

Meeting No. 1,205

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

Pages 1 - 102

May 6, 2020

Austin, Texas

## MEETING NO. 1,205

WEDNESDAY, MAY 6, 2020.--The members of the Board of Regents of The University of Texas System convened in Open Session on Wednesday, May 6, 2020, at 9:00 a.m. via telephone conference in the Board Room, Second Floor, The University of Texas System Building, 210 West Seventh Street, Austin, Texas, with the below meeting participation. This regular meeting of the Board was held via telephone conference call as authorized by Governor Abbott's Executive Order temporarily suspending certain provisions of the Texas Open Meetings Act, effective March 16 2020, to address and mitigate the effects of the COVID-19 pandemic.

### ATTENDANCE.--

#### Present

Chairman Eltife  
Vice Chairman Longoria  
Vice Chairman Weaver  
Regent Beck  
Regent Crain  
Regent Hicks  
Regent Jiles  
Regent Perez  
Regent Warren  
Regent Dominguez, Student Regent, nonvoting

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

### AGENDA ITEMS

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

Chairman Eltife noted the following related to the Consent Agenda:

- Recent and pending personnel changes at U. T. Austin require amendment to Item 2 seeking approval of the list of Key Management Personnel. Dr. Jay Hartzell should be listed as President *ad interim* effective June 1, 2020; Dr. Dan Jaffe should be shown as Interim Executive Vice President and Provost effective May 4, 2020; and Dr. Allison Preston should be listed as Interim Vice President for Research effective May 4, 2020.

- Items 3, 31, and 34 ask the Board to make formal findings, as required by our Rules, that the following dual appointments are in the best interest of the State and the U. T. System, with no conflicts in discharging the positions:
  - Executive Vice Chancellor John Zerwas as one of three Chief Medical Advisors on the Strike Force to Open Texas, working with Commissioner John Hellerstedt of the Department of State Health Services, who serves as the Chief Medical Officer on the Strike Force;
  - Dr. Marc Diamond, of U. T. Southwestern, as Chair of the Texas Council on Alzheimer's Disease and Related Disorders; and
  - Dr. Phillip Keiser, of UTMB, as a Member of the State of Texas Correctional Managed Health Care Committee.
- Items 7 and 25 request approval of amendments to institutional policies on Speech, Expression and Public Assembly as required by state law.
- Item 35 requests approval for a 15-year agreement for U. T. Health Science Center - Houston to staff Harris County hospitals and clinical programs operated by Harris Health System.
- Item 39 requests authorization to accept a gift of land for future campus expansion at U. T. Health Science Center - San Antonio.

Vice Chairman Longoria moved approval, which was seconded by Vice Chairman Weaver. The Board then approved the Consent Agenda, which is set forth on Pages 64 - 102.

In approving the Consent Agenda, the Board 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 institution involved.

2. U. T. System: Update and possible appropriate action regarding COVID-19 issues and response

Following remarks by Chancellor Milliken, a copy of which is attached, Chairman Eltife commented on the enormous contributions of all employees, health care providers, and members of the U. T. System community to the COVID-19 response efforts. He also noted the likely financial impact of the pandemic will require all to look closely at every dollar spent and to do what is possible to assist the legislature to find efficiencies.

Regent Jiles commented on special needs for faculty professional development with regard to online teaching. Regent Crain commended the work being done and asked to be updated regarding the plan for rolling out of campus activities for the fall semester. Regent Perez commented on virtual learning and encouraged sharing

best practices between institutions. He requested future updates on enrollment, virtual learning, remote work impacting institutions, and telemedicine.

No action was taken on this item.



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# Chancellor Milliken

## PREPARED REMARKS

### UT SYSTEM BOARD OF REGENTS MEETING

May 6, 2020

#### **INTRODUCTION**

Thank you, Chairman Eltife.

First, I want to say thank you to the members of this Board for your thoughtful leadership at this time, and the guidance and support you have given me and the presidents of our 14 institutions. I've been in regular communication with Chairman Eltife and have appreciated the opportunity to keep all Board members updated on a regular basis.

You convened a special meeting in late March when it became apparent our institutions would need some flexibility to navigate the challenges they were confronting, and that was deeply appreciated. On the day we met, there were 86,000 reported cases of COVID-19 in the United States, compared to over 1.2 million today. And while Texas has not avoided significant increases, early action by the Governor and Texans has put us in a better position than many.

According to the COVID-19 model developed by UT Austin's Dr. Lauren Meyers and her research team, there is a 74% probability the peak in Texas has passed, and an 84% probability that the peak will have passed within 7 days. We will continue to monitor the numbers carefully, particularly as the next phase of opening up Texas has begun and we are planning for the fall.

All 14 UT institutions of the UT System have been dramatically affected by the pandemic, as have colleges and universities—and everyone else—across the country.

#### **ACADEMIC INSTITUTIONS**

##### ***Online Learning***

On March 17, together we announced that our academic institutions would close to almost all students on campus and we would finish the semester entirely online. I could not be prouder of how the presidents, faculty, staff, and students have adapted to this new modality. The pivot to online learning – which transitioned in less than two weeks' time for most institutions – will be remembered as one of the most remarkable feats in modern higher education history. And I am convinced it will alter higher education from this point on. While we all are looking forward to the outstanding student experience our residential campuses offer, this is a disruptive moment in higher education and much change will follow. Those who adapt well, as I know our institutions will, will thrive.

For now, UT institutions remained focused on graduating all students this spring who are on track to finish, and ensuring all other students make planned progress toward their degrees.

### ***Refunds / Housing***

Campus dormitories have remained open only for those students who do not have a suitable alternative housing arrangement. Today we have about 3,000 students living in our dorms and served by our food service operations.

We were among the first to announce that our students would be reimbursed for the most significant auxiliary expenses they could not use in the spring: housing, dining and parking. This was a necessary and important message from the Board, but not without budget impact. At UT Austin alone, this resulted in over \$26 million of lost revenue.

### ***Summer***

Our institutions will continue to provide online instruction this summer, with the possibility of some labs and other on-campus offerings later in the summer.

Summer enrollment projections, somewhat surprisingly, are flat or slightly up from last summer at most of our institutions. I suspect this has something to do with the job market as well as a desire by students in a time of uncertainty to make as much progress as they can. Also, a number of our institutions are discounting summer tuition or offering more scholarship funds to shore up summer enrollment.

### ***Fall***

The biggest issue before us is planning for operating campuses in the fall in a way that will help ensure the safety of our students, faculty, staff and visitors. You've no doubt seen reports from colleges and universities around the country with announcements ranging from the commitment to return to "normal" in the fall to hybrid educational models to delayed starts and mainly online education.

I talk daily with our UT presidents and other higher education leaders from around the country, as well as medical experts, and we are all wrestling with the same issues and many are approaching this challenge in similar ways. The question has shifted in most places from whether institutions will be open and have classes on campus in the fall, to how it will be done.

Most large Texas institutions have announced their intention to open with some degree of in-person classes and students, faculty, and staff on campus. We've had discussions with Governor Abbott and Higher Education Commissioner Keller and they have been supportive of our efforts to engage in planning now for a return to campuses in the fall, of course monitoring COVID activity and always focusing on safety. We will continue to work closely with the state and follow all guidance. And, of course, we have in-house medical experts in Drs. Zerwas and Lakey and throughout our health and academic institutions that we can rely on.

Like everyone else, we are hoping we can offer as much of the valuable in-person, residential experience as possible. It seems safe to say campus life won't be like last fall, but won't be like this spring, either.

All UT presidents and their teams are at work now on plans for fall activities that are focused first on health and safety considerations.

### ***Enrollment Challenge***

A major unknown all colleges and universities face is how enrollment in the fall will be impacted, as student patterns may change in light of uncertainties about operations. One area we expect will be especially affected is international student enrollment. As of Fall 2019, UT institutions enrolled about 20,000 international students. A substantial decrease – which is expected nationwide – would have a very significant effect on our institutional revenue.

Today our country's foreign consulates and their visa offices are closed, and there is great uncertainty about how quickly they will be operational and whether student visas will be given priority. Yesterday I met—remotely—with leadership in the State Department to discuss opening consulates, priority for student visas, relaxing limitations on online education for international students, and providing the support needed to enroll international students.

## **HEALTH INSTITUTIONS**

Let me turn to our six health institutions. Their pivot away from business as usual has been just as dramatic and unprecedented as our academic institutions', and they continue to play an essential role in the fight against COVID-19.

### ***Elective Procedures / Revenue Hit***

To build capacity among our health care professionals and preserve hospital beds, equipment, supplies, and personal protective equipment in response to Governor Abbott's executive order in March, our health institutions and medical school hospitals, clinics, and physician groups suspended all research not related to the pandemic, and all elective and non-emergency procedures and admissions.

The Governor's Supply Chain Strike Force, working with UT health institutions and others across the state, did a great job increasing bed capacity. Today, Texas has more than 20,000 hospital beds and 2,000 ICU beds ready to handle a potential surge of new COVID-19 cases.

Stopping routine delivery of health care was necessary to ensure that our health care system wasn't overwhelmed. But it has taken an enormous financial toll on our institutions. While our original estimates were even higher, we now believe our gross revenue losses will fall somewhere between \$300 million and \$400 million.

Governor Abbott has loosened restrictions, and UT health institutions have begun, step-by-step, to open up their facilities to elective procedures. This is obviously great news, especially for the patients, many of whom have need for care, but also for the institutions that have suffered financially as surgeries and other revenue-generating treatments have been canceled or postponed during the pandemic.

Through the hard work and quick response by our campuses and the Governor's directives on reopening, we now estimate our net losses will be considerably less than those initial projections.

***The Frontlines: COVID-19 Treatment, Tests, Trials***

This gradual resumption of elective procedures has not diminished the commitment to leading the fight against COVID-19. UT and UT-affiliated hospitals continue to provide critical care to many of our state's COVID-19 patients – roughly 17% of those hospitalized.

As of last Friday, UT institutions had processed more than 41,000 COVID-19 tests – or 13% of all tests statewide. They are averaging more than 2,000 tests per day, and with a maximum daily capacity of nearly 5,000, they can scale up as required.

During the month of April alone, UT health professionals provided well over 100,000 telemedicine visits to patients. If we are looking for silver linings in the face of much bad news and tragedy, this is one of them. The significant expansion of telemedicine can be one way we serve more Texans in the future.

The Governor's Strike Force is now sharply focused on bolstering the state's supply of swabs, transport media, reagents, and anything else required to increase Texas's testing capacity, and we are pleased and grateful that EVC John Zerwas is providing leadership in this effort as one of four medical officers supporting the work of the Strike Force.

UT institutions have more than 300 ongoing studies related to COVID-19. Multiple UT institutions are involved in trials involving Remdesivir, a potential treatment that has shown promising results and received emergency authorization from the Food and Drug Administration just last week.

**FISCAL IMPACTS**

On the positive side, the CARES Act passed by Congress in March provides funds to UT institutions and direct emergency funding to students: \$173 million is available to UT institutions, approximately half for direct emergency payments to students and half for institutional costs associated with COVID.

The presidents have developed thoughtful plans for direct payments to students, and we expect additional guidance from the U.S. Department of Education this week. It is likely that all direct payments will be to students who have a valid FAFSA on file with our institutions.

The institutional funding has not yet been made available. And while it will help, it will not begin to offset the total losses. For example, I mentioned that UT Austin refunded over \$26 million in auxiliary payments. It will be eligible for \$16 million in institutional funds, leaving it \$10 million short on that line item alone.

The CARES Act allocated \$100 billion of funding to hospitals and providers nationally, based largely on share of total Medicare reimbursements. UT institutions with their own hospitals and those with a significant share of Medicare patients will receive the most funds.

To date, UT health institutions and medical schools have received \$134 million from the CARES Act Emergency Fund for health care providers.



There is no doubt there will be a major fiscal impact on the state of Texas this year, and we began preparing for it immediately. Our institutions have taken a number of steps to reduce expenses, including imposing hiring freezes, furloughs, budget reductions, the elimination of across-the-board salary increases, and the pausing of non-essential projects.

Aside from these actions systemwide, going forward, many of the budget decisions will necessarily be local, because the specific dimensions of the budget challenge vary significantly from one UT institution to the next, depending on how many students are residential (and thus received refunds), how many are Pell recipients (the key determinant in CARES Act support), enrollments, how dependent the institution is on athletics, international students, and many other factors.

The differences between UT institutions are important, but the common denominator is that each must be prepared to operate with less financial support than they were anticipating pre-pandemic.

At this time, philanthropic support is tracking favorably with last year. Although we understand the current economic situation may affect support in the months ahead, we are grateful for the generous spirit of Texans, who have continued to support critical research, the recruitment of top scientists and faculty, and student emergency funds and scholarships.

The double whammy for Texas is that in addition to the pandemic, the oil industry has suffered dramatically. Revenue payments from University Lands is expected to be less than half of what it was last year—from over \$1 billion to less than \$500 million—which will have significant repercussions down the road. In addition, while the Texas economy is diverse, the impact on state revenues will also be significant.

## **CONCLUSION**

UT institutions continue to demonstrate every day their extraordinary contributions to finding solutions to our state's most vexing challenges, as well as their will to do whatever it takes to keep our citizens healthy, educated, and focused on a more prosperous future. UT institutions exist to be in service to Texas, and we're seeing them at their finest moments.

What should be apparent to all is 1) the critical role our health institutions are playing in getting Texas through this pandemic, along with the obvious importance of training more health professionals; and 2) the new kinds of work and education that will be needed for our state to recover from the economic downturn--the next generation of Texans must be educated and many in the workforce now will need to retool. For Texas to be successful, higher education and the UT System must thrive.

We keep an updated online list of examples of the many contributions made by our faculty, staff, health care professionals, and students as they do their part to help their fellow Texans through this period. This list of stories from every campus is updated daily on [utsystem.edu](https://utsystem.edu). I encourage everyone to visit, as the stories paint a picture of just how important the UT System is to the present—and the future—of Texas.

We have been challenged like never before, and the people of the 14 UT institutions have risen to this challenge in ways that should make every Texan proud.

And, they bolster my confidence that, with the continued leadership and support of the Board of Regents and the people of Texas, we will not only help get our state through this period, Texas and the UT System will be back stronger than ever.

Thank you very much.

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3. U. T. System: Update and possible appropriate action related to implementation of CARES Act provisions

See discussion under related Item 2. No action was taken on this item.

4. U. T. System: Consideration of recommendations from the U. T. System Student Advisory Council

Following comments by Chairman Eltife thanking the Student Advisory Council (SAC) for the work done on behalf of all students, Chancellor Milliken commented on the efforts of the SAC and his plan to share the SAC recommendations, which are set forth on the following pages, at the individual campuses, with leadership at System Administration, and with the Presidents.

BACKGROUND INFORMATION

The U. T. System Student Advisory Council was established in 1989 to provide input to the U. T. System Board of Regents working through and with the Chancellor and U. T. System Administration on issues of student concern. The operating guidelines of the Council require that recommendations have a multi-institutional focus and that the Council explore individual campus issues with institutional administrators prior to any consideration thereof. The Student Advisory Council consists of two student representatives from each U. T. System institution in addition to five elected officers and meets three times a year in Austin.

Council officers are:

**Chair:** Mr. Mustafa Mithaiwala, U. T. Health Science Center - San Antonio, Neuroscience Graduate Program, Ph.D. candidate

**Academic Success Committee:** Mr. Isaac Varela, U. T. El Paso, Electrical Engineering

**Career Success Committee:** Mr. Joshua Menhennett, U. T. Tyler, Marketing

**Affordability Committee:** Ms. Jessica Martinez, U. T. El Paso, Nursing

**Campus Wellness Committee:** Ms. Elena Ivanova, U. T. Austin, Public Health/Plan II Honors Program

**2019-20 Student Advisory Council: Summary of Recommendations**

<b>Committee</b>	<b>Committee Chairs</b>	<b>Purpose</b>	<b>Issues Identified</b>	<b>Outcome</b>
Affordability	Jessica Martinez, U. T. El Paso  Mitul Kachhla, U. T. Arlington	To explore issues related to student financial well-being at U. T. institutions and make recommendations as appropriate.	Tuition and fee transparency	Recommending that U. T. academic institutions post a breakdown of tuition and fees by Semester Credit Hours, program of study and residency status. Additionally, recommending that academic institutions explore adopting U. T. Arlington’s tuition and fee estimator tool.
			Student involvement in the tuition-setting process	Recommending that U. T. academic institutions include procedures in the Handbooks of Operating Procedures for including students in the tuition-setting process.
			Graduate student funding packages	Recommending the establishment of campus committees every other year to assess cost-of-living adjustments for graduate students’ stipends.
			Open educational resources	Providing a letter of support and student testimonials for the U. T. System Affordable Learning Accelerator Task Force.
Campus Wellness	Elena Ivanova, U. T. Austin  Gavin Mitchell, U. T. Arlington	To explore issues that impact campus life, student health, and general well-being at U. T. institutions, and make	Mental Health	Providing a letter of support for the continued funding of Systemwide mental health initiatives and recommending the establishment of a task force to assess the

		recommendations as appropriate.		effectiveness of existing programs and identify new potential services.
			Sexual Misconduct	Recommending several steps be taken in order to better support survivors of sexual misconduct, including assessing capacity and resources at each institution.
			Tobacco-Free Campuses	Providing support for the existing U. T. policy on tobacco-free campuses, and recommending strategies to improve enforcement and cessation support, especially as it relates to vaping.
			Sustainability	Recommending strategies to ensure compliance with existing U. T. System Sustainability Policy.
			Diversity and Inclusion	Passed a resolution in support of diversity and condemning white supremacy.
Academic Success	Issac Varela, U. T. El Paso  Jack Rust, U. T. San Antonio	To explore issues that impact student success, including retention and graduation, and make recommendations as appropriate.	Support for first-generation, nontraditional and other high-risk student groups	Requesting information from the U. T. System Guiding Coalition for Student Success regarding the programs and services in place to support the success of high-risk student populations.
Career Success	Xavier Rice,	To explore issues that impact postgraduation	Faculty mentorship of graduate	Recommending the expansion of mentor training for graduate-level

	U. T. Medical Branch – Galveston	career success and make recommendations as appropriate.	students and mentor training	faculty, including participation in the National Research Mentoring Network and the Center for Improvement of Mentored Experiences in Research.
	Joshua Menhennett, U. T. Tyler		Career services and resources available on campuses	Recommending minimum career services and resources to be provided by each U. T. academic institution.

5. U. T. System: Discussion and Appropriate Action regarding institutional Audit Committee chair changes; Report on the State Auditor's Office Statewide Single Audit Report for FY 2019 and Systemwide internal audit administrative items, including Required Communications and Annual Audit Plan Status

Chief Audit Executive Peppers provided:

- 1) a report on the State Auditor's Office (SAO) State of Texas Federal and Financial Portions of the Statewide Single Audit for Fiscal Year 2019;
- 2) required communications to the Committee, including independence of the Chief Audit Executives and the triennial quality assurance review process; and
- 3) an update on the Fiscal Year 2020 Annual Audit Plan status as of February 29, 2020.

Details on the SAO audit results, required communications, and Audit Plan status was provided to the Audit, Compliance, and Risk Management Committee (ACRMC) members prior to the meeting.

The Board then approved the following recommendation.

RECOMMENDATION

Mr. Peppers, on behalf of the Presidents at U. T. Austin, U. T. San Antonio, U. T. Tyler, and U. T. Health Science Center - San Antonio, recommends formal approval by the ACRMC of the appointment of the following individuals to serve as Chairs of the Institutional Audit Committees:

- Elizabeth Henke Yant, Retired Partner, PricewaterhouseCoopers LLP, at U. T. Austin;
- Frank Burk, Retired Partner at Carneiro, Chumney & Co. L.C., CPAs, at U. T. San Antonio (reappointment);
- Rose Blakely, Retired Co-Founder, President, and Shareholder, Curtis Blakely & Co., P.C., CPAs & Consultants, at U. T. Tyler; and
- Tony Randal (Randy) Cain, Former Ernst & Young Vice Chair and Southwest Region Managing Partner, at U. T. Health Science Center - San Antonio.

ACRMC Chairman Beck has reviewed the proposed appointments and made a motion for approval, which passed unanimously.

## BACKGROUND INFORMATION

The Texas State Auditor's Office performs the Statewide Single Audit annually. The audit includes a federal portion, which is an audit of compliance and controls over the State's federal awards, and a financial portion, which includes an audit of the basic financial statements for the State of Texas. These reports are submitted to the federal government.

Required communications to the Board include the discussion of internal auditing professional standards and confirmation of the organizational independence of the internal audit activity. Through their annual certification process, all institutional chief audit executives confirmed they are receiving adequate support to conduct the necessary audit services and there are institutional internal audit departmental processes to ensure compliance with professional standards.

The Regents' Rules require the ACRMC to annually review and approve nominations from all the institutional presidents for external member chairs of their institutional audit committees. For this year, the full Board is asked to approve the nominations.

6. U. T. System Board of Regents: Approval to renew the contract with Deloitte & Touche LLP to provide financial auditing services for Fiscal Years 2020 and 2021

The Board approved the following recommendation:

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Health Affairs, that the U. T. System Board of Regents approve for Deloitte & Touche LLP (Deloitte) to provide independent auditing services for the Fiscal Year 2020 and Fiscal Year 2021 financial statement audits of the U. T. System, U. T. Austin, U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston, U. T. M. D. Anderson Cancer Center, and the funds managed by The University of Texas/Texas A&M Investment Management Company (UTIMCO).

Approval is requested for U. T. System staff to negotiate and enter into an auditing services contract amendment with Deloitte to renew the contract for a two-year term pursuant to delegation of authority from the State Auditor's Office.



### BACKGROUND INFORMATION

The contract with Deloitte, effective June 30, 2016, to provide audit services for Fiscal Years 2016 and 2017 expired on May 30, 2018, and was renewed for Fiscal Years 2018 and 2019 on February 27, 2018 to expire on May 30, 2020. It has an option to renew for an additional two years.

The source of funding for this contract is primarily Available University Funds, as approved for the prior contracts.

7. U. T. El Paso: Approval of preliminary authority for a Doctor of Philosophy in Sociology degree program

The Board approved the following recommendation:

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve

- a. preliminary authority for U. T. El Paso to create a Doctor of Philosophy in Sociology degree program; and
- b. notification of the proposal to the Texas Higher Education Coordinating Board.

### BACKGROUND INFORMATION

The proposed research doctoral (Ph.D.) program in Sociology would be a traditional face-to-face degree program offered to full-time doctoral students. The program will specialize in the comparative sociological study of national and social processes that connect and transcend the boundaries of the United States and Mexico, drawing on the advantage of our unique location on the U.S.-Mexico border.

The job outlook for graduates of a Ph.D. program in sociology now and in the foreseeable future is favorable. According to the U.S. Bureau of Labor Statistics, employment for sociologists prepared at the doctoral level is expected to increase by 9%, faster than the average for all occupations (5%). An additional indicator of job market need is the unemployment rate relative to other occupations. According to the American Sociological Association, in 2017 the unemployment rate for doctorate holders in sociology was 1.6%, compared to 1.9% for all social science fields and 2.4% for all science, engineering, and health fields. Lastly, in 2018 the median annual salary for sociologists was \$82,000, compared to the median annual salary for all social scientists, which was \$78,600.

The U. T. El Paso Department of Sociology and Anthropology has 15 faculty who would contribute to the doctoral program. The research productivity of the faculty compares favorably to that of their peers nationally.

Once preliminary authority has been approved, U. T El Paso will submit the full degree program proposal for approval to the U. T. System Board of Regents and the Texas Higher Education Coordinating Board.

8a. U. T. Arlington: Approval to establish a Bachelor of Science in Business Analytics degree program

The Board approved the following recommendation:

RECOMMENDATION

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

- a. establish a Bachelor of Science degree program in Business Analytics at U. T. Arlington; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The Bachelor of Science in Business Analytics (BSBA) is a Science, Technology, Engineering, and Math (STEM) program designed to provide tools and technologies that are needed to bring value-added decisions to the strategic goals of an organization. The program will prepare graduates to apply skills, technologies, and practices to investigate business performance through data and statistical methods. In addition, the program teaches graduates how to apply these techniques to decision-making.

Need and Student Demand

The Texas Workforce Commission projects from 2016 to 2026, an increase of 36% in job openings in Mathematical Science Occupations and an 18% increase for job openings for Database Administrators. These are two employment areas students may be able to enter upon completing the program.

In 2017, the Business-Higher Education Forum released a report that projects continued growth and demand for graduates with data science and analytical skills. Specifically, the report cites that by 2021 nearly 70% of business leaders in the United States will prefer job applicants with data skills. While the research cites 2.35 million documented data science and analytics-related job postings in 2015, it projects the number to grow to 2.72 million by 2020.

The University anticipates an enrollment of 40 students in Year 1 of the program, growing by approximately 20 students per year, with 120 students anticipated to be enrolled by Year 5. An investment in student success by the College of Business, through additions in advising, tutoring, and graduate teaching assistant support is intended to mitigate attrition and improve completion rates. The College of Business continues to improve on student success and completion by focusing on student success factors and improving upon guided pathways for both transfer students and first-time college students.

### Program Quality

The program will be comprised of nine core and five support faculty, who are existing tenured and clinical faculty. The proposed program will not require the addition of any new faculty.

The quality of the program will be addressed at several levels. This proposed program will be accredited by the Association to Advance Collegiate Schools of Business (AACSB). Program evaluation is conducted via multiple processes: the Student Feedback Survey (SFS), AACSB program review, and the Unit Effectiveness Process (UEP). The SFS is U. T. Arlington's course-level evaluation process where course evaluations are completed by students. The SFS is intended to continually improve teaching and learning. The UEP is U. T. Arlington's program-level institutional effectiveness process that seeks continuous program improvement through the assessment of student learning outcomes. Annually, programs identify expected student learning and advising outcomes, assess the extent to which these outcomes are achieved, and implements improvements to the program as indicated by the assessment data.

Revenue and Expenses

<b>Expenses</b>	<b>5-Year Total</b>
<i>Faculty</i>	
Salaries (Reallocated)	\$2,313,930
Benefits (Reallocated)	\$ 686,679
<i>Graduate Students</i>	
TA Salaries	0
TA Benefits	0
GRA Salaries	\$ 18,900
GRA Benefits	0
<i>Staff &amp; Administration</i>	
Graduate Coordinator Salary	0
Administrative Staff Salaries	\$ 82,350
Administrative Staff Benefits	\$ 24,705
Recruiter, Advisor (Reallocated)	\$ 265,005
Recruiter, Advisor Benefits (Reallocated)	\$ 79,502
<i>Other Expenses</i>	
Supplies and Materials	\$ 14,500
Equipment	\$ 29,500
Start-up (Course Dev w/ fringe)	\$ 26,000
Marketing	\$ 25,000
<b>Total Expenses</b>	<b>\$3,566,071</b>

<b>Revenue</b>	<b>5-Year Total</b>
<i>From Student Enrollment</i>	
Formula Funding	\$ 149,774
Tuition and Fees	\$5,311,857
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$3,345,116
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
N/A	
<b>Total Revenue</b>	<b>\$8,806,747</b>

### Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor's degree programs.

8b. U. T. Austin: Approval to establish a Bachelor of Arts and a Bachelor of Science degree programs in Informatics

The Board approved the following recommendation:

#### RECOMMENDATION

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

- a. establish a Bachelor of Arts degree program and a Bachelor of Science degree program in Informatics at U. T. Austin; and
- b. submit the proposals to the Texas Higher Education Coordinating Board for review and appropriate action.

#### BACKGROUND INFORMATION

##### Program Description

The field of informatics focuses on how information intersects with people, technology, and data. The interdisciplinary bachelor's degree program in informatics, which will be offered using face-to-face, web-based, and blended learning courses, is designed to provide students with a deep understanding and knowledge of how data, information, and technology can benefit individuals, organizations, and society. The informatics program would offer both a Bachelor of Arts (B.A.) and Bachelor of Science (B.S.) degree option, to serve undergraduate students interested in either a liberal arts-based or Science, Technology, Engineering, and Math (STEM)-based approach to the rapidly growing study of the intersection of people, information, technology, and data. It will prepare graduates to leverage marketable information technology and data science skills to compete for top technology-related jobs in a wide range of careers from health care to records management to artificial intelligence.

## Need and Student Demand

With advancements in information technology, there is an increased need for experts who not only understand how technology functions, but also understand the social, cultural, and ethical issues surrounding the design, development, support, and access to these technologies.

Available data indicate that undergraduate students who pursue informatics degrees are in great demand on the job market. For example, in 2017, 80% of students who received a B.S. in Informatics from The University of Washington Information School were earning salaries between \$60,000 and \$150,000 within three months of graduation. Twelve percent of those graduates received three or more job offers, and 25% received two job offers. Similar results can be found at The University of Michigan School of Information. One hundred percent of the graduates from its B.S. in Information program find jobs within the first three to four months of graduation, with an average starting salary of \$70,000. These examples indicate a high demand for undergraduates with an informatics degree.

In the last five years, the City of Austin has added 1,200 more tech jobs than tech graduates, with these jobs paying an average salary of \$95,000. Further, the City of Austin continues to be a growing “tech hub” with major technology companies increasing their presence and adding thousands of employees.

However, Austin also ranks in the top 10 big cities suffering from “brain drain”, with a 38.4% retention of its college graduates. As information technology continues to progress as Austin’s leading industry, informatics majors will only be more in demand. Additional graduates in this field will strengthen the Austin ecosystem by helping to fill employment vacancies with graduates from the same city.

In May 2019, a survey of 192 potential employers was conducted. Eighty-eight responses (46% response rate) were received. Among the employers surveyed, 94% indicated an interest in hiring applicants with a bachelor’s in informatics from the U. T. Austin School of Information. Further, 80% would be interested in hiring interns who were in the process of completing a bachelor’s in informatics from the U. T. Austin School of Information.

Nationally, informatics is proving to be an area of particular success and growth, even among STEM programs. Bachelor’s completions in informatics exhibited over 50% growth between 2010 and 2014. A program in informatics at U. T. Austin is appealing to students based on a survey of 105 undergraduate students enrolled in undergraduate courses offered by the School of Information. Of those surveyed, 59% of respondents indicated they would have definitely, probably, or possibly been interested in pursuing an undergraduate major offered by the School of Information. Asked a different way, approximately one-third would prefer a stand-alone major either in addition to or instead of their current major.

There is a strong demand for STEM education at U. T. Austin, by both prospective and current students. However, current degree programs cannot accommodate the

number of qualified and interested students due to enrollment limitations. The informatics program will help serve students who would otherwise not attend U. T. Austin because they could not get into a STEM program due to capacity, potentially seeking education by leaving Texas. It will also potentially lessen the stress on existing degrees by offering another option to students generally interested in technology, but who find themselves more interested in the human end of computing than solely in the circuitry or the underlying code. It would also serve students who enter the university undeclared, but still face the challenge of near-capacity degree programs.

### Program Quality

Core existing faculty includes 10 tenured/tenure-track faculty in the School of Information, three full-time nontenure-track faculty, and a pool of part-time adjunct faculty. The School is currently hiring six additional faculty who will contribute to the program and will hire additional faculty as the program grows. The existing faculty have doctoral degrees in information studies/science, science and technology studies, psychology, computer science, engineering, and the humanities. The School of Information is currently ranked 5th (tie) in the *U.S. News & World Report* “Best Library and Information Studies Program” rankings, and a recent published analysis of information programs identified the School of Information as the 3rd (tie) most prolific information school as measured by overall research impact, and the 2nd most highly cited. This high research impact informs teaching and allows the faculty to teach students cutting-edge knowledge.

An additional measure of program quality was the Texas Higher Education Coordinating Board review in 2019 of the School’s graduate programs, in which the external review committee report found the School of Information to be a “vibrant, healthy, and thriving learning environment. The School’s students, faculty, and staff are actively engaged in the mission of the School” and concluded that its programs enjoy strong reputations locally, statewide, nationally, and internationally.

Lastly, the informatics program has the potential to greatly benefit traditionally underrepresented populations in STEM and at U. T. Austin. The existing graduate programs currently boast the highest percentage of females in STEM programs at U. T. Austin, and the undergraduate program is likely to mirror that success.

Revenue and Expenses

<b>Expenses</b>	<b>5-Year Total</b>
<i>Faculty</i>	
Salaries (including benefits)	\$5,111,950.02
Program Administration	\$1,339,074.45
<i>Graduate Students</i>	
Graduate Assistants (with benefits)	\$ 718,485.30
<i>Staff &amp; Administration</i>	
Administrative Staff Salaries (with benefits)	\$ 801,855.58
<i>Other Expenses</i>	
Student Support (Scholarships)	\$ 317,856.00
Supplies and Materials	\$ 65,500.00
Equipment	\$ 100,000.00
Start-up packages for new faculty	\$1,000,000.00
Advertising	\$ 30,000.00
<b>Total Expenses</b>	<b>\$9,484,721.35</b>

<b>Revenue</b>	<b>5-Year Total</b>
<i>From Student Enrollment</i>	
Formula Funding	0
Tuition and Fees	0
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$9,484,721.35
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
N/A	
<b>Total Revenue</b>	<b>\$9,484,721.35</b>

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor's degree programs.



8c. U. T. Rio Grande Valley: Approval to establish a Doctor of Philosophy in Human Genetics degree program

The Board approved the following recommendation:

RECOMMENDATION

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

- a. establish a Doctor of Philosophy in Human Genetics degree program at U. T. Rio Grande Valley; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

U. T. Rio Grande Valley proposes to develop a Doctor of Philosophy (Ph.D.) in Human Genetics degree program that will address the growing need for researchers in human genetics and genomics. The Ph.D. in Human Genetics will be a four-year, full-time, research-intensive program consisting of 72 credit hours.

The proposed degree program is designed to develop the next generation of independent scientists in human genetics and genomics, with a heavy focus on research training. The program will be focused on applications of human genetics to medicine and will encompass training across the breadth of genetics, from molecular genetics through computational approaches to analysis.

Since the completion of the human genome project, the use of genetic testing and genetic approaches for understanding disease and applying personalized medicine based on each patient's genetic makeup has significantly grown. This growth is associated with an increased demand for qualified geneticists in the areas of basic research, clinical research, medical care, and biological science. Because of the location of the program in the Rio Grande Valley, there will be a natural focus on the diseases and conditions that disproportionately affect minority populations, particularly Hispanics.

The proposed degree program is structured to produce highly qualified, research-oriented human geneticists able to meet the critical need for genetics expertise in the coming decades.

## Need and Student Demand

The American Society of Human Genetics has noted a current and continuing shortage of human geneticists able to meet the labor demands generated from the expanding understanding of the human genome and proliferation of genetic testing. Doctoral-level human geneticists will be needed in the traditional academic areas of basic science, clinical research, and education. However, they will also be needed in management and consulting, biocuration and bioinformatics, patent law, biotechnology, pharmaceutical development, clinical laboratory management, health policy, science reporting, and scientific editing.

The expected growth in need for human geneticists is substantial. Market research reports reflect a primary need for advanced genomic/genetic scientists growing at a rate of nearly 20% per year. These reports identify primary areas of growth in sequence analysis, large-scale data analysis, and “omic” applications, such as genomics, metabolomics, transcriptomics, methylomics, microbiomics, and proteomics. These are areas of substantial existing strength in the Department of Human Genetics at U. T. Rio Grande Valley.

While the U.S. Bureau of Labor Statistics does not include human geneticist as a specific job title in the Occupational Outlook Handbook, the job outlooks for a variety of other relevant titles are provided. Between 2018 and 2028, medical scientist jobs are projected to grow by 8%, which is faster than the average. Similarly, growth in biological science educators at the college level is projected to increase by 12% between 2018 and 2028.

At the regional level, Texas is a major employer of life scientists, with 13 medical schools, four National Cancer Institute (NCI) Cancer Centers, over 1,700 medical and testing labs, and more than 4,000 life science and research firms. The projected growth in medical and life science jobs in Texas will increase more rapidly than the projected national growth, with medical scientist positions expected to grow 17% and life scientist positions expected to grow by 14% between 2016 and 2026.

Projected student demand is strong. The presence of undergraduate and graduate training programs in the biological sciences generates a large pool of U. T. Rio Grande Valley graduates each year who are prepared to pursue doctoral studies in human genetics. The B.S. and M.S. in Biology, and M.S. in Biochemistry and Molecular Biology all produce students capable of feeding into the Ph.D. in Human Genetics program. In addition, this degree program will be able to recruit students nationally and internationally.

Seven new students will be admitted into the program each year. The enrollment projections were determined after reviewing the faculty-to-student ratios at other programs in Texas, as well as the number of students accepted each year into those programs. The expectation is to achieve a steady state of 25 doctoral students by the end of Year 5. Based on the 72-credit hour program of study, the degree program can be completed in four years.

### Program Quality

The program is projected to require partial or full-time commitment from 23 core and supporting faculty members, including a designated Course Director. The University already employs 11 of the core faculty members and nine support faculty members; three new program faculty will be hired during the first three years of the program.

Faculty members currently employed by the University have a demonstrated record of research productivity. Over the past five years, 11 core faculty members currently employed by the University have averaged 43.5 referred papers and 1.2 book chapters per faculty member. In addition, core faculty members have won over \$62 million in total external grant awards over the past five years, including several National Institutes of Health (NIH) grants.

Moreover, U. T. Rio Grande Valley has made significant facility and equipment investments to support a high-quality, nationally competitive program. Available resources to support human genetics research are located in facilities in Brownsville, Edinburg, and San Antonio. These resources include the South Texas Diabetes and Obesity Institute Genomics Computing Center in Brownsville, a 1,000 square-foot machine room housing a high-performance computing cluster.

### Revenue and Expenses

<b>Expenses</b>	<b>5-Year Total</b>
<i>Faculty</i>	
Salaries	\$ 5,727,392
Benefits	\$ 2,454,597
<i>Graduate Students</i>	
TA Salaries	\$ 1,335,000
TA Benefits	\$ 133,500
<i>Staff &amp; Administration</i>	
Clerical and Support Staff	\$ 674,460
Staff Benefits	\$ 289,054
<i>Other Expenses</i>	
Equipment	\$ 300,000
Supplies & Materials	\$ 475,000
Marketing & Recruitment	\$ 70,000
Library Resources	\$ 290,000
Facilities	\$ 56,000
<b>Total Expenses</b>	<b>\$11,805,003</b>

<b>Revenue</b>	<b>5-Year Total</b>
<i>From Student Enrollment</i>	
Formula Funding	\$ 1,110,525
Tuition and Fees	\$ 525,667
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$ 6,086,062
Institutional Enhancement Funds	\$ 5,000,000
<i>From Grant Funds</i>	
N/A	-
<i>From Other Revenue Sources</i>	
N/A	-
<b>Total Revenue</b>	<b>\$12,722,254</b>

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new doctoral degree programs.

- 9a. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Business Administration degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Business Administration degree program at U. T. Arlington as described on the following pages.

BACKGROUND INFORMATION

The College of Business proposes updating the standards for admissions to the Master of Business Administration (MBA) Program to simplify the admission process and add flexibility to the admission criteria while maintaining high-quality standards.

Although the MBA program at U. T. Arlington was originally designed to train nonbusiness majors, under the current catalogue, individuals with nonbusiness undergraduate majors cannot be unconditionally admitted to the MBA program regardless of undergraduate Grade Point Average (GPA), Graduate Management Admission Test (GMAT) or Graduate Record Examinations (GRE). According to the

Graduate Management Admission Council, in 2017 only 47% of business school applicants studied business prior to beginning an MBA program. The proposed admission criteria no longer discriminate between business and nonbusiness undergraduates.

All students admitted to the U. T. Arlington MBA program in Fall 2019 and Spring 2020 who had an undergraduate GPA of 3.5 or higher succeeded in their first semester of the MBA program. In all cases, students obtained a graduate GPA of 3.0 or higher during their first semester (average graduate GPA was 3.61). Thus, the proposed change provides a GMAT/GRE waiver for top undergraduate students who graduated from a university with an Association to Advance Collegiate Schools of Business (AACSB) [or European Quality Improvement System (EQUIS)/Association of MBAs (AMBA)] accreditation.

The current admission policy allows probationary admissions with a GMAT/GRE waiver for students who complete 12 hours of foundation pathway courses. The foundation courses add at least one semester to the completion of the MBA and are no longer a prerequisite for any of the required courses in the MBA program. Performance on foundation courses has not been predictive of success in the program. The proposed modification allows students to gain probationary admission by achieving passing scores of 85% or greater on three exams in Business Statistics (BSTAT), Economics (ECON), and Management (MANA) taken through a vendor approved by the MBA Graduate Committee.

<b>Current Admission Criteria</b>	<b>Proposed Admission Criteria</b>
<p data-bbox="203 1117 669 1182">Unconditional Admission without Committee Review</p> <p data-bbox="203 1224 799 1549">Applicants qualify for unconditional admission without the need for review by the MBA Admissions Committee if they have a bachelor’s degree in a business discipline (with a GPA of 3.0 or better), take the GMAT and score at least 500 with a 30th percentile or higher in the verbal and quantitative areas. The GRE is accepted but the GMAT is preferred.</p>	<p data-bbox="824 1117 1286 1182">Unconditional Admission without Committee Review</p> <p data-bbox="824 1224 1414 1766"><del>Applicants qualify for unconditional admission without the need for review by the MBA Admissions Committee if they have a bachelor’s degree in a business discipline (with a GPA of 3.0 or better), take the GMAT and score at least 500 with a 30th percentile or higher in the verbal and quantitative areas. The GRE is accepted but the GMAT is preferred.</del> <u>A 3.0 GPA (or higher) in the last 60 undergraduate hours with an earned undergraduate degree, and a minimum score of 500 on the GMAT with at least 30th percentile in verbal and quantitative areas or equivalent GRE scores.</u></p>

	<p><u>GMAT/GRE Waiver Conditions</u>  <u>Waiver of the GMAT/GRE and unconditional admission will be considered for applicants who meet one of the following conditions:</u></p> <ul style="list-style-type: none"> <li>• <u>Have earned a 3.5 GPA (or higher) in two calculations (cumulative and last 60 hours) with an earned undergraduate degree in any major from a university with accreditation by the Association of Advance Collegiate Schools of Business (AACSB) or by the European Quality Improvement System (EQUIS) or the Association of Master of Business Administration (AMBA) so long as the degree was awarded no more than seven academic years prior to the semester for which admission to the Master of Business Administration (MBA) is sought, or</u></li> <li>• <u>An earned graduate degree or a graduate certificate (at least 9 credit hours) from a professionally and/or from a regionally accredited school with a 3.0 GPA (or higher) for all graduate coursework</u></li> </ul>
<p>Probationary Admission</p> <p>Applicants with a bachelor’s degree in a business or non-business discipline and a GPA of 3.0 or better who choose not to take the GMAT can be admitted to the MBA program on probation. Twelve hours of Foundation Pathway courses are required. These courses must be completed with a 3.0 or higher GPA and with only one grade of C. Upon successful completion of the Foundation Pathway courses, the student will be admitted unconditionally to the MBA program. The Foundation Pathway courses are in addition to the 36-hour count.</p>	<p>Probationary Admission</p> <p><del>Applicants with a bachelor’s degree in a business or non-business discipline and a GPA of 3.0 or better who choose not to take the GMAT can be admitted to the MBA program on probation. Twelve hours of Foundation Pathway courses are required. These courses must be completed with a 3.0 or higher GPA and with only one grade of C. Upon successful completion of the Foundation Pathway courses, the student will be admitted unconditionally to the MBA program. The Foundation Pathway courses are in addition to the 36-hour count.</del></p> <p><u>An applicant who does not meet unconditional admission requirements, as</u></p>

	<p><u>stated above, may receive probationary admission</u></p> <p>a) <u>Without taking the GMAT or GRE if the applicant 1) has a GPA of 3.0 or greater and 2) achieves passing scores of 85 percent or greater on three exams in Business Statistics (BSTAT), Economics (ECON), and Management (MANA) taken through a UTA College of Business approved vendor (approved by MBA Committee). Modules are available in these areas for exam preparation. Retaking exams is permissible, however successful completion of exams is required prior to admission. If GMAT/GRE minimum scores (as stated above) or at least a 3.0 GPA are not met, the MBA committee will review for an admission decision.</u></p>
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9b. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Business Analytics degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Business Analytics degree program at U. T. Arlington as described below.

BACKGROUND INFORMATION

U. T. Arlington requests approval to change the required Grade Point Average (GPA) for unconditional admission in the Master of Science in Business Analytics (MSBA) from 3.25 to 3.0 in an effort to standardize the College of Business master's program admission criteria and to be more competitive with peer schools. This change aligns with the existing GPA requirement for admission into graduate programs at U. T. Arlington and enhances the consistency of graduate admission practices within the College.

In addition, U. T Arlington requests approval to eliminate the use of Graduate Management Admission Test (GMAT) or Graduate Record Examination (GRE) scores and replace them with the GMAT or GRE percentiles. Program faculty have found that verbal and quantitative percentiles are better predictors of success than the actual GMAT or GRE scores.

Finally, the institution requests approval to eliminate the requirement for a face-to-face interview with international applicants. Currently, every international applicant is interviewed to validate his/her verbal communication skills. Now that the MSBA program has five years of interview data, it has been determined that the interview has no value added to the application process as the applicant's verbal percentile rank and Test of English as a Foreign Language/International English Language Testing System scores adequately predict success in the program.

Current Unconditional Admission Criteria	Proposed Unconditional Admission Criteria
Applicants qualify for unconditional admission without the need for review by the Graduate Studies Committee if they meet the following set of unconditional admission criteria:	No change
<p><b>UNCONDITIONAL ADMISSION</b></p> <p>Individuals who meet each of the following two conditions are given unconditional admission:</p>	<p><b>UNCONDITIONAL ADMISSION</b></p> <p>Individuals who meet <del>each</del> <u>both</u> of the following conditions are given unconditional admission:</p>
<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25 on the last 60 hours of undergraduate work and</li> </ul>	<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.<del>25</del><u>50</u> on the last 60 hours of undergraduate work and</li> </ul>
<ul style="list-style-type: none"> <li>GMAT total score is at least 580 with verbal and quantitative score at the 50th percentile or higher, on both. GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both.</li> </ul>	<ul style="list-style-type: none"> <li><del>GMAT total score is at least 580 with verbal and quantitative score at the 50th percentile or higher, on both. GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both.</del> <u>GRE or GMAT verbal and quantitative scores at the 50th percentile or higher in either.</u></li> </ul>
In addition, international applicants must meet the following condition:	<del>In addition, international applicants must meet the following condition:</del>



<ul style="list-style-type: none"> <li>• Successfully complete a face-to-face interview (either in person or online) with the MSBA Graduate Advisor.</li> </ul>	<ul style="list-style-type: none"> <li>• <del>Successfully complete a face-to-face interview (either in person or online) with the MSBA Graduate Advisor.</del></li> </ul>
Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.	No change
<ul style="list-style-type: none"> <li>• Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution;</li> </ul>	No change
<ul style="list-style-type: none"> <li>• Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions);</li> </ul>	No change
<ul style="list-style-type: none"> <li>• Applicant's professional work experience and professional certification/licensure; and</li> </ul>	No change
<ul style="list-style-type: none"> <li>• Letters of reference and personal statement provided by the applicant.</li> </ul>	No change

[Secretary's Note: At the request of the Office of Academic Affairs, a nonsubstantive change was made to the name of the degree program during the meeting to reference Master of Science in Business Analytics rather than Master of Science in Business Administration.]

9c. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Information Systems degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Information Systems degree program at U. T. Arlington as described below.

BACKGROUND INFORMATION

U. T. Arlington proposes revisions to the admission criteria for the Master of Science in Information Systems. In an effort to standardize master's program admission

criteria and to be more competitive with peer schools, the required Grade Point Average (GPA) for unconditional admission will change from 3.25 to 3.0. This change will better reflect current institutional admissions and enhance the consistency of graduate admission practices within the College of Information Systems and Operations Management.

U. T. Arlington also found inconsistency between Graduate Records Examinations (GRE) and Graduate Management Admission Test (GMAT) percentiles. This will be corrected by standardizing admission criteria for departmental programs. In addition, assessing verbal and quantitative percentiles independently is considered a better predictor of success than the overall GMAT score.

Lastly, with the GPA changed to 3.0, the conditional criteria are not needed as they are already in the Graduate Catalog as University criteria and do not need to be repeated.

Current Unconditional Admission Criteria	Proposed Unconditional Admission Criteria
<p><b>UNCONDITIONAL ADMISSION SET #1: GMAT CONDITION</b></p> <p>Individuals who meet each of the following two conditions are given unconditional admission:</p>	<p><b>UNCONDITIONAL ADMISSION SET #1: GMAT CONDITION</b></p> <p>Individuals who meet <del>each</del> <u>both</u> of the following <del>two</del> conditions are given unconditional admission:</p>
<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25 on the last 60 hours of undergraduate work and</li> </ul>	<ul style="list-style-type: none"> <li>Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of <u>3.250</u> on the last 60 hours of undergraduate work and</li> </ul>
<ul style="list-style-type: none"> <li>GMAT total score is at least 520 with verbal and quantitative score at the 36th percentile or higher, on both. The GMAT is preferred, however, GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both.</li> </ul>	<ul style="list-style-type: none"> <li><del>GMAT total score is at least 520 with verbal and quantitative score at the 36th percentile or higher, on both. The GMAT is preferred, however, GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both. <u>GRE or GMAT verbal and quantitative scores at the 50th percentile or higher in each.</u></del></li> </ul>

<p><b>UNCONDITIONAL ADMISSION SET #2: GMAT WAIVER CONDITION</b></p> <p>This unconditional admission set #2 focuses on satisfying the following criteria.</p>	<p><del><b>UNCONDITIONAL ADMISSION SET #2: GMAT WAIVER CONDITION</b></del></p> <p><del>This unconditional admission set #2 focuses on satisfying the following criteria.</del></p>
<ul style="list-style-type: none"> <li>• Graduated from UTA within three years of expected entrance into the graduate program with a BS/BBA in Information Systems (or related degree) with a minimum of 3.25 overall GPA and 3.25 information systems GPA.</li> </ul>	<ul style="list-style-type: none"> <li><del>• Graduated from UTA within three years of expected entrance into the graduate program with a BS/BBA in Information Systems (or related degree) with a minimum of 3.25 overall GPA and 3.25 information systems GPA.</del></li> </ul>
<ul style="list-style-type: none"> <li>• Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.</li> </ul>	<ul style="list-style-type: none"> <li><del>• Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.</del></li> </ul>
<ul style="list-style-type: none"> <li>• Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution;</li> </ul>	<ul style="list-style-type: none"> <li><del>• Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution;</del></li> </ul>
<ul style="list-style-type: none"> <li>• Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions);</li> </ul>	<ul style="list-style-type: none"> <li><del>• Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions);</del></li> </ul>
<ul style="list-style-type: none"> <li>• Applicant's professional work experience and professional certification/licensure; and</li> </ul>	<ul style="list-style-type: none"> <li><del>• Applicant's professional work experience and professional certification/licensure; and</del></li> </ul>
<ul style="list-style-type: none"> <li>• Letters of reference and personal statement provided by the applicant.</li> </ul>	<ul style="list-style-type: none"> <li><del>• Letters of reference and personal statement provided by the applicant.</del></li> </ul>

9d. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Business Administration degree program

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Business Administration degree program at U. T. Tyler as described below.

BACKGROUND INFORMATION

U. T. Tyler proposes changes to the admission criteria for the Master of Business Administration (MBA). Most MBA programs in the United States require two recommendation letters from individuals who can comment on professional qualifications. Evaluating letters of recommendation from applicants will give the admissions committee a better sense of the value an applicant can bring to the program and how the applicant can benefit from the program. To that end, U. T. Tyler would like to require submission of two letters of recommendation.

Another proposed change notes that, upon admission, students will be sent a link to the U. T. Tyler Honor Code and are asked to acknowledge its receipt. This requirement will alert students to the importance of integrity and the Honor Code.

The final proposed change would allow an applicant who has a prior graduate degree to request a waiver of the Graduate Management Admission Test (GMAT). Completion of a prior graduate degree is considered to be a strong indicator of likely success in another graduate program.

Current Admission Criteria	Proposed Admission
<p>The requirements to be a graduate student in business administration are:</p>	<p>The requirements to be a graduate student in business administration are:</p>
<p>1. Admission to the degree program is determined primarily on the basis of predictors of success in graduate study:</p> <ul style="list-style-type: none"> <li>a. a baccalaureate degree from a regionally accredited institution,</li> <li>b. grade point average computed on the last 60 undergraduate hours, and</li> <li>c. a satisfactory score on the Graduate Management Admissions Test (GMAT). In rare instances the Graduate Record Examination (GRE) may be accepted in lieu of the GMAT.</li> </ul>	<p>1. Admission to the degree program is determined primarily on the basis of predictors of success in graduate study:</p> <ul style="list-style-type: none"> <li>a. a baccalaureate degree from a regionally accredited institution,</li> <li>b. grade point average computed on the last 60 undergraduate hours, and</li> <li>c. a satisfactory score on the Graduate Management Admissions Test (GMAT). In rare instances the Graduate Record Examination (GRE) may be accepted in lieu of the GMAT.</li> <li><u>d. Two letters of recommendation from professional contacts.</u></li> </ul>
<p>2. Quantitative measures are integrated into an index that multiplies the applicant's 60-hour GPA times 200 and adds the total GMAT score (60-hour GPA X 200) + GMAT = &gt;1000. An index score of greater than 1000 is typical of a successful candidate. If the student's 60-hour GPA is above 3.25 the GMAT may be waived.</p>	<p>2. No change</p>
<p>3. Additionally, applicants with three or more years of extensive managerial work experience (earned in the U.S. or with a U.S. government entity) may request to have the GMAT requirement waived by the Program Advisor. This decision is made on a case-by-case basis; "extensive managerial experience" will typically mean a full-time supervisory or managerial position held for a significant period of time after completing the bachelor's degree as demonstrated with a resume. Applicants for the Executive MBA Healthcare Management Program (EMBA HCM) are required to have 3 or more years of managerial work experience. Such experience is</p>	<p>3. <u>Applicants who earned a prior graduate degree may request a waiver of the GMAT.</u> Additionally, applicants with three or more years of extensive managerial work experience (earned in the U.S. or with a U.S. government entity) may request to have the GMAT requirement waived by the Program Advisor. This decision is made on a case-by-case basis; "extensive managerial experience" will typically mean a full-time supervisory or managerial position held for a significant period of time after completing the bachelor's degree as demonstrated with a resume. Applicants for the Executive MBA Healthcare Management Program (EMBA HCM) are required to have 3 or more years of managerial work experience. Such experience is</p>

<p>evaluated by the Program to waive the GMAT requirement for EMBA HCM applicants.</p>	<p>evaluated by the Program to waive the GMAT requirement for EMBA HCM applicants.</p>
<p>4. Consideration may also be given to other factors.</p>	<p>4. No change</p>
<p>5. International applicants must meet the minimum requirements as stated in the International Graduate Student Admissions section of this catalog.</p>	<p>5. No change</p>
<p>6. No more than nine semester credit hours of graduate credit earned prior to acceptance into the program, including transfer credit, may be applied to the degree. Students seeking admission to the program who have not yet satisfied admission criteria may be admitted as conditional or provisional students and allowed to complete one semester with up to nine hours of coursework.</p>	<p>6. No change</p>
<p>7. After reviewing all credentials (official transcripts, GMAT score, other relevant information), the Graduate Program Advisor and the Soules College of Business Graduate Admissions Committee will determine if the student may be accepted into the program. A degree plan will be prepared by the Graduate Program Advisor with the student. Students will be notified of official acceptance into the program. Full admission must occur prior to enrollment beyond nine semester credit hours including any transfer credit.</p>	<p>7. After reviewing all credentials (official transcripts, GMAT score, other relevant information), the Graduate Program Advisor and the Soules College of Business Graduate Admissions Committee will determine if the student may be accepted into the program. A degree plan will be prepared by the Graduate Program Advisor with the student. Students will be notified of official acceptance into the program. <u>Upon admission, applicants will receive a link to the U. T. Tyler Honor Code and be asked to abide by it.</u> Full admission must occur prior to enrollment beyond nine semester credit hours including any transfer credit.</p>

10. U. T. Health Science Center - Houston: Discussion and appropriate action regarding the Mission Statement

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and the institutional president that the U. T. System Board of Regents approve and reaffirm the Mission Statement for U. T. Health Science Center - Houston as follows.

Mission Statement

As a comprehensive health science university, the mission of The University of Texas Health Science Center at Houston is to educate health science professionals, discover and translate advances in the biomedical and social sciences, and model the best practices in clinical and public health.

We pursue this mission in order to advance the quality of human life by enhancing the diagnosis, treatment, and prevention of disease and injury, as well as promoting individual health and community well-being.

BACKGROUND INFORMATION

Each public institution of higher education is required to have a mission statement under *Texas Education Code* Section 51.359. Section 51.352 of the *Code*, regarding the Responsibility of Governing Boards, requires each governing board to insist on clarity of focus and mission of each institution under its governance.

In addition, Southern Association of Colleges and Schools (SACS) accreditation requirements require the periodic review and approval of each institution's mission statement by its governing board.

The U. T. Health Science Center - Houston Mission Statement was last reviewed and approved by the Board of Regents on December 6, 2007. There are no changes to the existing Mission Statement.

11. U. T. System: Approval to amend The University of Texas System Professional Medical Liability Benefit Plan to provide coverage for certain health care professionals and approve rates

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of The University of Texas System Professional Medical Liability Benefit Plan (Plan) Management Committee, chaired by the Vice Chancellor and General Counsel and comprised of the Committee Chair, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Business Affairs, after consultation with Milliman, Inc., actuary for the Plan, that:

- a. the Plan be amended to provide coverage to health care professionals who are licensed, certified or registered to provide patient care at the same levels of coverage currently provided to physicians and dentists covered under the Plan (\$500,000 per incident and \$1,500,000 per year as set forth in Exhibit 1);
- b. premium rates and risk classifications for these newly covered health care professionals be as set forth in Exhibit 2; and
- c. coverage levels for residents and fellows also be increased to the same amount of coverage.

BACKGROUND INFORMATION

Authority for the establishment of a self-insurance program to indemnify U. T. System physicians was granted to the Board of Regents by Senate Bill 391, Acts of the 65th Legislature, effective March 10, 1977 (later codified as *Texas Education Code* Section 59.01 et seq.). The self-insured Plan for professional medical liability was originally approved by the Board of Regents on April 15, 1977. Since the Plan was first approved, it has been amended periodically as needed.

In Fall 2003, a Task Force of physicians and attorneys was appointed and met to discuss tort reform measures that had recently been adopted by the legislature and the impact of these changes on U. T. System physicians and institutions. In anticipation of the effects of the new law, the Task Force overwhelmingly recommended expanding medical liability coverage to also provide legal representation before the Texas State Board of Medical Examiners (now the Texas Medical Board) and the Texas State Board of Dental Examiners. On August 12, 2004, the Board of Regents adopted a Plan amendment to provide coverage for legal representation and expenses in disciplinary, licensing, or similar administrative proceedings up to \$25,000 per proceeding and \$100,000 per



enrollment year, unless other Plan exclusions apply. Fines, penalties, or costs assessed as a result of the proceedings are explicitly excluded from coverage. The last Plan amendment was in 2013 when the Plan Administrator was provided discretionary authority to exceed the prior \$25,000 disciplinary coverage limitation up to \$35,000 when warranted.

*Texas Education Code* Section 59.01 et seq. was amended the last legislative session to permit systems of higher education to expand coverage to include other health care professionals in addition to physicians and dentists. Other health care professionals to be added to Plan coverage include clinical nurse specialists, psychologists, athletic trainers, chiropractors, certified nurse practitioners, perfusionists, physician assistants, certified nurse anesthetists, surgical assistants, certified nurse midwives and other healthcare professionals who are licensed, certified or registered to provide patient care. To reduce administrative cost and complexity, coverage for these other health professionals would be provided on a blanket basis, meaning that billing will be simplified and individual certificates of coverage will only be issued on an "as-needed basis", generally for hospital credentialing purposes.

The recommendation to increase resident coverage levels, currently at \$100,000/\$300,000, to the same level of coverage as those provided to faculty physicians and dentists and other health professionals will simplify administration, particularly for out-of-state externships. The Plan actuary advises that current premium levels for residents should be adequate since overall exposure per claim is capped at \$250,000 by the Texas Tort Claims Act.

The proposed Plan amendments are set forth as Exhibit 1. The premium rates and risk classes are set forth as Exhibit 2.

Exhibit 1

# THE UNIVERSITY OF TEXAS SYSTEM PROFESSIONAL MEDICAL LIABILITY BENEFIT PLAN

(Effective September 1, 2005)

## ARTICLE I PURPOSE

The purpose of The University of Texas System Professional Medical Liability Plan (“Plan”) is to provide certain health care providers and students of The University of Texas System (“System”) with professional liability indemnity from and against medical and dental liability claims pursuant to the authority granted to the Board of Regents of The University of Texas System by Texas Education Code Section 59.01 et seq.

## ARTICLE II DEFINITIONS

Unless otherwise required by the context, the following definitions shall control:

A. **Plan Participant** shall mean:

1. Staff physicians and dentists who are medical doctors, oral surgeons, oral pathologists, dentists, doctors of osteopathy, or podiatrists appointed to the faculty of ~~a health an~~ institution of the System, medical doctors employed in health services at and by a general academic institution of the System;
2. Residents and fellows enrolled in a residency program or fellowship at a System medical or dental school who are duly licensed, credentialed, and registered to practice their profession;
3. Medical doctors, oral surgeons, oral pathologists, dentists, doctors of osteopathy, and podiatrists appointed to the faculty of a medical school or hospital of the System on a part-time or volunteer basis, and who either devote their total professional service to such appointments or provide services to patients by assignment from the department chairman. For purposes of the Plan, such persons are “Plan Participants” only when providing services to patients in conjunction with supervision of medical or dental students or residents by assignment from the department chairman and shall become Participants in the Plan only as provided in Article IV, Section 2;
4. Medical or dental students of a medical or dental school of the System and only when participating (with prior approval of such medical or dental school) in a patient-care program of a duly accredited medical or dental school under the direct supervision of a faculty member of the school conducting such program; ~~and~~
5. Healthcare professional staff members and faculty who are licensed, certified or registered to provide patient care; and
- ~~5.6.~~ System institutions against which a liability claim, as that term is defined in Article II.B. below, is made that arises from the treatment or lack of treatment by a Plan Participant in ~~4-41-5~~ 4-41-5 above

- B. **Liability Claim** means a claim, lawsuit or cause of action based upon treatment or lack of treatment within the United States of America, its territories or possessions, or Canada that departs from accepted standards of medical or dental care which proximately results in injury to or death of a patient, whether the claim or cause of action sounds in tort or contract, subject to the exclusions described in Article V, Section 4, below. This definition shall extend to anywhere in the world for ~~full-time or part-time faculty of a medical or dental school or hospital of the System- Plan Participants~~ after compliance with conditions for participation set by the Administrator and the Executive Vice Chancellor for Health Affairs or a delegate.
- C. **Disciplinary and Licensing Actions** means any disciplinary, licensing, or similar administrative proceeding brought against a Participant by a Texas licensing ~~or healthcare professional regulatory~~ agency for the Participant's profession or a Texas quality review or regulatory body that arises from professional services, except those excluded pursuant to Article V, Section 4.
- D. **System** means The University of Texas System.
- E. **Board** means the Board of Regents of The University of Texas System.
- F. **Fund** means the Professional Medical Liability Fund established by the Board.
- G. **Administrator** means the Vice Chancellor and General Counsel of The University of Texas System.
- H. **Damages** mean all damages, including damages for death, which are payable because of injury to which the Plan applies, but does not include exemplary or punitive damages.
- I. **Coverage** means the liability indemnity and legal representation afforded Participants by this Plan.
- J. **Annual Enrollment period** begins on the date the Participant has a System appointment and meets the conditions for participation under Article IV below and ends on August 31<sup>st</sup> after enrollment begins.
- K. **Certificate of Coverage** means that document issued to the Plan Participant by the System specifying the enrollment period and limits of coverage.
- L. **Professional services** means medical, dental or health care and treatment.
- M. **Plan year** means the twelve-month period beginning on September 1 and ending on August 31 of each year.

### ARTICLE III APPLICABILITY OF PLAN PROVISION

The coverage afforded by this Plan is subject to the particular terms, conditions, and limitations (including, but not limited to limits of liability) of this Plan and the interpretation thereby by the Board or the Plan Administrator. Notwithstanding any other language of the Plan, the coverage afforded by the Plan applies only to Liability Claims and Disciplinary and Licensing Actions arising out of incidents, transactions or events occurring on or after April 1, 1977.

## **ARTICLE IV CONDITIONS FOR PARTICIPATION**

### Section 1

Each Participant on the effective date of the Plan, and each person who becomes a Participant thereafter, as long as this Plan remains in effect, shall participate in the Plan provided, that

- A. Each medical or dental student, as an additional condition of participation, must pay into the Fund a fee in such amount or amounts, and at such time or times, as may be required by the Board; and
- B. A medical doctor employed in health services at and by a general academic institution of the System shall not become a participant unless and until
  - 1. Such institution files with the Administrator a written application, on behalf of such medical doctors, for participation in the Plan, and
  - 2. Such application is approved and accepted by the Administrator.

### Section 2

Plan Participants as defined in Article IIA.3 above shall become participants in the Plan upon written designation by the president or approved delegee of the ~~health care~~ institution with the approval of the Administrator and the Executive Vice Chancellor for Health Affairs.

### Section 3

Residents and fellows who work additional hours for additional compensation at a System health facility or facility affiliated with the System, will be provided coverage as long as it meets the requirements of the Accreditation Council for Graduate Medical Education (including requirements of supervision and restrictions on allowable number of work hours), and the work has previously been identified as part of the resident's or fellow's general training program and fees generated for professional services are deposited in a System health component practice plan, trust or affiliated foundation or certified not-for-profit corporation as approved by the Board.

## **ARTICLE V COVERAGE OF PARTICIPANTS**

### Section 1 -- Payments on Behalf of Participants

- A. Except as otherwise provided herein, the System will pay on behalf of each Participant, from monies in the Fund, all sums which the Participant shall become legally obligated to pay as damages because of a Liability Claim arising from the exercise of the Participant's employment, duties or training with the System as a Plan Participant performed in the practice of the Participant's profession, including service by the Participant as a member of a formal accreditation or similar professional board or committee of a hospital or professional society with respect to medical staff privileges, accreditation or disciplinary matters related to competency.
- B. Coverage for Plan Participants as defined in Article IIA. 3 above shall be limited to claims arising from assigned teaching activities and supervision of medical or dental students, residents and fellows performed within the course and scope of the Participants' assignments.

- C. Peer review performed at the request of a credentialing body or a professional society for the purpose of determining quality of care is covered provided that any funds generated from the review are deposited into the practice plan as required by the practice plan bylaws.
- D. Coverage for Plan Participants for Disciplinary and Licensing Actions shall be limited to legal representation of the Plan Participant by an attorney in a proceeding brought against the Plan Participant by the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board that arises from a covered activity, subject to the limitation in Section 3 D below and exclusions set forth in Section 4 below.

#### Section 2 -- Defense of Lawsuits

The System shall have the right and duty to defend any claim or lawsuit against a Participant seeking damages because of such injury even if any of the allegations of the claim or lawsuit are groundless, false or fraudulent. The System may make such investigation and settlement of any claim or lawsuit, as it deems appropriate. The System shall not be obligated to pay any claim or judgment or to defend any suit after the applicable limit of the System's liability has been exhausted by payment of judgments or settlements, or monies in the Fund have been exhausted. The System has no duty to defend any claims not covered by the Plan.

#### Section 3 -- Supplementary Payments

The System will pay from the Fund, in addition to the applicable limit of liability:

- A. All expenses incurred by the System in investigating and defending any lawsuit, all costs taxed against the Participant in any suit defended by the System, and all interest on the entire amount of any judgment therein which accrues after entry of the judgment and before the System has paid or tendered or deposited in court that part of the judgment which does not exceed the limit of the System's liability thereon;
- B. Premiums on appeal bonds required in any such suit, premiums on bonds to release attachments in any such lawsuit for an amount not in excess of the applicable limit of liability of this Plan, but the System shall have no obligation to apply for or furnish any such bonds.
- C. Reasonable, personal expenses incurred by a Participant at the System's request in assisting the System in the investigation or defense of any claim or lawsuit.
- D. Costs and expenses incurred in connection with the investigation and defense of a disciplinary and licensing action brought against the Participant; however the Plan will not pay more than \$25,000 in costs and expenses on behalf of a Participant for any single proceeding unless in the discretion of the Plan Administrator or a designee there is a determination of necessity to exceed such limitation on costs and expenses up to \$35,000. Furthermore, the Plan will not pay more than \$100,000 for costs and expenses on behalf of a Participant for all such proceedings during an annual enrollment period.

#### Section 4 -- Exclusions

The System will not defend or indemnify a Participant for:

- A. Injury arising out of the performance by the Participant of any illegal, dishonest, fraudulent, criminal or malicious act or omission by the Participant unless Participant had no reasonable cause to believe his conduct was unlawful or illegal;

- B. Any claims or lawsuits alleging violation of state or federal laws relating to antitrust, fraud and abuse, anti-kickback, and illegal remuneration;
- C. Injury arising out of any sexual conduct of the Participant, including but not limited to sexual harassment and sexual relations, and including, without limitation, when intentionally or negligently done in connection with any professional service, act or omission, and regardless of whether such conduct is alleged to constitute negligence;
- D. Any injury caused while Participant is acting under the influence of alcohol or controlled substances or as a result of excessive use of therapeutic drugs;
- E. Any use, administration or prescription of any drug or pharmaceutical disapproved or not yet approved by the United States Food and Drug Administration for treatment for human beings; unless such use, administration or prescription has been approved by the Institutional Review Board of the health care institution where such drug or pharmaceutical was used, administered or prescribed;
- F. Any liability arising out of any professional or licensed service, act or omission outside the scope of Participant's employment with System;
- G. Injury for which the Participant may be held liable as a proprietor, stockholder, owner, member of the board of directors, governors or trustees, superintendent, executive officer, department head or medical director of any non-System owned or managed hospital, sanitarium, laboratory, clinic with bed and board facilities, infirmary, nursing home, foundation, surgical center, blood bank, commercial or any other business enterprise whether or not related to patient care and/or treatment; but, this exclusion shall not be applied to responsibilities which require the special expertise or training of a physician or surgeon and which are not principally executive or administrative in nature;
- H. Injury arising out of the rendering of or failure to render professional services by any other person for whose acts or omissions the Participant may be held liable as a member, partner, officer, director or stockholder of any professional partnership, association or corporation;
- I. Injury to any employee of the Participant arising out of and in the course of that person's employment by the Participant;
- J. Any obligation for which the Participant or any carrier acting as insurer may be liable under any workers' compensation, unemployment compensation or disability benefits law, or under any similar law;
- K. Any liability or indemnity obligation assumed by the Participant under contract or agreement, except to the extent endorsed hereto;
- L. Injury to any employee (past or present) or applicant for employment or patient of the Participant based upon actual or alleged discrimination based on race, religion, color, sex, national origin, age, veteran status, or disability;
- M. Damage to property:
  - 1. owned, occupied or rented by a Participant;
  - 2. used by a Participant;
  - 3. in any Participant's care, custody or control; or
  - 4. over which a Participant is exercising physical control for any reason;

- N. Any fines, penalties, the return or withdrawal of fees or government payments, including any fines, penalties or costs assessed against a Participant by the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board as a result of a Disciplinary and Licensing Action;
- O. Any award of punitive or exemplary damages, treble or multiple damages;
- P. Any claim arising out of professional services which occurred prior to the date of this Plan;
- Q. Any claim arising out of professional services which occurred after the termination of faculty appointment, employment, residency or student status with the System;
- R. Any claim arising out of professional services where the professional services were billed for by the Participant and were not deposited in a System health component practice plan trust or affiliated foundation or certified not-for-profit corporation as approved by the Board;
- S. Any claim arising out of professional services performed for professional fees, salaries or other compensation by a Plan Participant that is not part of the Plan Participant's employment with the System or training program; and
- T. Legal representation of a Plan Participant before the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board in a Disciplinary and Licensing Action arising out of any activity that is excluded under this Plan.
- U. Matters before the Texas Medical Board or other Texas regulatory agency, where, in the judgment of the Plan Administrator or a designee, a potential conflict of interest exists between the Participant and The University of Texas System or its institutions with regard to a potential or pending employment or administrative matter.

## **ARTICLE VI PARTICIPANTS' OBLIGATIONS**

### Section 1 -- Notice of Claim, Suit or Disciplinary and Licensing Action

The Participant shall give written notice to the System as soon as practicable of any claim made against the Participant. The notice shall identify the Participant and contain reasonably obtainable information with respect to the time, place and circumstances of the injury, including the names and addresses of the patient and of available witnesses. If a claim is made or a lawsuit is brought against the Participant, the Participant shall immediately forward to the Administrator every demand, notice, summons, or other process received by the Participant in accordance with administrative procedures prescribed or approved by the Administrator.

The Participant shall give written notice to the System as soon as practicable of any disciplinary and licensing action taken against the Participant for which the Participant seeks coverage.

### Section 2 -- Cooperation by Participant

The Participant shall cooperate with the System and, upon the System's request, respond to discovery requests, attend meetings with Plan representatives or defense counsel, and attend mediations and trials. Further, the Participant shall cooperate with the System in enforcing any right of contribution or indemnity against any person or organization who may be liable to the Participant because of injury or damage with respect to which coverage is afforded under this Plan. The Participant shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses. The Participant shall not, except at Participant's own cost, and after informing the Administrator in writing, voluntarily make any payment, assume any obligation or incur any expense. The Participant shall not take any affirmative act or omission which may reasonably prejudice the defense of the claim or lawsuit. The taking of any affirmative act or omission which prejudices the defense of the claim or lawsuit shall entitle the System, but not obligate the System, to deny indemnity for any or all claims or lawsuit so prejudiced.

### Section 3 -- Nonassignability of Interest in Plan

The Participant's interest under this Plan is nonassignable. If any Participant shall die or be adjudged incompetent, this Plan shall thereupon terminate automatically as to such Participant, but shall indemnify and defend the legal representative of such Participant's estate as a Participant with respect to liability previously incurred and covered by this Plan.

## ARTICLE VII LIMITS OF LIABILITY

The Plan's liability shall not exceed the limits of liability stated below, and such stated limits shall be applied as follows:

1. A single "per claim" limit of liability shall be applicable to a Liability Claim regardless of the number of claimants or Plan Participants involved.
  - a. A single "per claim" limit of liability shall apply to claims involving injuries to more than one patient such as in obstetrical services to the mother and fetus/child or children, a single "per claim" limit of liability shall be applicable for all such claims and resulting lawsuits.
  - b. A single "per claim" limit of liability shall apply to all claims by both the patient and by the family members or the heirs or estate of such patient, including derivative claims, claims for loss of consortium, claims of beneficiaries under the Texas Wrongful Death Statute and claims for mental anguish and related injuries associated with bystander perception or reaction to the injuries sustained by the patient.
  - c. Plan coverage limits of liability will not be stacked, added or combined in any manner to increase liability under this Plan even though multiple claimants, multiple claims or injuries, multiple lawsuits, or annual periods may be involved within a Liability Claim.
2. The "annual aggregate for all claims for all Participants" is the maximum amount of money the Plan will pay to indemnify all Participants for all Liability Claims arising during any one Plan year.

### Limits of Liability Schedule

The following limits shall apply unless lower liability limits are set by law, in which case the lower limits shall apply:

Staff Physician, Resident, Fellow and Healthcare Professional - \$500,000.00 per Liability Claim (up to \$1,500,000.00 for all Liability Claims during any one enrollment period)



~~Resident and Fellows – \$100,000.00 per Liability Claim (up to \$300,000.00 for all Liability Claims during any one enrollment period)~~

Medical or Dental Student - \$25,000.00 per Liability Claim (up to \$75,000.00 for all Liability Claims during any one enrollment period)

Annual Aggregate - \$30,000,000.00 for all Liability Claims for all Participants during any one Plan year

Per Claim Limitation - Plan liability shall be limited to \$2,000,000.00 per claim regardless of the number of the claimants or Plan Participants involved in an incident.

The above limits of liability for Plan Participants, as defined in Article II A 1 - 4 only, may be exceeded upon determination of necessity and with the conditions of participation determined by the Plan Administrator or a designee.

## ARTICLE VIII OTHER COVERAGE

### Section 1 -- Coverage

When the Participant has other professional liability coverage which is stated to be applicable to the loss on an excess or contingent basis, the amount of the System's liability under this Plan shall not be reduced by the existence of such insurance.

### Section 2 -- Insurance

When both this Plan and insurance apply to the loss on the same basis, whether primary, excess or contingent, the System shall not be liable under this Plan for a greater proportion of the loss than that stated in the applicable contribution provision below:

- A. **Contribution by Equal Shares.** If all such valid and collectible insurance provides for contribution by equal shares, the System shall not be liable for a greater proportion of such loss than would be payable if each such insurer contributes an equal share until the share of each insurer or the Plan equals the lowest applicable limit of liability under any one policy or the Plan or the full amount of loss is paid, and with respect to any amount of loss not so paid, the remaining insurers or the Plan then continue to contribute equal shares of the remaining amount of the loss until each such insurer or the Plan has paid its limit in full or the full amount of the loss is paid.
- B. **Contribution by Limits.** If any of such insurance does not provide for contribution by equal shares, the System shall not be liable for a greater proportion of such loss than the applicable limit of liability under this Plan for such loss bears to the total applicable limit of liability of all valid and collectible insurance and the Plan against such loss.

## ARTICLE IX MODIFICATION AND TERMINATION

### Section 1 -- Rights of Participants

The Board may terminate the Plan at any time or from time to time, may amend, alter or suspend the Plan in whole or in part, as to all persons eligible to participate hereunder, or any class or groups of such persons, provided such action shall not impair any rights accrued prior to the effective date of such termination, amendments, alterations or suspension. Any such termination, amendments, alterations or suspension shall be effective on the date of the Board

action unless a later date is specified by the Board. The Administrator shall promptly give notice of any such termination, amendment, alteration or suspension to all Participants affected thereby.

Section 2 -- Termination in Event of Mandatory Participation in Other Indemnity or Insurance Programs

It is an express condition of the Plan that if the System is required by law, or by a collective bargaining or other agreement, to contribute toward another plan, program or scheme providing professional liability insurance or indemnity benefits for a class or group of Plan Participants, this Plan will terminate forthwith as to such class or group of Plan Participants.

Section 3 -- Termination of Plan Participation

This Plan shall apply to a Participant only so long as such Participant remains qualified to participate in this Plan, provided that cessation of such participation shall not impair any rights accrued under this Plan prior to the effective date of such cessation of qualification.

Section 4 -- Benefits Terminable

All coverage of a Participant under this Plan shall cease at once if the Participant engages in any business or performs any act which in the sole judgment of the Board is prejudicial to the interest of the System.

**ARTICLE X  
ACTION AGAINST SYSTEM**

Section 1 -- Conditions Precedent

No action shall lie against the System unless, as a condition precedent thereto, there shall have been full compliance with all of the terms of this Plan, nor until the amount of the Participant's obligation to pay shall have been finally determined either by judgment against the Participant after actual trial, or by written agreement of the claimant and the Administrator.

Section 2 -- Third-party Actions

Any person or organization, or the legal representative thereof, who has secured such judgment or written agreement, shall thereafter be entitled to recover under this Plan to the extent of the coverage afforded by this Plan. No person or organization shall have any right under this Plan to join the System as a party to any action against the Participant to determine the Participant's liability, nor shall the System be impleaded by the Participant or the Participant's legal representative. Bankruptcy or insolvency of the Participant or the Participant's estate shall not relieve the System of any of its obligation hereunder.

**ARTICLE XI  
ADMINISTRATION OF PLAN**

Section 1 -- Administration

The Plan shall be administered by the Administrator under direction of the Board.

Section 2 -- Administrative Regulations

The Administrator may from time to time prescribe regulations for the administration of this Plan provided that such regulations shall, in the opinion of the Administrator, be consistent with the provisions of this Plan as it may be amended from time to time pursuant to Article IX of this Plan. Pursuant to The University of Texas System Regents' Rules and Regulations, the Administrator may delegate in writing certain administrative, accounting, and investment functions of the Plan.

### Section 3 -- Legal Interpretation

The text of this Plan shall control and the headings to the Articles, Sections and Paragraphs are for reference purposes only, and do not limit or extend the meaning of any of the Plan's provisions. The Plan shall be governed by and construed in accordance with the laws of the State of Texas. Any interpretation of the Plan by the Administrator shall be conclusive as between the System and its employees and students, participating Plan Participant, and retired or otherwise terminated Participants, employees and students, and may be relied upon by the System and all parties in interest.

### Section 4 -- Counsel and Settlement Authority

Authority to employ counsel, approve attorney fees and expenses, and approve settlement of all claims, including litigation, shall rest with the Administrator, or the Administrator's delegate, subject to any additional approval required by the Board of Regents of the System pursuant to any applicable policies of the System.

## **ARTICLE XII GENERAL PROVISIONS**

### Section 1 -- Subrogation

In the event of any payment under this Plan, the System shall be subrogated to all of the Participant's rights of recovery thereof against any person or organization and the participant shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The Participant shall do nothing after loss to prejudice such rights.

### Section 2 -- Changes

Notice to any agent or knowledge possessed by any agent or by any other person shall not affect a waiver or a change in any part of this Plan, or estop the System from asserting any right under the terms of this Plan; nor shall the terms of this Plan be waived or changed, except by written waiver or amendment duly approved by the Board.

### Section 3 -- Entirety of Agreement

This Plan embodies all agreements existing between any and all persons and the System or any of its agents relating to this Plan and the coverage afforded hereunder.

### Section 4 -- Employment Noncontractual

The System may terminate the appointment, employment, internship, residency, fellowship, or student-school relationship of any Participant as freely and with the same effect as if this Plan were not in operation.

### Section 5 -- Actions Against Participant

This Plan or its operations shall not in any way affect any claim or cause of action by the System against a Participant for indemnity or contribution arising out of or incident to any Liability Claim.

#### Section 6 -- Communications

All notices, reports and statements given, made, delivered or transmitted to a Participant shall be deemed duly given, made, delivered or transmitted when delivered to the Participant, or when mailed by first-class mail, postage prepaid, and addressed to the Participant at the address last appearing on the books of the System. A Participant who changes address shall forthwith give written notice to the System of such change. Written directions, notices and other communications from participants to the System shall be mailed by first-class mail, postage prepaid, or delivered as follows:

The University of Texas System  
Office of General Counsel  
~~Ashbel Smith Hall~~  
~~201-210~~ West 7th Street  
Austin, Texas 78701

**Attention:** Vice Chancellor and General Counsel

#### Section 7 -- Use of Pronouns

Whenever used in this Plan, masculine pronouns shall include both men and women unless the context indicates otherwise.

#### Section 8 -- Effective Date

The revised Plan shall be effective ~~September 1, 2010~~ July 1, 2020.

Exhibit 2

**The University of Texas System Professional Medical Liability Benefit Plan**  
Premium Rates & Risk Classifications for Newly Covered Healthcare Professionals

Tier 1	\$15	Group 1 – All Other Group 2 – Clinical Nurse Specialists, Psychologist
Tier 2	\$25	Group 3 - Athletic Trainers Group 4 - Chiropractors Group 5 - Certified Nurse Practitioners, Perfusionists, Physician Assistants
Tier 3	\$35	Group 6 – Certified Nurse Anesthetists Group 7 – Surgical Assistants
Tier 4	\$350	Group 8 – Certified Nurse Midwives

12. U. T. Austin: Red and Charline McCombs Stadium Player Development Center and Renovation - Amendment of the current Capital Improvement Program to include expansion of ongoing project; approval of addition to total project cost; and modified appropriation of funds and authorization of expenditure

The Board approved the following recommendation:

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents amend the current Capital Improvement Program (CIP) to include the expanded scope of the ongoing and nearly completed Red and Charline McCombs Stadium and Player Development Center and Renovation project at The University of Texas at Austin as follows:

- a. approve the addition of funding necessary to complete the project (\$2,700,000); and
- b. appropriate funds and authorize expenditure of the requested additional amount, which combined with the previously authorized expenditure results in a new total project cost of \$12,600,000 with all funding, with the exception of \$200,000 from Gifts, to come from Auxiliary Enterprises Balances.

### BACKGROUND INFORMATION

#### Previous Actions

None. This project was initially a minor project with a total project cost of \$9,900,000 (under \$10 million) and did not require Definition Phase approval.

#### Project Description

The original scope of this minor project included a new addition of a two-level structure, a player development center, exterior improvements, and utility infrastructure. After construction was underway in Phase 1, unknown utility conditions were discovered and a buried duct bank was relocated to achieve structural integrity for the new addition, placing the cost above the minor project threshold. Phase 2 is being brought forward now to accelerate completion of the overall project and streamline the schedule and budget while still utilizing the current contractor. The additional scope includes renovation of the north section of the McCombs Stadium and finish-out of the second floor in the new addition.

This proposed project reclassification has been approved by U. T. System staff and meets the criteria for inclusion in the CIP. Pursuant to a May 10, 2017 Board of Regents approval, effective September 1, 2017, U. T. Austin has delegated authority for institutional management of construction projects under the continued oversight of the Office of Capital Projects.

**The University of Texas at Austin  
Red and Charline McCombs Stadium Player Development Center and Renovation**

**Project Information**

Project Number	102-1306
CIP Project Type	New Construction
Facility Type	Athletic
Management Type	Institutional Management
Institution’s Project Advocate	Arthur Johnson, Executive Senior Associate Athletic Director
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	13,407 - New Construction 3,100 - Repair and Rehabilitation (R&R)

**Project Funding**

	<u>Current</u>	<u>Proposed</u>
Auxiliary Enterprises Balances	\$9,900,000	\$12,400,000
Gifts <sup>1</sup>	<u>\$ 0</u>	<u>\$ 200,000</u>
Total Project Cost	\$9,900,000	\$12,600,000

<sup>1</sup>Gifts are not fully collected or committed at this time; however, the Office of Finance has determined the institution has sufficient local funds to cover any shortfall

**Project Cost Detail**

Building Cost – New Construction	\$8,771,000
Renovation	300,000
Utilities	600,000
Site Development	-
Furniture and Moveable Equipment	550,600
Institutionally Managed Work	163,800
Architectural/Design Services	1,009,200
Project Management Fees	567,000
Insurance	-
Other Professional Fees	175,000
Project Contingency	441,500
Other Costs	<u>21,900</u>
Total Project Cost	\$12,600,000

**Building Cost per GSF Benchmarks (escalated to midpoint of construction)**

<b>McCombs Stadium Player Development Center</b>			<b>\$654</b>
	Low Quartile	Median	High Quartile
Other U. T. System Projects	\$364	\$393	\$552
Other National Projects	\$438	\$514	\$667

**Project Planning**

Definition Phase Completed	No
Owner’s Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

13. U. T. Austin: Texas Athletics Basketball and Rowing Training Facility - Approval of design development

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve design development plans for the Texas Athletics Basketball and Rowing Training Facility project at The University of Texas at Austin.

BACKGROUND INFORMATION

Previous Actions

On December 9, 2019, the Chancellor approved this project for Definition Phase. On February 27, 2020, the project was included in the Capital Improvement Program (CIP) with a total project cost of \$60,000,000 to be funded entirely from RFS Bond Proceeds.

Project Description

The project will replace the Denton A. Cooley Pavilion basketball training facility after it is decommissioned following completion of the Moody Center. The building will be adjacent to and serve as the primary training facility for the Men's and Women's Basketball programs and the Women's Rowing program. The four-story facility will



include basketball courts, rooms for rowing ergometers, strength and conditioning, sports medicine, players' lounges, meeting rooms, and coach and staff offices. Also included in the project will be the interior finish-out of space in the Moody Center for locker rooms for the men, women, and visiting basketball teams, as well as retail store spaces.

**The University of Texas at Austin  
Texas Athletics Basketball and Rowing Training Facility**

**Project Information**

Project Number	102-1292
CIP Project Type	New Construction
Facility Type	Athletic
Management Type	Institutional Management
Institution's Project Advocates	Arthur Johnson, Executive Senior Associate Athletics Director Shawn Eichorst, Deputy Athletic Director/Chief Operating Officer
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	75,200 – New Construction 12,600 – Repair & Renovation (R&R)

**Project Planning**

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

**Project Milestones**

Definition Phase Approval	December 2019
Addition to CIP	February 2020
Design Development Approval	May 2020
Additional authorizations as needed/Notice to Proceed	August 2020
Substantial Completion	22 months after Notice to Proceed is approved

**Basis of Design**

The planned building life expectancy includes the following elements:

- Enclosure: 50 years
- Building Systems: 30 years
- Interior Construction: 20 years

14. U. T. Southwestern Medical Center: James W. Aston Ambulatory Care Building Renovations - Amendment of the current Capital Improvement Program to increase total project cost; approval of design development; appropriation of funds and authorization of expenditure; and resolution regarding parity debt

The Board approved the following recommendation:

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve the recommendations for the James W. Aston Ambulatory Care Building Renovations project at The University of Texas Southwestern Medical Center as follows:

- a. amend the current Capital Improvement Program (CIP) to increase the total project cost from \$37,000,000 to \$47,711,000;
- b. approve design development plans;
- c. appropriate funds and authorize expenditure of \$47,711,000 with funding of \$35,711,000 from Revenue Financing System (RFS) Bond Proceeds and \$12,000,000 from Designated Funds; and
- d. resolve in accordance with Section 5 of the Amended and Restated Master Resolution Establishing The University of Texas System Revenue Financing System that parity debt shall be issued to pay the project's cost, including any costs prior to the issuance of such parity debt; sufficient funds will be available to meet the financial obligations of the U. T. System, including sufficient Pledged Revenues as defined in the Master Resolution to satisfy the Annual Debt Service Requirements of the Financing System, and to meet all financial obligations of the U. T. System Board of Regents relating to the Financing System; and U. T. Southwestern Medical Center, which is a "Member" as such term is used in the Master Resolution, possesses the financial capacity to satisfy its direct obligation as defined in the Master Resolution relating to the issuance by the U. T. System Board of Regents of tax-exempt parity debt in the aggregate amount of \$35,711,000.

BACKGROUND INFORMATION

Debt Service

The \$35,711,000 in RFS debt will be repaid from Clinical Revenues. Annual debt service on the \$35,711,000 in RFS debt is expected to be \$2.0 million. The institution's Scorecard Rating of 5.3 at fiscal year-end 2019 is below the maximum

threshold of 6.0 and demonstrates that the institution has the financial capacity to satisfy its direct obligations related to parity debt.

Previous Actions

On May 10, 2019, the Chancellor approved this project for Definition Phase. On November 14, 2019, the Board approved the addition to the CIP with a total project cost of \$37,000,000 with funding of \$25,000,000 from RFS Bond Funding and \$12,000,000 from Designated Funds.

Project Description

The original project to renovate the James W. Aston Ambulatory Care Building was approved to meet the clinical needs of patients and research needs of faculty. The original scope included the expansion of the neuroscience and ophthalmology clinics; providing a central core of clinical research space for investigators and their patients; and addressing significant building infrastructure issues including mechanical, electrical and plumbing (MEP) systems, building envelope and enclosure, and ADA regulatory compliance deficiencies.

As part of the design development process the need to expand the scope of the infrastructure replacement and modernization work was identified based on a detailed condition assessment of the MEP systems. Additional scope now includes expanding the building footprint to meet electrical code requirements and extending circuits; and replacing original building air handling units and domestic hot water piping throughout the building. The full renovation of 17 exam rooms has also added to the clinical scope.

**The University of Texas Southwestern Medical Center  
James W. Aston Ambulatory Care Building Renovations**

**Project Information**

Project Number	303-1243
CIP Project Type	Repair and Rehabilitation
Facility Type	Healthcare Facility, Hospital
Management Type	Institutional Management
Institution’s Project Advocate	Brendan Kelley, Vice Chair of Clinical Affairs, Neurology and Neurotherapeutics
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	143,050

**Project Funding**

	<u>Current</u>	<u>Proposed</u>
Revenue Financing System Bond Proceeds <sup>1</sup>	\$25,000,000	\$35,711,000
Designated Funds	<u>\$12,000,000</u>	<u>\$12,000,000</u>
<b>Total Project Cost</b>	<b>\$37,000,000</b>	<b>\$47,711,000</b>

<sup>1</sup> RFS Bond Proceeds to be repaid from Clinical Revenues

**Project Cost Detail**

Building Cost	\$ 36,777,500
Fixed Equipment (with IR)	2,700,000
Site Development	-
Furniture and Moveable Equipment	550,000
Institutionally Managed Work	-
Architectural/Design Services	2,523,000
Project Management Fees	1,036,000
Insurance	437,500
Other Professional Fees	400,000
Project Contingency	2,400,000
Other Costs	887,000
<b>Total Project Cost</b>	<b>\$47,711,000</b>

**Project Planning**

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

**Project Milestones**

Definition Phase Approval	May 2019
Addition to CIP	November 2019
Design Development Approval	May 2020
Construction Notice to Proceed	July 2020
Substantial Completion	December 2021

15. U. T. System Board of Regents: Presentation of Certificate of Appreciation to Student Regent Daniel R. Dominguez

Chairman Eltife expressed his appreciation and commented on Regent Dominguez' service as Student Regent, especially emphasizing his hard work, thoughtful questions, and insightful comments. Regents Perez and Jiles expressed gratitude and acknowledged Regent Dominguez' commitment and value added to the Board, specifically noting his extensive note taking, feedback, and follow-up with the institutions following campus visits.

CERTIFICATE OF APPRECIATION

to

DANIEL R. DOMINGUEZ

Upon the occasion of completion of  
his term of service

as Student Regent  
of  
The University of Texas System

In appreciation for his wise counsel,  
conscientious stewardship, and dedicated service  
to The University of Texas System

2019 – 2020

16. U. T. System Board of Regents: Presentation of Certificate of Appreciation to President Gregory L. Fenves

Chairman Eltife recognized President Greg Fenves for his distinguished service to U. T. Austin as Dean, Provost, and President, noting his vision and leadership made the campus even stronger and changed the lives of thousands of young Texans. Chairman Eltife also highlighted some of President Fenves' accomplishments during his tenure, including the opening of a new medical school and his steady leadership through challenging times. Chancellor Milliken joined with the Board to express his deep gratitude for President Fenves' service to U. T. Austin. Vice Chairman Longoria commented on the early days of his career at U. T. Austin and his five years as President, his strategic planning and discipline to create a stronger institution for all. Regent Hicks remarked on his calm manner and grace that brought U. T. Austin to the place it is today. Regent Beck agreed with the remarks of other members and shared how much he has admired the manner that President Fenves has led the University. Regent Jiles remarked on the service of both President Fenves and his wife, Carmel, expressing his appreciation. Regent Perez thanked him for elevating the stature of the University and his attention to the Rio Grande Valley to build a

stronger presence in the area. Regent Crain added that she shared the same sentiments as the other members and commented on his welcoming spirit and engagement with students.

CERTIFICATE OF APPRECIATION  
The Board of Regents  
Expresses to

GREGORY L. FENVES, Ph.D.

Deep and Sincere Appreciation for His  
Thoughtful Vision, Exceptional Leadership,  
and Distinguished Service

to

The University of Texas System

as

President  
The University of Texas at Austin  
2015 – 2020

RECESS TO EXECUTIVE SESSION PURSUANT TO *TEXAS GOVERNMENT CODE*, CHAPTER 551.--At 10:02 a.m., the Board recessed to Executive Session, pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, 551.074, 551.076, and 551.089 to consider those matters listed on the Executive Session agenda.

RECONVENE IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS AND TO CONSIDER AGENDA ITEMS.--The Board reconvened in Open Session at 10:49 a.m.

- 1a. 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); Board members; and U. T. System and institutional employees

No action was taken on this item.

- 1b. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to assignment and duties of the Chancellor, including responsibilities associated with the admissions procedures set forth in Regents' Rules and Regulations, Rule 40303

No action was taken on this item.

- 1c. U. T. Health Science Center - Houston: Discussion and appropriate action regarding proposed compensation for Sunjay Kaushal, M.D., Professor of Surgery, Department of Surgery (Regents' Rules and Regulations, Rule 20204, regarding compensation for highly compensated employees)

Vice Chairman Longoria made the following motion:

I move that the U. T. System Board of Regents approve the proposed changes in compensation for Dr. Sunjay Kaushal, as Professor of Surgery, in the Department of Surgery at U. T. Health Science Center - Houston within the parameters outlined and recommended in Executive Session.

I further move that the Board find that these compensation changes are in the best interest of U. T. Health Science Center - Houston as required by state law.

Regent Crain seconded the motion, which carried unanimously.

- 1d. U. T. Austin: Discussion and appropriate action regarding terms of compensation for Dr. Jay Hartzell as President *ad interim*

No action was taken on this item.

- 1e. Additional item posted with the Secretary of State: U. T. System: Discussion and possible appropriate action regarding individual personnel matters related to COVID-19 matters and response

No action was taken on this item.

- 2a. U. T. System Academic Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

No action was taken on this item.

- 2b. U. T. System Health Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

No action was taken on this item.

3a. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

3b. U. T. System Board of Regents: Discussion and appropriate action regarding legal issues concerning pending legal claims by and against U. T. System

No action was taken on this item.

3c. U. T. Austin: Discussion and appropriate action regarding legal issues related to the utilization of the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas

No action was taken on this item.

3d. Additional item posted with the Secretary of State: U. T. System: Discussion and possible appropriate action regarding legal issues related to COVID-19 matters and response

No action was taken on this item.

4. U. T. Austin: Discussion and appropriate action regarding the lease, uses, or value of property related to the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas

No action was taken on this item.

5. U. T. System Board of Regents: Discussion and appropriate action regarding safety and security issues, including security audits and the deployment of security personnel and devices

No action was taken on this item.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 10:50 a.m.

/s/ Tina E. Montemayor  
Secretary to the Board of Regents  
July 2, 2020





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- 27. Contract (funds going out) - **U. T. Southwestern Medical Center**: Slingshot, LLC, to support core value brand marketing and health systems priorities **90**
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- 29. Lease - **U. T. Southwestern Medical Center**: Authorization to lease vacant medical office space and ancillary commercial space in the Texas Health Frisco Medical Office Building located at 12500 Dallas Parkway, Frisco, Collin County, Texas, to Northlake Obstetrics & Gynecology, P. A., and to other to-be-determined lessees for office, medical office, commercial and related uses **91**
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- 33. Other Matters - **U. T. Medical Branch - Galveston**: Approval of campus expansion zone included in U. T. Medical Branch - Galveston, Facilities Master Plan, composed of the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and Market Street from 13th Street to 20th Street, in Galveston, Galveston County, Texas

**95**
- 34. Approval of Dual Position of Honor, Trust, or Profit - **U. T. Medical Branch - Galveston**: Appointment of Philip Keiser, M.D., Professor, Division of Infectious Diseases, Internal Medicine, as a Member of the State of Texas Correctional Managed Health Care Committee as the physician representative from U. T. Medical Branch - Galveston

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- 35. Contract (funds coming in) - **U. T. Health Science Center - Houston**: To provide faculty and residents to The Harris Health System to staff Harris County hospitals and clinical programs

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- 36. Interagency Agreement (funds coming in) - **U. T. Health Science Center - Houston**: Interagency Agreement between U. T. Health Science Center - Houston and Texas Health and Human Services Commission to provide data analysis services

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- 38. Request for Budget Change - **U. T. Health Science Center - San Antonio**: New Hire with Tenure -- amendment to the 2019-2020 budget

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- 39. Gift - **U. T. Health Science Center - San Antonio**: Authorization to accept the gift of two parcels consisting of 12.874 acres of land subject to a ground lease and 7.44 acres of unimproved land located at Wurzbach Road and Floyd Curl Drive, City of San Antonio, Bexar County, Texas, from San Antonio Medical Foundation, for future campus expansion

**99**
- 40. Contract (funds going out) - **U. T. M. D. Anderson Cancer Center**: Eurofins Viracor, Inc., to provide reference lab testing services

**100**
- 41. Lease - **U. T. M. D. Anderson Cancer Center**: Authorization to lease approximately 32,148 square feet of space located at 8000 El Rio Street, Suites 8030, 8032, 8036, 8038, 8066, 8076, and 8078, Houston, Harris County, Texas, to Ziopharm Oncology, Inc.

**100**
- 42. Lease - **U. T. M. D. Anderson Cancer Center**: Authorization to enter into a lease for up to 12 years for approximately 66,300 square feet of space located in Life Science Plaza, 2130 West Holcombe Boulevard, Houston, Harris County, Texas, from Life Science Plaza Investment Group, L.P., for research, therapy manufacturing and other mission purposes

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**FACILITIES PLANNING AND CONSTRUCTION COMMITTEE**

No items for Consent Agenda

## MEETING OF THE BOARD

1. Minutes - U. T. System Board of Regents: Approval of Minutes of the regular meeting held on February 26-27, 2020; and the special called meetings held on March 27, 2020, and April 8, 2020
  
2. Resolution - U. T. System Board of Regents: Adoption of resolution regarding the list of Key Management Personnel authorized to negotiate, execute, and administer classified government contracts (Managerial Group) to reflect appointment of new Army Futures Command Director

To comply with the Department of Defense National Industrial Security Program Operating Manual (NISPOM) requirements, it is recommended that the Board of Regents approve the revised resolution set forth below regarding exclusion of individuals from the list of Key Management Personnel (KMP) authorized to negotiate, execute, and administer classified government contracts. The revision reflects the appointment of a new Army Futures Command Director.

A Resolution amending the Managerial Group list was last adopted by the Board of Regents on August 15, 2019.

NISPOM defines KMP as "officers, directors, partners, regents, or trustees." The Manual requires that the Senior Management Official (SMO), Facility Security Officer (FSO), and the Insider Threat Program Senior Official (ITPSO) must always be designated as part of the Managerial Group and be cleared at the level of the Facility Clearance. Other officials or KMPs, as determined by the Defense Security Service, must be granted Personal Security Clearances or be formally excluded by name from access to classified material.

### RESOLUTION

BE IT RESOLVED:

- a. That those persons occupying the following positions at The University of Texas System and The University of Texas at Austin shall be known as the Managerial Group, having the authority and responsibility for the negotiation, execution, and administration of Department of Defense (DoD) or User Agency contracts, as described in DoD 5220.22-M, "National Industrial Security Program Operating Manual" (NISPOM):

James B. Milliken, J.D., Chancellor, The University of Texas System  
Gregory L. Fenves, Ph.D., President, The University of Texas at Austin, resigning effective June 1, 2020  
Jay Hartzell, Ph.D., President *ad interim*, The University of Texas at Austin, effective June 1, 2020  
Daniel T. Jaffe, Ph.D., Interim Executive Vice President and Provost, The University of Texas at Austin, effective May 4, 2020  
Allison Preston, Ph.D., Interim Vice President for Research, The University of Texas at Austin, effective May 4, 2020

Seth J. Wilk, Army Futures Command Director, The University of Texas  
at Austin

Francis J. Landry III, Facility Security Officer (FSO), The University of Texas  
System/Security Manager, Applied Research Labs, The University of Texas  
at Austin

Patrick H. Vetter, Insider Threat Program Senior Official (ITPSO), The University  
of Texas System/Assistant Security Director, Applied Research Labs,  
The University of Texas at Austin

James R. (Trey) Atchley III, Chief Inquiry Officer, The University of Texas System  
Helen T. Mohrmann, Chief Information Security Officer, The University of Texas  
System

Michael J. Heidingsfield, Director of Police, The University of Texas System

The Chief Executive Officer (i.e., the Chancellor) and the members of the  
Managerial Group have been processed, or will be processed, for a personnel  
security clearance for access to classified information to the level of the facility  
security clearance granted to this institution, as provided for in the NISPOM.

The Managerial Group is hereby delegated all of the Board's duties and  
responsibilities pertaining to the protection of classified information under  
classified contracts of the DoD or User Agencies of the NISPOM awarded to  
U. T. System, including U. T. Austin.

- b. That the following named members of the U. T. System Board of Regents shall not  
require, shall not have, and can be effectively excluded from access to all classified  
information in the possession of U. T. System, including U. T. Austin, and do not  
occupy positions that would enable them to affect adversely the policies and practices  
of the U. T. System, including U. T. Austin, in the performance of classified contracts  
for the Department of Defense or User Agencies of the NISPOM awarded to the  
U. T. System, including U. T. Austin, and need not be processed for a personnel  
security clearance:

Members of the U. T. System Board of Regents:

Kevin P. Eltife, Chairman

Janiece Longoria, Vice Chairman

James C. "Rad" Weaver, Vice Chairman

David J. Beck

Christina Melton Crain

R. Steven Hicks

Jodie Lee Jiles

Nolan E. Perez, M.D.

Kelcy L. Warren

Daniel R. Dominguez, Student Regent from June 1, 2019 to May 31, 2020 (nonvoting)

[Secretary's Note: Following distribution of agenda materials, the item was amended to  
reflect recent and pending personnel changes at U. T. Austin.]

3. Approval of Dual Position of Honor, Trust, or Profit - **U. T. System**: Appointment by Governor Abbott of John M. Zerwas, M.D., Executive Vice Chancellor for Health Affairs, to the Strike Force to Open Texas relating to COVID-19

The following item has been approved by the Chancellor in accordance with Regents' *Rules and Regulations*, Rule 30103.

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 System and that there is no conflict between holding this position and the appointment with the System.

The Board is also asked to find that holding this position is of benefit to the State of Texas and The University of Texas System and that there is no conflict between the position and the System.

Name:	John M. Zerwas, M.D.
Title:	Executive Vice Chancellor for Health Affairs
Position:	Chief Medical Advisor, Strike Force to Open Texas, COVID-19
Period:	April 17, 2020, for a term to expire at the pleasure of the Governor
Compensation:	None
Description:	Governor Abbott appointed Dr. Zerwas to the newly created Strike Force to Open Texas to assist as one of three Chief Medical Advisors in developing a medical architecture to comprehensively test and trace COVID-19 that will enable Texans to gradually and safely begin the process of returning to work and other activities.

**AUDIT, COMPLIANCE, AND RISK MANAGEMENT COMMITTEE**

No items for Consent Agenda

**FINANCE AND PLANNING COMMITTEE**

4. **Other Fiscal Matters - U. T. System:** Funding source change to replace Library, Equipment, Repair and Rehabilitation funding with Internal Lending Program funding for U. T. Health Science Center - Tyler campus utilities and improvements

Request approval to allocate \$2,725,000 from the Internal Lending Program (ILP) to U. T. Health Science Center - Tyler for campus utilities and improvements, and to reduce the Fiscal Year 2020 Library, Equipment, Repair and Rehabilitation (LERR) allocation to U. T. Health Science Center - Tyler by the same amount. The allocation of ILP is requested as subsequent to the award of LERR funding, it was determined that funding from the ILP will provide more flexibility to U. T. Health Science Center - Tyler in delivering these needed improvements.

5. **Real Estate Report - U. T. System:** Summary Report of Separately Invested Assets Managed by U. T. System

**THE UNIVERSITY OF TEXAS SYSTEM  
SEPARATELY INVESTED ASSETS  
Managed by U. T. System  
Summary Report at February 29, 2020**

		FUND TYPE							
		Current Purpose Restricted		Endowment and Similar Funds		Annuity and Life Income Funds		TOTAL	
		Book	Market	Book	Market	Book	Market	Book	Market
<b>Land and Buildings:</b>									
Ending Value 11/30/2019	\$	3,211,647	\$ 19,766,969	\$ 96,076,617	\$ 484,106,982	\$ 137,270	\$ 204,284	\$ 99,425,534	\$ 504,078,235
Increase or Decrease		5,350,000	5,350,039	320,000	(284,484)	-	-	5,670,000	5,065,555
Ending Value 02/29/2020	\$	8,561,647	\$ 25,117,008	\$ 96,396,617	\$ 483,822,498	\$ 137,270	\$ 204,284	\$ 105,095,534	\$ 509,143,790
<b>Other Real Estate:</b>									
Ending Value 11/30/2019	\$	-	\$ -	\$ 5	\$ 5	\$ -	\$ -	\$ 5	\$ 5
Increase or Decrease		-	-	-	-	-	-	-	-
Ending Value 02/29/2020	\$	-	\$ -	\$ 5	\$ 5	\$ -	\$ -	\$ 5	\$ 5

Report prepared in accordance with Sec. 51.0032 of the *Texas Education Code*. Details of individual assets by account furnished on request.

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.



**ACADEMIC AFFAIRS COMMITTEE**

6. **Report - U. T. System Academic Institutions: Fiscal Year 2019 Post-Tenure Review**

In accordance with *Texas Education Code* Section 51.942 and Regents' *Rules and Regulations*, Rule 31102, the following report on the Fiscal Year 2019 post-tenure review for the U. T. System academic institutions is provided by the Executive Vice Chancellor for Academic Affairs.

During Fiscal Year 2019, 429 tenured faculty members at the eight academic institutions with tenured faculty were subject to post-tenure review. Of the 429 faculty members reviewed, 228 or 53.1% were evaluated as Exceeds Expectations; 187 or 43.6% were evaluated as Meets Expectations; 14 or 3.3% received Does Not Meet Expectations; and none received an Unsatisfactory evaluation. Twelve faculty members retired or resigned before their post-tenure reviews.

The following summary tables provide additional details of the post-tenure review results for Academic Year 2018-2019.

**Summary of Post-Tenure Review Results**

	Total Actually Reviewed	Total Exceeding Expectations	Total Meets Expectations	Total Does Not Meet Expectations	Total Unsatisfactory	Decided to Retire or Resign Before Review
UTA	45	33	12	0	0	0
UTAUS	181	79	95	7	0	7
UTD	47	22	25	0	0	0
UTEP	42	27	12	3	0	1
UTPB	3	0	3	0	0	1
UTRGV	47	33	12	2	0	1
UTSA	51	24	25	2	0	2
UTT	13	10	3	0	0	0
Total	429	228	187	14	0	12
		53.1%	43.6%	3.3%	0.0%	

**Post-Tenure Review Results by Gender**

	Actually Reviewed		Exceeding Expectations		Meets Expectations		Does Not Meet Expectations		Unsatisfactory		Decided to Retire or Resign Before Review	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
UTA	32	13	25	8	7	5	0	0	0	0	0	0
UTAUS	131	50	58	21	66	29	7	0	0	0	6	1
UTD	36	11	17	5	19	6	0	0	0	0	0	0
UTEP	32	10	21	6	8	4	3	0	0	0	1	0
UTPB	3	0	0	0	3	0	0	0	0	0	0	1
UTRG	32	15	20	13	10	2	2	0	0	0	0	1
UTSA	36	15	16	8	20	5	0	2	0	0	1	1
UTT	10	3	7	3	3	0	0	0	0	0	0	0
Total	312	117	164	64	136	51	12	2	0	0	8	4

**Post-Tenure Review Results by Ethnicity**

	Total Actually Reviewed					Exceeds Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTA	29	1	4	11	0	22	0	2	9	0
UTAUS	149	7	9	14	2	65	1	3	9	1
UTD	28	3	3	12	1	12	0	3	6	1
UTEP	18	0	15	9	0	13	0	8	6	0
UTPB	2	0	1	0	0	0	0	0	0	0
UTRGV	25	2	10	7	3	18	0	8	4	3
UTSA	27	4	5	15	0	12	3	1	8	0
UTT	12	0	0	1	0	9	0	0	1	0
Total	290	17	47	69	6	151	4	25	43	5

	Meets Expectations					Does Not Meet Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTA	6	1	1	4	0	0	0	0	0	0
UTAUS	79	5	6	4	1	5	1	0	1	0
UTD	16	3	0	6	0	0	0	0	0	0
UTEP	3	0	8	1	0	2	0	0	1	0
UTPB	2	0	1	0	0	0	0	0	0	0
UTRGV	6	2	2	2	0	1	0	0	1	0
UTSA	15	1	3	6	0	0	0	1	1	0
UTT	3	0	0	0	0	0	0	0	0	0
Total	130	12	21	23	1	8	1	1	4	0

	Unsatisfactory					Decided to Retire/Resign Before Review				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTA	0	0	0	0	0	0	0	0	0	0
UTAUS	0	0	0	0	0	5	0	1	1	0
UTD	0	0	0	0	0	0	0	0	0	0
UTEP	0	0	0	0	0	1	0	0	0	0
UTPB	0	0	0	0	0	1	0	0	0	0
UTRGV	0	0	0	0	0	1	0	0	0	0
UTSA	0	0	0	0	0	2	0	0	0	0
UTT	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	10	0	1	1	0

**PRESENT STATUS OF EACH PERFORMANCE THAT DOES NOT MEET EXPECTATIONS:**

**U. T. Austin:** Department Chairs and Deans will monitor marginal performance each year and provide feedback through the Annual Review process.

**U. T. El Paso:** (1) Chair and mentors work to bring research productivity to an acceptable standard. (2) Urge the Chair to work with faculty member to ensure new research is well and timely published. (3) Chair or an assigned mentor must work with faculty member on a plan for achieving satisfactory research results.

**U. T. Rio Grande Valley:** Significant concerns were raised regarding the quality and impact of the publications presented by the faculty members. Based on these results, meetings with the respective Deans and Department Chairs were held to establish an action plan with concrete initiatives to address the aforementioned issues.

**U. T. San Antonio:** Individuals have been (1) instructed to meet with the Department Chair, Associate Dean, and Dean to evaluate current workload and outline a plan of action to strengthen performance or (2) instructed to meet with the Department Chair and Dean to increase graduate student mentoring, publications, and effective teaching practices and outline a plan of action to strengthen performance.

7. Other Matters - U. T. System Academic Institutions: Approval of Policies Regarding Speech, Expression, and Public Assembly Revised Per *Texas Education Code* Section 51.9315

Policies for the following U. T. System academic institutions have been revised and are recommended by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel to the Board for approval, as required by *Texas Education Code* Section 51.9315:

U. T. Arlington;  
U. T. Austin;  
U. T. Dallas;  
U. T. El Paso;  
U. T. Permian Basin;  
U. T. Rio Grande Valley;  
U. T. San Antonio; and  
U. T. Tyler.

In 2019, the 86th Legislature enacted *Texas Education Code* Section 51.9315, which requires that institutions of higher education adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

(1) allow:

(A) any person to, subject to reasonable restrictions, engage in expressive activities on campus, including by responding to the expressive activities of others; and

(B) student organizations and faculty to invite speakers to speak on campus;

(2) establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

(3) include a grievance procedure for addressing complaints of a violation of *Texas Education Code* Section 51.9315;

(4) be approved by a majority vote of the institution's governing board before final adoption; and

(5) be posted on the institution's Internet website.

Consequently, all U. T. academic institutions revised their existing policies. The revised policies have been reviewed by the Office of General Counsel and found to be in compliance with *Texas Education Code* Section 51.9315.

8. Contract (funds going out) - U. T. Arlington: Oriental Business Services, Inc., to provide janitorial services, including residence hall make-ready and quick-turn services

Agency: Oriental Business Services, Inc.

Funds: \$2,700,000 over the full contract term, including possible extensions

Period: December 21, 2019 through December 20, 2024; with two options for two-year renewals

Description: Oriental Business Services, Inc., to provide janitorial services, including quick-turn and make-ready services for dormitories.

9. Contract (funds coming in) - U. T. Austin: Gastroenterology Program Support Agreement by and among Ascension Seton (formerly known as Seton Family of Hospitals), Seton Family of Doctors, and The University of Texas at Austin

Agency: Ascension Seton (formerly known as Seton Family of Hospitals) and Seton Family of Doctors

Funds: U. T. Austin will be paid a maximum of approximately \$3,600,000 annually in the first year, escalating to approximately \$8,600,000 by the final program year (with full staffing of program personnel)

Period: Initial term beginning January 1, 2020 through August 31, 2022; with renewal periods of one year each, unless terminated earlier

Description: The Program Support Agreement outlines the terms of a regional comprehensive gastroenterology (GI) program to provide interdisciplinary and multidisciplinary team-based care for a wide variety of conditions.

This care will include adult inpatient and outpatient general and subspecialized gastroenterology care, general and advanced endoscopic procedures, as well as pediatric advanced endoscopy procedures. Among other terms, the program will include 24/7 coverage of Dell Seton Medical Center at U. T. Austin and other designated Seton inpatient facilities, outpatient GI clinics, and research funding.

10. Contract (funds coming in and going out) - U. T. Austin: Total Contract Value Increase to Master Research Services Agreement between Seton Family of Hospitals and the University of Texas at Austin, on behalf of Dell Medical School

Agency: Seton Family of Hospitals

Funds: Actual funds expended or received to date total approximately \$1,500,000. Total contract value for existing and pending statement of work (SOW) is approximately \$2,931,290. U. T. Austin is requesting approval to increase the total contract value to \$6,000,000 based on new and expected research.

Period: February 28, 2019 through August 31, 2021

Description: Under the Agreement, Seton Family of Hospitals and U. T. Austin both receive and provide services. Seton Family of Hospitals and U. T. Austin add specific research statements of work (SOW) to the agreement, each of which allows for the provisions of services by one party to the other with respect to joint research efforts. Each SOW identifies a specific research project and set of services, along with payment and other relevant terms. Initial term was October 1, 2017 through August 31, 2019. The Agreement was amended to extend the term through August 31, 2021, and approved by the Board of Regents on May 2019, at a total contract value of approximately \$2,734,106.

11. Contract (funds going out) - U. T. Austin: Paciolan, LLC, to provide software, service, and equipment for ticketing system at Intercollegiate Athletics facilities

Agency: Paciolan, LLC

Funds: \$8,750,000

Period: July 1, 2020 through June 30, 2032

Description: Department Addendum to Master Software License and Services Agreement with Paciolan, LLC. Paciolan will license comprehensive ticketing, parking, and donation platform; and provide services, equipment, supplemental integrations, and features for designated locations relevant to Intercollegiate Athletics ticketing system.

12. Request for Budget Change - U. T. Austin: Transfer \$8,198,369 from Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery, Operating Income, AUF Funds, to Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery, Administrative and Professional Salaries and All Expense to increase the salary budget for the Pediatric Heart Program funded by Ascension Seton as per the Pediatric Congenital Heart Disease Program Support Agreement (RBC No. 11017) -- amendment to the 2019-2020 budget

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

Description	\$ Amount	RBC #
Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery - AUF Funds		
Amount of Transfer:	\$8,198,369	11017
From: Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery - AUF Funds Operating Income	\$8,198,369	
To: Dell Medical Pediatric Department (DMPD) - Surgery - Pediatric and Congenital Cardiothoracic Surgery - AUF Funds Administrative and Professional Salaries	\$7,998,369	
All Expenses	\$200,000	

13. Request for Budget Change - U. T. Austin: Tenure Appointments -- amendment to the 2019-2020 budget

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

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>Dell Medical School</b>					
Department of Medicine					
Associate Professor					
Kevin Hackshaw (T)	2/1-8/31	30	12	230,000	11008
Associate Professor					
Elizabeth Tyler-Kabara (T)	2/17-8/31	100	12	650,000	11015
<b>College of Fine Arts</b>					
Department of Theatre and Dance					
Associate Professor					
Leah Cox (T)	1/1-5/31	100	09	100,000	11007
<b>Jackson School of Geosciences</b>					
Department of Geological Sciences					
Director (A&P) and Professor					
Demian Saffer (T)	1/1-5/31	100	12	280,000	11009
	1/1-5/31	0	09	210,000	

14. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for current Football Associate Head Coach Stan Drayton

The following Football Associate Head Coach Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Stan Drayton will be in excess of \$1 million. Such employment under the 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. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

To:

**Period:**

April 1, 2020 through March 31, 2022

**Guaranteed compensation:**

Annual Salary: \$650,000

Automobile: One Dealer Car, included in Annual Salary

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

**Nonguaranteed compensation:**

No change

**Note:**

In proposing the new Agreement for Football Associate Head Coach Stan Drayton, U. T. Austin has substantially changed the approach to compensation. For comparison purposes, the approximate increase in guaranteed compensation from FY 2020 to FY 2021 is 22% due to equity increases and with changes throughout the agreements to the classification of other employment terms as part of the base salary.

From:

**Guaranteed compensation:**

Annual Salary: \$515,000

Automobile: One dealer car (or \$7,500 annually in lieu of one dealer car)

Sports Camps and Clinics: \$10,000 annually

Optional Social Club Membership: The University of Texas Golf Club

**Nonguaranteed compensation:**

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the NCAA National Championship Team: maximum of \$85,000 annually

Source of Funds: Intercollegiate Athletics



15. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for current Head Football Strength and Conditioning Coach Yancy J. McKnight

The following Head Football Strength and Conditioning Coach Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Yancy J. McKnight will be in excess of \$1 million. Such employment under the 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. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

To:

**Period:**

April 1, 2020 through March 31, 2022

**Guaranteed compensation:**

Annual Salary: \$510,000

Automobile: One Dealer Car, included in Annual Salary

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, based on availability and business need, and included in Annual Salary

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

**Nonguaranteed compensation:**

No change

**Note:**

In proposing the new Agreement for Football Strength and Conditioning Coach Yancy McKnight, U. T. Austin has substantially changed the approach to compensation. For comparison purposes, the approximate increase in guaranteed compensation from FY 2020 to FY 2021 is 14.81% due to equity increases and with changes throughout the agreements to the classification of other employment terms as part of the base salary.

From: **Guaranteed compensation:**

Annual Salary: \$436,687

Automobile: One dealer car (or \$7,500 annually in lieu of one dealer car)

Optional Social Club Membership: The University of Texas Golf Club

Sports Camps and Clinics: \$10,000 annually, included in Annual Salary

**Nonguaranteed compensation:**

Performance Incentives:

Team wins Big 12 Conference Championship: maximum of \$10,000 annually

Team wins the NCAA National Championship Team: \$85,000

Source of Funds: Intercollegiate Athletics

16. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for current Football Co-Offensive Coordinator Herbert L. Hand, Jr.

The following Football Co-Offensive Coordinator Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Herbert L. Hand, Jr., will be in excess of \$1 million. Such employment under the 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. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

To:

**Period:**

April 1, 2020 through March 31, 2022

**Guaranteed compensation:**

Annual Salary: \$700,000

Automobile: One Dealer Car, included in Annual Salary

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, based on availability and business need, and included in Annual Salary

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

**Nonguaranteed compensation:**

No change

**Note:**

In proposing the new Agreement for Football Co-Offensive Coordinator Herbert L. Hand, Jr., U. T. Austin has substantially changed the approach to compensation. For comparison purposes, the approximate increase in guaranteed compensation from FY 2020 to FY 2021 is 6.46% due to equity increases and with changes throughout the agreements to the classification of other employment terms as part of the base salary.

From:

**Guaranteed compensation:**

Annual Salary: \$640,000

Automobile: One dealer car (or \$7,500 annually in lieu of one dealer car)

Optional Social Club Membership: The University of Texas Golf Club

Sports Camps and Clinics: \$10,000 annually

**Nonguaranteed compensation:**

Performance Incentives:

Team wins Big 12 Conference Championship: maximum of \$10,000 annually

Team wins the NCAA National Championship Team: \$85,000

Source of Funds: Intercollegiate Athletics

17. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement for new Football Associate Head Coach for Defense/Defensive Line Mark Hagen

The following Football Associate Head Coach for Defense/Defensive Line Employment Agreement has been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and is recommended for approval by the U. T. System Board of Regents. If the Agreement is approved, total compensation for the contract period for Mark Hagen will be in excess of \$1 million. Such employment under the 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. Any violation of the provisions of such constitution, bylaws, rules, regulations, or policies shall be grounds for suspension without pay and/or dismissal.

Proposed:           **Guaranteed compensation:**

Annual Salary: \$550,000

Automobile: One Dealer Car, included in Annual Salary

Sports Camps and Clinics: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Social club membership: In accordance with Athletics Department's policies and procedures, and based on availability and business need

Relocation: One-time relocation allowance of \$2,000

Moving allowance: maximum of \$25,000

**Nonguaranteed compensation:**

Performance Incentives:

Team Wins Big 12 Conference Championship game: maximum of \$10,000 annually

Team wins the College Football Playoff Championship game: maximum of \$85,000 annually

Team Academic Performance Incentives: N/A

Coach of the Year Honors: N/A

Honorary Head Coach Assignment: N/A

Source of Funds: Intercollegiate Athletics

Period:               February 6, 2020 through March 31, 2022

18. Contract (funds going out) - U. T. Dallas: Cuevas Distribution, Inc., to provide services for delivery of bulk liquid nitrogen and laboratory cylinder gases on an as-needed basis

Agency: Cuevas Distribution, Inc.

Funds: Approximately \$800,000 per year or \$4,000,000 over a possible five-year maximum term

Period: April 1, 2020 through March 31, 2023; with option to renew for two additional one-year terms

Description: Cuevas Distribution, Inc., a State of Texas certified HUB business, will provide services for routine delivery of bulk liquid nitrogen and laboratory cylinder gases to the U. T. Dallas campus on an as-needed basis. This proposed award is the result of a competitive solicitation and resulting recommendation by an evaluation committee of University staff including faculty, research, and business stakeholders.

19. Approval of Dual Position of Honor, Trust, or Profit - U. T. El Paso: Appointment by President Trump of Heather Wilson, Ph.D., as a Member of the National Science Board

The following item has been approved by the Executive Vice Chancellor for Academic Affairs in accordance with Regents' *Rules and Regulations*, Rule 30103.

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 at El Paso and that there is no conflict between holding this position and the appointment with the University.

The Board is also asked to find that holding this position is of benefit to the State of Texas and the University and that there is no conflict between the position and the University.

Name: Heather Wilson, Ph.D.

Title: President

Position: Member, National Science Board

Period: Six-year term, expiring May 10, 2026

Compensation: None

Description: Dr. Heather Wilson will be appointed to serve a six-year term on the National Science Board, which provides advice and oversight for the National Science Foundation (NSF). The National Science Board, comprised of 25 members, works with the NSF to recommend and encourage research, education and budget priorities; and serves as an independent advisory body to the President and Congress on policy matters related to science and engineering. It also publishes policy papers and statements on issues of national importance to science and engineering.

20. Request for Budget Change - U. T. Rio Grande Valley: New Hire with Tenure -- amendment to the 2019-2020 budget

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

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>School of Medicine</b>					
Neuroscience					
Chair and Institute Director, Professor					
Ihsan Salloum (T)	5/1-8/31	100	12	400,000	11032

21. Contract (funds coming in) - U. T. San Antonio: Amendment to University Computer Store Management and Operation Agreement with HiEd Inc. to provide on-premises vending machines that distribute computer and technology related commodities

Agency: HiEd Inc.

Funds: Revenue Generating; estimated amount annually \$25,000

Period: Initial University Computer Store Management and Operation Agreement is for a 60-month term beginning November 1, 2018, with five additional 12-month renewal options, with each renewal option being at U. T. San Antonio's discretion

Effective Date for this Amendment is May 15, 2020

Description: In 2018, U. T. San Antonio entered into a University Computer Store Management and Operation Agreement with HiEd Inc. That initial Agreement did not require Board approval as it did not reach the institution's delegated contracting threshold. That initial Agreement was competitively procured.

This Amendment to the initial Agreement allows for on-premises vending machines that distribute computer and technology related commodities for the benefit and convenience of students, faculty, staff, alumni, and invitees. The value of the initial contract and the amendment combined does not trigger required Board approval. Instead, Board approval for this amendment is sought in accordance with *Texas Government Code* Section 2203.005(a) and The University of Texas Systemwide Policy UTS 130 pertaining to Vending Machine Contracts.

22. Request for Budget Change - U. T. San Antonio: Transfer \$2,500,000 from Recreational Center Reserve account to Capital Project - Cost Center Clearing account to provide institutional support to cover costs related to the Intramural Recreation Field Reconstruction (RBC No. 11010) -- amendment to the 2019-2020 budget
23. Request for Budget Change - U. T. San Antonio: New Hires with Tenure -- amendment to the 2019-2020 budget

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

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>College of Liberal and Fine Arts</b>					
Department of Music					
Professor					
Martin Camacho (T)	5/18-5/31	100	09	93,800	11031
<b>College of Engineering</b>					
Department of Civil and Environmental Engineering					
Professor					
Sergio Alcocer (T)	1/21-5/31	10	09	300,000	11030
<b>College of Health, Community and Policy</b>					
Departments of Demography and Sociology					
Professor					
Jeralynn Crossman (T)	5/11-5/31	100	09	180,000	11036

**HEALTH AFFAIRS COMMITTEE**

24. **Report - U. T. System Health Institutions: Fiscal Year 2019 Post-Tenure Review**

In accordance with *Texas Education Code* Section 51.942 and Regents' *Rules and Regulations*, Rule 31102, the following report on the Fiscal Year 2019 post-tenure review for the U. T. System health institutions is provided by the Executive Vice Chancellor for Health Affairs.

During Fiscal Year 2019, 213 tenured faculty members at the six health institutions with tenured faculty were subject to post-tenure review. Of the 213 faculty members reviewed, 102 or 47.9% were evaluated as Exceeds Expectations; 105 or 49.3% received Meets Expectations; 5 or 2.3% received Does Not Meet Expectations; and 1 or 0.5% received Unsatisfactory evaluations. Seven faculty members retired or resigned the tenured position before their post-tenure review.

The following summary tables provide additional details of the post-tenure review results for Academic Year 2018-2019.

**Summary of Post-Tenure Review Results**

	Total Subject to Review	Total Exceeds Expectations	Total Meets Expectations	Total Does Not Meet Expectations	Total Unsatisfactory	Decided to Retire or Resign Before Review
UTSWMC	52	33	18	1	0	1
UTMB	27	15	11	1	0	1
UTHSC-H	27	24	2	1	0	3
UTHSC-SA	44	27	17	0	0	1
UTMDACC	62	2	57	2	1	1
UTHSC-T	1	1	0	0	0	0
Total	213	102	105	5	1	7
		47.9%	49.3%	2.3%	0.5%	

**Post-Tenure Review Results by Gender**

	Subject to Review		Exceeds Expectations		Meets Expectations		Does Not Meet Expectations		Unsatisfactory		Decided to Retire or Resign Before Review	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
UTSWMC	42	10	26	7	15	3	1	0	0	0	1	0
UTMB	20	7	13	2	6	5	1	0	0	0	1	0
UTHSC-H	20	7	17	7	2	0	1	0	0	0	0	3
UTHSC-SA	32	12	21	6	11	6	0	0	0	0	1	0
UTMDACC	45	17	2	0	40	17	2	0	1	0	1	0
UTHSC-T	1	0	1	0	0	0	0	0	0	0	0	0
Total	160	53	80	22	74	31	5	0	1	0	4	3



**Post-Tenure Review Results by Ethnicity**

	Total Actually Reviewed					Exceeds Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTSWMC	45	0	0	7	0	27	0	0	6	0
UTMB	18	0	0	9	0	11	0	0	4	0
UTHSC-H	20	0	1	6	0	18	0	1	5	0
UTHSC-SA	26	1	5	11	1	18	1	3	5	0
UTMDACC	36	1	8	16	1	1	0	1	0	0
UTHSC-T	1	0	0	0	0	1	0	0	0	0
Total	146	2	14	49	2	76	1	5	20	0

	Meets Expectations					Does Not Meet Expectations				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTSWMC	17	0	0	1	0	1	0	0	0	0
UTMB	6	0	0	5	0	1	0	0	0	0
UTHSC-H	2	0	0	0	0	0	0	0	1	0
UTHSC-SA	8	0	2	6	1	0	0	0	0	0
UTMDACC	34	1	7	14	1	0	0	0	2	0
UTHSC-T	0	0	0	0	0	0	0	0	0	0
Total	67	1	9	26	2	2	0	0	3	0

	Unsatisfactory					Decided to Retire/Resign Before Review				
	White	Black	Hispanic	Asian	Other	White	Black	Hispanic	Asian	Other
UTSWMC	0	0	0	0	0	0	0	0	1	0
UTMB	0	0	0	0	0	1	0	0	0	0
UTHSC-H	0	0	0	0	0	2	0	0	1	0
UTHSC-SA	0	0	0	0	0	1	0	0	0	0
UTMDACC	1	0	0	0	0	1	0	0	0	0
UTHSC-T	0	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	0	5	0	0	2	0

**PRESENT STATUS OF EACH PERFORMANCE THAT DOES NOT MEET EXPECTATIONS:**

**U. T. Southwestern Medical Center:** Faculty member retired.

**U. T. Medical Branch-Galveston:** Faculty member began remediation plan.

**U. T. Health Science Center-Houston:** Faculty member was counseled and decided to enter a phased retirement.

**U. T. M. D. Anderson Cancer Center:** Both faculty members pending administrative review.

**PRESENT STATUS OF EACH UNSATISFACTORY PERFORMANCE:**

**U. T. M. D. Anderson Cancer Center:** Professor retired.

25. Other Matters - U. T. System Health Institutions: Approval of Policies Regarding Speech, Expression, and Public Assembly Revised Per *Texas Education Code* Section 51.9315

Policies for the following U. T. System health institutions have been revised and are recommended by the Chancellor, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel to the Board for approval, as required by state law, *Texas Education Code* 51.9315:

U. T. Southwestern Medical Center;  
U. T. Medical Branch - Galveston;  
U. T. Health Science Center - Houston;  
U. T. Health Science Center - San Antonio;  
U. T. M. D. Anderson Cancer Center; and  
U. T. Health Science Center - Tyler.

In 2019, the 86th Legislature enacted the Texas Education Code Section 51.9315, which requires institutions of higher education adopt a policy detailing students' rights and responsibilities regarding expressive activities at the institution. The policy must:

(1) allow:

(A) any person to, subject to reasonable restrictions, engage in expressive activities on campus, including by responding to the expressive activities of others; and

(B) student organizations and faculty to invite speakers to speak on campus:

(2) establish disciplinary sanctions for students, student organizations, or faculty who unduly interfere with the expressive activities of others on campus;

(3) include a grievance procedure for addressing complaints of a violation of *Texas Education Code* Section 51.9315;

(4) be approved by a majority vote of the institution's governing board before final adoption; and

(5) be posted on the institution's Internet website.

Consequently, all U. T. System health institutions revised their existing policies. The revised policies have been reviewed by the Office of General Counsel and found to be in compliance with *Texas Education Code* Section 51.9315.

26. Contract (funds going out) - U. T. Southwestern Medical Center: American Food and Vending Service of Missouri, Inc., to provide coffee services

Agency: American Food and Vending Service of Missouri, Inc.

Funds: \$7,000,000

Period: March 31, 2020 through March 30, 2023; with the option to renew for two additional one-year renewal periods

Description: American Food and Vending Service of Missouri, Inc., will provide coffee services on the U. T. Southwestern Medical Center campus. The contract was competitively bid. In accordance with *Texas Education Code* Section 51.945, the students were provided with an opportunity to comment prior to the determination that this vending services provider should be selected by the institution.

27. Contract (funds going out) - U. T. Southwestern Medical Center: Slingshot, LLC, to support core value brand marketing and health systems priorities

Agency: Slingshot, LLC

Funds: \$12,000,000 over the full contract term, including renewal options

Period: March 11, 2020 through September 10, 2021; with option to renew for two one-year renewal periods

Description: Slingshot, LLC, will engage in support of U. T. Southwestern Medical Center's core value brand marketing and health system priorities, providing strategic, creative, media planning and purchasing, production materials, and account management. The contract was competitively bid.

28. Lease - U. T. Southwestern Medical Center: Authorization to extend a lease of approximately 48,770 square feet of space at 3030 Waterview Parkway and 3020 Waterview Parkway, Richardson, Dallas County, Texas, from GI DC Richardson, LLC, a Delaware limited liability company, as Lessor, for office, clinical and research uses

Description: Lease of approximately 48,770 square feet of space located at 3030 Waterview Parkway and 3020 Waterview Parkway Richardson, Dallas County, Texas. The institution provides clinical services at the premises, including to individuals associated with nearby U. T. Dallas. The initial lease was approved by the Board on August 22, 2012.

Lessor: GI DC Richardson, LLC, a Delaware limited liability company

Term: Extend term from July 1, 2020 through November 30, 2027

Lease Cost: Approximately \$7,927,157 in base rent plus operating expenses with Lessor providing a \$585,240 tenant improvement allowance to Lessee

29. Lease - U. T. Southwestern Medical Center: Authorization to lease vacant medical office space and ancillary commercial space in the Texas Health Frisco Medical Office Building located at 12500 Dallas Parkway, Frisco, Collin County, Texas, to Northlake Obstetrics & Gynecology, P. A., and to other to-be-determined lessees for office, medical office, commercial and related uses

Description: Lease of vacant medical office space and ancillary commercial space located in the recently built Texas Health Frisco Medical Office Building located at 12500 Dallas Parkway, Frisco, Collin County, Texas, to Northlake Obstetrics & Gynecology, P. A. (Northlake) and to other to-be-determined lessees for office, medical office use or commercial uses. U. T. Southwestern Medical Center currently holds a master lease of the entire building from Texas Health Resources, the building owner and an entity in which the institution has a financial interest. U. T. Southwestern Medical Center also jointly operates a hospital adjacent to the property. Pursuant to authorization from the Board on June 28, 2017, U. T. Southwestern Medical Center is in the process of acquiring fee title to the building.

Presently, the institution plans to use 105,292 rentable square feet of the approximate 123,137 square foot building to house its physicians and for clinical uses. U. T. Southwestern Medical Center plans to lease the balance of approximately 17,845 rentable square feet as described below. U. T. Southwestern Medical Center is seeking authorization to lease approximately 14,076 rentable square feet of medical office space to Northlake and to enter into one or more leases for approximately 3,769 square feet with yet to-be-determined lessees at fair market value rents and at market terms.

The base rent figures and other lease terms below reflect the current medical office and commercial market rental rates for a Class A medical office building in the Frisco area, and such rates and other lease terms may adjust based on market conditions. The Lease Revenue calculations below reflect all of the 17,845 square feet specified above.

- Lessee:** Northlake Obstetrics & Gynecology, P. A., and additional Lessees yet to be determined
- Lease Term:** Based on market; lease terms for medical office properties in the Frisco area are commonly five to 10 years or more, with up to two five-year extension options. The Northlake lease is for an initial term of approximately 15-years with one five-year renewal option thereafter.
- Lease Revenue:** Based on market, estimated annual base rent payable by third-party lessees during an initial five-year to 10-year term currently range from \$26 to \$29 per square foot, plus the cost of all operating expenses, including taxes. The Northlake lease has an initial annual base rent of \$27 per square foot with two percent annual increases. In addition, there is an annual repayment of \$3.71 per square foot for an excess tenant improvement allowance, for an initial total rent of \$30.71 per square foot or approximately \$7,173,000 for the initial term.
- In addition to base rent, the lessees shall each pay their proportionate shares of operating expenses attributable to their respective premises, including taxes if applicable. The institution will reserve the right to convert its net leases into gross leases, where the tenant pays no operating expenses, but instead pays a higher base rent to cover such costs.
- Improvement Allowance and Commissions:** U. T. Southwestern will provide the lessees a market improvement allowance currently estimated up to an amount of \$50 to \$80 per rentable square foot for the rentable area depending on the size of the lease space and term of the lease to construct improvements in the premises, now in shell condition. Each lessee will either (a) directly pay the cost of improvements that exceed their respective allowances or (b) at the institution's discretion, repay all or a portion of such excess costs amortized as rent over the term of the lease. The Northlake lease will include an \$80 base tenant improvement allowance plus an additional \$38.93 excess tenant improvement allowance, to be repaid during the initial term. The Northlake lease does not include brokerage fees; however, future leases may include commissions to be paid by the institution for leasing services, which are projected to be at a market rate of 6.75 percent of the aggregate rent (typically for a term not to exceed 10 years). Tenant improvements and leasing commissions for the leasing of all the space currently allotted to third parties may total approximately \$2,055,000.

**Parking:** Parking is provided in the building's adjacent garage and surface parking area at a ratio of four per 1,000 rentable square feet of leased premises for the use of each medical office lessee; the parking allocation to the commercial space may be less than the office space allocation specified above. Presently, the Lessees will not pay a charge for parking; however, the individuals utilizing parking at the building may be charged a fee. However, this is subject to change and periodic adjustment in the future.

**Lease Revenue Amount:** The projected total rent amount for the initial leases in the building based on yet to be determined leases at market and the Northlake lease is estimated at \$10,990,250. Northlake accounts for approximately \$9,834,700 to include base rent and excess tenant improvement rent over the initial term and the renewal term. The to-be-determined leases will also be at fair market rates with the lessee paying its share of expenses.

30. Purchase - U. T. Southwestern Medical Center: Authorization to purchase 2.81 acres improved with a 22,143 square foot medical office building located at 6010 Forest Park Road, City of Dallas, Dallas County, Texas, from UTSW Investments, LLC, for future campus expansion

**Description:** Purchase of 2.81 acres improved with a 22,143 square foot medical office building located at 6010 Forest Park Road, City of Dallas, Dallas County Texas, and authorization for 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 purchase the property. This property is across the street from U. T. Southwestern Medical Center and is contiguous to property already owned by U. T. Southwestern Medical Center. Current tenant, Bio-Medical Applications of Texas, Inc., will remain pursuant to an existing lease for the building expiring October 31, 2020. The property may be used for mission purposes and for future programmed campus expansion.

**Seller:** UTSW Investments, LLC, a Texas limited liability company and subsidiary of Slate Properties, LLC

**Purchase Price:** \$6,375,000

31. Approval of Dual Position of Honor, Trust, or Profit - U. T. Southwestern Medical Center: Appointment by Governor Abbott of Marc Diamond, M.D., Professor and Center Director for Alzheimer's and Neurodegenerative Diseases, as Chair of the Texas Council on Alzheimer's Disease and Related Disorders

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with Regents' *Rules and Regulations*, Rule 30103.

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 Southwestern Medical Center and there is no conflict between holding this position and the appointment with the University.

The Board is also asked to find that holding this position is of benefit to the State of Texas and the University, and that there is no conflict between the position and the University.

Name: Marc Diamond, M.D.

Title: Professor and Center Director for Alzheimer's and Neurodegenerative Diseases

Position: Chair, Texas Council on Alzheimer's Disease and Related Disorders

Period: December 5, 2019; for a term to expire at the pleasure of the Governor

Compensation: None

Description Governor Abbott has appointed Marc Diamond, M.D., as Chair of the Texas Council on Alzheimer's Disease and Related Disorders. The Texas Council on Alzheimer's Disease and Related Disorders facilitates the coordination of state services for victims of Alzheimer's disease and related disorders. The purpose of the council is to advise the Department of State Health Services and recommend needed action for the benefit of persons with Alzheimer's disease and related disorders and for their caregivers; coordinate public and private family support networking systems for primary family caregivers; disseminate information on services and related activities for persons with Alzheimer's disease and related disorders to the medical and health care community, the academic community, primary family caregivers, advocacy associations, and the public; coordinate a volunteer assistance program primarily for in-home and respite care services; encourage research to benefit persons with Alzheimer's disease and related disorders; recommend to the Department disbursement of grants and funds available for the Council; facilitate coordination of state agency services and activities relating to persons with Alzheimer's disease and related disorders.

32. Contract (funds going out) - U. T. Medical Branch - Galveston: First Amendment to Agreement with Alere North America, LLC, to provide point of care testing for flu, strep, and RSV in all primary care clinics

Agency: Alere North America, LLC

Funds: \$3,000,000, bringing the total contract cap amount to \$9,000,000

Period: September 1, 2019 through August 31, 2024

Description: Alere North America, LLC, provides point of care testing for flu, strep, and RSV in all U. T. Medical Branch - Galveston primary care clinics. The test results are available in less than five minutes thereby improving patient flow in clinics. The contract was procured via a Best Value Exclusive Acquisition Justification given that it was required for exact compatibility with existing equipment, which is already in place in the Island Pediatric Primary Care and Urgent Care clinics in Galveston. The original Agreement for \$6,000,000 was approved at the November 14, 2019 Board of Regents' meeting. The First Amendment to the Agreement adds 35 additional units in all primary care clinics and nine additional units at the three hospitals. The cap amount is also being increased in this First Amendment by \$3,000,000 to \$9,000,000.

33. Other Matters - U. T. Medical Branch - Galveston: Approval of campus expansion zone included in U. T. Medical Branch - Galveston, Facilities Master Plan, composed of the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and Market Street from 13th Street to 20th Street, in Galveston, Galveston County, Texas

Description: U. T. Medical Branch - Galveston presented a Facilities Master Plan (the "Plan") to the Board of Regents on February 5, 2010. The Plan included a campus expansion zone described as the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and Market Street from 13th Street to 20th Street in Galveston, Galveston County, Texas. The Plan was presented to the Board in 2010 for information only. When the expansion zone included in the Plan was presented to the Board for approval in 2016, U. T. Medical Branch - Galveston sought approval for only the city blocks on either side of 6th Street from Market Street to Broadway Avenue and all city blocks between Harborside Drive and The Strand from 13th Street to 20th Street, which is just a portion of the land shown in the Plan presented to the Board in 2010. Approval is requested to modify the approved expansion zone to include the remaining land shown in the Plan's campus expansion zone, which are the city blocks between The Strand and Market Street from 13th Street to 20th Street.



34. Approval of Dual Position of Honor, Trust, or Profit - U. T. Medical Branch - Galveston: Appointment of Philip Keiser, M.D., Professor, Division of Infectious Diseases, Internal Medicine, as a Member of the State of Texas Correctional Managed Health Care Committee as the physician representative from U. T. Medical Branch - Galveston

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with Regents' *Rules and Regulations*, Rule 30103.

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 Medical Branch at Galveston and that there is no conflict between holding this position and the appointment with the University.

The Board is also asked to find that holding this position is of benefit to the State of Texas and the University and that there is no conflict between the position and the University.

Name:	Philip Keiser, M.D.
Title:	Professor, Division of Infectious Diseases, Internal Medicine
Position:	Member, State of Texas Correctional Managed Health Care Committee as the physician representative from U. T. Medical Branch - Galveston
Period:	March 2020 through March 2026
Compensation:	None
Description:	Ben G. Raimer, President <i>ad interim</i> of U. T. Medical Branch - Galveston (UTMB), appointed Dr. Keiser to serve as a Member of the State of Texas Correctional Managed Health Care Committee as the physician representative from UTMB. In this role, he will meet a minimum of four times per year to supervise health care delivery to Texas Department of Criminal Justice offenders incarcerated in the Texas prison system.

35. Contract (funds coming in) - U. T. Health Science Center - Houston: To provide faculty and residents to The Harris Health System to staff Harris County hospitals and clinical programs

Agency: Harris County Hospital District, dba Harris Health System

Funds: \$2.076 billion

Period: July 1, 2020 through June 30, 2035

Description: This Affiliation Agreement between U. T. Health Science Center - Houston and the Harris County Hospital District, dba Harris Health System, will define the arrangements by which U. T. Health Science Center - Houston will provide faculty and trainees to staff Harris Health System's facilities and clinical programs.

36. Interagency Agreement (funds coming in) - U. T. Health Science Center - Houston: Interagency Agreement between U. T. Health Science Center - Houston and Texas Health and Human Services Commission to provide data analysis services

Agency: Texas Health and Human Services Commission

Funds: \$5,000,000

Period: March 11, 2020 through August 31, 2021

Description: Interagency Agreement under which U. T. Health Science Center - Houston will provide data analysis services, including individual benchmark and progress data, in connection with a legislatively mandated project set forth in House Bill 1, Article IX, Health Related Provisions Section 10.06, Cross-Agency Coordination on Healthcare Strategies and Measures.

37. Request for Budget Change - U. T. Health Science Center - Houston: New Hire with Tenure -- amendment to the 2019-2020 budget

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

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>Cizik School of Nursing</b>					
Department of Research					
Associate Professor					
Daphne C. Hernandez (T)	2/1-8/31	100	12	\$140,153	11033

38. Request for Budget Change - U. T. Health Science Center - San Antonio: New Hire with Tenure -- amendment to the 2019-2020 budget

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

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
<b>School of Medicine</b>					
Biochemistry and Structural Biology					
Associate Professor					
Shaun Olsen (T)	5/1-8/31	100	12	145,000	11025

39. Gift - U. T. Health Science Center - San Antonio: Authorization to accept the gift of two parcels consisting of 12.874 acres of land subject to a ground lease and 7.44 acres of unimproved land located at Wurzbach Road and Floyd Curl Drive, City of San Antonio, Bexar County, Texas, from San Antonio Medical Foundation, for future campus expansion

Description: Acquisition by gift of two parcels consisting of 12.874 acres of improved land and 7.44 acres of unimproved land located at Wurzbach Road and Floyd Curl Drive, City of San Antonio, Bexar County, Texas, from San Antonio Medical Foundation for future campus expansion, including a future hospital site. The 12.874-acre parcel gift is for land subject to a ground lease to U. T. Health Science Center - San Antonio. The site is improved with an approximately 260,000 square foot clinical and research facility currently used by the U. T. Health Science Center - San Antonio Department of Radiation Oncology. The ground lease interest and improvements were transferred from the Cancer Therapy and Research Center to the U. T. System Board of Regents by gift and purchase on December 6, 2007. The San Antonio Medical Foundation now wishes to gift ownership of the underlying land; combined with the ground lease by U. T. Health Science Center - San Antonio currently in place, giving the institution full ownership of land and building. The unimproved 7.44-acre parcel is across Floyd Curl Drive. Both parcels are in the acquisition zone identified for the Greehey Academic and Research Campus Master Plan.

Donor: San Antonio Medical Foundation, a Texas nonprofit corporation

Value: Estimated value based on 2019 Bexar County Central Appraisal District records is \$6,397,330 for the 12.874 acres, and \$2,996,330 for the 7.44 acres.

40. Contract (funds going out) - U. T. M. D. Anderson Cancer Center: Eurofins Viracor, Inc., to provide reference lab testing services
- Agency: Eurofins Viracor, Inc. f/k/a ViraCor-IBT Laboratories, Inc.
- Funds: Total cost under this Agreement will not exceed \$9,200,000 over the full contract term, including renewal options
- Period: The initial term will be for a period of 60 months, commencing April 1, 2020; with two 12-month renewal options
- Description Eurofins Viracor, Inc., provides standard and esoteric testing in infectious disease, immunology and allergy testing. Eurofins Viracor will provide Reference Laboratory Testing for qPCR assays results within 24 hours or less for a critical patient population. Eurofins Viracor monitors public gene sequence repositories, as well as internal data, for new strains or mutations. Eurofins Viracor qPCR assays target at least two portions of the viral genome, utilizing unique primer and probe sets for each target. This Agreement was acquired via an Exclusive Acquisition Justification.
41. Lease - U. T. M. D. Anderson Cancer Center: Authorization to lease approximately 32,148 square feet of space located at 8000 El Rio Street, Suites 8030, 8032, 8036, 8038, 8066, 8076, and 8078, Houston, Harris County, Texas, to Ziopharm Oncology, Inc.
- Description: Lease of space located at 8000 El Rio Street, Suites 8030, 8032, 8036, 8038, 8066, 8076, and 8078, Houston, Harris County, Texas, collectively with approximately 32,148 square feet of service center space, used for research and manufacturing.
- Lessee: Ziopharm Oncology, Inc., a Delaware corporation; Ziopharm has a research and development agreement with the institution
- Term: Seven-year term with staggered commencement dates running from November 2019 through June 1, 2020, with suites 8066, 8076 and 8078 having one five-year renewal option
- Lease Income: During the initial term, total base rent is estimated at \$5,658,700, plus taxes. If all renewal options are exercised, total base rent for the renewal period will be an estimated \$2,832,400 for a total estimated base rent of \$8,491,100, plus taxes.

42. Lease - U. T. M. D. Anderson Cancer Center: Authorization to enter into a lease for up to 12 years for approximately 66,300 square feet of space located in Life Science Plaza, 2130 West Holcombe Boulevard, Houston, Harris County, Texas, from Life Science Plaza Investment Group, L.P., for research, therapy manufacturing and other mission purposes

Description: Lease of approximately 66,300 square feet of commercial space located at Life Science Plaza, located at 2130 West Holcombe Boulevard, Houston, Harris County, Texas, for research, therapy manufacturing and other mission purposes. This space is currently occupied by Bellicum, Inc., and improved for research, therapy manufacturing, and office uses. The institution has entered into an agreement with Bellicum to acquire substantially all of its assets; these assets include equipment for research and manufacturing uses pursuant to cGMP manufacturing requirements as promulgated by the Food and Drug Administration.

On November 14, 2019, the Board authorized the acquisition of Bellicum's assets and the lease of this space in Life Science Plaza for a term not to exceed 10 years. However, the Lessor has required, as a condition to leasing this space to the Board on behalf of U. T. M. D. Anderson Cancer Center, that the term be for up to 12 years; this is to stagger the expiration date of this space with those of the other spaces in this building leased on behalf of the institution. In addition to a small amount of exterior mechanical space, in aggregate with existing leases U. T. M. D. Anderson Cancer Center would occupy approximately 242,095 rentable square feet of 340,244 rentable square feet; this is approximately 71% of the building.

Lessor: Life Science Plaza Investment Group, L.P., a Texas limited partnership

Term: Up to a 12-year primary term, with two five-year renewal options at fair market value. This is a change from the previously authorized 10-year primary term.

Lease Cost: Over the now longer term, total base rent and operating expenses paid by U. T. M. D. Anderson Cancer Center are estimated at \$56,819,000. This is a change from the previously-approved \$41,616,000 for estimated base rent and estimated operating expenses.

Estimated base rent is now \$34,568,500, which is an escalation from \$35.35 per square foot to \$36.53 per square foot due to the passage of time. Estimated operating expenses are now \$22,250,500 over the term or \$23.89 per square foot with estimated 3.33% annual increases. An increase in property taxes in 2020 resulted in a 20% increase in estimated operating expenses per square foot from what was previously estimated.

**FACILITIES PLANNING AND CONSTRUCTION COMMITTEE**

No items for Consent Agenda