



TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

AGENDA BOOK

October 8-9, 2015

BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

October 8-9, 2015

BOARD OF REGENTS

Mr. Mickey L. Long, Chairman
Mrs. Debbie Montford, Vice Chairman
Mr. Larry K. Anders
Mr. John D. Esparza
Mr. L. Frederick "Rick" Francis
Mr. Ron Hammonds
Mr. Christopher M. Huckabee
Mr. Tim Lancaster
Ms. Victoria Messer, Student-Regent
Mr. John D. Steinmetz

Standing Committees:

Academic, Clinical and Student Affairs:
Tim Lancaster (Chair); Rick Francis; John Esparza; Victoria Messer

Audit:
John Steinmetz (Chair); John Esparza; Ron Hammonds

Facilities:
Larry Anders (Chair); John Steinmetz; Chris Huckabee

Finance and Administration:
Rick Francis (Chair); Larry Anders; Tim Lancaster

AGENDA

Board of Regents Meeting

Lubbock, Texas

October 8-9, 2015

Abbreviated Agenda with Approximate Times*

Thursday, October 8, 2015

Board of Trustees Meeting of the Carr Scholarship Foundation
(Shown for informational purposes only.)

- | | |
|----------|--|
| 10:00 am | Call to Order; convene Meeting of the Board of Trustees of the Carr Scholarship Foundation
Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue |
| 10:20 am | Adjourn |

CONTINUED ON NEXT PAGE

*For general information: Unless otherwise noted, all open session meetings will take place in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas. Any executive session meetings that should occur throughout the day will take place in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas. The times listed are estimates, with periodic recesses. On Thursday, October 8, 2015, the meeting of the Board of Trustees of the Carr Scholarship Foundation will commence at approximately 10:00 am. Committee meetings will commence upon the adjournment of the Carr Scholarship Foundation meeting at approximately 10:20 am. Any committee meetings not completed on Thursday, October 8, 2015, will be completed on Friday, October 9, 2015. The Board has the option to convene the Meeting of the Board and convene in Executive Session on Thursday, October 8 after the last committee is adjourned or whenever deemed necessary. The Board will break for lunch at whatever time deemed appropriate. On Friday, October 9, 2015, the Meeting of the Board will commence at 8:30 am. If necessary, the Meeting of the Board will recess after introductions/ recognitions at approximately 9:00 am to conduct any committee meetings which were not concluded on Thursday, October 8, 2015. The Meeting of the Board will reconvene, if applicable, upon adjournment of the Committee meetings on Friday, October 9. The Meeting of the Board is expected to adjourn at approximately 12:00 pm; however, if needed, the meeting may continue beyond 12:00 pm until completed. The full board agenda is detailed on pages vi through xiii. The agenda for each session of the board meeting or a meeting of a committee of the board is detailed behind the appropriate divider tab.

Board of Regents Meeting

Lubbock, Texas

October 8-9, 2015

Abbreviated Agenda with Approximate Times*

Thursday, October 8, 2015

Meeting of Standing Committees (Conducted sequentially)

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10:20 am (or upon adjournment of the Carr Scholarship Foundation meeting)	Facilities Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue
10:45 am (or upon adjournment of the Facilities Cmte. meeting)	Finance and Administration Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue
11:50 am (or upon adjournment of the Finance Cmte. meeting)	Academic, Clinical and Student Affairs Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue
1:10 pm (or upon adjournment of the ACS Cmte. meeting or after a lunch break)	Audit Committee Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue

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Board of Regents Meeting

Lubbock, Texas

October 8-9, 2015

Abbreviated Agenda with Approximate Times*

Thursday, October 8, 2015

Meeting of the Board

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2:00 pm (or upon adjournment of the Audit Cmte meeting or whenever deemed necessary)	Call to Order; Convene Meeting of the Board Meeting of the Committee of the Whole and the Board Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
2:00 pm	Executive Session Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
3:00 pm	Following Executive Session, convene into Open Session, and Meeting of the Committee of the Whole and the Board Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas
3:00 pm	Recess

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Board of Regents Meeting

Lubbock, Texas

October 8-9, 2015

Abbreviated Agenda with Approximate Times*

Friday, October 9, 2015

Meeting of the Board

- | | |
|----------|---|
| 8:30 am | Call to Order; reconvene Meeting of the Board
Introductions and Recognitions
Meeting of the Committee of the Whole and the Board, or continuation of meetings of the Standing Committees of the Board, if necessary
Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue |
| 9:30 am | Executive Session
Location: Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue |
| 12:00 pm | Following Executive Session, convene into Open Session, and Meeting of the Committee of the Whole and the Board
Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue |
| 12:00 pm | Adjournment |

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Board of Regents Meeting

October 8-9, 2015

Agenda

Thursday, October 8, 2015

**Ballroom (Room 118), First Floor, Student Union Building,
15th Street and Akron Avenue,
Lubbock, Texas**

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place at approximately 10:00 am; refer to agenda provided by the Chief Financial Officer's Office

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

I. Meeting of Standing Committees

A. Facilities Committee

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- 3. TTUS: Report on Facilities Planning and Construction projects..... 6
- 4. Adjournment

B. Finance and Administration Committee

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- 2. ASU and TTU: Ratification and approval of student debit and stored value cards 14

3.	TTU, TTUHSC and TTUHSC El Paso: Approve to exceed the full-time equivalent limitation on employees paid from appropriated funds	16
4	TTUS: Approve amendments to Chapters 02, 03 and 07, <i>Regents' Rules</i> , relating to the state contracting legislation	18
5.	TTUS: Approve FY 2016 Premium Rates for the Medical Liability Self-Insurance Plan	19
6.	TTUS: Authorize a consulting agreement to provide support for federal relations.....	21
7.	TTUS: Authorize management consulting contract to provide strategic planning for TTUS federal affairs initiatives.....	22
8.	TTUS: Authorize a consulting agreement to provide support for Institutional Advancement	23
9.	TTUS: Report on computer and information technology security.....	25
10.	Adjournment	

C. Academic, Clinical and Student Affairs Committee

	<u>Page</u> ACS	
1.	ASU: Approve emeritus appointment	3
2.	ASU: Administrative change at the college level	4
3.	ASU: Approve naming of the College of Health and Human Services and acceptance of a related gift	5
4.	TTU: Approve appointments with tenure	6
5.	TTU: Approve Bachelor of Applied Arts and Sciences degree with a major in Restaurant, Hotel & Institutional Management in the College of Human Sciences	7
6.	TTU: Approve online Master of Science in Nutrition and Dietetics in the College of Human Sciences.....	9

7.	TTU: Approve electronic delivery of the existing Ph.D. in Special Education in the College of Education	11
8.	TTU: Approve electronic delivery of the existing Ph.D. in Family and Consumer Sciences Education in the College of Human Sciences	13
9.	TTUHSC and TTU: Approve the Dual Degree Program, JD/MS in Biotechnology, between TTUHSC Graduate School of Biomedical Sciences and TTU School of Law.....	15
10.	TTUHSC: Approve conferral of emeritus appointment.....	17
11.	TTUHSC: Approve the online Master of Public Health degree	18
12.	TTUHSC El Paso: Approve conferral of emeritus appointment.....	20
13.	TTUHSC El Paso: Approve the establishment of the Transmountain Campus Clinical Departments in the Paul L. Foster School of Medicine	21
14.	TTUS: Approve campus policies regarding Sexual Assault at each of the System Component Universities.....	22
15.	TTUS: Approve comprehensive revisions to Chapter 10, <i>Regents' Rules</i>	24
16.	Adjournment	

D. Audit Committee

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1.	TTUHSC: Report on enterprise risk management process.....	3
2.	TTUS: Report on audits.....	4
3.	Executive Session: The Audit Committee will convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider	

matters permissible under Chapter 551 of the Texas Government Code, including:

- a. Consultation with Attorney — Section 551.071.
 - b. Discussion of personnel matters – Section 551.074.
4. Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider appropriate action, if any, on items discussed in Executive Session.
5. Adjournment

II. Meeting of the Board—Call to Order; convene into Open Session of the BoardChairman Long

III. Executive Session: The Board may convene into Executive Session, in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Long

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

IV. Open Session: The Board will reconvene in Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

A. Consideration of appropriate action, if any, on items discussed
in Executive Session.....Vice Chairman Montford

V. **Recess**Chairman Long

Friday, October 9, 2015
Ballroom (Room 118), First Floor, Student Union Building,
15th Street and Akron Avenue,
Lubbock, Texas

VI. **Meeting of the Board—Call to Order; reconvene into Open
Session of the Board**

VII. **Introductions and Recognitions**Chancellor Duncan,
President May,
President Nellis,
President Mitchell, and
President Lange

VIII. **Recess** (if necessary, for standing committees to meet; otherwise continue
in Open Session (XI.))

IX. **Meeting of Standing Committees** (if not concluded on Thursday)

X. **Meeting of the Board—Call to Order; reconvene into Open Session of
the Board** (only if the Meeting of the Board was recessed to conduct
committee meetings)

XI. **Open Session:** The Board will continue in Open Session and meet as a
Committee of the Whole and Meeting of the Board to consider and act on:

A. Approve minutes of board meetings held on
August 6-7, 2015.....Chairman Long

B. Committee of the Whole.....Vice Chairman Montford

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CW

1. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA
and TTUS: Approve Consent Agenda;
acknowledge review of Information Agenda 8

Consent Agenda

- a. ASU: Approve extension of faculty development
leave of absence (ACS)
- b. TTU: Approve leave of absence (ACS)

- c. TTUHSC El Paso: Approve development leave for compensated tenured faculty (ACS)
- d. TTUS: Approve amendments to Chapters 01 and 06, *Regents' Rules*, relating to the System clean-up legislation (CW)
- e. TTUS: Approve miscellaneous amendments to Chapters 04 and 09, *Regents' Rules* (CW)
- f. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- g. ASU: Approve naming of the VIP room in the Junell Center (F)
- h. TTU: Approve renaming of the Exercise and Sport Sciences building (F)
- h-1. TTU: Approve naming opportunities in Bayer Plant Science Building (F)
- i. TTU: Approve changing the Center for the Study of Addiction & Recovery exterior building signage (F)
- j. TTU: Authorize purchase of TxDOT Right of Way (F)
- k. TTU: Approve commissioning of police officers (FA)
- l. TTU: Ratification of contract with Premier Elevator Services, Inc (FA)
- l-1. TTUHSC El Paso: Approve modification of a consulting agreement (F)
- m. TTUS: Authorize a consulting agreement to provide expert assistance to the Office of General Counsel (FA)
- n. TTUS: Authorize chancellor to execute a contract for vending services (FA)
- o. TTUS, TTUSA, TTU, TTUHSC, TTUHSC El Paso and ASU: Add delegation of signature authority (FA)

Information Agenda

Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

- (1) TTU, TTUHSC and TTUHSC El Paso: Contract Renewals per Section 07.12.4.b., *Regents' Rules*: "Approval of the President is required for all component institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, will be provided to the board as an information item at the next board meeting.."

- (2) TTUHSC El Paso: Contracts for the services of a consultant with an initial consideration of \$25,000 or less per Section 07.12.2d(2)(b), *Regents' Rules*: "A report of the contract shall be provided as an information Agenda item at the next board meeting."
- (3) TTUHSC El Paso: Emergency Approval of contract as provided by Section 07.12.2.h, *Regents Rules*: "Unless prohibited by law and upon recommendation of the Chancellor, 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 by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approve in this manner shall be presented to the Board as an information item at the next Board meeting."
- (4) TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.2.b., *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."

XII. Reports of Standing Committees: Standing Committee reports will be presented sequentially to the Committee of the Whole.

- A. Report of the Facilities Committee Regent Anders
- B. Report of the Finance and Administration Committee..... Regent Francis
- C. Report of the Academic, Clinical and Student Affairs Committee..... Regent Lancaster
- D. Report of the Audit Committee..... Regent Steinmetz

XIII. The Board will continue in Open Session as the Committee of the Whole and Meeting of the Board of Regents.

- A. Schedule for Board meetings:
December 10-11, 2015, Lubbock

February 25-26, 2016, Lubbock
May 19-20, 2016, Lubbock
August 11-12, 2016, Lubbock
December 15-16, 2016, Lubbock Ben Lock

- B. The Chancellor's Report Chancellor Duncan
- C. The President's Report, ASU President May
- D. The President's Report, TTU President Nellis
- E. The President's Report, TTUHSC President Mitchell
- F. The President's Report, TTUHSC El Paso..... President Lange

XIV. Executive Session: The Board may convene into Executive Session, in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example: Chairman Long

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074
- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

XV. Open Session: The Board will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session Vice Chairman Montford
- B. Chairman's Announcements..... Chairman Long

XVI. Adjournment Chairman Long

FACILITIES

Facilities Committee

Committee Meeting
October 8, 2015

Time: 10:20 am (or upon adjournment of the Carr Scholarship Foundation Trustees meeting)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Anders (Chair), Huckabee, Steinmetz

Agenda

- Approve minutes of committee meetings held on August 6, 2015
- I.A.** Consideration of items to be recommended by the Facilities Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center El Paso (“TTUHSC El Paso”)

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1.	TTU: Approve a project to construct a new Honors Residence Hall project	2
2.	TTU: Approve establishment of a partial Stage II design budget for the Sports Performance Center	4
3.	TTUS: Report on Facilities Planning and Construction projects	6
4.	Adjournment	

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, October 9, 2015.

1. TTU: Approve a project to construct a new Honors Residence Hall project.

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: Section 08.01.3, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) proceed with a project to plan, design, and construct the New Honors Residence Hall project with a total budget of \$29,900,000; (ii) report the project to the Texas Higher Education Coordinating Board; (iii) complete the contract documents; and (iv) amend the Design-Build contract. The project will be funded through the Revenue Finance System ("RFS") to be repaid 97.75% from Housing Auxiliary Funds and 2.25% from Hospitality Services Funds. The total budget includes the previously authorized budget from University Student Housing funds (\$350,000 cash).

It is further recommended that the Board acknowledge that it expects to pay expenditures in connection with the construction of the project prior to the issuance of obligations to finance the project, and in that respect, the Board finds that the reimbursement for the payments of such expenditures will be appropriate and consistent with the lawful objectives of the Texas Tech University System, and as such, declare its intention, in accordance with the provisions of *Treasury Regulations*, Section 1.150-2, to reimburse itself for original expenditures, advanced in connection with the design, planning and construction of a new project an aggregate maximum principal amount expected to be \$29,550,000.

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

BACKGROUND INFORMATION

In May 2015, the board approved establishment of a Stage I design budget for a new honors residence hall project. The scope of work was to provide analysis of two separate sites in order to determine the development capacity of each site.

The resulting analysis has lead the institution to select the site south of the Rawls College of Business Administration building and west of Murray Hall with the project's delivery set for fall 2017. The project will construct approximately 80,000 gross square feet ("GSF") total. The building program includes 313 beds in a modern traditional style dormitory (two beds per room with common restroom facilities), common computer/study spaces, meeting/classroom space, RA units, laundry areas, support spaces, and a national branded coffeehouse (1,800 GSF).

Utility infrastructure, additional surface parking, landscape enhancements, and public art are included in the project.

The vice president for administration and finance and chief financial officer has verified the source of funds.

2. TTU: Approve establishment of a partial Stage II design budget for the Sports Performance Center.

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Board approval required by: Section 08.01.3, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents authorize the chancellor or the chancellor's designee to (i) establish a partial Stage II design budget of \$1,165,330 in order to finish the Stage I design and proceed with the initial development of the construction documents for the Sports Performance Center within the Edward E. Whitacre Jr. Athletic Complex with a projected total project budget of \$45,000,000; (ii) ratify the previously allocated budget of \$995,000 (gift, cash), therefore, total design budget to date is \$2,160,330; (iii) amend the design professional contract; (iv) amend the Construction Manager Agent contract; and (v) amend the Construction Manager at Risk contract. The partial Stage II design budget will be funded with gifts and donations.

The chancellor further recommends that the president be authorized to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

BACKGROUND INFORMATION

The partial Stage II design services will allow for the completion of the Schematic Design and Design Development packages, and development of the initial construction documents in order to define the construction Guaranteed Maximum Price ("GMP").

The project will demolish the existing Indoor Track facility in order to create a new Sports Performance Center. The new 159,285 gross square foot complex will house a 200 meter indoor track with fixed seating for approximately 750 spectators, box office, concessions, first aid, and public restrooms. The facility will also house a weight room with plyometric/movement equipment, nutrition center, sports medicine treatment areas, staff offices, offices for media and officials, equipment and training storage. To support the track portion of the facility will be a clerk room and track equipment storage room. An adjacent structure will provide space for an 80 yard indoor football practice field. The football training program will be supported with an equipment and apparel storage area adjacent to the laundry and a maintenance shop for equipment repair. The scope of the project will also include site utility infrastructure work, landscape enhancements, and public art.

The vice president for administration and finance and chief financial officer has verified the source of funds for the partial Stage II design budget.

3. TTUS: Report on Facilities Planning and Construction projects.

Presenter: Mr. Michael Molina

Presentation Time: 5 minutes

Report requested by: Board of Regents

Mr. Michael Molina, Vice Chancellor for Facilities Planning and Construction, TTUS, will present a report on Facilities Planning and Construction managed projects.



FINANCE AND ADMINISTRATION

Finance and Administration Committee

Committee Meeting
 October 8, 2015

Time: 10:45 am (or upon adjournment of the Facilities Committee meetings)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Francis (Chair), Anders, Lancaster

Agenda

- Approve minutes of committee meetings held on August 6, 2015

I.B. Consideration of items to be recommended by the Finance and Administration Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center El Paso (“TTUHSC El Paso”)

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1. ASU: Approve differential tuition and fees for off-site dual credit program effective spring semester, 2016	3
2. ASU and TTU: Ratification and approval of student debit and stored value cards.....	14
3. TTU, TTUHSC and TTUHSC El Paso: Approve to exceed the full-time equivalent limitation on employees paid from appropriated funds	16
4. TTUS: Approve amendments to Chapters 02, 03 and 07, <i>Regents’ Rules</i> , relating to the state contracting legislation	18
5. TTUS: Approve FY 2016 Premium Rates for the Medical Liability Self-Insurance Plan	19
6. TTUS: Authorize a consulting agreement to provide support for federal relations	21

- 7. TTUS: Authorize management consulting contract to provide strategic planning for TTUS federal affairs initiatives 22
- 8. TTUS: Authorize a consulting agreement to provide support for Institutional Advancement 23
- 9. TTUS: Report on computer and information technology security 25
- 10. Adjournment

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, October 9, 2015.

1. **ASU: Approve differential tuition and fees for off-site dual credit program effective spring semester, 2016.**

Presenter: Ms. Angie Wright

Presentation Time: 5 minutes

Board approval required by: Section 07.10, *Regents' Rules*; Section 54.504, 54.0513, 55.16, 54.218, 54.5035, 54.0513 Texas Education Code

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve and adopt a differential designated tuition (off-site dual credit) for Presidential Scholars and waive the library fee.

BACKGROUND INFORMATION

The current tuition and fee rate for Dual Credit students is \$516.00 for a three (3) semester credit hour course, which includes: state tuition of \$50.00 per credit hour, designated tuition of \$112.00 per credit hour; and a library fee of \$10.00 per credit hour. The proposed Presidential Scholars tuition is \$258.00 with no fees, for a three (3) semester credit course. The proposed rate includes the \$50.00 per semester credit hour state tuition and \$36.00 per semester credit hour designated tuition.

ANGELO STATE UNIVERSITY
Effective Beginning Fall 2015 Semester
Summary of Tuition, Fees, and Other Charges

All tuition, fees, rentals, rates, and charges of Angelo State University are charged and collected under specific authorization of the laws of the State of Texas, including, but not limited to, the authorization in *Texas Education Code* Section 54.504, Section 54.017, Section 54.0513, Section 55.16, and other applicable sections.

The Board of Regents has delegated to the President of Angelo State University the authority to establish waiver and exemption criteria and waiver and exemption approval procedures for the fees, rentals, rates, and charges in accordance with state laws, including, but not limited to, *Texas Education Code*, Section 54.218, Section 54.5035, and Section 54.0513.

(A) TUITION

The following tuition rates will be in effect for the academic year beginning with the Fall 2015 semester:

1. State Tuition

A. Undergraduate

1. Residents of Texas: \$50.00 per semester credit hour
2. Non-Resident Students: \$440.00 per semester credit hour
3. Bordering Counties to Texas and residents of New Mexico or Oklahoma: \$50.00 per semester credit hour

B. Graduate

1. Residents of Texas: \$50.00 per semester credit hour
2. Non-Resident Students: \$440.00 per semester credit hour
3. Bordering Counties to Texas and residents of New Mexico or Oklahoma: \$50.00 per semester credit hour

2. Designated Tuition

A. Undergraduate

\$112.00 per semester credit hour for all university students

B. Graduate

\$112.00 per semester credit hour for all university students

C. Fixed Tuition

\$118.72 per semester credit hour for all eligible university students that opt in to the fixed tuition price plan.

D. Presidential Dual credit Scholars (off-site)

\$36.00 per semester credit hour for all eligible Dual Credit students

3. Board Authorized Tuition

A. Masters

\$45.00 per semester credit hour, in addition to state and designated tuition, for all masters courses.

B. Doctoral

\$50.00 per semester credit hour, in addition to state and designated tuition, for all doctoral level courses.

(B) FEES***Mandatory--Statutory***

1. **International Education Fee:** This fee provides funds to assist students participating in international student exchange or study abroad programs. In accordance with Texas Education Code, Section 54.5132, this fee is charged at a \$4.00 flat fee for each fall and spring term and a \$2.00 flat fee for each summer term for all enrolled students. This fee only applies to students taking courses on the Angelo State University campus.
2. **Medical Services Fee:** This fee provides funds for the cost of providing medical services for students enrolled in the university. In accordance with Texas Education Code, Section 54.508, a flat fee of \$65.00 will be charged during fall and spring semesters and a \$42.50 flat fee for every summer term for all enrolled students. This fee only applies to students taking courses on the Angelo State University campus.
3. **Recreation Sports Fee:** This fee provides funds to cover operating, maintaining, improving, and equipping student recreation facilities and programs, and/or acquiring or constructing additions to those facilities. In accordance with Texas Education Code, Section 54.509, a \$100.00 flat fee for recreation sports will be charged during the fall and spring semesters and a \$50.00 flat fee for each summer term for all enrolled students. This fee only applies to students taking courses on the Angelo State University campus.
4. **Student Services Fee:** This fee provides funds to cover the costs of various activities, facilities, programs, and services which are separate and apart from the regularly scheduled academic functions of the university and directly involve or benefit students. This fee is charged and allocated annually in accordance with recommendations of the Student Services Fee Advisory Committee. In accordance with Texas Education Code, Section 54.503, a \$23.75 per semester credit hour will be charged. A cap of \$250.00 and a minimum of \$100.00 will be charged during the fall and spring semesters and a cap of \$120.00 and a minimum of \$50.00 will be charged for each summer term for all enrolled students. This fee only applies to students taking courses on the Angelo State University campus.
5. **University Center Fee:** This fee provides funds to cover operating, maintaining, improving and equipping the university center facilities and programs, and/or acquiring or constructing additions to those facilities. In accordance with Texas Education Code, Section 54.5241, the University Center Fee will charge a flat fee of \$66.00, during each fall and spring semester and for each summer term for all enrolled students. This fee only applies to students taking courses on the Angelo State University campus.

Mandatory--Incidental

In accordance with Texas Education Code, Section 54.504 and 55.16(a), the following fees are recommended by the President.

1. **Technology Service Fee:** (Per Semester) The fee will be assessed as follows: \$325.00 for fall and spring semesters for students taking nine or more hours; \$135.00 for fall and spring semesters for students taking four to eight hours; \$81.00 for fall and spring semesters for students taking one to three hours. The fees for each summer term will be assessed at \$162.50 for students taking six or more hours and \$78.50 for students taking from one to five hours. This fee is assessed and collected for the purpose of providing

technology support and services for the operation and online access to technology services for the campus environment.

2. **Library Fee:** (Per Semester Credit Hour) This fee provides funds to support library operations including the acquisition and access of teaching and research materials, operations, maintenance, improvements, equipment, and construction. This fee will be charged at \$10.00 per semester credit hour during the fall and spring semesters and each summer term, not to exceed \$120.00 per semester.
3. **Advising Center Fee:** (Per Semester) Angelo State University uses this fee to fund academic advising services, counseling, and retention services for its students. The fee of \$25.00 per semester is charged to students for the fall and spring semesters and \$12.50 for each summer term for all enrolled undergraduate students.
4. **Athletic Fee:** (Per Semester Credit Hour) The Student Athletic Fee allows students entrance to all home sporting events as long as seats are available. The fee of \$17.50 per semester credit hour will be charged to students during the fall and spring semesters and each summer term, not to exceed \$210.00 per semester. This fee only applies to students taking courses on the Angelo State University campus.
5. **Instructional Enhancement Fee:** ASU will charge an Instructional Enhancement Fee at a rate of \$12.50 per semester credit hour, not to exceed \$150.00 per semester. This fee provides support for academic program development and enhancement and recruitment and retention initiatives. The funds will be allocated by the Provost, based on academic priorities, to the college deans who will be accountable for the use of the funds.
6. **Financial and Records Service Fee:** (Per Semester Credit Hour) This fee provides funds to support student service areas of the university including but not limited to Recruitment & Admissions, Registrar, Financial Aid, Enrollment Management Technology Operations, Student Business Services, Accounts Receivable, Academic Affairs, Undergraduate Affairs, and Academic Support. This fee will be assessed to all students at a rate of \$12.25 a semester credit hour, not to exceed \$147.00 per semester.
7. **Outdoor Facility Conservation Fee:** (Flat Fee) This fee provides funds to cover operating, maintaining, improving, and equipping outdoor facilities and programs, and/or acquiring or constructing additions to those facilities that would result in water conservation. A \$25.00 flat fee will be charged during the fall and spring semesters and an \$11.00 flat fee for each summer term for all enrolled students.
8. **Distance Learning Fee:** (Per Semester Credit Hour) The Distance Learning Fee of \$50.00 per semester credit hour is charged to partially cover the additional costs incurred by offering distance learning courses. This fee is charged to all students enrolled in distance education courses.
9. **Off-Campus Course Fee:** This fee may be charged for individual courses for expenditures directly related to the cost of the course. The Off-Campus Course Fee varies and ranges from \$10.00 to \$6,000.00 per course (study abroad programs). This fee primarily will be charged for study abroad courses and selective courses with extraordinary costs.
10. **International Student Fee:** This fee is charged to each non-immigrant international student. Students are charged a \$150.00 flat fee for each fall and spring semester. Students enrolled during the summer term(s) will be charged \$75.00 per term. This fee is non-waivable regardless of any agreements with sending institutions.

11. **Education Abroad Medical, Accident, Political Evacuation and Natural Disaster Insurance:** All study abroad students are required to purchase health insurance through the university as a condition of enrollment for the time period they are travelling and living abroad.
12. **Undergraduate Research Fee:** (Per Semester Credit Hour) This fee provides funds to support undergraduate research, including internal grants awarded to students on a competitive basis. This fee will be assessed to all undergraduate students at a rate of \$1.25 a semester credit hour, not to exceed \$15.00 per semester.
13. **Non-Immigrant Health, Evacuation, and Repatriation Insurance:** All ASU non-immigrant students enrolled in one credit hour or more are required to have health insurance as a condition of enrollment. Students to which this requirement applies will purchase the ASU Student Health Insurance Plan through the university (ASU OP 10.16).
14. **Graduate Internship Fee:** This fee will be used to support the extensive travel that university faculty have to do to supervise interns in the field, making several trips to the internship site. This \$275.00 fee would be assessed to all graduate internship candidates.

(C) MISCELLANEOUS FEES

1. **Admission Application Fee:** will be charged for the following applications from prospective students:

• Undergraduate (United States Citizens)	\$35.00
• Graduate (United States Citizens)	\$40.00
• International Student	\$50.00
• Physical Therapy (provide discretionary funds for student orientation)	\$25.00
2. **Off-Campus Travel Fee:** This fee will be a flat fee and will reflect the cost of faculty members traveling off-campus to deliver a course. This fee will not exceed the actual cost of traveling off-campus.
3. **Parking Fines:** Fines from \$15.00 to \$200.00 per occurrence.
4. **Installment Payment of Tuition/Fees Option Fee:** Assessed upon selecting the installment pay plan when registering for classes during each long semester. \$30.00
5. **Late Charges on Installment Payment:** \$40.00
6. **Cancellation Fee:** This fee is assessed when a student's schedule is cancelled after classes have begun. \$300.00
7. **Return Check Fee or e-payment fee:** \$30.00
8. **Late Registration Fee:** Assessed when late registration enrollment begins \$50.00
9. **New Student Orientation Fee:** This fee provides funds to cover the costs associated with the various activities, facilities, programs, and services provided to assist all new (freshman and transfer) students and their family members in transitioning to the university community. \$25.00
10. **Library:**

Porter Henderson Library:

Overdue Fines: ranges from \$.10/minute, \$.25/day to \$2.00/day per item

Fees:

Processing Fee (for lost and/or replaced items)	\$20.00
Replacement Fee – all other-(if still available, otherwise, average cost of item in same subject area)	cost of item
Damage Fee	\$30.00
Interlibrary Loan Fee-(unless lending library assesses a fee; passed on to ASU requestor)	no charge
Transparencies	\$.25/ea
Microform Copiers	\$.10/page
Laminations:	
1/2 sheet	\$.50/ea
Up to 8.5 x 11	\$.75/ea
Up to 11 x 17	\$1.50/ea
Community borrower's card	\$50.00
Photos:	
Publication fee to "for profits"	\$50.00
8x10	\$12.00
11x14	\$24.00
digital media	\$3.00

Custom microform copying	\$3.00/up to 10 pages
Additional pages	\$.20/ea

Custom scan & print	\$1.00/ea
*Department Copies	
Black & White	\$0.05/per page
Color	\$0.10/per page
Thesis Binding (fee dependent on vendor charges) (optional)	\$15.00

*Department Copies refers to photocopies provided by Library Staff for ASU Departments only.

11. **Extended Studies Course Fees:** \$6.00 - \$600.00

12. **Post Office:**

Post Office Box Rental:

Fall and Spring (per semester)	\$23.50
Summer (per semester)	no charge

Fees:

Post Office Box Key Replacement	
\$25.00/ea	
Post Office Box Lock Replacement	
\$35.00/ea	

13. **ASU OneCard Replacement Fee:** \$20.00

14. **ASU Faculty/Staff ID Card Replacement Fee:** \$10.00

15. **Prior Term Statement Printing Fee:** \$1.00
16. **Department of Art & Music Equipment Use Deposit:** \$40.00
17. **Diploma Replacement Fee:** \$25.00
18. **English Language Learning Tuition and Fees:** Tuition and fees for 7 week and 14 week courses ranging from \$2,500.00 to \$5,000.00 could include textbooks and supplies, technology service fee, medical service fee, financial records and service fee, library fee, athletic fee, recreational sports fee, university center fee, intramural outdoor facility fee, and international service fee.
19. **Probation/Post Suspension Assistance Fee:** This \$200.00 fee provides funds for the cost to offer sections of the no-credit study strategy assistance courses required of freshman on probation and first-return suspension students. The course is also available to any student who wishes to solidify or improve cognitive-based study techniques. This fee is non-refundable to students required to enroll in the course.
20. **University Recreation Center Program Fees:** Miscellaneous fees charged by the University Recreation Center for equipment rentals, damaged equipment, facility rentals, instructional classes, clinics, and outdoor trips ranging from \$2.00 to \$500.00.

(D) RESIDENCE LIFE ROOM RATES

In accordance with Texas Education Code (Vernon's Texas Codes Annotated, Higher Education, Title 3, April 2006), Section 51.002, Angelo State University recommends the following room rates effective fall, 2015. Room rates are based on double occupancy.

Room Rates (9 Month)	2015-2016
Vanderventer Apartments	\$4,730
Massie Hall	\$4,652
Texan Hall	\$6,148
Centennial Village (2 persons, 2 bed, 1 bath)	\$6,078
Centennial Village (4 persons, 4 bed, 2 bath)	\$5,910
Plaza Verde I	\$6,072
Concho Hall (only available to seniors and graduate students)	\$3,900
Carr Hall Double	\$4,480
Carr Hall Single	\$5,600
Carr Hall Efficiencies	\$5,900

Fines and other incidentals may be applied to your student account based on Student Judicial decisions and authority or per your housing contract.

(E) BOARD RATES

In accordance with Texas Education Code (Vernon's Texas Codes Annotated, Higher Education, Title 3, April 2006), Section 51.002, Angelo State University recommends the following Board rates effective fall, 2015.

Fall 2015 – Spring 2016 Board Plans

Rams Unlimited Access (All you can eat, \$100 RamPoints per semester)	\$3,250
Rambelle (220 meals, \$100 RamPoints per semester)	\$3,050
The Quest (200 meals, \$100 RamPoints per semester)	\$2,900

Summer 2016 Board Plan

7-day (15 meals/week)	\$560
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**ANGELO STATE UNIVERSITY
TUITION AND FEES
FIVE-YEAR HISTORY
15-SEMESTER CREDIT HOUR ENROLLMENT**

	Fall, 2011	Fall, 2012	Fall, 2013	Fall, 2014	Fall, 2015
State Tuition	750.00	750.00	750.00	750.00	750.00
Designated Tuition	1,675.05	1,747.20	1,585.20	1,600.20	1,680.00
Financial and Records Service	135.00	135.00	135.00	135.00	147.00
Student Service	250.00	250.00	250.00	250.00	250.00
Library	120.00	120.00	120.00	120.00	120.00
Recreation Sports	100.00	100.00	100.00	100.00	100.00
University Center	66.00	66.00	66.00	66.00	66.00
Technology Services	300.00	300.00	300.00	325.00	325.00
Medical Services	59.50	59.50	59.50	59.50	65.00
International Education	4.00	4.00	4.00	4.00	4.00
Advising Center	25.00	25.00	25.00	25.00	25.00
Athletic Fee	25.00	25.00	187.00	196.50	210.00
Instructional Enhancement	150.00	150.00	150.00	150.00	150.00
Undergraduate Research Fee	15.00	15.00	15.00	15.00	15.00
Intramural Outdoor Facility Fee	0	0	0	25.00	25.00
Total	\$3,674.55	\$3,746.70	\$3,746.70	\$3,821.20	\$3,932.00

2. **ASU and TTU: Ratification and approval of student debit and stored value cards.**

Presenter: Jim Brunjes

Presentation Time: 5 minutes

Board approval required by: Section 07.12.1.f, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the presidents of Angelo State University ("ASU") and Texas Tech University ("TTU") that the Board of Regents allow the identified institutions to proceed with student debit or stored value cards for the purposes described below.

Texas Education Code, Sec. 51.940, governs student debit cards stating that "[t]he governing board of an institution of higher education may establish a program to provide students enrolled at the institution with a debit card."

Section 07.12.1.f., *Regents' Rules*, requires Board approval on contracts that are subsequently found to be required by law or by the policy to be approved by and 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.

BACKGROUND INFORMATION

The ASU OneCard is the official identification card for all students at Angelo State University. It is used to access university services, events and facilities. For students who elect to open an ASU OneAccount (administered through HigherOne), their ASU OneCard can also be used as a debit MasterCard. ASU dining plans, including RamPoints, can only be used at on-campus locations. Other funds placed on the ASU OneCard can be used at any location, on- or off-campus. The ASU OneCard program has been in place prior to joining the Texas Tech University System.

The Texas Tech University Raider Card is the official identification card for all faculty, staff, and students at TTU. Similarly, it is used to access university services, events and facilities. Raider Cash is a stored value account where funds can be deposited to the Raider Cash account and then used at several different locations. There is no bank affiliation with the stored value account. TTU dining plans, including Dining Bucks, can only be used at on-campus locations. Raider Cash can be used at popular locations around campus such as printing stations, Barnes & Noble bookstore on campus, Cowamongus, and select Ovations concession stand locations at the Jones AT&T Stadium and United Supermarkets Arena. Currently the only off-campus location is Varsity Bookstore which has partnered with the ID System since 2002 to offer students another option for buying books, supplies, and Tech merchandise off campus.

The university identification system is managed through a software agreement with CBORD, Inc. The TTU Student Government Association ("SGA") has pursued an option through UGryd (CBORD, Inc. Off-Campus Program) to allow Raider Cash to be used at additional off-campus locations if the merchant contractually agrees to accept the Raider Card. The merchant agrees that the Raider Card cannot be used to purchase alcohol or tobacco products. The SGA is currently working with UGryd to sign up merchants with an anticipated full launch in spring 2016 term.

3. TTU, TTUHSC and TTUHSC El Paso: Approve to exceed the full-time equivalent limitation on employees paid from appropriated funds.

Presenter: Jim Brunjes

Presentation Time: 5 minutes

Board approval required by Article IX, Section 6.10 of the General Appropriations Act

RECOMMENDATION

The chancellor concurs with the recommendation of the appropriate component president that the Board of Regents allow the identified institutions to exceed the number of full-time equivalent (“FTE”) employees paid from appropriated funds for Fiscal Year 2016 that are authorized in Article III of the General Appropriations Act. It is also recommended for approval that the TTUS Board of Regents submit a request to the Governor and the Legislative Budget Board to grant approval for these institutions to exceed the authorized number of FTE employees paid from appropriated funds and to submit subsequent reports as required in Article IX, Section 6.10 of the General Appropriations Act.

Request to Exceed Limitation on State Employment Levels
FY 2016 – FY 2017

Institution	FTE Cap	Requested Increase	Revised FTE Level	Source of Funds
Texas Tech University (TTU)	2,717.70	100	2,817.70	Appropriated
Justification: TTU enrollment growth increased from 32,480 in the Fall of 2012 to 35,158 in Fall 2014. TTU is requesting additional FTEs to support faculty and student support staff as necessary to sustain enrollment growth.				
Texas Tech University Health Sciences Center (TTUHSC)	1,362.30	100	1,462.30	Appropriated
Justification: The TTUHSC enrollment increased from 4,005 in Fall 2012 to 4,463 in Fall 2014 with continued enrollment growth anticipated for Fall 2015. TTUHSC is requesting additional FTEs to support this enrollment growth.				
Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso)	545.50	96	641.50	Appropriated
Justification: TTUHSC El Paso enrollment increased from 365 in Fall 2012 to 493 in Fall 2014 with continued enrollment growth anticipated for Fall 2015. TTUHSC El Paso is requesting additional FTEs to support this enrollment growth, as well as the transition to a free-standing Health Sciences University.				

BACKGROUND INFORMATION

The General Appropriations Act places a limit on the number of FTE employees paid from appropriated funds that an institution may employ without written approval of the Governor and the Legislative Budget Board. To exceed the FTE limitation, a request must be submitted by the governing

board and must include the date on which the board approved the request, a statement justifying the need to exceed the limitation, the source of funds to be used to pay the salaries, and an explanation as to why the functions of the proposed additional FTEs cannot be performed within current staffing levels. Detailed justification information is provided in the table above. In addition, the institution must also provide subsequent reporting to the Governor and the Legislative Budget Board when the institution exceeds the FTE limitation established in the General Appropriations Act.

4. TTUS: Approve amendments to Chapters 02, 03 and 07, Regents' Rules, relating to the state contracting legislation.

Presenter: Mr. Jim Brunjes

Presentation Time: 3 minutes

Board approval required by: Sec. 01.08, *Regents' Rules*

RECOMMENDATION

The Regents Rules Review Committee (Rules Committee) recommends that the Finance and Administration Committee consider adoption of amendments to Chapter 07 (Fiscal Administration), Chapter 02 (Administration), and Chapter 03 (Personnel).

S.B. 20 ... adopted by the 84th Legislature (2015) and effective September 1, 2015 ... requires state agencies – including public institutions of higher education – to abide by certain new requirements when entering into contracts. These new statutory mandates are intended to “enhance reporting requirements and increase transparency and accountability so that there is knowledge about and confidence in the way state government is spending tax dollars.”

In order to comply with the new contracting statutes, conforming amendments are needed for three chapters of the *Regents' Rules*.

The changes proposed for Chapters 07, 02, and 03, *Regents' Rules*, are provided as an attachment.

BACKGROUND INFORMATION

Board chair Mickey Long re-established the Rules Committee on April 10, 2015 and appointed the following members to that advisory committee: Debbie Montford (chair), Larry Anders; Rick Francis; and John Steinmetz.

The Rules Committee is charged with considering and, when appropriate, submitting to the appropriate Board committee proposed amendments to the *Regents' Rules* of the Texas Tech University System. Any amendment to the *Regents' Rules* or a Board Policy Statement must be approved by the full Board in accordance with Section 01.08, *Regents' Rules*.

physicians. An experience dividend not to exceed \$4 million nor any amount that reduced the Plan fund below \$45 million was authorized.

In summary, the actuary found the Plan to be in sound financial condition, that Plan funding was sufficient to retire the Plan's likely liabilities through August 31, 2015 and an adequate contingent reserve and a capital base exists to absorb the expected experience in the FY16 Plan year. The actuary believes it is safe to pay the Schools of Medicine an experience dividend during FY16.

6. TTUS: Authorize a consulting agreement to provide support for federal relations.

Presenter: Mr. Robert L. Duncan

Presentation Time: 3 minutes

Board approval required by: Section 07.12.2d, *Regents' Rules*

The chancellor recommends that the Board of Regents authorize the chancellor or the chancellor's designee to execute an agreement with Lewis-Burke Associates, LLC., to advance federal research initiatives for the Texas Tech University System ("TTUS") and its components.

The firm Lewis-Burke was selected through the use of the Request for Proposals ("RFP") process. The seven member RFP committee evaluated each of the seven proposals received under the guidance of a detailed evaluation sheet. Committee members selected Lewis-Burke unanimously as the best fit for the TTUS. Services provided by Lewis-Burke will begin early Fall 2015 for an initial term of one year. An option to extend the contract up to two additional years will be available if the results produced in the first and second year warrant an extension.

Services and objectives of Lewis-Burke under the proposed federal relations contract include: 1) Legislative and Public Policy Representation - Expand the TTUS's reach and support from federal sources and broaden its influence and impact on federal and congressional decision-making. 2) Collaborate with TTUS to develop and implement 2017 US congressional and administrative strategy designed to match TTUS research priorities with emerging and developing opportunities at the federal level.

The cost for this engagement is \$195,000 per year. TTUS may also reimburse the consultant's direct expenses for travel, lodging, document reproduction and other "unusual" expenses. Direct expenses will only be reimbursed with prior approval from TTUS and may not exceed \$15,000 per year.

BACKGROUND INFORMATION

The Board of Regents on numerous past occasions has considered consulting agreements to support the federal relations initiatives of the TTUS.

The Board authorized consulting agreements with Arnold and Porter LLP and The Alpine Group during the February 28 - March 1, 2013 meeting of the Board. Both agreements were approved by the board for an initial term commencing March 1, 2013 and terminating December 31, 2013 with the option to extend for up to 24 months.

7. TTUS: Authorize management consulting contract to provide strategic planning for TTUS federal affairs initiatives.

Presenter: Mr. Robert L. Duncan

Presentation Time: 3 minutes

Board approval required by: Section 07.12.2d, *Regents' Rules*

The chancellor recommends that the Board of Regents authorize the chancellor or the chancellor's designee to execute an agreement with Karen Tandy to provide strategic planning assistance for Texas Tech University System ("TTUS") federal affairs. Services provided by Ms. Tandy will be targeted at increasing the national research profile of TTUS, increasing federal and private research dollars, and providing more domestic and international opportunities in research and teaching. Services will also include ongoing identification and development of specific strategies for executing an overall federal affairs strategy.

The total cost for this engagement is \$120,000 plus direct expenses not to exceed 10%, for a six-month contract with an option to extend the contract up to two additional one-year periods.

The agreement has begun under *Regents' Rule*, 07.12.2.d.1.b,

Upon recommendation of the chancellor, 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 and chair of the Finance and Administration Committee authorize execution of the agreement in advance of approval by the board.

BACKGROUND INFORMATION

Mrs. Tandy has extensive experience and a history of success managing and executing federal affairs. Mrs. Tandy is a Texas Tech alumna who has been engaged with the System on various levels. Her background with the System, combined with her unique experience as head of a federal government agency, while also having experience leading a global governmental affairs division for an international company provide a unique skillset to assist the System in setting and achieving its federal affairs goals.

The Board of Regents on numerous past occasions has considered consulting agreements to support the federal relations initiatives of the Texas Tech System.

8. TTUS: Authorize a consulting agreement to provide support for Institutional Advancement.

Presenter: Lisa Calvert / Jim Brunjes Presentation Time: 4 minutes
Board approval required by: Section 07.12.2d, *Regents' Rules*

RECOMMENDATION

The chancellor recommends that the Board of Regents authorize the chancellor or the chancellor's designee to execute an agreement with T. Handler Consulting, Inc. to evaluate and make recommendations regarding the information systems and databases used by Institutional Advancement for the Texas Tech University System (TTUS) and its components.

T. Handler Consulting, directed by its namesake—Terrence Handler—was selected by Institutional Advancement because of the company's unique specialization in philanthropic initiatives and assessing the functions, services, systems, database(s) and support procedures and staff in place for advancement and fundraising components of high profile non-profit organizations, including colleges and universities. Terrence Handler is the premier consultant in his field, with an understanding and awareness of the field, as well as long-standing relationships with current and potential vendors, of great benefit to TTUS and its components. Handler's unique and highly specialized knowledge of the philanthropic world of higher education has garnered him significant influence in the industry, resulting in the company's ability to secure database services and other support services at a reduced cost, or even at no cost, to his clients. T. Handler Consulting will review certain information systems and databases of Institutional Advancement, including organization, roles, services and the functional teams of systems management, business applications and reporting/analysis, gifts and records, prospect research and prospect management. T. Handler Consulting will work alongside the CFO, its strategic planning group and campus IT to conduct a thorough review that will ultimately evaluate Institutional Advancement programs across the campuses to determine their key needs and requirements based on current and coming strategies, and initiatives.

The agreement has begun under *Regents' Rule*, 07.12.2.d.1.b,

Upon recommendation of the chancellor, 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 and chair of the Finance and Administration Committee authorize execution of the agreement in advance of approval by the board.

This agreement will not exceed \$50,000 and will occur over the remainder of calendar year 2015.

BACKGROUND INFORMATION

The Board of Regents has considered consulting agreements on numerous past occasions to support Institutional Advancement and the initiatives of the TTUS.

9. **TTUS: Report on computer and information technology security.**

Presenter: Ms. Kay Rhodes

Presentation Time: 15 minutes

Reports requested/required by: Board of Regents

Ms. Kay Rhodes, Associate Vice Chancellor for Information Technology, will present a report on computer and information technology security.

**ACADEMIC,
CLINICAL AND
STUDENT AFFAIRS**

Academic, Clinical and Student Affairs Committee

Committee Meeting
October 8, 2015

Time: 11:50 am (or upon adjournment of the Finance and Administration Committee meeting)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Lancaster (Chair), Esparza, Francis, Messer

Agenda

- Approve minutes of committee meeting held on August 6, 2015
- I.C.** Consideration of items to be recommended by the Academic, Clinical and Student Affairs Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center El Paso (“TTUHSC El Paso”)

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NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, October 9, 2015.

1. ASU: Approve emeritus appointment.

Presenter: Dr. Donald Topliff

Presentation Time: 1 minute

Board approval required by: Section 04.01.2, *Regents' Rules*; ASU Operating Policy 02.03

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve to confer the title of distinguished professor emeritus on Arnoldo De León, Ph.D at his retirement for his long, faithful service to Angelo State University.

BACKGROUND INFORMATION

Dr. De León received a B.A. in History from Angelo State University and a M.A. and Ph.D. in History from Texas Christian University. Dr. Arnoldo De León exemplified the role of a true academic scholar dedicated to the publication of his research and a professor devoted to teaching his students. Many times, members of the history faculty have heard from former students attesting to the influence of Dr. De León's and the difference it made in their lives. He has received numerous awards and accolades for his scholarship and teaching throughout his distinguished career. Dr. De León has also upheld, over the course of his career, a rigorous and substantial research and publication record that few of his contemporaries across the United States have matched. He has maintained a praiseworthy publication agenda that has resulted in more than twenty monographs and edited volumes as well as numerous scholarly articles.

In 1987, Dr. De León became a fellow to the Texas State Historical Association. He has held the C. J. "Red" Davidson Endowed Professorship in the Department of History since 1988 and received the Chancellor's Council Distinguished Research Award in 2009 from the Texas Tech University System. After 41 years of extraordinary distinction, Dr. De León retired on June 30, 2015.

2. ASU: Administrative change at the college level.

Presenter: Dr. Donald Topliff

Presentation Time: 2 minutes

Board approval required by: Section 04.11.1, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the division of the College of Arts and Sciences into the College of Science and Engineering and the College of Arts and Humanities within the Division of Academic Affairs at Angelo State University effective September 1, 2016.

BACKGROUND INFORMATION

During the 2014-2015 academic year, Angelo State University's Division of Academic Affairs undertook a thorough review of the College of Arts and Sciences to determine the most efficient administrative structure for the thirteen departments that currently comprise the college. The proposed division of the College of Arts and Sciences reflects a widely accepted model that will provide greater efficiency administratively, promote increased interdisciplinary cooperation among departments housed within each college, and better reflect the size of other colleges on campus. The following departments will comprise each of the two proposed colleges.

College of Science and Engineering

- Department of Agriculture
- Department of Biology
- Department of Chemistry and Biochemistry
- Department of Civil Engineering
- Department of Computer Science
- Department of Mathematics
- Department of Physics and Geosciences

College of Arts and Humanities

- Department of Communication and Mass Media
- Department of English and Modern Languages
- Department of History
- Department of Political Science and Philosophy
- Department of Security Studies and Criminal Justice
- Department of Visual and Performing Arts

The anticipated cost of the administrative change will be addressed by the reassignment of current staff members and salary savings at the administrative level. This proposed administrative change meets all conditions for automatic approval identified by the Texas Higher Education Coordinating Board.

3. **ASU: Approve naming of the College of Health and Human Services and acceptance of a related gift.**

Presenter: Dr. Brian May

Presentation Time: 5 minutes

Board approval required by: Sections 06.06.1; 04.11.3; and 06.01.2.b, *Regents' Rules*

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve (i.) the naming of the College of Health and Human Services at Angelo State University the "Archer College of Health and Human Services" in recognition of the significant gift from the James and Lois Archer Foundation; and (ii.) to officially accept the gift from the James and Lois Archer Foundation. The donor concurs with the naming of this college. The exterior signage on the building will specify the name of the college.

BACKGROUND INFORMATION

The James and Lois Archer Foundation has made a generous gift to Angelo State University for the benefit of the College of Health and Human Services building construction. In recognition of this gift, the College of Health and Human Services will be named the "Archer College of Health and Human Services."

James and Lois Archer, founders of the James and Lois Archer Foundation, have lived throughout Texas all their lives. The Archer Foundation's main goal is to improve the welfare of children and of the elderly. Mr. and Mrs. Archer's gift of \$5,000,000 through the Foundation will help to expand the facilities that support the health and human services curriculum. The Archers have given a total of \$5,102,980 to Angelo State University.

Sections 06.06.1 and 04.11.3, *Regents' Rules*, govern gift-related namings and honorary namings of academic units. Section 06.01.2.b governs the approval by the Board of restricted gifts such as this.

4. **TTU: Approve appointments with tenure.**

Presenter: Dr. Lawrence Schovanec

Presentation Time: 3 minutes

Board approval required by: Section 04.02, *Regents' Rules*; TTU Operating Policy 32.17

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the granting of tenure to the following faculty of Texas Tech University contemporaneously with their appointments:

Fred Davis, Ph.D., new professor in the department of Information Systems and Quantitative Science, Rawls College of Business. Professor Davis was previously tenured as a full distinguished professor in the Department of Information Systems in The Sam M. Walton College of Business at the University of Arkansas;

Jeong-Hee Kim, Ph.D., new professor in the department of Curriculum and Instruction, College of Education. Professor Kim was previously tenured as an associate professor in the Department of Curriculum and Instruction at the Kansas State University;

Faith Maina, Ph.D., new professor in the department of Curriculum and Instruction, College of Education. Professor Maina was previously tenured as professor in the Curriculum and Instruction Department at State University of New York-Oswego; and

Ann Mastergeorge, Ph.D., new professor and chair, in the Department of Human Development and Family Studies, College of Human Sciences. Professor Mastergeorge was previously tenured as associate professor in the Department of Pediatrics at the University Medical Center, University of Arizona.

BACKGROUND INFORMATION

The faculty members whose names appear above have been judged by the appropriate committees and administrative personnel as worthy of academic tenure. The procedure established by the Tenure Policy for the awarding of tenure to qualified members of the faculty has been carefully followed.

Approval of these individuals brings the number of tenured faculty at Texas Tech University to 826. There is a total of 1113 tenured and tenure-track faculty. After this appointment, the percentage of tenure track faculty who have been awarded tenure will be 74.2 percent. The number of non-tenure track faculty is 460.

5. TTU: Approve Bachelor of Applied Arts and Sciences degree with a major in Restaurant, Hotel & Institutional Management in the College of Human Sciences.

Presenter: Dr. Lawrence Schovanec

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the new degree program for a Bachelor of Applied Arts and Sciences ("BAAS") degree with a major in Restaurant, Hotel & Institutional Management ("RHIM") in the College of Human Sciences and authorize submission by the Office of the Provost and Senior Vice President for Academic Affairs to the Texas Higher Education Coordinating Board seeking its certification of such a program and to the Southern Association of Colleges and Schools for acknowledgement of a new degree program.

Existing faculty members affiliated with and paid through the current program in RHIM will teach in this program; no other new faculty are needed for the BAAS in RHIM. Capacity in current classes is sufficient to accommodate additional students. Facilities and equipment in the college's building are adequate to support the program. Program costs over the first five years are estimated at \$40,000 (primarily recruitment and administrative costs). The program is anticipated to generate revenue of \$228,498 over the same period.

Five-Year Costs		Five-Year Funding	
Personnel	\$0	Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$30,856
Library, Supplies, and Materials	\$0	Special Item Funding	\$0
Other travel to visit community colleges, internship placement/supervision; administrative costs; annual conference	\$40,000	Other designated tuition and fees	\$197,642
Total Costs	\$40,000	Total Funding	\$228,498

BACKGROUND INFORMATION

The restaurant industry is the United States' second largest private sector employer. Restaurant jobs made up 10 percent of the nation's workforce by the end of 2012. This equates to approximately 12.9 million restaurant positions. The National Restaurant Association predicts a bright future for professionals seeking restaurant jobs. Employment is expected to increase to 14.3 million professionals by 2022. The Bureau of Labor Statistics expects restaurant positions will continue to increase at a moderate pace of eight percent through 2018. Job growth within the restaurant industry also outpaced the national economy for 12 consecutive years, from 2000 through 2011.

With over 25 Texas community colleges offering AAS degrees in Culinary Science or Hospitality Management (see appendix), a substantial number of students are graduating yearly who would benefit from earning a BAAS degree to provide the missing management and leadership skills provided in the RHIM program. This program will serve individuals who received an AAS degree in Culinary Sciences or Hospitality Management from a community college. The program of work includes the culinary or hospitality credits and core credits students received at the community college, in addition to the Texas Tech University and College of Human Sciences core, and RHIM program core courses and electives giving students a well-rounded hospitality business education.

Enrollment projections for the new program are given in the table below. These projections show the estimated cumulative headcount and full-time student equivalent enrollment for the first five years of the program, based on majors only and considering attrition and graduation.

YEAR	1	2	3	4	5
Headcount	4	10	13	16	20
FTSE	3	7	9	11	14

BACKGROUND INFORMATION

Currently, Texas Tech University has 18 graduate level dietetics interns completing an MS degree. However, eight of these students face the challenge of having their clinical rotations at sites 100 miles away from Lubbock, making it difficult for them to complete courses in Lubbock. It is expected that these current students and more like them each year will enroll in the new online degree program to accommodate their circumstances. As such, this program will generate more off-campus, distance enrollments for TTU.

Other students who may be very interested in an online MS degree in nutrition and dietetics are students with internships not affiliated with a university, for example, those based in a hospital. There are 79 of these free-standing dietetic internships serving 800+ students/interns each year. For these independent internships to continue, they will either need to affiliate with a university or be able to direct their students to programs for the MS degree.

An additional potential student population is working professionals. While the mandatory master's degree is not retroactive to current practicing Registered Dietitian professionals, many may desire to add this credential to remain competitive.

This new online program would be targeting dietetic interns for which the program is required and professionals with a Registered Dietitian credential who wish to enhance their knowledge. For the past five years, there is an 87% completion rate for dietetics interns enrolled in the graduate nutritional sciences program at Texas Tech University. It is anticipated that the 87.5% completion can be maintained or likely increased with an online degree option.

Enrollment projections for the new program are given in the table below. These projections show the estimated cumulative headcount and full-time student equivalent enrollment for the first five years of the program, based on majors only and considering attrition and graduation. Because these students will be working professionals or those enrolled in a demanding internship program, part-time enrollment in the program is likely to be common and some attrition is expected. For planning purposes, the numbers below reflect admitting up to 15 students per year, with about 25% enrolling half-time, and an attrition rate of two students each year. The completion rate is estimated at three years for full-time students (though two is more likely) and four years for part-time students. This is a moderate estimate, with actual enrollment expected to be higher.

YEAR	1	2	3	4	5
Headcount	21	31	37	37	37
FTSE	11	14	16	16	16

7. TTU: Approve electronic delivery of the existing Ph.D. in Special Education in the College of Education.

Presenter: Dr. Lawrence Schovanec

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the online delivery of the existing Ph.D. in Special Education offered in the College of Education and authorize submission by the Office of the Provost and Senior Vice President for Academic Affairs to the Texas Higher Education Coordinating Board seeking its certification of such a program and to the Southern Association of Colleges and Schools for acknowledgement of online delivery an existing degree program.

No new tenure-track faculty members are needed to support the online delivery of this program, but an additional adjunct faculty appointment and graduate teaching assistants will be needed. Facilities and equipment in the college are adequate to support the program. Additional program costs over the first five years are thus estimated at \$63,200. The program is anticipated to generate revenue of \$757,566 over the same period.

Five-Year Costs		Five-Year Funding	
Personnel (administration and salaries)	\$63,200	Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$351,969
Library, Supplies, and Materials	\$0	Special Item Funding	\$0
Other travel to visit community colleges, internship placement/supervision; administrative costs; annual conference	\$0	Other designated tuition and fees	\$405,597
Total Costs	\$63,200	Total Funding	\$757,566

BACKGROUND INFORMATION

At this time there are no similar online Ph.D. programs in Special Education advertised through Texas public or private Universities. Nationally, Regent University's School of Education, Walden University, Northcentral University,

Nova Southeastern University, and Capella University offer online Ph.D. programs which are similar to the proposed Texas Tech University College of Education program.

Individuals who obtain a PhD in Special Education are prepared to enter a variety of professional positions. The PhD enables them to enter advanced jobs in the areas of leadership, administration, research and teaching. Graduates may be employed as teaching and research faculty, as administrators in public or private agencies that serve individuals with disabilities, as advocates in public policy organizations, as well as serving in any number of national and international roles that help to improve outcomes for individuals with disabilities.

Program faculty and recruiters receive multiple inquiries each month from potential students who are interested in completing a distance delivered PhD program in Special Education. Potential students indicate their desire to participate in a distance delivered program that better fits their work schedules and lifestyle demands. Most of those who inquire about the PhD program indicate that they have work and family circumstances that prevent them from relocating to enroll in a “face to face” PhD program.

Enrollment projections for the new program are given in the table below. These projections show the estimated cumulative headcount and full-time student equivalent enrollment for the first five years of the program, base on majors only and considering attrition and graduation.

	2015-16	2016-17	2017-18	2018-19	2019-20
#of doctoral students admitted	0 (distance) 5 (campus)	10 (distance) 5 (campus)	15 (distance) 5 (campus)	15 (distance) 5 (campus)	15 (distance) 5 (campus)
# of doctoral students in coursework	25 (2014) + 5 (2015)	30 (2015) + 15 (2016)	35 (2016) + 20 (2017)	45 (2017) + 15 (2018)	45 (2018) + 15 (2019)
# of doctoral students writing dissertations	10 from 2014 and before	5 from 2014 and before + 5	5 from 2014 and before + 10	15	20
# of graduates	5	10	10	10	15

8. TTU: Approve electronic delivery of the existing Ph.D. in Family and Consumer Sciences Education in the College of Human Sciences.

Presenter: Dr. Lawrence Schovanec

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; TTU Operating Policy 36.04 and Chapter 5, Subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the online delivery of the existing Ph.D. in Family and Consumer Sciences Education offered in the College of Human Sciences and authorize submission by the Office of the Provost and Senior Vice President for Academic Affairs to the Texas Higher Education Coordinating Board seeking its certification of such a program and to the Southern Association of Colleges and Schools for acknowledgement of online delivery of an existing degree program.

No new tenure-track faculty members are needed to support the online delivery of this program, though the program will utilize new adjunct faculty to cover courses currently taught by tenure-line faculty who will take on new course sections in this program, and additional TAs to provide support to the faculty. Facilities and equipment in the college's building are adequate to support the program, but additional materials and travel related to recruitment and professional development will be needed. Program costs over the first five years are thus estimated at \$264,271. The program is anticipated to generate revenue of \$295,095 over the same period.

Five-Year Costs		Five-Year Funding	
Personnel	\$224,771	Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$147,139
Library, Supplies, and Materials	\$19,500	Special Item Funding	\$0
Other travel to visit community colleges, internship placement/supervision; administrative costs; annual conference	\$20,000	Other designated tuition and fees	\$147,956
Total Costs	\$264,271	Total Funding	\$295,095

BACKGROUND INFORMATION

Creating and delivering a quality online research oriented Ph.D. in FCSE is an effective way to meet the needs of prospective Ph.D. students in Family and Consumer Science Education (“FCSE”) for accessibility, affordability, and a high quality program who have not been served by one-site programs.

Texas Tech University has the only doctoral program in the state and, to our knowledge, in the nation. Accordingly, there are continual inquiries from interested students and those inquiries are increasing each year from within Texas and from residents in other states. Opening the program to distance students will allow access to a discipline specific doctoral program where other options do not exist.

Enrollment projections for the new program are given in the table below. A consistent enrollment of 6 new students every year from year three onward will make it feasible to offer this program and more than meet expenses. Given current student interest in the online Ph.D. and inquiries as to the possibility of our offering an online Ph.D. option (4-5 inquiries a semester), we anticipate that the demand for admission into the program will be robust.

	2015-16	2016-17	2017-18	2018-19	2019-20
#of doctoral students admitted	2-3 (distance) +1-2 (campus)	3-4 (distance) +1-2 (campus)	6-8 (distance) +1-2 (campus)	6-8 (distance) +1-2 (campus)	6-8 (distance) +1-2 (campus)
# of doctoral students in coursework	7 (2014) + 5 (2015)	10 (2015) + 6 (2016)	10 (2016) + 10 (2017)	10 (2017) + 10 (2018)	10 (2018) + 10 (2019)
# of doctoral students writing dissertations	12 from 2014 and before	8 from 2014 and before + 4	4 from 2014 and before + 6	10-12	10-12
# of graduates	3-4	3-4	3-4	3-4	3-4

9. TTUHSC and TTU: Approve the Dual Degree Program, JD/MS in Biotechnology, between TTUHSC Graduate School of Biomedical Sciences and TTU School of Law.

Presenters: Presidents Tedd Mitchell and Duane Nellis Presentation Time: 3 Minutes
Board approval required by: HSC Operating Policy 60.11 and Chapter 5, subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the presidents that the Board of Regents approve a dual degree program from existing programs—a Doctor of Jurisprudence/Master of Science in Biotechnology—between the Graduate School of Biomedical Sciences (“GSBS”) within Texas Tech University Health Sciences Center (“TTUHSC”) and the Texas Tech University (“TTU”) School of Law; and approves submission by the TTUHSC executive vice president for Academic Affairs to the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools Commission on Colleges seeking their approval for such a program.

The dual program will utilize resources from existing programs at TTUHSC and TTU and will not require additional space, facilities, faculty, or staff. The GSBS MS in Biotechnology program will accept 12 credit hours of course work from the TTU School of Law curriculum as electives, and the School of Law JD program will accept 12 credit hours of core curriculum from the Biotechnology MS program. Because requirements of the degrees would serve as electives in the complimentary degree, no substantive change is being proposed in either of the curricula. Currently 1 student is matriculating who would like to take advantage of this dual program opportunity. Once formally established, more students are anticipated to pursue the dual degree, perhaps 2-3 annually.

BACKGROUND INFORMATION

Degree programs in the GSBS support TTUHSC’s mission “to improve the health of people by providing high quality educational opportunities to students and health care professionals, advancing knowledge through scholarship and research, and providing patient care and service.” The Master of Science in Biotechnology program is currently preparing students to work in research positions within industry, corporate, or government settings to advance practical applications of fundamental research and improve the health of people.

A JD/MS dual degree program has been requested as a degree plan option by current TTUHSC Biomedical Sciences graduate students and TTU Law students who seek to maximize their time in school and increase their competitiveness in the job market. With continued collaboration between the TTUHSC GSBS and the TTU School of Law, this program promises to attract the most qualified and

diverse students seeking careers in law, industry, government, or academia. The five-year goal is to cultivate a dual degree program that affords students new avenues for career development and future employment as well as enrollment growth for both TTUHSC and TTU.

10. TTUHSC: Approve conferral of emeritus appointment.

Presenter: Dr. Steven L. Berk

Presentation Time: 3 minutes

Board approval required by: Section 04.01.2, *Regents' Rules*, and HSC OP 10.12

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve to confer the title of professor emeritus on Rodolfo Arredondo, Jr., Ed.D. for his long and faithful service to the School of Medicine ("SOM") and the Texas Tech University Health Sciences Center in Lubbock.

BACKGROUND INFORMATION

A letter of recommendation was submitted by the Department Chair to the Dean of the School of Medicine and taken up by the SOM Faculty Council Executive Committee which approved the recommendation to confer the emeritus appointment.

Dr. Rodolfo (Rudy) Arredondo, Jr., EdD received a BS from West Texas State University in 1971, and a Med and EdD from Texas Tech University. He joined TTUHSC in the Department of Psychiatry as associate professor in 1986, and served as the executive director of the Employee Assistance Program and the Southwest Institute of Addictive Diseases programs at TTUHSC. He was a licensed Marriage and Family Therapist and Professional Counselor in Texas. Dr. Arredondo was very active in local, state and national organizations particularly in the criminal justice arena, supporting second chance initiatives. Dr. Arredondo retired on December 31, 2014.

11. **TTUHSC: Approve the online Master of Public Health degree.**

Presenter: Dr. Tedd Mitchell

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*; HSC Operating Policy 60.11 and Chapter 5, subchapter C, THECB Laws and Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the Master of Public Health (“MPH”) Online Generalist Degree at the Texas Tech University Health Sciences Center (“TTUHSC”); and approve submission by the TTUHSC executive vice president for Academic Affairs to the Texas Higher Education Coordinating Board and the Southern Association of Colleges and Schools Commission on Colleges seeking their approval for this program. This program will utilize resources from the existing face-to-face MPH program at TTUHSC and will not require additional space or facilities. The implementation of the online MPH program will not result in any substantial new costs as existing faculty and staff expertise are currently in place. For the first two years, we project an enrollment of six to ten students per year. After the two year pilot program, we expect the enrollment number to substantially increase to 15-20 students per year. The online MPH program is anticipated to generate approximately \$16,000/year in formula funding for each student residing in Texas. For students that are non-Texas residents, the Graduate School of Biomedical Sciences (“GSBS”) will charge out-of-state tuition and fees as reflected in the approved FY 2016 global fee document. An additional special instructional fee of \$65 per semester credit hour will also be assessed to all enrolled students. These funds are sufficient to cover the total cost of the online MPH program. Masters students will progress through the online MPH degree program and may complete the online degree in two years. TTUHSC students will be overseen and administered by the faculty and staff in the MPH program housed in the GSBS.

BACKGROUND INFORMATION

The mission of the Master of Public Health program is to improve community health status by training diverse public health professionals to promote health, reduce disparities, and prevent disease using innovative multidisciplinary teaching, research and practice approaches. An online MPH program has been frequently requested as a degree plan option among interested students in rural West Texas that may find it difficult to commute for in-person classes. In addition, an online MPH degree is highly sought after among students that are also working professionals; they are likely to find an online degree option to better fit their lifestyle and establish a healthy work-life balance. With continued collaboration within our current faculty representing TTUHSC, TTU, and Angelo State University, this program promises to attract the most qualified and diverse students seeking careers in public health. The five-year goal is to cultivate an

online MPH program that affords students with flexibility in their career development as well as advancement in the workplace; moreover, we expect enrollment and brand growth for TTUHSC with incoming students from Texas as well as other parts of the United States.

12. TTUHSC El Paso: Approve conferral of emeritus appointment.

Presenter: Richard Lange, M.D., M.B.A

Presentation Time: 2 min

Board approval required by: Section 04.01.2, *Regent's Rules* and HSC OP 10.12

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve to confer the title of professor emeritus on Brian Nelson, MD, MS, FACEP, professor of Emergency Medicine, and former chair of the department for his distinguished service to the Texas Tech University Health Sciences Center El Paso Paul L. Foster School of Medicine.

BACKGROUND INFORMATION

Dr. Nelson is a Texas native specializing in Emergency Medicine. He has been with TTUHSC El Paso for 32 years, serving as Chair for a total of 13 years. He is also a Professor with the Department of Emergency Medicine at the TTUHSC El Paso, Paul L. Foster School of Medicine. He was instrumental in developing the curriculum for the Regional Simulation and Training Center which provides inter-professional education to healthcare professionals. He has numerous publications in the *Annals of Emergency Medicine*, *Pediatrics*, *Academic Emergency Medicine*, *Journal of Emergency Medicine*, *The Breast Journal*, and *American Journal of Emergency Medicine*; and has various book chapters and research abstracts. Dr. Nelson retired on August 31, 2015.

13. TTUHSC El Paso: Approve the establishment of the Transmountain Campus Clinical Departments in the Paul L. Foster School of Medicine.

Presenter: Richard Lange, M.D., M.B.A

Presentation Time: 2 min

Board approval required by: Section 04.11.1, Regent's Rules

RECOMMENDATION

The chancellor concurs with the recommendation of the president that the Board of Regents approve the establishment of the new clinical departments of Surgery, Internal Medicine, Family Medicine, Pediatrics and Obstetrics and Gynecology, and Psychiatry at the Texas Tech Transmountain Campus (to be named "The Department of xxxx, Transmountain Campus, Paul L. Foster School of Medicine) and authorize submission by Texas Tech University Health Sciences Center at El Paso to the Higher Education Coordinating Board seeking approval for these new Departments.

BACKGROUND INFORMATION

The Board of Regent approved a 20 year Academic Affiliation Agreement ("AAA") with the Sierra Providence Health Network ("SPHN") on May 15, 2015, for the purpose of establishing education and training location in West El Paso. As part of this agreement, SPHN has provided recruitment support for a minimum of 46 faculty members distributed among the areas referenced above, and for the financial support of a minimum of 75 graduate medical education trainees (residents). The recruitment plan designed by TTUHSC El Paso is, in large measure, driven by the requirements of multiple training programs. These residencies must be new programs, not affiliated with existing programs, in order to meet the contractual requirements for funding. In addition, the contractual requirements associated with faculty recruitments include terms and requirements that our current faculty are not bound to. Moreover, it is in the best interest of TTUHSC El Paso that we are clearly identify faculty recruited based upon hospital commitments, and avoid any suggestion of conflict of interest among current Department Chairs.

COSTS AND FUNDING

The AAA includes funding support for the faculty, IT infrastructure, rent, and utilities as well as funding for resident and medical administrative support and faculty supervision over the next twenty years. The total funding support will be \$194,544,915.00.

14. TTUS: Approve campus policies regarding Sexual Assault at each of the System Component Universities.

Presenter: Mr. John Huffaker

Presentation Time: 5 Minutes

Board approval required by: Section 51.9363, *Texas Education Code*

RECOMMENDATION

The chancellor concurs with the recommendations of the respective presidents of Texas Tech University (“TTU”), Angelo State University (“ASU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center El Paso (“TTUHSC El Paso”) that the Board approve the published policies of each of the four institutions with respect to Campus Sexual Assault and grant authority to the presidents of each institution to make conforming changes, as necessary, to the respective student handbooks and codes of student conduct.

The Board approves the following operating policies:

1. Texas Tech University: OP 40.02 and 40.03
2. Texas Tech University Health Sciences Center: OP 51.02 and 51.03
3. Texas Tech University Health Sciences Center El Paso: OP 51.02 and 51.03
4. Angelo State University: OP 10.22 and 52.40

The Board finds that policies at each campus fully address:

- Definitions of prohibited behavior;
- Sanctions for violations; and
- The protocol for reporting and responding to reports of campus sexual assault.

BACKGROUND INFORMATION

The recently concluded 84th Session of the Texas Legislature added Section 51.9363 to *Texas Education Code* Chapter 51. The new statute requires that all institutions of higher education adopt policies on “campus sexual assault.” A conforming policy must include:

- Definitions of prohibited behavior;
- Sanctions for violations; and
- The protocol for reporting and responding to reports of campus sexual assault.

The policies must be approved by the institutions' governing board. Each of the components of the Texas Tech University System currently have policies which deal with various types of sexual harassment and sexual misconduct including sexual assault. However, contemporaneously with the enactment of the statute, the Texas Tech University System has been engaged in an effort to establish more uniform and updated statements of these policies in the operating policies of the respective universities. These revised policies are now proposed under the policy numbers listed above.

In each instance, there is a policy directed to employment matters and a separate policy directed to student issues. Exemplars of the policy templates are provided as a part of the Board agenda book. [*Note: The referenced document is included as an attachment to the Agenda Book.*]

Each of the four component institutions have published student handbooks containing codes of student conduct which currently address definitions, sanctions and protocols relevant to sexual misconduct. Some conforming changes to student handbooks will be required as a result of the new operating policies. This item includes a request to the Board to authorize conforming changes.

15. TTUS: Approve comprehensive revisions to Chapter 10, Regents' Rules.

Presenter: Mr. John Huffaker

Presentation Time: 5 minutes

Board approval required by: Sec. 01.08, *Regents' Rules*

RECOMMENDATION

The Regents Rules Review Committee (Rules Committee) recommends that the Academic, Clinical and Student Affairs Committee consider adoption of amendments to Chapter 10 (Intellectual Property).

The Rules Committee conducted a comprehensive review of the Intellectual Property chapter and recommends a substantial modification of many sections of this chapter.

The last comprehensive update of this chapter was adopted nearly seven years ago (in December 2008), and the policies that govern the creation and development of intellectual property need to reflect current practical applications and methods of dealing with such matters.

The changes proposed for Chapter 10, *Regents' Rules*, are provided as an attachment. This attachment includes an executive summary that gives an explanation of the substantive changes proposed.

The Rules Committee also recommends that the Board authorize the Secretary of the Board to make technical adjustments as needed to conform other chapters of the *Regents' Rules* to the amendments made in Chapter 10 (such as, changes in citations to sections of Chapter 10 that are in other chapters).

BACKGROUND INFORMATION

Board chair Mickey Long re-established the Rules Committee on April 10, 2015 and appointed the following members to that advisory committee: Debbie Montford (chair), Larry Anders; Rick Francis; and John Steinmetz.

The Rules Committee is charged with considering and, when appropriate, submitting to the appropriate Board committee proposed amendments to the *Regents' Rules* of the Texas Tech University System. Any amendment to the *Regents' Rules* or a Board Policy Statement must be approved by the full Board in accordance with Section 01.08, *Regents' Rules*.

AUDIT

Audit Committee

Committee Meeting
October 8, 2015

Time: 1:10 pm (or upon adjournment of the Academic, Clinical and Student Affairs Committee)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Regents: Steinmetz (Chair), Esparza, Hammonds,

Agenda

- Approve minutes of committee meeting held on August 6, 2015
- I.D.** Consideration of items to be recommended by the Audit Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), TTUS, the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center El Paso (“TTUHSC El Paso”)

Page
A

1. TTUHSC: Report on enterprise risk management process 3
2. TTUS: Report on audits 4
3. Executive Session: The Audit Committee will convene into Executive Session in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including:
 - a. Consultation with Attorney — Section 551.071.
 - b. Discussion of personnel matters – Section 551.074.
4. Open Session: At the conclusion of Executive Session, the committee will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider appropriate action, if any, on items discussed in Executive Session.

5. Adjournment

NOTE: Following consideration of the above items by the committee, the Committee Chair will present the Committee Report to the full Board of Regents for its consideration on Friday, October 9, 2015.

1. TTUHSC: Report on enterprise risk management process.

Presenter: Dr. Tedd Mitchell and Dr. Dale Dunn Presentation Time: 10 minutes
Report to Board required by: Audit Committee Charter

The president and the executive associate dean and chief medical and risk management officer will present a report on the Texas Tech University Health Sciences Center's enterprise risk management ("ERM") process.

2. TTUS: Report on audits.

Presenter: Mrs. Kim Turner

Presentation Time: 10 minutes

Report to Board required by: Section 07.02.7, *Regents' Rules*; and Audit Committee Charter

Mrs. Kim Turner, Chief Audit Executive, will present a report on the System's audit projects.

**MEETING OF THE
BOARD**

Meeting of the Board
Thursday, October 8, 2015

Board of Trustees of the Carr Scholarship Foundation: This meeting will take place at approximately 10:00 am; refer to agenda provided by the Chief Financial Officer's Office

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

I. Meeting of Standing Committees: Conducted sequentially and separately from the Meeting of the Board at the adjournment of the Trustees Meeting of the Carr Scholarship Foundation meeting; refer to agenda for each respective committee meeting.

Location: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Time: 2:00 pm (or upon adjournment of the Audit Committee meeting)

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas

Agenda

II. Meeting of the Board—Call to Order;
convene into Open Session of the Board.....Chairman Long

III. Executive Session: The Board may convene into Executive Session, in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Long

A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071

B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072

C. Deliberations regarding prospective gifts – Section 551.073

D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074

E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

IV. Open Session: The Board will reconvene in Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

A. Consideration of appropriate action, if any, on items discussed in Executive Session.....Vice Chairman Montford

V. RecessChairman Long

Meeting of the Board
Friday, October 9, 2015

Time: 8:30 am

Place: Ballroom (Room 118), First Floor, Student Union Building, 15th Street
and Akron Avenue, Lubbock, Texas

Agenda

- VI. Meeting of the Board—Call to Order; reconvene into Open Session of the Board**.....Chairman Long
- VII. Introductions and Recognitions**.....Chancellor Duncan,
President May,
President Nellis
President Mitchell, and
President Lange
- VIII. Recess** (if necessary, for standing committees to meet;
otherwise continue in Open Session (XI.)).....Chairman Long
- IX. Meeting of Standing Committees** (if not concluded on
Thursday)
- X. Meeting of the Board—Call to Order; reconvene into Open Session of the Board** (only if the Meeting of the Board was
recessed to conduct committee meetings).....Chairman Long
- XI. Open Session:** The Board will continue in Open Session and meet as a
Committee of the Whole and Meeting of the Board to consider and act on:
- A. Approve minutes of Board meeting held on
August 6-7, 2015.....Chairman Long
- B. Committee of the Whole.....Vice Chairman Montford
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CW
1. ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA,
and TTUS: Approve Consent Agenda; acknowledge
review of Information Agenda..... 8

Consent Agenda

- a. ASU: Approve extension of faculty development leave of absence (ACS)
- b. TTU: Approve leave of absence (ACS)
- c. TTUHSC El Paso: Approve development leave for compensated tenured faculty (ACS)
- d. TTUS: Approve amendments to Chapters 01 and 06, *Regents' Rules*, relating to the System clean-up legislation (CW)
- e. TTUS: Approve miscellaneous amendments to Chapters 04 and 09, *Regents' Rules* (CW)
- f. TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information (CW)
- g. ASU: Approve naming of the VIP room in the Junell Center (F)
- h. TTU: Approve renaming of the Exercise and Sport Sciences building (F)
- h-1. TTU: Approve naming opportunities in Bayer Plant Science Building (F)
- i. TTU: Approve changing the Center for the Study of Addiction & Recovery exterior building signage (F)
- j. TTU: Authorize purchase of TxDOT Right of Way (F)
- k. TTU: Approve commissioning of police officers (FA)
- l. TTU: Ratification of contract with Premier Elevator Services, Inc (FA)
- l-1. TTUHSC El Paso: Approve modification of a consulting agreement (F)
- m. TTUS: Authorize a consulting agreement to provide expert assistance to the Office of General Counsel (FA)
- n. TTUS: Authorize chancellor to execute a contract for vending services (FA)
- o. TTUS, TTUSA, TTU, TTUHSC, TTUHSC El Paso and ASU: Add delegation of signature authority (FA)

Information Agenda

Information is provided as required by Section 01.02.7.d(4)(c), *Regents' Rules*

- (1) TTU, TTUHSC and TTUHSC El Paso: Contract Renewals per Section 07.12.4.b., *Regents' Rules*: "Approval of the President is required for all component institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, will be provided to the board as an information item at the next board meeting.."
- (2) TTUHSC El Paso: Contracts for the services of a consultant with an initial consideration of \$25,000 or less per Section 07.12.2d(2)(b), *Regents' Rules*: "A report of the contract shall be provided as an information Agenda item at the next board meeting."
- (3) TTUHSC El Paso: Emergency Approval of contract as provided by Section 07.12.2.h, *Regents Rules*: "Unless prohibited by law and upon recommendation of the Chancellor, 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 by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approve in this manner shall be presented to the Board as an information item at the next Board meeting."
- (4) TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.2.b., *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."

XII. Reports of Standing Committees: Standing Committee reports will be presented sequentially to the Committee of the Whole.

- A. Report of the Facilities Committee Regent Anders
- B. Report of the Finance and Administration Committee..... Regent Francis

- C. Report of the Academic, Clinical and Student Affairs Committee..... Regent Lancaster
- D. Report of the Audit Committee Regent Steinmetz

XIII. The Board will continue in Open Session as the Committee of the Whole and Meeting of the Board of Regents.

- A. Schedule for Board meetings:
 - December 10-11, 2015, Lubbock
 - February 25-26, 2016, Lubbock
 - May 19-20, 2016, Lubbock
 - August 11-12, 2016, Lubbock
 - December 15-16, 2016, Lubbock Ben Lock
- B. The Chancellor's Report Chancellor Duncan
- C. The President's Report, ASU President May
- D. The President's Report, TTU President Nellis
- E. The President's Report, TTUHSC President Mitchell
- F. The President's Report, TTUHSC El Paso..... President Lange

XIV. Executive Session: The Board may convene into Executive Session, in the Red Raider Lounge (Room 119), First Floor, Student Union Building, 15th Street and Akron Avenue, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example:..... Chairman Long

- A. Consultation with attorney regarding privileged communications, pending or contemplated litigation and settlement negotiations – Section 551.071
- B. Deliberations regarding real property: The purchase, lease, exchange, or value of real property – Section 551.072
- C. Deliberations regarding prospective gifts – Section 551.073
- D. Personnel matters: Discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of employees – Section 551.074

- E. Deliberations regarding security devices—deployment of security personnel or devices – Section 551.076

XV. Open Session: The Board will convene into Open Session in the Ballroom (Room 118), First Floor, Student Union Building, 15th Street and Akron Avenue and meet as a Committee of the Whole and Meeting of the Board to consider and act on:

- A. Consideration of appropriate action, if any, on items discussed in Executive Session.....Vice Chairman Montford

- B. Chairman’s Announcements.....Chairman Long

XVI. AdjournmentChairman Long

1. **ASU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS:
Approve Consent Agenda; acknowledge review of
Information Agenda.**

RECOMMENDATION

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of October 8-9, 2015; and (ii) acknowledge its review of the Information Agenda for the same meeting.

BACKGROUND INFORMATION

Pursuant to Section 01.02.6.b(2), *Regents' Rules*, the Board of Regents approves certain administrative actions.

This action is required to authorize the various officers and officials of Texas Tech to perform the tasks and duties delineated in the policies of the Board of Regents. This action also confirms the authority to prepare reports, execute contracts, documents, or instruments approved within the Consent Agenda and further confirms that such authority has been delegated to the officer or official preparing and/or executing the said item.

**CONSENT/
INFORMATION
AGENDA**

BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

CONSENT AGENDA
and
INFORMATION AGENDA

October 8-9, 2015

BOARD OF REGENTS

Mr. Mickey L. Long, Chairman
Mrs. Debbie Montford, Vice Chairman
Mr. Larry K. Anders
Mr. John D. Esparza
Mr. L. Frederick "Rick" Francis
Mr. Ron Hammonds
Mr. Christopher M. Huckabee
Mr. Tim Lancaster
Ms. Victoria Messer, Student-Regent
Mr. John D. Steinmetz

Standing Committees:

Academic, Clinical and Student Affairs:
Tim Lancaster (Chair); Rick Francis; John Esparza; Victoria Messer

Audit:
John Steinmetz (Chair); John Esparza; Ron Hammonds

Facilities:
Larry Anders (Chair); John Steinmetz; Chris Huckabee

Finance and Administration:
Rick Francis (Chair); Larry Anders; Tim Lancaster

**TEXAS TECH UNIVERSITY SYSTEM
BOARD OF REGENTS**

October 8-9, 2015

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- I-1. TTUHSC El Paso: Approve modification of a consulting agreement (F) 13a
- m. TTUS: Authorize a consulting agreement to provide expert assistance to the Office of General Counsel (FA) 14
- n. TTUS: Authorize chancellor to execute a contract for vending services (FA) 15
- o. TTUS, TTUSA, TTU, TTUHSC, TTUHSC El Paso and ASU: Add delegation of signature authority (FA) 16

INFORMATION AGENDA

(Titles only; full agenda is on page 17)
Information is provided as required by
Section 01.02.7.d(4)(c), *Regents' Rules*

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

- (1) **TTU, TTUHSC and TTUHSC EI Paso: Contract Renewals per Section 07.12.4.b., *Regents' Rules*:** “Approval of the President is required for all component institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, will be provided to the board as an information item at the next board meeting..”
- (2) **TTUHSC EI Paso: Contracts for the services of a consultant with an initial consideration of \$25,000 or less per Section 07.12.2d(2)(b), *Regents' Rules*:** “A report of the contract shall be provided as an information Agenda item at the next board meeting.”
- (3) **TTUHSC EI Paso: Emergency Approval of contract as provided by Section 07.12.2.h, *Regents Rules*:** “Unless prohibited by law and upon recommendation of the Chancellor, 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 by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approve in this manner shall be presented to the Board as an information item at the next Board meeting.”
- (4) **TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.2.b., *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.”

a. **ASU: Approve extension of faculty development leave of absence.**

Board approval required by: Section 4.05.1, *Regents' Rules*; ASU Operating Policy 06.12

The request is to approve an extension of the leave of absence as listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Extend to August 1, 2016, leave without pay for Dr. Eddie F. Holik III, Assistant Professor of Physics, College of Arts and Sciences, from the originally approved leave period of January 1, 2015 through January 1, 2016. The purpose of the original leave was to allow Dr. Holik to perform research in the design and construction of superconducting magnets at the Fermilab Accelerator Laboratory in Chicago, Illinois, supported by the Toohig Fellowship. Dr. Holik has been asked to continue in this role through August 1, 2016. This leave not only enhances Dr. Holik's career, but continues to benefit physics students, the Department of Physics and Geosciences, and Angelo State University.

BACKGROUND INFORMATION

Section 04.50.1, *Regents' Rules*, requires Board approval of leaves of absence for faculty. The existing policy provides that leaves may be granted under conditions allowable by the state of Texas. Section 661.909 of the Texas Government Code allows for exceptions to the standard twelve-month leave if the employee is taking the leave for specific reasons, including educational purposes.

b. TTU: Approve leave of absence.

Board approval required by: Section 04.05, *Regents' Rules*

The request is to approve the leave of absence as listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Leave with pay for Nouredine Abidi, Associate Professor, Department of Plant and Soil Science, College of Agricultural Sciences and Natural Resources, for the period January 21, 2016 through June 21, 2016. Professor Abidi was given a Fulbright award and will use it at Ghent University for teaching and research. This leave will be taken in Brussels, Belgium.

BACKGROUND INFORMATION

Section 04.05.1, *Regents' Rules*, requires regent approval of leaves of absence for faculty. The existing policy provides that leaves may be granted under conditions allowable by the state of Texas. Faculty members submit requests for leave through their respective deans to the provost. The provost has approved the leave as indicated.

c. TTUHSC El Paso: Approve development leave for compensated tenured faculty.

Board approval required by: Section 04.05, *Regent's Rules* and HSC OP 60.02

The request is to approve a 12 month development leave at half-pay for full-time compensated tenured faculty member Hoi Ho, M.D., Professor of Internal Medicine in Paul L. Foster School of Medicine. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

According to AAMC data, more than 65% of incoming US medical students are seeking opportunities to enhance international experiences during the last year of their medical training. However, many US medical schools have experienced and reported difficulty in finding suitable programs for the students, and establishing a quality international educational exchange program ("IEEP").

Paul L. Foster School of Medicine of TTUHSC El Paso poises to establish an educational exchange program with at least one medical school in Viet Nam to develop and implement successfully a faculty development program, to support a clinical simulation center, and to provide opportunities for students and faculty of TTUHSC El Paso in pursuing global learning or training experiences.

Serving as Associate Dean for Faculty Affairs & Development and Director of the Center for Advanced Teaching & Assessment in Clinical Simulation (ATACS) at TTUHSC El Paso, Dr. Hoi Ho will have the opportunity and support to explore, collaborate and coordinate a formal educational exchange program with a medical school in Viet Nam. During the initial stage, he will visit medical schools in Ho Chi Minh City to assess their needs in Faculty Development as well as Clinical Simulation; and to demonstrate the experiences and successes of ATACS in these areas. In subsequent stages he will serve as the liaison for the two institutions in establishing the official educational exchange program.

This program will benefit not only students and faculty of TTUHSC El Paso but also is the best display of the institution in extending its excellence beyond geographical boundaries.

d. **TTUS: Approve amendments to Chapters 01 and 06, Regents' Rules, relating to the System clean-up legislation.**

Board approval required by: Sec. 01.08, *Regents' Rules*

The Regents Rules Review Committee (Rules Committee) recommends that the Board consider adoption of conforming amendments to Chapter 01 (Bylaws) and Chapter 06 (Institutional Advancement). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The changes proposed for Sections 01.02.1 and 06.01.2, *Regents' Rules*, are provided as an attachment.

The proposed amendments are needed to conform these provisions of the *Regents' Rules* to changes made in Texas Tech's enabling statutes that resulted from this year's adoption by the Legislature of S.B. 907 – the Texas Tech system clean-up bill.

The changes proposed would: (1) revise and update citations in the *Regents' Rules* that refer to sections of the *Texas Education Code* statute; and (2) make non-substantive wording changes to mirror new language in the relevant statutes.

BACKGROUND INFORMATION

Board chair Mickey Long re-established the Rules Committee on April 10, 2015 and appointed the following members to that advisory committee: Debbie Montford (chair), Larry Anders; Rick Francis; and John Steinmetz.

The Rules Committee is charged with considering and, when appropriate, submitting to the appropriate Board committee proposed amendments to the *Regents' Rules* of the Texas Tech University System. Any amendment to the *Regents' Rules* or a Board Policy Statement must be approved by the full Board in accordance with Section 01.08, *Regents' Rules*.

e. **TTUS: Approve miscellaneous amendments to Chapters 04 and 09, Regents' Rules.**

Board approval required by: Sec. 01.08, *Regents' Rules*

The Regents Rules Review Committee (Rules Committee) recommends that the Board consider adoption of clarifying, non-substantive amendments to Chapter 04 (Academic Affairs) and Chapter 09 (Investments and Endowments). This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The changes proposed for Sections 04.11.3 and 09.07.3, *Regents' Rules*, are provided as an attachment. The proposed amendments clarify that:

-- The provision that governs a naming of an academic unit in honor of an individual or organization applies to an academic department as well as a school, college, center and institute. Such namings of a department already are governed by this provision, since a department falls under the category of "other academic unit," but adding the word "department" to the list of "school, college, center, institute, or other academic unit or program" would eliminate confusion regarding the applicability of the provision to a department.

-- The provision that governs mineral leases currently includes out-dated language for the process by which mineral leases are approved by the Board. The proposed change would require that Board approval of mineral leases follow the same process by which the Board approves other matters.

BACKGROUND INFORMATION

Board chair Mickey Long re-established the Rules Committee on April 10, 2015 and appointed the following members to that advisory committee: Debbie Montford (chair), Larry Anders; Rick Francis; and John Steinmetz.

The Rules Committee is charged with considering and, when appropriate, submitting to the appropriate Board committee proposed amendments to the *Regents' Rules* of the Texas Tech University System. Any amendment to the *Regents' Rules* or a Board Policy Statement must be approved by the full Board in accordance with Section 01.08, *Regents' Rules*.

f. **TTU: Approve affirmation of managerial group and exclude members of the Board of Regents from access to classified information.**

Approval required by: Section 01.02.1.b, *Regents' Rules*, and Section 109.001(c), *Texas Education Code*, National Industrial Security Program Operating Manual

The request is to approve the following resolutions affirming the classified material managerial group and excluding members of the Board of Regents from access to classified information, as provided for in Department of Defense 5220.22-M, National Industrial Security Program Operating Manual, 2-104 and 2-106. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

RESOLVED, that those persons occupying the following positions at Texas Tech University ("TTU") be known as the Managerial Group, having the authority and responsibility for the negotiation, execution and administration of User Agency contracts, as described in Department of Defense 5220.22-M, *National Industrial Security Program Operating Manual*:

President, TTU
 Senior Vice President for Research, TTU
 Senior Associate Vice President for Research (Facility Security Officer), TTU

RESOLVED, that 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 Department of Defense or User Agencies of the Industrial Security Program awarded to TTU;

RESOLVED, that until such time as the persons occupying the position of President and Senior Vice President for Research have been granted Personnel Security Clearances by the Department of Defense, these persons shall be excluded from access to all classified information in the possession of TTU;

RESOLVED, that the following named officers and members of the Board of Regents shall not require, shall not have, and can be effectively excluded from, access to all classified information in the possession of TTU, and do not occupy positions that would enable them to affect adversely the policies and practices of TTU in the performance of any classified contracts for the Department of Defense or User Agencies of its Industrial Security Program awarded to TTU, and need not be processed for personnel security clearance:

BOARD OF REGENTS

Mr. Larry K. Anders
Mr. John Esparza
Mr. L. Frederick Francis
Mr. Tim Lancaster
Mr. Mickey L. Long
Mrs. Debbie Montford
Mr. Ronnie Hammonds
Mr. John D. Steinmetz
Mr. Christopher M. Huckabee
Ms. Victoria Messer (student regent)

BACKGROUND INFORMATION

Protection of classified information is regulated by the Federal Government. Federal regulations regarding security matters provide a means for the Board of Regents to delegate responsibility for the protection of classified information to a Managerial Group. The alternative to a managerial group is for the Board to retain this responsibility under conditions established by federal regulations and which will require Board members to obtain a security clearance for access to classified information. Most universities elect to establish managerial groups.

To operate with a managerial group, the Board, by federal regulation, must exclude themselves from possessing a security clearance and instead appoint officials of the university to act as the managerial group.

With the appointment of the most recent regents, the Board of Regents must update its statement of self-exclusion to meet the requirements of federal regulations.

g. ASU: Approve naming of the VIP room in the Junell Center.

Board approval required by: Section 08.05.1.f, *Regents' Rules*

The request is to approve naming the VIP room in the Junell Center/Stephens Arena the "Larry C. Clark VIP Room." The donor concurs with the naming of this facility. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The naming meets the requirement of donation of at least 50 percent of the project's construction cost as stated in *Regents' Rule*, Section 08.05.

BACKGROUND INFORMATION

In 2013, Mr. Larry C. Clark made a gift towards the LeGrand Stadium at 1st Community Credit Union Field. In recognition of the gift, the VIP room will be named the "Larry C. Clark VIP Room" in the Junell Center/Stephens Arena.

Mr. Clark graduated from Angelo State University in 1970 and has had a successful career of 25 years in sales and management with Puffer Sweiven and continues to be a loyal supporter of Angelo State University.

Section 08.05, *Regents' Rules*, state that the Board of Regents, upon the recommendation of the president and chancellor shall approve the naming of all buildings, auditoriums, rooms, laboratories, streets, athletic fields, landscape features and other facilities within the Texas Tech University System. An individual, foundation, or corporation providing funding to build new facilities, to renovate or expand existing facilities, or to provide an endowment for the support of a facility or facility-based program of the TTU system may have an area named after the donor provided 50 percent of the cost of the designated area and/or equipment therein is contributed by the donor.

h. **TTU: Approve renaming of the Exercise and Sport Sciences building.**

Board approval required by: Section 08.05.1, *Regents' Rules*

The request is to approve renaming the Exercise and Sport Sciences building the "Kinesiology and Sport Management" building for utilization of the academic focus within the facility. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

In March 2015, the board approved a new degree program for a Bachelor of Science degree in Sport Management. Then in May 2015, the board approved a new degree program for a Master of Science degree in Sport Management.

For several years, the department of Exercise and Sport Sciences (ESS) has offered a sport management specialization with the Master of Sciences in ESS. This has become a popular choice for students who had participated in sports in high school and community-based programs and wished to follow their interest to work in the exploding sport industry. In the fall 2014 term, there were 29 Masters degree-seeking graduate students in sport management specialization.

Section 08.05.01, *Regents' Rules*, require that the Board of Regents approve the naming of Texas Tech buildings and facilities.

h-1. TTU: Approve naming opportunities in Bayer Plant Science Building.

Board approval required by: Section 08.05, *Regents' Rules*

The request is to approve the naming opportunities in the Bayer Plant Science Building, as listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents. Each donor concurs with their respective naming.

Laboratory

1. Dale and Cheryl Swinburn: **Dale and Cheryl Swinburn Instructional Lab**

Department Suite

1. Larry and Monica Richardson: **Larry and Monica Richardson Conference Room**

Common Area

1. Eve Pilgrim: **In Memory of Aubrey and Doris Pilgrim** (*first floor interaction space*)
2. Larry and Rena Nelson: **Larry and Rena Nelson** (*second floor interaction space*)
3. Delbert and Pat Hess Family: **Delbert and Pat Hess Family Courtyard**

All namings meet the requirement of donation of at least 50 percent of the construction cost as stated in Regents' Rule, Section 08.05.

BACKGROUND INFORMATION

Section 08.05, *Regents' Rules*, state that the Board of Regents, upon the recommendation of the president and chancellor shall approve the naming of all buildings, auditoriums, rooms, laboratories, streets, athletic fields, landscape features and other facilities within the Texas Tech University System. An individual, foundation, or corporation providing funding to build new facilities, to renovate or expand existing facilities, or to provide an endowment for the support of a facility or facility-based program of the TTU system may have an area named after the donor provided 50 percent of the cost of the designated area and/or equipment therein is contributed by the donor.

The naming opportunities were available to donors who made a contribution to the Bayer Plant Science Building.

i. **TTU: Approve changing the Center for the Study of Addiction & Recovery exterior building signage.**

Board approval required by: Section 08.05.1, *Regents' Rules*

The request is to approve changing the exterior building signage of the Center for the Study of Addiction & Recovery to reflect the center's name change to the "Center for Collegiate Recovery Communities." This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

In December 2014, the Board approved changing the name of the Center for the Study of Addiction & Recovery to the "Center for Collegiate Recovery Communities" within the College of Human Sciences.

"The Center for the Study of Addiction and Recovery" has historically been a reflection of one aspect of what we do—research. By renaming this center "The Center for Collegiate Recovery Communities" we better represent what we do on a community, state, national, and international level. For example, we provide needed support for students at TTUs Collegiate Recovery Community ("CRC"). We also provide guidance, information, research and curriculum for universities seeking to start and support CRCs nationwide and internationally. This name change is supported by our advisory board and other major donors of our program. The Center's organization, leadership, and financial structure will remain the same. Though research will continue to be generated as part of this Center's activities, the proposed new Center for Addiction Recovery Research will take primary responsibility for research analysis, peer-reviewed publications and presentations, research collaboration, and federal funding via grants.

Section 08.05.01, *Regents' Rules*, require that the Board of Regents approve the naming of Texas Tech buildings and facilities.

j. TTU: Authorize purchase of TxDOT Right of Way.

Board approval required by: Section 07.12.2, *Regents' Rules*

The request is to authorize the chancellor or the chancellor's designee to (i) establish a budget not-to-exceed \$35,000; and (ii) negotiate and execute an agreement to purchase 0.0528 acres (2,300 square feet) of the Lubbock District - Texas Department of Transportation's ("TxDOT") Right of Way ("ROW"), located along Texas Tech Parkway's north bound turning lane onto the Marsha Sharp Freeway. Acquisition of the ROW is required in the execution of the new TTU System Office building construction project. The property purchase will be funded with funds from the Texas Tech University System's Office Building Project. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

In May 2014, the Board approved construction of a New System Office Building with a total budget of \$27,500,000.

In the process of planning the new TTU System office building, the proposed parking lot along the west face of the facility encroaches the TxDOT Right of Way by approximately 2,300 square feet or 0.0528 acres.

The vice chancellor and chief financial officer has verified the source of funds.

k. TTU: Approve commissioning of police officers.

Board approval required by: Section 51.203, *Texas Education Code*

The request is to commission the following individuals as police officers, effective on the date indicated below. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

Bennie Edwards, effective September 1, 2015

Isaac Mendoza, effective September 1, 2015

BACKGROUND INFORMATION

The Board of Regents routinely takes action to commission certain employees as peace officers in accordance with *Texas Education Code*, Section 51.203.

I. TTU: Ratification of contract with Premier Elevator Services, Inc.

Board approval required by: Section 07.12.1.f, *Regents' Rules*

The request is to ratify the contract with Premier Elevator Services, Inc. to provide maintenance and repair services for elevators on the Texas Tech University campus. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

The existing agreement has been in effect since September 1, 2012. TTU issued a Request for Proposal ("RFP") on July 10, 2012 seeking proposals from vendors with experience in elevator maintenance and repair services and selected Premier Elevator Services, Inc. as the most qualified and possessing the best overall value to TTU. The agreement term was from September 1, 2012 until August 31, 2015. The original agreement contained a renewal clause providing for three one-year renewal options. The total amount expended in each fiscal year has been less than \$1,000,000 until fiscal year 2015. The total expended in fiscal year 2015 was \$1,249,351.

Section 07.12.1.f., *Regents' Rules*, requires Board approval on contracts that are subsequently found to be required by law or by the policy to be approved by and 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.

BACKGROUND INFORMATION

The President of TTU recognizes the need to provide safe operating elevator equipment on the TTU campus.

With the increase in the number of buildings and elevators on campus, the value of the contract expenditures in fiscal year 2015 exceeded \$1,000,000 and requires board approval in accordance with *Regents' Rules* 07.12.2.a.

In addition, TTU has exercised a renewal clause providing for a one-year renewal option. The total contract expenditures in fiscal year 2016 are unknown at this time, but has been included as an informational item pursuant to *Regents' Rules* 07.12.4.b requiring any renewal of amendment to contracts in excess of \$1,000,000 to be submitted to the board as an information item at the next board meeting.

I-1. TTUHSC El Paso: Approve modification of a consulting agreement.

Board approval required by: Section 07.12.2.d, *Regents' Rules*

The request is to approve a consulting agreement with Sherriff & Associates for consulting services in assessing and analyzing employment prospects for physicians with entries in the National Practitioner Data Bank. This assistance is needed in order for the institution to determine the employability of the plaintiff in an employment case. This request has been approved administratively by the chancellor and the president and is recommended for approval by the Board of Regents.

The consulting engagement began under an agreement with the institution that capped payments to the consultant at no more than \$25,000. The institution has since determined that the assistance of the consultant needs to be more extensive than initially expected, so the modification to the agreement would set a cap on billings at no more than \$50,000.

BACKGROUND INFORMATION

The *Regents' Rules* delegates authority to the Presidents to execute consulting agreements that do not exceed costs of \$25,000. However, if a modification of such an agreement will cause the payments to exceed \$25,000, the approval of the Board is required.

m. **TTUS: Authorize a consulting agreement to provide expert assistance to the Office of General Counsel.**

Board approval required by: Section 07.12.2d, Regents' Rules

The request is to authorize the chancellor to execute an agreement with Gary Goble, Managing Consultant for Management Applications Consulting, Inc. to advise the Office of General Counsel regarding electrical service rates and costs. This request has been approved administratively by the chancellor and is recommended for approval by the Board of Regents.

Mr. Goble has extensive experience in utility regulation and rate structures as well as providing testimony before regulatory agencies.

The agreement has begun under *Regents' Rule, 07.12.2.d.2.c,*

Consulting contracts with an initial consideration of \$25,000 or less:

- (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.

This agreement will not exceed \$50,000 in addition to funds previously expended.

BACKGROUND INFORMATION

Mr. Goble's assistance will provide expertise as the University engages in negotiations with Lubbock Power & Light.

n. **TTUS: Authorize chancellor to execute a contract for vending services.**

Board approval required by: Section 07.12.2.g, *Regents' Rules*

The chancellor recommends that the Board of Regents authorize him to execute an agreement with Gilly National, Inc. to place and maintain concession machines for a snack vending program at various locations within the Texas Tech University System.

TTUS issued a Request for Proposal ("RFP") on August 13, 2015 seeking proposals from vendors with experience in the management of snack vending machines and selected Gilly National, Inc. as the most qualified and possessing the best overall value to TTUS including financial incentives. Upon approval, the agreement term will be October 12, 2015 until October 11, 2019. The agreement contains a renewal clause providing for three one-year renewal options.

BACKGROUND INFORMATION

Section 07.12.2.g, Regents' Rules, requires Board approval 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 of each component to determine and approve the location of vending machines, games, or any other coin operated food, refreshment and amusement devices placed in all buildings and property under the charge and control of the president's institution.

o. TTUS, TTUSA, TTU, TTUHSC, TTUHSC El Paso and ASU: Add delegation of signature authority.

Board approval required by: Title III Section 6.3b of the Texas General Appropriations Act; and Section 09.02.3, Regents' Rules which requires the annual delegation of signature authority to appropriate officers and employees each fiscal year.

The request is to add the individual(s) listed below to the signature authorization as approved during the August 6-7, 2015 Board of Regents meeting, and in accordance with *Title III*, Sec. 6.3b of the Texas General Appropriations Act. This request has been approved administratively by the president, TTU, and the chancellor and is recommended for approval by the Board of Regents.

- (4) To authorize and approve the sale, purchase, and transfer of stocks, bonds, and any other investment vehicles which are owned or controlled by the System and to approve contracts with investment managers funded with assets owned or controlled by the System, provided such action is approved by any two of the individuals listed below. This authorization is effective September 1, 2015 through August 31, 2016, or until such time as the designated officers or employees are separated from the System or its components, or are assigned other responsibilities,, whichever comes first, in which case the authorization applies to their successor:

Texas Tech University System

Officers and employees authorized to sign, or countersign:

Tim Barnes, Senior Analyst - Office of Treasury

CONTENTS OF THE INFORMATION AGENDA

Section 01.02.7.d(4)(c), *Regents' Rules*, provides: “material required by a provision of the *Regents' Rules* to be furnished to the Board as information will be listed in the information agenda.”

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

INFORMATION AGENDA

Information is provided as required by
Section 01.02.7.d(4)(c), *Regents' Rules*

NOTE: The following are reports or other documents which, according to the *Regents' Rules* or state law, must be made available to the Board of Regents. As such, the reports below are on file in the Board Office, and their listing on the Information Agenda constitutes notice that they are available to Board members upon request.

(1) TTU, TTUHSC and TTUHSC El Paso: Contract Renewals per Section 07.12.4.b., *Regents' Rules*: "Approval of the President is required for all component institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, will be provided to the board as an information item at the next board meeting."

TTU:

- (a) C01885; Ovations Food Services LP; renewal of intercollegiate athletics food and beverage agreement; original board approval May 2010, item IX.B.6; FY15 TTU expenditures were \$264,954; TTUS expenditures were \$30,108.
- (b) C03962; Premier Elevator; renewal of contract elevator maintenance agreement for FY16; FY15 expenditures exceeded \$1,000,000; FY16 expenditures estimated at \$981,464.31.

TTUHSC:

- (a) 91284-8L; Northwest Texas Healthcare System Inc; "Physician in Training Support Agreement", amendment to provide medical resident salary funding 07/01/2015 to 06/30/2016; \$3,825,464.98.
- (b) 92370-6E; BSA Health System of Amarillo LLC; amendment to "Agreement" for Family Medicine faculty and resident support, funding 07/01/2015 to 06/30/2016: \$1,545,219.00.
- (c) 98136-17; University Medical Center - UMC Lubbock; renewal of "Master Coordinating Agreement 2015-2016"; \$18,082,114.00.
- (d) 15532-0; Superior Health Plan Inc; "Network Access Improvement Program (NAIP) PARTICIPATION AGREEMENT" FY2016; \$3,498,950.00.
- (e) 15494-0; Texas Health and Human Services Commission; "Interagency Contract ..." RE: NAIP IGT for FY2016 Program Period; \$4,632,202.00.
- (f) 95148-10; Childress Regional Medical Center – CRMC; renewal of Correctional Onsite Health Care Services for T L Roach Unit and Childress ISF/Work Camp; \$4,539,795.01.
- (g) 92177-8ZA; Covenant Health System; "Amendment to Affiliation Agreement" 4.4 Physician Services for the period of 05/01/15 - 04/30/16; \$5,297,028.00.
- (h) 13440-1M; Discovery Medical Network Inc; amendment to increase funding in "Services Agreement" 1115 Waiver, Assigned Location = Lubbock County Hospital District dba "UMC"; \$24,549,656.00.
- (i) 94217-12; Texas Department of Criminal Justice 696; renewal of Contract TDCJ Master Contract Correctional Health Services FY16-17 TDCJ# 696-HS-16-17-A002; \$201,861,128.00.
- (j) 95086-10; Hendrick Medical Center Inc; renewal Correctional Health On site health care services at Middleton unit + DNA; \$4,989,758.69.
- (k) 95088-10; Hendrick Medical Center Inc; renewal Correctional Health On site health care services at Robertson unit; \$7,308,227.51.

- (l) 95149-10; Hendrick Medical Center Inc; renewal Correctional Health On site health care services at Havins unit; \$1,134,934.78.
- (m) 12685-2; Mitchell County Hospital District; renewal Correctional Health Onsite Health Care to Offenders in TDCJ facility Daniel Unit; \$2,624,830.34.
- (n) 97239-8; Mitchell County Hospital; renewal Correctional Health On site health care services at the Ware units; \$1,148,020.08.
- (o) 95081-10; Mitchell County Hospital; renewal Correctional Health On site health care services at Wallace and San Angelo Work Camp units; \$2,721,362.03.

TTUHSC El Paso:

- (a) A4045-1A; El Paso County Clinical Services Inc.; "Emergency Medicine and Toxicology Services Agreement", \$24,731,872.62.

(2) TTUHSC El Paso: Contracts for the services of a consultant with an initial consideration of \$25,000 or less per Section

07.12.2d(2)(b), Regents' Rules: "A report of the contract shall be provided as an information Agenda item at the next board meeting."

- (a) A5062-0; American Academy of Family Physicians; "Consultant Services Agreement" for TTUHSC-El Paso campus, RE: Strategic analysis and consulting to resolve ACGME probation issues, \$8,900.
- (b) A5086-0; Steward Research Group Inc.; "Consultant Services Agreement" for TTUHSC-El Paso campus, RE: Consulting services from economists and analysts to provide assessments in potential economic damages involved in lawsuit, \$25,000.

(3) TTUHSC El Paso: Emergency Approval of contract as provided by Section 07.12.2.h, Regents Rules: "Unless prohibited by law and upon recommendation of the Chancellor, 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 by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approve in this manner shall be presented to the Board as an information item at the next Board meeting."

- a) A5044-0; Texas Health and Human Services Commission; "Interagency Contract" will allow TTUHSC El Paso to participate in the Texas Network Access Improvement Program (NAIP) through three Managed Care Organizations: Superior HealthPlan, Inc., El Paso First Health Plans Inc., and Amerigroup Texas Inc.; \$2,856,788
- b) A5109-0; Superior HealthPlan, Inc.; "Network Access Improvement Program Participation Agreement" which will allow TTUHSC El Paso to participate in the NAIP program through Texas Health and Human Services Commission; \$943,200
- c) A5110-0; El Paso First Health Plans Inc.; "Network Access Improvement Program Participation Agreement" which will allow TTUHSC El Paso to participate in the NAIP program through Texas Health and Human Services Commission; \$771,660
- d) A6005-0; Amerigroup Texas, Inc.; "Network Access Improvement Program Participation Agreement" which will allow TTUHSC El Paso to participate in the NAIP program through Texas Health and Human Services Commission; \$1,141,928

(4) **TTU: Approval of sponsored programs projects in excess of \$1,000,000 per annum as provided by Section 07.12.2.b., 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."

- a) An Integrated Approach to Water Conservation for Agriculture in the Texas Southern High Plains; Charles West, Plant and Soil Science, and Principal Investigator; Texas Water Development Board; \$1,800,000 awarded

ATTACHMENTS

ATTACHMENT

1

**TTUS *Regents' Rules* amendments relating to
S.B. 20 – the state contracting bill
and proposed amendments to Chapters 07, 03 and 02
(Finance and Administration, item #4)**

***Regents' Rules* amendments relating to S.B. 20 – the state contracting bill**

Proposed: 09-14-2015

S.B. 20 ... adopted by the 84th Legislature (2015) and effective September 1, 2015 ... requires state agencies – including public institutions of higher education – to abide by certain new requirements when entering into contracts. These new statutory mandates are intended to “enhance reporting requirements and increase transparency and accountability so that there is knowledge about and confidence in the way state government is spending tax dollars.”

To comply with the new contracting statutes, amendments are needed for several chapters of the *Regents' Rules*, including:

Chapter	Amendment(s) Relating To	See Pages
07 Fiscal Management	policies re: audit; fraud; and contracting	1-16
03 Personnel	conflict of interest policies	17
02 Administration	ethics/compliance policies	18-19

In this document, the proposed amendments for each of these chapters are presented. For each chapter, an executive summary provides an overview of the changes proposed for that chapter, which is followed by the language of the amendments proposed.

Chapter 07 -- Fiscal Management

S.B. 20 requires changes in the *Regents' Rules* to clearly set forth requirements for the Board's approval of contracts and/or to provide for a delegation of authority by the Board to approve contracts. Notable changes required are due to the following S.B. 20 provisions:

Per new Section 51.9337(e), Texas Education Code: “*An institution of higher education's policies governing contracting authority must clearly specify the types and values of contracts that must be approved by the board of regents and the types and values of contracts for which contracting authority is delegated by the board to the chief executive officer and by the chief executive officer to other officers and employees of the institution. An officer or employee may not execute a document for the board unless the officer or employee has authority to act for the board and the authority is exercised in compliance with applicable conditions and restrictions.*”

Per new Section 51.9337(f), Texas Education Code: “An institution of higher education may not enter into a contract with a value of more than \$1 million, including any amendment, extension, or renewal of the contract that increases the value of the original contract to more than \$1 million, unless the institution's board of regents approves the contract, expressly delegates authority to exceed that amount, or expressly adopts an exception for that contract. ...”

In order to conform Section 07.12 (contracting policies and procedures) of the *Regents' Rules* to these requirements, the following changes are proposed:

- (1) A current Board policy [*Sec. 07.12.2.a on p. 7*] establishes the general threshold for Board approval of a contract at \$1.0 million per year. This provision would remain unchanged, but the amendments proposed [*in Sec. 07.12.3.a on p. 12*] would clarify this threshold as follows:
 - If the total amount of the contract over the entire term of the agreement exceeds \$1.0 million and the per-year amount exceeds \$1.0 million — Board approval is required.
 - If the total amount of the contract over the entire term of the agreement exceeds \$1.0 million but the per-year amount is \$1.0 million or less — the Board delegates its approval authority to the Chancellor or President, as appropriate.

- (2) Various subsections of Section 07.12 are proposed to be relocated and grouped together to more clearly define the Board’s delegations of authority, such as:
 - CURRENT PROVISION RELOCATED WITHOUT CHANGE ... The Board delegates to the Presidents the authority to approve the proposals and to execute contracts for sponsored program (i.e., research) projects that exceed \$1.0 million per year. [*see Sec. 07.12.3.b on p. 12*]
 - CURRENT PROVISION RELOCATED WITHOUT CHANGE ... The Board delegates to the Chancellor and Presidents the authority to execute contracts for minor construction projects (projects that total less than \$2 million). [*see Sec. 07.12.3.c on p. 12*]
 - CURRENT PROVISION RELOCATED WITHOUT CHANGE ... Contracts that provide for the services of a consultant. [*see Sec. 07.12.3.d on p. 12-13*]
 - CURRENT PROVISION RELOCATED WITHOUT CHANGE ... The clarification that the contract approval policy does not apply to purchasing documents, which are processed in accordance with state laws and regulations that govern such purchases. [*see Sec. 07.12.3.e on p. 14*]

Changes also are needed to the sections on audits (Section 07.02 ... see p. 3-4) and on fraud policy (Section 07.03 ... see p. 5) to conform those policies to the following changes in statute made by S.B. 20:

Per new Section 51.9337(b)(2), Texas Education Code: “*The board of regents of an institution of higher education by rule shall establish for each institution under the management and control of the board: ... (2) policies for the internal investigation of suspected defalcation, misappropriation, and other fiscal irregularities and an institutional or systemwide compliance program designed to promote ethical behavior and ensure compliance with all applicable policies, laws, and rules governing higher education, including research and health care to the extent applicable; ...*”

Per new Section 51.9337(g), Texas Education Code: “*The board of regents of an institution of higher education shall adopt standards for internal audits conducted by the institution to provide a systematic, disciplined approach to evaluate and improve the effectiveness of the institution's risk management, control, and governance processes related to contracts and to require risk-based testing of contract administration. The internal auditor must have full and unrestricted access to all institutional property, personnel, and records. An internal auditor must report directly to the board of regents in accordance with Chapter 2102, Government Code.*”

Per new Section 51.9337(h), Texas Education Code: “*The chief auditor of an institution of higher education shall annually assess whether the institution has adopted the rules and policies required by this section and shall submit a report of findings to the state auditor. In auditing the purchase of goods and services by the institution, the state auditor shall determine whether an institution has adopted the required rules and policies.*”



Section 07.02, *Regents’ Rules*, is proposed to be amended as follows:

07.02 **Audits.**



07.02.4 Organizational responsibility and reporting relationships.

- a. The OAS [*Office of Audit Services*] 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 [~~to the board~~] through the Audit Committee; and administratively to the chancellor.

[*required by Sec. 51.9337(g), Education Code*]



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 related to contracts and to perform risk-based testing of contract administration. [required by Sec. 51.9337(g), Education Code]

• • •

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:

• • •

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; and

o. annually assess whether the TTU system has adopted the rules and policies required by Section 51.9337, Texas Education Code, and submit a report of findings to the Texas State Auditor’s Office. [required by Sec. 51.9337(h), Education Code]



- (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, and individuals.

[The following provision is moved without any change in wording to new Sec. 07.12.3.e (see p. 14).]

e. ~~[This contracting policy does not apply to purchasing documents, which shall be processed in accordance with state law and purchasing regulations. State law delegates certain purchasing authority to the respective purchasing agents at the various state agencies in Texas. The purchasing agents are charged with ensuring that these purchases are processed in accordance with state bidding requirements, sole source purchasing restrictions, and statewide or consortium purchasing contracts for certain commodities.]~~

~~f.~~ 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.

~~f.~~ ~~g.~~ 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.

~~g.~~ ~~h.~~ Contracts shall not be divided to fall within lower levels of approval.

07.12.2 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 ~~[per annum]~~, unless a different consideration is specified by this policy. This requirement is applicable to both cash and non-cash considerations.

[The following provision is moved without any change in wording to new Sec. 07.12.3.b (see p. 12).]

~~[b.—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.]~~

[The following provision is moved without any change in wording to new Sec. 07.12.3.c (see p. 12).]

~~[c.—The board delegates to the chancellor and the presidents the authority to execute and sign contracts related to minor construction projects for TTUSA and the component institutions, respectively, as defined by Section 08.01.4, *Regents' Rules*.]~~

[The following provision is moved without any change in wording to new Sec. 07.12.3.d (see p. 12-13).]

~~[d.—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)—Upon recommendation of the chancellor, 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 and chair of the Finance and Administration Committee authorize 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 notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract.~~
- ~~(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 07.12.2.d, *Regents' Rules*, a search firm is a service provider and is not deemed to be a consultant.]~~

b. [e.] 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 ~~07.12.2.e(1)~~ [07.12.2.b\(1\)](#), *Regents' Rules*.

[c.](#) ~~f.~~ 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 ~~07.12.2.f(3)~~ [07.12.2.c\(3\)](#) herein, employment agreements that contain one or more of the following provisions must be approved by the board:
 - (a) employment contracts having a total compensation (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 ~~[07.12.2.f(2)]~~ [07.12.2.c\(2\)](#), *Regents' Rules*:
- (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 compensation (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 compensation (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, only the portion of the faculty member's salary that is funded by the State of Texas shall be counted in the compensation total. Further, for such contracts that would require the approval of the board under Section ~~[07.12.2.f(2)]~~ [07.12.2.c\(2\)](#), 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.

- ~~d. [g.]~~ 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.

- ~~e. [h.]~~ Unless prohibited by law and upon recommendation of the chancellor, 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 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.

- ~~f. [i.]~~ Contracts approved by the board shall be executed as specified in the board order.

07.12.3 Board delegation of authority.

a. Notwithstanding Section 07.12.2.a, Regents' Rules, 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 shall be approved by the chancellor or president, as appropriate. This requirement is applicable to both cash and non-cash considerations.

[The language of the following subsection is identical to the previous Sec. 07.12.2.b (see p. 7).]

b. Notwithstanding Section 07.12.2.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.

[The language of the following subsection is identical to the previous Sec. 07.12.2.c (see p. 7).]

c. The board delegates to the chancellor and the presidents the authority to execute and sign contracts related to minor construction projects for TTUSA and the component institutions, respectively, as defined by Section 08.01.4, Regents' Rules.

[The language of the following subsection is identical to the previous Sec. 07.12.2.d (see p. 7-8).]

d. 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) Upon recommendation of the chancellor, 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 and chair of the Finance and Administration Committee authorize 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 notice of the proposed contract must be provided to the chair and the chair of the Finance and Administration Committee prior to execution of the contract.

 - (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 07.12.3.d, *Regents' Rules*, a search firm is a service provider and is not deemed to be a consultant.

[The language of the following subsection is identical to the previous Sec. 07.12.1.e (see p. 6).]

e. This contracting policy does not apply to purchasing documents, which shall be processed in accordance with state law and purchasing regulations. State law delegates certain purchasing authority to the respective purchasing agents at the various state agencies in Texas. The purchasing agents are charged with ensuring that these purchases are processed in accordance with state bidding requirements, sole source purchasing restrictions, and statewide or consortium purchasing contracts for certain commodities.

07.12.4 [~~07.12.3~~] Chancellor's approval.

- a. Approval of the chancellor 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.
- b. TTUSA contracts may be signed by the chancellor or the chancellor's designee.

07.12.5 [~~07.12.4~~] President's approval.

- a. Approval of the president is required for all component institution contracts that involve a stated or implied consideration of \$1,000,000 or less per annum. This requirement is applicable to both cash and non-cash considerations. Provisions in the *Regents' Rules* regarding employment contracts shall govern the approval of those employment contracts.
- b. Approval of the president is required for all component institution contract renewals or amendments. A list of those renewal contracts in excess of \$1,000,000 per annum, including the amount of the contract, shall be provided to the board as an information item at the next board meeting.
- c. Component institution contracts may be signed by the president or by the president's designee.

[07.12.6](#) [~~07.12.5~~] Required approvals summary.

Contract Terms	Regents' Rules Section Citation	Approval Required
Contracts in excess of \$1,000,000 [per year] <u>over the entire term of the contract</u>	07.12.2.a	Board
<u>Contracts in excess of \$1,000,000 total but less than \$1,000,000 per annum</u>	07.12.3.a	Chancellor or President, as appropriate
Contracts for real property: sale or purchase; and lease for more than 4 years (<i>unless the contract can be terminated without cause with notice of 120 days or less</i>)	[07.12.2.e(1)(a)] 07.12.2.b(1)(a)	Board
Contracts in excess of four years (<i>unless the contract can be terminated without cause with notice of 120 days or less</i>)	[07.12.2.e(1)(b)] 07.12.2.b(1)(b)	Board
Contracts for minor construction projects	[07.12.2.e] 07.12.3.c	Chancellor (<i>for TTUSA projects</i>) or President (<i>for institutional projects</i>)
Consulting contracts in excess of \$25,000 [per annum], and all modifications that increase such contracts	[07.12.2.d(1)] 07.12.3.d(1)	Board
Consulting contracts of \$25,000 or less [per annum]	[07.12.2.d(2)] 07.12.3.d(2)	Chancellor or President, as appropriate – <i>with prior notice to chairs of Board and F&A Cmte</i>
Contracts with search firms (<i>so long as [where] contract amount does not exceed \$1.0 million per year</i>)	[07.12.2.d(2)(d)] due to 07.12.3.d(3) and 07.12.3.a; 07.12.4 or 07.12.5	Chancellor (<i>for TTUSA searches</i>) or President (<i>for institutional searches</i>)
<ul style="list-style-type: none"> • Initial contracts for vending machines 	[07.12.2.g] 07.12.2.d	Board
<ul style="list-style-type: none"> • Location of vending machines 	[07.12.2.g] 07.12.2.d	President
TTUSA contracts of \$1,000,000 or less per year	07.12.3. a and 07.12.4	Chancellor
Component institution contracts of \$1,000,000 or less per year; amendment or renewal of such component institution contracts	[07.12.4] 07.12.3.a and 07.12.5	President
Sponsored program project contracts	[07.12.2.b] 07.12.3.b	President
Employment contracts	[see Appendix A]	-- varies --

APPENDIX A – summary of employment agreement approvals (per Sec. [\[07.12.2.f\]](#) [07.12.2.c](#), *Regents' Rules*)

BOARD APPROVAL REQUIRED	per Section 07.12.2 ... ↓	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 compensation 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>← [f(2)(a)] → c(2)(a)</p> <p>← [f(2)(b)] → c(2)(b)</p> <p>← [f(2)(c)] → c(2)(c)</p> <p>← [f(2)(d)] → c(2)(d)</p> <p>← [f(2)(e)] → c(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 compensation 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>	<p>← [f(3)(a)] → c(3)(a)</p>	<p>— — — —</p>
<p>Athletic director or head coach contract if:</p> <ul style="list-style-type: none"> • total compensation over the entire term of the contract exceeds \$2.0 million; OR • term exceeds 5 years. 	<p>← [f(3)(b)i] → c(3)(b)i</p>	<p>Athletic director or head coach contract if: • total compensation 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 compensation over the entire term of the contract exceeds \$1.0 million; OR • term exceeds 3 years. 	<p>← [f(3)(b)ii] → c(3)(b)ii</p>	<p>Assistant coach contract if: • total compensation 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:</p> <ul style="list-style-type: none"> • only state-funded compensation is counted; and • a process for quick approval is provided when needed. 	<p>← [f(3)(c)] → c(3)(c)</p>	<p>Health-related institution faculty contract if: none of the general thresholds provided in Sec. [07.12.2.f(2)] 07.12.2.c(2) are exceeded.</p>

Chapter 03 -- Personnel

S.B. 20 requires the code of ethics for a public institution of higher education to have "a policy governing the use of institutional resources."

Accordingly, Section 03.01.2.e, *Regents' Rules*, needs to be amended as follows:

- 03.01.2 Ethical behavior. Officers and employees shall:
- a. put forth honest effort in the performance of their duties;
 - b. not make unauthorized commitments or promises of any kind purporting to bind the TTU system or any of its components;
 - c. not use their public offices for private gain;
 - d. act impartially and not give preferential treatment to any private or public organization or individual;
 - e. protect and conserve public property, [including all institutional resources](#), and shall not use it for anything other than authorized activities;
 - f. promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
 - g. adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, physical or mental disability, Vietnam era or special disabled veteran status; and
 - h. endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the TTU system.
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02.04 Component institution presidents

• • •

02.04.2 Presidents' authority. Within the policies and regulations of the board – which provide that the component institution president reports to and is responsible to the chancellor, with the component institution president having access to the board and the board having access to the component institution president – the president has general authority and responsibility for the administration of the component institution. Specifically, the president is expected, with the appropriate participation of the staff, to:

• • •

- n. develop and implement plans and policies to ensure that the component institution remains in compliance with any accreditation requirements appropriate to the institution or its programs, including, for the health components and those academic components with student health services, the accreditation of hospitals, clinics, and patient-care facilities; ~~and~~
- o. [develop and implement programs and policies that promote ethical behavior and ensure compliance with all applicable policies, laws, and rules governing public higher education in Texas, including research and health care to the extent applicable; and](#)
- p. carry out all other duties and responsibilities assigned to the president by the board or the chancellor.



Technical adjustments in Chapter 02 due to the changes proposed for Chapter 07:

The changes proposed for Chapter 07 in this document would re-number some of the sections in that chapter, and there are two sections in Chapter 02 that include a citation to a particular Chapter 07 section that is being re-numbered.

Accordingly, the following conforming change would be made in both **Sec. 02.03.2.c** and **Sec. 02.03.3.b**: "~~07.12.2.f~~ [07.12.2.c](#)".

ATTACHMENT

2

**TTUS Sexual Assault Policies (Office of General Counsel
memo and attachments)
(Academic, Clinical and Student Affairs, item #14)**



TEXAS TECH UNIVERSITY SYSTEM
Office of the General Counsel™

MEMORANDUM

TO: Board of Regents

CC: Chancellor Duncan
Ben Lock

FROM: John Huffaker, Vice Chancellor and General Counsel

SUBJECT: ACS Committee Item Number 14: Sexual Assault Policies

DATE: October 01, 2015

Item number 14 on the agenda for the ACS Committee relates to recent Texas legislation enacted as Texas Education Code Sect. 51.9363. Under that provision, each of our institutions are required to adopt a policy on campus sexual assault. The policy must include: (1) definitions of prohibited behavior; (2) sanctions for violations; and (3) the protocol for reporting and responding to reports of campus sexual assault. The legislation also requires that such policy be available to students, faculty and staff members through handbooks and websites. In addition, undergraduate institutions are required to provide orientation to “each entering freshman or undergraduate transfer student” during their first semester or term.

Each of our institutions already had various policies regarding sexual misconduct. Sexual misconduct not only raises issues regarding student behavior and rights, but also may implicate federal non-discrimination statutes when the behavior is between employees.

With the hope of bringing some consistency to our universities, both in student related policies and employee related policies a working committee has now promulgated two template policies:

1. Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure (here represented by proposed TTU OP 40.03)
2. Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws (here represented by proposed TTU OP 40.02)

Each of the policies have adopted definitions of prohibited behavior. Proposed Operating Policy 40.03 is the policy particularly related to sexual misconduct issues for both students and employees and contains extensive definitions and procedures for reporting incidents. It also provides information on how complaints are processed with links to more detailed descriptions

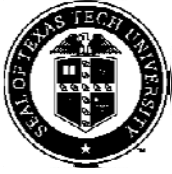
and sanctions information in student and faculty codes and university policies. For more detailed information, should it be desired, we have attached a copy of the proposed policy as **Exhibit A**.

Proposed Operating Policy 40.02 is broader in that it prohibits all forms of illegal discriminatory behavior, not just discriminatory behaviors based on sex. Proposed Operating Policy 40.02 applies to both students and employees. On this policy as well, more detailed information is available as **Exhibit B**.

In our opinion, the revised Operating Policies combined with the detailed statements of procedures and sanctions found in student codes of conduct fully comply with the requirements of Education Code Sect. 51.9363.

The Board will be asked to approve these two template policies for enactment at each of our four institutions subject to minor modifications as may be necessary for titles, personnel offices and the like. The agenda item also requests authority to make such conforming changes, as may be required, to the institutions' codes of student conduct.

Exhibit A
Proposed OP 40.03



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

TTU OP: 40.03, Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure

DATE: [Date]

PURPOSE: This policy provides information regarding the University's prevention and education efforts related to sex discrimination, sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, public indecency, Sexual Misconduct, interpersonal violence, and stalking. The policy provides students and employees with their rights and options and also explains how the University will proceed once it is made aware of allegations of prohibited conduct in keeping with the University's values and in order to meet the legal obligations of Title VII, Title IX, the Violence Against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), Texas Education Code, Section 51.9363, and other applicable law.

REVIEW: This Operating Policy/Procedure (OP) will be reviewed in October of odd-numbered years by the managing director of the Office of Equal Employment Opportunity (EEO), the Title IX Coordinator, the Dean of Students, and if different than the Title IX Coordinator, the Assistant Vice President of Human Resources with recommended revisions forwarded to the Associate Vice President for Administration and Chief of Staff to the President. Any substantive changes to this policy must be approved by the Board of Regents.

POLICY/PROCEDURE

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from sex discrimination of any kind. In accordance with Title VII, Title IX, the Violence against Women Act (VAWA), the Campus Sexual Violence Elimination Act (SaVE), and other federal and state law, the University prohibits discrimination based on sex and other types of Sexual Misconduct. Sexual Misconduct is a broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and any other misconduct based on sex. Any acts that fall within the scope of this policy hereinafter are referred to as Sexual Misconduct.

While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

This policy applies to all University students and employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on

campus. This policy will apply to on-campus and off-campus conduct of which the University is made aware and which adversely impacts the educational and employment environments of the University. The University will take all reasonable steps to prevent recurrence of any Sexual Misconduct and remedy discriminatory effects on the Reporting Party and others, if appropriate.

All complaint investigations and procedures will be non-adversarial in nature and will be conducted in a prompt, fair, and impartial manner. Investigations conducted under this policy are not criminal investigations. For all complaints under this policy, the burden of proof shall be a preponderance of the evidence, which means more likely than not.

The University expects all members of the University Community to comply with the law. Members of the University Community who violate these policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

For complaints relating to any form of discrimination not covered by this policy, see OP 51.02: Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.

1. Definitions

For purposes of this policy, the definitions below apply. However, some of these terms are also defined under state law. If a person would like to file criminal charges for any alleged violations of criminal law, the definitions provided in the links below may apply. Additionally, illustrative examples of some of these defined terms may be found at <http://www.titleix.ttu.edu>.

- a. **Consent** – Mutually understandable words or actions, actively communicated both knowingly and voluntarily, that clearly conveys permission for a specific activity.

Consent is not effective if it results from: (a) the use of physical force, (b) a threat of physical force, (c) intimidation, (d) coercion, (e) incapacitation, or (f) any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to engage in sexual activity.

Consent is also defined in the context of criminal sexual assault in the Texas Penal Code, Chapter 22, Section 22. 011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).

- b. **Employee** – Any person who receives a W-2 from the University, including full and part-time faculty, staff, and students.
- c. **Incapacitation** – A state of being that prevents an individual from having capacity to give consent. For example, incapacitation could result from the use of drugs or alcohol, a person being asleep or unconscious, or because of an intellectual or other disability.
- d. **Interpersonal Violence** – An offense that meets the definition of domestic violence or dating violence:
- **Domestic Violence** – Abuse or violence committed by a current or former spouse or intimate partner of the Reporting Party, by a person with whom the Reporting Party shares a child in common, by a person with whom the Reporting Party is cohabiting

(or has cohabited) with a spouse or intimate partner, by a person similarly situated to a spouse of the Reporting Party under the domestic or family violence laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Texas.

Domestic Violence is also defined in Texas Family Code, Chapter 71, Section 71.004 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.004>).

- **Dating Violence** – Abuse or violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Reporting Party. The existence of such a relationship will be determined based on the Reporting Party's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Dating Violence is also defined in Texas Family Code, Chapter 71, Section 71.0021 (<http://www.statutes.legis.state.tx.us/docs/FA/htm/FA.71.htm#71.0021>).

- e. **Public Indecency** – Engaging in private or sexual acts in a publicly viewable location, such that it is offensive to accepted standards of decency including, but not limited to:
 - Exposing one's genitals or private areas;
 - Public urination;
 - Defecation; and/or
 - Public sex acts.
- f. **Reporting Party** – A person or entity (in the case of the University) who submits a complaint alleging a violation of this policy.
- g. **Responding Party** – Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.
- h. **Responsible Employee** – A University employee who has the authority to take action to redress an alleged violation of this policy; who has been given the duty of reporting such allegations to the University Title IX Coordinator or Title IX Deputy Coordinators; or whom an individual could reasonably believe has this authority or duty.

Responsible Employees include, but are not limited to:

- Administrators;
- Academic advisors;
- Coaches, and other athletic staff who interact directly with students;
- Faculty members, including professors, adjuncts, lecturers, instructors, and teaching assistants;
- Student services personnel;

- Graduate research assistants;
 - Residence life or community advisors;
 - Student organization advisors;
 - All supervisory personnel;
 - Human Resources personnel; and
 - The Texas Tech Police Department.
- i. **Sex Discrimination** – An act that deprives a member of the University Community of his or her rights of access to campuses and facilities and of participation in education, services, programs, operations, employment, benefits or opportunities with the University on the basis of the person’s sex.
- j. **Sexual Misconduct** – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, sexual violence, and other misconduct based on sex.
- k. **Sexual Assault** – Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual Assault includes non-consensual sexual contact and non-consensual sexual intercourse.
- (1) **Non-Consensual Sexual Contact** – Intentional sexual touching, however slight, with any object or part of one’s body of another’s private areas without consent. Sexual Contact includes:
- Intentional contact with the breasts, buttock, groin, or genitals;
 - Touching another with any of these body parts;
 - Making another touch you or themselves with or on any of these body parts; or
 - Any other intentional bodily contact in a sexual manner.
- (2) **Non-Consensual Sexual Intercourse** – Sexual penetration or intercourse, however slight, with a penis, tongue, finger, or any object, and without consent. Penetration can be oral, anal, or vaginal.

The following offenses are examples of sexual assault: rape, incest, fondling, and statutory rape.

- **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Reporting Party.
- **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Reporting Party, including instances where the Reporting Party is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault is also defined in Texas Penal Code, Chapter 22, Section 22.011 (<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>).

- l. **Sexual Exploitation** – Taking nonconsensual or abusive sexual advantage of another for the benefit of oneself or a third party. Prohibited behavior includes, but is not limited to:
 - Purposeful recording, distribution, or dissemination of sexual or intimate images or recordings of another person without that person’s full knowledge or consent;
 - Sexual voyeurism;
 - Inducing another to expose one’s genitals or private areas;
 - Prostituting another; or
 - Knowingly exposing someone to or transmitting a sexually transmitted disease.

- m. **Sexual Harassment** – Unwelcome verbal, written, or physical conduct of a sexual nature when:
 - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;
 - (2) Submission to or rejection of such conduct is used as a basis for decisions affecting employment or education; or
 - (3) Such conduct has the purpose or effect of interfering with the individual’s work or educational performance or of creating an intimidating, hostile, or offensive working or educational environment. To constitute an intimidating, hostile, or offensive working or educational environment, the complained of conduct must be either severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful sexual harassment or Sexual Misconduct include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Communicating in a manner with sexual overtones;
- Inappropriate comments about dress or physical appearance;
- Inappropriate discussion of private sexual behavior;
- Gifts, letters, calls, emails, online posts, or materials of a sexual nature;
- Sexually explicit visual material (calendars, posters, cards, software, internet, or other multimedia materials);
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Non-consensual video or audio-taping of sexual activity;
- Exposing one’s genitals or inducing another to expose his/her genitals;
- Stalking;
- Domestic or dating violence;
- Non-consensual sexual intercourse, sexual assault, or rape; or
- Other gender-based threats, discrimination, intimidation, hazing, bullying, stalking, or violence.

- n. **Stalking** – A course of conduct directed at a specific person that would cause a reasonable person to fear for his/her own safety or the safety of others or would cause that person to suffer substantial emotional distress. A “course of conduct” means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and similarly situated to the Reporting Party. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is also defined in Texas Penal Code, Chapter 42, Section 42.072 (<http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.42.htm#42.072>).

- o. **University Community** – All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

For acts of sex discrimination, such as denial of employment, wages, or benefits based on sex, that do not constitute Sexual Misconduct as defined in this policy, please see OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws.

2. Title IX Coordinator and Equal Employment Opportunity Office

The University has a Title IX Coordinator who oversees the University’s compliance with Title IX, which prohibits discrimination based on sex. The University has also designated Title IX Deputy Coordinators for students and employees.

The Dean of Students Office will investigate complaints of Sexual Misconduct by or between students. The Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) will investigate complaints of Sexual Misconduct by or between employees.

CONTACT	PHONE	ADDRESS	EMAIL
TTU Title IX Coordinator University Counsel, Texas Tech Office of the President	806-742-2121	TTU Administration Building, Room 170 Texas Tech Office of the President Texas Tech University System Box 2005 Lubbock, TX 79409	Ronald.phillips@ttu.edu
TTU Title IX Deputy Coordinator for Students Dean of Students	806-742-7233	Suite 201 AA, Student Union Building Dean of Students Office Texas Tech University Lubbock, TX 79409	deanofstudents@ttu.edu
TTU Title IX Deputy Coordinator for Employees Assistant Vice	806-742-3851	160 Doak Conference Center Office of Human Resources Texas Tech University 2518 15 th Street	Jodie.billingsley@ttu.edu

President of Human Resources		Lubbock, TX 79409	
TTU Title IX Deputy Coordinator for Athletics		Athletic Office, Room 109	
Senior Associate Athletics Director and Senior Woman Administrator	806-834-0976	Texas Tech University 2526 6 th Street Lubbock, TX 79409	Judi.henry@ttu.edu
Managing Director of the Office of Equal Employment Opportunity	806-742-3627	Office of Equal Employment Opportunity TTU Administration Building, Room 210 Box 1073 Lubbock, TX 79409	eeo@ttu.edu

3. Reporting Sexual Misconduct

- a. All students, employees, and third parties are strongly encouraged to promptly report any incidents of Sexual Misconduct to the University Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO.
- b. All students, employees, and third parties may also report incidents of Sexual Misconduct to law enforcement, including on-campus and local police. Reporting Parties may choose to notify law enforcement and will be provided the assistance of a Title IX Coordinator, Title IX Deputy Coordinator, or Office of EEO in contacting these authorities if the individual wishes. For a list of Law Enforcement Agencies, please see Section 13 of this policy. Reporting Parties may also decline to notify law enforcement of incidents of Sexual Misconduct.
- c. An individual who experiences any form of sexual, domestic, or dating violence is encouraged to seek immediate medical care. Also, preserving DNA evidence can be key to identifying the perpetrator in a sexual violence case. Victims can undergo a Sexual Assault Forensic Exam (SAFE) performed by a Sexual Assault Nurse Examiner (SANE) to preserve physical evidence with or without police involvement. If possible, this should be done immediately. If an immediate medical exam is not possible, a SANE may still collect evidence up to 4 days following a sexual assault. With the examinee's consent, the physical evidence collected during this medical exam can be used in a criminal investigation. To undergo a SAFE, go directly to the nearest emergency department that provides SAFE services. For more information about the SAFE, see <http://hopelaws.org/> or <https://www.texasattorneygeneral.gov/victims/sapcs.shtml#survivors>.
- d. An individual who experiences any form of Sexual Misconduct should also preserve other evidence relevant to the complained of activity, such as items of clothing, photographs, phone records, text messages, computer records, and other documents.
- e. If an employee is a Responsible Employee and receives information about Sexual Misconduct, reporting is required. Responsible Employees have a duty to promptly report all known details of incidents of sex discrimination, sexual harassment, nonconsensual

sexual contact, nonconsensual sexual intercourse, sexual assault, Sexual Misconduct, sexual exploitation, public indecency, interpersonal violence, and stalking to the University Title IX Coordinator, Title IX Deputy Coordinators, or Office of EEO. Responsible Employees are not confidential reporting resources.

- f. Disclosures to licensed clinical and/or mental health professionals acting in their professional role in the provision of services are not subject to the foregoing mandatory reporting requirements. These employees include physicians, psychologists, nurses, counselors, and those performing services under their supervision. These employees are encouraged to provide students or employees with information and guidance regarding University reporting options and available resources but will not report or otherwise refer instances of sexual harassment/misconduct to University administrators without the student or employee's express permission.

4. Complaints by or against Students

- a. If a student has a complaint of Sexual Misconduct by another student, see Part I, Section C: Conduct Procedures for Students in the TTU Student Handbook. www.ttu.edu/studenthandbook.
- b. If a student has a complaint regarding Sexual Misconduct involving a student organization, see Part I, Section D: Conduct Procedures for Student Organizations in the TTU Student Handbook. www.ttu.edu/studenthandbook.
- c. If a student has a non-employment based complaint of Sexual Misconduct by an employee, see Part II, Section C: Anti-Discrimination Policy in the TTU Student Handbook. www.ttu.edu/studenthandbook. Alternatively, the student may contact the Dean of Students Office or the Office of EEO. Student complaints of Sexual Misconduct by an employee will be investigated jointly by the Dean of Students Office and the Office of EEO.
- d. If a student employee has a complaint of Sexual Misconduct, which occurs during the course and scope of employment with the University, against an employee, the student should follow the procedure set forth for employees in this policy.
- e. If an employee has a complaint of Sexual Misconduct against a student, the employee should contact the Dean of Students Office and/or file an incident report form, found at the Title IX website: <http://titleix.ttu.edu/students/>.

5. Employee Complaint Procedures, Including Student Employees

- a. If an employee has a complaint of Sexual Misconduct against another employee, the general provisions relating to employees and the employee complaint procedures set forth in OP 51.02 shall apply.
- b. In addition, in complaints of Sexual Misconduct the following provisions shall control.
 - (1) While there is no deadline to file a complaint, to promote timely and effective review, the University strongly encourages individuals who believe they have experienced Sexual Misconduct to come forward promptly with their complaints

and to seek assistance from the University. Delays in reporting can greatly limit the University's ability to stop the Sexual Misconduct, collect evidence, and/or take effective action against individuals or organizations accused of violating the policy.

- (2) Individuals wishing to remain anonymous can file a complaint in any manner, including by telephone or written communication, with the University Title IX Coordinator, a Title IX Deputy Coordinator or the Office of EEO. However, electing to remain anonymous may greatly limit the University's ability to investigate an alleged incident, collect evidence, and/or take effective action against individuals or organizations accused of violating this policy.
- (3) Both parties have the right to be accompanied by an advisor of the individual's choosing during all meetings, proceedings, and/or disciplinary hearings at which the individual is present. The role of the advisor will be limited to being present only; advisors are not allowed to actively participate in the process.
- (4) After the investigation is complete, the Office of EEO will simultaneously provide notice in writing to the Reporting Party, to the Responding Party, and to the appropriate administrators of the following:
 - Determination of the outcome;
 - The finding of the Office of EEO is final and not appealable by either party;
 - In the event a finding of a violation of this policy is made, appropriate disciplinary action will be taken as determined by the appropriate administrator; and
 - If either party disagrees with the imposed disciplinary action or lack thereof because the disciplinary action imposed substantially varies from the range of disciplinary actions normally imposed for similar infractions, he or she may appeal within 5 business days to the Title IX Coordinator. However, if the disciplinary action recommended is tenure revocation, proceedings will be pursuant to OP 32.02.
- (5) The Reporting Party and Responding Party will be simultaneously notified in writing of any changes to the results that occur prior to the time such results become final, and when such results become final.

6. Complaints Involving Non-University Individuals

- a. If a non-University individual has a complaint of Sexual Misconduct by a student or University employee acting in the scope of his or her employment, the individual involved may file a report with either the Dean of Students Office or the Office of EEO, and the University may investigate and take steps to address the situation.
- b. If a University employee or student has a complaint of Sexual Misconduct by a non-University party that affects the employee's work environment or student's educational program or activity, the employee or student may make a report to the Title IX Coordinator, Title IX Deputy Coordinators, Office of EEO, or Dean of Students Office. The University may conduct an inquiry and take action, if possible, to prevent further misconduct. However, the University's response may differ for complaints regarding third parties based on the level of control the University has over the third party. Even though the University's ability to take

direct action against a third party may be limited, the University may take steps to provide appropriate remedies for the employee or student and, where appropriate, the broader University Community.

7. Retaliation

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

8. Interim Measures

The Reporting Parties may request and the University may implement interim measures, as may be necessary to assure the safety and well-being of the participants in the complaint process, to maintain an environment free from harassment, discrimination, or retaliation, and to protect the safety and well-being of the University Community. Appropriate University officials will decide if and what interim measures are necessary. Such interim measures may include, but are not limited to:

- Separating the Reporting Party's and Responding Party's academic or working situations;
- Forbidding contact between parties involved in a complaint;
- Suspending the right of the Responding Party to be present on campus or otherwise altering the University status of the Responding Party.

Other interim measures may be implemented depending upon the Responding Party's relationship with the University. These interim measures may be kept in place through the conclusion of any review, investigation, or appeal process. Interim measures can be implemented regardless of whether or not the Reporting Party pursues formal University or criminal action.

9. Confidentiality

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of Sexual Misconduct, to protect the University Community, and to the extent allowed by law. However, because the University also has an obligation to maintain an environment free of Sex Discrimination and Sexual Misconduct, many University employees have mandatory reporting and response obligations and may not be able to honor a Reporting Party's request for confidentiality. The Title IX Coordinator will evaluate requests for confidentiality.

The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party or Responding Party, may affect the integrity of the investigation.

Students may make confidential reports to the University Student Counseling Center. Likewise, employees may make confidential reports through the Employee Assistance Program. All Reporting Parties may also make confidential reports to local rape crisis centers or to other licensed clinical and/or mental health professionals acting in their professional role of providing those services.

10. Interference with an Investigation

Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation may include, but is not limited to:

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation; or
- Providing false or misleading information to the investigator, or encouraging others to do so.

11. Training and Education

The University's commitment to preventing and raising awareness of the harm resulting from the conduct prohibited in this policy includes providing primary prevention and awareness programs for all incoming students and new employees and ongoing education to both employees and students. This policy is published on the University's website and information regarding this policy and related policies is included in orientation materials for new students, faculty, and staff. All employees must attend EEO non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental training every two years. Other appropriate compliance training sessions will also be conducted on an ongoing basis. Training sessions will include information on how and where to report incidents of prohibited conduct, resources available, as well as, risk reduction and safe and positive options for bystander intervention. In addition, University employees and administrators responsible for implementing this policy, including the Title IX Coordinator, Title IX Deputy Coordinators, investigators, and hearing officers, receive annual training about offenses, investigatory procedures, due process requirements, and University policies related to or described in this policy.

12. Websites and Other Resources

The University maintains websites which provide comprehensive information about this policy, its procedures, Title IX, available resources, remedial support options, local support services, and illustrative examples of definitions contained herein.

- Title IX compliance and directory – <http://www.titleix.ttu.edu>

- Title IX for students – <http://www.titleix.ttu.edu/students>
- Title IX for faculty/staff – <http://www.titleix.ttu.edu/hr>
- Title IX for athletics – <http://www.titleix.ttu.edu/athletics>
- Dean of Students Office - <http://www.depts.ttu.edu/dos/>
- Office of Equal Employment Opportunity - <http://www.texastech.edu/offices/equal-employment/>
- Risk Intervention & Safety Education (RISE) - <http://www.depts.ttu.edu/rise/>
- TTU Student Counseling Center – <http://www.depts.ttu.edu/scc/>
- TTU Operating Policies & Procedures - <http://www.depts.ttu.edu/opmanual/>
- TTU Employee Assistance Program - <http://www.depts.ttu.edu/hr/benefits/health.php>

The following additional resources are available:

CONTACT	PHONE	ADDRESS
Title IX Coordinator	806-742-2121	170 Administration Building Box 2005 Lubbock, Texas 79409
Dean of Students Office	806-742-2984	Suite 201 AA Student Union Building Lubbock, TX 79409
EEO Office	806-742-3627	210 Administration Building Box 41073 Lubbock, Texas 79409
Human Resources	806-742-3851	160 Doak Conference Center 2518 15 th Street Lubbock, TX 79409
Student Counseling Center	806-742-3674	Room 201 Student Wellness Center Lubbock, Texas 79409
Employee Assistance Program	806-743-1327	3601 4 th Street Lubbock, Texas 79430
TTU RISE Office	806-742-3931	Suite 204 Student Wellness Center Lubbock, Texas 79409
Psychology Clinic	806-742-3799	TTU Psychology Building, Room 111A Lubbock, Texas 79409
Marriage and Family Therapy Clinic	806-742-3060	TTU Human Sciences Building, Room 165 Lubbock, Texas 79409

Lubbock Voice of Hope	806-763-7273	P.O. Box 2000 Lubbock, Texas 79457
Legal Aid of NorthWest Texas	800-733-4557	1711 Avenue J Lubbock, Texas 79401
Legal Aid Society of Lubbock	806-762-2325	906 Main St. # 103 Lubbock, Texas 79401
University Medical Center	806-775-8200	602 Indiana Ave Lubbock, Texas 79415
Covenant Medical Center	806-725-0000	3615 19 th Street Lubbock, Texas 79410

13. Outside Agencies

Nothing in this policy shall limit a person from seeking assistance or filing a complaint with an outside agency.

Administrative Agencies:

CONTACT	PHONE	ADDRESS
U.S. Equal Employment Opportunity Commission	1-800-669-4000	300 E. Main Dr. Suite 500 El Paso, Texas 79901
Texas Workforce Commission	512-463-2222	101 E. 15 th Street Austin, Texas 78778
U.S. Department of Education, Office of Civil Rights	214-611-9600	1999 Bryan Street, Suite 1620 Dallas, Texas 75201

Law Enforcement Agencies:

CONTACT	PHONE	ADDRESS
TTU Police Department	806-742-3931	413 Flint Avenue Lubbock, Texas 79409
Lubbock Police Department	806-775-2865	916 Texas Avenue Lubbock, Texas 79401
Lubbock County Sheriff's Department	806-775-1400	811 Main Street P.O. Box 10536 Lubbock, Texas 79407
Texas Department of Public Safety	512-424-2000	5805 North Lamar Blvd. Austin, Texas 78752

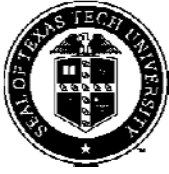
14. Authoritative References

- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Texas Labor Code Chapter 21
- Violence Against Women Act (VAWA)
- Campus Sexual Violence Elimination Act of 2013 (Campus SaVE)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- Texas Education Code, Section 51.9363

15. Right to Change Policy

The University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without notice to or consent of its employees.

Exhibit B
Proposed OP 40.02



TEXAS TECH UNIVERSITY

Operating Policy and Procedure

TTU OP: 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws

DATE: [Date]

PURPOSE: The University is an Equal Employment Opportunity (EEO) employer and ensures compliance with federal and state employment laws and regulations. In the event an individual believes his/her rights under these or other laws have been violated, this policy sets forth the procedures to address these concerns in a fair, equitable, and prompt manner.

REVIEW: This Operating Policy/Procedure (OP) will be reviewed in January of odd-numbered years by the managing director of the Office of Equal Employment Opportunity (EEO), the Dean of Students, and the Assistant Vice President of Human Resources with recommended revisions forwarded to the Associate Vice President for Administration and Chief of Staff to the President.

POLICY/PROCEDURE

The University is committed to providing and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from any form of unlawful discrimination. The University is dedicated to fostering and supporting a culture of mutual respect and communication.

This policy applies to all University students and employees, visitors, applicants for admission to or employment with the University, as well as University affiliates and others conducting business on campus.

The University does not tolerate discrimination or harassment based on or related to sex, race, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics. While sexual orientation and gender identity are not explicitly protected categories under state or federal law, it is the University's policy not to discriminate in employment, admission, or use of programs, activities, facilities, or services on this basis.

Discriminatory behavior is prohibited by this policy, as well as by federal laws such as Title VII, which prohibits discrimination in employment, Title IX, which prohibits discrimination on the basis of sex in education programs or activities, the Equal Pay Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Title II of the Genetic Information Non-Discrimination Act, and state laws such as Chapter 21 of the Texas Labor Code. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, by actions, or electronically displayed or conveyed.

The University expects all members of the University Community to comply with the law. Members of the University Community who violate University policies and laws may be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

While sexual harassment, Sexual Misconduct, and sexual assault may constitute prohibited acts of discrimination, such complaints will be addressed through OP 51.03: Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

1. Definitions

For purposes of this policy, the definitions below apply.

- a. **Employee** – Any person who receives a W-2 from the University, including full and part-time faculty, staff, and students.
- b. **Harassment** – Harassment based on a person’s protected class under this policy is a form of discrimination. Unlawful harassment is verbal or physical conduct that shows hostility toward an individual based on or related to sex, race, national origin, religion, age, disability, sexual orientation, gender identity, genetic information, or other protected categories, classes, or characteristics and that:
 - (1) Creates an intimidating, hostile, or offensive working or educational environment;
 - (2) Has the purpose or effect of unreasonably interfering with an employee’s or student’s educational performance;
 - (3) Adversely affects an employee’s employment opportunities or student’s educational opportunities; and
 - (4) Is severe or pervasive.

Examples of inappropriate behavior that may constitute unlawful harassment include, but are not limited to:

- Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
 - Display of explicit or offensive calendars, posters, pictures, drawings, cartoons, screen savers, emails, internet, or other multi-media materials in any format that reflects disparagingly upon a class of persons or a particular person in a protected category;
 - Derogatory remarks about a person’s sex, national origin, race, or other ethnic characteristics;
 - Disparaging or disrespectful comments if such comments are made because of a person’s protected status;
 - Loud or angry outbursts or obscenities in the workplace directed toward another employee, student, customer, contractor, or visitor;
 - Disparate treatment without a legitimate business reason; or
 - Other threats, discrimination, hazing, bullying, stalking, or violence based on a protected category, class, or characteristic.
- c. **Reporting Party** – A person or entity (in the case of the University) who submits a complaint alleging a violation of this policy.

- d. **Responding Party** – Generally, the Responding Party is the person who is alleged to be responsible for the prohibited conduct alleged in a complaint.
- e. **Sexual Misconduct** – A broad term encompassing all forms of gender-based harassment or discrimination and unwelcome behavior of a sexual nature. The term includes sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual assault, sexual exploitation, stalking, public indecency, interpersonal violence, and any other form of sexual misconduct, sexual violence, or other misconduct based on sex. See OP 51.03 for matters concerning Sexual Misconduct.
- f. **University Community** – All faculty, staff, and students of and visitors to any University premises or University-affiliated activity.

2. Equal Employment Opportunity Office and Dean of Students Office

On behalf of the University, the Texas Tech University System Office of Equal Employment Opportunity (Office of EEO) is designated to formally investigate reports or notices of discrimination and/or harassment by or against employees. [Accordingly, employees, students, or third parties with a complaint against an employee should contact the Office of EEO.](#)

CONTACT	PHONE	ADDRESS	EMAIL
Managing Director Office of Equal Employment Opportunity	806-742-3627	TTU Administration Building, Room 210 Office of Equal Employment Opportunity Texas Tech University System Box 1073 Lubbock, TX 79409	eeo@ttu.edu

Employees, students, or third parties with a complaint of discrimination and/or harassment against a student should contact the Dean of Students Office.

CONTACT	PHONE	ADDRESS	EMAIL
Dean of Students Office	806-742-2984	TTU Student Union, Room 201 Dean of Student Office Texas Tech University Box 45014 Lubbock, TX 79409	deanofstudents@ttu.edu

3. General Provisions Relating to Employees

- a. While not appropriate, not all rude or offensive comments or conduct constitute unlawful discrimination or harassment.
- b. This complaint procedure is applicable to all employees, whether staff or faculty, who

choose to complain about unlawful discrimination or other violations of the law that adversely affect their employment.

- c. All complaint investigations and procedures will be non-adversarial in nature and will be conducted in a fair and impartial manner. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

No University funds may be used to pay expenses for salary, travel, or per diem of a public employee engaged in the complaint process, nor may other University resources be used. Except that an employee is allowed to take vacation leave or leave without pay subject to established University operating policies and procedures to engage in this activity.

- d. Relevant administrators will be notified of formal investigations. The Office of the Provost will be notified of any complaints involving faculty.
- e. Except as otherwise provided by University policy or written contract, employment at the University is governed by the employment at will doctrine. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either the University or the employee unless otherwise prohibited by law, University policy, or written contract. Nothing in this University operating policy and procedure constitutes an employment agreement, either expressed or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right.
- f. The filing of a complaint shall not affect the ability of the University to pursue disciplinary action or separation action for reasons other than the employee's filing of a complaint.
- g. A termination of employment cannot be the subject of a complaint unless the employee has reason to believe that the termination was prohibited by law. A violation of a University policy alone does not necessarily constitute a violation of law or an action prohibited by law.
- h. Nothing in this policy shall prevent an employee from presenting a charge of discrimination or other complaint covered by this policy to an external agency, such as the Equal Employment Opportunity Commission or Texas Workforce Commission. However, if an employee files a complaint with an external agency, with the exception of a complaint of Sexual Misconduct, while the Office of EEO may continue its investigation, the internal process shall terminate and any response to the complaint will be made to the external agency and not to the employee.
- i. For complaints that do not involve discrimination, harassment, or protected status, see OP 70.10: Non-Faculty Employee Complaint Procedures, <http://www.depts.ttu.edu/opmanual/OP70.10.pdf>, or OP 32.05: Faculty Grievance Procedures, <http://www.depts.ttu.edu/opmanual/OP32.05.pdf>.

4. Employee Complaint Procedures, Including Student Employees

- a. Prior to filing a formal complaint, the employee should attempt to resolve the situation by addressing the Responding Party in an informal manner and in an atmosphere of mutual respect. However, in cases of sexual assault, the foregoing provision does not apply (see OP 51.03). If the employee is not comfortable addressing that individual, the prospective Reporting Party may address concerns to his/her first or second level supervisor. If the

situation is not resolved by informal means or if the employee is not comfortable with doing so, the employee may file a formal complaint.

An employee may also consult with the Office of EEO to determine if he/she wishes to file a formal complaint. While an investigation is not normally initiated without a written complaint submitted by the employee, the Office of EEO or the University may take action as deemed appropriate by the office. Such action may include notifying key personnel with a need to know about the allegations, conferring with supervisors or other administrators concerning inappropriate behavior occurring within their area of responsibility, informing the Responding Party of the University's non-discrimination policies, and educating departments and supervisors as needed on this and other policies.

- b. An employee having a complaint should submit a completed *Complaint of Discrimination* form, which is available on the University's Human Resources website at the following link: <http://www.depts.ttu.edu/hr/formsPolProc/forms.php>. Except as otherwise provided by University policy or law, this complaint should be submitted to the Office of EEO within 30 days from the date of the complained of action.

A written complaint shall contain:

- (1) A clear and concise statement of the complaint;
- (2) The date the incident took place;
- (3) The name and contact information of the Reporting Party, the Reporting Party, and any witnesses;
- (4) The specific resolution sought by the employee; and
- (5) Additional relevant information to be considered in support of the complaint.

Any changes to the complaint must be in writing.

- c. Only one subject matter shall be covered in any one complaint.
- d. Once a signed complaint form is received by the Office of EEO, an investigation may be conducted by that office and the appropriate administrators.
- e. The investigation may consist of review of the complaint and any supporting documentation, examination of other relevant documentation, and interviews with relevant individuals. Each party will be given the opportunity to present their side and identify witnesses and other relevant evidence. The extent of the investigation and its procedures will be determined by and at the discretion of the Office of EEO. Any findings in the investigation will be based upon a preponderance of the evidence (i.e., whether the findings are more likely than not).
- f. Investigations will be completed as expeditiously as possible.
- g. After the investigation is complete, the Office of EEO will provide a written determination to the Reporting Party, the Responding Party, and to the appropriate department administrator.
- h. The findings of the Office of EEO are final.

- i. In the event of a finding of a violation of this policy or other violation of the law is made, appropriate disciplinary action will be taken as determined by the appropriate administrator. Disciplinary action may range from counseling up to and including termination. Termination procedures for tenured faculty will be conducted pursuant to OP 32.02.
- j. Any employee subjected to disciplinary action may appeal any such action, but not the findings of the Office of EEO, within the time periods and the through procedures established for faculty in OP 32.05 and for staff in OP 70.10. A copy of the appeal should be forwarded to the Office of EEO.
- k. Any disciplinary action taken in connection with a complaint filed pursuant to this policy shall be reported in writing to the Office of EEO at the time the disciplinary action is implemented. Confirmation of the disciplinary action can be provided via a copy of a counseling or other written disciplinary action, resignation, termination document, etc.
- l. At the conclusion of the investigation, the Reporting Party shall be advised that if the discrimination or unlawful activity persists the employee should contact the Office of EEO. Likewise, in the event the employee believes unlawful retaliation for filing a complaint has taken place the employee should contact the Office of EEO and/or file a complaint for retaliation.
- m. In the event of a finding of a violation of this policy, the Office of EEO will follow up with the Reporting Party within 60 days to ensure that the complained of behavior has ceased.

5. Complaints by Students or Involving Students

- a. If a student has a complaint of discrimination or harassment by another student, see Part I, Section C: Conduct Procedures for Students in the TTU Student Handbook. www.ttu.edu/studenthandbook.
- b. If a student has a complaint regarding discrimination or harassment involving a student organization, see Part I, Section D: Conduct Procedures for Student Organizations in the TTU Student Handbook. www.ttu.edu/studenthandbook.
- c. If a student has a non-employment based complaint of discrimination or harassment by an employee or student, the student should follow the processes outlined in Part II, Section C: Anti-Discrimination Policy in the TTU Student Handbook. www.ttu.edu/studenthandbook.
- d. Student employees having a complaint of discrimination or harassment in employment should follow the procedure set forth in the previous section of this policy.
- e. If an employee has a complaint of Sexual Misconduct against a student, the employee should contact the Dean of Students Office and/or file an incident report form, found at the Title IX website: <http://titleix.ttu.edu/students/>.
- f. This policy does not apply to grade appeals, regardless of the basis of the appeal. All grade appeals will be handled pursuant to the University's grade appeal policy. See OP 34.03: Student Grade Appeal.

6. **Complaints Involving Non-University Individuals**

- a. If a non-University individual has a complaint of discrimination or harassment by a student or University employee acting in the scope of his or her employment, the individual involved may file a report with either the Dean of Students Office or the Office of EEO, and the University may investigate and take steps to address the situation.
- b. If a student or University employee has a complaint of discrimination or harassment by a non-University party that affects the student's educational environment or the employee's work environment, the individual may make a report to the Dean of Students Office or the Office of EEO. The University may conduct an inquiry and take action, if possible, to prevent further misconduct. However, the University's response may differ for complaints regarding third parties based on the level of control the University has over the third party. Even though the University's ability to take direct action against a third party may be limited, the University may take steps to provide appropriate remedies for the employee and, where appropriate, the broader University Community.

7. **Retaliation**

Retaliation against a person who reports a potential violation under this policy, assists someone with a report of a violation, or participates in any manner in an investigation or in the resolution of a complaint made under this policy is strictly prohibited and will not be tolerated. Retaliation includes, but is not limited to threats, intimidation, reprisals and/or adverse actions related to an individual's employment or education. The University will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an investigation pursuant to this policy will not be subjected to retaliation. Individuals who believe they are experiencing retaliation are strongly encouraged to lodge a complaint with the University using the same procedure outlined in this policy.

Individuals who are found to have retaliated under this policy will be subject to disciplinary action, up to and including termination of employment, expulsion from the University, or being barred from University premises and events.

8. **Reporting Requirements**

All employees who witness or receive a report of unlawful discrimination or other violations of the law have the obligation to report such actions to their immediate supervisor, the Office of EEO, the Texas Tech Police Department, or other appropriate law enforcement authority. A supervisor who receives a report of discrimination shall notify the Office of EEO of such report.

For reporting requirements relating to claims of Sexual Misconduct, see OP 51.03: Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Complaint Procedure.

9. **Confidentiality**

The confidentiality of both the Reporting Party and the Responding Party will be honored by the University to the extent possible without compromising the University's commitment and obligation to investigate allegations of discrimination or violations of law, to protect the

University Community, and to the extent allowed by law. The willful and unnecessary disclosure of confidential information by anyone, including the Reporting Party, or Responding Party, may affect the integrity of the investigation.

10. **Interference with an Investigation**

Any person who knowingly and intentionally interferes with an investigation conducted under this policy is subject to disciplinary action up to and including dismissal or separation from the University. Interference with an investigation may include, but is not limited to:

- Attempting to coerce, compel, influence, or prevent an individual from providing testimony or relevant information;
- Divulging confidential information;
- Removing, destroying, or altering documentation relevant to the investigation; or
- Providing false or misleading information to the investigator, or encouraging others to do so.

11. **Training**

All employees must attend EEO non-discrimination and sex/gender discrimination training including sexual assault, sexual harassment, and campus crime mandated reporter training within the first 30 days of employment and receive supplemental EEO non-discrimination training every two years.

Employees are informed of the EEO policy through new employee orientation, EEO training sessions, this non-discrimination policy and other operating policies, and the placement of the EEO federal and state posters at various locations throughout the campus. Information about the Texas Tech EEO policy can also be obtained from Human Resources, at the Texas Tech University System EEO Office, at <http://www.texastech.edu/offices/equal-employment/>.

Students are informed of policies regarding non-discrimination at new student orientation and via the Student Handbook and other outreach, awareness, and educational programs offered by the University.

12. **Authoritative References**

- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Equal Pay Act
- Texas Labor Code Chapter 21
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act
- Rehabilitation Act of 1973
- Civil Rights Act of 1991
- Vietnam Era Veterans Readjustment Assistance Act of 1974
- Title II of the Genetic Information Nondiscrimination Act of 2008

13. **Right to Change Policy**

The University reserves the right to interpret, change, modify, amend, or rescind this policy, in

whole or in part, at any time without notice to or consent of its employees.

ATTACHMENT

3

TTUS Summary of proposed changes to
Regents' Rules, Chapter 10 (Intellectual Property)
and proposed amendments to Chapter 10 and OP 74.04
(Office of General Counsel memo and attachments)
(Academic, Clinical and Student Affairs, item #15)



TEXAS TECH UNIVERSITY SYSTEM
Office of the General Counsel™

CONFIDENTIAL - ATTORNEY-CLIENT PRIVILEGE

MEMORANDUM

TO: Regents Rules Committee

FROM: John Huffaker, Vice Chancellor and General Counsel

SUBJECT: Regents' Rules Chapter 10 and Texas Tech University OP 74.04

DATE: September 21, 2015

This will provide a summary of changes to Regents' Rule 10 which governs Intellectual Property. With this summary you will receive the proposed rule in full. (A "redline" version is also available if you would like. In addition to many substantive changes, many provisions have move rendering the reline version a bit cumbersome, but we have such a document and will happily provide it upon request.) An important part of development of the revisions to Rule 10 has been a parallel process extensively involving the TTU Faculty Senate which has led to revisions to TTU Operating Policy 74.04. Because that process has been integral to the revisions of Rule 10, we make reference here to some of those important changes. (And, this proposed rule is also available for your review if needed.)

Introduction and Status

Current Rule 10 was last revised in 2008. The 2015 revisions to Rule 10 reflect the work of several constituencies. The Office of Research Commercialization ("ORC"), the Vice Presidents for Research, the Provosts and other administrators have provided helpful input. The faculty senates at Texas Tech University, Angelo State University and the Texas Tech University Health Science Center have also reviewed and approved the changes. (Currently, there is no separate Faculty Senate at Texas Tech University Health Science Center at El Paso. El Paso faculty is represented in the existing TTUHSC Faculty Senate.) The TTU Faculty Senate has been particularly involved. When proposed Rule 10 came under review by the Texas Tech University Faculty Senate, in addition to changes to the Rule, the Senate also suggested substantial revisions to OP 74.04. Working with the Texas Tech University

Faculty Senate has resulted in two documents which, together, strike an appropriate balance with respect to intellectual property and which are ready for submission to the Board of Regents.

Highlights and Points of Interest 2015 Proposed Rule 10 and TTU OP 74.04

Scope

As with prior versions of Regents' Rule 10, the proposed documents deal with intellectual property in its many varied forms including, but not limited to, patentable discoveries and copyrightable materials.

Ownership Issues

In proposed Rule 10, the key statements of ownership are Sections 10.03.1 and 10.03.3. To fully understand those Sections, one should consult the definitions in Section 10.02. Section 10.03.1 sets up a dichotomy for determination of ownership. In that section, it should be noted that "covered persons" and "TTUS resources" are defined terms. While the definition of "TTUS resources" is broad (Section 10.02.16), the definition notes that "incidental" usage of TTUS resources is not sufficient to qualify under that definition. While this dichotomy may introduce some ambiguity, the concept included here represents a negotiated balance necessitated by the particular nature of employment of academic faculty.

Against that background, Section 10.03.1 provides automatic ownership by TTUS for intellectual property created by covered persons with the use of TTUS resources or during the course of their university responsibilities. However, intellectual property that is developed on a covered person's own time without the use of TTUS resources is not owned by TTUS or the component university. In OP 74.04, the same concepts are contained in paragraph 2. As in current policy, third-party research agreements may provide different ownership and, in such cases, the third-party research agreements will govern.

Copyrightable Material

The ownership of copyrightable works is described in Section 10.03.3 of proposed Rule 10. The provision contains current exceptions related to traditional academic activity. Copyrightable material which qualifies as "work for hire" will be owned by the university. See proposed Rule 10, Section 10.03.3 (d). However, provisions in proposed Rule 10 and proposed OP 74.04 seek to clarify faculty work which is (or is not) work for hire. Those clarifications are in proposed Rule 10, Section 10.02.14 and OP 74.04, Section 11 (i). Taken together, the general statement of ownership for copyrightable works and the clarification

of work for hire is intended to recognize traditional views regarding academic copyrightable materials and course preparation. With respect to teaching materials, however, TTU does reserve a license for instructional use. See proposed Rule 10.03.3(a)&(f).

Distance Learning

Both proposed Rule 10 and proposed OP 74.04 seek to bring clarity to the ownership of distance learning course content. A definition of distance learning has been included in proposed Rule 10, Section 10.02.5 and proposed OP 74.04, Section 11(b) and a clarification of ownership with respect to distance learning material is a part of Section 10.03.3 (f) and proposed OP 74.04, Section 15a.(5).

Disclosure of Intellectual Property to the ORC

Proposed Rule 10 articulates a broad duty of disclosure of intellectual property by creators (see Section 10.05).

Revenue Sharing

Current Regents' Rules Chapter 10 has a "three-tiered" formula for revenue sharing based on accumulated net revenue. The revised formula for revenue sharing in proposed Rule 10 (Section 10.12.2) is a single-tier approach providing 40% of net revenue to the creator.

In situations in which a disclosure is made to the Office of Research Commercialization (ORC) and the ORC determines that the university will not continue to pursue commercialization, provisions continue to provide for release of the intellectual property back to the creator. That provision in proposed Rule 10 is Section 10.08.1. If the university releases the intellectual property back to the creator, the university may retain a share of net revenue not to exceed 5%. However, the university reserves the ability to recover any out-of-pocket costs it generated with outside parties to protect the intellectual property.

Conflicts and Consulting

Proposed Rule 10 speaks to outside consulting activities and the extent to which such activities raise a conflict of interest. Proposed OP 74.04 similarly addresses this issue in Section 5. Neither proposed Rule 10 nor proposed OP 74.04 attempt to add additional rules for consulting or conflicts. However, both documents appropriately point the reader to existing conflict and consulting rules. For example, Texas Tech University has several relevant rules, including OP 10.20, an "over-arching" conflict of interest and commitment policy, OP 32.07 (Other Employment, Faculty Consulting, and Public Offices) and OP 74.17 (Disclosure of Significant Business or Financial Interests that may Represent Conflicts of Interest).

Miscellaneous Issue

Because proposed Rule 10 and proposed OP 74.04 create a broad duty of disclosure to the Office of Research Commercialization, the new rules also require the ORC to respond to disclosures with some indication of interest or lack thereof within 90 days of disclosure.

Chapter 10 -- Intellectual Property Rights 9/10/2015

10.01 Statement of basic philosophy and objectives.

10.01.1 The creation and development of intellectual property is a valued aspect of scholarship (e.g. teaching, inquiry-driven learning, research). Further, research is a core element of new knowledge generation, discovery, and public benefit.

Research is part of the core mission of faculty and as such is central in the evaluation of faculty for tenure and promotion. Accordingly, the creation of intellectual property is one form of scholarship faculty can point to in their applications for tenure and promotion. This Chapter of the Regents' Rules and related operating manuals are intended to adhere to cherished principles that enhance academic freedom of discovery, while providing a clear pathway to pursue commercialization for those faculty members interested in this aspect of scholarship. The purpose of the policy is to outline the respective rights and responsibilities that members of the faculty, staff, and students have in intellectual property created while they are affiliated with TTUS.

10.01.2 This policy anticipates that the scholarly efforts of TTUS, faculty, staff, and students may result in intellectual property that is potentially marketable and benefits humanity.

10.01.3 A good faith relationship between intellectual property the creators and TTUS is essential. Therefore, in the development and disposition of inventions, TTUS will respect creator wishes to the degree consistent with other priorities expressed in this policy.

10.01.4 It is the policy of the board to encourage scholarly activity without regard to potential gains from royalties and other forms of income. It is further board policy, however, that, to the extent and to the degree described in this policy, intellectual property owned by TTUS which has commercial value should be appropriately exploited to further the mission of TTUS. In all cases, however, the property rights of the affected individuals or entities may be subject to TTUS obligations under grants, contracts, or research agreements with governmental agencies, individuals, and non-governmental entities.

10.01.5 The Office of Research Commercialization of Texas Tech University (the “ORC”) or any successor office thereof and its Director (the “ORC Director”) are charged with the system-wide responsibility of implementing and executing board policy with respect to commercialization of intellectual property.

10.01.6 This revision of Chapter 10 of the Regents’ Rules replaces the revision of Chapter 10 enacted 12/12/2008, effective immediately upon approval by the board.

10.02 Definitions. For the purposes of this policy, the following terms are defined as follows:

10.02.1 “Commercialization.” The process of producing revenue by licensing or otherwise contracting regarding intellectual property or assigning ownership of intellectual property to a third party for the purpose of developing it into a commercial product or service.

10.02.2 “Copyrightable Work.” An original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or

with the aid of a machine or device, including but not limited to, books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, and pictorial and graphical works. A copyrightable work may be the product of a single author or a group of authors who have collaborated on a project.

- 10.02.3 “Covered Person.” Any person employed by TTUS, including undergraduate and graduate students, to the extent their employment responsibilities relate to or result in the development of intellectual property, and any person using TTUS resources or under the supervision of TTUS personnel. Without any intent to limit the scope of persons included, this definition also includes adjunct and visiting faculty, as well as persons pursuing post-doctoral fellowships and persons assisting or engaging in research under the direction and supervision of faculty.
- 10.02.4 “Creator.” An individual or group of individuals or entity or group of entities subject to this policy who invent(s), develop(s), or author(s) intellectual property.
- 10.02.5 “Distance Learning.” Instruction in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A course is considered a distance education course if students receive more than one-half of the instruction at a different location than the instructor. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s) through electronic correspondence or other means.
- 10.02.6 “Intellectual Property”. Collectively, all forms of patented and unpatented inventions, tangible research property, copyrightable

works, copyrights, trademarks, and trade secrets. The term also includes copyrightable or copyrighted works which are TTU system administration or component institution manuals, materials or other works, such as software, which may be a part of or embedded in a larger comprehensive design, system or device.

- 10.02.7 “Invention.” A process, method, discovery, device, plant, composition of matter, software, technology or other work that reasonably appears to qualify for protection under United States patent law, chip design protection law or plant protection schemes, whether or not actually patentable.
- 10.02.8 “Office of Research Commercialization” or “ORC.” The administrative mission of the TTU Office of Research Commercialization is to promote the transfer of TTUS intellectual property for society's use and benefit, while generating income to support TTUS research and education. The ORC is responsible for administration and implementation of the TTUS intellectual property program; assisting and advising TTUS faculty, staff, and students with regard to matters covered by this policy; and providing leadership and support through public and private sector engagement.
- 10.02.9 “ORC Director”. The Director, Office of Research Commercialization in the Office of the Vice President of Research, Texas Tech University.
- 10.02.10 “Policy.” This Chapter of the Regents’ Rules.
- 10.02.11 “Software.” In this policy the term “software” is used in its broad sense to refer to any computer program that may be copyrightable or patentable.

- 10.02.12 “Sponsored Research Agreement.” A grant or contract supporting TTUS research between TTUS and the federal government (or an agency thereof), a state or other governmental agency, a nonprofit or for-profit non-governmental entity, or an individual.
- 10.02.13 “Tangible Research Property.” Tangible items produced in the course of research including but not limited to such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of tangible research property may be associated with one or more intangible properties, such as inventions, copyrightable works and trademarks.
- 10.02.14 “Trademark” (including “service mark”). A distinctive word, design, or graphic symbol, or combination of words, designs, or graphic symbols that distinguish and identify the goods and services of one party from those of another, such as names or symbols used in conjunction with products, services, programs, plant varieties or computer programs.
- 10.02.15 “Trade secrets.” The whole or any part of any scientific or technical information, design, process, procedure, formula, or improvement that has value and that the owner has taken measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes.
- 10.02.16 “TTUS Resources.” TTUS funds (including without limitation, funds derived from outside grants, contributions and research contracts), supplies, facilities, computer systems (hardware and software), space, tangible and intangible property, and personnel. In this policy, the

phrase “use of TTUS resources” does not apply to the incidental use of such resources. The use of TTUS Resources by students as permitted by the terms of their enrollment and not in connection with the students’ employment related to or resulting in the development of intellectual property, assisting or engaging in research under the direction and supervision of faculty, or in connection with a TTUS sponsored research agreement, is considered incidental use.

10.02.17 “Work for Hire.” A work specially ordered or commissioned by TTUS for use as an institutional document or a contribution to a collective work, including as a part of a motion picture or other audiovisual work, as a translation, as a supplementary work, as a compilation, as an instructional text, as a test, as answer material for a test, or as an atlas. The term also includes software, computer programs or written instructions, protocols or training aids created by TTUS employees as a regular part of their duties. For faculty, works for hire are works derived from defined tasks that fall outside the normal teaching and research mission of the university. Work that occurs within the normal scope of academic employment in the teaching and research mission of the university may be “work for hire” when accomplished pursuant to written directive and agreement.

10.03 **Ownership.**

10.03.1 Except as specifically provided in research agreements sponsored by third parties, and as provided in Section 10.03.3, intellectual property created by covered persons with the use of TTUS resources or during the course of covered persons’ TTUS responsibilities is automatically owned by TTUS. All covered persons must, and do hereby, assign their rights in such intellectual property to TTUS. Intellectual property that is developed on a covered person’s own time without TTUS

support or use of TTUS resources is not owned by TTUS. Ownership of intellectual property developed under a sponsored research agreement or other funding arrangement shall be determined in accordance with the terms of the sponsored research agreement or other agreement, or, in the absence of such terms, is owned by TTUS.

10.03.2 Consulting Activities. TTUS encourages external faculty consulting as an effective mechanism for professional development and/or establishing good relationships with the public and private sector, including industry. However, a consulting agreement between a creator and a potential user, assignee or licensee of intellectual property developed by the creator creates an inherent conflict of interest. Any creator who is a party to such a consulting agreement must fully disclose the existence and terms of such agreement to the creator's immediate supervisor and, with respect to intellectual property disclosed to the ORC, such disclosure to the ORC must include full disclosure of such conflict. Before entering into a consulting agreement, the TTUS employee must ensure that rights to intellectual property owned by TTUS are not compromised or lost as a result of the consulting activities. Further, consulting activities must not violate TTUS rules, regulations or policies or violate federal or state law.

10.03.3 Ownership of copyrightable works. TTUS encourages the preparation and publication of copyrightable works that result from teaching, research, and scholarly and artistic endeavors by TTUS faculty, staff and students. TTUS recognizes faculty, staff, and students' freedom with respect to their copyrightable works, consistent with their obligations to TTUS. Copyrightable works may be created under a variety of circumstances that impact the ownership and subsequent management thereof, as follows:

- a. Books, articles and similar works. In keeping with academic tradition, and except to the extent required by the terms of any valid funding or work for hire agreement, TTUS does not claim ownership to pedagogical, scholarly or artistic works, regardless of their form of expression. Such works include but are not limited to (i) faculty-prepared works such as syllabi, textbooks, course materials, course lectures and refereed literature; and (ii) works of students created in the course of their education, such as dissertations, papers and journal articles. However, all faculty-prepared pedagogical, scholarly or artistic works are subject to, and TTUS does hereby retain, a non-exclusive right to utilize such works for student instructional purposes. TTUS claims no ownership in popular non-fiction, novels, poems, musical compositions or other works of artistic imagination that are not work for hire. If title to copyright in works defined within this section vests in TTUS by law, TTUS will, upon request and to the extent allowed by law, convey copyright to the creators of such copyrightable works.
- b. Further, nothing in this section is intended to change the traditional manner in which TTUS faculty, staff and students assign the copyright ownership of works intended for publication in scholarly journals.
- c. TTUS reserves the right to record faculty lectures and to allow students registered for the class for which the lecture was given to view recorded lectures that may be posted online.
- d. Work for hire. Except as provided in Section 10.03.3(a), TTUS shall retain ownership of all copyrightable works for hire.

e. Works developed with use of TTUS resources:

- (1) Except as stated above in Section 10.03.3(a), copyrightable works that are not works for hire but are works that are developed with use of TTUS resources are owned by TTUS and must be disclosed to the ORC. In the case of a disagreement as to whether a work fits into this Section the Provost of the component institution shall make a determination.
- (2) Copyrightable works that are not works for hire but are works that are developed under a sponsored research agreement or other funding arrangement, shall be determined in accordance with the terms of the sponsored research agreement or other agreement, or, in the absence of such terms and to the extent consistent with copyright law, are owned by TTUS.

f. Distance learning course content generally will be treated as traditional course content. However, such content and materials may be “work for hire” if developed under a work for hire arrangement. With respect to all distance learning course content, whether work for hire or not, TTUS automatically retains a payment-free license for use of all or part of such content for use in its ongoing teaching and research mission. In the case of distance learning course content which is work for hire, such license shall be exclusive unless otherwise agreed in writing.

g. Copyrightable works not owned by TTUS. Creators of copyrightable works that are not owned by TTUS own the

copyrights in their works and are free to publish them, register the copyright, and to receive any revenues that may result from publication of the works. Copyrightable works to which TTUS has no ownership rights may be submitted for publication and published by TTUS. Upon acceptance by TTUS for publication, the creator shall transfer copyright of the work to TTUS, with reference to the specific TTUS publication. The ORC Director is authorized to execute and shall maintain a record of all such copyright transfer agreements.

10.04 **Research involving third party.** Provisions for the control of and compensation for intellectual property under sponsored research agreements must be consistent with this policy. However, nothing in this policy shall preclude acceptance of a contract, grant or agreement that provides for ownership of intellectual property by the third-party sponsor under terms acceptable to TTUS, including adequate compensation to TTUS.

10.04.1 The ORC, in cooperation with the respective component institution's Research Services Office or Sponsored Programs Office, shall coordinate reporting requirements and other obligations to research sponsors developed under a sponsored research agreement, including but not limited to obligations to the federal government under 37 CFR Part 401.

10.04.2 The ORC Director shall approve all sponsored research agreements that provide for the ownership of TTUS intellectual property by a third-party sponsor.

10.04.3 This policy acknowledges that research conducted by TTUS may be funded in part or in whole by the United States government and that ownership of intellectual property derived therefrom is governed by

federal law and regulations. To the extent that such law and regulations allow for transfer of ownership of such intellectual property back to TTUS or the creator, the ORC, in cooperation with the component institution's Research Services Office or Sponsored Programs Office will assist in making applications for transfer of ownership.

10.05 Disclosure of intellectual property. Except for the exclusions identified for certain copyrightable works in Section 10.03.3, all intellectual property created by covered persons, including intellectual property developed through sponsored research agreements and consulting contracts, shall be promptly disclosed to the ORC by the creator and an Assignment of Rights form shall be executed. Disclosure and assignment shall be made on a form prescribed by and available from the ORC. Creators shall cooperate with TTUS and the ORC in protecting TTUS intellectual property rights in the invention.

10.06 Offers to assign external intellectual property to TTUS. If an individual or entity chooses to offer to TTUS intellectual property in which TTUS has no claim, TTUS may accept an ownership or other interest in the intellectual property (subject to Regents' Rules Chapter 06 provisions concerning gift acceptance, if the offer is intended to be a gift), provided:

10.06.1 The offeror agrees to all provisions (including distribution of income provisions) of this policy;

10.06.2 The offeror warrants that it owns all right, title and interest to the intellectual property, and that to the best of its knowledge, neither the intellectual property nor its transfer infringes upon any existing copyright or other legal rights.

10.06.3 The ORC will decide whether to accept or reject such offers (or, in the case of gifts, whether to recommend the chancellor approve acceptance of the gift).

10.06.4 Should TTUS agree to accept the offer of intellectual property, the offeror must execute an ORC assignment agreement transferring all right, title, and interest or other agreed rights in the intellectual property to TTUS, and acknowledging that the individual or entity agrees to all provisions of this policy. In cases in which the offeror has already expended funds toward obtaining patent or other legal protection for the intellectual property, the offeror and TTUS may negotiate terms to allow recovery of documented legal and/or patent expenses from license fees, royalty, and other income, and normal revenue sharing provisions under this policy will be modified until such expenses are recovered by the party entitled to recover of the expenses. The portion of revenue ordinarily allocated to a department or unit under Section 10.12.2 shall be allocated to the ORC. Further, to the extent such intellectual property is subject to ownership by the United States government, but is subject to release pursuant to federal law, the ORC shall assist in obtaining such release.

10.07 **Acquisitions of intellectual property in connection with new employee.** To the extent a component institution proposes to provide separate compensation to a new faculty or research employee or the employee's previous employer for intellectual property owned by the employee or another institution, the component institution shall advise the ORC of the nature, value, and patent status of such intellectual property at the time of employment.

10.08 **Assessments by the ORC.** The ORC shall assess the potential value of intellectual property to TTUS; the rights and equities of the creator, TTUS, and any third parties; and the required actions to maximize the benefits of any

intellectual property to the public, TTUS, and the creator. Once an invention disclosure has been made to the ORC, the ORC shall respond to the creator(s) in writing within 90 calendar days of the date of disclosure of its desire to pursue commercial development of the intellectual property. The ORC is authorized to waive TTUS rights in intellectual property in the exercise of its sound discretion. If the ORC decides not to pursue commercial development of disclosed intellectual property, it shall notify the creator in writing and, upon written request from the creator, shall release TTUS ownership rights as provided as follows:

- 10.08.1 Provisions for release of rights to creators. Absent a contractual obligation to a third-party, TTUS may release its intellectual property ownership rights to a creator by written agreement, with the following provisions:
- a. TTUS shall retain a perpetual, royalty-free license to use the intellectual property, and any corresponding patents or copyrights, for non-commercial purposes, including research, education, and service.
 - b. TTUS shall retain the right to a specified share of revenue [not to exceed 5%] generated from commercialization of the released intellectual property after the creator has recovered documented legal and other expenses incurred toward obtaining patent or other legal protection for the intellectual property, the amount to be negotiated prior to the release. If TTUS incurred expenses toward analyzing or obtaining patent or legal protection for the released intellectual property prior to the release, the written agreement must provide for reimbursement of such costs to TTUS either by payment at the time of release or by agreement for TTUS to retain a revenue percentage in excess of 5%. Should the ORC and the creator be unable to agree on the terms of the release, the matter

shall be finally resolved using the process outlined in Section 10.15.

- c. In the case of release of rights to the creator, the creator is not entitled to a share of net revenue received by TTUS under Section 10.12, and the share of net revenue ordinarily allocated to the creator will be divided among the ORC, component institution, department and unit, on a pro-rata basis.

10.09 Reasonable Cooperation. With respect to intellectual property TTUS has elected to develop, creator shall cooperate with the ORC and assist the ORC in its development efforts. In addition, the creator shall sign such development assignment, license or other agreements and documents as may be reasonably necessary to actively develop the commercial potential of the intellectual property. TTUS, in any development, assignment, licensing or other agreement, shall, to the maximum extent possible, protect the creator's right to continue to conduct basic and tangential research and publish such research. Any publication of the intellectual property the creator makes prior to securing patent or other legal protection for the intellectual property may limit TTUS from obtaining intellectual property protection through the United States Patent and Trademark Office, the United States Copyright Office, and through foreign patent and copyright agencies. TTUS is not liable for, and creators agree to hold TTUS harmless for, any loss of intellectual property associated with the creator's publication of the intellectual property.

10.10 Implementation of Intellectual Property Agreements.

10.10.1 The ORC Director shall execute license agreements using a prescribed license agreement template that has been approved by the TTUS Office of General Counsel. In addition, the following guidelines apply to license agreements (including those with entities formed primarily

for the purpose of developing and/or commercializing intellectual property created at TTUS), subject to the terms of any sponsored research agreements or other contracts related to the intellectual property. The ORC will negotiate grants of rights of first option for the development and commercialization of TTUS intellectual property on a case-by-case basis in accordance with Section 10.10.3.

10.10.2 The ORC Director is authorized to negotiate and execute non-disclosure agreements related to ORC business, inter-institutional agreements, powers of attorney for patent filings, patent and copyright documents, license agreements, precludes to license agreements (including option agreements and memorandums of understanding), assignments of intellectual property related to inter-institutional agreements, material transfer agreements, copyright transfer agreements, and releases of TTUS intellectual property rights to creators in accordance with TTUS Regents' Rules, policies, and regulations, and shall consult with the chancellor and the vice president for Research or other appropriate component institution officer and the Office of General Counsel when extraordinary factors are part of the agreement being negotiated. The ORC shall maintain records of all documents executed by the ORC Director. The authority to execute such documents that involve a commitment of funds or resources is restricted to documents that have been approved by the vice president for research (or the equivalent of that position) of the component institution at which the creator is employed, and approved as to form, law, and compliance with the Regents' Rules and applicable policies by the vice chancellor and general counsel.

10.10.3 An individual or entity that is granted exclusive rights to develop or commercialize intellectual property that is patentable should be required to reimburse TTUS for all expenses incurred by TTUS in

pursuing a patent and, if a patent has not been obtained, must be required to prosecute and bear the expense of obtaining patent protection for the benefit of TTUS and, in either event, the individual or entity should be required to take all actions necessary, including reasonable litigation, to protect and preserve such patented rights from infringement.

10.10.4 An individual or entity may be granted a right of first option for the development and commercialization of intellectual property created at TTUS. Such agreements may only grant rights on a specific-project basis, and shall be subject to the following restrictions:

- a. Any grant of a right of first option must be authorized by the vice president for research with approval by the ORC Director.
- b. The right must exclude work where the underlying research has or will be sponsored by another party and such a right is granted as a condition for such sponsorship.
- c. The right must have limited duration to allow for assessment of relationship and relative effectiveness in moving technologies to market.

10.10.5 Equity and other non-monetary returns. TTUS may negotiate, but shall not be obligated to negotiate, for equity interests and other non-monetary returns (“equity and other consideration”) in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to intellectual property. Revenue from equity interests shall be distributed, upon payment, in accordance with Section 10.12.

- a. TTUS may receive equity and other consideration under terms that restrict its ability to sell, distribute or otherwise deal with that consideration. In such cases, any restrictions on TTUS' interest shall be equally applicable to the interest of the creator, unless waived or varied in writing and signed by the ORC Director and the creator.
- b. After notice to a creator's supervisor, and subject to any relevant policies, TTUS may enter into agreements with creators for ownership of equity interests by creators to the extent authorized by Section 51.912, *Texas Education Code*, as that Section may be amended from time to time.

10.10.6. TTUS does not act as a fiduciary agent or provide legal advice for any person concerning intellectual property agreements or equity or other consideration negotiated under the terms of this policy.

10.11 **No restriction on future research.** No agreement by TTUS may provide, and no agreement may be deemed to imply, any restriction on future research, development or improvements by TTUS of any intellectual property, product or process which is the subject of such agreement. Further, no such agreement shall be deemed to create a conflict of interest which in any way, will preclude future development of any intellectual property by TTUS.

10.12 **Distribution of revenue from intellectual property agreements.**

10.12.1 When TTUS elects to protect intellectual property in its name, it shall award the creator a reasonable share (as set forth below) of net proceeds from royalties or other income or value after deduction of the directly assignable costs including patenting, copyrighting, marketing, licensing and protection of intellectual property rights.

10.12.2 The following provisions govern the distribution of royalties and other income from TTUS owned intellectual property, including but not limited to assignment fees, license fees, prepaid royalties, minimum royalties, running royalties, milestone payments, sublicense payments, and payments received by TTUS as a result of a settlement agreement or litigation related to enforcement of TTUS’ rights in intellectual property (“revenue”), after TTUS has recouped all costs associated with protecting the intellectual property, and enforcing TTUS’ rights relative to the intellectual property, including processing the patent or copyright application; marketing and licensing the technology; and any costs that may be associated with the enforcing TTUS’ rights in intellectual property (“net revenue”):

Distribution of Net Revenue

<i>Creator(s)</i>	<i>ORC</i>	<i>TTUS</i>	<i>Department</i>	<i>Unit***</i>
40%	30%	10%	*	10%

*TTUS refers to component units
 **Department, center, or institute
 ***College or School

10.12.3 For intellectual property assigned to TTUS for the purpose of commercialization under Section 10.06, the creator shall be entitled to 60% of net revenue, and the remaining 40% of net revenue (or more if the creator does not agree to accept 60%) shall be distributed as agreed by the officers of the component institution, Department and Unit. If the officers are unable to agree, the remaining net revenue shall be divided equally between the ORC and the applicable component institution, department, and unit.

- 10.12.4 Under extraordinary circumstances, the distribution of net revenue may be changed with the written approval of the president of the applicable component institution.
- 10.12.5 Net revenue is to be distributed as the net revenue is received; taking into account previously paid distributions. Funds distributed to the department and unit will be placed in unrestricted accounts under their control. Such funds will not be used to substitute for funds budgeted for expenditure in the routine annual operating budget which is approved by the board. If a covered person entitled to net revenue is no longer employed by TTUS, distributions will be made in accordance with TTUS accounts payable rules. If a covered person entitled to net revenue dies while still employed by TTUS, payments will be made in accordance with TTUS payroll rules concerning the death of an employee. Distributions made to a creator under this policy are not considered compensation for purposes of calculation of benefits which the creator otherwise receives under any benefit plan provided by TTUS or the State of Texas.
- 10.12.6 If TTUS receives revenue as a result of settlement or litigation related to the enforcement of TTUS' rights in intellectual property, such revenue will first be used to reimburse TTUS for expenses related to such actions. The creators are entitled to a portion of the remaining net revenue according to the distribution formulas outlined in this Section.
- 10.12.7 In the event of multiple creators, the creators must reach an agreement as to the allocation of their distribution percentage consistent with the terms of this policy. Such final determination of each creator's share shall be made by written agreement signed by all parties and filed with the ORC. In the event that creators are unable to agree as to the

allocation percentage, the ORC shall apply equal distribution percentages among the creators.

10.12.8 In the event of multiple component institutions or the involvement of the TTU system administration, the chief executive officers of the component institutions and, if applicable, the TTU system administration, must reach an agreement as to the allocation of their distribution percentage consistent with the terms of this policy. In the event an agreement cannot be reached, the ORC shall apply equal distributions among the entities.

10.12.9 This policy recognizes that in addition to the traditional academic units such as departments and colleges, research, and specifically interdisciplinary research, can be sponsored by other academic units, such as centers and institutes.

a. In such instances, because of the many different combinations that may occur, this policy does not specifically provide how net revenue is to be allocated. It is, however, the intent of this policy to allocate net revenue to the units that provided the substantial level of support that triggers TTUS' ownership of the intellectual property. The policy encourages voluntary agreements between such units prior to the development of intellectual property (to allocate the percentage of net revenue that is appropriate for each unit). If no agreement can be reached prior to the generation of revenue, the chief executive officers of the applicable component institution will resolve the allocation issue.

b. The division of net revenue from patents and copyrights managed by a patent or copyright agent will be controlled by TTUS'

agreement with such agent, as approved by the board. Any deviation requires the prior approval of the board.

10.13 Distribution of revenue from commercialization of copyrightable works.

10.13.1 Net revenue from commercialization of copyrightable works is the property of the TTUS component from which the work emerged. Net revenue received from commercialization of copyrightable works will be calculated as described in Section 10.12, and distributed as follows:

- a. Work for hire: The component unit funding the work for hire shall be entitled to all net revenue from distribution or commercialization of work for hire.
- b. When a component unit conducts the commercialization or distribution of the copyrightable work, the distribution of net revenue after expenses of creation and distribution shall be as follows: 50% to the component unit and 50% to the creator. In the event of multiple creators, the creators must reach an agreement as to the allocation of their distribution percentage consistent with the terms of this policy. Such final determination of each creator's share shall be made by written agreement signed by all parties and filed with the component unit's contracting office. In the event the creators are unable to agree as to the allocation percentage, the component unit shall apply equal distribution percentages among the creators.
- c. Works developed with use of TTUS resources: In cases where the ORC conducts the commercialization or distribution of the copyrightable work on behalf of TTUS, the distribution of net

revenue shall be made in accordance with steps outlined in Section 10.12.

10.14 **Trademarks.** In most situations, a TTUS trademark identifies an item of intellectual property, such as a computer program or a plant variety. In other situations, a TTUS trademark identifies an educational, service, public relations, research, training, or athletic program of a TTUS component unit. Except to the extent the trademark is licensed to a third party, TTUS, or the applicable component unit, owns all right, title and interest in trademarks related to an item of intellectual property owned by the component unit, or to a program of education, service, public relations, research, training program or athletic program of a component unit. All income from the licensing of a TTUS trademark not licensed to a third party shall belong to the component unit.

10.15 **Complaint procedure.**

10.15.1 The purpose of these procedures is to address complaints of covered persons related to the actions or decisions made in accordance with this policy and to provide a mechanism for resolving them.

Complaints regarding intellectual property shall be administered by the ORC Director as set forth herein.

a. Any covered person shall have the right to a hearing for redress of complaints through established channels.

b. The time periods for action prescribed in these procedures are guidelines only, but should be followed unless a request for extension is granted for good cause by the vice president for research of the applicable component institution. In granting extensions, the ORC Director may give consideration to any extension agreements made by the parties.

10.15.2 The complainant will present a written description of the complaint, with appropriate supporting documentation, and a proposed resolution to the ORC Director within 14 calendar days after the complainant becomes aware of the action constituting the complaint. The complainant and ORC Director will meet within 14 calendar days of receipt by the ORC Director and attempt resolution of the complaint. If resolution is not reached, the ORC Director's written decision will be provided to the complainant within 3 calendar days after the meeting. If the decision is not acceptable to the complainant, or if the ORC Director does not render a written decision within 3 calendar days, the complainant may proceed as set forth below.

10.15.3 Appeal to the president.

a. The appeal procedure is initiated by the complainant providing a written request to the president of the applicable component institution asking that the decision of the ORC Director be reviewed.

(1) The complainant will provide copies of the original complaint, with appropriate supporting documentation, a copy of the written decision of the ORC Director and a proposed resolution.

(2) The appeal to the president shall be filed within 14 calendar days of the complainant's receipt of the written decision of the ORC Director, or, in the event the ORC Director fails to render a timely decision, then within 17 days of the meeting held pursuant to Section 10.15.2.

- b. The president will consider all materials submitted and render a written decision to the ORC Director and the complainant, within 15 calendar days of receipt of the written request. The decision of the president is final.
- c. The ORC Director and complainant may agree to a resolution of the complaint at any time from institution of the complaint until receipt of the president's decision.

10.16 Reports to the board.

- 10.16.1 At least once a year, coincidental with a regular board meeting, the ORC Director shall prepare for the chancellor and the board a report listing the titles and a brief description of each intellectual property disclosure received since the last report, all license and assignment agreements entered into by the ORC, and the status of existing license and assignment agreements, including the distribution of revenues earned from such agreements.
- 10.16.2 Board notification of employee participation in business entities. Any request by a TTUS employee to participate as an employee, officer or member of the board of directors of a business that has an agreement with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest must be reported to the chancellor by the component unit through which the individual is employed, and will be submitted as a consent item to the board meeting agenda.
- 10.16.3 Reports to the State of Texas. In compliance with Section 51.912, *Texas Education Code*, as that Section may be amended from time to time, the board must file a report identifying all employees who have

an equity interest in or serve as employees, officers, or members of the board of directors of business entities that have agreements with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest. The report will be filed in accordance with the requirements of Section 51.005, *Texas Education Code*. The ORC Director will submit the report through the chancellor or his/her designee to the Office of the Board of Regents. The Office of the Board of Regents will obtain the signature of the chair and will transmit the report to the Governor's office and other required entities.

ATTACHMENT

4

TTUS Summary of proposed changes to
Regents' Rules, Chapters 01 and 06
and proposed amendments to Chapters 01 and 06
(Consent, item #d)

Amendments to Chapters 01 and 06 ... to conform the *Regents' Rules* to changes made by the Texas Tech system clean-up bill

S.B 907, 84th Legislature, Regular Session — the Texas Tech system clean-up bill — was enacted, signed into law by the Governor, and took effect on June 11, 2015.

As a result, there are sections of Chapter 01 (Bylaws) and Chapter 06 (Institutional Advancement) of the *Regents' Rules* that need to be revised in order to conform those provisions to the new section numbering and language of Chapters 109 and 110, *Texas Education Code*.

None of the revisions to be made to the *Regents' Rules* make any substantive change in policy, as all are either:

- updates of citations that refer to sections of the relevant *Texas Education Code* statute, or
 - non-substantive wording changes to mirror new language in the relevant state law.
-

Amend Chapter 01 (Bylaws), *Regents' Rules*, as follows:

01.02 **Governance**

01.02.1 Authority

- a. The Legislature, in Chapters 109, 109A, 110, and in Section 51.352, *Texas Education Code*, has delegated to the Board of Regents of the Texas Tech University System the power and authority to govern, control, and direct the policies of the Texas Tech University System.
- b. Section 109.001, *Texas Education Code*, states that the board "by rule may delegate a power or duty of the board to an officer, employee, or other agent of the board."
- c. Section ~~[109.23]~~ 109.004, *Texas Education Code*, requires the board to "[~~provide~~] appoint a chief executive officer, who shall devote [~~his~~] the officer's attention to the executive management of the university system and who shall be directly accountable to the board for the conduct of the university system. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that

other institution or facility." The board has determined that the chancellor is the chief executive officer of the TTU system.

- d. Section 110.01, *Texas Education Code*, states that "Texas Tech University Health Sciences Center is a separate institution and not a department, school, or branch of Texas Tech University but is under the direction, management, and control of the Texas Tech University Board of Regents."
- e. Section 110.02, *Texas Education Code*, states that "The board of regents has the same powers of [~~direction, management, and~~ governance, control, jurisdiction, and management over the Health Sciences Center as [~~they exercise~~] it exercises over the Texas Tech University System and its components. [~~However, the board shall act separately and independently on all matters affecting the Health Sciences Center as a separate institution.~~]"
- f. Section 110.31, *Texas Education Code*, states that the "Texas Tech University Health Sciences Center at El Paso is a component institution of the Texas Tech University System under the direction, management, and control of the board of regents." This section further states that, TTUHSC El Paso "is not a department, school, or branch of any other institution in the system."
- g. Section 110.32, *Texas Education Code*, states that the "board of regents has the same powers of [~~direction, management, and~~ governance, control, jurisdiction, and management over the Texas Tech University Health Sciences Center at El Paso as the board of regents exercises over the other component institutions of the Texas Tech University System."
- h. Section 109A.001, *Texas Education Code*, states that "The university [*Angelo State University*] is a component institution of the Texas Tech University System and is under the management and control of the board of regents of the Texas Tech University System. The board of regents has the same powers and duties concerning Angelo State University as are conferred on the board by statute concerning Texas Tech University and Texas Tech University Health Sciences Center."

Amend Chapter 06 (Institutional Advancement), *Regents' Rules*, as follows:

06.01 Gift and grant acceptance

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06.01.2 Gift evaluation and acceptance.

• • •

- b. Board approval of proposed gifts and grants. In accordance with Sections ~~[109.52]~~ [109.001\(d\)](#), [109.104](#), 109A.001, 110.08, and 110.38, *Texas Education Code*, the board is authorized by law to accept "gifts, ~~and~~ grants, or donations of any kind, from any source to the extent not prohibited by state or federal law, for ~~the~~ use ~~and benefit of the~~ by the system or any of the component institutions of the ~~[TTU]~~ system." At its next meeting and before public announcement, the board shall accept formally unrestricted gifts and grants over \$1,000,000, and restricted gifts and grants over \$250,000, including gifts-in-kind. Acceptance of all gifts of real property, regardless of value, type, location or designated use of the funds to be derived there from, must be approved by the board.

ATTACHMENT

5

TTUS Summary of proposed changes to
Regents' Rules, Chapters 04 and 09
and proposed amendments to Chapters 04 and 09
(Consent, item #e)

**Amendments to Chapters 04 and 09 ... miscellaneous
clean-ups to the *Regents' Rules***

From time to time, we discover that minor clean-ups to provisions in the *Regents' Rules* are needed. These can result from a variety of causes, such as:

- a request for an interpretation of the meaning or application of policy language makes it apparent that more clarity is needed for the policy in question;
- instances are found where a previous change in the *Regents' Rules* was not 'rippled through' to all other relevant sections; or
- out-dated language in a *Regents' Rules* provision has never been brought current.

Two such amendments are needed now one each in Chapter 04 (Academic Affairs) and in Chapter 09 (Investments and Endowments). None of the proposed revisions would make any change in policy.

Chapter 04 (Academic Affairs)

The provisions that govern the naming of academic units do not specifically mention a "department." As currently written, it is intended that a department of a school or college would fall within the general category of "other academic unit or program." (see *Sec. 04.11.3.a & b below*)

Because certain other academic units and programs – i.e., centers and institutes – are specifically referenced in the policy, questions arise from time to time as to whether and how the naming of departments are governed by these provisions.

The proposed amendment would insert the word "department" where appropriate to clear up any such confusion.

04.11 Establishment and naming of schools, colleges, centers, institutes, and other academic entities

• • •

04.11.3 Naming of a school, college, center, institute, or other academic unit or program:

- a. Namings in honor of individuals or organizations. The naming of a school, college, department, center, institute, or other academic unit or program in honor of one or more individuals, foundations, corporations, or other entities shall be governed by the provisions of Section 06.06, 08.05, or 12.05, *Regents' Rules*, as appropriate.

- b. Namings that do not honor individuals or organizations. The naming of a school or college that does not honor one or more individuals, foundations, corporations, or other entities shall be approved by the board. The naming of a department, center, institute, or other academic unit or program that does not honor one or more individuals, foundations, corporations, or other entities shall be approved by the president.
- c. Any naming of a school, college, center, institute, or other academic unit or program in place at the time of enactment of this section of the *Regents' Rules* (on August 9, 2013) is hereby ratified.
- d. In unusual and unforeseen circumstances, the board reserves the right to remove a previously-approved naming of a school, college, center, institute, or other academic unit or program.

Chapter 09 (Investments and Endowments)

In the section on **mineral leases**, there currently is out-dated language for the requirement that all mineral leases and matters pertaining to mineral leases be approved by the Board.

The proposed amendment would delete a requirement that such matters must first be approved by the Finance and Administration Committee before being approved by the Board. While this typically is the process that will be followed, the current language:
-- negates the possibility of such matters being considered and approved via an executive session of the Committee of the Whole; and
-- does not match the language for Board approvals of other matters.

09.07.3 Approval. All leases and other documents relating to leasing will shall be approved by ~~the Finance and Administration Committee and by~~ the board as a ratification item, and then be signed by the chancellor.