



TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

**AGENDA BOOK
Teleconference Meeting**

April 6, 2020

BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

April 6, 2020

BOARD OF REGENTS

Mr. Christopher M. Huckabee, Chairman

Mr. J. Michael Lewis, Vice Chairman

Mr. Mark Griffin

Mr. Ron Hammonds

Mrs. Ginger Kerrick

Mr. Mickey L. Long

Mr. John D. Steinmetz

Mr. John B. Walker

Mr. Dusty Womble

Mr. Sean Lewis, Student-Regent

Standing Committees:

Academic, Clinical and Student Affairs:

Ginger Kerrick; Sean Lewis; John Steinmetz (Chair); John Walker

Audit:

Ron Hammonds (Chair); Ginger Kerrick; Dusty Womble

Facilities:

Mark Griffin; Ron Hammonds; Mickey Long (Chair)

Finance and Administration:

Mickey Long; John Walker (Chair); Dusty Womble

AGENDA

Board of Regents Meeting
Special Called Teleconference Meeting

Lubbock, Texas

April 6, 2020

Abbreviated Agenda with Approximate Times*

Monday, April 6, 2020

Meeting of the Board

- | | |
|---------|---|
| 2:00 pm | Call to Order; convene Meeting of the Board <ul style="list-style-type: none">• Meeting of the Committee of the Whole and meeting of the Board• Executive Session Location: Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue – limited space for applicable personnel only
NOTE: Open to the public only via an online webcast available at:
https://www.texastech.edu/live-stream.php |
| 4:00 pm | Adjournment |

*For general information. All open and executive session portions of the meeting of the Board of Regents will take place in the Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas. [NOTE: Only limited personnel will attend in person with all regents and other applicable personnel participating via telephone. Guests and other personnel may view the livestream meeting at <https://www.texastech.edu/live-stream.php>.] The times listed are estimates, with periodic recesses, as necessary. A special-called teleconference meeting of the Board will begin no earlier than 2:00 pm on Monday, April 6, 2020. The Board will convene as a Meeting of the Board/Committee of the Whole in order to discuss and act on applicable matters and then to convene into Executive Session. The meeting is expected to adjourn at approximately 4:00 pm; however, if needed, the meeting may continue beyond 4:00 pm until completed. The full board agenda is detailed on pages iii to iv. The agenda is detailed behind the appropriate divider tab.

**Board of Regents Meeting
Special Called Teleconference Meeting**

Lubbock, Texas

April 6, 2020

Agenda

**Monday, April 6, 2020
Regents Committee Room (106), First Floor,
System Administration Building,
1508 Knoxville Avenue,
Lubbock, Texas**

Meeting of the Board

- I. Meeting of the Board—Call to Order; convene into Open Session of the Board.** 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:Chairman Huckabee
 - A. Roll Call..... Keino McWhinney
 - B. Committee of the Whole.....Chairman Huckabee
 - 1. TTUS: Discussion of issues related to COVID-19 and consideration of delegations of authority to provide services and support and to maintain necessary and essential operations during emergencies and exigent circumstances Dr. Mitchell and Mr. Bentley

- II. Executive Session:** The Board will convene into Executive Session in the Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Huckabee
 - A. Consultation with Attorney Regarding Legal Matters or Pending and/or Contemplated Litigation or Settlement Offers (Tex. Govt. Code § 551.071) including: Pre-litigation and litigation update.

- B. Deliberation Regarding the Purchase, Exchange, Lease, Sale, or Value of Real Property (Tex. Govt. Code § 551.072).
- C. Deliberation Regarding Prospective Gifts or Donations (Tex. Govt. Code § 551.073).
- D. Deliberation Regarding Individual Personnel Matters Relating to the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Officers or Employees of the TTU System and its Component Institutions. (Tex. Govt. Code § 551.074) including: Discussion of Chancellor duties, assignments, and expectations; and Discussion of other personnel matters including the duties, performance and evaluation of Texas Tech University System or component institution officers and employees.

(*In connection with this item, to the extent that any agenda notation or supplemental written materials, which might otherwise be covered by Tex. Govt. Code §551.1281(b)(1), have been excluded from an internet web posting, such exclusion has been authorized by a certification pursuant to Tex. Govt. Code §551.1281(c).)

III. Open Session: The Board will reconvene in Open Session in the Regents Committee Room (106), First Floor, System Building, 1508 Knoxville 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 SessionChairman Huckabee
- B. Chairman’s AnnouncementsChairman Huckabee

IV. AdjournChairman Huckabee

**MEETING OF THE
BOARD &
COMMITTEE OF
THE WHOLE**

Meeting of the Board
Monday, April 6, 2020

Time: 2:00 pm

Place: Regents Committee Room (106), First Floor, System Building, 1508 Knoxville Avenue, Lubbock, Texas

[NOTE: Only a limited number of personnel will be allowed to attend in person. All guests and personnel not directly participating in this meeting are asked to view the live-stream of this meeting at: <https://www.texastech.edu/live-stream.php>]

Agenda

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 - 1. TTUS: Discussion of issues related to COVID-19 and consideration of delegations of authority to provide services and support and to maintain necessary and essential operations during emergencies and exigent circumstances..... Dr. Mitchell and Mr. Bentley

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 - B. Deliberation Regarding the Purchase, Exchange, Lease, Sale, or Value of Real Property (Tex. Govt. Code § 551.072).

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- D. Deliberation Regarding Individual Personnel Matters Relating to the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Officers or Employees of the TTU System and its Component Institutions. (Tex. Govt. Code § 551.074) including: Discussion of Chancellor duties, assignments, and expectations; and Discussion of other personnel matters including the duties, performance and evaluation of Texas Tech University System or component institution officers and employees.

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- A. Consideration of appropriate action, if any, on items discussed in Executive SessionChairman Huckabee
- B. Chairman’s AnnouncementsChairman Huckabee

IV. AdjournChairman Huckabee

1. **TTUS: Discussion of issues related to COVID-19 and consideration of delegations of authority to provide services and support and to maintain necessary and essential operations during emergencies and exigent circumstances.**

Presenters: Dr. Tedd Mitchell and Mr. Eric Bentley
Board approval required by: Section 01.08, *Regents' Rules*

Presentation Time: 20 minutes

Chancellor Tedd Mitchell will present an overview of the Texas Tech University System ("TTUS") response to the COVID-19 pandemic.

RECOMMENDATION

The chancellor recommends that the Board of Regents consider and adopt amendments to Chapter 01, *Regents' Rules*, to delegate authority to the Board chairman and the chancellor to take and approve actions required for TTUS institutions and System Administration to provide services and support and to maintain necessary and essential operations during emergencies and exigent circumstances.

BACKGROUND INFORMATION

Various amendments are proposed that would:

- add a general delegation of authority to the Board chair to address emergencies and exigent circumstances;
- grant the Board chair, or under certain circumstances the vice chair, the authority to authorize the chancellor to exercise additional authority as is necessary when emergencies or exigent circumstances require such authorization; and
- includes provisions that govern the scope and expectations for the authority delegated to the chancellor during emergencies and exigent circumstances.

The proposed amendments are included as a supplemental attachment. Any amendment to the *Regents' Rules* must be approved by the full Board in accordance with Section 01.08, *Regent's Rules*.

ATTACHMENT

Chapter 01 (Bylaws) amendment to add a general delegation of authority to the Board chairman to deal with emergencies and exigent circumstances, including to authorize the Chancellor to take any necessary actions when needed

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." [When an emergency or exigent circumstances exist that cannot be adequately addressed through Section 07.04.4.a\(2\) relating to budget adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects, the chair – or if the chair is not available within the time required for action, the vice chair – may approve a proposal submitted by the chancellor, or the chancellor’s designee, for an action that otherwise would require the approval of the board as a whole, with subsequent notification to the board as soon as practicable.](#)
- c. Section 109.004, *Texas Education Code*, requires the board to "appoint a chief executive officer, who shall devote 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. When an emergency or exigent circumstances exist that the chair determines cannot be adequately addressed through Section 01.02.1.b herein, Section 07.04.4.a(2) relating to budget adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects:

(1) the chair – or if the chair is not available within the time required for action, the vice chair – may authorize the chancellor to exercise such additional authority as is necessary to ensure the health and safety of the students, faculty, and staff of the Texas Tech University System and/or the continued operations of the System’s components during a state of emergency or exigent circumstances (including, but not limited to, a “disaster” as defined in Section 418.004(1), Texas Government Code); and

(2) such a delegation of authority by the chair or vice chair for the chancellor to approve actions that otherwise would require the approval of the board as a whole must:

(a) be provided to the chancellor in writing, with notice to the board;

(b) stipulate the nature and scope of the additional authority;

(c) require consultation with the chair, or the vice chair as appropriate, before the chancellor may exercise any such additional authority;

(d) include subsequent notification to the board of such actions taken as soon as practicable; and

(e) expire whenever the chair, or vice chair as appropriate, determines the delegation of authority is no longer necessary.

Per §418.004(1):
"Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.