program implementations at each of the U. T. System institutions. The U. T. System Office of General Counsel completed a comprehensive Request for Proposals (RFP) process and evaluation that resulted in the selection of Deloitte & Touche LLP.

Over a six-month period, three teams of Deloitte & Touche consultants performed employee interviews, policy and process reviews, surveys, walk-throughs, and other assessment activities at U. T. System and all U. T. System institutions. Findings were compiled and individual, as well as summary, reports were created for Board consideration. Compliance and effectiveness gaps of varying degree and scope were identified across the U. T. System. High-risk gaps were identified at different institutions in the following security domains: Identity and Access Management, Data Loss Protection, Mobile Device Security and Encryption, Risk Assessment and Management, Network Segmentation, Network Monitoring, Network Security, Network Access Control, Disaster Recovery and Business Continuity, Physical Security, Encryption, Security Incident and Event Manager (SIEM), and Training. Closing these high-risk gaps will improve the state of information security compliance across the U. T. System and will reduce the likelihood of occurrence of serious information security incidents. Some gaps are most appropriately addressed at the individual institution level; others lend themselves to a more centralized Systemwide approach, which can result in cost savings.

In addition to hardware, software, and services, there are information security staffing needs. Strategically, U. T. System is moving towards increased use of shared data centers and systems. Shared environments result in cost savings; however, they increase information security complexity. Dedicated staff is needed to oversee security of these complex environments to ensure all security tasks are appropriately assigned and performed continuously without fail. Centralization of other security-related tasks such as training strategy and curriculum development also require appropriately qualified staff. U. T. System needs eight full-time employees at a cost of approximately \$820,000 per year to address the initiatives and functions identified in the consultant's information security compliance assessment report and to provide ongoing assistance to U. T. institutions in deployment and monitoring of security controls.

Research Cyberinfrastructure Network Perimeter Protection Hardware:

UTRC will greatly expand research capabilities for every U. T. System institution through delivery of a 10 gigabit per second research backbone to each institution. These new capabilities will tax current campus network infrastructures in two ways. First, the UTRC must demark the new UTRC services at the border of each institution to ensure that the complex set of interinstitutional services for researchers is available regardless of the institution's internal networking infrastructure. A border router is used to provide this connectivity. Institutional border routers capable of handling 10 gibabits production plus 10 gibabits for research will cost approximately \$53,000 each. Second, each campus will encounter firewall congestion when both production and research traffic are being monitored by the institutional border firewall. Firewalls are traffic filtering devices essential for thwarting certain cyber attacks and nonsanctioned network traffic. Purchase of firewalls able to accommodate 10 gibabits of throughput is required. Firewalls of this class cost \$185,000 each. Each data center will require connectivity to hosting facilities as well as storage facilities. The storage and high performance computing capability will also reach outside the U. T. System research network for file sharing and collaboration. This exposure to the Internet requires campus-like perimeter protection for the UTRC data centers. Therefore, total cost for institutional perimeter devices is $\$53,000 + \$185,000 = \$238,000 \times 17 = \$4,046,000$.

U. T. System Research Cyberinfrastructure Network Intrusion Detection System (IDS):

U. T. System has an established IDS that monitors network traffic between U. T. System institutions. The system consists of three network appliances strategically placed along the network connecting the U. T. System institutions. The IDS has proven very effective at identifying malware attacks and sensitive data mistakenly sent in unencrypted formats. It provides the information necessary for business process owners and information security staff to correct errant processes that pose risk of data exposure to the U. T. System institutions. These same capabilities are essential for securing data transmissions between researchers at U. T. System institutions and the designated UTRC data centers. The three

IDS appliances must be replaced with devices that can handle the increased data loads and speed of the UTRC network. The total cost for doing so is \$717,000. These devices will allow for continued monitoring of existing network traffic while expanding capabilities to monitor UTRC research traffic.

Research Cyberinfrastructure Data Center Security Servers: The U. T. System has existing Systemwide licenses for configuration management software used to ensure that computing devices are configured to meet regulatory compliance and maintain device security. These existing software licenses will be leveraged to support the UTRC. A server at each of the two UTRC data centers is needed to host the software. Servers with the necessary capacity will cost \$17,000 each, for a total cost of \$34,000.

RECESS TO EXECUTIVE SESSION.--At 12:20 p.m., Chairman Powell announced the Board would recess to convene in Executive Session pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, 551.074, and 551.076 to consider those matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION.--At 1:53 p.m., the Board reconvened in open session for the following actions taken on matters discussed in Executive Session.

1a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

1b. U. T. System Board of Regents: Discussion and appropriate action regarding legal issues related to information technology security audit

No action was taken on this item.

1c. U. T. Health Science Center - San Antonio: Discussion of legal issues related to accreditation

No action was taken on this item.

1d. U. T. Medical Branch - Galveston: Discussion and appropriate action concerning legal issues related to correctional managed care

No action was taken on this item.

- 2a. U. T. Austin: Authorization to lease approximately 18,800 useable square feet of space in the proposed 2400 Nueces, a commercial and multifamily property to be built at 2400 Nueces Street, Austin, Travis County, Texas, from EDR Austin LLC, a Delaware limited liability company, for a lease rate not to exceed fair market value as determined by an independent appraisal for a 10-year term with renewal options for use by the institution related to its mission

On behalf of The University of Texas at Austin, Regent Stillwell moved that the Board take the following actions:

- a. authorize the lease of approximately 18,800 useable square feet of space in the proposed 2400 Nueces, a commercial and multifamily property to be built at 2400 Nueces Street, Austin, Travis County, Texas, from EDR Austin LLC, a Delaware limited liability company, for a lease rate not to exceed fair market value as determined by an independent appraisal for a 10-year term with renewal options for use by the institution related to its mission; 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 action in accordance with the parameters discussed in Executive Session.

The motion was seconded by Vice Chairman Dannenbaum and carried unanimously.

- 2b. U. T. El Paso: Authorization to ground lease approximately 6.4 to 7.6 acres of unimproved real property located at 3003 North Mesa Drive, El Paso, El Paso County, Texas, to North Campus Investors, LLC, a Texas limited liability company, for the construction and operation of a mixed-use development

Regent Pejovich moved that the Board take the following actions on behalf of The University of Texas at El Paso:

- a. authorize the ground lease of approximately 6.4 to 7.6 acres of unimproved real property located at 3003 North Mesa Drive, El Paso, El Paso County, Texas, to North Campus Investors, LLC, a Texas limited liability company, for the construction and operation of a mixed-use development in accordance with the parameters outlined in the Executive Session; 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 action within the parameters outlined in Executive Session.

Regent Hall seconded the motion, which carried unanimously.

- 2c. U. T. San Antonio: Discussion and appropriate action regarding the granting of a conservation easement to establish a karst invertebrate habitat preserve on a portion of the institution's main campus

No action was taken on this item.

- 2d. U. T. San Antonio: Authorization to market and sell the surface estate only of: (1) approximately 640 acres (Ranch 1) in Atascosa County, Texas, Survey No. 73, Certificate No. 15/3101, originally granted to H&GN RR Co. and patented to Joseph A. Bent by Letter Patent No. 567, Volume 23, Abstract 419; (2) approximately 2,275.13 acres (Ranch 2) in Frio County, Texas, being all of the George Troutz Survey 992, Abstract 839, the J.M. Armstrong Survey 23/1, Abstract 932, and the A. Vancleve Survey 1159, Abstract 850, parts of the Larkin Nalls Survey 1, Abstract 964, Larkin Nalls Survey 2, Abstract 1364, and the Jno. W. Thompson Survey 50/5, Abstract 1494, all of the Peter Weber Survey 971, Abstract 659, the Henry Castro Survey 61, Abstract 257, and the S.R. Simmon Survey 61 1/2, Abstract 910, and part of the F.C. McKinney Survey S.F. 14982, Abstract 1511; and (3) approximately 2,310.67 acres (Ranch 3) in Frio County, Texas, consisting of approximately 290.67 acres described in deed recorded in Volume 112, Page 324, approximately 1,280 acres described in deed recorded in Volume 111, Page 599, approximately 600 acres described in deed recorded in Volume 111, Page 613, and approximately 140 acres described in deed recorded in Volume 111, Page 612, all in the Deed Records of Frio County, Texas; with the net sale proceeds to be used for the Felix and Elizabeth McKinney Memorial Scholarship Fund

On behalf of The University of Texas at San Antonio, Regent Hall moved that the Executive Director of Real Estate be authorized to

- a. market and sell Ranches 1, 2, and 3 located in Atascosa and Frio Counties, Texas, as described above through the use of a real estate broker having experience with ranch brokerage in the area and selected through a Request for Proposals (RFP) process, with the sale proceeds, net of all closing costs, and other costs and expenses to complete the sale as deemed necessary by the Executive Director of Real Estate, to be placed in the Felix and Elizabeth McKinney Memorial Scholarship Fund; and

- b. execute all documents, instruments, and other agreements and take all further actions deemed necessary or advisable to market and sell the real property in accordance with the parameters outlined in Executive Session.

Vice Chairman Foster seconded the motion, which carried by acclamation.

- 3a. 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

No action was taken on this item.

- 3b. U. T. System Board of Regents: Discussion and appropriate action regarding individual personnel issues related to compliance with information technology security audit

No action was taken on this item.

- 3c. U. T. Medical Branch - Galveston: Discussion and appropriate action regarding individual personnel matters related to provision of correctional managed care

No action was taken on this item.

- 4a. U. T. Austin: Approval of proposed negotiated gifts with potential naming features

Upon motion by Vice Chairman Dannenbaum, seconded by Regent Gary, the Board authorized the Presidents of The University of Texas at Austin, The University of Texas Medical Branch at Galveston, The University of Texas M. D. Anderson Cancer Center, and The University of Texas Health Science Center at Tyler and Vice Chancellor Safady to conclude negotiations necessary to finalize and accept gifts to benefit those institutions with potential naming features consistent with the terms outlined in Executive Session.

The motion carried unanimously. (This motion applied to Items 4a - 4d.)

- 4b. U. T. Medical Branch - Galveston: Approval of proposed negotiated gifts with potential naming features

See Item 4a for action on this item.

- 4c. U. T. M. D. Anderson Cancer Center: Approval of proposed negotiated gifts with potential naming features

See Item 4a for action on this item.

- 4d. U. T. Health Science Center - Tyler: Approval of proposed negotiated gifts with potential naming features

See Item 4a for action on this item.

5. U. T. System Board of Regents: Discussion and appropriate action regarding information technology security audit

No action was taken on this item.

RECESS.--At 1:57 p.m., Chairman Powell announced the Board would recess for meetings of standing committees and would reconvene later that day (November 10).

RECONVENE IN OPEN SESSION.--At 3:30 p.m., the Board reconvened in open session.

Chairman Powell announced a quorum present and called the meeting to order.

U. T. SYSTEM BOARD OF REGENTS: APPROVAL OF MINUTES.--The Minutes of the regular meeting of the Board of Regents of The University of Texas System held on August 24-25, 2011, and the special called meetings held on September 19, 2011, and October 31, 2011, all in Austin, Texas, were approved as prepared by the Secretary to the Board of Regents. The official copy of the August Minutes is recorded in the *Permanent Minutes*, Volume LVIII, Pages 410 - 683, and the September and October Minutes are recorded in Volume LIX, Pages 1 - 6.

AGENDA ITEMS, continued

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

Mr. Joel Helmke, Chair of the Employee Advisory Council (EAC), reported on the Council's recommendations included in the Agenda materials. Chancellor Cigarroa commented on the recommendations as noted below. He said University of Texas System officials will continue to work with Council members to help implement the recommendations.

Wellness Committee – Being a physician, he said he promotes wellness in his campus visits. He said the U. T. System can help by encouraging the views of the Council in this regard.

Worklife Committee – On the matter of flexible work schedules, he noted there are different challenges between the academic and health institutions and said the institutional presidents will continue to be sensitive to the recommendations.

Policy and Procedure Committee – As he remarked at the August 25, 2011 Board meeting (reference the Chancellor's presentation on A Framework for Advancing Excellence Action Plan for the U. T. System), he will continue to focus on matters such as annual performance evaluations to ensure the U. T. System is doing its best to recruit and retain gifted employees.

Mr. Helmke discussed the recommendation from the Worklife Committee concerning annual performance evaluations in response to questions from Regent Cranberg. Mr. Helmke pointed out that tracking evaluations can be resource-driven, depending in part on the use of electronic systems.

3. U. T. System Board of Regents: Amendments to the Regents' *Rules and Regulations*, Rule 31001 (Faculty Appointments and Titles), Rule 31006 (Academic Workload Requirements), and Rule 31007 (Tenure), all regarding U. T. Brownsville technical faculty titles

The Board amended the Regents' *Rules and Regulations*, Rule 31001, Rule 31006, and Rule 31007 to address transition issues incidental to the dissolution of The University of Texas at Brownsville/Texas Southmost College educational partnership. This partnership began in 1991 and will end no later than August 31, 2015.

U. T. Brownsville will no longer use "technical" faculty titles except for a few tenured faculty members. The changes to the Regents' *Rules* are summarized as set forth on the following page.

Rule 31001 (revised Sections are set forth on Pages 12 - 13)

- Section 2.1: Technical titles will no longer be used for tenured positions, except for a few retained faculty members who obtained tenure from U. T. Brownsville.
- Section 2.2: "technical instructor" will no longer be used for nontenure-track appointments.
- Section 2.2(b): While individuals appointed to technical titles will no longer be considered in tenure-track positions or be awarded tenure, the titles of Master Technical Instructor, Associate Master Technical Instructor, and Assistant Master Technical Instructor may continue to be used by U. T. Brownsville until the transition period is over, at which time Section 2.2(b) will be deleted.

Rule 31006

- Section 6.14 was deleted as the "clock-hour" concept for workload equivalencies, which only applied to technical faculty, is no longer relevant.

Rule 31007 (revised Section is set forth on Page 14)

- Section 3: Faculty with technical titles will no longer be able to obtain tenure and time spent with a technical faculty title will no longer be counted toward fulfillment of a required probationary period.

1. Title

Faculty Appointments and Titles

2. Rule and Regulation

...

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

2.1 Tenure Titles. Except for the titles Regental Professor and Regents' Research Scholar, and for individuals who received tenure on or before September 1, 2010, with the technical titles of Master Technical Instructor, Associate Master Technical Instructor, or Assistant Master Technical Instructor as authorized in the U. T. Brownsville *Handbook of Operating Procedures*, the only titles to be used henceforth in which faculty members may hold tenure are as follows:

(a) Professor

(b) Associate Professor

(c) Assistant Professor (Tenure-Track)

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

- (a) Instructor. This title denotes a probationary appointment.
- (b) Technical Titles. Master Technical Instructor, Associate Master Technical Instructor, Assistant Master Technical Instructor, and Technical Instructor, as authorized in the U. T. Brownsville *Handbook of Operating Procedures*. These titles are only used at U. T. Brownsville.

.....

1. Title

Tenure

2. Rule and Regulation

...

Sec. 3 Full-time Service Requirement. Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, or any combination thereof, shall be counted toward fulfillment of a required probationary period related to the award of tenure or a seven-year term appointment. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period.

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4. U. T. System Board of Regents: Amendment to Regents' *Rules and Regulations*, Rule 40401 (Assessment, Collection, Delegation, and Waiver of Tuition and Fees), regarding delegation of vehicle registration fees and other charges associated with parking

The Board amended the Regents' *Rules and Regulations*, Rule 40401 (Assessment, Collection, Delegation, and Waiver of Tuition and Fees), regarding delegation of vehicle registration fees and other charges associated with parking, to read as set forth on Pages 16 - 17.

This amendment delegates to the presidents, with approval from the appropriate Executive Vice Chancellor, the authority to set rates for parking fees and parking fines as authorized by statute.

Reference to *Texas Education Code* Section 54.505 was added to Regents' Rule 80109 (Parking and Traffic Regulations). The amendment is consistent with the delegation of authority regarding parking and traffic regulations found in Regents' *Rules and Regulations*, Rule 80109, and other fee delegations in Rule 40401.

1. Title

Assessment, Collection, Delegation, and Waiver of Tuition and Fees

2. Rule and Regulation

- Sec. 1 Published Fees. Tuition, fees, and other charges will be fixed as prescribed or authorized by statute and the relative debt covenants of the Board and will be published in the institutional catalog with a description of the criteria for any authorized exemptions and waivers.
- Sec. 2 Exemptions and Waivers. The authority of the Board of Regents to grant exemptions and waivers from tuition, fees, and other charges in accordance with statute, is delegated to the presidents of the institutions.
- Sec. 3 Delegation of Approval of Certain Fees and Charges. Subject to the obligation of the Board to set fees and charges at levels sufficient to comply with the covenants made in the Master Resolution Establishing the Revenue Financing System and in related agreements and debt instruments entered into or issued thereunder, the Board of Regents delegates to the presidents the authority to assess and collect the following fees and other charges, upon a finding by the president that such fees and other charges and changes to such fees and other charges are required for the fee or other charge to reasonably reflect the actual cost to the institution of the materials or services to be provided. Except for the approval of continuing education course fees, which is delegated directly to the president by Rule 40403, the approval authority granted herein is conditioned on prior review and approval by the Executive Vice Chancellor for Academic Affairs or the Executive Vice Chancellor for Health Affairs.
1. Fees for Vehicle Registration and Fees and Other Charges associated with parking, as authorized by *Texas Education Code* Sections 51.202(a) and 54.505
 2. Matriculation Fee, as authorized by *Texas Education Code* Section 54.006(a-1)
 3. Fees Associated with the Option to Pay Tuition by Installment, as authorized by *Texas Education Code* Section 54.007(c)
 4. Supplemental Fees for coaching or individual instruction, as authorized by *Texas Education Code* Section 54.051(l)
 5. Laboratory Fees, as authorized by *Texas Education Code* Section 54.501(a)

6. Incidental Fees, as authorized by *Texas Education Code* Section 54.504 including, but not limited to, course fees
 7. Charges and Fees for Certain Payments, related to electronic funds transfer or credit card payment, as authorized by *Texas Education Code* Section 54.5011
 8. Fees and Other Charges for rentals, rates, and charges for certain occupancy, services, use and availability of facilities or services including, but not limited to, student housing room and board rates as authorized by *Texas Education Code* Section 55.16
 9. Continuing Education Course Fees, as authorized by *Texas Education Code* Section 54.545 and further detailed in Rule 40403.
- Sec. 4 Approval of Method of Payment. The Board of Regents delegates to the presidents of the institutions the authority to collect the payment of tuition, fees, and other charges in accordance with those methods prescribed or authorized by statute.

5. U. T. System Board of Regents: Approval of Procedures for Seeking Relief from Rate and Damage Schedule Applicable to Easements and Other Interests on University Lands

The Board approved the Procedures for Seeking Relief from Rate and Damage Schedule Applicable to Easements and Other Interests on Permanent University Fund Lands (University Lands) as set forth on Pages 19 - 20. Regent Cranberg abstained from vote on this item.

Senate Bill 873, passed during the 82nd Regular Session of the Texas Legislature and codified as Section 66.46(m) of the *Texas Education Code*, requires that The University of Texas System Board of Regents establish procedures by which a person seeking an easement or other interest on University Lands may seek relief from a rate and damage schedule the person believes does not represent the fair market value of the interest being sought.

As authorized by Regents' *Rules and Regulations*, Rule 70301, the Executive Vice Chancellor for Business Affairs has delegated the management of University Lands to the Executive Director of University Lands. The Executive Director establishes the Rate and Damage Schedule for University Lands and has full authority to negotiate rates and damages, including rates that exceed those listed on the schedule.

The procedures are referenced in and linked to Regents' *Rules and Regulations*, Rule 70301.

PROCEDURES FOR SEEKING RELIEF FROM RATE AND DAMAGE SCHEDULE APPLICABLE TO
EASEMENTS AND OTHER INTERESTS ON UNIVERSITY LANDS

In accordance with Section 66.46(m), *Texas Education Code*,¹ a person may seek relief from a rate and damage schedule established in accordance with Regents' *Rules and Regulations*, Rule 70301, as provided by this policy.

Sec. 1. Fair Market Value Presumed. The rate and damage schedule is presumed to reflect fair market value for each interest for which a rate or damage amount is listed. To overcome that presumption, a person must show by clear and convincing evidence that the rate or damage amount exceeds fair market value of the interest being sought.

Sec. 2. Determination of Fair Market Value. (a) "Fair market value" means the going rate or damage amount as of the appraisal date that persons pay for a similar interest on substantially similar property in West Texas.

(b) Any market study offered as evidence of fair market value must be prepared in accordance with the Uniform Standards of Appraisal Practice and signed by a person licensed in Texas as a certified general appraiser.

(c) Easements on University Lands are limited by law to term easements not to exceed 10 years.² Evidence of market value must include comparisons to the going rate on similar term easements on substantially similar property in West Texas.

Sec. 3. Negotiation with Executive Director Required. (a) The management of University Lands has been delegated to the Executive Director of University Lands with offices at 704 W. Dengar Avenue, Midland, Texas 79705-5319. The Executive Director has full authority to negotiate rates and damages, including rates that exceed those listed on a rate and damage schedule. The Executive Director does not have the authority to approve a rate that is less than fair market value.

(b) A person seeking to obtain an interest or to renew an existing interest who objects to the rate and damage schedule as not reflective of fair market value must first negotiate in good faith with the Executive Director in regard to the fair market value of a specific interest sought to be obtained or renewed.

(c) Good faith negotiation requires presentation by the person seeking to obtain the interest of evidence of the fair market value of the interest being sought.

(d) A person may not seek relief from a rate and damage schedule under these procedures, including any appeal to the Executive Vice Chancellor for Business Affairs or the Board of Regents, in the absence of a proposal to obtain or renew a specific interest.

Sec. 4. Appeal to Executive Vice Chancellor for Business Affairs. (a) If, after good faith negotiation with the Executive Director, a person seeking to obtain an interest or renew an

¹ "(m) The board of regents shall establish procedures by which a person seeking an easement or other interest under this section may seek relief from a rate or damage schedule that the person believes does not represent the fair market value of the interest being sought."

² Sec. 66.46, *Texas Education Code*

existing interest believes that the rate and damage schedule does not reflect fair market value of the interest being sought, the person may appeal in writing to the Executive Vice Chancellor for Business Affairs, The University of Texas System, 201 West 7th Street, Austin, Texas 78701-2982.

(b) The only issue in an appeal under these procedures is whether a rate or damage amount listed in the applicable schedule reflects the fair market value of the interest sought. The appeal must be accompanied by evidence that the rate and damage schedule does not reflect fair market value.

(c) After considering the written appeal, the Executive Vice Chancellor for Business Affairs may require the person making the appeal to meet with the Executive Vice Chancellor for Business Affairs concerning the matter. That meeting may include representatives of University Lands or other persons, at the discretion of the Executive Vice Chancellor for Business Affairs. The person making the appeal, in his discretion, may be represented by another person at the meeting, including legal counsel.

(d) A meeting with the Executive Vice Chancellor for Business Affairs is not intended as a formal evidentiary hearing, and the Executive Vice Chancellor for Business Affairs may consider any information the Executive Vice Chancellor for Business Affairs deems appropriate in regard to the fair market value of the interest sought and the rates and damages listed in the applicable schedule. However, the Executive Vice Chancellor for Business Affairs may not consider evidence of fair market value that was not previously presented to the Executive Director of University Lands.

(e) The Executive Vice Chancellor for Business Affairs shall communicate his decision in writing to the person making the appeal and to the Executive Director of University Lands.

Sec. 5. Appeal to the Board of Regents. (a) A person who is dissatisfied with the decision of the Executive Vice Chancellor for Business Affairs may appeal that decision in writing to the Board of Regents. The appeal shall be addressed to the Secretary of the Board of Regents, 201 West 7th Street, Suite 820, Austin, Texas 78701.

(b) The only issue in an appeal to the Board of Regents is whether a rate or damage amount listed in the applicable schedule reflects the fair market value of the interest being sought. The appeal must be accompanied by the evidence presented to the Executive Director of University Lands that the rate and damage schedule does not reflect fair market value of the interest being sought. The Board will not consider evidence of fair market value not previously presented to the Executive Director.

(c) The decision of the Board is final.

Sec. 6. Procedure. (a) This procedure is not subject to the Administrative Procedure Act, *Texas Government Code* §§ 2001.001 *et seq.*, but the Executive Vice Chancellor for Business Affairs or the Board of Regents may refer to that Act for guidance in the matters of admission of evidence or testimony of witnesses.

(b) At any stage of the appeal, the evidence of fair market value is limited to that presented to the Executive Director of University Lands. If new evidence is developed after the beginning of the appeal process, it must be submitted to the Executive Director and the process must restart.

6. U. T. System: Authorization for the Chancellor to submit Report Concerning Designated Tuition

The Board granted authority to the Chancellor to submit on its behalf, the "Report Concerning Designated Tuition" as required by the current General Appropriations Act, House Bill 1, Article III, Section 50 to the Lieutenant Governor, Speaker of the House, Chair of the Senate Finance Committee, Chair of the House Appropriations Committee, and members of the Legislative Oversight Committee on Higher Education.

A Report Concerning Designated Tuition is to be filed not later than January 1, 2012, by the governing board of each public institution of higher education that charges students designated tuition under Section 54.0513, *Texas Education Code*. The Report consists of two principal sections. For selected years, the first section identifies the amount of designated tuition collected, the purposes for which it was spent, the amount spent for each purpose, the amounts set aside for resident undergraduate and graduate student assistance as required by Sections 56.011 and 56.012, *Texas Education Code*, and how those amounts are allocated among various types of student assistance. For specific semesters, the second section of the Report includes the total academic cost for resident undergraduates enrolled for 15 semester credit hours as derived from actual fee bills.

Completion of the Report requires certain financial information contained in the pending annual financial report, which will not be completed until December 1, 2011. Upon completion of the [Report](#), a copy will be provided to members of the Board.

7. U. T. System Board of Regents: Ratification of designation of Bruce A. Beutler, M.D., as Regental Professor [Regents' Rules and Regulations, Rule 31001, Section 2.3(a)] and allocation of funds

Bruce A. Beutler, M.D., Raymond and Ellen Willie Distinguished Chair in Cancer Research in Honor of Laverne & Raymond Willie, Sr., at The University of Texas Southwestern Medical Center was designated the title of Regental Professor for receiving the Nobel Prize in Physiology or Medicine on October 3, 2011.

Nobel laureate Beutler was also granted \$500,000 in Permanent University Funds (PUF) for equipment purchases, to be paid \$100,000 annually for five years.

The designation of Regental Professor is in accordance with the Regents' *Rules and Regulations*, Rule 31001, Section 2.3(a), which states that a faculty member who is awarded the Nobel Prize may be given the title of Regental Professor upon recommendation of the President, the appropriate Executive Vice Chancellor, and the Chancellor.

Dr. Beutler is Professor and Director of the Center for the Genetics of Host Defense at U. T. Southwestern Medical Center. He shares the prize with Dr. Jules A. Hoffmann of Strasbourg University's Institut de Biologie Moléculaire et Cellulaire in France for their discovery of receptor proteins that recognize disease-causing agents and activate innate immunity, the first step in the body's immune response. The other half of the prize was awarded to the late Dr. Ralph M. Steinman of Rockefeller University in New York for his discovery of the dendritic cell and its role in adaptive immunity.

Dr. Beutler graduated from the University of California, San Diego, and was a faculty member and Howard Hughes Medical Institute Investigator at U. T. Southwestern from 1986 to 2000. He currently holds a dual appointment at Scripps Research Institute in La Jolla, California, where he is Chairman of the Genetics Department. Dr. Beutler returned to U. T. Southwestern on September 1, 2011, and began full-time work there on November 1, 2011.

Dr. Beutler received the Shaw Prize on September 28, 2011, in Hong Kong, sharing that honor with two other scientists. In 2008, he was elected to the National Academy of Sciences and was also named to the Institute of Medicine.

8. U. T. System: Demonstration of new website

An additional item was posted with the Secretary of State regarding a demonstration of the new University of Texas System website. Chairman Powell called on Vice Chancellor Safady for remarks on the enhancements. Dr. Safady said the website was created using a free Drupal content management system. The system facilitates changes to the design and content of the website, improves the distribution and broadcasting of information to the public, and enhances the search functionality.

Dr. Safady then introduced Mr. Michael Trevino, Web Designer, who presented the new website to the Board.

STANDING COMMITTEE REPORTS TO THE BOARD.--At 3:55 p.m., Chairman Powell announced the Board would hear the reports and recommendations of the Standing Committees, which are set forth on Pages 23 - 67.

REPORT AND RECOMMENDATION OF THE AUDIT, COMPLIANCE, AND MANAGEMENT REVIEW COMMITTEE (Page 23).--Committee Chairman Pejovich reported the Audit, Compliance, and Management Review Committee met in open session to consider a matter on its agenda and to formulate recommendations for The University of Texas System Board of Regents. Unless otherwise indicated, the action set forth in the Minute Order that follows was recommended by the Audit, Compliance, and Management Review Committee and approved in open session by the U. T. System Board of Regents.

1. U. T. System Board of Regents: Approval of the U. T. Systemwide Annual Internal Audit Plan for Fiscal Year 2012

The Board approved The University of Texas Systemwide Annual Internal Audit Plan for Fiscal Year 2012. Development of the Plan was based on risk assessments performed at each U. T. System institution and implementation of the Plan will be coordinated with the institutional auditors.

Institutional audit plans, compiled by the internal audit departments after input and guidance from the U. T. System Audit Office, the Offices of Academic or Health Affairs, and the institution's management and institutional Internal Audit Committee, were submitted to the respective institutional Internal Audit Committee and institutional president for review and comments. Additionally, the institutional audit plans were presented and discussed at the U. T. System Administration Internal Audit Committee meeting held on September 7, 2011. Also, the Chief Audit Executive provided feedback by conducting audit hearings with each institution.

2. U. T. System: Report on Compliance Programs at the U. T. System health institutions

This item was for consideration only by the Committee (see Committee Minutes).

REPORT AND RECOMMENDATIONS OF THE FINANCE AND PLANNING COMMITTEE (Pages 24 - 25).--Committee Chairman Foster reported that the Finance and Planning Committee met in open session to consider those matters on its agenda and to formulate recommendations for The University of Texas System Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended by the Finance and Planning Committee and approved in open session by the U. T. System Board of Regents.

1. U. T. System: Approval of Docket No. 148

The Board approved *Docket No. 148*, which is attached following Page 68 in the official copy of the *Minutes*. The Docket included an additional item regarding a contract between The University of Texas at San Antonio and the City of San Antonio to provide locations for 10 electric vehicle charging equipment stations on campus. The Board made a finding that the host agreement serves a public purpose specific to the mission of the institution. The additional item was before members of the Board on yellow paper and is set forth on Docket Page 26a. The Docket is made a part of the record of this meeting.

It was expressly authorized that any contracts or other documents or instruments approved therein may be executed by the appropriate officials of the respective University of Texas System institution involved.

2. U. T. System: Key Financial Indicators Report

This item was for consideration only by the Committee (see Committee Minutes).

3. U. T. System Board of Regents: The University of Texas Investment Management Company (UTIMCO) Performance Summary Report and Investment Reports for the fiscal year and quarter ended August 31, 2011

The University of Texas Investment Management Company (UTIMCO) Performance Summary Report for August 31, 2011, is set forth on Page 26.

The Investment Reports for the fiscal year and quarter ended August 31, 2011, are set forth on Pages 27 - 30.

Item I on Page 27 reports activity for the Permanent University Fund (PUF) investments. The PUF's net investment return for the fiscal year was 14.62% versus its composite benchmark return of 12.00%. The PUF's net asset value increased by \$1,963 million since the beginning of the year to \$12,688 million.

The increase was due to \$896 million PUF Land receipts, net investment return of \$1,573 million, less the annual distribution to the Available University Fund (AUF) of \$506 million.

Item II on Page 28 reports activity for the General Endowment Fund (GEF) investments. The GEF's net investment return for the fiscal year was 14.74% versus its composite benchmark return of 12.00%. The GEF's net asset value increased by \$1,014 million during the fiscal year to \$7,049 million.

Item III on Page 29 reports activity for the Intermediate Term Fund (ITF). The ITF's net investment return for the fiscal year was 11.39% versus its composite benchmark return of 9.06%. The net asset value increased during the fiscal year to \$4,662 million due to net investment return of \$485 million, net contributions of \$160 million, less distributions of \$139 million.

All exposures were within their asset class and investment type ranges. Liquidity was within policy.

Item IV on Page 30 presents book and market values of cash, debt, equity, and other securities held in funds outside of internal investment pools. Total cash and equivalents, consisting primarily of institutional operating funds held in the Dreyfus money market fund, decreased by \$122 million to \$2,175 million during the three months since the last reporting period. Market values for the remaining asset types were debt securities: \$75 million versus \$75 million at the beginning of the period; equities: \$46 million versus \$52 million at the beginning of the period; and other investments: \$5 million versus \$1 million at the beginning of the period.

UTIMCO Performance Summary

August 31, 2011

	Net Asset Value 8/31/2011 (in Millions)	Periods Ended August 31, 2011 (Returns for Periods Longer Than One Year are Annualized)							
		<u>Short Term</u>		<u>Year to Date</u>		<u>Historic Returns</u>			
		1 Mo	3 Mos	Fiscal	Calendar	1 Yr	3 Yrs	5 Yrs	10 Yrs
ENDOWMENT FUNDS									
Permanent University Fund	\$12,688	(2.33%)	(2.70%)	14.62%	3.83%	14.62%	4.08%	4.68%	7.05%
General Endowment Fund		(2.32)	(2.67)	14.74	3.90	14.74	4.02	4.80	7.23
Permanent Health Fund	993	(2.31)	(2.68)	14.76	3.96	14.76	3.97	4.73	7.14
Long Term Fund	6,057	(2.31)	(2.68)	14.77	3.97	14.77	3.97	4.73	7.16
Separately Invested Funds	128	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Endowment Funds	19,866								
OPERATING FUNDS									
Debt Proceeds Fund	816	0.01	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Short Term Fund	1,356	0.01	0.04	0.22	0.12	0.22	0.55	2.18	2.26
Intermediate Term Fund	4,662	(2.20)	(2.25)	11.39	2.16	11.39	4.76	N/A	N/A
Total Operating Funds	6,834								
Total Investments	\$26,700								
VALUE ADDED (Percent)									
Permanent University Fund		0.84%	0.84%	2.62%	2.45%	2.62%	3.08%	2.62%	2.14%
General Endowment Fund		0.85	0.87	2.74	2.52	2.74	3.02	2.74	2.32
Debt Proceeds Fund		(0.01)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Short Term Fund		(0.01)	0.02	0.07	0.02	0.07	0.23	0.35	0.20
Intermediate Term Fund		0.31	0.60	2.33	1.58	2.33	2.50	N/A	N/A
VALUE ADDED (\$ IN MILLIONS)									
Permanent University Fund		\$108	\$109	\$290	\$296	\$290	\$1,082	\$1,502	\$2,383
General Endowment Fund		62	64	171	173	171	597	878	1400
Intermediate Term Fund		15	29	99	74	99	323	538	N/A
Total Value Added		\$ 185	\$ 202	\$ 560	\$ 543	\$ 560	\$ 2,002	\$ 2,918	\$ 3,783

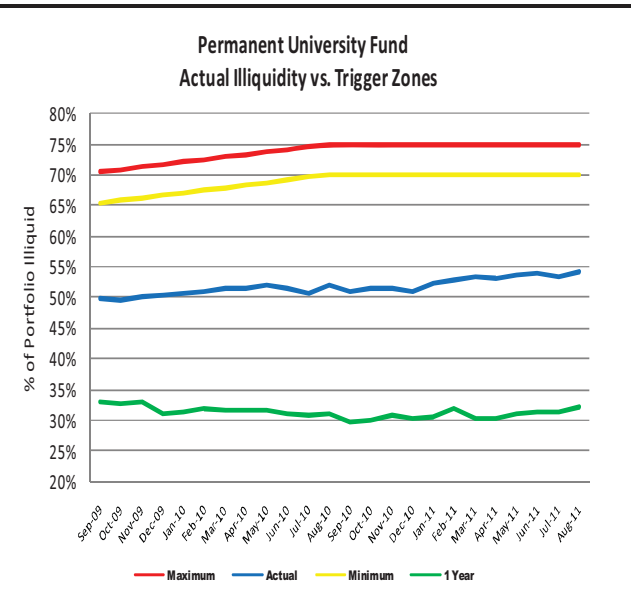
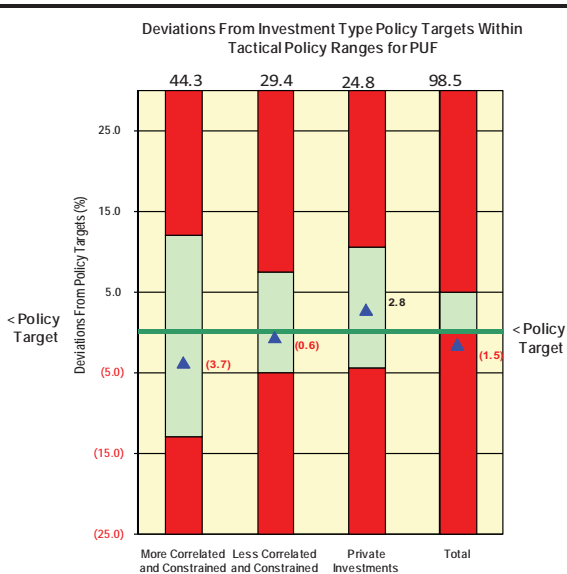
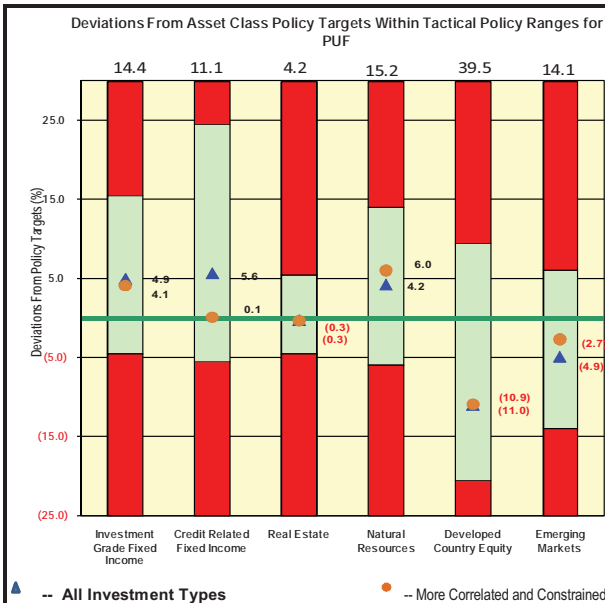
Footnotes available upon request.

I. PERMANENT UNIVERSITY FUND Investment Reports for Periods Ended August 31, 2011

Prepared in accordance with Texas Education Code Sec. 51.0032

Summary of Capital Flows			
(\$ millions)	Fiscal Year Ended August 31, 2010	Quarter Ended August 31, 2011	Fiscal Year Ended August 31, 2011
Beginning Net Assets	\$ 9,674	\$ 12,908	\$ 10,725
PUF Lands Receipts	338	133	896
Investment Return (Net of Expenses)	1,229	(353)	1,573
Distributions to AUF	(516)	-	(506)
Ending Net Assets	<u>\$ 10,725</u>	<u>\$ 12,688</u>	<u>\$ 12,688</u>

	Fiscal Year to Date				
	Returns		Value Added		
	Portfolio	Policy Benchmark	From Asset Allocation	From Security Selection	Total
More Correlated and Constrained:					
Investment Grade	3.90%	8.96%	-0.33%	-0.41%	-0.74%
Credit-Related	20.13%	9.22%	-0.04%	0.00%	-0.04%
Real Estate	8.82%	15.49%	-0.04%	-0.15%	-0.19%
Natural Resources	35.23%	25.12%	0.89%	0.57%	1.46%
Developed Country	15.16%	14.46%	-0.12%	0.12%	0.00%
Emerging Markets	9.23%	9.07%	0.01%	-0.02%	-0.01%
Total More Correlated and Constrained	14.89%	13.75%	0.37%	0.11%	0.48%
Less Correlated and Constrained	7.47%	3.03%	0.17%	1.27%	1.44%
Private Investments	23.26%	19.97%	-0.33%	1.03%	0.70%
Total	14.62%	12.00%	0.21%	2.41%	2.62%

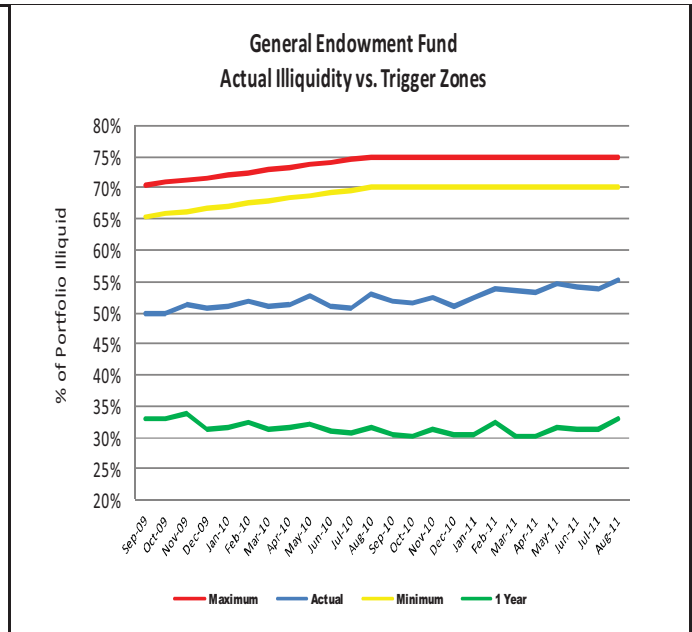
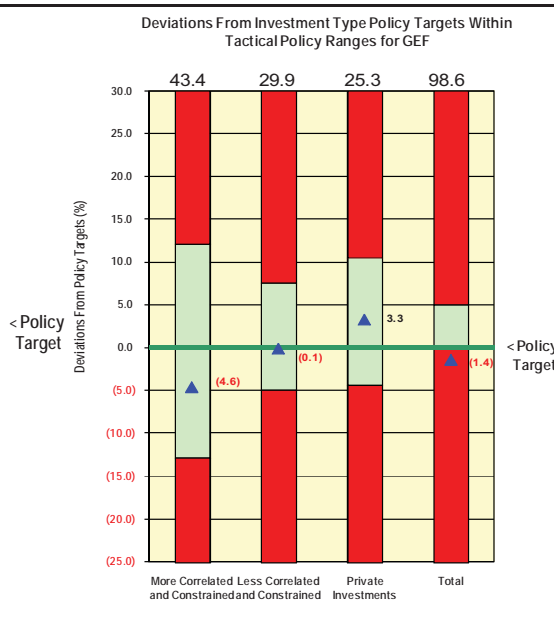
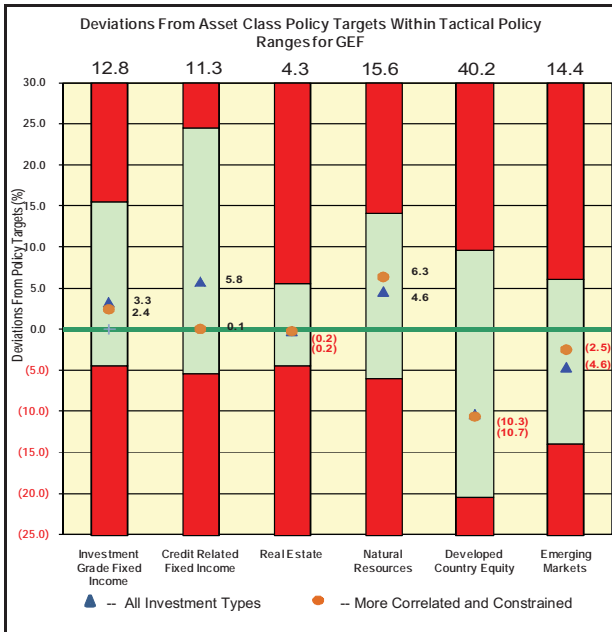


II. GENERAL ENDOWMENT FUND Investment Reports for Periods Ended August 31, 2011

Prepared in accordance with Texas Education Code Sec. 51.0032

Summary of Capital Flows			
(\$ millions)	Fiscal Year Ended August 31, 2010	Quarter Ended August 31, 2011	Fiscal Year Ended August 31, 2011
Beginning Net Assets	\$ 5,359	\$ 7,291	\$ 6,035
Contributions	285	42	432
Withdrawals	(11)	(5)	(12)
Distributions	(298)	(84)	(327)
Investment Return (Net of Expenses)	700	(195)	921
Ending Net Assets	\$ 6,035	\$ 7,049	\$ 7,049

	Returns		Fiscal Year to Date		
	Portfolio	Policy Benchmark	From Asset Allocation	From Security Selection	Total
More Correlated and Constrained:					
Investment Grade	4.85%	8.96%	-0.36%	-0.35%	-0.71%
Credit-Related	20.22%	9.22%	-0.03%	0.00%	-0.03%
Real Estate	8.72%	15.49%	-0.06%	-0.16%	-0.22%
Natural Resources	35.46%	25.12%	0.90%	0.60%	1.50%
Developed Country	15.47%	14.46%	-0.19%	0.19%	0.00%
Emerging Markets	9.32%	9.07%	0.00%	-0.02%	-0.02%
Total More Correlated and Constrained	15.13%	13.75%	0.26%	0.26%	0.52%
Less Correlated and Constrained	7.47%	3.03%	0.18%	1.32%	1.50%
Private Investments	23.26%	19.97%	-0.31%	1.03%	0.72%
Total	14.74%	12.00%	0.13%	2.61%	2.74%

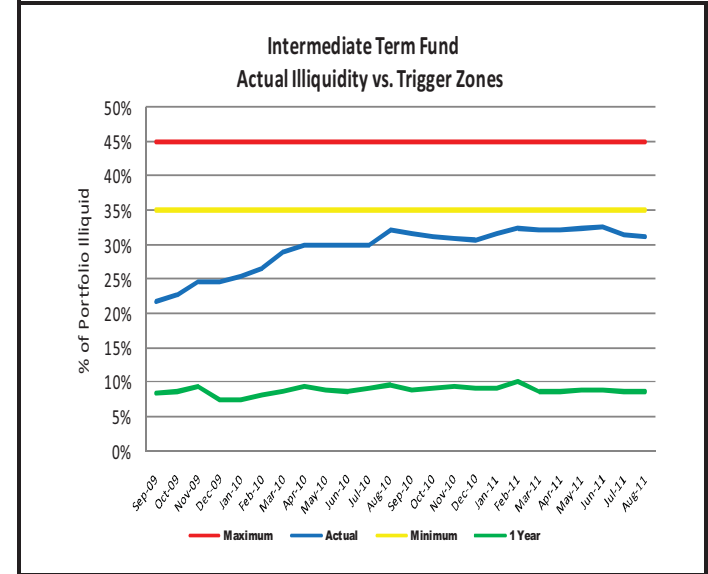
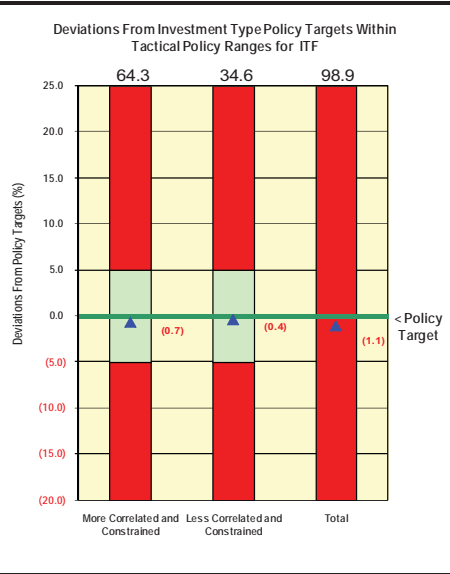
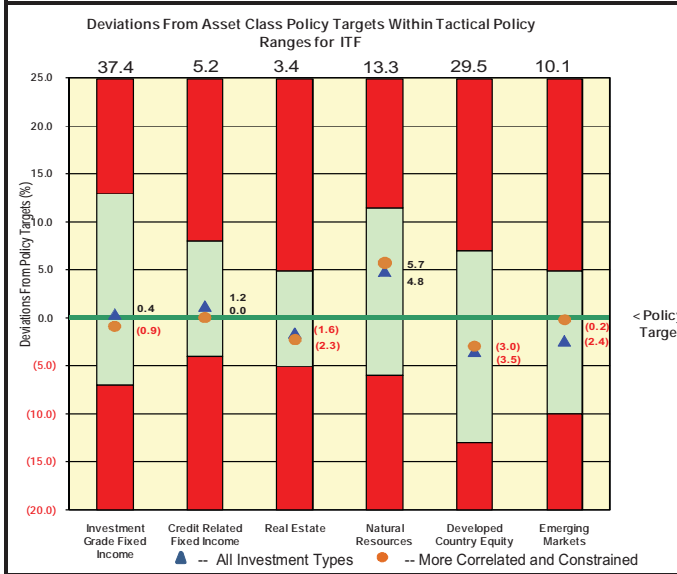


III. INTERMEDIATE TERM FUND Investment Reports for Periods Ended August 31, 2011

Prepared in accordance with Texas Education Code Sec. 51.0032

Summary of Capital Flows			
(\$ millions)	Fiscal Year Ended August 31, 2010	Quarter Ended August 31, 2011	Fiscal Year Ended August 31, 2011
Beginning Net Assets	\$ 3,572	\$ 4,855	\$ 4,156
Contributions	409	45	328
Withdrawals	(112)	(95)	(168)
Distributions	(119)	(36)	(139)
Investment Return (Net of Expenses)	406	(107)	485
Ending Net Assets	\$ 4,156	\$ 4,662	\$ 4,662

	Fiscal Year to Date				
	Returns		Value Added		
	Portfolio	Policy Benchmark	From Asset Allocation	From Security Selection	Total
More Correlated and Constrained:					
Investment Grade	8.10%	8.96%	-0.10%	-0.33%	-0.43%
Credit-Related	18.13%	9.22%	0.00%	0.00%	0.00%
Real Estate	9.62%	15.49%	0.10%	-0.39%	-0.29%
Natural Resources	33.90%	25.12%	0.67%	0.56%	1.23%
Developed Country	15.42%	14.46%	0.13%	0.08%	0.21%
Emerging Markets	9.01%	9.07%	-0.03%	-0.03%	-0.06%
Total More Correlated and Constrained	13.49%	12.42%	0.77%	-0.11%	0.66%
Less Correlated and Constrained	7.49%	3.03%	0.29%	1.38%	1.67%
Private Investments	0.00%	0.00%	0.00%	0.00%	0.00%
Total	11.39%	9.06%	1.06%	1.27%	2.33%



IV. SEPARATELY INVESTED ASSETS
Summary Investment Report at August 31, 2011
 Report prepared in accordance with *Texas Education Code Sec. 51.0032*

ASSET TYPES	(\$ thousands)															
	FUND TYPE															
	CURRENT PURPOSE DESIGNATED		RESTRICTED		ENDOWMENT & SIMILAR FUNDS		ANNUITY & LIFE INCOME FUNDS		AGENCY FUNDS		TOTAL EXCLUDING OPERATING FUNDS		OPERATING FUNDS (DEBT PROCEEDS AND (SHORT TERM FUND))		TOTAL	
	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET
Cash & Equivalents:																
Beginning value 05/31/11	-	-	2,094	2,094	27,344	27,344	1,407	1,407	16,905	16,905	47,750	47,750	2,249,358	2,249,358	2,297,108	2,297,108
Increase/(Decrease)	-	-	520	520	16,393	16,393	5	5	(11,967)	(11,967)	4,951	4,951	(126,882)	(126,882)	(121,931)	(121,931)
Ending value 08/31/11	-	-	2,614	2,614	43,737	43,737	1,412	1,412	4,938	4,938	52,701	52,701	2,122,476	2,122,476	2,175,177	2,175,177
Debt Securities:																
Beginning value 05/31/11	-	-	101	101	11,600	12,500	11,931	12,439	51	51	23,683	25,091	49,841	49,831	73,524	74,922
Increase/(Decrease)	-	-	-	-	88	207	(95)	(77)	(51)	(51)	(58)	79	-	(48)	(58)	31
Ending value 08/31/11	-	-	101	101	11,688	12,707	11,836	12,362	-	-	23,625	25,170	49,841	49,783	73,466	74,953
Equity Securities:																
Beginning value 05/31/11	147	2,963	243	218	30,500	35,482	12,733	13,597	-	-	43,623	52,260	-	-	43,623	52,260
Increase/(Decrease)	-	(244)	189	190	(926)	(5,327)	-	(1,336)	-	-	(737)	(6,717)	-	-	(737)	(6,717)
Ending value 08/31/11	147	2,719	432	408	29,574	30,155	12,733	12,261	-	-	42,886	45,543	-	-	42,886	45,543
Other:																
Beginning value 05/31/11	-	-	217	217	397	397	431	156	660	660	1,705	1,430	-	-	1,705	1,430
Increase/(Decrease)	-	-	3,236	3,236	(386)	(386)	(12)	(17)	529	529	3,367	3,362	-	-	3,367	3,362
Ending value 08/31/11	-	-	3,453	3,453	11	11	419	139	1,189	1,189	5,072	4,792	-	-	5,072	4,792
Total Assets:																
Beginning value 05/31/11	147	2,963	2,655	2,630	69,841	75,723	26,502	27,599	17,616	17,616	116,761	126,531	2,299,199	2,299,189	2,415,960	2,425,720
Increase/(Decrease)	-	(244)	3,945	3,946	15,169	10,887	(102)	(1,425)	(11,489)	(11,489)	7,523	1,675	(126,882)	(126,930)	(119,359)	(125,255)
Ending value 08/31/11	147	2,719	6,600	6,576	85,010	86,610	26,400	26,174	6,127	6,127	124,284	128,206	2,172,317	2,172,259	2,296,601	2,300,465

Details of individual assets by account furnished upon request.

REPORT AND RECOMMENDATIONS OF THE ACADEMIC AFFAIRS COMMITTEE (Pages 31 - 41).--In the absence of Committee Chairman Hicks, Regent Hall reported that the Academic Affairs Committee met in open session to consider those matters on its agenda and to formulate recommendations for The University of Texas System Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended by the Academic Affairs Committee and approved in open session by the U. T. System Board of Regents.

1. U. T. Austin: Authorization to purchase approximately 0.35 of an acre improved with a convenience store and related gas station fueling pumps located at 304 West Martin Luther King, Jr. Boulevard, Austin, Travis County, Texas, from North Dallas Petroleum, L.P., a Texas limited partnership, at a purchase price not to exceed fair market value as established by independent appraisals for future programmed development of campus expansion or other purposes related to the institution's mission

On behalf of The University of Texas at Austin, the Board

- a. authorized the purchase of approximately 0.35 of an acre of real property improved with a convenience store and related gas station fueling pumps located at 304 West Martin Luther King, Jr. Boulevard in Austin, Travis County, Texas, from North Dallas Petroleum, L.P., a Texas limited partnership, at a purchase price not to exceed fair market value as established by independent appraisals, plus all due diligence expenses, closing costs, and other costs and expenses to complete the acquisition as deemed necessary or advisable by the Executive Director of Real Estate, for future programmed development of campus expansion or other purposes related to the institution's mission; and
- b. authorized 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 action.

U. T. Austin will purchase the subject property located at 304 West Martin Luther King, Jr. Boulevard (at the corner of Guadalupe Street) for future programmed campus expansion. The subject property is located one-half block from the U. T. Austin campus. The institution's campus already extends along most of the north side of Martin Luther King, Jr. Boulevard between Guadalupe Street and Leona Street.

The 0.35 of an acre parcel is improved with an approximately 1,250 square foot convenience store and fuel station. Both a Phase 1 and a Phase 2 environmental site assessment have been completed on the property. The limited subsurface investigation sampling results report concentrations of hydrocarbons present in the soils and groundwater that are below the Texas

Commission on Environmental Quality (TCEQ) Petroleum Storage Tank Program Action Levels. Prior to U. T. Austin's acquisition of the property, the seller will remove the fuel pumps and storage tanks and obtain a closure letter from the TCEQ.

U. T. Austin will use accumulated cash balances from general unrestricted funds for the purchase. The appraised value is confidential pursuant to *Texas Education Code* Section 51.951.

2. U. T. Austin: Authorization to acquire approximately 0.82 of an acre improved with a 10,447 square foot warehouse adjacent to The University of Texas Elementary School, located in a portion of Lots 1 and 2, Outlot 9, Division A, Original City of Austin, Travis County, Texas, from Capital Metropolitan Transportation Authority (Capital Metro), a public body organized under Chapter 451, *Texas Transportation Code*, in exchange for the conveyance to Capital Metro of approximately 0.194 of an acre located in a portion of Lot 1, Outlot 9 and a portion of Lot 2, Outlot 10, Division A, Original City of Austin, Travis County, Texas, plus cash to effectuate an even exchange, for future planned expansion of The University of Texas Elementary School

On behalf of The University of Texas at Austin, the Board

- a. authorized acquisition of approximately 0.82 of an acre improved with a 10,447 square foot warehouse adjacent to The University of Texas Elementary School, located in a portion of Lots 1 and 2, Outlot 9, Division A, Original City of Austin, Travis County, Texas, from Capital Metropolitan Transportation Authority (Capital Metro), a public body organized under Chapter 451, *Texas Transportation Code*, in exchange for the conveyance to Capital Metro of approximately 0.194 of an acre located in a portion of Lot 1, Outlot 9 and a portion of Lot 2, Outlot 10, Division A, Original City of Austin, Travis County, Texas, plus cash to effectuate an even exchange, for future planned expansion of The University of Texas Elementary School, plus all due diligence expenses, closing costs, and other costs and expenses to complete the acquisition as deemed necessary or advisable by the Executive Director of Real Estate, for future planned expansion of The University of Texas Elementary School; and
- b. authorized 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 action.

U. T. Austin owns an approximately 0.194 acre unimproved parcel on the east side of The University of Texas Elementary School property that also adjoins the Capital Metro rail tracks at East 6th Street. Capital Metro owns an

approximately 0.82 acre parcel located along the north boundary of the school property and improved with an approximately 10,447 square foot warehouse facility.

U. T. Austin will acquire the approximately 0.82 acre parcel owned by Capital Metro in exchange for conveying the approximately 0.194 acre parcel to Capital Metro, plus \$270,000 to equalize the exchange values, which are supported by appraisals. Cash for the exchange will be provided by gift funds. The exchange will enable U. T. Austin to improve the shape and utility of the Elementary School property and allow for its future expansion. The University of Texas Elementary School currently enrolls approximately 300 students in kindergarten through the 5th grade. The exchange will provide Capital Metro with additional property located immediately adjacent to its rail tracks.

Rude Mechanicals - A Theatre Collective, a Texas nonprofit corporation, leases the warehouse facility located on the Capital Metro property. Although the lease expires in May 2012, the tenant has the right to exercise up to three five-year renewal options at the then market rental rate for a warehouse facility. The rent is currently \$14,400 annually; market rent is currently estimated to range from \$37,000 to \$57,000 annually. The lease is a net lease, with the tenant paying all operating expenses, utility charges, taxes, insurance, repairs, and maintenance. The leased premises may be used for the performing arts and activities related thereto and the tenant may not assign the lease or sublet the space without the landlord's permission.

A transaction summary follows:

Conveyance to the Board of Regents

Institution:	U. T. Austin
Type of Transaction:	Exchange
Total Area:	Approximately 0.82 of an acre
Improvements:	An approximately 10,447 square foot metal and masonry warehouse building built in 1943
Location:	A portion of Lots 1 and 2, Outlot 9, Division A, Original City of Austin, Travis County, Texas, revised Plat of H. & T.C.R.R. addition of record in Book 2, Page 188A, Plat Records, Travis County, Texas

Appraised Value: \$500,000 (\$14.00 per square foot of land) (John M. Coleman, MAI, SRA, the Aegis Group, August 12, 2011); \$381,000 (\$10.67 per square foot of land) (Larry H. Decovic, MAI, SRA, American Realty Corporation, July 29, 2011)

Grantor: Capital Metropolitan Transportation Authority

Exchange Consideration: Approximately 0.194 acre to be conveyed to Capital Metro, plus \$270,000 in cash to equalize the exchange value

Source of Funds: Gift funds

Intended Use: Future expansion of The University of Texas Elementary School

Conveyance to Capital Metropolitan Transportation Authority

Institution: U. T. Austin

Type of Transaction: Exchange

Total Area: Approximately 0.194 of an acre

Improvements: None

Location: A portion of Lot 1, Outlot 9, Division A, and Lot 2, Outlot 10, Division A, Original City of Austin, Travis County, Texas, revised Plat of H. & T.C.R.R. addition of record in Book 2, Page 188A, Plat Records, Travis County, Texas

Appraised Value: \$230,000 (\$27.22 per square foot of land) (John M. Coleman, MAI, SRA, the Aegis Group, August 12, 2011); \$135,000 (\$15.97 per square foot of land) (Larry H. Decovic, MAI, SRA, American Realty Corporation, July 29, 2011)

Grantee: Capital Metropolitan Transportation Authority, a public body organized under Chapter 451, *Texas Transportation Code*

Exchange Consideration: Approximately 0.82 of an acre to be conveyed to the Board of Regents

3. U. T. Tyler: Approval to a) establish a university charter school, b) pursue a charter school application with the Texas Education Agency and the State Board of Education, and c) delegate authority to operate the charter school to the president

The Board

- a. authorized the establishment of a university charter school at The University of Texas at Tyler (Tyler, Longview, and Palestine campuses);
- b. authorized U. T. Tyler to pursue a charter school application with the Texas Education Agency (TEA) for submission to the State Board of Education (SBOE) for review and appropriate action; and
- c. delegated authority to operate the charter school to the President of U. T. Tyler, consistent with Regents' *Rules and Regulations*, Rule 40901, regarding charter schools.

U. T. Tyler will establish, apply for, and manage a TEA-approved university charter school designed to meet the needs of homeschool and private school students for specialized science and mathematics instruction. The school will be named the U. T. Tyler Innovation Academy and will operate on the main U. T. Tyler campus in Smith County and at the satellite campuses in Longview (Gregg County) and Palestine (Anderson County). The school will initially serve students in Grade 3 through Grade 6, adding a higher grade level in each subsequent year of operation until Grade 12 is reached.

SBOE approval will be requested, and an application will be submitted for start-up funds from a TEA Charter School Start-up Grant for classes to begin in Fall 2012.

Unique Focus. U. T. Tyler's charter school will be unique as a result of its

- a. focus on students already outside the public schools, including homeschool students;
- b. partnership with private schools to collaboratively provide Science, Technology, Engineering, and Mathematics (STEM) courses;
- c. heavy use of online and hybrid course delivery models;
- d. use of the T-STEM Academy model focusing on college and career readiness standards; and
- e. use of Project-Based Learning (PBL) best practices central in both the UTeach and T-STEM programs.

Charter school students will complete their core curriculum online. In addition to that curriculum, students will attend part-time at one of the U. T. Tyler locations, meeting with teachers in face-to-face, laboratory-like settings to complete science and mathematics projects as part of a PBL approach outlined in the T-STEM Academy Blue Print, an approach that is also one of the hallmarks of UTeach. PBL is minimally utilized in most public and private school settings in the region, and U. T. Tyler wishes to promote its use through a charter school demonstration process.

Special Expertise. U. T. Tyler has the expertise and experience to manage a charter school. It is heavily engaged in public education and educator preparation at all levels across East Texas. The institution's charter school will leverage knowledge gained from two current National Science Foundation (NSF) projects designed to increase the number of STEM graduates. In addition, U. T. Tyler is a UTeach replication site, a major Texas Regional Collaborative for Science and Mathematics, and a funded site for Teacher Quality Projects in Mathematics and Science.

The University is also deeply engaged in K-12 schools. U. T. Tyler currently partners with the Tyler Independent School District for a lab-school in conjunction with the institution's T-STEM initiative. U. T. Tyler also manages after school programs at one elementary school, four middle schools, and one high school. Further, TEA awarded U. T. Tyler a multiyear, \$8.7 million grant for providing aggressive assistance to several low-performing middle schools in more than one school district in an effort to raise the performance of those schools.

Available Facilities. The University has excellent facilities and advanced technology that will facilitate a hybrid approach to teaching at the campuses in Tyler, Palestine, and Longview. The facilities are on campus at each site and, for different reasons in each instance, charter school classes will fully utilize the space in these facilities, thus increasing efficient use of buildings. Charter school classes could be scheduled in midday so they do not interfere with traditional undergraduate and graduate programs, which are delivered primarily in late afternoon and at night at the satellite campuses and in a specialized conference center on the main campus that is heavily used, primarily at night.

Need and Demand. Since 2008, parent groups have encouraged U. T. Tyler to consider opening a charter school. In early October 2011, public meetings were held in Tyler, Longview, and Palestine and feedback indicated the need for a charter school alternative to demonstrate PBL, to assist homeschool students with science and math instruction, and to promote STEM graduates in private schools. Nonpublic school students comprise more than 10% of all school children in Smith County (approximately 3,000), and Gregg and Anderson Counties have similar patterns (approximately 2,500).

Program Cost. The charter school will be funded entirely through the State's Average Daily Attendance reimbursement process, although additional grants and private support will be sought to build further excellence.

Further, the hybrid approach to curriculum deployment will enable the school to operate with fewer personnel than the traditional model. These savings will allow the school to make additional investments in higher quality instruction during the face-to-face time.

In addition to the attendance funding, the charter school will be eligible for start-up funds from a TEA Charter School Start-up Grant. This grant would allow for the acquisition of supplies, material, and equipment necessary to begin operations. It would also provide funding for the training of staff, development of curricula, and the recruitment and initial processing of students.

4. U. T. System: Approval of revised Mission Statements for U. T. Arlington, U. T. Dallas, U. T. El Paso, U. T. Pan American, U. T. San Antonio, and U. T. Tyler

The Board approved revised Mission Statements for The University of Texas at Arlington, The University of Texas at Dallas, The University of Texas at El Paso, The University of Texas-Pan American, The University of Texas at San Antonio, and The University of Texas at Tyler as set forth on Pages 38 - 40. The revised Statements will be forwarded to the Texas Higher Education Coordinating Board (THECB) for approval.

Section 61.051(e) of the *Texas Education Code* requires the THECB to periodically review the role and mission statements of public institutions of higher education. The Mission Statements were last approved by the Board of Regents on the following dates and by the THECB on April 24, 2008, after making nonsubstantive revisions to each statement.

U. T. Arlington - August 7, 2003
U. T. Dallas - August 10, 2006
U. T. El Paso - November 9, 2007
U. T. Pan American - April 1, 2005
U. T. San Antonio - July 11, 2007
U. T. Tyler - November 9, 2007

U. T. Austin (last approved on May 14, 1998) and U. T. Permian Basin (last approved on November 9, 2007) had no changes.

The changes had been discussed and agreed upon by students, faculty, staff, and administrators at the respective institutions, and the revised Mission Statements included a statement regarding the commercialization of university discoveries pursuant to a directive by the Board of Regents on March 26, 2008.

MISSION STATEMENT

The University of Texas at Arlington

The University of Texas at Arlington is a comprehensive research, teaching, and public service institution whose mission is the advancement of knowledge and the pursuit of excellence. The University is committed to the promotion of lifelong learning through its academic and continuing education programs and to the formation of good citizenship through its community service learning programs. The diverse student body shares a wide range of cultural values and the University community fosters unity of purpose and cultivates mutual respect.

As a University, we affirm our commitment to the following objectives:

- The University is committed to comprehensive programs of academic research. This research effort requires attracting and retaining scholars who promote a culture of intellectual curiosity, rigorous inquiry, and high academic standards among their fellow faculty and the students they teach.
- The University values intellectual discovery not only as a manifestation of advancing human knowledge for its own sake but also as a vital prerequisite for fostering innovation, developing and transferring new technologies, and supporting the commercialization of products and services that enhance the standard of living and quality of life of the region, the state, the nation and the world.
- The University prepares students for full, productive lives and informed and active citizenship. To that end, we have developed undergraduate and graduate curricula and classroom practices that engage students actively in the learning process. Outside the classroom a wide range of student organizations and activities contribute to the learning environment. Our service learning program offers students the opportunity to supplement their academic study with internships in a variety of community settings, testing their skills and aptitudes and challenging their values. State-of-the-art teaching technologies, distance education, and off-site instruction afford access to off-campus as well as traditional students. Non-degree certificate and continuing education programs offer practical, aesthetic, and intellectually stimulating opportunities for community learners, for individual courses or a sustained program of study.
- The University's mission can be achieved only when its students, faculty, staff, and administrators value and promote free expression in an atmosphere of tolerance, responsibility, and trust. The University regards these attributes as prerequisites for any community of learners and vigilantly strives to maintain them.
- Mindful of its role as a resource to the community, locally, nationally, and internationally, the University continually seeks partnerships with public and private concerns in order to advance the economic, social, and cultural welfare of its constituencies. We serve the needs of the North Texas community by sponsoring public lectures and academic symposia, as well as artistic, musical, and dramatic productions.

MISSION STATEMENT
The University of Texas at Dallas

The University of Texas at Dallas provides the State of Texas and the nation with excellent, innovative education and research. The University is committed to graduating well-rounded citizens whose education has prepared them for rewarding lives and productive careers in a constantly changing world; to continually improving educational and research programs in the arts and sciences, engineering, and management; and to assisting the commercialization of intellectual capital generated by students, staff, and faculty.

MISSION STATEMENT
The University of Texas at El Paso

The University of Texas at El Paso is dedicated to the advancement of the El Paso region through education, creative and artistic production, and the generation, interpretation, application and commercialization of key discoveries, and the dissemination of knowledge. UTEP embraces its role as an intellectual, cultural and socioeconomic asset to the region, offering programs to meet human resource needs and contribute to the quality of life.

As a public university, UTEP is committed to providing access and opportunity to the people of the El Paso region and the State of Texas. UTEP's mission of ensuring access is coupled with a commitment to excellence reflected in rigorous programs, which prepare students to make significant contributions to their professions, their communities and the world.

As a research/doctoral institution, UTEP fosters a climate of scholarly inquiry, with a special focus on applying innovative interdisciplinary approaches to explore and address major issues that confront the multicultural, U.S.-Mexico border region.

MISSION STATEMENT
The University of Texas-Pan American

The University of Texas-Pan American serves the social, economic, research and, most importantly, the educational needs of the rapidly growing transnational, culturally diverse population of South Texas. The University creates, preserves, and transmits knowledge that advances the region, state, and nation and that builds prosperity through entrepreneurship and commercialization. In a supportive environment dedicated to student learning, the University provides quality instruction in rigorous academic programs that leads to bachelor's, master's and doctoral degrees as well as professional certificates. Through teaching, research, creative activity, and public service, the University prepares students to be socially conscious citizens and transformative leaders.

MISSION STATEMENT
The University of Texas at San Antonio

The University of Texas at San Antonio is dedicated to the advancement of knowledge through research and discovery, teaching and learning, community engagement and public service. As an institution of access and excellence, UTSA embraces multicultural traditions, and serves as a center for intellectual and creative resources as well as a catalyst for socioeconomic development and the commercialization of intellectual property – for Texas, the nation and the world.

MISSION STATEMENT
The University of Texas at Tyler

The University of Texas at Tyler is a comprehensive institution of higher education offering undergraduate and graduate degree programs as an institution of the renowned University of Texas System. The University of Texas at Tyler's vision is to be nationally recognized for its high quality education in the professions and in the humanities, arts and sciences, and for its distinctive core curriculum. Guided by an outstanding and supportive faculty, its graduates will understand and appreciate human diversity and the global nature of the new millennium. They will think critically, act with honesty and integrity, and demonstrate proficiency in leadership, communication skills, and the use of technology.

The University is committed to providing a setting for free inquiry and expects excellence in the teaching, research, artistic performances and professional public service provided by its faculty, staff, and students. As a community of scholars, the University develops the individual's critical thinking skills, appreciation of the arts, humanities and sciences, international understanding for participation in the global society, professional knowledge and skills to enhance economic productivity, and commitment to lifelong learning.

Within an environment of academic freedom, students learn from faculty scholars who have nationally recognized expertise in the arts and sciences, and in such professions as engineering, public administration, education, business, health sciences, and technology. The faculty engages in research and creative activity, both to develop and maintain their own scholarly expertise and to extend human knowledge. The results of that research and other creative efforts are made available to students in the classroom and to the general public through publication, commercialization, and public service activities. The institution also seeks to serve individuals who desire to enhance their professional development, broaden their perspectives, or enrich their lives.

5. U. T. System: Academic leadership discussion about research activities, including work at the U. T. Austin J. J. Pickle Research Campus

This item was for consideration only by the Committee (see Committee Minutes).

REPORT AND RECOMMENDATION OF THE HEALTH AFFAIRS COMMITTEE (Pages 42 - 43).--Committee Chairman Stillwell reported that the Health Affairs Committee met in open session to consider a matter on the agenda and to formulate recommendations for The University of Texas System Board of Regents. Unless otherwise indicated, the action set forth in the Minute Order that follows was recommended by the Health Affairs Committee and approved in open session by the U. T. System Board of Regents.

1. U. T. Medical Branch - Galveston: Discussion featuring research opportunities, accomplishments, and challenges

This item was for consideration only by the Committee (see Committee Minutes).

2. U. T. System: Report on the Supply Chain Alliance Strategic Plan

This item was for consideration only by the Committee (see Committee Minutes).

3. U. T. Health Science Center - San Antonio: Approval of revised Mission Statement

The Board approved changes to The University of Texas Health Science Center at San Antonio Mission Statement as set forth below. The revised Mission Statement will be forwarded to the Texas Higher Education Coordinating Board (THECB) for approval.

Revised Mission Statement

The mission of The University of Texas Health Science Center at San Antonio is to make lives better through excellence in education, research, health care and community engagement.

Strategies for achieving this mission are:

- Educating a diverse student body to become excellent health care providers and scientists.
- Engaging in research to understand health and disease.
- Commercializing discoveries, as appropriate, to benefit the public.
- Providing compassionate and culturally proficient health care.
- Engaging our community to improve health.
- Influencing thoughtful advances in health policy.

Section 61.051(e) of the *Texas Education Code* requires the THECB to periodically review the role and mission statements of public institutions of higher education. The U. T. Health Science Center - San Antonio Mission Statement was last approved by the U. T. System Board of Regents on November 9, 2007. The THECB made nonsubstantive revisions and approved the Mission Statement in 2008. Recently, the Mission Statement was extensively discussed among all U. T. Health Science Center - San Antonio's Executive Committee members. The revised Mission Statement reaffirms the institution's foci in education, research, health care, and community engagement.

4. U. T. System: Discussion regarding the changing health care environment

This item was for consideration only by the Committee (see Committee Minutes).

REPORT AND RECOMMENDATIONS OF THE FACILITIES PLANNING AND CONSTRUCTION COMMITTEE (Pages 44 - 54).--Committee Chairman Gary reported that the Facilities Planning and Construction Committee met in open session to consider those matters on its agenda and to formulate recommendations for The University of Texas System Board of Regents. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended by the Facilities Planning and Construction Committee and approved in open session by the U. T. System Board of Regents.

1. U. T. System: Fiscal Year 2011 Energy Utility Task Force Report and approval of energy consumption reduction goals

Upon recommendation of the Facilities Planning and Construction Committee, the Board approved the new 5%-10% energy consumption reduction goals for The University of Texas System institutions for the next 10 years.

Mr. Michael O'Donnell, Associate Vice Chancellor for Facilities Planning and Construction, had provided the annual report on the progress of the Energy Utility Task Force for Fiscal Year 2011 to the Facilities Planning and Construction Committee earlier in the meeting on November 10, 2011.

The Task Force was created in February 2001 to evaluate and recommend strategies for U. T. System institutions to reduce energy consumption, better manage commodity price risk, and leverage purchasing power to reduce energy costs.

Initial recommendations and energy consumption reduction goals were presented to, and previously endorsed by, the Board on November 8, 2001, and a 10%-15% reduction in energy usage was targeted for Fiscal Year 2011. The estimated reduction in energy usage from baseline levels is 18% for Fiscal Year 2011. Since Fiscal Year 2001, reductions in energy consumption per square foot by U. T. System institutions have resulted in cumulative savings of \$250 million.

Looking a decade forward to 2021, extending the 2001 baseline energy reduction goals an additional 5%-10% was recommended. As most of the low cost energy reduction projects and systems have been installed, major recapitalization of existing energy inefficient systems to meet future reduction goals remains.

2. U. T. Austin: McDonald Observatory Fire Life Safety and Infrastructure Upgrades - Amendment of the FY 2012-2017 Capital Improvement Program to include project; approval of total project cost; appropriation of funds; and authorization of institutional management (Final Board approval)

The Board amended the Fiscal Year 2012-2017 Capital Improvement Program (CIP) to include the McDonald Observatory Fire Life Safety and Infrastructure Upgrades project at The University of Texas at Austin as follows:

Project No.:	102-649	
Institutionally Managed:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Project Delivery Method:	Design/Build	
Substantial Completion Date:	October 2012	
Total Project Cost:	<u>Source</u>	<u>Current</u>
	Available University Fund	\$5,500,000
	Designated Funds ¹	<u>\$1,000,000</u>
		\$6,500,000

Funding Note: ¹ Designated Funds will be from Designated Tuition

- a. approve a total project cost of \$6,500,000 with funding of \$5,500,000 from the Available University Fund (AUF) and \$1,000,000 from Designated Funds;
- b. appropriate funds; and
- c. authorize U. T. Austin to manage the project budgets, appoint architects, approve facility programs, prepare final plans, and award contracts.

The project at the McDonald Observatory at Mount Locke will comprise three phases. Phase 1 will consist of wastewater treatment plant upgrades, including the decommissioning of the upper treatment plant and refurbishing of the lower treatment plant, and bringing the entire wastewater system into Texas Commission on Environmental Quality (TCEQ) compliance. Phase 2 will design and construct a new potable water well on the McDonald Observatory property to provide a more reliable groundwater source for the campus and to provide the required volume of water to fight a potential fire on the mountain. Phase 3 will design and construct a code compliant fire protection network of water storage tanks, water pumps, and water lines to provide the capability to fight a fire at any time or at any location throughout the McDonald Observatory campus. Phases 2 and 3 are the result of an in-depth study commissioned by U. T. Austin in 2010 to develop a comprehensive plan to bring the fire protection infrastructure up to code requirements.

The original upper and lower wastewater treatment systems were built in the 1970s, and the breakdown of obsolete equipment results in high operation and maintenance costs and difficulty meeting TCEQ discharge permit limits. The water treatment plant upgrades will meet new TCEQ standards as well as reduce operation and maintenance costs. Currently, the only well providing potable water for the campus is seven miles away. The well will provide for drinking water needs as well as fire-fighting capabilities currently not available and is the only alternative available to meet current State Fire Marshal regulations for fighting fire on the mountain.

This repair and rehabilitation project has been approved by University of Texas System staff and meets the criteria for inclusion in the CIP. Design development plans and authorization of expenditure of funding will be presented to the President for approval at a later date. It has been determined that this project would best be managed by U. T. Austin Facility Management personnel who have the experience and capability to manage all aspects of the work.

3. U. T. Dallas: Parking Structure Phase I - Amendment of the FY 2012-2017 Capital Improvement Program to include project (Preliminary Board approval)

The Board amended the Fiscal Year 2012-2017 Capital Improvement Program (CIP) to include the Parking Structure Phase I project at The University of Texas at Dallas as follows:

Project No.:	302-680	
Project Delivery Method:	Competitive Sealed Proposals	
Substantial Completion Date:	July 2013	
Total Project Cost:	<u>Source</u>	<u>Current</u>
	Revenue Financing System Bond Proceeds ¹	\$10,000,000
	Auxiliary Enterprises Balances ²	\$ 1,000,000
	Unexpended Plant Funds ³	<u>\$ 1,000,000</u>
		<u>\$12,000,000</u>

Funding Notes: ¹ Revenue Financing System debt will be repaid from parking fees
² Auxiliary Enterprises Balances are from parking fees
³ Unexpended Plant Funds are from balance of funds from project close-out

Investment Metric: This project will directly support the University’s Strategic Plan Imperative of adding 5,000 full-time equivalent students by 2017, creating a total student population of 21,000.

This project consists of a 750 space parking garage of approximately 251,000 gross square feet. The garage will be five levels and constructed of precast concrete to match the adjacent satellite utility plant and will also be tied to the west wall of that structure.

With rapidly accelerated growth in student enrollment and associated increases in faculty and staff, U. T. Dallas has a growing need for additional parking on campus. This parking structure will accommodate parking for the School of Management and the new Arts and Technology Complex, including the new 1,200 seat lecture hall. The parking structure is aligned with the current Campus Site Development Plan.

This project has been approved by University of Texas System staff and meets the criteria for inclusion in the CIP. Approval of design development plans and authorization of expenditure of funding will be presented to the Board for approval at a later date.

4. U. T. Dallas: Student Housing Living Learning Center, Phase IV - Amendment of the FY 2012-2017 Capital Improvement Program to include project (Preliminary Board approval)

The Board amended the Fiscal Year 2012-2017 Capital Improvement Program (CIP) to include the Student Housing Living Learning Center, Phase IV project at The University of Texas at Dallas as follows:

Project No.:	302-678	
Project Delivery Method:	Construction Manager-at-Risk	
Substantial Completion Date:	July 2013	
Total Project Cost:	<u>Source</u>	<u>Current</u>
	Revenue Financing System Bond Proceeds ¹	\$70,000,000
	Auxiliary Enterprises Balances ²	\$ 3,000,000
	Unexpended Plant Funds ³	<u>\$ 2,000,000</u>
		\$75,000,000
Funding Notes:	¹ Revenue Financing System debt will be repaid from rental income, auxiliary food service revenue, parking fees, and activity center fees ² Auxiliary Enterprises Balances are from parking fees and rental income ³ Unexpended Plant Funds are from balance of funds from project close-out	
Investment Metric:	This project will directly support the University's Strategic Plan Imperative of adding 5,000 full-time equivalent students by 2017, creating a total student population of 21,000.	

This residence/dining hall containing approximately 285,000 gross square feet will house 600 students and provide an 800 seat dining hall with a full kitchen and serving area as well as classrooms, gathering spaces, and offices to support living/learning communities within the building. The project will also include a 750 car parking garage, connector roads, and recreation facility. This project is needed due to the rapid growth in enrollment at U. T. Dallas. These beds will be reserved for use by incoming freshman students, with any unused beds rented to other students.

Current student housing is operating at 100% occupancy. U. T. Dallas provides approximately 2,698 beds, and a private provider houses approximately 2,056 beds on campus. The addition of the Student Housing Living Learning Center, Phase III with 400 beds opening in Fall 2012, already has a waiting list of 550 students. The total number of on-campus beds will increase to 5,754 upon completion of Phase IV.

This project has been approved by University of Texas System staff and meets the criteria for inclusion in the CIP. Approval of design development plans and authorization of expenditure of funding will be presented to the Board for approval at a later date.

5. U. T. El Paso: Student Housing Phase III - Amendment of the FY 2012-2017 Capital Improvement Program to include project (Preliminary Board approval)

The Board amended the Fiscal Year 2012-2017 Capital Improvement Program (CIP) to include the Student Housing Phase III project at The University of Texas at El Paso as follows:

Project No.:	201-683	
Project Delivery Method:	Construction Manager-at-Risk	
Substantial Completion Date:	April 2014	
Total Project Cost:	<u>Source</u> Revenue Financing System Bond Proceeds ¹	<u>Current</u> \$17,200,000
Funding Note:	¹ Revenue Financing System debt will be repaid from rental income	
Investment Metrics:	<u>By 2016</u>	
	<ul style="list-style-type: none"> • Increase campus housing by 63% • Achieve full occupancy of 400 beds 	

The new student housing will contain approximately 114,000 gross square feet comprising 145 units. The apartment-style housing will provide a combination of double and single bedroom semi-suite units to house 400 freshman and sophomore students. This project will bring the total number of beds on campus to 1,026. The current student housing occupancy rate is 97%. The waiting list for the 2011-2012 school year was 91 students.

One of the goals stated in the Campus Master Plan is to provide 1,440 beds by 2015. A recently commissioned Campus Housing Feasibility Study found potential demand of 1,300 beds and recommended implementing a first phase of 400 beds. The project is intended to increase student participation in campus programs and to increase student graduation rates.

This project has been approved by University of Texas System staff and meets the criteria for inclusion in the CIP. Approval of design development plans and authorization of expenditure of funding will be presented to the Board for approval at a later date.

6. U. T. Health Science Center - San Antonio: South Texas Simulated Teaching Hospital - Amendment of the FY 2012-2017 Capital Improvement Program to include project; appropriation of funds; and authorization of institutional management (Final Board approval)

The Board amended the Fiscal Year 2012-2017 Capital Improvement Program (CIP) to include the South Texas Simulated Teaching Hospital project at The University of Texas Health Science Center at San Antonio as follows:

Project No.:	402-687	
Institutionally Managed:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Project Delivery Method:	Competitive Sealed Proposals	
Substantial Completion Date:	May 2015	
Total Project Cost:	<u>Source</u>	<u>Current</u>
	Permanent University Fund Bond Proceeds ¹	\$ 6,000,000
	Designated Funds ¹	<u>\$ 4,000,000</u>
		\$10,000,000

Funding Note: ¹ Funding for this project was previously approved by the Board of Regents on August 25, 2011. Designated Funds include funds that have not been determined but may include funds generated through the U. T. System's interest rate swap portfolio and potential excess returns generated by the Intermediate Term Fund.

- a. appropriate funds of \$10,000,000 with funding of \$6,000,000 from Permanent University Fund (PUF) Bond Proceeds and \$4,000,000 from Designated Funds; and
- b. authorize U. T. Health Science Center - San Antonio to manage budgets, appoint architects, approve facility programs, prepare final plans, and award contracts.

The South Texas Simulated (SMART) Teaching Hospital will be established at the Regional Academic Health Center (RAHC) in Harlingen and operated to serve student demand in allied health and nursing and to serve medical students in the Lower Rio Grande Valley (LRGV). The facility will be approximately 15,000 assignable square feet and will include a functional simulated hospital with designated teaching areas. Simulation equipment will include a combination of mannequins for adults, children, babies, newborns, and birthing. This project will be modeled after the highly successful clinical simulation hospital at The University of Texas at Arlington.

The major goal is to lessen health disparities caused by allied health provider shortages and knowledge gaps in health delivery systems. Currently, the number of students that many of the existing programs can competently serve is severely restricted. The simulated teaching hospital will provide undergraduate and graduate students with experiences that

simulate care in the real world with learning occurring through planned events that are coordinated with the curricula of the programs involved. Additionally, continuing education activities will be developed and offered on a fee basis to community health providers with training needs.

This repair and rehabilitation project has been approved by University of Texas System staff and meets the criteria for inclusion in the CIP. Design development plans and authorization of expenditure of funding will be presented to the President for approval at a later date. It has been determined that this project would best be managed by U. T. Health Science Center - San Antonio Facility Management personnel who have the experience and capability to manage all aspects of the work.

7. U. T. Brownsville: Biomedical Research Facility II - Amendment of the FY 2012-2017 Capital Improvement Program to increase total project cost; approval of design development; and appropriation of funds and authorization of expenditure (Final Board approval)

The Board approved the recommendations for the Biomedical Research Facility II project at The University of Texas at Brownsville as follows:

Project No.:	902-618		
Project Delivery Method:	Construction Manager-at-Risk		
Substantial Completion Date:	May 2013		
Total Project Cost:	<u>Source</u>	<u>Former</u>	<u>Current</u>
	Grants	\$3,993,085	\$3,993,085
	Higher Education Assistance Fund (HEAF)	\$ 760,591	\$1,000,000
		\$4,753,676	\$4,993,085

- Investment Metrics: By 2013
- Increase research by expanding infrastructure laboratories from 12 to 18, including 7,815 gross square feet (GSF)
 - Increase external funding by \$1.5 million on research expenditures
 - Increase student retention by providing approximately 12 part-time positions for students
 - Increase productivity in research by recruitment of two professors
- a. amend the Fiscal Year 2012-2017 Capital Improvement Program (CIP) to increase the total project cost from \$4,753,676 to \$4,993,085;
 - b. approve design development plans; and
 - c. appropriate funds and authorize expenditure of \$1,000,000 from the Higher Education Assistance Fund (HEAF) and \$3,993,085 from Grants.

Previous Board Action

On February 18, 2011, the project was included in the CIP with a total project cost of \$4,753,676 with funding of \$760,591 from HEAF and \$3,993,085 from Grants.

Project Description

The Biomedical Research Facility II will provide approximately 7,815 gross square feet for six research laboratories; private investigator research offices; support spaces; and mechanical, electrical, and plumbing support systems. This facility, designed to meet minimum Leadership in Energy and Environmental Design (LEED) requirements, is considered the second phase expansion of the existing Biomedical Research and Health Professions Building and is intended to provide additional dedicated biomedical research laboratories to meet the critical need for interdisciplinary research space and allow for recruitment of new professors with research expertise in biomedicine.

The National Institutes of Health (NIH) grant dictates allowable project costs. The HEAF will cover costs in excess of or ineligible for NIH grant funding.

U. T. Brownsville has prioritized biomedical research for the investigation of diseases that affect the Lower Rio Grande Valley, a rapidly growing, impoverished, and economically depressed region. U. T. Brownsville is positioned to become the leading health-related research institution to address health disparities and growing health needs of the region.

8. U. T. San Antonio: Athletics Complex - Phase I - Approval of design development and appropriation of funds and authorization of expenditure (Final Board approval)

The Board approved the recommendations for the Athletics Complex - Phase I project at The University of Texas at San Antonio as follows:

Project No.:	401-456	
Project Delivery Method:	Construction Manager-at-Risk	
Substantial Completion Date:	June 2013	
Total Project Cost:	<u>Source</u>	<u>Current</u>
	Grants	\$22,050,000
Investment Metrics:	<u>By 2013</u>	
	<ul style="list-style-type: none"> • Increase reputation of the athletic program • Increase student involvement in athletic events • Increase overall student satisfaction with the University • Greater alumni involvement in attending sport events • Increase alumni giving 	

- a. approve design development plans; and
- b. appropriate funds and authorize expenditure of \$22,050,000 from Grants.

Previous Board Action

On November 13, 2008, the project was included in the Capital Improvement Program (CIP) with a total project cost of \$22,050,000, with funding from Grants.

Project Description

The project will construct Phase I of the planned Athletics Complex located near the Main Campus on the Park West site. Included in the project scope is a 1,000 seat track stadium and a 1,000 seat soccer stadium with a shared press box; a fan amenities building that includes ticketing, concessions, and public restrooms; a two-lane road extending Kyle Seale Parkway south from Loop 1604 to the complex; a 500-space surface parking lot; and electric power service and connections to other city utilities.

Later phases of the Athletics Complex development will add intercollegiate facilities such as baseball and softball fields, tennis courts, and football practice fields. A multipurpose team and administration building is also planned for the site as well as a two-lane road extending from Hausman Road into the property.

U. T. San Antonio will collaborate with the City of San Antonio to sponsor athletic competitions. In addition to U. T. San Antonio athletic events, the Complex is expected to host University Interscholastic League (UIL) championships, coach/athlete clinics, National Collegiate Athletic Association (NCAA) and conference tournaments, national youth championships, Senior Games, Para Olympics, Special Olympics, international track and soccer events, and professional exhibition matches.

9. U. T. San Antonio: Bauerle Road Garage - Amendment of the FY 2012-2017 Capital Improvement Program to increase the total project cost; approval to revise funding sources; and appropriation of funds and authorization of expenditure (Final Board approval)

The Board approved the recommendations for the Bauerle Road Garage project at The University of Texas at San Antonio as follows:

Project No.: 401-568
Project Delivery Method: Construction Manager-at-Risk
Substantial Completion Date: June 2012

Total Project Cost:	<u>Source</u>	<u>Former</u>	<u>Current</u>
	Revenue Financing System Bond Proceeds	\$22,000,000	\$22,000,000
	Auxiliary Enterprises Balances ¹	\$ 8,000,000	\$ 9,341,319
	Designated Funds ²	\$ 2,558,679	\$ 3,618,179
	Unexpended Plant Funds ³	\$ 0	\$ 1,501,622
		<u>\$32,558,679</u>	<u>\$36,461,120</u>

Funding Notes for Increases: ¹ Auxiliary Enterprises Balances consist of parking fees and interest earnings
² Designated Funds is from Designated Tuition
³ Unexpended Plant Funds are from budgeted campus renovations and balance of funds from project close-out

- Investment Metrics: By 2012
- Increase number of parking spaces on the Main Campus by a net of approximately 1,200 spaces
 - Increase number of parking spaces without a net increase in the land area consumed by parking, leaving land available for other uses
- a. amend the Fiscal Year 2012-2017 Capital Improvement Program (CIP) to increase the total project cost from \$32,558,679 to \$36,461,120;
 - b. revise funding sources to include Unexpended Plant Funds; and
 - c. appropriate and authorize expenditure of an additional \$1,341,319 from Auxiliary Enterprises Balances, \$1,059,500 from Designated Funds, and \$1,501,622 from Unexpended Plant Funds.

Previous Board Actions

On February 5, 2010, the project was included in the CIP as the East Parking Garage with a total project cost of \$30,000,000 with funding of \$22,000,000 from Revenue Financing System Bond Proceeds and \$8,000,000 from Auxiliary Enterprises Balances. On November 11, 2010, the Board approved design development plans and authorized expenditure of funds. On May 12, 2011, the Board approved changing the project name from East Parking Garage to Bauerle Road Garage via the Docket. On July 12, 2011, the Chancellor approved an increase in the total project cost to \$32,558,679 with additional funding of \$2,558,679 from Designated Funds.

Project Description

The original scope of work consists of a new multistory facility containing approximately 1,200 parking spaces to be located on an existing parking lot. The project also consists of support space including a spirit shop; a coffee kiosk; Welcome Center, Alumni Relations, and University Communications offices that will be located in the garage; and roads and service drives associated with the facility. The garage will increase the number of parking spaces to meet the demands of growth in enrollment without a net increase in the land area consumed by parking, leaving land available for other uses including future buildings.

The increase in total project cost and scope for the project will provide a perimeter loop roadway and campus entry roundabout to improve traffic flow and campus access. The improvements will ease traffic congestion at a busy campus entry intersection and improve safety. Additionally, the perimeter loop roadway will help realize the goal of the Campus Master Plan to reduce vehicular traffic in the pedestrian core of the main campus.

REPORT AND RECOMMENDATION OF THE TECHNOLOGY TRANSFER AND RESEARCH COMMITTEE (Pages 55 - 67).--Committee Chairman Dannenbaum reported that the Technology Transfer and Research Committee met in open session to consider those matters on its agenda and to formulate recommendations for The University of Texas System Board of Regents. Unless otherwise indicated, the action set forth in the Minute Order that follows was recommended by the Technology Transfer and Research Committee and approved in open session by the U. T. System Board of Regents.

1. U. T. System: Report on U. T. Horizon Fund

This item was for consideration only by the Committee (see Committee Minutes).

2. U. T. System Board of Regents: Amendments to the Regents' Rules and Regulations, Rule 90101, Rule 90102, Rule 90103, Rule 90104, and Rule 90106, concerning intellectual property

The Board approved amendments to the Regents' *Rules and Regulations*, Rule 90101, Rule 90102, Rule 90103, Rule 90104, and Rule 90106, concerning intellectual property, to read as set forth on Pages 57 - 66.

These revised *Rules* clarify language with respect to an inventor's assignment of intellectual property to the Board of Regents, an inventor's disclaimer of royalties, and when University of Texas System or any U. T. System institution may receive equity interests.

Substantive revisions include the following:

- a. The words "and do hereby assign" and additional clarifying language were added to Rule 90101, Section 2 to create an immediate and definitive assignment from the inventor(s) to the Board of Regents. This revision was warranted in light of the recent U.S. Supreme Court decision in *Stanford v. Roche* to ensure that the Board of Regents automatically owns the intellectual property created by an inventor and to ensure that the Regents' *Rules and Regulations* cannot be interpreted as a "promise to assign" intellectual property in the future.
- b. A new Section 10 was added to Rule 90101 to permit the Board of Regents (and the U. T. System institutions) to retain a limited license for one year to use, copy, distribute, display, perform, and create derivative works of materials following the loss of a course instructor's services.

- c. Rule 90102, Section 2.5 includes the disclaimer of royalties concept previously found in Rule 90106, Section 2 (which was deleted), along with additional language to provide a single section of the Regents' *Rules and Regulations* that refers to the allocation of royalty income and to clarify that the creator is "disclaiming" rather than "assigning" such royalties to the U. T. System institution.
- d. Rule 90102, Section 3.4 adds that in instances where royalty income is to be shared between inventors at two or more U. T. System institutions, but the inventors cannot agree on a royalty sharing arrangement, the presidents of the respective U. T. System institutions will decide. If the presidents cannot agree, then the Chancellor will make the final decision.
- e. Rule 90103, Section 1 permits a U. T. System institution to receive equity interests in exchange for other contributions made to the business entity, such as business development, clarifying when U. T. System or any U. T. System institution may receive equity interests in a business entity.

1. Title

Rules for Intellectual Property: Purpose, Scope, Authority

2. Rule and Regulation

Sec. 1 Purpose. To balance the interests of the many contributors to the substantial creation of intellectual property at and by the U. T. System, the Board of Regents promulgates these Rules on intellectual property with the purpose to (a) provide certainty in research pursuits and technology-based relationships with third parties, (b) create an optimal environment for research, development, and commercialization opportunities with private industry, and (c) encourage the timely and efficient protection and management of intellectual property.

Sec. 2 Individuals Subject to this Rule. This intellectual property Rule applies (a) to all persons employed by the U. T. System or any U. T. System institution, including, but not limited to, full and part-time faculty and staff and visiting faculty members and researchers, and (b) to anyone using the facilities or resources of the U. T. System or any U. T. System institution, including, but not limited to, students enrolled at a U. T. System institution such as in an undergraduate or graduate degree program or certificate program, and postdoctoral and predoctoral fellows. The Board of Regents automatically owns the intellectual property created by individuals subject to this Rule that is described in Sections 3, 5, and 6 below and in Rule 90102, Sections 2 and 3. Accordingly, all individuals subject to this Rule must assign and do hereby assign their rights in such intellectual property to the Board of Regents. Moreover, individuals subject to this Rule who create such intellectual property (creators) shall promptly execute and deliver all documents and other instruments as are reasonably necessary to reflect the Board of Regents' ownership of such intellectual property. A creator of intellectual property owned by the Board of Regents has no independent right or authority to convey, assign, encumber, or license such intellectual property to any entity other than the Board of Regents.

Sec. 3 Intellectual Property Included. Except as set forth in Sections 4 and 5 below and in Rule 90102 of the Regents' *Rules and Regulations*, this Rule applies to all types of intellectual property, including, but not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, research data, works of authorship, and computer software regardless of whether subject to protection under patent, trademark, copyright, or other laws.

- Sec. 4 Interest in Certain Copyrights. Notwithstanding Section 3 above, the Board of Regents will not assert an ownership interest in the copyright of scholarly or educational materials, artworks, musical compositions, and literary works related to the author's academic or professional field, regardless of the medium of expression. This exemption applies to works authored by students, professionals, faculty, and nonfaculty researchers. The Board of Regents encourages these creators to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works consistent with applicable institutional policies.
- Sec. 5 Copyright Interest in Certain Software. The Board of Regents asserts ownership in software; however, copyright in original software that is content covered by Section 4 above or that is integral to the presentation of such content shall be owned by the creator in accordance with Section 4 above.
- Sec. 6 Works for Hire and Institutional Projects. Notwithstanding the provisions of Sections 4 and 5 above, the Board of Regents shall have sole ownership of all intellectual property created by (a) an employee, student, or other individual or entity commissioned, required, or hired specifically to produce such intellectual property by the U. T. System or any U. T. System institution, and (b) an employee, student, or other individual as part of an institutional project. Except as may be provided otherwise in a written agreement approved by the institution or the U. T. System, the provisions of the Regents' *Rules and Regulations*, Rule 90102, Section 2.5, relating to division of royalties, shall not apply to intellectual property owned solely by the Board of Regents pursuant to this Section.
- Sec. 7 Role of Creator. Any person subject to this Rule who creates intellectual property (other than a work for hire under Section 6 above or on government or other sponsored research projects where the grant agreements provide otherwise) may give reasonable input on commercialization of inventions; provided however, that the president(s) of the applicable institution(s), or his or her designee(s), in his or her sole discretion, will make final decisions concerning whether and how to develop and commercialize an invention.
- Sec. 8 Use of Facilities and Resources. Neither the facilities nor the resources of the U. T. System or any U. T. System institution may be used (a) to create, develop, or commercialize intellectual property outside the course and scope of employment of an

individual (see Regents' *Rules and Regulations*, Rule 90102, Section 1), or (b) to further develop or commercialize intellectual properties that have been released to an inventor (see Regents' *Rules and Regulations*, Rule 90102, Sections 2.2 and 2.3) except as the institution's president may approve where the U. T. System retains an interest under the terms of the release.

- Sec. 9 Use of Research Data. Research data or results created by an employee are owned by the Board of Regents and, except to the extent that rights to such research data are contractually assigned or licensed to another by the Board of Regents, the creator shall have a nonexclusive license to use such data for nonprofit educational, research, and scholarly purposes within the scope of the employee's employment, subject to adherence to other provisions of this Rule.
- Sec. 10 Limited License to Institution. Notwithstanding Section 4 above and as reasonably required for the limited purpose of continuing an institution's scheduled course offerings, the Board of Regents retains for one year following the loss of a course instructor's services, a fully paid-up, royalty-free, nonexclusive worldwide license to use, copy, distribute, display, perform, and create derivative works of materials prepared by the instructor for use in teaching a course (including lectures, lecture notes, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, examinations, web-ready content, and educational software).

1. Title

Intellectual Property Rights and Obligations

2. Rule and Regulation

Sec. 1 Intellectual Property Owned by the Creator. Intellectual property developed or created by a U. T. System employee outside the course and scope of employment of the individual which is developed or created on his/her own time and without the support of the U. T. System or any U. T. System institution or use of their facilities or resources, is the exclusive property of the creator.

Sec. 2 Intellectual Property Owned by U. T. System. Intellectual property either developed within the course and scope of employment of the individual or resulting from activities performed on U. T. System time, or with support of State funds, or from using facilities or resources owned by the U. T. System or any U. T. System institution (other than incidental use) is owned by the Board of Regents. To effectively implement this Rule and provide certainty to individuals subject to this Rule, a U. T. System institution may promulgate institutional rules, regulations, or policies defining the course and scope of employment for persons or classes of persons and specifying that authorized (pursuant to existing rules and procedures) outside employment is or is not within an employee's course and scope of employment.

2.1 Determination of U. T. System's Interest. Before intellectual property subject to ownership by the Board of Regents is disclosed to any party outside the U. T. System, to the public generally, or for commercial purposes, and before publishing same, the creator shall submit a reasonably complete and detailed disclosure of such intellectual property to the president of the creator's institution for determination of the U. T. System's interest. The institution will regularly and promptly communicate with the creator during this decision-making process.

2.2 Election Not to Assert Ownership Interest. If the institution's president elects not to assert U. T. System's interest, the U. T. System Office of General Counsel and the primary creator shall be notified in writing within 20 business days after a decision is made not to assert ownership rights that the institution will offer the released intellectual property to the creator (see Rule 90101, Section 8), except where prohibited by law or contractual obligations or requirements.

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

- 2.3 Later Release of Invention. Except where prohibited by law or contractual obligations or requirements, the institution's president may elect to release an invention to its creator at any time after asserting U. T. System's interest, with notice to the U. T. System Office of General Counsel (see Rule 90101, Section 8); however, such a release must include provisions for the recovery by U. T. System of patent and licensing expenses, if any, as well as the retention of income rights by U. T. System, and may include certain limitations or obligations, including those set forth in Section 2.2 above.
- 2.4 Protection and Commercialization of Intellectual Property. With respect to intellectual property in which the U. T. System or any U. T. System institution asserts an interest, the institution's president, or his or her designee, shall decide how, when, and where the intellectual property is to be protected and commercialized. Outside counsel services may be contracted with the prior consent of the U. T. System Vice Chancellor and General Counsel and, if required by law, the approval of the Attorney General. U. T. System shall establish an intellectual property data collection system.
- 2.5 Reimbursement of Licensing Costs and Allocation of Income. In those instances where the U. T. System or any U. T. System institution licenses rights in intellectual property to third parties, and other than with regard to elections under Section 2.2 above, the costs of licensing, including, but not limited to, the costs to operate and support a technology transfer office and the costs of obtaining a patent or other protection for the property on behalf of the Board of Regents must first be recaptured from any royalties or other license payments received by the U. T. System or any U. T. System

institution. The remainder of any such income (including but not limited to license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, and sublicense payments) shall be divided as follows:

50% to creator(s)
50% to U. T. System,

provided, however, that a creator may disclaim his/her interest in such income, in which case the institution shall receive the creator's share and shall decide, in its sole discretion, if, how, and when to disburse such income.

With the prior approval of the Board and after review by the U. T. System Vice Chancellor and General Counsel and the appropriate Executive Vice Chancellor, an institution may adjust the allocation of royalties set forth herein for a creator.

- Sec. 3 Intellectual Property Involving Sponsored Research. Intellectual property resulting from research supported by a grant or contract with the government (federal and/or state), or an agency thereof, with a nonprofit or for-profit nongovernmental entity, or by a private gift or grant to the U. T. System or any U. T. System institution is owned by the Board of Regents.
- 3.1 Nonconformance with Intellectual Property Guidelines. Administrative approval of such grants and contracts containing provisions inconsistent with this Rule or other policies and guidelines adopted by the Board imply a decision that the value to the U. T. System or any U. T. System institution of receiving the grant or performing the contract outweighs the impact of any nonconforming provisions on the intellectual property policies and guidelines of the U. T. System or any U. T. System institution (reference Regents' *Rules and Regulations*, Rule 90105, Section 2).
- 3.2 Conflicting Provisions. Subject to approval as described in Subsection 3.1 above, the intellectual property policies and guidelines of the U. T. System or any U. T. System institution are subject to, and thus amended and superseded by, the specific terms pertaining to intellectual property rights included in state and/or federal grants and contracts, or grants and contracts with nonprofit and for-profit nongovernmental entities or private donors, to the extent of any such conflict.

- 3.3 Cooperation with Necessary Assignments. Those persons subject to this Rule whose intellectual property creations result from a grant or contract with the government (federal and/or state), or any agency thereof, or with a nonprofit or for-profit nongovernmental entity, or by private gift to the U. T. System or any U. T. System institution shall promptly execute and deliver such documents and other instruments as are reasonably necessary for the U. T. System or any U. T. System institution to discharge its obligations, expressed or implied, under the particular agreement.
- 3.4 Sharing of Royalty Income. In the event that two or more persons who are entitled to share royalty income pursuant to Section 2.5 of this Rule (or equity pursuant to Regents' *Rules and Regulations*, Rule 90103 concerning equity interests) cannot agree in writing on an appropriate sharing arrangement, the institution's president shall determine that portion of the royalty income to which the creators are entitled under the circumstances and such amount will be distributed to them accordingly. In the event that the creators are located at two or more U. T. System institutions and cannot agree, such royalty (or equity) distribution decision shall be made by the involved institutions' presidents (or their respective designees). In the further event that the involved presidents cannot agree, then the Chancellor (or designee) shall decide and his/her decision shall be binding on the creators.
- 3.5 Geographical Scope of Protection. A decision by the U. T. System or any U. T. System institution to seek patent or other available protection for intellectual property covered by Section 2 of this Rule shall not obligate the U. T. System or any U. T. System institution to pursue such protection in all national jurisdictions. The U. T. System's decision relating to the geographical scope and duration of such protection shall be final.

1. Title

Equity Interests

2. Rule and Regulation

Sec. 1 Agreements with Business Entities. In agreements with business entities relating to rights in intellectual property owned by the Board of Regents, the U. T. System or any U. T. System institution may receive equity interests as partial or total compensation for the rights conveyed. In any such instance, the institution where the intellectual property was created may elect, at its option, to share an equity interest, dividend income, or the proceeds of the sale of an equity interest with the creator(s) in the same manner as royalties are shared pursuant to Regents' *Rules and Regulations*, Rule 90102, Section 2.5. The U. T. System or any U. T. System institution may also receive equity interests in a business entity as consideration for the institution's role as a founder, or for other contributions made to the business entity other than as a licensor, and institution shall not be obligated to share such equity interests with the creator(s).

Sec. 2 Creator Holding Equity and Managing Conflict of Interest. Employees of the U. T. System or any U. T. System institution who conceive, create, discover, invent, or develop intellectual property may hold an equity interest in a business entity that has an agreement with the U. T. System or any U. T. System institution relating to the research, development, licensing, or exploitation of that intellectual property only so long as the institution where the intellectual property was developed is in full compliance with the requirements to have, implement, and enforce for that employee an effective conflict of interest management plan approved by the institution's president as set forth in the U. T. System's *Procedure for Obtaining Approval of Plan to Manage Conflicts of Interest*. In any case where actual conflict of interest is found, the employee may be required to divest the equity interest or terminate affected research.

Sec. 3 Employee Equity Interests. The U. T. System or any U. T. System institution may, but shall not be obligated to, negotiate an equity interest on behalf of any employee as a part of an agreement between the U. T. System or any U. T. System institution and a business entity relating to intellectual property conceived, created, discovered, invented, or developed by the employee and owned by the Board of Regents.

1. Title

Business Participation and Reporting

2. Rule and Regulation

- Sec. 1 Approval to Serve as Officer or Director. Any individual subject to Rule 90101, Section 2 who conceives, creates, discovers, invents, or develops intellectual property may serve, in his/her individual capacity, as a member of the board of directors or other governing board or as an officer or an employee (other than as a consultant) of a business entity that has an agreement with the U. T. System or any U. T. System institution relating to the research, development, licensing, or exploitation of that intellectual property only so long as the institution where the intellectual property was developed is in full compliance with the requirements to have, implement, and enforce for that individual an effective conflict of interest management plan approved by the institution's president as set forth in the U. T. System's *Procedure for Obtaining Approval of Plan to Manage Conflicts of Interest*. In any case where actual conflict of interest is found, the individual may be required to terminate the business relationship or the relevant research.
- Sec. 2 Request for Employee to Serve as Officer or Director. When requested by the Board of Regents, an employee may serve on behalf of the Board of Regents as a member of the board of directors or other governing board of a business entity that has an agreement with the U. T. System or any U. T. System institution relating to the research, development, licensing, or exploitation of intellectual property, but may not accept any consideration offered for service on such board.
- Sec. 3 Report of Equity Interest and Service as Officer or Director. Any individual subject to Regents' *Rules and Regulations*, Rule 90101, Section 2; Rule 90103, Section 2; and Sections 1 or 2 above must report in writing to the president of the institution the name of any business entity in which the person has an interest or for which the person serves as a director, officer, or employee and shall be responsible for submitting a revised written report upon any change in the interest or position held by such person in such business entity. The Office of Technology Commercialization will file a report by October 1 of each year with the Board of Regents for transmittal to the Comptroller of Public Accounts as required by Section 51.912 and Section 51.005, *Texas Education Code*.

1. Title

Income from Intellectual Property

2. Rule and Regulation

Sec. 1 Use of Income. The portion of the net income the U. T. System or any U. T. System institution retains from royalties and any other intellectual property-related income shall be used by the U. T. System institution where the income-producing intellectual property originated.

3. U. T. System: Technology Transfer Review

This item was for consideration only by the Committee (see Committee Minutes).

4. U. T. System: Report on Stampede Supercomputer that will enable petascale computing for science and engineering

This item was for consideration only by the Committee (see Committee Minutes).

APPROVAL OF STANDING COMMITTEE RECOMMENDATIONS.--At 4:03 p.m., the Board voted and approved the Standing Committee recommendations.

SCHEDULED MEETING.--The next regularly scheduled meeting will be held on February 8-9, 2012, in San Antonio, Texas.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 4:04 p.m.

/s/ Carol A. Felkel
Secretary to the Board of Regents

January 17, 2012

**THE UNIVERSITY OF TEXAS SYSTEM ADMINISTRATION
DOCKET NO. 148**

The Docket for The University of Texas System Administration and the Dockets recommended by the respective presidents and prepared by the institutions listed below are submitted for discussion and appropriate action regarding approval of the Docket at the meeting of the U. T. System Board of Regents on November 10, 2011. The Chancellor, the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel concur in these recommendations.

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**U. T. SYSTEM ADMINISTRATION
NOVEMBER 10, 2011**

CONTRACTS

The following contracts have been administratively approved by the Executive Vice Chancellor for Business Affairs and are recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS COMING IN

1. Agency: Crevalle Energy LLC
Funds: \$1,964,061 (2,310.66 acres at \$850 per acre), which represents a bonus payment plus royalty of 25% of gross production.
Period: Agreement shall be for a term of three years (the "Primary Term") commencing on the effective date after approval and for so long thereafter as oil or gas is produced in paying quantities from the leased premises.
Description: Oil and gas lease benefiting U. T. San Antonio. 2,310.66 acres of land in Frio County, Texas, encompassing four tracts of land as follows; Tract 1: 290.66 acres of land, Tract 2: 1,280 acres of land, Tract 3: 600 acres of land, and Tract 4: 140 acres of land.

FUNDS GOING OUT

2. Agency: Conley Group, Inc.
Funds: U. T. System anticipates contracting expenditures to exceed \$1,000,000 per year of the contract
Source of Funds: Funding source(s) will be from various funds approved for individual Capital Improvement Program (CIP) projects.
Period: December 20, 2006 through December 19, 2012 (Contract was brought forward for Board approval because it is approaching \$1,000,000 in expenditures.)
Description: The firm agrees to perform miscellaneous construction inspection services for U. T. System, such as reviewing the contract documents to ensure proper installation of work through on-site inspections on a job order basis. Services were competitively procured.

**U. T. SYSTEM ADMINISTRATION
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

FUNDS GOING OUT (CONTINUED)

3. Agency: Page Southerland Page LLP
Funds: U. T. System anticipates contracting expenditures to exceed \$1,000,000 per year of the contract
Source of Funds: Funding source(s) will be from various funds approved for individual Capital Improvement Program (CIP) projects.
Period: May 1, 2008 through April 30, 2014 (Contract was brought forward for Board approval because it is approaching the \$1,000,000 threshold in expenditures.)
Description: The firm agrees to perform technical commissioning services for U. T. System on a job order basis. Services were competitively procured.
4. Agency: Beecher Carlson Insurance Services, LLC
Funds: \$3,200,000 estimated for five years based on services to be provided
Source of Funds: Service Department
Period: October 1, 2011 through September 30, 2012 with option to renew for four additional one-year terms.
Description: Beecher Carlson Insurance Services, LLC agrees to implement insurance programs and other related services as defined by the scope of work including: conduct assessment of U. T. System's property program; recommend a program design; implement a property protection program; provide risk management services and claims handling; and provide additional services related to placement of builders' risk policies. Services were competitively procured.

**U. T. SYSTEM ADMINISTRATION
NOVEMBER 10, 2011**

REAL ESTATE REPORT

THE UNIVERSITY OF TEXAS SYSTEM
SEPARATELY INVESTED ASSETS
Managed by U. T. System

Summary Report at August 31, 2011

FUND TYPE

	Current Purpose Restricted		Endowment and Similar Funds		Annuity and Life Income Funds		TOTAL	
	Book	Market	Book	Market	Book	Market	Book	Market
Land and Buildings:								
Ending Value 5/31/2011	\$ 3,134,068	\$ 30,081,723	\$ 97,657,769	\$ 263,131,098	\$ 1,601,467	\$ 3,335,084	\$ 102,393,304	\$ 296,547,905
Increase or Decrease	(499,290)	(9,847,839)	8,663,433	6,455,140	-	(361,161)	8,164,143	(3,753,859)
Ending Value 8/31/2011	\$ 2,634,778	\$ 20,233,884	\$ 106,321,203	\$ 269,586,238	\$ 1,601,467	\$ 2,973,923	\$ 110,557,448	\$ 292,794,046
Other Real Estate:								
Ending Value 5/31/2011	\$ 52,402	\$ 52,402	\$ 126,011	\$ 126,011	\$ -	\$ -	\$ 178,414	\$ 178,414
Increase or Decrease	(1,627)	(1,627)	(2,798)	(2,798)	-	-	(4,424)	(4,424)
Ending Value 8/31/2011	\$ 50,776	\$ 50,776	\$ 123,214	\$ 123,214	\$ -	\$ -	\$ 173,989	\$ 173,989

Report prepared in accordance with Sec. 51.0032 of the *Texas Education Code*.

Details of individual assets by account furnished on request. Dollar figures have been rounded to the nearest dollar.

Note: Surface estates are managed by the U. T. System Real Estate Office. Mineral estates are managed by U. T. System University Lands. The royalty interests received from the Estate of John A. Jackson for the John A. and Katherine G. Jackson Endowed Fund in Geosciences are managed by the U. T. Austin Geology Foundation, with the assistance of the Bureau of Economic Geology.

**U. T. ARLINGTON
NOVEMBER 10, 2011**

CONTRACTS

The following contract has been administratively approved by the President or his delegate and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS GOING OUT

1. Agency: The City of Arlington
Funds: \$4,482,000
Source of Funds: Designated Tuition/Revenue from Auxiliary/Gifts or Grants
Period: November 1, 2011 through August 31, 2016 with an option to renew
Description: U. T. Arlington will enter into an interlocal agreement with the City of Arlington whereby the City will provide managed print services for the University. U. T. Arlington has closed its print shop.

**U. T. ARLINGTON
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

The following Request for Budget Change (RBC) has been administratively approved by the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
COLLEGE OF ENGINEERING					
Office of the Dean					
Dean and Professor					
1. Jean-Pierre Bardet (T)	01/1-8/31	100	12	300,000	4209
	01/1-5/31	ACAD	09	225,000	
		SUPLT	06	24,000	

**U. T. AUSTIN
NOVEMBER 10, 2011**

CONTRACTS

The following contracts have been administratively approved by the President or his delegate and the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS COMING IN

1. Agency: Cowboys Stadium, L.P. and ESPN, Inc.
Funds: \$4,500,000
Period: July 25, 2011 through September 13, 2014. Game to be played on August 30, 2014 or September 13, 2014
Description: College Football Kick-Off event agreement with Cowboys Stadium, L.P.; ESPN, Inc.; and U. T. Austin Intercollegiate Athletics for the U. T. Austin football team to play the University of California at Los Angeles (UCLA) football team in Cowboys Stadium, Dallas, Texas, on either August 30, 2014 or September 13, 2014. ESPN is responsible for obtaining broadcast rights from the Big 12 Conference.
2. Agency: Texas Education Agency
Funds: \$1,300,000
Period: September 1, 2011 through August 31, 2013
Description: Texas Education Agency will provide funding in consideration of University Interscholastic League's (UIL) designation as the lead agency in developing, implementing, and enforcing a random steroid testing program for UIL member high school athletes in Texas, as mandated by the Texas Legislature. UIL of U. T. Austin will continue administering the random steroid testing program for UIL member high school athletes in Texas. (See Item 4 on Page Docket - 7).

**U. T. AUSTIN
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

GENERAL CONTRACTS (CONTINUED)

FUNDS GOING OUT

3. Agency: ABM Janitorial Services, Inc.
Funds: \$7,000,000 estimated for the initial and renewal periods
Source of Funds: Intercollegiate Athletics
Period: November 1, 2011 through July 31, 2014 with option to renew for two additional two-year periods
Description: Janitorial services agreement for areas under the control of U. T. Austin Intercollegiate Athletics in buildings on the main campus and at the Texas Rowing Center on Lady Bird Lake. The vendor was selected based on Best Value through the Request for Proposals process.
4. Agency: National Center for Drug Free Sports, Inc.
Funds: \$1,225,000
Source of Funds: University Interscholastic League
Period: September 1, 2011 through August 31, 2013
Description: Amendment to existing agreement to continue drug testing through statewide random steroid testing for Texas high school student athletes, as mandated by the Texas Legislature. (See Item 2 on Page Docket - 6).

**U. T. AUSTIN
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

GENERAL CONTRACTS (CONTINUED)

FUNDS GOING OUT (CONTINUED)

5. Agency: Debix One, Inc. dba Debix, Inc.
Funds: There is no cost unless a data breach occurs and U. T. Austin requests services from Debix through a Statement of Work. The cost will be determined based on the number of affected individuals and the specific services selected by U. T. Austin for that data breach. Example of the total cost of services for a data breach:
- \$11,600 for 1,000 affected users
 - \$3,705,000 for 500,000 affected users
- Source of Funds: Service Center Funds and various other funds
Period: October 1, 2011 through September 30, 2016 with an option to renew for an additional five-year period.
Description: Master Services Agreement to provide certain notification and credit monitoring services in the event U. T. Austin experiences a sensitive data breach. Upon U. T. Austin's request, Debix will provide a variety of services including 1) notification and call center services, 2) credit monitoring services through customer's enrollment in relevant national credit bureaus such as TransUnion, Equifax, and Experian, 3) monthly enrollment reports including the number of customers enrolled in credit monitoring services, 4) monthly attack reports indicating whether or not Debix suspects that criminals are using customer's personal information, 5) identity theft insurance, and 6) identity restoration services. The agreement was approved as a sole source/best value purchase by U. T. Austin Purchasing.

**U. T. AUSTIN
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

The following Requests for Budget Change (RBC) have been administratively approved by the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
COLLEGE OF COMMUNICATION					
Journalism					
1. Maxwell E. McCombs					4258
From: Jesse H. Jones Centennial Chair in Communication and Professor (T)		100 SUPLT	09 09	112,034 20,019	
To: Jesse H. Jones Centennial Chair Emeritus in Communication	9/1-5/31			0	
2. Mercedes L. De Uriarte					4240
From: Associate Professor (T)		100	09	70,250	
To: Associate Professor Emeritus	9/1-5/31			0	

**U. T. AUSTIN
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET (CONTINUED)

TENURE APPOINTMENTS (CONTINUED)

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
COCKRELL SCHOOL OF ENGINEERING					
Mechanical Engineering					
Ernest Cockrell, Jr. Memorial Chair in Engineering and Professor					
3. Jayathi Y. Murthy (T)	1/1-5/31	100	09	205,000	4187
Petroleum and Geosystems Engineering					
B. J. Lancaster Professorship in Petroleum Engineering and Professor					
4. Eric van Oort (T)	9/1-5/31	100	09	170,000	4163
	9/1-5/31	SUPLT	09	10,000	
COLLEGE OF FINE ARTS					
Butler School of Music					
Professor					
5. Robert S. Hatten (T)	9/1-5/31	100	09	100,000	4164
6. Betty P. Mallard					4241
From: Associate Professor (T)		100	09	58,107	
To: Associate Professor Emeritus	9/1-5/31			0	
Theatre and Dance					
Associate Professor					
7. Charles O. Anderson (T)	9/1-5/31	100	09	75,000	4242

**U. T. AUSTIN
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET (CONTINUED)

TENURE APPOINTMENTS (CONTINUED)

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
SCHOOL OF LAW					
Law					
8. Maurice Michael Sharlot					4257
From: Wright C. Morrow Professorship in Law and Professor (T)		100 SUPLT	09 09	175,702 9,000	
To: Wright C. Morrow Professor Emeritus in Law	9/1-5/31			0	
COLLEGE OF LIBERAL ARTS					
American Studies					
Associate Professor					
9. Nicole M. Guidotti- Hernandez (T)	1/16-5/31	100	09	85,000	4188
Asian Studies					
Professor					
10. Rupert Snell (T)	9/1-5/31	100	09	95,000	4189
Germanic Studies					
11. Janet K. Swaffar					4243
From: Professor (T)		50	09	78,617	
To: Professor Emeritus	9/1-5/31			0	
Sociology					
Professor					
12. Jennifer Glass (T)	1/16-5/31	100	09	168,000	4191

**U. T. AUSTIN
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET (CONTINUED)

TENURE APPOINTMENTS (CONTINUED)

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS LBJ School of Public Affairs and History Mack Brown Distinguished Chair for Leadership in Global Affairs and Professor					
13. Jeremi Suri (T)	9/1-5/31	100	09	180,000	4190

AMENDMENTS TO THE 2010-11 BUDGET

TRANSFERS OF FUNDS

The following Requests for Budget Change (RBC) have been administratively approved by the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

TRANSFERS OF FUNDS

<u>Description</u>	<u>\$ Amount</u>	<u>RBC #</u>
AUXILIARY ENTERPRISE FUNDS University Operations		
14. Amount of Transfer:	2,300,000	4186

From: AT&T Executive Education and Conference Center - Income

To: AT&T Executive Education and Conference Center - Other Expenses

Transfer of funds from the AT&T Executive Education and Conference Center income account to the expense account to reflect an increase in operational expenses made possible by income exceeding the budget projection. Operational expenses include labor, cost of food and beverages, conference services, marketing, utilities, and repair and maintenance.

**U. T. AUSTIN
NOVEMBER 10, 2011**

OTHER FISCAL ITEMS

EMPLOYMENT AGREEMENTS

The following agreement has been executed, has been approved by the Executive Vice Chancellor for Academic Affairs, and is recommended for approval by the U. T. System Board of Regents. Such employment under this agreement is subject to the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. The violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay or dismissal.

1. Item: Head Women's Basketball Coach
From: \$1,080,000 annually
To: \$1,080,000 annually
Source of Funds: Intercollegiate Athletics
Salary %
Change: n/a
Description: Second amendment to the agreement for employment of Head Women's Basketball Coach Gail A. Goestenkors for the designated period following the standard coach's employment contract prepared by the Office of General Counsel.

Incentive Change: After the regular season conference games, the schools in the Big 12 South Division were seeded for the Big 12 post-season tournament based upon their divisional records. The North and South Divisions in the Big 12 Conference have been eliminated. Therefore, the second amendment to the contract of the Head Women's Basketball Coach deletes the athletic performance incentive for finishing as the highest seed in the Big 12 South Division. In addition, the language regarding incentive for academic performance of the student athletes was modified to conform to new federal regulations. Incentives based on graduation and retention rates were removed with the incentives to be based on specific yearly academic goals set for the team grade point performance and the team academic progress rate. No change was made in the total dollar amount of incentives.

Period: September 1, 2011 through August 31, 2014

**U. T. BROWNSVILLE
NOVEMBER 10, 2011**

ADOPTION OF NEW LOGOS

Proposed new logos have been approved by the Executive Vice Chancellor for Academic Affairs, the Office of General Counsel, and the U. T. System Office of Trademark Licensing, and authorization to use the new logos are requested from the U. T. System Board of Regents in accordance with Regents' *Rules and Regulations*, Rule 40801. The proposed logo is composed of Pantone Marking System colors Navy 2965 and Burnt Orange 1605. Upon Regental approval of use of the new logos, the logos will be officially unveiled on campus later this fall and the U. T. System Office of Trademark Licensing will submit the graphic representation for trademark registration.



**THE UNIVERSITY OF TEXAS™
BROWNSVILLE**

**THE UNIVERSITY OF TEXAS™
AT BROWNSVILLE**

**THE UNIVERSITY
OF TEXAS
AT BROWNSVILLE™**



U. T. DALLAS
NOVEMBER 10, 2011

CONTRACTS

The following contracts have been administratively approved by the President or his delegate and the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS COMING IN

1. Agency: Coca-Cola Bottling Company of North Texas
Funds: \$2,281,764 over 10 years (including funds, products, and services)
Period: October 15, 2011 through October 14, 2021, if five-year option to extend is exercised
Description: Beverage pouring rights/soft drink vending contract. This contract was competitively bid. *Texas Government Code* Section 2203.005(a) requires all vending machine agreements to be approved by the Board.

FUNDS GOING OUT

2. Agency: AHI Facility Services, Inc.
Funds: \$4,536,608 over five years
Source of Funds: Designated Tuition/Student Union Building Fees/Student Services Building Fees/Recreational Facility Fees
Period: October 1, 2011 through September 30, 2016
Description: Custodial services for the main campus of U. T. Dallas. This contract was competitively bid.

**U. T. DALLAS
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

The following Requests for Budget Change (RBC) have been administratively approved by the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
ERIK JONSSON SCHOOL OF ENGINEERING AND COMPUTER SCIENCE					
Bioengineering					
Associate Professor					
1. Shalini Prasad (T)	9/1-5/31	100	09	110,000	4225
Mechanical Engineering					
Professor					
2. Xin-Lin Gao (T)	9/1-5/31	100	09	127,000	4226
Associate Professor					
3. Yaoyu Li (T)	9/1-5/31	100	09	98,000	4227
SCHOOL OF ARTS AND HUMANITIES					
Latin American Literature					
Professor and Endowed Chair in Arts and Humanities					
4. Rene Prieto (T)	9/1-5/31	100	09	148,000	4233
SCHOOL OF ECONOMIC, POLITICAL AND POLICY SCIENCES					
Criminology					
Professor and Ashbel Smith Professor of Criminology					
5. Alex Piquero (T)	9/1-5/31	100	09	176,000	4235

**U. T. DALLAS
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET (CONTINUED)

TENURE APPOINTMENTS (CONTINUED)

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
SCHOOL OF ECONOMIC, POLITICAL AND POLICY SCIENCES (CONTINUED)					
Criminology (continued)					
Professor					
6. Nicole Leeper Piquero (T)	9/1-5/31	100	09	100,000	4229
SCHOOL OF NATURAL SCIENCES AND MATHEMATICS					
Dean, Professor, and Distinguished Chair of Natural Science and Mathematics #1					
7. Bruce Novak (T)	9/1-8/31	100	12	265,000	4254
	9/1-5/31	0	09	190,000	
UNDERGRADUATE EDUCATION					
8. James Michael Coleman					4255
From: Associate Provost and Dean of Undergraduate Studies, and School of Behavioral and Brain Sciences Professor (T)		100	12	185,000	
		0	09	105,397	
To: Dean Emeritus	9/1-8/31				0

**U. T. EL PASO
NOVEMBER 10, 2011**

CONTRACTS

The following contract has been administratively approved by the President or her delegate and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS GOING OUT

1. Agency: Contemporary Services Corporation
Funds: \$2,400,000 for the initial three-year term and \$800,000 for each of two one-year renewal options
Source of Funds: Intercollegiate Athletics/Special Events/Parking and Transportation Services Funds
Period: October 1, 2011 through September 30, 2014 with two one-year renewal options
Description: Contemporary Services Corporation agrees to provide crowd management services, to include ushers, ticket takers, parking lot attendants, and security for major athletic events (approximately 42 per year including home football games, men's and women's basketball games), major concerts and special events (approximately 6-8 per year), and smaller events throughout the year (approximately 90-120).

**U. T. EL PASO
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

The following Requests for Budget Change (RBC) have been administratively approved by the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
COLLEGE OF BUSINESS ADMINISTRATION					
Marketing and Management Professor					
1. Gary L. Frankwick (T)	9/1-5/31	100	09	140,000	4208
COLLEGE OF LIBERAL ARTS					
Psychology Professor					
2. Felipe Castro (T)	9/1-5/31	100	09	150,000	3979

**U. T. EL PASO
NOVEMBER 10, 2011**

OTHER MATTERS

APPROVAL OF DUAL POSITIONS OF HONOR, TRUST, OR PROFIT

The following item has been approved by the Executive Vice Chancellor for Academic Affairs in accordance with the Regents' *Rules and Regulations*, Rule 30103 and is submitted for approval by the U. T. System Board of Regents. It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas and there is no conflict between holding this position and the appointment of Dr. Schoephoerster with The University of Texas at El Paso. By approval of this item, the Board is also asked to find that holding this position is of benefit to the State of Texas and The University of Texas and there is no conflict between the position and the University.

1. Name: Richard T. Schoephoerster, Ph.D.
 Title: Dean, College of Engineering
 Position: Member, Texas Emerging Technology Advisory Committee
 Period: September 1, 2011, for one or two years
 Compensation: None
 Description: Governor Perry has appointed Dr. Schoephoerster to the Texas Emerging Technology Advisory Committee. The Texas Emerging Technology Advisory Committee recommends proposals eligible for funding through the Emerging Technology Fund to the governor, lieutenant governor, and speaker of the Texas House of Representatives. At the first committee meeting, members will draw lots to determine which members will serve one-year terms and which will serve two-year terms.

**U. T. PAN AMERICAN
NOVEMBER 10, 2011**

CONTRACTS

The following contracts have been administratively approved by the President or his delegate and the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS COMING IN

1. Agency: Coca-Cola Refreshments USA, Inc. d/b/a Valley Coca Cola Bottling Company
Funds: \$1,095,970 for the Sponsorship and License Agreement
\$3,340,000 for the beverage vending and pouring rights
Period: August 16, 2011 through August 15, 2021
Description: Coca-Cola Refreshments USA, Inc. d/b/a Valley Coca Cola Bottling Company Agrees to a qualified Sponsorship and License Agreement to service and furnish beverage vending and pouring rights for the campus. *Texas Government Code* Section 2203.005(a) requires all vending machine agreements to be approved by the Board.

2. Agency: Sodexo Services of Texas Limited Partnership
Funds: \$8,039,106
Period: July 16, 2011 through July 15, 2021
Description: Sodexo Services of Texas Limited Partnership agrees to provide food, catering, and concession services on the campus. In accordance with *Texas Education Code* Section 51.945, the students were provided an opportunity to comment prior to determination of the food service provider.

**U. T. PAN AMERICAN
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2010-11 BUDGET

TRANSFERS OF FUNDS

The following Request for Budget Change (RBC) has been administratively approved by the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>\$ Amount</u>	<u>RBC #</u>
DESIGNATED TUITION		

1. Amount of Transfer:	7,448,272	4256
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From: Designated Tuition

To: Building Alterations and Maintenance

To transfer funds for renovation projects that will accommodate additional office and classroom space to offset large space deficits.

**U. T. PAN AMERICAN
NOVEMBER 10, 2011**

OTHER MATTERS

APPROVAL OF DUAL POSITIONS OF HONOR, TRUST, OR PROFIT

The following item has been approved by the Executive Vice Chancellor for Academic Affairs in accordance with the Regents' *Rules and Regulations*, Rule 30103 and is submitted for approval by the U. T. System Board of Regents. It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas and there is no conflict between holding this position and the appointment of Ms. Salinas with The University of Texas - Pan American. By approval of this item, the Board is also asked to find that holding this position is of benefit to the State of Texas and The University of Texas and there is no conflict between the position and the University.

- Name:** Sonya Salinas, M.A. Communication Disorders
Title: Clinical Instructor, Department of Communication Sciences and Disorders
Position: Member, State Board of Examiners for Speech-Language, Pathology, and Audiology
Period: August 31, 2011 through August 31, 2017
Compensation: None
Description: Governor Perry has reappointed Ms. Salinas to the State Board of Examiners for Speech-Language, Pathology, and Audiology and as Chair of the Speech Scope Practice Committee/Transcript Designee. The Board of Examiners oversees Speech-Language, Pathology, and Audiology practitioners of communication disorders.

**U. T. PERMIAN BASIN
NOVEMBER 10, 2011**

CONTRACTS

The following contract has been administratively approved by the President or his delegate and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS COMING IN

1. Agency: Follett Higher Education Group, Inc., an Illinois corporation
- Funds: Consideration to U. T. Permian Basin includes total cash payments estimated at no less than \$1,060,000 over the initial term and \$1,010,000 over the renewal term, in addition to construction obligations described below. Cash payments by Follett include an initial \$50,000 cash payment, annual fees of \$202,000, and an annual royalty fee of 14% to 16% of each year's total sales of nonacademic items. In addition, Follett must at its own cost, refurbish the bookstore space with improvements costing no less than \$50,000.
- Period: Commencing effective September 1, 2010, and continuing for five years; Follett has an option to extend for five additional years. Contract negotiations were delayed because the Request for Proposals and initial contract drafts included a royalty payment based on all sales, including those of academic materials; the agreement was restructured to a flat fee and a royalty payment based only on nonacademic materials, as noted above. Either party may terminate early, but if U. T. Permian Basin does so, it must reimburse unamortized portions of the capital costs and the \$50,000 cash payment from Follett. The license expressly states that it is not valid if Board approval is not obtained by December 1, 2011.
- Description: License of 2,500 square foot space in the Mesa Building for use as an on-campus bookstore.

**U. T. SAN ANTONIO
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

The following Requests for Budget Change (RBC) have been administratively approved by the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT Department of Educational Leadership and Policy Studies Associate Professor					
1. Gerard A. Dizinno (T)	9/1-5/31	100	09	83,606	4214

AMENDMENTS TO THE 2010-11 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
COLLEGE OF SCIENCES Department of Mathematics Professor					
2. Cornel Pasnicu (T)	8/17-5/31	100	09	93,000	4211
COLLEGE OF PUBLIC POLICY Department of Public Administration Associate Professor					
3. Barbara McCabe (T)	8/18-5/31	100	09	80,000	4212

**U. T. SAN ANTONIO
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2010-11 BUDGET (CONTINUED)

TENURE APPOINTMENTS (CONTINUED)

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT Department of Educational Leadership and Policy Studies Associate Professor					
4. Mark S. Giles (T)	8/18-5/31	100	09	72,000	4213

TRANSFERS OF FUNDS

<u>Description</u>	<u>\$ Amount</u>	<u>RBC #</u>
LIBRARY RENOVATIONS		
5. Amount of Transfer:	1,795,653	4157
From: Hearst Digital Media Lab	100,000	
Library Resource Fee Reserve	779,024	
Library Renovations	355,628	
Library Resource Fee	400,000	
Teaching and Learning Center	150,000	
Library Resource Fee - Office of the Dean	11,000	
To: Library Renovations		

For funding of John Peace Library Renovations (Phase III) to improve faculty and academic support resources. Total estimated cost for Phase III renovations is \$1,795,653.

ADDITIONAL DOCKET ITEM

**U. T. SAN ANTONIO
NOVEMBER 10, 2011**

CONTRACTS

GENERAL CONTRACTS

FUNDS COMING IN

Agency: City of San Antonio
Funds: No charge to the City of San Antonio in exchange for the Benefits, described below.
Period: An initial term of two years through December 1, 2013; no unilateral extension options
Description: Electric Vehicle Charging Equipment Station Host Agreement providing for the location on U. T. San Antonio campuses of 10 electric vehicle charging stations owned and controlled by CPS Energy and subject to certain ownership rights of the United States government. Two stations are to be located at the U. T. San Antonio Downtown Campus and eight at the U. T. San Antonio Main Campus. The installation of the electric vehicle charging stations is to support research relating to sustainable energy programs and initiatives being carried out by U. T. San Antonio's Sustainable Energy Research Institute (SERI). UTSA will pay to install the stations and to furnish electricity to them, although UTSA may seek reimbursement from CPS for the energy used. UTSA will pay no usage fee for the stations. There will be no cost to UTSA for the maintenance of the stations.

Staff at U. T. San Antonio believe that the station host agreement serves a public purpose specific to the mission of the institution and request that the Board make a finding of fact to that effect and authorize the U. T. San Antonio Vice President for Business Affairs to negotiate, finalize, and execute the agreement, subject to approval by the Office of General Counsel.

**U. T. SOUTHWESTERN MEDICAL CENTER
NOVEMBER 10, 2011**

CONTRACTS

The following contracts have been administratively approved by the President or his delegate and the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS COMING IN

1. Agency: Peloton Therapeutics, Inc.
Funds: \$2,972,750 in rent payable over a 60-month initial term with one additional 60-month extension term at a market rate. The rent during the initial term is \$46 per square foot plus reimbursement of operating expenses using a base year. If, however, total build out costs incurred by U. T. Southwestern Medical Center are more or less than \$1,749,021, the rental rate will be increased or decreased accordingly. Until the build out of the space is completed, Peloton will temporarily be allowed to occupy approximately 2,049 square feet of research and office space at an annual rental of \$14 per square foot.
Period: Rent commencement date is anticipated to be April 1, 2012, with expiration of the initial term to be March 31, 2017.
Description: Authorization to negotiate the lease of approximately 12,925 square feet in the second floor of the BioCenter on the U. T. Southwestern Medical Center campus for use by Peloton as office and research space. The BioCenter is located at 2330 Inwood Road, Dallas, Texas. Peloton is the first major tenant in the BioCenter and one of its principals is a senior researcher at U. T. Southwestern Medical Center. U. T. Southwestern Medical Center is building out the space for office and research purposes at an estimated cost of \$1,749,021. To fund the finish out, U. T. Southwestern will use Revenue Financing System Bond Proceeds previously approved by the Board of Regents. An appraisal prepared by Butler Burgher Group, Inc., dated July 22, 2011, supports the rental rate and build out costs.

2. Agency: Seton dba Seton Family of Hospitals
Funds: \$4,668,732
Period: September 1, 2011 through August 31, 2013
Description: To sponsor, develop, and implement Graduate Medical Education programs in the Seton service area.

**U. T. SOUTHWESTERN MEDICAL CENTER
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

GENERAL CONTRACTS (CONTINUED)

FUNDS COMING IN (CONTINUED)

3. Agency: VA North Texas Healthcare System
Funds: \$1,433,967
Period: October 1, 2011 through September 30, 2012
(renewal to agreement)
Description: To provide cardiothoracic and perfusionist services.
4. Agency: VA North Texas Healthcare System
Funds: \$1,219,639
Period: October 1, 2011 through September 30, 2012
(renewal to agreement)
Description: To provide various surgery services (colorectal, advanced laparoscopic, surgical oncology, surgical critical care, vascular surgery, and vascular access surgery).

**U. T. SOUTHWESTERN MEDICAL CENTER
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

The following Requests for Budget Change (RBC) have been administratively approved by the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
SOUTHWESTERN MEDICAL SCHOOL (CONTINUED)					
Radiology and Advanced Imaging Research Center					
Associate Professor					
1. Ivan Moral (T)	9/1-8/31	100	12	385,000	4253
Biochemistry					
2. Julian Peterson					4159
From: Adjunct Professor		50	12	60,000	
To: Professor Emeritus	9/1-8/31		12	0	

AMENDMENTS TO THE 2010-11 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
SOUTHWESTERN MEDICAL SCHOOL					
Internal Medicine					
Professor					
3. Sean Morrison (T)	8/22-8/31	100	12	250,000	4219
Professor					
4. Theodora Ross (T)	8/22-8/31	100	12	280,000	4217

**U. T. SOUTHWESTERN MEDICAL CENTER
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2010-11 BUDGET (CONTINUED)

TENURE APPOINTMENTS (CONTINUED)

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
SOUTHWESTERN MEDICAL SCHOOL (CONTINUED)					
Molecular Biology Professor					
5. Joshua Mendell (T)	7/1-8/31	100	12	200,000	4156
Otolaryngology Professor					
6. Ron Mitchell (T)	7/1-8/31	100	12	550,000	4154
Pathology Professor and Chairman					
7. James Malter (T)	8/22-8/31	100	12	400,000	4218
Pediatrics Professor					
8. Stephen Skapek (T)	8/1-8/31	100	12	285,000	4177
Psychiatry and Pediatrics Professor					
9. John Sweeney (T)	7/6-8/31	100	12	235,000	4158

**U. T. MEDICAL BRANCH - GALVESTON
NOVEMBER 10, 2011**

CONTRACTS

The following contracts have been administratively approved by the President or his delegate and the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS COMING IN

1. Agency: Texas Youth Commission (TYC)
Funds: Not to exceed \$26,300,000
Period: September 1, 2011 through August 31, 2013
Description: U. T. Medical Branch - Galveston will provide comprehensive health care services to all youth in TYC facilities.
2. Agency: Texas Commission on State Emergency Communications
Funds: Not to exceed \$1,209,473
Period: September 1, 2011 through August 31, 2012
Description: U. T. Medical Branch - Galveston will promote the reduction of injuries occurring from poisons and toxic substance through public and professional education and seek to reduce medical costs incurred by Texas residents by providing treatment recommendations.
3. Agency: SJ Medical Center, LLC d/b/a St. Joseph Medical Center (SJMC)
Funds: Estimated \$2,500,000
Period: July 31, 2011 through August 31, 2012
Description: U. T. Medical Branch - Galveston will provide anesthesiology services for patients treated at SJMC's main campus located at 1401 St. Joseph Parkway, Houston, Texas.

**U. T. MEDICAL BRANCH - GALVESTON
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

GENERAL CONTRACTS (CONTINUED)

FUNDS COMING IN (CONTINUED)

4. Agency: Galveston Independent School District (GISD)
Funds: \$1,184,340
Period: August 1, 2011 through July 31, 2012
Description: U. T. Medical Branch - Galveston will coordinate the administration of Texas Education Agency funds granted to GISD to provide various emotional health programs in support of public education.

**U. T. MEDICAL BRANCH - GALVESTON
NOVEMBER 10, 2011**

OTHER MATTERS

APPROVAL OF DUAL POSITIONS OF HONOR, TRUST, OR PROFIT

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with the Regents' *Rules and Regulations*, Rule 30103 and is submitted for approval by the U. T. System Board of Regents. It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas and there is no conflict between holding this position and the appointment of Dr. Protas with The University of Texas Medical Branch at Galveston. By approval of this item, the Board is also asked to find that holding this position is of benefit to the State of Texas and The University of Texas and there is no conflict between the position and the University.

1. Name: Elizabeth Protas, P.T., Ph.D.
 Title: Vice President and Dean, School of Health Professions
 Position: Member, Statewide Health Coordinating Council
 Period: September 23, 2011 through August 1, 2017
 Compensation: None
 Description: Governor Perry has reappointed Dr. Protas to the Statewide Health Coordinating Council. The Statewide Health Coordinating Council evaluates long-term local, regional, and statewide health needs to develop workforce goals for health professionals.

**U. T. HEALTH SCIENCE CENTER - HOUSTON
NOVEMBER 10, 2011**

CONTRACTS

FOREIGN CONTRACTS

The following contracts have been administratively approved by the President or his delegate and the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

1. Agency: Capital Medical University, People's Republic of China
Funds: Teachers and students are responsible for all of their expenses including, but not limited to, room accommodations and administration, transportation, airfare, and meals. U. T. Health Science Center - Houston is not responsible for any funding.
Period: Five years
Description: Program Agreement to strengthen medical students' and faculty members' training and education by observing the administration and delivery of patient care abroad for the mutual benefit of both parties. U. T. Health Science Center - Houston may send their medical students to Capital Medical University's first clinical medical school in China, Xuan Wu, to attend a four-week clerkship. U. T. Health Science Center - Houston shall provide a four-week training program at U. T. Health Science Center - Houston's Medical School for Capital Medical University teachers. There is currently an Agreement of Cooperation in place with this institution.

**U. T. HEALTH SCIENCE CENTER - HOUSTON
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

FOREIGN CONTRACTS (CONTINUED)

2. Agency: Central South University, People's Republic of China
Funds: Central South University will cover participant costs.
Period: One year, renewable by agreement
Description: Faculty Training Program Agreement to provide faculty members of Central South University with opportunities for training and research collaboration at the U. T. Health Science Center - Houston's Medical School. Participants will collaborate at U. T. Health Science Center - Houston for a period of three to six months.
3. Agency: Central South University, People's Republic of China
Funds: Central South University will cover participant costs.
Period: Three years, renewable by agreement
Description: Student/Postdoctoral Training Program Agreement to provide graduate students and postdoctoral fellows with opportunities for training and research collaboration at U. T. Health Science Center - Houston Medical School. Participants will train at U. T. Health Science Center - Houston for a period of one to three years.

**U. T. HEALTH SCIENCE CENTER - HOUSTON
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

FOREIGN CONTRACTS (CONTINUED)

4. Agency: The University of Tokushima (Japan)
Funds: \$3,500 per student for an eight-week term and \$4,300 per student for a 10-week term to cover cost of tuition. The University of Tokushima shall be responsible for all salary, benefits, and other compensation for students. All other costs shall be borne by the students, including transportation, room and board, and other living expenses
Period: Five years beginning January 1, 2012
Description: The purpose of the program renewal is to continue to provide The University of Tokushima students with an experience in laboratory research as part of the Summer Research Program at U. T. Health Science Center - Houston.
5. Agency: Southern Medical University, China
Funds: None
Period: Five years
Description: The purpose of the Agreement of Cooperation is to promote interest in the teaching and research activities of the respective institutions, and to deepen the understanding of the economic, cultural and social issues environment of the respective institutions.
6. Agency: Dr. Xueyan Jiang, Southern Medical University, China
Funds: Dr. Jiang has a scholarship from the Guangzhou Elites Scholarship Council, which will cover all her expenses.
Period: Two years
Description: Dr. Jiang is a Ph.D. candidate at Southern Medical University who plans to work with U. T. Health Science Center - Houston faculty for two years.

**U. T. HEALTH SCIENCE CENTER - HOUSTON
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2010-11 BUDGET

TENURE APPOINTMENTS

**NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS**

The following Request for Budget Change (RBC) has been administratively approved by the Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
MEDICAL SCHOOL					
Internal Medicine, General Division					
1. Cheves M. Smythe					4203
From: Clinical Professor		50	12	78,723	
To: Dean Emeritus	8/1-8/31			0	
Note: Professor Smythe served as Dean of the Medical School from 1970 until 1975.					

**U. T. HEALTH SCIENCE CENTER - HOUSTON
NOVEMBER 10, 2011**

OTHER MATTERS

APPROVAL OF DUAL POSITIONS OF HONOR, TRUST, OR PROFIT

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with the Regents' *Rules and Regulations*, Rule 30103 and is submitted for approval by the U. T. System Board of Regents. It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas and there is no conflict between holding this position and the appointment of Dr. Emery with The University of Texas Health Science Center at Houston. By approval of this item, the Board is also asked to find that holding this position is of benefit to the State of Texas and The University of Texas and there is no conflict between the position and the University.

1. Name: Robert J. Emery, DrPH, CHP, CIH, CSP, RBP, CHMM, CPP, ARM
 Title: Vice President, Safety, Health Environment and Risk Management at The University of Texas Health Science Center at Houston, and Associate Professor of Occupational Health at The University of Texas School of Public Health
 Position: Member of the Texas Radiation Advisory Board
 Period: September 16, 2011 through April 16, 2017
 Compensation: None; travel expenses will be reimbursed.
 Description: Governor Perry reappointed Dr. Emery to the Texas Radiation Advisory Board. The Board advises the State on radiation issues and reviews the rules, policies, and programs of State agencies that regulate radiation.

U. T. HEALTH SCIENCE CENTER - SAN ANTONIO
NOVEMBER 10, 2011

AMENDMENTS TO THE 2010-11 BUDGET

TENURE APPOINTMENTS

NEW APPOINTMENTS WITH TENURE, AWARD OF TENURE,
AND EMERITUS APPOINTMENTS

The following Request for Budget Change (RBC) has been administratively approved by the Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
GRADUATE SCHOOL OF BIOMEDICAL SCIENCES Pharmacology Professor					
1. Lars Morten Fredrik Leeb-Lundberg (T)	2/1-8/31	100	12	190,000	4239

Note: This item was inadvertently not included on the Docket.

**U. T. M. D. ANDERSON CANCER CENTER
NOVEMBER 10, 2011**

CONTRACTS

The following contracts have been administratively approved by the President or his delegate and the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

GENERAL CONTRACTS

FUNDS GOING OUT

1. Agency: Siemens Medical Solutions USA, Inc.
Funds: The total cost of the services under this agreement will not exceed \$55,000,000. Vendor costs are based on the negotiated hourly time and material rates for various skill levels provided by the vendor, negotiated license and support fees, training services and documentation, and approved expenses and other fees.
Source of Funds: Hospital and Patient Income
Period: The term of this agreement will be for a period of 120 months, commencing on October 14, 2011, and continuing through October 13, 2021, with the option to renew for up to three additional 12-month periods.
Description: U. T. M. D. Anderson Cancer Center is undertaking a project to replace the Siemens Invision (CARE) patient management, resource scheduling, and accounting systems, which are over 20 years old. This vendor will provide the Soarian software application, which will support Patient Registration, Patient Scheduling, and Patient Billing/Revenue Cycle for the institution. As part of this agreement, the vendor will also provide maintenance and support, as well as training and education services for the software. (See related Item 2 on Page Docket - 41).

**U. T. M. D. ANDERSON CANCER CENTER
NOVEMBER 10, 2011**

CONTRACTS (CONTINUED)

GENERAL CONTRACTS (CONTINUED)

FUNDS GOING OUT (CONTINUED)

2. Agency: Computer Sciences Corporation
Funds: The total cost of services under this agreement will not exceed \$71,000,000. Vendor costs are based on the negotiated hourly or monthly time rates for various skill levels provided by the vendor and approved expenses. After three years vendor may increase rates once per year by an amount equaling the prior calendar year's percentage in the U.S. Department of Labor Consumer Price Index, All Urban Consumers.
- Source of Funds: Hospital and Patient Income
Period: The term of this agreement will be for a period of 60 months, commencing October 14, 2011, and continuing through October 13, 2016, with the option to renew for up to three additional 12-month periods.
- Description: U. T. M. D. Anderson Cancer Center is undertaking a project to replace the Siemens Invision (CARE) patient management, resource scheduling, and accounting systems, which are over 20 years old. This vendor will support implementation of the new system by providing contract labor to augment existing staff in support of the overall business needs of the institution during the course of the project. (See related Item 1 on Page Docket - 40).

**U. T. M. D. ANDERSON CANCER CENTER
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET

APPOINTMENTS AND PROMOTIONS

The following Requests for Budget Change (RBC) have been administratively approved by the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
MEDICAL STAFF					
Pathology					
1. Yun Wu					4149
From: Assistant Professor		100	12	191,369	
To: Associate Professor (T)	9/1-8/31	100	12	213,000	
Investigative Cancer Therapeutics					
2. Apostoloa Tsimberidou					4150
From: Associate Professor		100	12	199,000	
To: Associate Professor (T)	9/1-8/31	100	12	209,779	
Neuro-Oncology					
3. Morris Groves					4151
From: Associate Professor		100	12	219,742	
To: Associate Professor (T)	9/1-8/31	100	12	229,630	
Radiation Physics-Patient Care					
4. Sam Beddar					4153
From: Professor		100	12	224,169	
To: Professor (T)	9/1-8/31	100	12	234,136	

**U. T. M. D. ANDERSON CANCER CENTER
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-12 BUDGET (CONTINUED)

APPOINTMENTS AND PROMOTIONS (CONTINUED)

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
RESEARCH STAFF					
Experimental Diagnostic Imaging					
5. Victor Krasnykh					4152
From: Associate Professor		100	12	171,360	
To: Associate Professor (T)	9/1-8/31	100	12	178,214	

**U. T. M. D. ANDERSON CANCER CENTER
NOVEMBER 10, 2011**

OTHER MATTERS

APPROVAL OF DUAL POSITIONS OF HONOR, TRUST, OR PROFIT

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with the Regents' *Rules and Regulations*, Rule 30103 and is submitted for approval by the U. T. System Board of Regents. It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas and there is no conflict between holding this position and the appointment of Dr. Jones with The University of Texas M. D. Anderson Cancer Center. By approval of this item, the Board is also asked to find that holding this position is of benefit to the State of Texas and The University of Texas and there is no conflict between the position and the University.

1. Name: Lovell A. Jones, M.D.
 Title: Professor, Health Disparities Research
 Position: Member, U.S. Department of Health and Human Services
 Office of Minority Health Regional Health Equity Council
 (Region VI)
 Period: Dr. Jones will serve as a member of this Council at the
 pleasure of the Health and Human Services Office of Minority
 Health
 Compensation: No compensation other than reimbursement of expenses
 Description: Council members serve as leaders and catalysts to strengthen
 health equity and enhance collaboration between
 stakeholders, align initiatives and programs, and leverage
 assets to more effectively accomplish health disparity
 reduction goals.

**U. T. HEALTH SCIENCE CENTER - TYLER
NOVEMBER 10, 2011**

AMENDMENTS TO THE 2011-2012 BUDGET

EMERITUS APPOINTMENTS

The following Request for Budget Change (RBC) has been administratively approved by the Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

<u>Description</u>	<u>Effective Date</u>	<u>% Time</u>	<u>Full-time Salary</u>		<u>RBC #</u>
			<u>No. Mos.</u>	<u>Rate \$</u>	
DEPARTMENT OF MEDICINE					
Pediatrics					
Professor					
1. Barbara Huggins					4232
From: Professor (NT)				0	
To: Professor Emeritus	11/10-8/31			0	