

Chapter 07 -- Fiscal Management

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[see last page of chapter (prior to Appendix A) for list of amendments adopted]

07.00 **Definitions.**

07.00.1 "FDIC" means the Federal Deposit Insurance Corporation.

07.00.2 "HEF" means Higher Education Funds.

07.00.3 "HUBs" means Historically Underutilized Businesses.

07.00.4 "OAS" means the Office of Audit Services.

07.00.5 "RFS" means the Revenue Financing System.

07.00.6 "CAE" means the Chief Audit Executive.

07.01 **Fiduciary responsibility.** The board and the principal officers of the TTU system have the responsibilities of a fiduciary in the administration of all funds subject to the control and management of the TTU system.

07.02 **Audits.**

07.02.1 Mission statement. The mission of the Office of Audit Services (OAS) is to enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

07.02.2 Objectives. The OAS shall:

- a. provide independent, objective assurance and consulting services designed to add value and improve the operations of the TTU system; and
- b. assist the TTU system in accomplishing its objectives by using a systematic, disciplined, and risk-based approach to evaluate and

improve the effectiveness of risk management, control, and governance processes.

07.02.3 Standards of audit practice. The OAS shall comply with generally accepted government auditing standards, the international standards for the professional practice of internal auditing, and the code of ethics promulgated by The Institute of Internal Auditors.

07.02.4 Organizational responsibility and reporting relationships.

a. The OAS is established by the board in accordance with the Texas Internal Auditing Act (“the Act”). The board, through the Audit Committee, is responsible for the employment, compensation, and dismissal of a Chief Audit Executive (the “CAE”) to manage the affairs of the OAS. The chancellor has the authority to make recommendations to the Audit Committee on the employment and dismissal of the CAE. The CAE reports: directly to the board; functionally through the Audit Committee; and administratively to the chancellor. Administrative reporting to the chancellor facilitates the day-to-day operations of the OAS and includes:

- (1) approval of travel or other expenses;
- (2) human resource administration, including compensation and evaluation of OAS staff members other than the CAE; and
- (3) other functions as may be delegated to the chancellor by the Audit Committee.

b. Annually, the Audit Committee shall evaluate the performance of the CAE.

07.02.5 Independence. To ensure independence and objectivity, OAS reports to the board through the Audit Committee. Additionally, the staff of OAS has no direct responsibility or authority for activities or operations that may be audited or reviewed. Auditors do not develop and install procedures, prepare records, make management decisions, or engage in any other activity that could be reasonably construed to compromise their independence. Auditors

are not, however, precluded from making recommendations and suggestions for the improvement of governance, risk management, and internal control processes. An audit or review does not substitute for or relieve other TTU system personnel of their assigned responsibilities.

07.02.6 Scope of work. The comprehensive scope of work of the OAS is to determine if the TTU system's network of risk management, control, and governance processes is functioning in a manner that will enable goals and objectives of the TTU system to be met and to evaluate and improve the effectiveness of the TTU system's risk management, control, and governance processes. Specifically, the scope of work shall provide reasonable assurance that such processes are designed and operating in a manner to ensure:

- a. risks are effectively identified and managed;
- b. risk management processes and internal control systems are adequate, effective, and efficient;
- c. organizational performance management and accountability systems are effective;
- d. the governance process facilitates sound decision making, organizational effectiveness, appropriate communications, and promotion of ethics and values;
- e. financial, managerial, and operating information is accurate, reliable, and timely;
- f. employees' actions are in compliance with policies, standards, procedures, and applicable statutes and regulations;
- g. resources are acquired economically, used efficiently, and adequately protected;
- h. programs, plans, and objectives are achieved; and
- i. systems are designed and implemented with proper control structures.

07.02.7 Accountability and responsibility. The CAE, in the discharge of his or her duties, shall be responsible and accountable to the board through the Audit Committee to:

- a. develop a flexible annual audit plan using appropriate risk-based methodology and submit the plan to the board through the Audit Committee for review and approval; the CAE shall consider for inclusion in the plan any risks or control concerns identified by management, and consider the scope of work of internal and external assurance and consulting service providers, as appropriate, for the purpose of providing optimal audit coverage to the TTU system at a reasonable overall cost;
- b. oversee the execution of the annual audit plan;
- c. report significant issues related to the risk management, control, and governance processes of the TTU system, including potential improvements to those processes, and provide information concerning the resolution of such issues;
- d. report annually to the board, the chancellor, the governor, and state agencies, as required by the Act, on the activities of the OAS;
- e. provide information periodically on the status and results of the annual audit plan and the sufficiency of department resources, including OAS personnel, to address identified risks within a reasonable time frame;
- f. coordinate with other control and monitoring functions (including, but not limited to, the Office of the General Counsel, the police departments of the component institutions, the State Auditor's Office, other state agencies, and external assurance and consulting providers) to maximize the efficient and effective use of audit resources;
- g. maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the audit mission and objectives;

- h. establish a quality assurance and improvement program to ensure compliance with professional standards, consistency, and quality in OAS operations;
- i. consider performing advisory services to assist management in meeting its objectives, examples of which may include facilitation, process design, training, and other advisory services;
- j. evaluate significant new or changing services, processes, operations, systems, and control processes coincident with their development, implementation, and/or expansion;
- k. report to the Audit Committee when the CAE has reason to believe that senior management has accepted a level of residual risk that may be unacceptable;
- l. keep the Audit Committee informed of emerging trends and successful practices in internal auditing;
- m. assist in the investigation of suspected fraudulent activities within the TTU system and keep appropriate management, the chancellor, and the board, through the Audit Committee, informed of such investigations; and
- n. coordinate any external audit or investigative effort performed by certified public accountants, the state auditor's office, or other auditors; this coordination may include scheduling of entrance and exit conferences, assisting with fieldwork, and/or reviewing management responses to findings and recommendations of the external auditors.

07.02.8 Authority.

- a. The CAE and staff of the OAS are authorized to:
 - (1) have full, free, unrestricted access to all functions, manual and electronic records (including student, personnel, and medical records), property, and personnel relevant to any audit or review; documents and information entrusted to auditors during the course of an engagement shall be handled in a prudent manner;

- (2) have full and free access to the board through the Audit Committee and to the chancellor;
 - (3) allocate resources, set frequency and duration of audits, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives; and
 - (4) obtain the necessary assistance of personnel in units of the TTU system where the OAS performs audits, as well as other specialized services from within or outside the TTU system.
- b. The CAE and staff of the OAS are not authorized to:
- (1) perform any operational duties for the TTU system;
 - (2) initiate or approve accounting or other transactions external to the OAS; or
 - (3) direct the activities of any TTU system employee not employed by the OAS, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the auditors.

07.03 **Fraud policy.**

The TTU system is committed to the highest standards of moral and ethical behavior. These standards and the subject of appropriate behavior are outlined in the operating policies of the component institutions and in various TTU system and board policies, which shall be observed by all TTU system students and employees. All officers, employees, and students are expected to obey all federal, state, and local laws and may be subject to disciplinary action for a violation of those laws.

The purpose of this policy is to address fraudulent acts. Fraudulent activity of any kind, including for the benefit of the TTU system, is expressly prohibited. This policy establishes the procedures and responsibilities for reporting and resolving instances of known or suspected fraudulent acts. For purposes of this policy, fraud is defined as follows:

An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right. A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury. Any kind of artifice employed by one person to deceive another.

- 07.03.1 For purposes of this policy, the definition of fraud as per the above shall include, but not be limited to, the following:
- a. an intentional or deliberate act;
 - b. depriving the TTU system or a person of something of value or gaining an unfair benefit; and
 - c. using deception, false suggestions, suppression of truth, or other unfair means which are believed and relied upon.
- 07.03.2 A fraudulent act may be an illegal, unethical, improper, or dishonest act, including but not limited to:
- a. embezzlement;
 - b. misappropriation, defalcation, misapplication, and other fiscal irregularities, and destruction, removal, or concealment of property;
 - c. alteration or falsification of records or other documentation;
 - d. false claims by students, employees, vendors, or others associated with the TTU system;
 - e. theft of any asset including, but not limited to, money, tangible property, trade secrets, or intellectual property;
 - f. inappropriate use of computer systems, including hacking and software piracy;
 - g. bribery, rebate, or kickback;

- h. conflict of interest; or
- i. misrepresentation of facts.

07.03.3 Fraudulent act determination. While a fraudulent act may have criminal and/or civil law consequences, the TTU system is not required to use a determination by a criminal justice authority to criminally prosecute as the basis for determining whether an act is fraudulent. It is the internal determination that the above criteria are present that defines an act as fraudulent under this policy.

07.03.4 Duties and responsibilities. Administrators at all levels of management are accountable for setting the appropriate tone of intolerance for fraudulent acts by strictly displaying the proper attitude toward complying with laws, rules, regulations, and policies, including ethics policies. In addition, administrators shall be cognizant of the risks and exposures inherent in their area of responsibility, and shall establish and maintain proper internal controls which will provide for the security and accountability of the resources entrusted to them.

Any member of the campus community who has a reasonable basis for believing a fraudulent act has occurred has a responsibility to promptly notify one of the following:

- a. his or her supervisor;
- b. the appropriate administrator;
- c. the OAS; or
- d. the component institution's police department.

Employees who, in good faith, report unlawful activity are protected by the Texas Whistleblower Act against any retaliation by the TTU system for making such a report. The reporting member of the campus community shall refrain from confrontation of the suspect, further examination of the incident, or further discussion of the incident with anyone other than the employee's or student's supervisor or others involved in the resulting review or investigation. Persons

found to be making frivolous claims under this policy shall be disciplined, up to and including termination of employment or expulsion from the TTU system.

- 07.03.5 Investigation. Supervisors and administrators at all levels of management who become aware of suspected fraudulent activity are to respond in a consistent and appropriate manner and shall report the suspected activity to the OAS. With the concurrence of the CAE, the supervisor or administrator may treat the incident as an administrative issue and have a qualified individual or individuals perform an objective review as considered necessary.

The OAS has the primary obligation for investigating reported incidents to the extent considered necessary for resolution. The OAS may contact other TTU system departments, including, but not limited to, the Office of General Counsel and the component institution's police department, to establish the necessary team to proceed with the review or investigation. The investigative team shall attempt to keep source information as confidential as possible. In those instances where the investigation indicates criminal activity, the investigation shall be turned over to the component institution's police department or other appropriate law enforcement agency. As required by law, the OAS shall notify the state auditor's office of suspected fraudulent activity.

All affected departments and/or individuals shall cooperate fully with those performing a review or investigation, including the OAS, law enforcement officials, regulators, and any other parties involved. During all aspects of the review or investigation, the constitutional rights of all persons shall be observed. Suspects and others involved in the review or investigation shall be treated consistently without regard to past performance, position held, length of service, race, color, religion, sex, age, disability, national origin, or veteran status.

- 07.03.6 Disciplinary actions.
- a. Employees found to have participated in fraudulent acts as defined by this policy shall be subject to disciplinary action, including termination. Additionally, employees suspected of perpetrating fraudulent acts may be placed on administrative leave during the course of the investigation.

- b. In any case in which an investigation leads to a disciplinary action, the Office of Human Resources, Office of the General Counsel, and other appropriate offices shall be consulted prior to taking such actions. Criminal or civil actions may be pursued against employees who participate in fraudulent acts.
- c. An employee terminated by reason of involvement in the perpetration of a fraud will ordinarily be terminated without eligibility for rehire. Actions to be taken shall be determined without regard to past performance, position held, length of service, race, color, religion, sex, age, disability, national origin, or veteran status.
- d. Students found to have participated in fraudulent acts as defined by this policy shall be subject to disciplinary action pursuant to the operating policies of the component institution. In those cases where disciplinary action is warranted, the Dean of Students, Office of Student Services, Office of the General Counsel, or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be pursued against students who participate in fraudulent acts.

The relationship of other individuals or entities associated with the TTU system found to have participated in fraudulent acts as defined by this policy shall be subject to review, with possible consequences including termination of the relationship. In those cases where action is warranted, the Office of the General Counsel or other appropriate office shall be consulted prior to taking such actions. Additionally, criminal or civil actions may be taken against individuals or entities associated with the TTU system who participate in unlawful acts.

- 07.03.7 Fraud reporting. The results of investigations conducted by the OAS shall be communicated, either orally or in writing, as determined by the CAE, to the board and to the chancellor and/or other appropriate administrators.

07.04 **Budget rules and procedures.**

07.04.1 Fiscal year. The TTU system fiscal year shall be September 1 through August 31.

07.04.2 General.

- a. The board is required by law and Section 01.02.8.d(3), *Regents' Rules*, to approve an annual budget covering the operation of the ensuing fiscal year. This budget shall be prepared within the limits of revenue available from legislative appropriations and estimated local and other funds.
- b. The budget is to be constructed along organizational lines and using appropriate fund groupings required by state law or recommended by the State Auditor's Office or the State Comptroller's Office.
- c. The board has the overall responsibility for the budget; however, limitations of time make it impractical for the board to address budget issues other than major policies and priorities. The board effectively discharges its budgetary responsibilities by reviewing and approving general policies. Detailed budgetary development and control is delegated to the chancellor, the presidents, and the chief fiscal officers.
- d. The annual budget shall be prepared and adopted well in advance of the fiscal period and shall include all anticipated operating revenues, expenditures, transfers, and allocations. Adjustments to the budget shall be approved in accordance with board policy set forth in Section 07.04.5, *Regents' Rules*.
- e. The chief fiscal officers are responsible for the compilation of estimates of revenues and the development of appropriate contingencies.
- f. The principal officers of the TTU system shall develop recommendations on major budgetary policies and programs. These policies include such items as salary and wage increases, differential allocations to certain programs, implementation of new programs, reduction or elimination of existing programs, and

other budgetary items. The board's budgetary policies shall be communicated by the presidents, with the assistance of the chief fiscal officers of the component institutions, to the deans, directors, and departmental heads.

- g. The chancellor and presidents, with the assistance of the chief fiscal officers, shall present budget recommendations to the board that include a comparison of the proposed budget with those of previous years, explanation of major changes, description of programs added or eliminated, and salary and wage policies.
- h. The chief fiscal officers are responsible for communicating with budgetary units and providing each unit a copy of its approved budget.

07.04.3 Budgets and other expenditure certifications.

- a. Administrators must receive an approved budget from the chief fiscal officer or designee prior to expending funds or committing to expenditures. The chief fiscal officers are responsible for certifying that funds are available for each approved budget.
- b. Expenditures requiring board approval, including the annual operating budget and certain construction projects, must have a certification statement by the chief fiscal officer. The purpose of the statement is to provide the board an objective analysis for the adequacy of the funding proposed. Certification of the adequacy of funding may be made with or without qualifications. If the certification is qualified, these qualifications shall be specifically identified by the chief fiscal officers.

07.04.4 Budget adjustments. Budget adjustments to the annual operating budget or to other expenditures requiring board approval are defined in the following sections. Budget adjustments may not be divided to fall within lower levels of approval. Approvals must be obtained prior to the effective date of action for the following:

- a. Board approval:
 - (1) Board approval is required for:

- (a) adjustments that establish a new budget in excess of \$1,000,000 or increase an existing budget to an amount of more than \$1,000,000; and
 - (b) non-statutory adjustments to the salary of the chancellor.
 - (2) Emergency and exigent circumstances approvals. When an emergency or exigent circumstances exist, the chair or the chair of the Finance and Administration Committee may approve a proposal submitted by the chancellor, or the chancellor's designee, for budget adjustments which establish a new budget in excess of \$1,000,000 or increase an existing budget to an amount in excess of \$1,000,000, with subsequent notification to the board at the next regular board meeting.
- b. Chancellor's approval is required for the following:
- (1) Adjustments to the salary of TTU system officers and individuals who report directly to the chancellor, except for positions covered under the provisions of Section 02.03.6, *Regents' Rules*.
 - (2) Non-statutory adjustments to the total salary or wage rate of a TTUSA employee when such an adjustment is 10% or more per annum. However, this requirement does not apply to:
 - (a) bona fide promotions or reclassifications;
 - (b) supplemental compensation payments required by law; or
 - (c) adjustments to an employee's total salary or wage rate that result in an annual increase of \$2,000 or less.
 - (3) All budget adjustments of \$1,000,000 or less to the TTUSA's original operating budget.

- (4) Adjustments authorized by law.
- c. President's approval is required for the following:
 - (1) All budget adjustments of \$1,000,000 or less to the institution's original operating budget.
 - (2) Non-statutory adjustments to the total salary or wage rate of an employee of the institution when such an adjustment is 10% or more per annum. However, this requirement does not apply to:
 - (a) bona fide promotions or reclassifications;
 - (b) supplemental compensation payments required by law;
 - (c) adjustments to the total salary or wage rate of an employee of the institution that result in an annual increase of \$2,000 or less; or
 - (d) adjustments to the total salary of a position covered under the provisions of Section 02.03.8, *Regents' Rules*.
 - d. Approval of any agreement or contract, in accordance with Section 07.12.2, *Regents' Rules*, constitutes authority to establish a maximum budget that does not exceed the amount of the approved agreement or contract.
 - e. The chancellor and presidents may delegate budget authority to appropriate budget and financial officials.
 - f. Budgetary control.
 - (1) An essential element of budgeting is the establishment of effective budgetary control. Budgetary control shall ensure that expenditures do not exceed available funds.
 - (2) The chief fiscal officers are responsible to the presidents, the chancellor, and the board for maintaining budgetary

controls. All expenditures in the institutions must be made within approved budgets. Administrators are not authorized to commit funds without a budget approved by the chief fiscal officers or designee. The chief fiscal officers shall inform the respective chief executive officer of any deviations greater than \$100,000 from this policy, including a list of individual fund accounts with deficit fund balances at the end of each fiscal quarter.

- (3) It is the responsibility of the department head (e.g., dean, chair, director) or designated financial manager to exercise budget control. These officers have the primary responsibility to control expenditures under their budget authority. Upon approval of the budget, department heads are responsible for assuring there is no deviation from the approved budgets.
- (4) The chief fiscal officers shall assure that monthly reports of revenues and expenditures are made available to each budget unit.

07.05 Debt management policy.

07.05.1 General debt management policy.

- a. All debt programs shall be made in accordance with applicable state and federal statutes and regulations. Notwithstanding any other provision of the *Regents' Rules*, the board shall authorize the issuance of all TTU system indebtedness.
- b. To the extent permitted by law, the board may grant to the chancellor, or the chancellor's designee, the authority to issue short-term indebtedness. The short-term debt program shall be utilized for capital projects during construction and for equipment acquisition. All conversions to long-term or bond indebtedness shall be approved by the board.
- c. The vice chancellor and chief financial officer, or the vice chancellor and chief financial officer's designee, is authorized to approve the pricing of bond and note issues and is responsible for assuring that all bond covenants are in compliance and that all

necessary approvals, certifications, and authorizations are fully documented and made available to the board and to all bondholders.

- d. The vice chancellor and chief financial officer, or the vice chancellor and chief financial officer's designee, is responsible for assuring that all debt service payments are made to the appropriate paying agents in a timely manner.
- e. Debt service funding is the responsibility of each institution participating in the RFS and the HEF programs.
- f. If a project requires Texas Higher Education Coordinating Board approval, no debt proceeds will be allocated to that project prior to receiving such approval.

07.05.2 RFS debt management policy.

- a. The TTU system and its components are eligible to participate in the RFS.
- b. The TTU system shall use the following guidelines for the RFS:
 - (1) Debt proceeds will be used only for capital expenditures or bond issuance costs. Generally, capital expenditures are for assets having a useful life of over one year. Buildings and other major capital projects shall be financed for a period of up to the lesser of the project's estimated useful life or 40 years. Equipment shall be financed for a period up to the lesser of its projected useful life or 10 years.
 - (2) To the extent required by law, the Texas Higher Education Coordinating Board shall be notified of project costs in accordance with the relevant rules promulgated by the Coordinating Board.
 - (3) Individual revenue streams considered for debt service must meet a 1.15 debt coverage ratio test, unless the debt is issued as tuition revenue debt, in which case it must meet a 1.00 debt coverage ratio test. Debt coverage is defined as total revenue divided by total debt service.

- (4) Components of the TTU system are required to establish internal debt reserves on their respective chart of accounts by participating area or department on bond financed debt other than tuition revenue and HEF debt. Bond financed debt service shall be collected from departments at the component institutions in the amount of the 1.15 ratio until the maximum reserve accumulated is equal to the area's or department's maximum annual debt service for the remaining debt outstanding. When the maximum reserve is reached, the bond debt service shall be collected in the amount of a 1.00 ratio. Should newly-issued debt cause an area's or a department's new maximum annual debt service to exceed their accumulated reserve, then the 1.15 ratio will apply only to debt service on the newly-issued debt. The TTUS Office of Treasury monitors bond debt service reserves additions and reserve balances to maximum annual debt service semi-annually. Exceptions and return of reserve balances are to be reviewed and approved by the vice chancellor and chief financial officer and the component's chief fiscal officer.
- (5) The board shall approve designated debt financing prior to a project's initiation. Reimbursement clauses, revenue stream certification, non-default certification, and all requirements of the RFS Master Resolution shall be included in the agenda items submitted for board approval that authorize the debt financing.
- (6) For minor construction projects, as defined by Section 08.01.2, *Regents' Rules*, the chancellor, or the chancellor's designee, may approve RFS funding on behalf of the board to satisfy approval requirements of the Master Resolution authorizing the Revenue Financing System.
- (7) Higher Education Fund (HEF) appropriation transfers for debt service by the component institutions to the TTU system are authorized, but only for financed projects which would be eligible for HEF funding under Article VII, Section 17 of the Texas Constitution. Generally,

these projects must have an educational and general purpose.

- (8) Application to and approval of the Texas Bond Review Board is required for all new long-term issues, except as noted below. Long-term issuances also are subject to the examination and approval of the Texas Attorney General. (Note: Sec. 1231.041(b), *Texas Government Code*, eliminates the requirement for institutions of higher education to seek approval by the Texas Bond Review Board for bonds rated AA- or better, unless state general revenue is pledged on the debt.)
- c. The TTU system shall use the following general guidelines for the RFS:
- (1) As long as RFS debt remains outstanding, the TTU system shall prepare end-of-fiscal-year certifications. The certifications, signed and approved by the vice president for fiscal affairs of the component institution, shall be submitted to the vice chancellor and chief financial officer no later than November 15 of each year and shall be used for reporting on the status of the RFS to the chancellor and the board. The certifications shall include the following:
 - (a) A comparison of revenue projections with those actually collected in the previous year and an updated assessment of anticipated future revenues. If actual revenues were not sufficient, a written report to the board must be provided. This report must address why the revenues were insufficient and the impact on the institution's current and future ability to pay for its share of debt service.
 - (b) Verification that the institution has sufficient funds that may be pledged and are available for the next fiscal year's principal/interest payments.
 - (c) Verification that the institution is in compliance with all RFS bond covenants and *Regents' Rules* requirements relative to the issuance of RFS debt.

- (2) The vice chancellor and chief financial officer shall prepare an annual report on the status of RFS obligations for the chancellor and the board. The report shall include the following:
 - (a) The balance of RFS obligations outstanding at the beginning of the fiscal year and on the date of the report.
 - (b) A listing of projected needs (by institution and funding source) for the next year.
 - (c) The amount of RFS obligations that will be necessary to fund each institution's needs for the next year.
 - (d) A certification that the TTU system is current on debt service funding for RFS obligations outstanding. If an institution is not in compliance, the steps being taken to bring the institution into compliance shall be included and reported quarterly until compliance is achieved.

07.05.3 HEF debt management policy.

- a. Component institutions are eligible to participate in HEF debt financing.
 - (1) Except as described in Subdivision (4) of this subsection, HEF debt proceeds may be used for acquiring land, construction, equipping permanent improvements, major repair and rehabilitation of permanent improvements, acquisition of capital equipment, and refunding previously issued HEF indebtedness.
 - (2) HEF indebtedness shall be payable with state appropriated moneys. Maturities shall not exceed 10 years. HEF bonds shall be competitively bid. HEF notes (e.g., commercial paper notes) need not be competitively bid. HEF indebtedness is subject to approval by the Texas Attorney General.

- (3) No more than 50% of the annual HEF allocation of component institutions shall be used for paying debt service on HEF indebtedness issued on behalf of component institutions.
- (4) HEF debt proceeds are not permitted by law to be used for maintenance, minor repairs, operating expenses, student housing, intercollegiate athletics, or auxiliary enterprises.

07.05.4 Equipment financing. Procedures for equipment financing under the commercial paper program(s) are as follows:

- a. For equipment costing \$1,000,000 or more, the board shall authorize the financing through the equipment financing program. For equipment costing less than \$1,000,000 but more than \$100,000 that is to be financed through the equipment financing program, the approval of the chancellor, or the chancellor's designee, is required. The TTUS Office of Treasury shall submit the required notice to the Texas Bond Review Board.
- b. The minimum aggregate amount of equipment value to be financed under the equipment financing program is \$100,000 for each component institution. Multiple smaller equipment purchases may be combined to achieve the minimum amount. Each piece of equipment must have a useful life of not less than three years. The equipment shall be purchased from the vendor by the component institution. RFS debt shall be issued to reimburse the component institution for the equipment purchase. The debt shall be amortized each February 15 and August 15 and shall be fully amortized up to the lesser of its projected useful life or 10 years.

07.05.5 Failed remarketing procedures. Procedures to be used in the event of a failed remarketing of RFS commercial paper debt shall be maintained in the Office of Treasury.

07.05.6 Post tax-exempt issuance compliance. Procedures shall be maintained in the Office of Treasury that comply with all applicable federal tax law requirements ensuring that interest earned by the

holders of tax-exempt bonds is not taxable under Section 103 of the U.S. Internal Revenue Code.

- 07.06 **Credit extension.** The chancellor, or the chancellor's designee, is authorized to approve the sale of goods and services on credit provided that: there is a public purpose for the sale that can be documented; and controls limiting risk of loss have been established and reviewed by the OAS.
- 07.07 **State comptroller deposits.**
- 07.07.1 Cash receipts. State statutes and the current state Appropriations Act require that all cash receipts accruing to component institutions be deposited in the state treasury, with the exception of those funds listed in Section 51.008, *Texas Education Code*. Funds to be deposited within the TTU system include funds from auxiliary enterprises, non-instructional services, agency, designated and restricted funds, endowment funds, trust funds, other gift funds, student loan funds, funds retained under Chapter 145, *Texas Education Code*, and Constitutional College Building Amendment Funds.
 - 07.07.2 Depositing rules. Cash receipts that are required to be deposited in the state treasury shall be so deposited in the manner prescribed by state statutes and the current state Appropriations Act.
 - 07.07.3 Revolving funds. Component institutions of the TTU system are authorized by the current state Appropriations Act to establish Revolving Funds under certain prescribed procedures to facilitate the payment of nominal expenses and to pay bills within cash discount periods, as well as for regular monthly, weekly, and special payrolls.
 - 07.07.4 Board delegation of authority. The chancellor, or the chancellor's designee, is responsible for establishing, maintaining, and updating any TTU system depository and/or investment accounts, which includes maintaining authorized signatory cards for all financial accounts.
- 07.08 **Primary and secondary depositories for the TTU system.** Only those banks selected as prescribed by this policy and in compliance with all existing statutes shall be used to deposit and safeguard all funds subject to the control of the board.

07.08.1 Primary depository. A primary depository is defined as the bank or banks selected as the financial institution(s) in which all funds of the component institutions, except as herein provided, are deposited for operating or investment purposes. The board, in its sole discretion, shall select the primary depositories.

07.08.2 Secondary depositories.

- a. Secondary depositories may be selected by the Office of Treasury, with the approval of the chief fiscal officers, as banks in which the component institutions may maintain deposits temporarily, prior to transmittal to primary depositories.
- b. Balances in secondary depository accounts shall be fully secured by the FDIC (or its successor), with a pledge of qualified securities held by a custodian bank and in an amount equal to 102% of the difference between the amount insured by FDIC and the greatest amount expected to be on deposit at any time.
- c. Funds in secondary depository accounts shall be transferred to the primary operating depository as soon as possible. In no event shall the amount on deposit exceed the amount insured by FDIC plus any collateral pledged against the account.

07.08.3 Board delegation of authority. The chancellor, or the chancellor's designee, is responsible for establishing, maintaining, and updating any TTU system depository and/or investment accounts, which includes maintaining authorized signatory cards for all financial accounts.

07.09 Travel authorization, reimbursement, and institutional regulations.

07.09.1 Travel approval. Each component of the TTU system shall promulgate operating policies, procedures, rules and regulations governing employee travel in conformity with federal and state laws.

07.09.2 Board members' travel and other expenses.

- a. All travel by board members that is paid from TTU system funds shall be for official business only.

- b. When traveling on official business, members of the board are authorized to be reimbursed from appropriated funds for the actual cost of:
 - (1) meals and lodging, subject to the rates and limitations established in statutory authority;
 - (2) local transportation;
 - (3) parking fees; and
 - (4) airfare at the next lowest rate below first class, unless such a rate is not available.
- c. When the board member's spouse is required to accompany the board member for a valid public purpose, as determined by the board member, the spouse's expenses shall be reimbursed from non-appropriated funds.
- d. Vouchers for travel or other expenses of board members shall be prepared in the Office of the Board of Regents, forwarded to the Office of the Chief Financial Officer for review, and returned to the Office of the Board of Regents for further approval. Either the chair of the board or the chair of the Finance and Administration Committee must approve all vouchers for board members. A board member may not approve his or her own voucher.
- e. Vouchers for reimbursements to board members for other expenses shall be processed in accordance with Subsection d. of this section. These expenses must be for a valid public purpose, as certified by the board member. Any extraordinary expenses must be approved in advance by either the chair of the board or the chair of the Finance and Administration Committee.
- f. The vice chancellor and chief financial officer shall assure that expense vouchers for board members are audited annually.

07.09.3 Chancellor's travel and other expenses.

- a. The chancellor's travel that is paid from TTU system funds shall be for official business only.
- b. The chancellor is the executive head of a state agency and, when traveling on official business, is authorized by law to be reimbursed from appropriated funds for the actual costs of meals, lodging, local transportation, and parking fees, and for airfare at the next lowest rate below first class unless such a rate is not available.
- c. When the chancellor's spouse is required to travel for a valid public purpose, as determined by the chancellor, the spouse's expenses shall be reimbursed from non-appropriated funds derived from gifts received from private sources.
- d. Vouchers for travel or other expenses of the chancellor shall be forwarded to the vice chancellor and chief financial officer for review and then forwarded for approval to the chair of the Finance and Administration Committee or, in his or her absence, the board chair. Normally, vouchers shall be submitted within ten days of the travel.
- e. When official business requires the chancellor to be absent from the campus for a period in excess of seven business days, excluding official TTU system holidays, the Office of the Board of Regents shall be notified in writing, with notification provided to the chair and vice chair of the board.
- f. The vice chancellor and chief financial officer shall assure that travel expense vouchers for the chancellor are audited annually by an external auditor.

07.09.4 Faculty, staff, and student travel. Each component institution shall develop and disseminate policies and procedures in operating manuals for travel of faculty, staff, and students that adhere to state guidelines.

07.10 **Approval of tuition and student fees.**

- 07.10.1 Assessment. Each year, the board shall approve the assessment of tuition and fees for students of component institutions of the TTU system. The amounts to be assessed shall be presented annually to the board in a document to be entitled "Global Fee Schedule."
- 07.10.2 Collection. The authority of the board to collect tuition, fees, and other charges in accordance with the methods and manners prescribed in state statute is delegated to the presidents, or the presidents' designee.
- 07.10.3 Exemptions and waivers. The authority of the board to grant exemptions and waivers from tuition, fees, and other charges in accordance with state statutes is delegated to the presidents, or the presidents' designee.
- 07.10.4 Student financial assistance. The authority of the board to administer student financial assistance programs in accordance with Chapter 56, *Texas Education Code*, is delegated to the presidents, or the presidents' designee.

07.11 **Aircraft use and operation.** All TTU system staff, faculty, and students traveling on official business or activities shall use only those aircraft and aircraft operators that meet the requirements set forth below. The travel regulations contained in the state Appropriations Act and applicable state statutes shall be followed by the TTU system. Regardless of the source of funds, allowable reimbursements are established by the state Appropriations Act. In addition, TTU system employees are encouraged to be as conservative as possible in the use of air travel, using charter flights only when such flights are cost-effective or absolutely necessary.

- 07.11.1 Air travel requirements. The TTU system shall only use aircraft and aircraft operators that are flightworthy and are certified and operate under Subchapters F & G, Parts 91, 119, 121, 125, or 135, as applicable, in Chapter 1, Federal Aviation Regulations, 14 Code of Federal Regulations (the "C.F.R."). In addition, all aircraft used pursuant to this provision must, at a minimum, be piloted by pilots that are fully qualified and insured in the aircraft being flown, possessing a commercial pilot certificate with instrument rating. All flights involving student travel must be piloted by two pilots.

- 07.11.2 Foreign air travel. Air travel to or in foreign countries by TTU system faculty, staff or students shall be arranged only through commercial air carriers regularly engaged in scheduled passenger air transportation.
- 07.11.3 Information requirement. With the exception of commercial, certified domestic and flag air carriers, aircraft operators shall provide the TTU system with the following information:
- a. type of certificate;
 - b. certificate number;
 - c. date the certificate was issued;
 - d. expiration date for the certificate;
 - e. type and registration number of aircraft authorized;
 - f. name of the Federal Aviation Administration Flight Standards Office having jurisdiction over the certificate holder; and
 - g. schedule of insurance coverage in effect, showing insurance companies, policy numbers, type, amounts, period of coverage, and special conditions, exceptions and limitations.
- 07.11.4 Aircraft made available to the TTU system by other than commercial operations. Aircraft and crew made available to the TTU system by other than commercial operators must, as a minimum, qualify under all regulations regarding aircraft and crew outlined in 14 C.F.R., Chapter 1, Subchapter G, Part 91, and conform to the insurance provisions set forth in Section 07.11.5, *Regents' Rules*. In addition, all aircraft used pursuant to this provision to transport students must, at a minimum, contain a multi-turbo prop engine or jet engine and be piloted by two pilots who are fully qualified and insured in the aircraft being flown and who possess a commercial pilot certificate with instrument rating.
- 07.11.5 Insurance. Aircraft owners/operators must furnish a certificate of insurance to the TTU system as proof of at least \$300,000 coverage per

passenger, or the minimum amount required by law, whichever is greater.

- 07.11.6 Administrative requirements. The following are administrative requirements:
- a. All flights involving leased or chartered aircraft, or aircraft made available to the TTU system pursuant to Section 07.11.4, *Regents' Rules*, must be approved in advance by the chancellor or the chancellor's designee.
 - b. All flights involving student travel, other than travel on commercial air carriers, must be approved in advance by the chancellor or the chancellor's designee.
 - c. The TTU system department arranging travel under Subdivision a. or b. of this subsection shall ensure that contracts and other appropriate documents are reviewed by the Office of the General Counsel prior to approval by the chancellor or the chancellor's designee.
- 07.11.7 Waiver. This policy may be waived by the prior written approval of the institution's chief academic officer for employees and graduate research assistants involved in research projects requiring aerial surveys. Such research projects must be supported by funded grants that have been approved by the Office of Research Services.
- 07.11.8 Aircraft piloted by TTU system personnel on official business. A TTU system employee may pilot an aircraft owned or leased by the employee for travel on official business and may be reimbursed for such travel in accordance with state regulations (see Chapter 660, Subchapter D, *Texas Government Code*). Any aircraft piloted by TTU system personnel for travel on official business must be maintained in accordance with all applicable Federal Aviation Regulations and shall have all instrumentation required for flying in the meteorological conditions then existing and as forecast. The pilot must be current and qualified in accordance with all applicable Federal Aviation Regulations for the type aircraft flown and for the meteorological conditions then existing and as forecast. No flight shall be piloted by TTU system personnel with other faculty, staff, students, prospective students, or guests aboard. Any TTU system personnel desiring to

travel under this provision must execute a written release of liability releasing the TTU system from any and all liability associated with such travel.

07.12 Contracting policies and procedures.

07.12.1 General.

- a. This policy shall establish the authority for the board and authorized TTU system personnel to approve, sign, and execute contracts committing the TTU system to any approved act.
- b. Written contracts shall be executed whenever a TTU system component enters into a binding agreement with another party which involves any material consideration.
- c. Contracts include, but are not limited to: letter agreements, cooperative agreements, memorandums of understanding, inter-agency contracts, grants, loans, easements, licenses, leases, permits and restrictions on acceptances of gifts and bequests. Other parties include, but are not limited to: federal, state and local agencies, nonprofit organizations, private businesses, corporations, limited liability entities, partnerships and individuals.
- d. Applicability of policy.
 - (1) This policy shall apply to all contracts for the initial periods and for amendments or extensions thereto. For the purpose of determining whether a contract requires the approval of the board, any option(s) to extend or renew a contract shall be counted in the overall term of the contract. For example, a contract for a lease of land for three years that has an option to extend the lease for an additional three years shall be considered to be a lease of land for more than four years.
 - (2) This policy shall also apply to, but not be limited to: cooperative agreements with affiliated and nonaffiliated hospitals and other health care agencies, private corporations, sole proprietorships, federal agencies, private partnerships, limited liability entities, and individuals.

- e. Officers and employees of the TTU system are prohibited from acting as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money, services, or property to the TTU system.
- f. The TTU system and its component institutions shall develop a contract management handbook that provides consistent contracting policies and practices and contract review procedures, including risk analysis and a contract review checklist. The provisions in this handbook shall be consistent with state and federal contracting laws, rules, and regulations.
- g. TTU system personnel involved in procurement or contract management shall receive training and continuing education, including ethics training.
- h. In the event a contract executed under other provisions of this policy is subsequently found to be required by law or by this policy to be approved by and/or executed by the board, the contract shall continue to be in full force and effect, but shall be submitted for ratification at the next available board meeting.
- i. Approval and signature execution of a contract pursuant to the provisions of this policy constitutes approval to establish an operating budget, which shall not exceed the consideration of the contract. The operating budget then shall be considered approved in accordance with the provisions of Section 07.04, *Regents' Rules*, and related implementing procedures.
- j. Contracts shall not be divided to fall within lower levels of approval.

07.12.2 Prohibited contracts.

- a. Neither the TTU system administration nor a component institution may enter into a contract for the purchase of goods or services with a private vendor with whom any of the following persons have a financial interest unless the contract is for the purchase of goods or services solicited through a purchase order and the purchase order does not exceed \$25,000:

- (1) the chancellor, vice chancellor and general counsel, president of the institution involved in the contract, chief procurement officer or equivalent employee responsible for procuring goods and services for the institution involved in the contract; or
 - (2) a family member related to the employees and officials listed above within the second degree of affinity or consanguinity.
- b. A person listed in Section 07.12.2.a, *Regents' Rules*, has a financial interest in a private vendor if the person:
- (1) owns or controls, directly or indirectly, an ownership interest of at least 1% in the private vendor, including the right to share in profits, proceeds, or capital gains; or
 - (2) could reasonably foresee that a contract with the private vendor could result in a financial benefit to the employee, official, or family member within the second degree of affinity or consanguinity.
- c. A financial interest prohibited by this section does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than 1% in a corporation.

07.12.3 Board approval.

- a. Upon recommendation of the chancellor, board approval is required for contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 over the entire term of the contract, unless a different consideration is specified by this policy. This requirement is applicable to both cash and non-cash considerations. The board may delegate the approval and signature authority for such contracts to the chancellor or component president.
- b. The board must approve any amendment, extension, or renewal of a contract with a value that exceeds 25% of the value of the original contract approved by the board or that increases the

value of the original contract to more than \$1,000,000 over the entire term of the contract unless the authority to exceed the approved amount is expressly delegated by the board or an exception is expressly adopted by the board for that contract.

- c. For each contract for the purchase of goods and services with a value exceeding \$5,000,000, the applicable chief procurement officer for the applicable component institution or the TTU system must submit to the board:
 - (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU system policies; and
 - (2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.

- d. Contracts involving a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years:
 - (1) Upon recommendation of the chancellor, board approval is required for the following contracts or agreements:
 - (a) contracts that involve:
 - i. a sale or purchase of land and/or improvements thereon by a TTU system entity, or
 - ii. a lease of land and/or improvements thereon for more than four years, where a TTU system entity is either the lessor or the lessee;
 - (b) contracts that involve a commitment of funds or other resources for more than four years.
 - (2) Contracts that may be terminated without cause with notice of 120 days or less are excepted from the requirements of Section 07.12.3.d(1), *Regents' Rules*.

- e. Employment contracts and agreements:
- (1) Employment contracts or agreements include but are not limited to letters of agreement and memoranda of understanding.
 - (2) Except as provided in Section 07.12.3.e(3) herein, employment agreements that contain one or more of the following provisions must be approved by the board:
 - (a) employment contracts having a total value (including cash and non-cash considerations) over the entire term of the contract of more than \$1,000,000;
 - (b) employment contracts having a term longer than four (4) years;
 - (c) employment contracts that allow for settlement or other payments on the termination of the contract to exceed an amount equal to the discounted net present cash value of the contract on termination at the U.S. Treasury rate that matches the remaining term of the contract;
 - (d) employment contracts allowing for development leave that is inconsistent with Section 04.05, *Regents' Rules*, and/or institutional operating policies; or
 - (e) employment contracts awarding tenure in any way that varies from the applicable operating policies on the award of tenure.
 - (3) The following are excepted from the requirements of Section 07.12.3.e(2), *Regents' Rules*, but to the extent any excepted contract has a value exceeding \$1,000,000, the board delegates approval and signature authority for the contract to the president of the applicable component institution or to the chancellor for TTUSA contracts:

- (a) Employment agreements for the chancellor or presidents shall be governed by Sections 02.01.2 and 02.03.1.b(2) of the *Regents' Rules*, respectively.
- (b) Athletic employment agreements:
 - i. Athletic directors and head coaches. Employment contracts and employment contract modifications and extensions for athletic directors and head coaches of intercollegiate athletics programs do not require the approval of the board if: the total value (including cash and non-cash considerations) over the entire term of the contract is \$2,000,000 or less; and the term of the contract does not exceed five (5) years. For athletic directors, such contracts, modifications, and extensions shall receive the final approval of the president, with prior notification to the chancellor. For head coaches, such contracts, modifications, and extensions shall have the recommendation of the athletic director and receive the final approval of the president, with prior notification to the chancellor.
 - ii. Assistant coaches. Employment contracts and employment contract modifications and extensions for assistant coaches of intercollegiate athletics programs do not require the approval of the board if: the total value (including cash and non-cash considerations) over the entire term of the contract is \$1,000,000 or less; and the term of the contract does not exceed three (3) years. Such contracts, modifications, and extensions shall have the recommendation of the athletic director and receive the final approval of the president, with prior notification to the chancellor.
- (c) Health-related institution faculty employment contracts. For such contracts that would require the approval of the board under Section 07.12.3.e(2), when

it is not feasible or practical to delay action until the next scheduled regular or special called meeting of the board and upon the recommendation of the chancellor, approval of the contract may be given by the chair or the chair of the Finance and Administration Committee. Contracts approved in this manner shall be reported to the board as an information item at the next board meeting.

- f. Upon recommendation of the chancellor, board approval is required for contracts involving the initial placement of vending machines, games, or any other coin operated food, refreshment and amusement devices placed in service in any facility owned, operated, or controlled by the TTU system. The president, or the president's designee, is delegated the authority to determine and approve the location of vending machines, games, or other coin operated food, refreshment and amusement devices placed in all buildings and property under the charge and control of the president's institution.
- g. Unless prohibited by law, when an emergency or exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, approval may be given for a contract proposal submitted by the chancellor, or the chancellor's designee, by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approved in this manner shall be presented to the board as an information item at the next board meeting.
- h. Contracts approved by the board shall be executed as specified in the board order.

07.12.4 Board delegation of authority.

- a. Notwithstanding Section 07.12.3.a, *Regents' Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract original-

ly approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

- b. Notwithstanding Section 07.12.3.a, *Regents' Rules*, the board delegates to the presidents the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.
- c. Notwithstanding Section 07.12.3.a or Section 07.12.3.b, *Regents' Rules*, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting.

- d. The board delegates to the chancellor and the presidents the authority to execute and sign contracts related to construction projects for TTUSA and the component institutions, respectively, as provided by Chapter 08, *Regents' Rules*.
- e. Contracts that provide for the services of a consultant:
 - (1) Consulting contracts with an initial consideration in excess of \$25,000:
 - (a) Upon recommendation of the chancellor, board approval is required prior to the execution of a consulting contract with an initial consideration in excess of \$25,000 and prior to the execution of all modifications that increase the consideration of such a contract.
 - (b) A consulting contract with an initial consideration in excess of \$25,000 may be executed prior to approval by the board if:
 - i. the contract includes a provision that limits the total amount to be paid to the consultant to no more than \$25,000 unless and until such time as the board has approved the agreement; and
 - ii. the chair or chair of the Finance and Administration Committee authorize a proposal submitted to them by the chancellor, or the chancellor's designee, regarding execution of the agreement in advance of approval by the board.
 - (2) Consulting contracts with an initial consideration of \$25,000 or less:
 - (a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate.

- (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.
 - (c) Approval of the board is required prior to execution for any modification to a consulting contract where the initial consideration was \$25,000 or less and the modification will cause the total consideration to exceed \$25,000.
- (3) For the purposes of Section 07.12.4.e, *Regents' Rules*, a search firm is a service provider and is not deemed to be a consultant.

07.12.5 Chancellor's approval.

- a. Approval of the chancellor or the chancellor's designee is required for TTUSA contracts that involve a stated or implied consideration of \$1,000,000 or less. This requirement is applicable to both cash and non-cash considerations. Such TTUSA contracts may be signed by the chancellor or the chancellor's designee. Provisions in the *Regents' Rules* regarding employment contracts shall govern the approval of those employment contracts.
- b. Approval of the chancellor or the chancellor's designee is required for all TTUSA contract renewals, extensions or amendments that do not cause the contract amount to exceed \$1,000,000. Such TTUSA contract renewals, extensions or amendments may be signed by the chancellor or the chancellor's designee.

07.12.6 President's approval.

- a. Approval of the president or the president's designee is required for all component institution contracts that involve a stated or implied consideration of \$1,000,000 or less. This requirement is applicable to both cash and non-cash considerations. Such component institution contracts may be signed by the president or the president's designee. Provisions in the *Regents' Rules* regarding employment contracts shall govern the approval of those employment contracts.

- b. Approval of the president or the president’s designee is required for all component institution contract renewals, extensions or amendments that do not cause the contract amount to exceed \$1,000,000. Such component institution contract renewals, extensions or amendments may be signed by the president or the president’s designee.

07.12.7 Required approvals summary.

Contract Terms	Regents’ Rules Section Citation	Approval Required
Contracts in excess of \$1,000,000 over the entire term of the contract	07.12.3.a	Board
Contracts in excess of \$1,000,000 total but less than \$1,000,000 per annum; and any amendment, extension or renewal of such contracts that does not cause the annual amount to exceed \$1,000,000 [NOTE: for this delegation of approval authority, §07.12.3.d(1)(b) imposes a 4-year cap on the contract term.]	07.12.4.a	Chancellor or President, as appropriate
Contracts for real property: sale or purchase; and lease for more than 4 years (unless the contract can be terminated without cause with notice of 120 days or less)	07.12.3.d(1)(a)	Board
Contracts in excess of four years (unless the contract can be terminated without cause with notice of 120 days or less)	07.12.3.d(1)(b)	Board
Renewals, extensions or amendments	07.12.3.b	Board
	07.12.5.b or 07.12.6.b	Chancellor or President
Contracts for construction projects	07.12.4.d	Chancellor (for TTUSA projects) or President (for institutional projects)
Consulting contracts in excess of \$25,000, and all modifications that increase such contracts	07.12.4.e(1)	Board
Consulting contracts of \$25,000 or less	07.12.4.e(2)	Chancellor or President, as appropriate – with prior review by the VC/CFO

Contract Terms	Regents' Rules Section Citation	Approval Required
Contracts with search firms (<i>so long as contract amount does not exceed \$1.0 million per year</i>)	<i>due to 07.12.4.e(3) and 07.12.4.a: 07.12.5 or 07.12.6</i>	Chancellor (<i>for TTUSA searches</i>) or President (<i>for institutional searches</i>)
Initial contracts for vending machines	07.12.3.f	Board
Location of vending machines	07.12.3.f	President
TTUSA contracts of \$1,000,000 or less; and any amendment, extension or renewal of such System Administration contracts that does not cause the amount to exceed \$1,000,000	07.12.5	Chancellor
Component institution contracts of \$1,000,000 or less; and any amendment, extension or renewal of such component institution contracts that does not cause the amount to exceed \$1,000,000	07.12.6	President
Sponsored program project contracts	07.12.4.b	President
Certain health-related continuing contractual relationships	07.12.4.c	President
Employment contracts	[see Appendix A]	-- varies --

07.13 HUBs

07.13.1 TTU system commitment. The TTU system is committed to providing procurement and contracting opportunities to HUBs.

07.13.2 HUB Coordinators. The chancellor and the presidents of the component institutions shall have the responsibility for planning, coordination, implementation, and enforcement of HUB policies within their respective components. The chancellor or president, as appropriate, shall appoint a HUB Coordinator for their respective component to carry out the provisions of this policy. The HUB Coordinator must be at least equal in position to the component's procurement director. The HUB Coordinators shall:

- a. coordinate training programs to recruit HUBs and to assist HUBs in conducting business with the TTU system and its components;
- b. report required information to the Office of the State Comptroller;
- c. match HUBs with key TTU system staff to ensure that HUBs interact with the appropriate personnel of the TTU system; and
- d. make a good faith effort to increase the award of goods and service contracts to HUBs in accordance with state statutes and the promulgated rules of the Office of the State Comptroller.

The TTU system shall implement policies and procedures in its operating manuals setting forth its HUB programs and procedures. The chancellor and the presidents shall provide support, as needed, to implement these HUB policies.

07.14 Professional Medical Malpractice Self-Insurance Plan settlement authority.

07.14.1 Board authority. This policy establishes the board's authority to settle claims arising under the Texas Tech University System Self-Insurance Plan ("the Plan").

07.14.2 Board approval. Board approval is required to settle claims in excess of \$250,000 arising under the Plan.

- 07.14.3 Chancellor approval. Settlements in excess of \$100,000 but less than or equal to \$250,000 require the chancellor's approval.
- 07.14.4 Vice chancellor and general counsel approval. The vice chancellor and general counsel may approve settlements of \$100,000 or less.
- 07.14.5 Approval during period between board meetings. If necessary during periods between board meetings, the chair or the vice chair of the board may authorize settlements of claims in excess of \$250,000 upon the recommendation of the chancellor.

Dates Approved or Amended:

<i>Comprehensive review of chapter</i>	02-28-2014	• amendments throughout
<i>Amendment</i>	03-06-2015	• §07.03.6 re: fraud disciplinary actions
<i>State contracting law changes</i>	10-09-2015	• amendments to multiple sections, including: §07.02.4.a, 07.02.6, 07.02.7.o, 07.03.2.b, and extensively throughout 07.12
<i>Various amendments</i>	05-20-2016	
• Additional state contracting law changes		• amendments to multiple sections, including: §07.02.6, 07.02.7, 07.03, and extensively throughout 07.12
• Updates to audit provisions.....		• to reflect changes in the audit mission, code of ethics, and audit standards adopted by the Institute of Internal Auditors
• Revisions to emergency approvals of a budget adjustment or a contract		• to conform the budget adjustment policy to the contract policy and to require that such proposals be submitted by the Chancellor
• Change in the 'early start' provision for consulting contracts of more than \$25,000		• to require that such proposals be submitted by the Chancellor
<i>Amendment</i>	10-14-2016	• amended §07.05.2.b to bring the provision on use of debt proceeds in line with U.S. Treasury regulations
<i>Amendment</i>	08-11-2017	• amended §07.12.4.e(2) to require the prior review of \$25,000-or-less consulting contracts by the System CFO, rather than by the Board chair and chair of the Finance & Administration Committee

Amendment.....10-20-2017

amended §07.12.4 by:

- adding a new §07.12.4.c for a delegation to the presidents of health-related institutions of contract approval authority for certain health-related continuing contractual relationships
 - deleting the old §07.12.4.d due to it conflicting with §07.12.3.b
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Amendments..... 03-02-2018

Debt and equipment financing

- §07.05.2.b(4) – clarifying changes regarding the debt collection ratio as recommended by Texas Tech’s outside bond financial advisors;
- §07.05.2.b(5) – language added regarding Higher Education Fund appropriation transfers for debt service in order to conform that policy to the requirements of the state’s General Appropriations Act; and
- §07.05.4.a – commercial paper approval thresholds for equipment financing changed to be consistent with other Board approval thresholds, such as for approval of contracts.

Student financial assistance programs — §07.10.4 added to provide a delegation of authority to the presidents to administer student financial assistance programs governed by Chapter 56, *Texas Education Code*.

Contracting and conflict of interest policies

- revisions driven by legislative/statutory changes ... in §07.12.2.a-c; and
- clarifying changes driven by Office of Audit Services recommendations in: §07.12.3.b ... §07.12.4.a ... §07.12.5 ... §07.12.6 ... §07.12.7.

Office of Treasury — throughout Chapter 07, the name of the “Office of Treasury and Cash Management” changed to “Office of Treasury”.

Amendments..... 08-09-2019

- amended §07.00.2, §07.05.1.e and §07.05.3.a to change “HEAF” to “HEF”
 - added a new §07.05.2.b(6) to allow the Chancellor to approve RFS funding for minor construction projects
 - added a new §07.07.4 and a new §07.08.3 for a delegation of authority to the Chancellor for state comptroller deposits and primary/secondary depositories
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See also the document entitled “Comprehensive Reviews and Updates” for a more complete explanation of the amendments listed above.

APPENDIX A – summary of employment agreement approvals (per Sec. 07.12.3.e, *Regents’ Rules*)

BOARD APPROVAL REQUIRED	<i>per Section 07.12.3... ↓</i>	BOARD APPROVAL NOT REQUIRED
<p>If <u>any</u> of the following provisions apply, the agreement must be approved by the Board:</p> <ul style="list-style-type: none"> • Total value over the entire term of the contract exceeds \$1.0 million. • Term is longer than 4 years. • Termination payment exceeds an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract. • Contract allows for development leave inconsistent with <i>Regents’ Rules</i> or institutional operating policies. • Contract awards tenure in any way other than as provided in Board-approved operating policies. 	<p>← e(2)(a) →</p> <p>← e(2)(b) →</p> <p>← e(2)(c) →</p> <p>← e(2)(d) →</p> <p>← e(2)(e) →</p>	<p><u>All</u> of the following provisions must apply for the agreement to be exempt from Board approval:</p> <ul style="list-style-type: none"> • Total value over the entire term of the contract is \$1.0 million or less. • Term is 4 years or less. • Termination payment does <u>not</u> exceed an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract. • Contract does <u>not</u> allow development leave inconsistent with <i>Regents’ Rules</i> or institutional operating policies. • Contract does <u>not</u> award tenure in any way other than as provided in Board-approved operating policies.
<p>Chancellor or President contract. [<i>see Sections 02.01.2 and 02.03.1.b(2), respectively</i>]</p>	← e(3)(a) →	— — — —
<p>Athletic director or head coach contract if:</p> <ul style="list-style-type: none"> • total value over the entire term of the contract exceeds \$2.0 million; OR • term exceeds 5 years. 	← e(3)(b)i →	<p>Athletic director or head coach contract if: • total value over entire term of the contract is \$2.0 million or less; AND ... • term is 5 years or less. [<i>President approves, and Chancellor gets prior notice.</i>]</p>
<p>Assistant coach contract if:</p> <ul style="list-style-type: none"> • total value over the entire term of the contract exceeds \$1.0 million; OR • term exceeds 3 years. 	← e(3)(b)ii →	<p>Assistant coach contract if: • total value over the entire term of the contract is \$1.0 million or less; AND ... • term is 3 years or less. [<i>President approves, and Chancellor gets prior notice.</i>]</p>
<p>Health-related institution faculty contract if: any of the general thresholds shown above are exceeded ... but a process for quick approval is provided when needed.</p>	← e(3)(c) →	<p>Health-related institution faculty contract if: none of the general thresholds provided in Sec. 07.12.3.e(2) are exceeded.</p>