



TEXAS TECH UNIVERSITY SYSTEM

BOARD OF REGENTS

AGENDA BOOK

February 24, 2022



BOARD OF REGENTS
TEXAS TECH UNIVERSITY SYSTEM

AGENDA

February 24, 2022

BOARD OF REGENTS

Mr. J. Michael Lewis, Chairman

Mr. Mark Griffin, Vice Chairman

Ms. Arcilia C. Acosta

Mr. Cody C. Campbell

Mrs. Ginger Kerrick Davis

Mr. Pat Gordon

Mr. John D. Steinmetz

Mr. John B. Walker

Mr. Dusty Womble

Ms. Keaghan Holt, Student-Regent

Standing Committee Chairs and Vice Chairs:

Academic, Clinical and Student Affairs:

Ginger Kerrick Davis (Chair); Pat Gordon (Vice Chair); and Keaghan Holt (Student Regent)

Audit:

John Steinmetz (Chair) and Arcilia Acosta (Vice Chair)

Facilities:

Dusty Womble (Chair) and Mark Griffin (Vice Chair)

Finance and Investments:

John Walker (Chair) and Cody Campbell (Vice Chair)

[NOTE: All nine board members serve as voting members of each committee.]

AGENDA

Board of Regents Meeting

El Paso, Texas

February 24, 2022

Abbreviated Agenda with Approximate Times*

Thursday, February 24, 2022

Meeting of the Board

- | | |
|----------|---|
| 10:00 am | Call to Order; convene as Meeting of the Board and Committee of the Whole Board
Location: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas <ul style="list-style-type: none">• Introductions and Recognitions• SGA Reports |
| 10:30 am | Recess |

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*For general information. All open session meetings of the Board of Regents will take place in Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas. Any executive session meetings that should occur throughout the day will take place in the President’s Conference Room (5C222), 137 Rick Francis Street, El Paso, Texas. The times listed are estimates, with periodic recesses. On Thursday, February 24, 2022, the Meeting of the Board will commence no earlier than 10:00 am to be presented with introductions and recognitions and SGA President reports after which the Meeting of the Board will recess. Committee meetings will commence, sequentially, upon recess of the Meeting of the Board, at approximately 10:30 am. The Meeting of the Board will reconvene upon adjournment of the last committee meeting to conduct the remainder of its business and to convene into Executive Session. The Board reserves the right to convene into Executive Session at any time deemed necessary throughout the day. The Meeting of the Board is expected to adjourn for the day on Thursday, February 24, 2022 on or before 4:00 pm; however, if needed, the meeting may continue beyond 4:00 pm until completed. The full board agenda is detailed on pages v through xi. 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

El Paso, Texas

February 24, 2022

Abbreviated Agenda with Approximate Times*

Thursday, February 24, 2022

Committee Meetings

CONTINUED FROM PREVIOUS PAGE

<p>10:30 am (or upon recess of the Meeting of the Board)</p>	<p>Academic, Clinical and Student Affairs Committee Location: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas</p>
<p>11:10 am (or upon adjournment of the ACS Cmte. meeting)</p>	<p>Audit Committee Location: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas</p>
<p>11:20 am (or upon adjournment of the Audit Cmte. Meeting)</p>	<p>Facilities Committee Location: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas</p>
<p>11:35 am (or upon adjournment of the Facilities Cmte. Meeting)</p>	<p>Finance and Investments Committee Location: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas</p>

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Board of Regents Meeting

El Paso, Texas

February 24, 2022

Abbreviated Agenda with Approximate Times*

Thursday, February 24, 2022

Meeting of the Board

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- | | |
|--|--|
| 12:05 pm
(or adjournment of the last committee meeting) | <p>Call to Order; reconvene as Meeting of the Board and Committee of the Whole Board
 Location: Room 1A103, Medical Sciences Building II ("MSBII"), 137 Rick Francis Street, El Paso, Texas</p> <ul style="list-style-type: none"> • Approval of minutes • Approval of Consent and Information Agendas |
| 12:10 pm | <p>Executive Session
 Location: President's Conference Room (5C222), Medical Sciences Building, II ("MSBII"), 137 Rick Francis Street, El Paso, Texas</p> |
| 3:50 pm | <p>Following Executive Session, reconvene into Open Session as Committee of the Whole</p> <ul style="list-style-type: none"> • ES Motions, if any <p>Location: Room 1A103, Medical Sciences Building II ("MSBII"), 137 Rick Francis Street, El Paso, Texas</p> |
| 4:00 pm | Adjournment |

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Board of Regents Meeting

February 24, 2022

Agenda

Thursday, February 24, 2022

**Room 1A103, Medical Sciences Building II (“MSBII”)
137 Rick Francis Street,
El Paso, Texas**

- I. Meeting of the Board—Call to Order; convene into Open Session of the Board.** The Board will convene in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:Chairman Lewis
 - A. Introductions and Recognitions Chancellor Mitchell,
President Hawkins,
Interim President Johnston,
President Schovanec
President Rice-Spearman, and
President Lange
 - B. Student Government Association Reports Brady Floyd,
Austin Strode,
Faisal Al-Hmoud,
Bernado Gonzalez,
and Alexa Guerrero
- II. Recess**Chairman Lewis
- III. Meeting of Standing Committees**
Location: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas
 - A. Academic, Clinical and Student Affairs Committee

	<u>Page</u> ACS
1. ASU: Approve changes in academic rank	3
2. ASU: Approve changes in academic rank and granting of tenure	4
3. MSU: Approve Master of Science (“M.S.”) Degree in English.....	6

4.	MSU: Approve Bachelor of Fine Arts ("B.F.A.") Degree in Musical Theatre	9
5.	TTU: Approve changes in academic rank.....	11
6.	TTU: Approve changes in academic rank and granting of tenure	14
7.	TTU: Approve granting of tenure	18
8.	TTU: Approve designation of Horn Distinguished Professorship	19
9.	TTU: Approve Master of Science (M.S.) Degree in Human Sciences	21
10.	TTU: Approve naming of the Center for Entrepreneurship and Family Business (Alderson & Griffin Center for Family Business & Entrepreneurship).....	24
11.	TTUHSC: Approve changes in academic rank	26
12.	TTUHSC: Approve changes in academic rank and granting of tenure	29
13.	TTUHSC: Approve granting of tenure	30
14.	TTUHSC: Approve appointment with tenure	32
15.	TTUHSC El Paso: Approve changes in academic rank	34
16.	TTUHSC El Paso: Approve Hunt School of Dental Medicine Practice Income Plan Bylaws	36
17.	Adjournment	

B. Audit Committee

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1.	TTUS: Report on audits.....	2
2.	Adjournment	

C.	Facilities	<u>Page</u> F
1.	ASU: Approve naming of the planned Bell Tower on the Angelo State University campus (Housley Tower)	2
2.	TTU: Authorize expenditures for the Academic Sciences Building project and accept the CMAR’s GMP for Bid Package 1A – Direct Bury Utilities	4
3.	TTUS: Report on Facilities Planning and Construction projects.....	7
4.	Adjournment	

D.	Finance and Investments Committee	<u>Page</u> FI
1.	TTUS: Approve amendments to <i>Regents’ Rules</i> , Chapter 07.....	2
2.	TTUS: Approve amendments to <i>Regents’ Rules</i> , Chapter 08.....	4
3.	TTUS: Staff Salary Equity and Compression Analysis	5
4.	TTUS: FY 2021 Combined Annual Financial Report	6
5.	TTUS: Investment Performance Update.....	7
6.	Adjournment	

IV. Meeting of the Board—Call to Order; reconvene into Open Session of the Board. The Board will reconvene in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:Chairman Lewis

- A. Approve minutes of the board meeting held on October 13-15, 2021; November 18-19, 2021; December 13, 2021; and January 13, 2022Chairman Lewis
- B. Committee of the Whole..... Vice Chairman Griffin

1. ASU, MSU, TTU, TTUHSC, TTUHSC EI Paso, TTUSA and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda 7

Consent Agenda

- a. TTU: Approve faculty development leaves of absence (ACS)
- b. TTU: Approve exceptions to nepotism policy (ACS)
- c. TTU: Approve emeritus appointments (ACS)
- d. TTUHSC: Approve emeritus appointments (ACS)
- e. TTUHSC EI Paso: Approve faculty development leave of absence (ACS)
- f. TTU: Approve naming of the School of Veterinary Medicine – Mariposa Station, Room B108 (Allsup Equine Skills Lab) (F)
- g. TTUHSC EI Paso: Approve naming the Fifth Floor Lobby of the Medical Sciences Building II, Room 5C101 (Amy and Clement Marcus Family Lobby) (F)
- h. TTUHSC EI Paso: Approve naming the First Floor Lobby of the Medical Sciences Building II, Room 1C102 (WestStar Grand Lobby) (F)
- i. ASU: Authorize president to execute contract with cybersecurity consultant (FI)
- j. TTU: Approve commissioning of police officers (FI)
- k. TTU: Approve modification of endowment (Pertain-Pasewark Scholarship Endowment) (FI)
- l. TTU: Approve modification of endowment (Shubert Scholarship for Programming Endowment) (FI)
- m. TTU: Approve contract increases with Blackboard Inc. for Technology Support Platform Licenses (FI)
- n. TTU: Authorize president to execute contract extensions with Atmos Energy Marketing LLC and Constellation New Energy-Gas Division LLC (FI)
- o. TTU and TTUS: Approve purchasing contract(s) in excess of \$1,000,000 (FI)

- p. TTUHSC: Authorize president to finalize negotiations and enter into contract with Hamilton Medical AG (FI)

Information Agenda

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

- (1) ASU, MSU, TTU, TTUHSC and TTUHSC EI Paso: Summary of Revenues and Expenditures by Budget Category, FY 2022 (as of November 30, 2021), per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Investments Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at:
<https://www.texas-tech.edu/offices/cfo/board-financial-reports.php>

- (2) TTUHSC and TTUHSC EI Paso: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules* – “Notwithstanding Section 07.12.3.a or Section 07.12.3.b, *Regents' Rules*, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting.”

- (3) MSU and TTUHSC: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – “(a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor,

presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."

- (4) TTU, TTUHSC and TTUHSC El Paso: 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 per section 07.12.4 of the *Regents' Rules* – Notwithstanding Section 07.12.3.a, *Regents' Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.
- (5) TTU and TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.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.
- (6) TTU: Emergency or exigent circumstances approval of a contract by Section 07.12.3.g, *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

approved in this manner shall be presented to the board as an information item at the next board meeting."

- C. Schedule for Board meetings:
 - May 5-6, 2022, Lubbock
 - August 11-12, 2022, San Angelo
 - November 17-18, 2022, Lubbock Keino McWhinney

V. Executive Session: The Board will convene into Executive Session, in the President’s Conference Room (5C222), 137 Rick Francis Street, to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Lewis

- 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

VI. Open Session: The Board will reconvene into Open Session in Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, 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 Griffin

VII. AdjournmentChairman Lewis

**ACADEMIC,
CLINICAL AND
STUDENT AFFAIRS**

Academic, Clinical and Student Affairs Committee

Committee Meeting
February 24, 2022

Time: 10:30 am (or upon recess of the Meeting of the Board)

Place: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas

Regents: Kerrick Davis (Chair) and Gordon (Vice Chair)
and Keaghan Holt (Student Regent)
(The Academic, Clinical, and Student Affairs
Committee consists of all nine board
members and the student regent.)

Agenda

- Approve minutes of committee meeting held on November 18, 2021
- I.A.** 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”), Midwestern State University (“MSU”), the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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ACS

1.	ASU: Approve changes in academic rank.....	3
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3.	MSU: Approve Master of Science (“M.S.”) Degree in English	6
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14.	TTUHSC: Approve appointment with tenure	32
15.	TTUHSC El Paso: Approve changes in academic rank	34
16.	TTUHSC El Paso: Approve Hunt School of Dental Medicine Practice Income Plan Bylaws.....	36
17.	Adjournment	

NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Academic, Clinical and Student Affairs Committee. Action taken by this committee is final and does not require a report to the Full Board.

1. ASU: Approve changes in academic rank.

Presenter: Mr. Ronnie Hawkins

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; ASU Operating Policy 06.23

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank for the faculty as listed below effective September 1, 2022.

Dinah J. Cummings, Ph.D., associate professor to professor, Department of Health Science Professions, Archer College of Health and Human Services;

Crystal M. Kreitler, Ph.D., associate professor to professor, Department of Psychology, Archer College of Health and Human Services;

Doris R. McCabe, Ph.D., associate professor to professor, Department of Kinesiology, Archer College of Health and Human Services;

Chase A. Runyan, Ph.D., associate professor to professor, Department of Agriculture, College of Science and Engineering; and

William Taylor, Ph.D., associate professor to professor, Department of Security Studies and Criminal Justices, College of Arts and Humanities.

BACKGROUND INFORMATION

Those members of the faculty whose names appear above have been judged by the appropriate department and college committees and administrative personnel as worthy of the promotions for which they have been recommended. The procedure used in recommending members of the faculty for promotion has been carefully followed.

2. ASU: Approve changes in academic rank and granting of tenure.

Presenter: Mr. Ronnie Hawkins

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; ASU Operating Policy 06.23

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank and the granting of tenure, effective September 1, 2022, for the faculty as listed below.

Joel L. Carr, Ph.D., assistant professor to associate professor and tenure, Department of Social Work and Sociology, Archer College of Health and Human Services;

Kenneth W. Carrell, Ph.D., assistant professor to associate professor and tenure, Department of Physics and Geosciences, College of Science and Engineering;

Manuel J. Garcia Ruiz, Ph.D., assistant professor to associate professor and tenure, David L. Hirschfeld Department of Engineering, College of Science and Engineering;

Dennis W. Hall, Ph.D., assistant professor to associate professor and tenure, Department of Mathematics, College of Science and Engineering;

Kinsey O. Hansen, Ed.D., assistant professor to associate professor and tenure, Department of Curriculum and Instruction, College of Education;

Jun Huang, Ph.D., assistant professor to associate professor and tenure, Department of Management and Marketing, Norris-Vincent College of Business;

Bruce A. Hunt Jr., Ph.D., assistant professor to associate professor and tenure, Department of Political Science and Philosophy, College of Arts and Humanities;

John D. Kellermeier, Ph.D., assistant professor to associate professor and tenure, Department of Agriculture, College of Science and Engineering;

Sarah B. Lynch, Ph.D., assistant professor to associate professor and tenure, Arnoldo DeLeon Department of History, College of Arts and Humanities; and

Amy L. Murphy, Ph.D., assistant professor to associate professor and tenure, Department of Curriculum and Instruction, College of Education.

BACKGROUND INFORMATION

Members of the faculty of Angelo State University are granted tenure under the provisions of the Tenure Policy, which has been approved by the Board of Regents.

The appropriate reviewing committees and administrative personnel have judged those members of the faculty whose names appear above worthy of academic tenure. The procedure established in 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 full-time tenured faculty at Angelo State University to 155. There are a total of 215 faculty, either tenured or tenure-track. After these appointments, the percentage of tenure-track faculty who have been awarded tenure will be 72 percent. The number of full-time non-tenure-track faculty is 100.

3. **MSU: Approve Master of Science (“M.S.”) Degree in English.**

Presenter: Dr. Martin Camacho

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents’ Rules*, and Title 19, Part 1, Chapter 5, Subchapter C, Texas Administrative Code

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve a new degree program, Master of Science (“M.S.”) in English, offered by the Department of English in the Prothro-Yeager College of Humanities and Social Sciences, and authorize submission by the Office of the Provost and Vice President for Academic Affairs to the Texas Higher Education Coordinating Board (“THECB”) seeking its certification of such a program, and to the Southern Association of Colleges and Schools Commission on Colleges for acknowledgment of a new degree program.

BACKGROUND INFORMATION

In recent years, Midwestern State University (“MSU”) has received a growing number of inquiries about admission to the university’s Master of Arts (“M.A.”) in English degree program from students who earned a Bachelor of Science (“B.S.”) degree. The increased interest from students with a B.S. degree in an English graduate program is driven by several factors, including high school teachers with a B.S. in Education seeking a graduate degree, often in order to teach dual-listed courses, and professionals wanting to advance their careers in writing-related fields. The dual-credit system is one of the faster-growing areas of post-secondary education. According to the THECB, the number of students participating in dual credit increased 753 percent between fall 2000 to 2017. This increase in dual-credit course offerings led to increased demand for qualified dual-credit teachers who must hold a master’s degree to teach these courses. As English is a universal requirement for students at Texas universities, demand for English dual-credit courses is strong and growing.

In addition to teaching, English graduates use their master’s degrees to advance careers in the arts, business, communications, education, government, law, publishing, and creative, non-fiction, and professional writing. The Texas Workforce Commission projects employment increases for the years 2018 – 2028 in these career areas that are applicable to a degree in English:

- English Language and Literature Teachers, Postsecondary (expected to increase by 9.70%)
- Writers and Authors (10.81%)
- Technical Writers (17.71%)
- Media and Communication Workers (13.30%)

- Proofreaders and Copy Markers (17.03%)
- Paralegals and Legal Assistants (25.54%)
- Public Relations Specialists (16.06%)
- Fundraisers (21.78%)

As most B.S. degrees do not include a foreign language requirement, admission to the university's existing M.A. in English would require students to complete 12 semester credit hours of a foreign language in addition to the requirements for the M.A. MSU's proposed M.S. in English would meet the needs of students who earned a B.S. undergraduate degree and now seek a graduate degree in English. The new program would be offered fully online to accommodate working professionals' need for convenience and taught by MSU's full-time faculty to ensure the quality and rigor of the degree.

Currently, the only other Texas university to offer both an M.A. and M.S. in English is Texas A&M University-Commerce ("TAMUC"). Similar to MSU's proposal, TAMUC's M.A. and M.S. have the same degree requirements except for the foreign language requirement included with the M.A. Unlike MSU's proposal, however, TAMUC's programs are not available fully online and thus not easily accessible to students outside the DFW Metroplex. By broadening our graduate degrees in English to include an online M.S., MSU's goal is to provide students across Texas and beyond a convenient, quality degree tailored to meet the needs of teachers and other professionals in writing-related careers.

Enrollment projections for the new program are given in Table 1 below. The projections are developed based on feedback provided by undergraduate students enrolled in B.S. programs and inquiries from potential graduate students who hold B.S. degrees.

Table 1: Projected Enrollment in MSU's Proposed M.S. in English

	Year 1	Year 2	Year 3	Year 4	Year 5
Total New Students	4	5	5	5	5
Attrition*	0	1	1	1	1
Cumulative Headcount	4	8	9	9	9
FTSE**	3	5	6	6	6
Graduates	0	3	4	4	4

* Attrition applied at the beginning of a year.

**Full-time student equivalent, calculated by multiplying the total number of students by total semester hours and dividing by the graduate student full-time equivalent of 9 hours.

Projected costs and funding for the proposed M.S. degree in English are summarized in Table 2. No additional faculty or staff are expected to be needed in the first five years of offering the program. Existing facilities and equipment are sufficient to support the proposed program with no additional costs. Expenses related to student scholarships are shown in the "Other" category. During the first

five years, the proposed program is anticipated to generate revenue of \$321,494 against total costs of \$199,740.

Table 2: Projected Costs and Revenue for MSU's Proposed M.S. in English

Five-Year Costs		Five-Year Funding	
Personnel+	\$0	Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$100,737
Library, Supplies, and Materials	\$0	Tuition and Fees	\$220,757
Other	\$39,000	Other	\$0
Total Costs	\$39,000	Total Funding	\$321,494

+ Personnel/faculty costs shared with the existing M.A. in English program; no additional personnel costs are expected.

4. MSU: Approve Bachelor of Fine Arts ("B.F.A.") Degree in Musical Theatre.

Presenter: Dr. Martin Camacho

Presentation Time: 3 minutes

Board approval required by: Section 04.09.1, *Regents' Rules*, and Title 19, Part 1, Chapter 5, Subchapter C, Texas Administrative Code

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve a new degree program, Bachelor of Fine Arts ("B.F.A.") in Musical Theatre, offered by the Department of Theatre in the Fain College of Fine Arts, and authorize submission by the Office of the Provost and Vice President for Academic Affairs to the Texas Higher Education Coordinating Board ("THECB") seeking its certification of such a program, and to the Southern Association of Colleges and Schools Commission on Colleges for acknowledgment of a new degree program.

BACKGROUND INFORMATION

Musical Theatre has grown rapidly during the past ten years. The Higher Education Arts Data Survey (HEADS) data report shows an increase in enrollment in Musical theatre of 23.4% from 2014-2020. This report includes institutions accredited by the National Association of Schools of Theatre; MSU is an accredited member of this association. In Texas alone, the number of Musical Theatre degrees awarded has grown 49% from 2013 to 2019. Nationwide, awarded degrees in one year, 2018 to 2019, increased by 13.9%.

Live theatre attendance trends have proven to be a lucrative business. Broadway alone generates \$1.8 billion per year. Also, Statistica.com reports that in 2017 musical theatre attendance was 43% higher than non-musical play attendance. In general, musical theatre is one of the fastest-growing sectors in the theatre industry.

According to the U.S. Bureau of Labor Statistics, in May 2020, the median hourly wage for actors was \$21.88. Projections suggest that from 2020 to 2030, employment growth will be at 32%, which is much faster than previous growth predictions and a positive career consideration.

In 2019, the average Musical Theatre wage was \$60,149 and showed a growth rate of 2.6%. The total number of Musical Theatre degrees awarded in 2019 in the United States was 762. Of particular interest is the relatively small number of Texas institutions of higher education offering this degree. Only four institutions accredited by the National Association of Schools of Theatre offer this degree in Texas: KD Conservatory College of Film and Dramatic Arts, Sam Houston State University, Texas Tech University, and West Texas A&M University.

There are many career options built upon a Musical Theatre degree. A few on the list are choreographer, musical director, dancer, performer, actor, and musician. To create an even greater presence in the workforce, a performer could become what in the theatre world is called a "triple-threat," someone with expertise in performance, singing, and dancing. This is the standard for which many theatre performers strive, and it is built into a Musical Theatre degree.

Enrollment projections for the new program in musical theatre are shown in Table 1 below.

Table 1: Projected Enrollment in MSU's Proposed B.F.A. in Musical Theatre

	Year 1	Year 2	Year 3	Year 4	Year 5
Total New Students	5	7	9	9	9
Attrition*	0	1	2	1	2
Cumulative Headcount	5	11	18	26	28
Graduates				5	7

* Attrition applied at the beginning of a year.

Projected costs and funding for the proposed B.F.A. in Musical Theatre are summarized in Table 2. During the first five years, the proposed program is anticipated to generate revenue of \$655,422 against total costs of \$262,612.

Table 2: Projected Costs and Revenue for MSU's Proposed B.F.A. in Musical Theatre

Five-Year Costs		Five-Year Funding	
Personnel**	\$0	Reallocated Funds	\$0
Facilities and Equipment	\$45,000	Anticipated New Formula Funding	\$57,750
Library, Supplies, and Materials	\$0	Tuition and Fees	\$597,672
Other		Other	
Total Costs	\$45,000	Total Funding	\$655,422

** Personnel/faculty costs shared with the existing B.F.A. in Theatre program; no additional personnel costs are expected.

5. TTU: Approve changes in academic rank.

Presenter: Dr. Ronald Hendrick

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; TTU Operating Policy 32.01.

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank for the following faculty of Texas Tech University effective September 1, 2022:

Jeannie Barrick, M.M., lecturer to senior lecturer, School of Music, J.T. and Margaret Talkington College of Visual and Performing Arts.

Kristen Bigbee, M.S., lecturer to senior lecturer, School of Accounting, Jerry S. Rawls College of Business.

Yong Chen, Ph.D., associate professor to professor, Department of Computer Science, Edward E. Whitacre, Jr. College of Engineering.

Kirsten Cook, Ph.D., associate professor to professor, School of Accounting, Jerry S. Rawls College of Business.

Sean Cunningham, Ph.D., associate professor to professor, Department of History, College of Arts and Sciences.

Jennifer Dees, M.Ed., lecturer to senior lecturer, School of Music, J.T. and Margaret Talkington College of Visual and Performing Arts.

Ali Duffy, Ph.D., associate professor to professor, Department of Theatre and Dance, J.T. and Margaret Talkington College of Visual and Performing Arts.

Carole Edwards, Ph.D., associate professor to professor, Department of Classical and Modern Languages and Literatures, College of Arts and Sciences.

Peter Fischer, D.M.A. associate professor to professor, School of Music, J.T. and Margaret Talkington College of Visual and Performing Arts.

Caren Fullerton, Ph.D., lecturer to senior lecturer, Area of Management, Jerry S. Rawls College of Business.

Bill Gelber, Ph.D., associate professor to professor, School of Theatre and Dance, J.T. and Margaret Talkington College of Visual and Performing Arts.

Callum Hetherington, Ph.D., associate professor to professor, Department of Geosciences, College of Arts and Sciences.

Nicole (Nikki) Kantelis, M.B.A., assistant professor of practice to associate professor of practice, Area of Energy Commerce and Business Economics, Jerry S. Rawls College of Business.

Zemfira Karamysheva, Ph.D., assistant research professor to associate research professor, Department of Biological Sciences, College of Arts and Sciences.

Roger Landes, Ph.D., lecturer to senior lecturer, School of Music, J.T. and Margaret Talkington College of Visual and Performing Arts.

Debra Lavender-Bratcher, Ph.D., assistant professor of practice to associate professor of practice, Department of Sociology, Anthropology, and Social Work, College of Arts and Sciences.

Quepha Lynn, M.S., lecturer to senior lecturer, School of Accounting, Jerry S. Rawls College of Business.

Peter Martens, Ph.D., associate professor to professor, School of Music, J.T. and Margaret Talkington College of Visual and Performing Arts.

Thayne Montague, Ph.D., associate professor to professor, Department of Plant and Soil Science, Gordon W. Davis College of Agricultural Sciences and Natural Resources.

Celinda Moore, M.S., lecturer to senior lecturer, School of Accounting, Jerry S. Rawls College of Business.

Seiichi Nagihara, Ph.D., associate professor to professor, Department of Geosciences, College of Arts and Sciences.

Sylvia Niehuis, Ph.D., associate professor to professor, Department of Human Development and Family Sciences, College of Human Sciences.

Michael Ryan, Ph.D., associate professor of practice to professor of practice, Area of Management, Jerry S. Rawls College of Business.

Sandra Ryan, M.A., lecturer to senior lecturer, Area of Management, Jerry S. Rawls College of Business.

Anna Ribeiro, Ph.D., associate professor to professor, Department of Philosophy, College of Arts and Sciences.

René Saldaña, Ph.D., associate professor to professor, Department of Curriculum and Instruction, College of Education.

Huazhong Shi, Ph.D., associate professor to professor, Department of Chemistry and Biochemistry, College of Arts and Sciences.

Dino Villegas, Ph.D., associate professor of practice to professor of practice, Area of Marketing and Supply Chain Management, Jerry S. Rawls College of Business.

Dimitri Volchenkov, Ph.D., associate professor to professor, Department of Mathematics and Statistics, College of Arts and Sciences.

Jennifer Wilson, M.S., lecturer to senior lecturer, School of Financial Planning, College of Human Sciences.

Yi-Jing Wu, Ph.D., associate professor to professor, School of Accounting, Jerry S. Rawls College of Business.

BACKGROUND INFORMATION

The faculty members whose names appear above have been judged by the respective department faculty, appropriate committees and administrative personnel as worthy of the promotions for which they have been recommended. University procedures (OP 32.01) for recommending promotion of qualified members of the faculty have been carefully followed.

6. TTU: Approve changes in academic rank and granting of tenure.

Presenter: Dr. Ronald Hendrick

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; TTU Operating Policy 32.01.

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank, effective September 1, 2022, and the granting of tenure, effective February 24, 2022, for the faculty as listed below.

Irma Almager, Ph.D., assistant professor to associate professor with tenure, Department of Educational Psychology, Leadership and Counseling, College of Education.

Cody Arnall, M.F.A., assistant professor to associate professor with tenure, School of Art, J.T. & Margaret Talkington College of Visual and Performing Arts.

Sarah Asebedo, Ph.D., assistant professor to associate professor with tenure, School of Financial Planning, College of Human Sciences.

Jarrold Blinch, Ph.D., assistant professor to associate professor with tenure, Department of Kinesiology and Sport Management, College of Arts and Sciences.

Jo Woon Chong, Ph.D., assistant professor to associate professor with tenure, Department of Electrical and Computer Engineering, Edward E. Whitacre, Jr. College of Engineering.

John Dawson, Ph.D., assistant professor to associate professor with tenure, Department of Nutritional Sciences, College of Human Sciences.

Hossein Emadibaladehi, Ph.D., assistant professor to associate professor with tenure, Bob L. Herd Department of Petroleum Engineering, Edward E. Whitacre, Jr. College of Engineering.

Hugo García, Ph.D., assistant professor to associate professor with tenure, Department of Educational Psychology, Leadership and Counseling, College of Education.

Lauren Griffith, Ph.D., assistant professor to associate professor with tenure, Department of Sociology, Anthropology, and Social Work, College of Arts and Sciences.

Wenxuan Guo, Ph.D., assistant professor to associate professor with tenure, Department of Plant and Soil Science, Gordon W. Davis College of Agricultural Sciences and Natural Resources.

Jacob Haislip, Ph.D., assistant professor to associate professor with tenure, School of Accounting, Jerry S. Rawls College of Business.

Nathaniel Hall, Ph.D., assistant professor to associate professor with tenure, Department of Animal and Food Sciences, Gordon W. Davis College of Agricultural Sciences and Natural Resources.

Andrew Hinton, M.L.S., assistant archivist to associate archivist with tenure, The Vietnam Center and Sam Johnson Vietnam Archive, College of Arts and Sciences.

Rebecca Hite, Ph.D., assistant professor to associate professor with tenure, Department of Curriculum and Instruction, College of Education.

Bryan Hotchkins, Ph.D., assistant professor to associate professor with tenure, Department of Educational Psychology, Leadership and Counseling, College of Education.

Kristin Hutchins, Ph.D., assistant professor to associate professor with tenure, Department of Chemistry and Biochemistry, College of Arts and Sciences.

Kwanghee Jung, Ph.D., assistant professor to associate professor with tenure, Department of Educational Psychology, Leadership and Counseling, College of Education.

Asheley Landrum, Ph.D., assistant professor to associate professor with tenure, Department of Advertising and Brand Strategy, College of Media and Communication.

Ian Lértora, Ph.D., assistant professor to associate professor with tenure, Department of Educational Psychology, Leadership and Counseling, College of Education.

Tao Ma, Ph.D., assistant professor to associate professor with tenure, School of Accounting, Jerry S. Rawls College of Business.

Jon McNaughtan, Ph.D., assistant professor to associate professor with tenure, Department of Educational Psychology, Leadership and Counseling, College of Education.

Monica Martin, Ph.D., assistant professor to associate professor with tenure, Department of Human Development and Family Sciences, College of Human Sciences.

Wonjung Oh, Ph.D., assistant professor to associate professor with tenure, Department of Human Development and Family Sciences, College of Human Sciences.

Ty Palmer, Ph.D., assistant professor to associate professor with tenure, Department of Kinesiology and Sport Management, College of Arts and Sciences.

Jamie Pavlik, Ph.D., assistant professor to associate professor with tenure, Department of Agricultural and Applied Economics, Gordon W. Davis College of Agricultural Sciences and Natural Resources.

Deidre Popovich, Ph.D., assistant professor to associate professor with tenure, Area of Marketing and Supply Chain Management, Jerry S. Rawls College of Business.

Mallory Prucha, M.F.A., assistant professor to associate professor with tenure, School of Theatre and Dance, J.T. & Margaret Talkington College of Visual and Performing Arts.

Andrew Rose, Ph.D., assistant professor to associate professor with tenure, Department of Sociology, Anthropology and Social Work, College of Arts and Sciences.

Jimmy Sanderson, Ph.D., assistant professor to associate professor with tenure, Department of Kinesiology and Sport Management, College of Arts and Sciences.

Adam Schmidt, Ph.D., assistant professor to associate professor with tenure, Department of Psychological Sciences, College of Arts and Sciences.

Abdul Serwadda, Ph.D., assistant professor to associate professor with tenure, Department of Computer Science, Edward E. Whitacre, Jr. College of Engineering.

Lindsey Slaughter, Ph.D., assistant professor to associate professor with tenure, Department of Plant and Soil Science, Gordon W. Davis College of Agricultural Sciences and Natural Resources.

Brandon Wagner, Ph.D., assistant professor to associate professor with tenure, Department of Sociology, Anthropology and Social Work, College of Arts and Sciences.

Jianlan Wang, Ph.D., assistant professor to associate professor with tenure, Teacher Education Department, College of Education.

Nathaniel Wright, Ph.D., assistant professor to associate professor with tenure, Department of Political Science, College of Arts and Sciences.

Benjamin Wylie, Ph.D., assistant professor to associate professor with tenure, Department of Chemistry and Biochemistry, College of Arts and Sciences.

Yisha Xiang Ph.D., assistant professor to associate professor with tenure, Department of Industrial, Manufacturing and Systems Engineering, Edward E. Whitacre, Jr. College of Engineering.

BACKGROUND INFORMATION

The faculty members whose names appear above have been judged by the respective department faculty, appropriate committees, and administrative personnel as worthy of promotion and tenure for which they have been recommended. University procedures (OP 32.01) for recommending promotion and tenure of qualified members of the faculty have been carefully followed.

Approval of tenure for these individuals along with the other TTU tenure approvals being requested on this day will bring the number of full-time tenured faculty at Texas Tech University to 809. There are 1,118 full-time tenured and tenure-track faculty. After this appointment, the percentage of tenure-track faculty who have been awarded tenure will be 68.95%, and tenured faculty represent 40.3% of all faculty (including part-time). Together, tenured and tenure-track faculty represent 58.46% of all faculty, and 71.2% of all full-time faculty.

7. TTU: Approve granting of tenure.

Presenter: Dr. Ronald Hendrick

Presentation Time: 2 minutes

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the granting of tenure for the faculty as listed below, effective February 24, 2022.

Marcos Sanchez-Plata, Ph.D., associate professor with tenure,
Department of Animal and Food Sciences, Gordon W. Davis College of
Agricultural Sciences and Natural Resources.

BACKGROUND INFORMATION

The faculty members whose names appear above have been judged by the respective department faculty, appropriate committees and administrative personnel as worthy of academic promotion and tenure. University procedures (OP 32.01) for recommending promotion and tenure of qualified members of the faculty have been carefully followed.

Approval of tenure for this individual along with the other TTU tenure approvals being requested on this day, will bring the number of full-time tenured faculty at Texas Tech University to 809. There are 1,118 full-time tenured and tenure-track faculty. After this appointment, the percentage of tenure-track faculty who have been awarded tenure will be 68.95%, and tenured faculty represent 40.3% of all faculty (including part-time). Together, tenured and tenure-track faculty represent 58.46% of all faculty, and 71.2% of all full-time faculty.

8. TTU: Approve designation of Horn Distinguished Professorship.

Presenter: Dr. Ronald Hendrick

Presentation Time: 2 minutes

Board approval required by: Section 04.01.1, *Regents' Rules*.

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the designation of Horn Distinguished Professor to the faculty members as listed below, effective February 24, 2022.

Mindy Brashears, Ph.D., Associate Vice President for Research, Professor of Animal and Food Sciences and the Roth and Letch Family Endowed Chair in Food Safety in the Gordon W. Davis College of Agricultural Sciences and Natural Resources, and Director of the International Center for Food Industry Excellence.

Dr. Brashears joined the faculty of Texas Tech University as an assistant professor in 2001 and advanced to the ranks of associate professor (2004) and professor (2009) within 10 years. She recently completed a two-year stint in the United States Department of Agriculture serving as Deputy Under Secretary and then Under Secretary of Agriculture for Food Safety, placing her as the highest-ranking food safety official in the United States and as a member of the President's sub-cabinet. Dr. Brashears has an international reputation as a food safety expert through both her research and her educational programs. Her research focuses on interventions in pre- and post-harvest environments and on the emergence of antimicrobial drug resistance. She and her collaborators have amassed over \$20 million in grant awards, over 130 scientific papers, nearly 20 patents, and produced commercialization of pre-harvest feed additives that reduce *E. coli* and *Salmonella* in cattle. She was selected as a Fellow in the National Academy of Inventors in 2016. She has given dozens of invited talks and trainings in the U.S. and internationally, served as subject matter expert for a new television series about food as a weapon, and is filming a NetFlix documentary on food safety.

Chau-Chyun Chen, Sc.D., Professor of Chemical Engineering and the Jack Maddox Distinguished Chair in Sustainable Energy in the Edward E. Whitacre, Jr. College of Engineering.

Dr. Chen joined the faculty of Texas Tech University as a professor in 2013. He had previously served as Vice President of Technology for Aspen Technology, Inc., in Burlington, Massachusetts, which he co-founded in 1981. While at Aspen Technology he also worked for three years as a visiting scientist in the BioProcess Engineering Center at the Massachusetts Institute of Technology. His research programs cover

molecular thermodynamics, process modeling and simulation, petroleum crude characterization, hydraulic fracturing and flow-back fluids, CO₂ capture systems, energy storage systems, and pharmaceutical solubility modeling. He was elected a Fellow of the American Association for the Advancement of Science in 2018, a Fellow of the American Institute of Chemical Engineers in 2015, and elected as a Member of the National Academy of Engineering in 2005. He is a board member of TAMEST, The Academy of Medicine, Engineering, and Science of Texas, as well as other entities, and recipient of numerous other awards and recognitions. He has supervised 27 graduate students at TTU, and graduated 17 of them so far. His awarded grants amount to over \$8 million, and he holds 18 patents with another dozen pending. He has published 127 refereed scientific articles, a book, about a dozen book chapters, and numerous conference proceeding and non-refereed journal publications. He has given almost 60 invited presentations and lectures, many of them internationally.

BACKGROUND INFORMATION

Section 04.01.1, *Regents' Rules*, requires Regents' approval of Horn Distinguished Professorships. In 1966, the Board of Regents established the Horn Distinguished Professorship to recognize scholarly achievement and outstanding service to Texas Tech University. Subsequently, the Board has approved appointment of 92 members of the faculty to Horn Distinguished Professorships. Currently, 25 are actively on the faculty. [NOTE: The listing of Current Horn Professors is included as a supplemental attachment to the agenda book.]

Nominations of prospective Horn Distinguished Professors are made in confidence by the college deans, department chairs, and Horn Distinguished Professors. Supporting documentation must accompany the nomination. Letters that evaluate the nominee's professional qualifications and suitability for this award are solicited, again in confidence, from national and international sources by the provost and, only in rare instances, from sources at Texas Tech University. A committee comprised of the provost, a holder of an endowed chair or professorship, the president of the Faculty Senate, and five Horn Distinguished Professors appointed by the provost, review the nominations. The committee's recommendations, if any, are presented to the president for approval. Nominations having the president's approval are submitted to the Board of Regents for final action.

and Family Therapy (22% faster than average), Addiction Counselors (25% faster than average), and Community and Social Services (12% faster than average). The growth of these job markets bodes well for MSHS program graduates.

MSHS students will study individual, family, and community needs, issues, and problem-solving through an interdisciplinary lens. There are existing jobs for program graduates, and labor market statistics indicate a growing need for individuals with interdisciplinary skills in the human sciences. A promising aspect of having students enroll in two areas of concentration is the potential to develop new or novel practice, teaching, and research opportunities.

Enrollment projections for the first five years are based on interests indicated by students of the successful Bachelor of Science in Human Sciences (BSHS) program at TTU to continue in an interdisciplinary graduate program. The BSHS program has grown 38% between Fall 2018 and Spring 2019 with 37% of the current 2022 enrollment having a grade point average of 3.5 or higher. We will start the MSHS program with a cohort of 10 students and steadily grow the program at a rate between 10% and 15% a year for the first five years of the program. Given the success of the Bachelor of Science in Human Sciences program, we feel that this goal is attainable.

	Year 1	Year 2	Year 3	Year 4	Year 5
New Students	10	12	15	20	25
Cumulative Headcount	10	21	26	33	42
FTSE*	8	16	20	25	32
Attrition**	1	1	2	3	3
Graduates	0	9	11	13	17

*Fall full time student equivalent (calculated by multiplying the total number of students by the total semester credit hours and dividing by the respective full-time equivalent hours of 12 hours.

** Attrition applies at the beginning of the following year.

Because the coursework exists and is already being taught as part of other degree programs, no reallocation of teaching effort or additional faculty and administrative salaries is needed. Students in the proposed program will take courses already available and taught by existing faculty. The degree program will be managed by existing faculty and staff with no additional state or federal funds required for the program. As shown in the table below, based on the projected five-year enrollments, \$311,028 in new formula funding and \$1,016,496 in tuition and fees, totaling \$1,327,524, will be generated against no new costs.

Five-Year Costs		Five-Year Funding	
Reallocated personnel (administration and salaries)	\$0	Reallocated Funds	\$0
Facilities and Equipment	\$0	Anticipated New Formula Funding	\$311,028
Library, Supplies, and Materials	\$0	Special Item Funding	\$0
Other	\$0	Tuition and fees	\$1,016,496
Total Costs	\$0	Total Funding	\$1,327,524

10. TTU: Approve naming of the Center for Entrepreneurship and Family Business (Alderson & Griffin Center for Family Business & Entrepreneurship).

Presenter: Mr. Patrick Kramer

Presentation Time: 2 minutes

Board approval required by: Section 13.02.1a, *Regents' Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the naming of the Center for Entrepreneurship and Family Business the “Alderson & Griffin Center for Family Business & Entrepreneurship.” The donors concur with the naming of this academic unit.

BACKGROUND INFORMATION

David and Lisa Alderson (“Aldersons”) made a generous commitment of \$1.75 million to support the Jerry S. Rawls College of Business. Additionally, Regent Mark and Claudia Griffin (“Griffins”) made a generous commitment of \$1.75 million to support the Jerry S. Rawls College of Business. To honor and recognize their significant contributions, the Center for Entrepreneurship and Family Business will be named “Alderson & Griffin Center for Family Business & Entrepreneurship”.

David is a graduate of Texas Tech University. The Aldersons are active in the Lubbock community, including service on the Lubbock Area United Way Board of Directors, the Lubbock Economic Development Alliance, the Lubbock Downtown Development Corporation, and the City of Lubbock Downtown Tax Increment Financing Board. The Aldersons are also involved as volunteer leaders across the Texas Tech University System as members of Chancellor’s Council and Spur Society. David is a member of the Texas Tech Foundation Board of Directors.

Mark is a graduate of Texas Tech University’s School of Law. The Griffins are active in the Lubbock community, including current and past service to the Lubbock County Bar Association, Lubbock Economic Development Alliance, Plains Capital Bank, Covenant Health System, Texas Guaranteed Student Loan Corporation, and Lubbock Independent School District. The Griffins are also involved as volunteer leaders across the Texas Tech University System as members of Law School Foundation Board, J.T & Margaret Talkington College of Visual & Performing Arts Dean’s National Council of Advisors, and Medici Circle. Mark serves on the Texas Tech University System Board of Regents.

The gifts meets the minimum gift for naming an academic unit and has met appropriate benchmarking results, as verified by the vice chancellor of Institutional Advancement.

Regents' Rules Section 13.02.1a requires board approval for namings of an academic unit within the TTU system resulting from a private gift.

11. **TTUHSC: Approve changes in academic rank.**

Presenter: Dr. Darrin D'Agostino

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; HSC Operating Policy 60.01

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank, effective September 1, 2022, for the faculty as listed below.

Tenured Faculty:

Jennifer Collins, PhD, RN, associate professor to professor, Graduate Program, School of Nursing

Michaela Jansen, PharmD, PhD, associate professor to professor, Department of Cell Physiology & Molecular Biophysics, School of Medicine

Non-Tenure Track Faculty:

Morgan Ashley, MSN, RN, instructor to assistant professor, Traditional Program, School of Nursing

Mirla Avila, MD, assistant professor to associate professor, Department of Neurology, School of Medicine

Alison Barron, MSN, RN, instructor to assistant professor, Traditional Program, School of Nursing

Cody Beaver, MD, assistant professor to associate professor, Department of Orthopaedic Surgery & Rehabilitation, School of Medicine

Smita Bhaskaran, MD, assistant professor to associate professor, Department of Pediatrics, School of Medicine

Amy Boothe, DNP, MSN, CHSE, assistant professor to associate professor, Traditional Program, School of Nursing

Joshua Demke, MD, associate professor to professor, Department of Otolaryngology, School of Medicine

Hollis Franco, PhD, RN-BC, assistant professor to associate professor, Traditional Program, School of Nursing

Jerry Grimes, MD, associate professor to professor, Department of Orthopaedic Surgery & Rehabilitation, School of Medicine

Ashley M. Higbea, PharmD, assistant professor to associate professor, Department of Pharmacy Practice, Jerry H. Hodge School of Pharmacy

Keeley Hobart, MD, assistant professor to associate professor, Department of Family & Community Medicine, School of Medicine

Winslo Idicula, MD, assistant professor to associate professor, Department of Otolaryngology, School of Medicine

Kathleen Kearney, JD, MSN, BSN, RN, CNE, CPNP, assistant professor to associate professor, Non-Traditional Program, School of Nursing

Martin Ortega, MD, assistant professor to associate professor, Department of Family & Community Medicine, School of Medicine

Sumesh Parat, MD, assistant professor to associate professor, Department of Pediatrics, School of Medicine

Fiona Prabhu, MD, associate professor to professor, Department of Family & Community Medicine, School of Medicine

Belen Ramirez, MPH, MSN, APRN, NP-C, instructor to assistant professor, Traditional Program, School of Nursing

Shelly Seth, MBA, DNP, FNP, ACNP, CCRN-K, CNEcl, assistant professor to associate professor, Graduate Program, School of Nursing

Pooja Sethi, MD, assistant professor to associate professor, Department of Internal Medicine, School of Medicine

Kaylee Shepherd, MD, assistant professor to associate professor, Department of Internal Medicine, School of Medicine

Deborah Sikes, DNP, RN, CNE, associate professor to professor, Non-Traditional Program, School of Nursing

Priscilla Stansell, DNP, RN, MEDSURG-BC, assistant professor to associate professor, Traditional Program, School of Nursing

Amanda Veasart, PhD, RN, associate professor to professor, Traditional Program, School of Nursing

Tenure Track Faculty:

Yangzom Bhutia, PhD, assistant professor to associate professor,
Department of Cell Biology & Biochemistry, School of Medicine

BACKGROUND INFORMATION

Those members of the faculty whose names appear on the above list have been judged by the appropriate departmental and collegiate committees and administrative personnel as worthy of the promotions for which they have been recommended. The procedure used in recommending members of the faculty for promotion has been followed carefully.

12. TTUHSC: Approve changes in academic rank and granting of tenure.

Presenter: Dr. Darrin D'Agostino

Presentation Time: 1 minute

Board approval required by: Section 04.02, *Regents' Rules*; HSC Operating Policy 60.01

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank and the granting of tenure, effective September 1, 2022, to the faculty as listed below.

Devin B. Lowe, PhD, assistant professor to associate professor and tenure, Department of Immunotherapeutics & Biotechnology, Jerry H. Hodge School of Pharmacy

BACKGROUND INFORMATION

Those members of the faculty whose names appear on the above list have been judged by the appropriate departmental and collegiate committees and administrative personnel as worthy of the promotions and granting of tenure for which they have been recommended. The procedure used in recommending members of the faculty for promotion and tenure has been followed carefully.

Approval of tenure for this individual, along with the other TTUHSC tenure approvals being requested on this day, brings the number of tenured faculty in all academic schools of Texas Tech University Health Sciences Center to 158. There are a total of 208 faculty either in the tenure-track or tenured. After these appointments, the percentage of tenure track faculty who have been awarded tenure will be approximately 75.96 percent. The number of faculty that is non-tenure track is 541.

13. TTUHSC: Approve granting of tenure.

Presenter: Dr. Darrin D'Agostino

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; HSC Operating Policy 60.01

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the granting of tenure, effective February 24, 2022, to the faculty as listed below.

Thomas Cammack, MD, professor, Department of Urology, School of Medicine

Hiranmoy Das, PhD, professor, Department of Pharmaceutical Sciences, Jerry H. Hodge School of Pharmacy

Ericka Hendrix, PhD, MB(ASCP)cm, associate professor, Department of Laboratory Sciences & Primary Care, School of Health Professions

Sergey Kunkov, MD, professor, Department of Pediatrics, School of Medicine

John Lawrence, PhD, associate professor, Department of Pharmacology & Neuroscience, School of Medicine

Nandini Nair, MD, professor, Department of Internal Medicine, School of Medicine

J. Wade Redman, PhD MT(ASCP), DLM, associate professor, Department of Laboratory Sciences & Primary Care, School of Health Professions

Evelyn Sbar, MD, associate professor, Department of Family & Community Medicine, School of Medicine

Scott Shurmur, MD, professor, Department of Internal Medicine, School of Medicine

BACKGROUND INFORMATION

Those members of the faculty whose names appear on the above list have been judged by the appropriate departmental and collegiate committees and administrative personnel as worthy of the granting of tenure for which they have been recommended. The procedure used in recommending members of the faculty for tenure has been followed carefully.

Approval of tenure at this BOR meeting for these individuals, along with the other TTUHSC tenure approvals being requested on this day, brings the number of tenured faculty in all academic schools of Texas Tech University Health Sciences Center to 158. There are a total of 208 faculty either in the tenure-track or tenured. After these appointments, the percentage of tenure track faculty who have been awarded tenure will be approximately 75.96 percent. The number of faculty that is non-tenure track is 541.

14. TTUHSC: Approve appointment with tenure.

Presenter: Dr. Darrin D'Agostino

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; HSC Operating Policy 60.01

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the granting of tenure to Lance McMahon, PhD, concurrent with his appointment as professor in the Department of Pharmaceutical Sciences in the Jerry H. Hodge School of Pharmacy at Texas Tech University Health Sciences Center ("TTUHSC"), effective February 24, 2022.

Dr. McMahon has a consistent record of significant accomplishments during his career. He comes to TTUHSC with more than 9 years of combined service as a tenured faculty member. His first tenured appointment was as associate professor in the Department of Pharmacology at the University of Texas Health Science Center at San Antonio. He held that appointment for 5 years. In 2017, he was recruited to the University of Florida where he served as professor with tenure and chair of the Department of Pharmacodynamics. His record of accomplishments and performance were exemplary at both institutions.

Dr. McMahon earned his Doctor of Philosophy in Behavioral and Cellular Neuroscience from Texas A&M University in 1997. Since that time, his research career has focused extensively on pharmacological and pre-clinical modeling aspects of drug discovery and development. His current research integrates principles of behavior and receptor theory to identify central nervous system mechanisms responsible for therapeutic and adverse effects of a range of drug classes. Dr. McMahon has been continuously funded by the National Institutes of Health (NIH) for 19 years (since 2003) for a total of \$22M as a Principal Investigator. Additionally, he has published 118 peer-reviewed papers focusing on central nervous system drugs.

In addition to his appointment as professor within the TTUHSC Jerry H. Hodge School of Pharmacy, Dr. McMahon has served as TTUHSC's Senior Vice President for Research and Innovation since December 1, 2021.

BACKGROUND INFORMATION

The individual whose name appears above is recommended for the award of tenure with his appointment for qualifications meriting tenure in accordance with school tenure and promotion policies, standards and guidelines.

Approval of tenure for this individual, along with the other TTUHSC tenure approvals being requested on this day, brings the number of tenured faculty in all academic schools of Texas Tech University Health Sciences Center to 158. There are a total of 208 faculty either in the tenure-track or tenured. After these

appointments, the percentage of tenure track faculty who have been awarded tenure will be approximately 75.96 percent. The number of faculty that is non-tenure track is 541.

15. TTUHSC El Paso: Approve changes in academic rank.

Presenter: Richard A. Lange, MD, MBA

Presentation Time: 2 minutes

Board approval required by: Section 04.02, *Regents' Rules*; HSCEP Operating Policy 60.01**RECOMMENDATION**

The president recommends and the chancellor concurs that the Board of Regents approve changes in academic rank effective September 1, 2022, to the faculty as listed below.

Tenured Faculty:

Subramanian Dhandayuthapani, Ph.D., associate professor to professor, Department of Molecular and Translational Medicine, Paul L. Foster School of Medicine

Non-Tenure Track Faculty:

Adam Adler, M.D., assistant professor to associate professor, Department of Orthopaedic Surgery & Rehabilitation, Paul L. Foster School of Medicine

Lisa Ayoub-Rodriguez, M.D., assistant professor to associate professor, Department of Pediatrics, Paul L. Foster School of Medicine

Ricardo Belmares, Ph.D., instructor to assistant professor, Department of Medical Education, Paul L. Foster School of Medicine

Christina Blanco, D.N.P., R.N., assistant professor to associate professor, Gayle Greve Hunt School of Nursing

Abhizith Deoker, M.D., assistant professor to associate professor, Department of Internal Medicine, Paul L. Foster School of Medicine

Sajeev Ezhapilli-Chennan, M.D., assistant professor to associate professor, Department of Radiology, Paul L. Foster School of Medicine

Fatima Gutierrez, M.D., assistant professor to associate professor, Department of Pediatrics, Paul L. Foster School of Medicine

Pedro Antonio Maldonado, M.D., assistant professor to associate professor, Department of Obstetrics & Gynecology, Paul L. Foster School of Medicine

Carla Martinez, M.D., assistant professor to associate professor,

Department of Obstetrics & Gynecology, Paul L. Foster School of
Medicine

Anjana Nair, M.D., assistant professor to associate professor,
Department of Obstetrics & Gynecology, Paul L. Foster School of
Medicine

Sudhagar Thangarasu, M.D., assistant professor to associate professor,
Department of Internal Medicine - Transmountain,
Paul L. Foster School of Medicine

Anantha Vellipuram, M.D., assistant professor to associate professor,
Department of Neurology, Paul L. Foster School of Medicine

BACKGROUND INFORMATION

Those members of the faculty whose names appear on the above list have been judged by the appropriate departmental and collegiate committees and administrative personnel as worthy of the promotions for which they have been recommended. The procedure used in recommending members of the faculty for promotion has been followed carefully.

16. TTUHSC El Paso: Approve Hunt School of Dental Medicine Practice Income Plan Bylaws.

Presenter: Richard A. Lange, MD, MBA

Presentation Time: 5 minutes

Board approval required by: DPIP Bylaws, Article V

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the Hunt School of Dental Medicine's Practice Income Plan ("PIP") Bylaws. The proposed School of Dental Medicine's Practice Income Plan Bylaws is included as an attachment to the agenda book.

BACKGROUND INFORMATION

The School of Dental Medicine's Practice Income Plan Bylaws govern the membership, organization, trust fund, and general management of the practice plan income for the Texas Tech University Health Sciences Center El Paso Hunt School of Dental Medicine. The proposed bylaws were approved by the Dean of the Dental School and the AVP for Compliance. The bylaws will be effective March 1, 2022.

AUDIT

Audit Committee

Committee Meeting
February 24, 2022

Time: 11:10 am (or upon adjournment of the Academic, Clinical and Student Affairs Committee meeting)

Place: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas

Regents: Steinmetz (Chair) and Acosta (Vice Chair)
(The Audit Committee consists of all nine board members.)

Agenda

- Approve minutes of committee meeting held on November 18, 2021
- I.B.** 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”), Midwestern State University (“MSU”), the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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1. TTUS: Report on audits	2
2. Adjournment	

NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Audit Committee. Action taken by this committee is final and does not require a report to the Full Board.

1. TTUS: Report on audits.

Presenter: Mrs. Kim Turner

Presentation Time: 5 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.

FACILITIES

Facilities Committee

Committee Meeting
February 24, 2022

Time: 11:20 am (or upon adjournment of the Audit Committee meeting)

Place: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas

Regents: Womble (Chair) and Griffin (Vice Chair)
(The Facilities Committee consists of all nine board members.)

Agenda

- Approve minutes of committee meeting held on November 18, 2021
- I.C.** 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”), Midwestern State University (“MSU”), the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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1.	ASU: Approve naming of the planned Bell Tower on the Angelo State University campus (Housley Tower)	2
2.	TTU: Authorize expenditures for the Academic Sciences Building project and accept the CMAR’s GMP for Bid Package 1A – Direct Bury Utilities.....	4
3.	TTUS: Report on Facilities Planning and Construction projects	7
4.	Adjournment	

NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Facilities Committee. Action taken by this committee is final and does not require a report to the Full Board.

1. ASU: Approve naming of the planned Bell Tower on the Angelo State University campus (Housley Tower).

Presenter: Mr. Patrick Kramer

Presentation Time: 3 minutes

Board approval required by: Section 13.02.2a, *Regents' Rules*

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents approve the naming of the planned Bell Tower on the Angelo State University ("ASU") campus the "Housley Tower". The donor concurs with the naming of this structure. Signage for the structure will specify the approved name.

BACKGROUND INFORMATION

Mona Housley ("Donor") made a generous commitment of \$850,000 to support Angelo State University in honor of late husband, Robert Housley. To honor and recognize this contribution, the Bell Tower on the Angelo State University campus will be named the "Housley Tower". Signage for the structure will specify the approved name.

The Donor would like to honor her late husband, Robert "Bob", who was a pillar of the San Angelo community. Bob and Mona are originally from Carlisle, Arkansas. He served in the National Guard during the 1957 Integration Crisis at Central High School in Little Rock, Arkansas, aiding in the protection of the first integrated students in the United States. Bob's job for Texas International Aviation led the family to move to San Angelo in 1976. Bob launched Housley Communications in 1980. From its humble beginning, Bob and Mona's leadership led to it becoming world renowned for excellence in the telecommunications industry. In addition to his successful leadership of Housley Communications, Bob cared deeply for the community. He was an active supporter of various organizations in the community, including the Lighthouse for the Blind and West Texas Rehab. Additionally, he served as a Trustee for Angelo State University and First Financial Bank for many years.

ASU is currently in negotiations with a Design Professional for the design and construction a 70 to 80-foot masonry bell tower with a digital Carillon Bell system. The proposed location is between Johnson Street and Stephens Chapel. The structures' façade will include ASU's brick blend, cast stone trim, and standing seam metal roof matching the recently completed Stephens Chapel. The project is proposed to be completed by April 2023

The gift meets the minimum fifty percent (50%) threshold requirement for naming a subunit within a facility, as verified by the vice chancellor of facilities planning and construction.

Regents' Rules Section 13.02.2a requires board approval for naming of a facility within the TTU System resulting from a private gift.

2. TTU: Authorize expenditures for the Academic Sciences Building project and accept the CMAR's GMP for Bid Package 1A – Direct Bury Utilities.

Presenter: Mr. Billy Breedlove

Presentation Time: 5 minutes

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

RECOMMENDATION

The president recommends and the chancellor concurs that the Board of Regents authorize the chancellor or the chancellor's designee to (i) approve expenditures of \$4,729,309 for a total of \$15,488,645 for the Academic Sciences Building project with an anticipated total project budget of \$100,000,000; (ii) accept the Guaranteed Maximum Price ("GMP") for construction of Bid Package 1A – Direct Bury Utilities; and (iii) amend the Construction Manager At Risk ("CMAR") Agreement for execution of Bid Package 1A – Direct Bury Utilities. The expenditures will be funded through General Revenue appropriations and the Revenue Finance System ("RFS"), repaid with Higher Education Funds ("HEF"). The current total of expenditures includes the previously board authorized expenditures (\$10,759,336).

The Board reasonably expects to incur debt obligations for the design, planning, and construction of the project, and all or a portion of the debt proceeds are reasonably expected to be used to reimburse the System for project expenditures previously expended. The maximum principal amount of debt obligations to be issued for the Project is \$100,000,000.

The president further recommends that the chancellor authorize the president 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

This approval grants authority to construct Bid Package 1A – Direct Bury Utilities for the Academic Sciences Building ("ASB") project and incur additional expenditures of \$4,729,309. Total current expenditures of \$15,488,645 will be funded through General Revenue appropriations and the Revenue Finance System ("RFS"), repaid with Higher Education Funds ("HEF").

Bid Package 1A – Direct Bury Utilities includes the trenching and placement of a 4-pipe hydronic thermal utilities system. The pipes include 10" Chilled Water Supply, 10" Chilled Water Return, 8" Steam and 4" Condensate Return. The individual utility service lines are approximately 1,600 feet each. The pipe route starts at a new connection to the existing tunnel between Carpenter-Wells and Experimental Sciences Building II; then runs south through the parking lots and

turns east to the Academic Sciences Building location where it will enter the building from the south. This bid package is needed in order to maintain the project schedule.

The Academic Sciences Building will be an approximate 128,999 GSF, basement and 3-story structure in the academic core of the campus. Also located within the Historic District Zone of the campus, the new building will be adjacent to the original Chemistry Building and the Science Building and therefore, will be designed in the spirit of the Spanish Renaissance campus vernacular. The new facility will provide limited office space, a high technology flipped classroom/event space, teaching class labs, collaboration and support spaces, and research space. There are four core shared research labs in the building that include Cell Culture, Histopathology, Human Sampling, and a Clean room. A total of five (5) departments will have a presence in the building including Physics, Geosciences, Psychological Sciences, Biological Sciences, and Chemistry. Site utility infrastructure work will include new direct buried lines from CHACP I to provide heating and cooling for the new facility. The project may include landscape enhancements and public art. The project's design incorporates a new east facing courtyard and science plaza to foster student collaboration.

The component institution and FP&C will explore the possibility of incorporating existing and/or surplus furniture, fixtures, and equipment into the project.

In November 2021, the Board of Regents authorized expenditures of \$2,628,653 to amend the Construction Manager At Risk ("CMAR") Agreement for execution of Bid Package 1 – Utilities; waive the use of a Construction Manager-Agent ("CMA"); and report the project to the Texas Higher Education Coordinating Board ("THECB"). The expenditures will be funded through General Revenue appropriations and the Revenue Finance System ("RFS"), repaid with Higher Education Funds ("HEF"). The current total of expenditures is \$10,759,336 for the Academic Sciences Building project.

In May 2021, the Board of Regents authorized expenditures of \$6,381,432 to amend the Design Professional Agreement for Stage II services consisting of Design Development ("DD"), Construction Documents ("CD"), Construction Administration ("CA") Phases, and to provide a Statement of Probable Cost and project design schedule. Also, to award a Construction Manager At Risk ("CMAR") Agreement to allow the CMAR to provide pre-construction activities associated with the planning and design process, i.e., project evaluation; site analysis; constructability review; value engineering; scheduling; cost control; and development of a Guaranteed Maximum Price ("GMP"). The expenditures were funded through the Revenue Finance System ("RFS") repaid with Higher Education Funds ("HEF").

In February 2020, the Board of Regents approved expenditures of \$1,749,251 to execute a Design Professional Agreement and authorize Stage I services in

order to move forward on the project's vision through the Programming and Schematic Design phases, provide a Statement of Probable Cost and project schedule. The expenditures were funded through the Revenue Finance System ("RFS") repaid with Higher Education Funds ("HEF").

The senior vice president of administration & finance and chief financial officer has verified the source of funds. The vice chancellor and chief financial officer of the TTU System also acknowledges the source of the funds for this project.

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

Presenter: Mr. Billy Breedlove
Report requested by: Board of Regents

Presentation Time: 5 minutes

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

FINANCE AND INVESTMENTS

Finance and Investments Committee

Committee Meeting
February 24, 2022

Time: 11:35 am (or upon adjournment of the Facilities Committee meeting)

Place: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas

Regents: Walker (Chair) and Campbell (Vice Chair)
(The Finance and Investments Committee consists of all nine board members.)

Agenda

- Approve minutes of committee meeting held on November 18, 2021
- I.D.** Consideration of items to be recommended by the Finance and Investments Committee to the Board of Regents of the Texas Tech University System (“TTUS”) for and on behalf of Angelo State University (“ASU”), Midwestern State University (“MSU”), the TTU System Administration (“TTUSA”), Texas Tech University (“TTU”), Texas Tech University Health Sciences Center (“TTUHSC”), and Texas Tech University Health Sciences Center at El Paso (“TTUHSC El Paso”)

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1.	TTUS: Approve amendments to <i>Regents’ Rules</i> , Chapter 07	2
2.	TTUS: Approve amendments to <i>Regents’ Rules</i> , Chapter 08	4
3.	TTUS: Staff Salary Equity and Compression Analysis	5
4.	TTUS: FY 2021 Combined Annual Financial Report.....	6
5.	TTUS: Investment Performance Update	7
6.	Adjournment	

NOTE: All members of the Texas Tech University System Board of Regents serve as members on the Finance and Investments Committee. Action taken by this committee is final and does not require a report to the Full Board.

1. TTUS: Approve amendments to Regents' Rules, Chapter 07.

Presenter: Mr. Gary Barnes

Presentation Time: 10 minutes

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

RECOMMENDATION

The Regents Rules Review Committee (Rules Committee) recommends that the Board of Regents consider adoption of amendments to Chapter 07, *Regents' Rules*, related to fiscal management.

BACKGROUND INFORMATION

Various amendments are proposed related to the fiscal management and administrative responsibilities of the board and TTU system administrators. The proposed amendments to Chapter 07, *Regents' Rules* is included as a supplemental attachment to the agenda item. A summary of the proposed amendments include:

- Adding language to reflect the current standards of audit practices. [[see Sec. 07.02.3; p.2](#)]
- Adding the Office of Equal Opportunity to the list of offices with which to consult when an employee's fraudulent act leads to disciplinary action. [[see Sec. 07.03.6.b; p.10](#)]
- Deletion of antiquated certification requirement as TTU system is no longer subject to the TX Bond Review Board. [[see Sec. 07.02.3; p.12](#)]
- Updates to budgetary control to specify (1) the requirement of board approval for budget adjustments that are more than \$2 million due to new activities and /or revenue sources (increased from \$1 million). [*The Board has a practice of updating budgetary review to reflect the growth in complexity of the System as well as to account for inflationary factors.*]; (2) the chancellor's ability to approve budget adjustments of \$2 million (increased from \$1 million) or less to TTUSA's original budget; (3) president's ability to approve budget adjustments of \$2 million (increased from \$1 million) or less to each institution's original budget; and (4) update the threshold to \$500,000 for reporting deficit fund balances. [[see Sec. 07.04.4; p.12 -15](#)]
- Clarifying the appropriate use of Higher Education Fund for financed projects and deleting antiquated language related to the Revenue Financing System. [[see Sec. 07.05.2.b\(7\) and 07.05.2.c; p. 18](#)]
- Adding language to clarify the role of the board in approving revisions to tuition and fees biannually (as opposed to annually). [[see Sec. 07.10; p. 26](#)]
- Clarifying that (1) the requirement for written contracts may be satisfied as a purchase order; (2) the system and component institutions will develop contract review procedures and check lists to ensure consistency in contracting practices; and (3) any employee who is authorized to execute a contract will receive training and continuing education on ethics, appropriate procurement methods and information resources purchasing. [[see Sec. 07.12.1; p. 29-31](#)]

- Updating the term threshold for when a contract in excess of \$1 million require board approval, i.e., change from “over the term” to “per annum.” [*Contract approval amount of \$1 million is not changing as this is required by state statute.*] [[see Sec. 07.12.3; p. 32](#)]
- Update to the approval process for consulting contracts greater than \$100,000 (up from \$25,000). [*This reflects the growth in complexity of the System as well as to account for inflationary factors.*] In the instances of time sensitive contracts, the revision allows consultants to start work following vetting and approval by the vice chancellor and CFO, the chancellor and component president. The consulting contract is then presented at the next scheduled board meeting. [[see Sec. 07.12.3.e; p. 34](#)]
- Raising the threshold for board approval of athletic directors and head coaches’ employment contracts to \$5 million from the existing \$2 million threshold and raising the contract approval threshold for assistant coaches to \$2 million from the existing \$1 million threshold. [*The coaching contract adjustments were recommended after reviewing Big 12 coach’s contracts. This change would not impact the head coach’s contracts needing BOR approval.*] [[see Sec. 07.12.3.f\(b\); p. 36](#)]
- Moved from Chapter 8 to Chapter 7 the existing requirement for presidential approval of contracts for the sale of alcohol by third party vendors at TTU system facilities. [[see Sec. 07.12.3.h; p. 37](#)]
- The summary table for contract approval is relocated to the end of the chapter and reflects the necessary updates. [[see p. 41](#)]
- Other editorial changes throughout to improve clarity and readability.

The Rules Committee (composed of Regents Mark Griffin- chair, Ginger Kerrick Davis, Pat Gordon, and John Steinmetz) 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*.

2. TTUS: Approve amendments to Regents' Rules, Chapter 08 (Facilities).

Presenter: Mr. Gary Barnes

Presentation Time: 5 minutes

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

RECOMMENDATION

The Regents Rules Review Committee (Rules Committee) recommends that the Board of Regents consider adoption of amendments to Chapter 08, *Regents' Rules*, related to facilities of the Texas Tech University System.

BACKGROUND INFORMATION

Various amendments are proposed for the policies that govern processes for construction projects and administration of TTU system facilities. The proposed amendments to Chapter 08, *Regents' Rules* is included as a supplemental attachment to the agenda item. A summary of the proposed amendments include:

- Adding definition for "Project Management Team" responsible for managing major construction projects. [see [Sec. 08.00.6 and 08.01.3; p.2-3& 6](#)]
- Updating Texas Education Code citation related to competitive bidding for construction projects. [see [Sec. 08.01.1; p.2](#)]
- Clarifying the applicability of federal regulations and institutional OPs to the procurement process for construction projects. [see [Sec. 08.01.5; p.8](#)]
- Simplification of language on FP&C fees which is 2.4% of the initial project paid out over three milestones. Provisions related to "grandfathered" construction projects and the distinction of fees for projects above or below \$15 million is deleted. [see [Sec. 08.01.9; p.9](#)]
- Clarifying (1) the role of the Board and FP&C related to master plan initiatives; (2) the broad applicability of TTU System policies to aiding non-profit organizations that exist for the purpose of supporting the TTU system institutions; and (3) that the playing fields and other athletic facilities are under the control of the various departments of athletics. [see [Sec. 08.02, 08.06.3, & 08.06.4; p.10, p. 20, & p. 21](#)]
- Clarifying language on the sale and service of alcohol; and moving to Chapter 7 the existing language on the board/president's role in approving the license or sale of alcoholic beverages at facilities. [see [Sec. 08.06.5; p. 22-23](#)]

The Rules Committee (composed of Regents Mark Griffin- chair, Ginger Kerrick Davis, Pat Gordon, and John Steinmetz) 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*.

3. TTUS: Staff Salary Equity and Compression Analysis.

Presenter: Mr. Gary Barnes

Presentation Time: 10 minutes

Report requested by: Board of Regents.

Mr. Gary Barnes, Vice Chancellor and CFO, TTUS, will provide a presentation on staff salary equity and compression analysis.

4. TTUS: FY 2021 Combined Annual Financial Report.

Presenter: Mr. Gary Barnes

Presentation Time: 10 minutes

Report requested by: Audit Committee Charter

Mr. Gary Barnes, Vice Chancellor and CFO, TTUS, will present a report on the FY 2021 combined annual financial statements of the TTU System.

5. TTUS: Investment Performance Update.

Presenter: Mr. Gary Barnes
Report requested by: Board of Regents.

Presentation Time: 10 minutes

Mr. Gary Barnes, Vice Chancellor and CFO, TTUS, will provide an update on the performance of TTUS investments.

**MEETING OF THE
BOARD/
COMMITTEE OF
THE WHOLE**

Meeting of the Board
Thursday, February 24, 2022

Time: 10:15 am

Place: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas

Agenda

- I. **Meeting of the Board—Call to Order; convene into Open Session of the Board**.....Chairman Lewis
 - A. Introductions and Recognitions..... Chancellor Mitchell,
President Hawkins,
Interim President Johnston,
President Schovanec
President Rice-Spearman, and
President Lange
 - B. Student Government Association Reports Brady Floyd,
Austin Strode,
Faisal Al-Hmoud,
Bernado Gonzalez,
and Alexa Guerrero
- II. **Recess**Chairman Lewis

III. **Meeting of Standing Committees:** Conducted sequentially and separately from the Meeting of the Board beginning no earlier than ____ am—refer to agenda for each respective committee meeting.
Location: Room 1A103, Medical Sciences Building II (“MSBII”) 137 Rick Francis Street, El Paso, El Paso, Texas

Meeting of the Board

Thursday, February 24, 2022

Time: 12:05 pm

Place: Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street, El Paso, Texas

Agenda

IV. Meeting of the Board—Call to Order; reconvene into Open Session of the Board. The Board will reconvene in Open Session and meet as a Committee of the Whole and Meeting of the Board to consider and act on:Chairman Lewis

A. Approve minutes of the board meeting held on October 13-15, 2021; November 18-19, 2021; December 13, 2021; and January 13, 2022Chairman Lewis

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

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1. ASU, MSU, TTU, TTUHSC, TTUHSC El Paso, TTUSA and TTUS: Approve Consent Agenda; acknowledge review of Information Agenda 7

Consent Agenda

- a. TTU: Approve faculty development leaves of absence (ACS)
- b. TTU: Approve exceptions to nepotism policy (ACS)
- c. TTU: Approve emeritus appointments (ACS)
- d. TTUHSC: Approve emeritus appointments (ACS)
- e. TTUHSC El Paso: Approve faculty development leave of absence (ACS)
- f. TTU: Approve naming of the School of Veterinary Medicine – Mariposa Station, Room B108 (Allsup Equine Skills Lab) (F)
- g. TTUHSC El Paso: Approve naming the Fifth Floor Lobby of the Medical Sciences Building II, Room 5C101 (Amy and Clement Marcus Family Lobby) (F)

- h. TTUHSC El Paso: Approve naming the First Floor Lobby of the Medical Sciences Building II, Room 1C102 (WestStar Grand Lobby) (F)
- i. ASU: Authorize president to execute contract with cybersecurity consultant (FI)
- j. TTU: Approve commissioning of police officers (FI)
- k. TTU: Approve modification of endowment (Pertain-Pasewark Scholarship Endowment) (FI)
- l. TTU: Approve modification of endowment (Shubert Scholarship for Programming Endowment) (FI)
- m. TTU: Approve contract increases with Blackboard Inc. for Technology Support Platform Licenses (FI)
- n. TTU: Authorize president to execute contract extensions with Atmos Energy Marketing LLC and Constellation New Energy-Gas Division LLC (FI)
- o. TTU and TTUS: Approve purchasing contract(s) in excess of \$1,000,000 (FI)
- p. TTUHSC: Authorize president to finalize negotiations and enter into contract with Hamilton Medical AG (FI)

Information Agenda

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

- (1) ASU, MSU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2022 (as of November 30, 2021), per Section 01.02.8.d(3)(g), *Regents' Rules* – All actual expenditures will be reviewed by the Finance and Investments Administration Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <https://www.texastech.edu/offices/cfo/board-financial-reports.php>
- (2) TTUHSC and TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules* – “Notwithstanding Section 07.12.3.a or Section

07.12.3.b, *Regents' Rules*, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting."

- (3) MSU and TTUHSC: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules* – "(a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting."
- (4) TTU, TTUHSC and TTUHSC El Paso: 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 per section 07.12.4 of the *Regents' Rules* – Notwithstanding Section 07.12.3.a, *Regents' Rules*, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved

by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

(5) TTU and TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.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.

(6) TTU: Emergency or exigent circumstances approval by Section 01.02.1.b and 07.12.3.g, *Regents' Rules:* "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... 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."

- C. Schedule for Board meetings:
 - May 5-6, 2022, Lubbock
 - August 11-12, 2022, San Angelo
 - November 17-18, 2022, Lubbock Keino McWhinney

V. Executive Session: The Board may convene into Executive Session in the President's Conference Room (5C222), 137 Rick Francis Street to consider matters permissible under Chapter 551 of the *Texas Government Code*, including, for example:Chairman Lewis

- 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

VI. Open Session: The Board will reconvene in Room 1A103, Medical Sciences Building II (“MSBII”), 137 Rick Francis Street 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 Griffin
- B. Chairman’s AnnouncementsChairman Lewis

VII. AdjournmentChairman Lewis

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

Presenter: Vice Chairman Griffin

Presentation Time: 2 minutes

Board approval required by: Sections 01.02.7.d(4)(b) and 01.02.07.d(4)(c), *Regents' Rules*

RECOMMENDATION

The chancellor recommends that the Board of Regents (i) approves the Consent Agenda for the meeting of February 24, 2022; 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

February 24, 2022

BOARD OF REGENTS

Mr. J. Michael Lewis, Chairman

Mr. Mark Griffin, Vice Chairman

Ms. Arcilia C. Acosta

Mr. Cody C. Campbell

Mrs. Ginger Kerrick Davis

Mr. Pat Gordon

Mr. John D. Steinmetz

Mr. John B. Walker

Mr. Dusty Womble

Ms. Keaghan Holt, Student-Regent

Standing Committee Chairs and Vice Chairs:

Academic, Clinical and Student Affairs:

Ginger Kerrick Davis (Chair); Pat Gordon (Vice Chair); and Keaghan Holt (Student Regent)

Audit:

John Steinmetz (Chair) and Arcilia Acosta (Vice Chair)

Facilities:

Dusty Womble (Chair) and Mark Griffin (Vice Chair)

Finance and Investments:

John Walker (Chair) and Cody Campbell (Vice Chair)

[NOTE: All nine board members serve as voting members of each committee.]

**TEXAS TECH UNIVERSITY SYSTEM
BOARD OF REGENTS**

February 24, 2022

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INFORMATION AGENDA

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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) **ASU, MSU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2022 (as of November 30, 2021), per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Investments Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <https://www.texastech.edu/offices/cfo/board-financial-reports.php>
- (2) **TTUHSC and TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules*** – “Notwithstanding Section 07.12.3.a or Section 07.12.3.b, *Regents' Rules*, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting.”
- (3) **MSU and TTUHSC: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), *Regents' Rules*** – “(a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”
- (4) **TTU, TTUHSC and TTUHSC El Paso: 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 per section 07.12.4 of the Regents' Rules – Notwithstanding Section 07.12.3.a, Regents' Rules, the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

- (5) **TTU and TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.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.
- (6) **TTU: Emergency or exigent circumstances approval of a contract by Section 07.12.3.g, 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 approved in this manner shall be presented to the board as an information item at the next board meeting."

a. TTU: Approve faculty development leaves of absence.

Board approval required by Section 4.05.1, *Regents' Rules*

The request is to approve the following leaves of absence. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Faculty development leave with full salary for Zachary Brittsan, Associate Professor in the Department of History in the College of Arts and Sciences, for the period of September 2022 to December 2022. The purpose of this leave is to complete the archival research and writing of his book project, *Trying Modernity*, an exegesis of homicide trials occurring in Mexico between 1848 and 1871 which, in part, will reveal how everyday members of civil society understood and asserted their rights.

Faculty development leave with full salary for Perry Carter, Associate Professor in the Department of Geosciences in the College of Arts & Sciences, for the period of January 2023 to May 2023. The purpose of this leave is to conduct field interviews of museum directors and staff as part of the research for a funded, \$508,350 NSF grants, "The Role of Museums in the Landscape of Minority Representations."

Faculty development leave with full salary for Xinzhong Chen, Professor in the Department of Civil, Environmental and Construction Engineering in the Edward E. Whitacre, Jr. College of Engineering, for the period of September 2022 to December 2022. The purpose of this leave is to exchange research and educational information and to develop collaborative research proposals with Japanese professors at Kyoto University and Tokyo Polytechnic University in the field of wind-resistant design of large flexible structures and wind hazard mitigation.

Faculty development leave with half salary for Julie Couch, Associate Professor in the Department of English in the College of Arts and Sciences, for the period of September 2022 to May 2023. The purpose of this leave is to prepare new course materials to update the teaching of medieval literature, to compile a sourcebook for teaching medieval race and ethnicity, and to complete a journal article investigating racial, global, and literary implications of medieval pilgrimage and crusade. These three objectives are part of a project Dr. Couch is developing on the Global Middle Ages.

Faculty development leave with full salary for Johannes Dahl, Associate Professor in the Department of Geosciences in the College of Arts and Sciences, for the period of September 2022 to December 2022. The purpose of this leave is to participate in an international collaboration with a group at the Technical University of Berlin, Germany, to learn techniques of analyzing instabilities in tornado-like vortices.

Faculty development leave with full salary for Stephen Devadoss, Professor in the Department of Agricultural and Applied Economics in the Gordon W. Davis College of Agricultural Sciences and Natural Resources, for the period of January 2023 to May 2023. The purpose of this leave is to enhance his knowledge in the area of risk management by reviewing materials related to probability theory, econometric analysis, farm policies, insurance policies, and cutting-edge literature on risk and uncertainty. The new knowledge will augment his potential to publish high quality journal articles, obtain extramural competitive funding, and help support graduate students in their research.

Faculty development leave with full salary for Mohamed Fokar, Research Associate Professor in the Center for Biotechnology and Genomics, for the period of January 2022 through April 2022. Dr. Fokar has been awarded a Fulbright Award to Morocco where he will conduct research in the field of plant genomics and next generation sequencing with scientists and engage in training of students and technical staff at the Institut National de la Recherche Agronomique in Rabat, Morocco.

Faculty development leave with full salary for Ghislaine Fremaux, Associate Professor in the School of Art in the J.T. and Margaret Talkington College of Visual and Performing Arts, for the period of September 2022 to December 2022. The purpose of this leave is to conclude a cross-disciplinary project in partnership with colleagues at TTUHSC-El Paso, an arts-based investigation into gastrointestinal disorders, their visualization by scientific and artistic means, and their effects on patients' lives and conceptions of self and body.

Faculty development leave with full salary for Yitzhak Fried, Professor in the Area of Management in the Jerry S. Rawls College of Business for the period of September 2022 to December 2022. The purpose of this leave is to write a grant proposal to the National Science Foundation (NSF) on a project examining generational differences as a function of national culture, in collaboration with colleagues in Israel and England and building from their work already funded by the Society of Human Resource Management.

Faculty development leave with full salary for Robin Germany, Professor in the School of Art in the J.T. and Margaret Talkington College of Visual and Performing Arts for the period of March 20, 2023 to June 21, 2023. The purpose of this leave is to continue a line of research into the impact of development and industry on the coastal wetlands with a focus on the Gulf Coast homes and archives of three early conservationists, Mavyanne Betch in Florida, Ned McIlhenny in Louisiana, and Walter Anderson in Mississippi. Her work will entail new equipment and techniques to make images in response to these people and places that emphasize the interconnectedness of the lifeforms found in the coastal area.

Faculty development leave with full salary for Greta Gorsuch, Professor in the Department of Classical and Modern Languages and Literatures in the College of Arts and Sciences for the period of September 2022 to December 2022. The purpose of this leave is to complete final stages in the publication of her new book, *Using Theories for Second Language Teaching and Learning*, due to be delivered to the publisher December 2022.

Faculty development leave with full salary for Luan Hoang, Associate Professor in the Department of Mathematics and Statistics in the College of Arts and Sciences for the period of January 2023 to May 2023. The purpose of this leave is to devote focused time to three research projects and a book project, work to entail travel for collaboration meetings with colleagues at several U.S. universities including Indiana University, Princeton, and University of Minnesota, and international institutions including the University of Cambridge and Université Paris-Sud, France.

Faculty development leave with half salary for Christopher Hom, Associate Professor in the Department of Philosophy in the College of Arts and Sciences for the period of September 2022 to May 2023. The purpose of this leave is to complete his co-authored book manuscript, *Moral and Semantic Innocence*, currently under contract with MIT Press.

Faculty development leave with half salary for Alexander Idesman, Professor in the Department of Mechanical Engineering in the Edward E. Whitacre, Jr. College of Engineering for the period of September 2022 to May 2023. The purpose of this leave is to work on development of a new high-order numerical technique with optimal accuracy for partial differential equations used for different engineering problems. This research will create a new tool for the solution of complicated engineering problems that are very important for civil and military applications. The leave will also provide for strengthening existing and developing new collaborations with National Research Labs and universities, and the preparation of new publications in prestigious journals and the submission of new proposals to funding agencies.

Faculty development leave with full salary for Ruey-Jen Jang, Professor in the Department of Mathematics and Statistics in the College of Arts and Sciences for the period of January 2023 to May 2023. The purpose of this leave is to work with colleagues in the Department of Applied Mathematics at Feng Chia University, Taiwan in learning the numerical techniques of bifurcation analysis, which has implications for understanding population interactions in areas of ecology, epidemiology, and oncology.

Faculty development leave with full salary for Stacey Jocoy, Associate Professor in the School of Music in the J.T. and Margaret Talkington College of Visual and Performing Arts for the period of January 2023 to May 2023. The purpose of this leave is to participate in an international

research program in Japan as a Visiting Research Scholar. The International Research Center for Japanese Studies is one of the constituent institutions of the National Institutes for the Humanities. The focus will be writing a manuscript for a monograph based on Dr. Jocoy's research and creative activity over the past five years which explores transnational and transcultural aspects of anime soundtracks as vehicles of sonic, semiotic meaning.

Faculty development leave with full salary for Jacqueline Kolosov, Professor in the Department of English in the College of Arts and Sciences for the period of September 2022 to December 2022. The purpose of this leave is to complete work on her new novel set in France and England between 1939-1945 and focused primarily on the Nazi occupation and the work of the French Resistance in conjunction with the Special Operations Executive (or SOE) formed under Churchill. The novel concerns a defining question of how one finds courage to survive when what one holds most dear has been lost.

Faculty development leave with full salary for Jeffrey Lastrapes, Associate Professor in the School of Music in the J.T. and Margaret Talkington College of Visual and Performing Arts for the period of January 2023 to May 2023. The purpose of this leave is to facilitate the continued thorough research, study, and editing of a print edition of the two Sonatas by Gabriel Faure. The result of this work will be available worldwide through the publisher BCMP Ltd and electronically via open source. This project is important to the global cello and chamber music community.

Faculty development leave with half salary for Jaehoon Lee, Associate Professor in the Department of Educational Psychology, Leadership and Counseling in the College of Education for the period of September 2022 to May 2023. The purpose of this leave is to conduct simulation and instructional design studies in collaboration with researchers in South Korea, focusing on three-dimensional augmented reality (AR) applications for digital storytelling and developing training modules on how to design AR applications.

Faculty development leave with full salary for Mellinee Lesley, Professor in the Department of Curriculum and Instruction in the College of Education for the period of September 2022 to December 2022. The purpose of this leave is to focus on developing substantial manuscripts out of several long-term projects which will contribute to the knowledge base in the field of literacy research surrounding questions of *why* lack of progress in writing achievement for adolescents is widespread across the United State, and *how* to address this pervasive issue in historically "underperforming" schools.

Faculty development leave with half salary for Wei Li, Associate Professor in the Department of Chemical Engineering in the Edward E. Whitacre, Jr.

College of Engineering for the period of September 2022 to May 2023. The purpose of this leave is to establish an invited research collaboration with a colleague in the Graduate School of Engineering Division of Applied Chemistry at Osaka University, Japan. Their work will be in the area of “Biomimetic Microchips with Vascularized 3D Tissues.”

Faculty development leave with full salary for Andrew Littlefield, Associate Professor in the Department of Psychological Sciences in the College of Arts and Sciences for the period of September 2022 to December 2022. The purpose of this leave is to pursue work on an NIH-reviewed project regarding machine learning, precision medicine, and alcohol use treatment.

Faculty development leave with full salary for Richard Lutjens, Jr., Associate Professor in the Department of History in the College of Arts and Sciences for the period of January 2023 through May 2023. The purpose of this leave is to finish the research for his second book project concerning the non-state-sanctioned exploitation of German Jews in the 1930s and 1940s by so-called “ordinary” perpetrators of crime. The work will include travel to the Mandel Center for Advanced Holocaust Studies at the United States Holocaust Memorial Museum where most of the archival records necessary for the completion of this project reside.

Faculty development leave with full salary for Faith Maina, Professor in the Department of Curriculum and Instruction in the College of Education for the period of September 2022 to May 2023. The purpose of this leave is to travel to Nairobi, Kenya to conduct a pilot study titled, “Promoting Youth Engagement in Agribusiness Through Validation and Up-scaling of Technologies for the Production of High Quality Inexpensive Livestock Feeds, data from which will be used to strengthen the concept for a USAID grant and develop other multi-agency grant applications.

Faculty development leave with full salary for Mark McKenzie, Associate Professor in the Department of Political Science in the College of Arts and Sciences for the period of January 2023 to May 2023. The purpose of this leave is to examine the influence and impact of the European Court of Human Rights (ECtHR) in Europe. The project will examine how the Court influences certain countries’ national courts as well as examine the decision making and behavior of the ECtHR itself in the areas of voting rights and national security. The work will entail travel to Bergen, Norway and Strasbourg, France.

Faculty development leave with full salary for Anna Novotny, Associate Professor in the Department of Sociology, Anthropology, and Social Work in the College of Arts and Sciences for the period of January 2023 to May 2023. The purpose of this leave is to conduct background research for a bioarchaeology project at the Old Canaan Cemetery – an historic cemetery of formerly enslaved and free people of African heritage located

in the city of Marshall, Harrison County, Texas. The primary objective of the leave is to meet and develop rapport with and interview members of the church associated with the cemetery, to collect oral histories, and to learn about best practices to documentation and excavation of historic cemeteries.

Faculty development leave with full salary for Angela Peace, Associate Professor in the Department of Mathematics and Statistics in the College of Arts and Sciences for the period of September 2022 to December 2022. The purpose of this leave is to visit the German Centre for Integrative Biodiversity Research to explore ecological structures subject to stoichiometric constraints, work which will enhance her research program with new lines of inquiry and a widened network of international collaborators.

Faculty development leave with full salary for Wyatt Phillips, Associate Professor in the Department of English in the College of Arts and Sciences for the period of January 2023 to May 2023. The purpose of this leave is to initiate significant work on two new research projects located at the intersection of media history, cultural history, and business history. The first project will produce a book on motion picture viewing spaces that have historically served as alternatives to the Hollywood theatrical model, such as drive-ins, film festivals, and Spanish-language theaters. The second is a digital humanities project that will create searchable digital versions of extant archived sales catalogs used to sell the earliest films.

Faculty development leave with full salary for Peter Raab, Associate Professor in the College of Architecture for the period of January 2023 to May 2023. The purpose of this leave is to establish an area of expertise in innovative architectural building envelopes during a focused, intensive survey of existing scholarly research on the subject; to perform two, week-long research trips to document, analyze and gather data on recent innovations in architectural assemblies while establishing personal connections with façade design specialists in the United States and Asia; and to translate this new knowledge into the development of journal publications which will serve as a foundation towards a larger book project on the topic.

Faculty development leave with half salary for Vittal Rao, Professor in the Department of Electrical and Computer Engineering in the Edward E. Whitacre, Jr. College of Engineering for the period of September 2022 to May 2023. The purpose of this leave is to investigate the detection and mitigation of stealth attacks on distribution power systems integrated with energy storage systems. The work will be conducted at the Energy Storage Technology and Systems Department at the Sandia National Laboratories.

Faculty development leave with full salary for James Sheng, Professor in the Bob L. Herd Department of Petroleum Engineering in the Edward E. Whitacre, Jr. College of Engineering, for the period of January 2022 through May 2022. Dr. Sheng has received a Fulbright award to visit the University of Regina in Canada where he will engage in research and training in CO2 capture, utilization, and sequestration projects.

Faculty development leave with full salary for Brie Sherwin, Professor in the School of Law for the period of September 2022 to December 2022. The purpose of this leave is to travel to Massachusetts and Connecticut to conduct interviews with experts, search archives, and continue her research into the Salem Witch Trials and the historical persecution of witches. This travel will augment work she currently does with the Salem Witch Museum analyzing empirical research conducted by the museum on the public perception of the term “witch hunt.” This work is to lead to publications in law and social science journals as well as provide material for development of a course based on the Salem Witch Trials and eventually a book.

Faculty development leave with full salary for Angela Mariani Smith, Professor in the School of Music in the J.T. and Margaret Talkington College of Visual and Performing Arts, for the period of September 2022 to December 2022. The purpose of this leave is to undertake the research, writing, recording and publishing of 12 podcasts that will be both a stand-alone entity and Phase 1 of a long-term research agenda that includes the podcasts, a book, and a digital humanities project concerning music of the global Middle Ages.

Faculty development leave with full salary for Allison Whitney, Associate Professor in the Department of English in the College of Arts and Sciences for the period of September 2022 to December 2022. The purpose of this leave is to work on *Locating Transnational Collaborations in the Early History of IMAX Films and Architectures (1970-1990)*, an international project funded by a Social Sciences and Humanities Research Council of Canada (SSHRC) Insight Grant. The primary research phase of this five-year project requires travel to multiple countries, and Fall 2022 plans include visits to France and Japan, as well as dedicating time to conduct follow-up interviews and secondary research, complete further grant applications and conference proposals, and prepare for subsequent stages of the project.

Faculty development leave with full salary for Kai Zhang, Professor in the Department of Biological Sciences in the College of Arts and Sciences for the period of September 2022 to December 2022. The purpose of this leave is to expand the research capacity of his laboratory group at Texas Tech by bringing in a sand fly colony. He will visit the NIH lab of Dr. David Sacks Bethesda, Maryland during the leave period to learn how to rear

sand flies and perform *Leishmania* infection with the native sand fly vector, which technique he can then teach to his students.

Faculty development leave with full salary for Yuanlin Zhang, Associate Professor in the Department of Computer Science in the Edward E. Whitacre, Jr. College of Engineering for the period of September 2022 to December 2022. The purpose of this leave is to develop a research design based on education theories, learning sciences, and cognition to further study a scalable and unified knowledge representation-based integration of Computing and STEM-learning in the context of K-16 education. The work will be conducted at TTU but entail travel to engage with collaborators at several other institutions including the University of Calgary, the University of Florida, and UCLA.

b. TTU: Approve exceptions to nepotism policy.

Board approval required by: Section 03.01.11, *Regents' Rules*; TTU Operating Policy 70.08.

The request is to approve an exception to the nepotism policy in each of the following instances. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Dr. Haibo Ge, an associate professor in the Department of Chemistry and Biochemistry in the College of Arts and Sciences, was recently awarded a \$450,000 single investigator NSF grant and a \$240,000 single investigator grant with the Robert A. Welch Foundation. He has another NSF grant pending with NSF as a co-PI. Dr. Ge's spouse, Ms. Yan Zhao, has over 10 years of experience as a research associate at Indiana University Purdue University Indianapolis, including 14 research publications in top peer-reviewed journals. Her research experience in organic chemistry is directly related and has contributed to the research programs outlined in Dr. Ge's Welch and NSF grants, making her the most highly qualified, directly available person to serve as a research associate in Dr. Ge's laboratory. Indeed, her knowledge and skill set is critical for the future success of the research group. If approved for employment in Dr. Ge's group, to avoid any potential conflict of interest, Dr. Ge will not initiate or participate in any institutional decision affecting Ms. Zhao's employment. Instead, Dr. Nural Akchurin, Associate Dean for Research in the College of Arts and Sciences (and a professor in the Department of Physics and Astronomy), will personally and directly review and approve Ms. Zhao's performance reviews and any other records, correspondence, or transactions involving her appointment, wages, hours, advancement, or other conditions of employment. Directly reporting to Dr. Akchurin will circumvent the line of reporting to Dr. Ge and the chair of the Department of Chemistry and Biochemistry, Dr. Bill Poirier. This waiver will be in effect for the duration of the Welch and NSF grants and if additional funding is obtained by Prof. Ge that includes the line for Ms. Zhao. At the end of every academic year, this arrangement will be re-evaluated by the dean, associate dean for research, and department chair to ensure that there is effective management of the conflict of interest and to see if any modifications are necessary.

Dr. Samantha Kristufek began her appointment as an assistant professor in the Department of Chemistry and Biochemistry in the College of Arts and Sciences in September 2021. Her research focuses on organic chemistry, polymer chemistry, and sustainable materials. Her startup agreement included a salary line for a laboratory technician. Dr. Kristufek's brother, Mr. Tyler Kristufek, is an ideal person to serve as a laboratory technician in the Kristufek group because of his own research experience in the areas of organic chemistry, polymer chemistry, and sustainable

materials. In fact, Dr. Kristufek and Mr. Kristufek had worked together as graduate and undergraduate students, respectively, in the same laboratory at Texas A&M, prior to Dr. Kristufek joining the faculty at Texas Tech. Mr. Kristufek's preparation since then (at Carnegie Mellon University), provides him with knowledge and skills critical to the future success of the group through training undergraduate and graduate students, assistance with grants, and managing laboratory equipment. If approved for employment in Dr. Kristufek's group, to avoid any potential conflict of interest, Dr. Kristufek will not initiate or participate in any institutional decision affecting Mr. Tyler Kristufek's employment. Instead, Dr. Nural Akchurin, Associate Dean for Research in the College of Arts and Sciences (and a professor in the Department of Physics and Astronomy), will personally and directly review and approve Mr. Kristufek's performance reviews and any other records, correspondence, or transactions involving his appointment, wages, hours, advancement, or other conditions of employment. Directly reporting to Dr. Akchurin will circumvent the line of reporting to Dr. Kristufek and the chair of the Department of Chemistry and Biochemistry, Dr. Bill Poirier. This waiver will be in effect for the duration of Dr. Kristufek's startup funding, approximately three years. The waiver will also be in effect if additional funding is obtained by Dr. Kristufek in which an appropriate salary line for Mr. Tyler Kristufek is included. Grants are being prepared to fund the Kristufek lab regularly. At the end of each academic year, this arrangement will be re-evaluated by the dean, associate dean for research, and department chair, to ensure that there is effective management of the conflict of interest and to determine if any modifications are necessary.

BACKGROUND INFORMATION

Regents' Rules 03.01.11 and TTU OP 70.08 prohibit a person related to an administrator by a prohibited degree to have an initial appointment to a position in an area of responsibility over which the administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Furthermore, no employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of an individual related to the employee within a prohibited degree. If an appointment, reappointment, reclassification or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the employee shall become the responsibility of the next higher administrative supervisor.

c. TTU: Approve emeritus appointments.

Board approval required by: Section 04.01.2, *Regents' Rules*

The request is to grant emeritus status to the individuals listed below. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

Edward Anderson	Professor of Mechanical Engineering, Edward E. Whitacre Jr. College of Engineering (35 years)
Calvin Barnes	Professor of Geosciences, College of Arts & Sciences (39 years)
John Becker	Associate Librarian, University Libraries (31 years)
Harold Bennett	Professor of Mathematics & Statistics, College of Arts & Sciences (53 years)
Glenn Browne	Professor of Management and Information Systems, Jerry S. Rawls College of Business (19.5 years)
Nathan Collie	Associate Professor of Biological Sciences, College of Arts & Sciences (30 years)
Don Collier	Associate Professor of Interior Design, College of Human Sciences (19.5 years)
Bill Dean	Associate Professor of Public Relations, College of Media & Communication (64 years)
Michael Dini	Associate Professor of Biological Sciences, College of Arts & Sciences (27 years)
Linda Donahue	Associate Professor of Theatre Arts, J.T. and Margaret Talkington College of Visual & Performing Arts (24 years)
Lance Drager	Associate Professor of Mathematics & Statistics, College of Arts & Sciences (38 years)
Richard Gale	Professor of Electrical & Computer Engineering, Edward E. Whitacre Jr. College of Engineering (19 years)

Vickie Hampton	Professor of Personal Financial Planning, College of Human Sciences (22 years)
Laura Heinz	Librarian, University Libraries (40 Years)
Akif Ibragimov	Professor of Mathematics & Statistics, College of Arts & Sciences (17 years)
William Lan	Professor of Educational Psychology, College of Education (30 years)
David Lamp	Associate Professor of Physics and Astronomy, College of Arts & Sciences (33 years)
Thomas Lehman	Professor of Geosciences, College of Arts & Sciences (36 years)
Roger Lichti	Professor of Physics and Astronomy, College of Arts & Sciences (36 years)
Arnold Loewy	George R. Killam, Jr. Chair of Criminal Law, School of Law (12 years)
Gregory McKenna	Horn Professor of Chemical Engineering, Edward E. Whitacre Jr. College of Engineering (22 years)
Kevin Mulligan	Associate Professor of Geosciences, College of Arts & Sciences (23 years)
Greg Mumma	Associate Professor of Psychological Sciences, College of Arts & Sciences (33 years)
Alison Myhra	Professor of Law, School of Law (30 years)
Tibor Nagy	Vice Provost of International Affairs (14 years)
William Nes	Horn Distinguished Professor of Chemistry and Biochemistry, College of Arts and Sciences (28 years)
Michael O'Boyle	Professor of Human Development and Family Sciences, College of Human Sciences (17 years)

Patrick Patterson	Professor of Industrial, Manufacturing, and Systems Engineering, Edward E. Whitacre Jr. College of Engineering (15 years)
Steven Richards	Professor of Psychological Sciences, College of Arts & Sciences (31 years)
Brenda Rodgers	Associate Professor of Biological Sciences, College of Arts and Sciences (24 years)
Roger Saathoff	Associate Professor of Journalism & Creative Media Industries, College of Media & Communication (37 years)
Michael San Francisco	Professor of Biological Sciences, College of Arts & Sciences (31 years)
Walter Smith	Professor of Curriculum and Instruction, College of Education (15 years)
Brian Steele	Associate Professor of Art, J.T. and Margaret Talkington College of Visual & Performing Arts (33 years)
Andrew Swift	Professor of Civil Engineering, Edward E. Whitacre Jr. College of Engineering (18 years)
Theodore Wiesner	Associate Professor of Chemical Engineering, Edward E. Whitacre Jr. College of Engineering (24.5 years)
Gene Wilde	Professor of Biological Sciences, College of Arts & Sciences (26 years)
Hong-Chao Zhang	Professor of Industrial, Manufacturing, and Systems Engineering, Edward E. Whitacre Jr. College of Engineering (31 years)

BACKGROUND INFORMATION

According to the *Regents' Rules*, emeritus appointments shall be honorary and without stipend. The appointments are given at retirement and are intended to recognize long and faithful service, or very distinguished service to the university.

The named individuals qualify for emeritus appointment under the policy of the Board of Regents.

d. TTUHSC: Approve emeritus appointments.

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

The request is to approve conferral of the title of professor emeritus status to the following individuals for their long and faithful service to the Texas Tech University Health Sciences Center ("TTUHSC"): Guillermo Altenberg, MD, PhD; Carol Boswell, EdD, RN, CNE, ANEF, FAAN; Barbara Cherry, RN, DNSc, MBA, NEA-BC; Thomas A. Pressley, PhD; and Richard E. Winn, MD. 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 accordance with the HSC OP 10.12 and the Regents' Rules 04.01.2, the Faculty Council Executive Committee recommended the professor emeritus appointments for Drs. Altenberg, Pressley, and Winn in the TTUHSC School of Medicine ("SOM"). The Professional Development Council recommended the professor emeritus appointments for Drs. Boswell and Cherry in the TTUHSC School of Nursing ("SON").

Dr. Guillermo Altenberg joined the SOM Department of Cell Physiology and Molecular Biophysics in 2007 and was appointed chair of the department in 2014. He served the SOM for more than 14 years. Dr. Altenberg received a medical degree in 1983 from the University of Buenos Aires and a Doctor in Medicine and Physiology from the same university in 1987. He obtained national and international recognition for his work in membrane protein research, specifically the structure and function of membrane transport proteins for applications in biomedicine and biotechnology. Dr. Altenberg has been recognized for his tremendous scientific accomplishments over decades of work, including the SOM Dean's Research Award and the TTUS Chancellor's Council Distinguished Research Award. Dr. Altenberg retired as a professor with tenure in August 2021.

Dr. Carol Boswell served the SON for more than 23 years. Most recently, she served as a professor, teaching in the RN to BSN program and at the graduate level. Evidence of Dr. Boswell's strong record of distinguished service is demonstrated through her achievement of national recognition as a Fellow in the American Academy of Nursing and as an Academy of Nursing Education Fellow, as well as through her appointment as the James A. "Buddy" Davidson Charitable Foundation Endowed Chair for Evidence-Based Practice. One of Dr. Boswell's greatest and lasting achievements within the SON is the collaboration with the SON regional dean on the Odessa campus to establish the Center for Excellence in Evidence Based Practice in 2007. In addition, Dr. Boswell has provided senior leadership for several national nursing organizations and received many distinguished recognitions for her outstanding contributions to health care. Dr. Boswell retired as a professor with tenure in April 2021.

Dr. Barbara Cherry served TTUHSC for a total of 24 years, serving in administrative positions for a decade before joining the SON in 2007. Very importantly, she led the development of the TTUHSC Post-Master's Doctor of Nursing Practice (PM-DNP) program, which was the first program in the state of Texas to offer two tracks—Executive Leadership and Advanced Practice Nursing. More recently, Dr. Cherry led the development of the first BSN-DNP for nurse practitioner programs in Texas. In addition, because of her dedication to advance geriatric nursing, Dr. Cherry was appointed to the Mildred and Shirley L. Garrison Professorship in Geriatric Nursing in 2009. She has a strong history of stellar work in geriatrics with well over \$1 million in competitive research and program development grants related to geriatrics. Throughout her illustrious career, Dr. Cherry has provided leadership for several local, state, and national nursing organizations and made many more notable contributions to TTUHSC, SON, and the nursing profession overall. Dr. Cherry retired as a professor with tenure in August 2021.

Dr. Thomas Pressley joined the SOM Department of Cell Physiology and Molecular Biophysics in 1995, serving TTUHSC for 25 years. In addition to serving as vice-chair of his department, Dr. Pressley was also a founding member of the SOM Department of Medical Education. He was a bench scientist and educator for over 30 years. After earning his undergraduate degree at Johns Hopkins University, he entered the graduate program in biochemistry at the Medical University of South Carolina, studying ion transport and its role in salinity acclimation in euryhaline organisms. His postdoctoral training was at the College of Physicians and Surgeons—Columbia University. At TTUHSC he taught cardiovascular physiology to first-year medical students, gained expertise in contemporary teaching methods such as video production and flipped classrooms, and developed numerous courses for the basic science curriculum. Dr. Pressley retired as a professor with tenure in July 2020.

Dr. Richard E. Winn joined the SOM Department of Internal Medicine in 2010 as chief of infectious diseases. He also served as interim chair of the Department of Microbiology at various points throughout his 11-year career at TTUHSC and has held important roles as the TTUHSC infection control officer and antibiotic steward at several local hospitals. After earning his undergraduate degree from the U.S. Air Force Academy, Dr. Winn completed his Doctor of Medicine at the University of Arizona in 1975. He later trained in internal medicine, followed by a fellowship in infectious diseases. He served in various positions at other medical facilities before his arrival at TTUHSC. During the pandemic, Dr. Winn played a pivotal role in the ICU and retired as a professor with tenure in June 2021.

e. **TTUHSC El Paso: Approve faculty development leave of absence.**

Board approval required by: Section 04.05.1, *Regents' Rules*; and HSCEP OP 60.02

The request is to approve a 12-month development leave at half-pay for full-time compensated tenured faculty member, Sanja Kupesic, MD., Ph.D., Professor of Obstetrics and Gynecology in the 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.

The purpose of Dr. Kupesic's development leave is to explore opportunities to develop and implement the Collaborative International Faculty Development Program at the Faculty of Medicine of the University of Rijeka in Croatia. Serving as the associate dean for faculty development at the TTUHSC El Paso's Paul L. Foster School of Medicine, Dr. Kupesic is poised to explore options for educational exchanges between faculty, administrators, researchers, and students of the partnering institutions. In a collaboration between the Paul L. Foster School of Medicine's Office of Faculty Development and the Office for Diversity, Inclusion, and Global Health, Dr. Kupesic will lead efforts to develop infrastructure for the Collaborative International Faculty Development Program and the Collaborative International Faculty Mentoring Program. Dr. Kupesic will organize training sessions with local faculty champions to build institution-specific, self-sustainable faculty development and mentoring programs. She will also organize discipline-specific writing interest groups. The program will increase the visibility and prestige of TTUHSC El Paso beyond its geographical boundaries.

BACKGROUND INFORMATION

Section 04.05.1, *Regents' Rules*, requires Regents' approval of leaves of absence for faculty. The existing policy provides that leaves may be granted under conditions allowable by the State of Texas. Pursuant to HSCEP OP 60.02, faculty members submit requests for leave through their respective deans to the president. The president has approved the leave as indicated.

f. **TTU: Approve naming of the School of Veterinary Medicine – Mariposa Station, Room B108 (Allsup Equine Skills Lab).**

Board approval required by: Section 13.02.2a, *Regents' Rules*

The request is to approve a naming of the School of Veterinary Medicine – Mariposa Station, Room B108 the “Allsup Equine Skills Lab.” The donors concur with the naming of this space. Signage for the space will specify the approved name. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

BACKGROUND INFORMATION

The Allsup Family Charitable Foundation (“Donor”) made a generous commitment of \$1 million to support the School of Veterinary Medicine. To honor and recognize this contribution, the School of Veterinary Medicine – Mariposa Station, Room B108 will be named “Allsup Equine Skills Lab”. Signage for the space will specify the approved name.

The Donor was founded by Barbara and Mark Allsup. The Allsup's opened the first Allsup over 63 years ago in Roswell, NM and grew to become one of the most iconic and beloved convenience store chains in the country.

The gift meets the minimum fifty percent (50%) threshold requirement for naming a subunit within a facility, as verified by the vice chancellor of facilities planning and construction.

Regents' Rules Section 13.02.2a requires board approval for namings of a facility within the TTU system resulting from a private gift.

g. TTUHSC El Paso: Approve naming the Fifth Floor Lobby of the Medical Sciences Building II, Room 5C101 (Amy and Clement Marcus Family Lobby).

Board approval required by: Section 13.02.2a, *Regents' Rules*

The request is to approve naming the Fifth Floor Lobby of the Medical Sciences Building II, 5C101 the "Amy and Clement Marcus Family Lobby." The donors concur with the naming of this space. Signage for the space will specify the approved name. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

BACKGROUND INFORMATION

Amy and Clement Marcus ("Donors") made a generous contribution of \$150,000 to support the Foster School of Medicine. To honor and recognize this contribution, the fifth floor lobby within the Medical Sciences Building II will be named the "Amy and Clement Marcus Family Lobby". Signage for the space will specify the approved name.

The Donors are active in their community and serve on many boards, including American Heart Association, El Paso Museum of Art, Paso Del Norte Health Foundation, El Paso Children's Foundation, and the University Medical Center Foundation Board. They reside in El Paso, Texas.

The gift meets the minimum fifty percent (50%) threshold requirement for naming a subunit within a facility, as verified by the vice chancellor of facilities planning and construction.

Regents' Rules Section 13.02.2a requires board approval for namings of a facility within the TTU system resulting from a private gift.

h. TTUHSC El Paso: Approve naming the First Floor Lobby of the Medical Sciences Building II, Room 1C102 (WestStar Grand Lobby).

Board approval required by: Section 13.02.2a, *Regents' Rules*

The request is to approve naming the First Floor Lobby of the Medical Sciences Building II, Room 1C102 the "WestStar Grand Lobby." The donor concurs with the naming of the space. Signage for the space will specify the approved name. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

BACKGROUND INFORMATION

WestStar Bank ("Donor") made a generous contribution of \$500,000 to support Texas Tech University Health Sciences Center El Paso. To honor and recognize this contribution, the First Floor Lobby within the Medical Sciences Building II will be named the "WestStar Grand Lobby". Signage for the space will specify the approved name.

The Donor is the Borderplex region's leading commercial bank with assets of more than \$2.6 billion and branches stretching from Fabens, Texas to Las Cruces, New Mexico. It is committed to the communities it serves and is actively involved in many civic organizations and non-profit agencies through volunteer service, charitable fundraising, and sponsorships. It's led by Chairman of the Board and CEO of WestStar Bank Holding Company, Inc. L. Frederick "Rick" Francis who graduated from Texas Tech University and served on the Texas Tech University System Board of Regents.

The gift meets the minimum fifty percent (50%) threshold requirement for naming a subunit within a facility, as verified by the vice chancellor of facilities planning and construction.

Regents' Rules Section 13.02.2a requires board approval for naming of a facility within the TTU System resulting from a private gift.

i. **ASU: Authorize president to execute contract with cybersecurity consultant.**

Board approval required by: Section 07.12.4.e.2.a. *Regents' Rules*

The request is to authorize the president or his designee to approve and execute a contract with a consultant to provide services for development and initiation of both undergraduate and graduate programs in cybersecurity and artificial intelligence. This request has been approved administratively by the president and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Angelo State University is seeking a Sole Source Consulting Agreement with a cybersecurity expert that has 30+ years of technical leadership in the Programming, Information Technology, Communications, Risk Reduction, Compliance and Cyber areas of expertise with the USAF. He served with the Defense Information Systems Agency ("DISA") as the Services Directorate Military Deputy ("SE") and Acting Program Manager for 13 major programs with 15K employees and a budget of \$1.2Band additionally served DISA as the Chief of Directors Action Group & Special Projects/Solutions Developer. He is an expert programmer that has been a key to the cybersecurity operations of not only the Air Force but the entire military.

The consultant will spend approximately 20 hours per week in assisting Angelo State University in developing a state-of-the-art cybersecurity program at both the undergraduate and graduate level. Initially, the job will entail development of curricula in cybersecurity and artificial intelligence that integrates all areas of both within and outside of ASU. This will include degree program development, course development, faculty recruitment, and outside resource development at the national level. Consultant will inform ASU of the potential sources of program funding and provide the university with appropriate contact information. His total compensation will be contracted at \$150,000 for one calendar year from February 1, 2022 to January 31, 2023.

Section 07.12.4.e.2.a. *Regents' Rules*, requires Board approval on consulting contracts with an initial consideration in excess of \$25,000 or a consulting contract where the initial consideration was \$25,000 or less and the modification will cause the total consideration to exceed \$25,000.

j. 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 a police officer, 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:

Caitlynn Adams, effective October 1, 2021
Richard Rodriguez, effective October 5, 2021
Ismael Granda III, effective November 15, 2021
Brandon Hershman effective December 1, 2021
Jose Gomez effective December 16, 2021

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.

k. TTU: Approve modification of endowment (Pertain-Pasewark Scholarship Endowment).

Board approval required by: Section 2, Investment Policy Statement of the Long Term Investment Fund and Texas Tech University Operating Policy 02.08.5b

The request is to approve modification of the criteria of the Pertain-Pasewark Scholarship Endowment as listed below. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

Modified Criteria: Awards from the endowment should be distributed as follows:

- (1) 50% of the spendable balance awarded to a Master of Science in Accounting student with preference to a U.S. citizen in financial need;
- (2) 50% fo the spendable balance awarded to entering Master of Business Administration (“MBA”) with a preference to U.S. citizens participating in the Center for the Integration of STEM Education and Research (“CISER”) program at Texas Tech University.

These scholarships should not be used for premium priced programs (such as the professional MBA).

BACKGROUND INFORMATION

The Pertain-Pasewark Scholarship Endowment was established in 2018 by Dr. William R. and Mary P. Pasewark Jr. (“Donors”). The criteria originally stated that 25% of the spendable balance would be awarded to a Master of Science in Accounting student with a preference to a first-generation college graduate and 75% of the spendable balance would be awarded to entering Master of Business Administration (MBA) students in increments that facilitate effective recruiting to the program.

The balance of the Endowment as of January 20, 2022, including the corpus and spendable is \$103,411.22.

Section 2 of the Investment Policy Statement of the Long-Term Investment Fund allows the establishment and modification of quasi endowments, as approved by the Board of Regents of the Texas Tech University System.

Texas Tech University Operating Policy 02.08.5b states that a modification of an endowment with a principal balance of greater than \$25,000.00 requires a written request of the donor and approval of the Board of Regents of the Texas Tech University System.

I. TTU: Approve modification of endowment (Shubert Scholarship for Programming Endowment).

Board approval required by: Section 2, Investment Policy Statement of the Long Term Investment Fund and Texas Tech University Operating Policy 02.08.5b

The request is to approve modification of the criteria of the Shubert Scholarship for Programming Endowment as listed below. This request has been approved administratively by the president and the chancellor and is recommended for acknowledgement by the Board of Regents.

Modified Criteria: This scholarship has been established to recognize the efforts and achievements of student volunteers to the Student Activities Board (SAB), or student employees of the Student Union Building (SUB), or the future equivalent of either entity should their names change. Annual recipients may be announced at an event, such as the Spring Employee Appreciation Event. Criteria for qualification:

1. Preference is for a member of the SAB with demonstrated progressive levels of responsibility
2. Second preference for any member of the SAB, or a student employee of the SUB
3. All applicants must achieve a 3.0 GPA and be classified as a full time student

BACKGROUND INFORMATION

The Shubert Scholarship for Programming Endowment was established in 1989 by the Elizabeth L. and Russell F. Hallberg Foundation (“Donor”). The scholarship was originally established to be used to recognize the efforts and achievements of student volunteers to University Center Programs. The criteria for applicants was: (1) demonstrated progressive levels of responsibility as a member of University Center Programs; (2) must be a member of the University Center Program Council for the year the scholarship was awarded; (3) Must have achieved 64 credit hours by the semester the scholarship was awarded; (4) must have achieved a 3.0 GPA and be a full-time student; (5) application must be accompanied by reference letters from faculty or staff member and a fellow student; and (6) scholarship is awarded for one year only and recipients may not reapply.

The balance of the Endowment as of January 20, 2022, including the corpus and spendable is \$76,373.54.

Section 2 of the Investment Policy Statement of the Long Term Investment Fund allows the establishment and modification of quasi endowments, as approved by the Board of Regents of the Texas Tech University System.

Texas Tech University Operating Policy 02.08.5b states that a modification of an endowment with a principal balance of greater than \$25,000.00 requires a written request of the donor and approval of the Board of Regents of the Texas Tech University System.

m. TTU: Approve contract increases with Blackboard Inc. for Technology Support Platform Licenses.

Board approval required by: Section 7.12.3 (a), (c), & (d) *Regents' Rules*

The request is to authorize the president, or his designee, to increase the financial considerations for four contracts with Blackboard, Inc. ("Blackboard") for Texas Tech University ("TTU") technology support platform licenses. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

The contracts are required to support emergency alert services, student academic services, online course delivery, continuing education delivery, distance student services, and K-12 services. The contracts were previously approved by the Board of Regents in the August 2020 meeting. The contracts support different departments and are independent scopes and have been changed to individual licenses.

Due to COVID-19, additional licenses and support services are needed to operate the virtual learning landscape.

BACKGROUND INFORMATION

Consideration and Term. The term and consideration for each contract is summarized below.

Blackboard Contract	Complete Period	Estimated Total Cost of Ownership	Revised Total Cost of Ownership	Board Approval
Student Services	6/27/2020 – 9/30/2025	\$3,270,648.97	\$4,000,000.00	07.12.3.d.1.b and 07.12.3.a
Higher Education LEARN	10/01/2020 – 9/30/2025	\$3,502,750.04	\$4,000,000.00	07.12.3.d.1.b and 07.12.3.a
Connect	8/01/2020 – 9/30/2025	\$324,931.11	\$500,000.00	07.12.3.d.1.b
K-12 Learn	10/01/2020 – 9/30/2025	\$758,136.93	\$1,000,000.00	07.12.3.d.1.b and 07.12.3.a

Contractual provisions Section 07.12.3.a., *Regents' Rules*, requires Board approval on contracts that involve a stated or implied consideration in excess of \$1,000,000.

Section 07.12.3.c, *Regents' Rules*, requires each contract for the purchase of goods and services, with a value exceeding \$5,000,000, that the Chief Procurement Officer for the applicable component institution or the TTU system must submit to the board:

- (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU system policies; and
- (2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.

Section 07.12.3.d.1.b, *Regents' Rules*, requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

n. **TTU: Authorize president to execute contract extensions with Atmos Energy Marketing LLC and Constellation New Energy-Gas Division LLC.**

Board approval required by: Section 07.12.3.a., 07.12.3.c., 07.12.3.d.1.b Regents' Rules

The request is to authorize the president or his designee to enter into a contract extension with Atmos Energy Marketing LLC ("Atmos") and Constellation New Energy-Gas Division LLC ("Constellation") for the supply of natural gas. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Texas Tech University ("TTU") issued a Request for Proposal ("RFP") on January 19, 2016 seeking proposals from natural gas suppliers and selected Atmos and Constellation as providing the best overall value to TTU. The estimated annual natural gas supply cost to TTU is \$4,000,000, and is subject to market fluctuations. The existing contracts have been in effect since April 1, 2016. The contract extension will be effective September 1, 2023 and end on August 31, 2024. A one-year extension will allow TTU to progress beyond the transition to ERCOT and issue a full RFP that is in alignment with the new energy management plan.

Contractual provisions Section 07.12.3.a., *Regents' Rules*, requires Board approval on contracts that involve a stated or implied consideration in excess of \$1,000,000.

Section 07.12.3.c, *Regents' Rules*, requires each contract for the purchase of goods and services, with a value exceeding \$5,000,000, that the Chief Procurement Officer for the applicable component institution or the TTU system must submit to the board:

- (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU system policies; and
- (2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.

Section 07.12.3.d.1.b, *Regents' Rules*, requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

o. TTU and TTUS: Approve purchasing contract(s) in excess of \$1,000,000.

Board approval required by: Section 07.12.3, *Regents' Rules*

The request is to approve purchasing contracts in accordance with *Regents Rules* 07.12.3.a, including those contracts with a value exceeding \$5,000,000 in accordance with *Regents' Rules* 07.12.3.c as listed on the following page. 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 accordance with *Regents' Rules*, the Board is routinely requested to approve purchasing contracts under which the TTUS components spend more than \$1,000,000 per annum. Purchasing contracts are procured and executed in compliance with Texas Education Code §51.9335 as well as the *Regents' Rules* and TTUS component Operating Policies and Procedures.

Section 07.12.3.a, *Regents' Rules*, requires Board approval for contracts that total in excess of \$1,000,000 over the entire term of the contract, unless a different consideration is specified by this policy.

However, Section 07.12.3.c provides that, for all purchasing contracts that exceed a total value of \$5,000,000 over the life of the contract (even if the annual amount is less than \$1,000,000), the Board must be provided:

- (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU System policies; and
- (2) information on any potential issue(s) that may arise in the solicitation, purchasing, or contractor selection process.

The attached table shows: (1) purchasing contracts for which Board approval is required; and (2) purchasing contracts that exceed \$5,000,000 over the life of the contract for which the special reporting is required.

TTU and TTUS: Approve Purchasing Contracts

Regents' Rules 07.12.3.a

Component	Vendor	Services or Goods to be Provided	Estimated Per Annum Expenditures	Estimated Term Expenditures (includes renewals)	Start Date of last signature (or effective date)	End	Procurement Method
TTU	Encore Live (#C18268)	Centennial Celebration Event Management Services (as needed)	\$ 1,000,000	\$ 2,000,000	7/2/2021	12/31/2023	Request for Proposal
TTU	United Airlines (#C17138)	Air Charter Services	\$ 1,151,665	\$ 1,151,665	7/2/2021	1/31/2022	Exempt

Regents' Rules, 07.12.3.c

TTU	Taurus Technologies (#C17349)	Technology Solutions, Products and Services	\$ 3,000,000	\$ 15,000,000	6/1/2021	5/31/2026	TIPS Cooperative	Section 07.12.3.c, Regents' Rules, requires each contract for the purchase of goods and services, with a value exceeding \$5,000,000, that the Chief Procurement Officer for the applicable component institution or the TTU system must submit to the board: (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU system policies; and (2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.
TTUS	AT&T Corp. (#C18230)	Various Telecommunication Services	\$ 1,500,000	\$ 12,000,000	11/5/2021	11/5/2029	DIR Cooperative	Section 07.12.3.c, Regents' Rules, requires each contract for the purchase of goods and services, with a value exceeding \$5,000,000, that the Chief Procurement Officer for the applicable component institution or the TTU system must submit to the board: (1) verification that the solicitation and purchasing method and contractor selection process comply with state law and TTU system policies; and (2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.

p. **TTUHSC: Authorize president to finalize negotiations and enter into contract with Hamilton Medical AG.**

Board approval required by: Section 07.12.3.d. *Regents' Rules*

The request is to authorize the president or her designee to finalize negotiations and enter into a contract with Hamilton Medical AG for the purpose of conducting a clinical study and evaluation. This request has been approved administratively by the president and the chancellor and is recommended for approval by the Board of Regents.

BACKGROUND INFORMATION

Texas Tech University Health Sciences Center ("TTUHSC") recognizes the need for improving the public health by engaging in research for the purpose of discovering and making available to the public new and improved medical drugs, devices, procedures and information.

TTUHSC was approached by Hamilton Medical AG to participate as a Study Site in a multi-site clinical study utilizing their INTELLiVENT-ASV device to automatically control ventilator settings for ICU patients to decrease staff intervention and provide better clinical outcomes related to respiratory management. TTUHSC will provide clinical research on the Sponsor's device. The annual revenue is dependent on the number of study subjects enrolled and is a per case rate based on qualification and consent by subject to participate in the study. The contract is working in conjunction with University Medical Center as the facility of practice for the use of the clinical device. The estimated contract start date will be March 1, 2022 pending negotiations related to terms of the contract as well as negotiation of separate Investigator's agreement per FDA guidelines. The completion of the study is open ended but is expected to exceed four (4) years.

Section 07.12.3.d. *Regents' Rules*, requires Board approval on contracts that involve a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years.

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) **ASU, MSU, TTU, TTUHSC and TTUHSC El Paso: Summary of Revenues and Expenditures by Budget Category, FY 2022 (as of November 30, 2021), per Section 01.02.8.d(3)(g), *Regents' Rules*** – All actual expenditures will be reviewed by the Finance and Investments Committee annually and provided as information. Financial reports for the most recently completed quarter for each of the component institutions are available at: <https://www.texastech.edu/offices/cfo/board-financial-reports.php>
- (2) **TTUHSC and TTUHSC El Paso: Contracts for ongoing and continuing health-related service relationships per Section 07.12.4.c, *Regents' Rules*** – “Notwithstanding Section 07.12.3.a or Section 07.12.3.b, *Regents' Rules*, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract. Before such a contract may be executed, the president shall obtain the prior review of the TTUS Office of General Counsel and the TTUS vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting.”

TTUHSC					
<i>Regents' Rules, 07.12.4.c</i>					
Component	Vendor (Include Contract #)	Service or Goods to be Provided	Start Date	End Date	Extension/ Amendment
TTUHSC	(CON3193343) Hendrick Medical Center	Managed Care - Offsite Health Care	11/1/2021	8/31/2023	Extension
TTUHSC	(CON3193334) Hendrick Medical Center	Managed Care - Middleton Unit - Onsite Health Care	11/1/2021	8/31/2023	Extension
TTUHSC	(CON3193333) Hendrick Medical Center	Managed Care - Robertson Unit - Onsite Health Care	11/1/2021	8/31/2023	Extension
TTUHSC	(CON3155313)	Professional Services - Anesthesiology COVID	10/1/2021	9/30/2022	Extension

	University Medical Center - UMC Lubbock	Staffing for ICU Services			
TTUHSC	(CON3143001) Covenant Childrens Hospital	Pediatric Hospitalist Providing Coverage at Covenant Women's & Children's Hospital.	6/1/2021	4/30/2022	Extension
TTUHSC	(AMEND595882-009) Midland Memorial Hospital	Addendum/Extension to Master Coordinating Agreement	10/1/2021	9/30/2022	Extension

- (3) **MSU and TTUHSC: Consulting contracts with an initial consideration of \$25,000 or less per Section 07.12.4.e.(2), Regents' Rules** – “(a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$25,000 or less prior to execution of the contract by the chancellor or president, as appropriate. (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.”

MSU					
<i>Regents Rules, 07.12.4.e.(2)</i>					
Component	Vendor (Include Contract #)	Consulting Service to be Provided	Term Consideration	Start Date	End Date
MSU	(C22773) M.L. Weekes & Company, PC	Assist in preparation and negotiation of a short-form Facilities and Administrative Rate.	\$13,500	12/01/2021	12/31/2022

TTUS					
<i>Regents Rules, 07.12.4.e.(2)</i>					
Component	Vendor (Include Contract #)	Consulting Service to be Provided	Term Consideration	Start Date	End Date
TTUHSC	(P0921775) JRP III LLC	Consultation on ACGME Application for Surgery Residency Program	\$ 7,000	7/5/2021	8/7/2021
TTUHSC	(CON3153597) The Meadows Mental Health Policy Institute For Texas	Consulting Services - Develop a Diversion Center for the Lubbock Community.	\$ 24,989	10/19/2021	12/17/2021

- (4) **TTU, TTUHSC and TTUHSC EI Paso: 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 per section 07.12.4 of the Regents' Rules** – Notwithstanding Section 07.12.3.a, Regents' Rules,

the chancellor or president, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than \$1,000,000; and (ii) any amendment, extension, or renewal of a contract originally approved by the chancellor or president, as appropriate, so long as the amendment, extension, or renewal does not cause the per annum amount of the contract to exceed \$1,000,000. This requirement is applicable to both cash and non-cash considerations. Information about such contracts or contract amendments, extensions, or renewals that are approved by the chancellor or a president under this delegation of authority shall be provided to the board as an information item at the next regular board meeting.

TTU Approved Purchasing Contracts								
<i>Regents Rules, 07.12.4</i>								
Component	Vendor (Include Contract #)	Service or Goods to be Provided	Per Annum Consideration	Term Consideration (includes renewal)	Start Date	End Date	New or Extension	Procurement Method
TTU	(#C15671) Texas Workforce Commission	Services to students with learning disabilities through the CASE program at the Burkhart Center	\$525,000/year (revenue)	\$3.150 mil.	06/01/2018	05/31/2024	Extension	Other State Agency
TTU	(#C09118) AQUIS	Facilities Maintenance and Management Goods and Services	\$200,000/year	\$1.6 mil.	07/26/2016	07/26/2026	Extension	GSA Cooperative

TTUHSC Approved Purchasing Contracts								
<i>Regents Rules, 07.12.4</i>								
Component	Vendor (Include Contract #)	Service or Goods to be Provided	Per Annum Consideration	Term Consideration (includes renewal)	Start Date	End Date	New or Extension	Procurement Method
TTUHSC	(CON595618) Lone Star MedStaff LLC	Professional Staffing Services - Physician Extenders and Physicians	Avg \$ 144,717	\$ 2,315,482	11/1/2006	8/31/2022	Extension	Professional Services
TTUHSC	(CON595449) JDC Ultrasound Inc	Echo Technician Services for Pediatric Cardiology Clinic	Avg \$ 65,046	\$ 1,105,788	6/1/2005	5/31/2022	Extension	Professional Services
TTUHSC	(CON595181) Whitaker Medical LLC	Managed Care Staffing Services –	Avg \$ 487,366	\$ 9,747,335	9/1/2002	8/31/2022	Extension	Professional Services

		Primary Care Physician						
TTUHSC	(CON595077) Mark S. Maxwell	Managed Care – Neurosurgery	Avg \$ 104,138	\$ 2,186,906	3/23/2001	8/31/2022	Extension	Professional Services
TTUHSC	(CON590970) Consilium Staffing LLC	Managed Care Staffing Services – Various Medical	Avg \$ 135,419	\$ 1,218,777	6/1/2013	8/31/2022	Extension	Professional Services
TTUHSC	(CON579167) Shareholder Value Ltd	Lease - 5307 W. Loop 289 Suite 301 & 203, Lubbock 79414	\$ 201,825	\$ 1,303,182	10/14/2014	11/30/2022	Extension	Solicitation
TTUHSC	(CON579133) Dallas Veterans Affairs Medical Center	Lease - 4500 South Lancaster Rd, Dallas	\$ 126,570	\$ 1,539,860	9/1/2001	8/31/2022	Extension	Interagency
TTUHSC	(CON579117) University Medical Center - UMC Lubbock	Lease - UMC HealthPoint/Southwest Medical 4004 82nd St, Suites A&B, Lubbock	\$ 139,826	\$ 1,221,795	5/01/2011	12/31/2021	Extension	Interlocal
TTUHSC	(CON3194025) Hendrick Medical Center	Managed Care - Havins Unit - Onsite Health Services	\$ 558,382	\$ 1,116,764	11/1/2021	8/31/2023	New	Professional Services
TTUHSC	(CON3185310) Wiley Interscience	Enhanced Access Master Agreement - Collections and Journals	\$ 479,848	\$ 1,919,392	1/1/2022	12/31/2025	New	Exempt Library
TTUHSC	(AMEND579119-004) University Medical Center - UMC Lubbock	Amendment to Extend - Lease - UMC HealthPoint 4004 82nd Street, Building B, Lubbock	\$ 197,345	\$ 2,043,977	1/1/2011	12/31/2022	Extension	Interlocal
TTUHSC	(AMEND1652256-007) Neogen Mental Health Behavioral Services PA	Managed Care - Amendment to Increase Services and Compensation - Psychiatry Services for Montford.	\$ 794,733	\$ 3,680,221	1/1/2017	8/31/2022	Extension	Professional Services

TTUHSC El Paso Approved Purchasing Contracts								
<i>Regents Rules, 07.12.4</i>								
Component	Vendor (Include Contract #)	Service or Goods to be Provided	Per Annum Consideration	Term Consideration (includes renewal)	Start Date	End Date	New or Extension	Procurement Method
TTUHSC EP	(04236-A07) Cerner Corp.	EDW	\$531,927/ year	\$2.6 mil.	08/31/17	08/31/22	Extension	N/A: Professional Services
TTUHSC EP	(04767-A02) El Paso County	Pediatrics	\$297,161/ year	\$1.1 mil.	05/08/18	08/31/22	Extension	N/A: Professional Services
TTUHSC EP	(04255-A02) Texas Department of State Health Services	Psychiatry	\$881,828/year	\$7.0 mil.	09/01/17	08/31/23	Extension	N/A: Professional Services
TTUHSC EP	(01418-A02) El Paso Children's Hospital Corporation	Pediatrics	\$480,478/year	\$3.3 mil.	07/01/15	06/30/22	Extension	N/A: Professional Services
TTUHSC EP	(01262-A01) Blue Cross Blue Shield of Texas	Managed Care	\$269,068/year	\$1.3 mil.	04/01/16	08/28/22	Extension	N/A: Professional Services
TTUHSC EP	(09273-A01) United Health Care Insurance Company	Managed Care	\$810,855/year	\$14.5 mil	10/15/05	01/01/23	Extension	N/A: Professional Services

- (5) **TTU and TTUHSC: Contracts for Sponsored Program Projects per Section 07.12.4.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.

TTU:

- (a) FY22 Community Service Grant; Paul A. Hunton, Associate Managing Director, KTTZ Television, and Principal Investigator; Corporation for Public Broadcasting; \$1,256,889 awarded

TTUHSC:

- (a) Texas Higher Education Coordinating Board consortium contract through University of Texas System entitled "Texas Child Mental Healthcare Consortium"; contract year 09/01/2021 through 8/31/2023; contract amount \$8,422,868.

- (6) **TTU: Emergency or exigent circumstances approval by Section 07.12.3.g, Regents' Rules:** "When an emergency or exigent

circumstance exists...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."

- (a) On November 23, 2021, Chairman Lewis granted an exigent circumstances approval that authorized President Schovanec to execute an employment agreement with Kenny Perry to be the Associate Head Coach and Special Teams Coordinator for the Texas Tech University football program. In advance of the Chairman's action, all regents were provided information regarding the terms of the proposed employment agreement.
- (b) On December 2, 2021, Chairman Lewis granted an exigent circumstances approval for the acceptance of a gift of \$25 million to Texas Tech Athletics and the naming of the Cody Campbell Field.
- (c) On December 8, 2021, Chairman Lewis granted an exigent circumstances approval that authorized President Schovanec to execute an employment agreement with Zach Kittley to be the Offensive Coordinator for the Texas Tech University football program. In advance of the Chairman's action, all regents were provided information regarding the terms of the proposed employment agreement.
- (d) On December 8, 2021, Chairman Lewis granted an exigent circumstances approval that authorized President Schovanec to execute an employment agreement with Emmett Jones to be the Wide Receivers Coach and Passing Game Coordinator for the Texas Tech University football program. In advance of the Chairman's action, all regents were provided information regarding the terms of the proposed employment agreement.
- (e) On December 16, 2021, Chairman Lewis granted an exigent circumstances approval that authorized President Schovanec to execute an employment agreement with Marcel Yates to be the Defensive Assistant Coach for the Texas Tech University football program. In advance of the Chairman's action, all regents were provided information regarding the terms of the proposed employment agreement.
- (f) On December 16, 2021, Chairman Lewis granted an exigent circumstances approval that authorized President Schovanec to execute an employment agreement with Tim DeRuyter to be the Defensive Coordinator for the Texas Tech University football program. In advance of the Chairman's action, all regents were provided information regarding the terms of the proposed employment agreement.

ATTACHMENTS

ATTACHMENT

1

**TTU Current Horn Distinguished Professors
(ACS Item 8.)**

Current Horn Distinguished Professors

1981	William J. Conover Mathematics & Statistics	2015	Guigen Li Chemistry & Biochemistry
1983	Shelby D. Hunt Area of Marketing		Andreas Neuber Electrical & Computer Engineering
1991	Kishor Mehta Civil Engineering		Brian Shannon Law
1994	Sankar Chatterjee Museum Sciences and Geosciences	2016	Eric Hequet Plant & Soil Sciences
1999	Kenneth Ketner Institute for Studies in Pragmaticism	2018	Yehia Mechref Chemistry & Biochemistry
2000	Stefan Estreicher Physics	2019	Danny Reible Civil, Environmental, & Construction Engineering
2003	Loretta Bradley Educational Psychology	2020	William "Bill" Gardner Area of Management Rawls College of Business
2006	Michael Galyean Animal & Food Sciences	2021	Katherine Hayhoe Political Science
2007	William Casto School of Law		Naima Moustaid-Moussa Plant and Soil Science
	Eileen Johnson Museum		John Poch English
2008	David Larmour Classical & Modern Languages & Literatures		
2010	Victoria Sutton Law		
2011	Bruce Clarke English		
2013	Hongxing Jiang Electrical & Computer Engineering		
2014	Jingyu Lin Electrical & Computer Engineering		

ATTACHMENT

2

**TTUHSC El Paso Proposed School of Dental
Medicine's Practice Income Plan Bylaws
(ACS Item 16.)**

WOODY L. HUNT SCHOOL OF DENTAL MEDICINE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

DENTAL PRACTICE INCOME PLAN BYLAWS

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The Bylaws and all amendments thereto, of the Texas Tech University Health Sciences Center at El Paso (TTUHSC EP) Woody L. Hunt School of Dental Medicine Practice Income Plan (DPIP) are established by the following:

ARTICLE I PURPOSE

The Woody L. Hunt School of Dental Medicine (The School) has created a separate fiscal plan for the purpose of managing and holding in trust the professional income of its members. This plan shall be named the DPIP and may be referred to as “The Plan” and administered pursuant to the Bylaws set forth in this document.

GOVERNANCE

The President of TTUHSC EP (“President”) retains exclusive oversight and authority over the DPIP. The Dean of The School shall be accountable to the President for the sound management of DPIP. Final authority on all matters relating to DPIP shall reside with the President.

ARTICLE II DPIP GENERAL MEMBERSHIP

TTUHSC EP DPIP membership is required of any faculty member with an appointment at the Woody L. Hunt School of Dental Medicine who generates income from professional activities related to patient care at The School. Exceptions to the above may be made upon written recommendation from the Associate Dean of Clinical Affairs, with final approval of the Dean.

MEMBERSHIP

1. Members of the Plan shall be eligible to participate in its deliberations and to vote (if qualified as defined in section 2) upon matters of business. Eligibility for election to offices and for appointment to committees of the Plan will be allowed only for voting members.
2. Voting members are dental school faculty with appointments at 0.5 FTE or higher.
3. A member leaving the faculty terminates membership in the Plan without further rights, privileges, entitlements or recourse.

OFFICERS

Election of officers

1. The elected officers of DPIP shall consist of the following persons:
 - a. The Chair, who will preside over DPIP meetings.
 - b. The Vice-Chair, presides in the Chair’s absence.
2. Officers shall be elected from among the voting members to serve a two year term commencing September 1st ending August 31st to coincide with the fiscal year.

3. Fifty one percent (51%) of the voting members shall constitute a quorum
4. The election of an officer requires a majority vote of quorum members present at the meeting.
5. No elected officer shall serve more than two full consecutive terms in the same office. Should an elected officer fill an unexpired term, no second elected term in the new office would be available to that officer if the vacancy is longer than one year.
6. In the event of a vacancy of the Chair, the Vice-Chair shall fill the remainder of the Chair's term.
7. In the event of a vacancy of the Vice-Chair a new Vice-Chair shall be elected at the next regular meeting following the occurrence of the vacancy and shall fill the remainder of the Vice-Chair's term.

MEETINGS OF THE GENERAL MEMBERSHIP

1. The DPIP membership shall meet in general session at an annual meeting in the third quarter of the fiscal year as designated by the DPIP Chair.
2. Notice of the annual meeting, an agenda, and committee reports shall be sent to each member at least three weeks before the meeting.
3. Procedures of the annual meeting:
 - a. Appropriate means of communication will be provided so that each DPIP member is afforded an opportunity to speak and to hear the conduct of the business.
 - b. The conduct of business shall be limited to that of the published agenda. Other business may be admitted to the agenda upon majority vote of the membership present at the meeting.
4. Special meetings of the entire DPIP membership may be called by the President, the Dean of The School, or upon written petition by twenty-five percent (25%) of the members. Special meetings shall require the same notice as the annual meeting.
5. The DPIP Chair shall preside at all meetings of the general DPIP membership. In the absence of the Chair the Vice-Chair shall preside. A secretary will be appointed by the Chair to record minutes of the meeting.
6. Minutes of each DPIP meeting shall be maintained in a central library of meeting minutes and circulated to each member within thirty (30) days following the meeting.
7. In person or virtual presence of at least fifty one (51%) percent of DPIP members shall constitute a quorum.
8. Each member shall have one (1) vote and must be in attendance in person or virtual presence to vote.
9. Except where otherwise specified within these Bylaws, a simple majority vote of the members present during a quorum shall prevail.
10. Meetings of the membership shall be conducted according to Robert's Rules of Order.

ARTICLE III COMMITTEES

DPIP will form any necessary committee that will be required for the proper operation of clinical activities. Any committee established thereunder, is a "medical committee" as defined under

Texas Health and Safety Code Chapter 161 and/or other applicable state and federal statutes. All documents generated by, submitted to, or retained for the purposes of fulfilling DPIP duties are confidential and privileged as “medical committee documents”. DPIP will form any necessary committee that will be required for the proper operation of clinical activities. At a minimum, an Executive Committee will be formed in order to regulate and coordinate such activities.

DPIP EXECUTIVE COMMITTEE

1. The DPIP Executive Committee shall consist of:
 - a. Associate Dean of Clinical Affairs, or designee who will act as the Chair of the Executive Committee.
 - b. Chair of DPIP.
 - c. Vice-Chair of DPIP.
 - d. Assistant Dean of Clinical Operations (or Director of Operations), or designee. A representative from each established educational residency or graduate program that generates clinical income.
 - f. Clinical Department Administrator(s) – ex-officio.
 - g. Director of Resources, or equivalent – ex-officio.
2. The DPIP Executive Committee shall consider DPIP business, policy, educational or clinical matters as outlined in these Bylaws which may come before it from faculty, other DPIP committees, or the Dean of The School.

ARTICLE IV DPIP TRUST FUND

1. COMPOSITION
 - a. A DPIP Trust Fund shall be established for the receipt and disbursement of all clinical income generated under the provisions of the Plan.
 - b. The DPIP Trust Fund shall make disbursements to the following fund(s) as hereinafter provided:
 - i. Faculty Practice Fund for the clinic.
 - ii. President’s fund.
 - iii. Dean’s fund.
2. SOURCES OF INCOME
 - a. All professional income (Appendix E) generated by clinical activity under The School’s umbrella regardless of physical location will be deposited to the DPIP Trust Fund.
 - b. Income collected by DPIP for clinical services rendered by all members, including part-time clinical or volunteer faculty and staff, shall accrue to the DPIP Trust Fund, unless exempted by recommendation of the Associate Dean of Clinical Affairs, and subsequently approved by the Dean.
 - c. Income earned from any unexpended balances of the DPIP program Funds shall accrue to the respective funds that earned it.

- d. For purpose of The Plan clinical services include, but are not limited to, delivery of general or specialized dental care, reading pathology slide, consulting, performing or interpreting x-rays, manufacturing of crowns or dentures, etc.

3 DPIP PROFESSIONAL INCOME

- a. All professional fees generated by DPIP members or professional staff from delivery of patient care shall be considered DPIP professional income, and be deposited in DPIP accounts, unless specifically exempted through written approval by the Associate Dean of Clinical Affairs , and/or Dean.
- b. The following sources of income are not considered DPIP professional income:
 - i. Honoraria and non-professional retainers.
 - ii. Patent income and royalties as shall be established by the Intellectual Property Policy as found in Regents’ Rules, Chapter 10.
 - iii. Fees for court appearances, depositions, record reviews, other than those given by the member in an official capacity, as approved by the Associate Dean of Clinical Affairs or Dean.
 - iv. Payment for editing scientific publications.
 - v. Non-patient consultation fees earned as a regional or national consultant with non-affiliated institutions, with approval of the Associate Dean of Clinical Affairs and Dean.
 - vi. Any award received by DPIP members.
 - vii. Exceptions to the above must be approved by the Dean.

4. DETERMINATION OF PROFESSIONAL FEES

The uniform charge master for the clinic shall be reviewed and/or updated annually. This charge master shall be reviewed and approved by the Associate Dean of Clinical Affairs and Dean.

5. FACULTY PRACTICE FUND

- a. The Faculty Practice Fund shall consist of the balances of each faculty’s clinic income account maintained by the DPIP Trust Fund after all payments required by the clinic and the Plan are paid.
- b. Expenditures from the Faculty Practice Fund shall be under the direction of the Associate Dean of Clinical Affairs in accordance with those items allowable in Appendix A.

ARTICLE V
GENERAL PROVISIONS

1 EXCEPTIONS

- a. All exceptions granted under provisions of the Plan shall be reviewed and approved by the Dean annually.
- b. This Plan is created for management purposes only, and nothing in this Plan shall be construed to create a partnership, trust, association or any other entity.

2 ETHICS

The Principles of Ethics of the American Dental Association, as amended, are accepted as the governing code of ethics for the Plan (Appendix D).

3 CONTRACTS

Plan Agreement contracts shall be executed between each member and the Plan, if applicable (Appendix E).

4 GRIEVANCE COMMITTEE

- a. The Chair of the DPIP may name an ad hoc DPIP Grievance Committee to review and make recommendations regarding any grievance related to compliance with Bylaws and submitted by a member of the Plan. Unresolved grievances will be referred to the Dean for final resolution.
- b. The Grievance committee will consist of three members of the DPIP membership and two members from the TTUHSC EP faculty at large

5 AMENDMENT OF BYLAWS

- a. These Bylaws, may be amended by a two-thirds (2/3) vote of the DPIP membership responding in person or by virtual attendance, provided that the amendment shall have been offered by written notice not fewer than thirty (30) days prior to the meeting of the membership.
- b. These Bylaws or any amendments thereto shall be effective upon approval by the President and Board of Regents of the Texas Tech University System.

6 DISSOLUTION

- a. The Plan may be dissolved by the President with subsequent approval by the Chancellor and the Board of Regents.
- b. Upon voluntary dissolution of the Plan in order to establish a new organizational structure, all the assets of the pre-existing Plan shall be transferred to the new structure.
- c. Upon ultimate dissolution of the Plan, all residual monies in the DPIP Trust Funds shall be utilized to discharge obligations of the Plan with the balance to be distributed by the Dean with the approval of the President. Accounts receivable remaining outstanding after a one-year period shall be assigned by the DPIP Trust Fund to TTUHSC EP and all collections of such accounts shall inure solely to the benefit of the School of Dental Medicine.

APPENDIX A
EXPENSES ALLOWABLE FROM THE DPIP FUND

This appendix has been developed by the Dean to provide guidelines for expenditure of DPIP funds. In accordance with current requirements found in the “Special Provision Relating Only to State Agencies of Higher Education, General Appropriations Act”, an annual report showing the use of practice plan funds shall be filed as directed. The following expenditures are permitted from DPIP, subject to availability of funds and the approval of the Associate Dean of Clinical Affairs, the Dean and/or the President.

1. Salary, partial salary or augmentation for faculty and/or staff with approval of the Dean in accordance with Appendix C
2. General maintenance, operational expenses and purchase and/or replacement of equipment used in education, research and patient care.
3. Ordinary and necessary business expenses incurred by a member in generating professional income, in accordance with IRS guidelines for business expenses.
4. Travel and other expenses, including registration fees and tuition, incidental to attendance at professional meetings.
5. Expenses related to the support of education, research and/or patient care.
6. Professional society memberships.
7. Expenses and consultant fees for guest speakers including official entertainment.
8. Group medical, life, disability, supplemental retirement, dental and vision benefit insurance and other insurance benefits. These benefits may be individually established by the Associate Dean of Clinical Affairs with the approval of the Dean.
9. Dental and professional liability premiums and reserves.
10. Allowance for special educational training of the faculty members.
11. Fringe benefits for residents, fellows and other employees necessary for conduct of clinical activities.
12. Recruiting expenses for faculty, staff and other individuals necessary to the clinic.
13. Texas Dental Board license fee for faculty and licenses or certifications required for other clinical staff.
14. Dental related educational aids (e.g., books, journals, slides, audio, videotapes, etc.).
15. Institutional participation in community organizations or events.
16. Official institutional functions and official entertainment for business related events or for documented benefits to TTUHSC EP.
17. Capital projects.

No DPIP funds may be expended for the benefit of any single individual person or member except as these in their Bylaws. All expenditures are subject to state and federal law, and the TTU Regents Rules, and other applicable institutional regulations and procedures.

This list of authorized expenditures may be periodically amended by action of the Office of the President, upon recommendation of the Dean.

APPENDIX B
FACULTY DENTAL PRACTICE

1. PURPOSE AND OBJECTIVES

a. Purpose

The purpose of the Faculty Dental Practice (FDP) is to allow the faculty to maintain their clinical skills in their areas of expertise, provide dental care to the community, be a referral center for complex treatment, and allow faculty to supplement their income.

b. Objectives

- i. Opportunity for faculty to engage in clinical practice.
- ii. Provide dental services:
 1. General dentistry.
 2. Recognized specialties.
- iii. Provide a site for external referrals for complex and special needs patients.
- iv. Supplement faculty compensation.

2. FDP PRACTICE PLAN

- a. The FDP applies to all Texas Tech University Oral Health Clinic(s) (TTUOHC) and affiliated sites. All resources, equipment, and materials are owned and/or managed by TTUOHC.
- b. Income and compensation to faculty participants are based on the FDP compensation plan (see Appendix C), no matter their site of generation.
- c. FDP will be governed by:
 - i. Policies and procedures of TTUHSC EP.
 - ii. DPIP Bylaws.

3. ORGANIZATIONAL STRUCTURE

- a. The ultimate responsibility of the FDP rests with the university president.
- b. The direct responsibility for the FDP rests with Associate Dean of Clinical Affairs (ADCA) with oversight and/or approval by the Dean.

4. FDP MEMBERSHIP

- a. Category of membership
 - i. General Dentistry.
 - ii. Specialties (as defined by the American Dental Association) where faculty possess the qualifications and credentials to practice their declared specialty.
- b. Eligibility of membership
 - i. Must have a full time faculty appointment at a one hundred (100%) percent time commitment or prior approval of the Associate Dean of Clinical Affairs and the Dean.
 - ii. Possess a DDS, DMD, or equivalent dental degree.
 - iii. Must have a non-restricted or faculty dental license in the State of Texas.
 - iv. Any other credentials as required by TTUHSC EP and the WLHSDM.

- c. Time allocation
 - i. A maximum of one (1) day per week can be allocated to the faculty practice.
 - ii. Any exceptions must be approved by the Dean in consultation with the Associate Dean of Clinical Affairs.
 - iii. Scheduled FDP clinic time schedule is based on the approval of the Associate Dean of Clinical Affairs and may vary based on academic and clinical responsibilities.
 - iv. Academic responsibilities take precedent over FDP participation.

5. SUPPORT STAFF

The FDP will be staffed with adequate operating support, comparable to the overall function of the TTUOHC. This staffing services help maintain the mission of the practice, and may include various roles such as:

- a. Patient Services Specialist (PSS).
- b. Dental Assistant.
- c. Dental Hygienist.
- d. Financial Services.

6. COMPENSATION

- a. Details of compensation outlined in Appendix C.
- b. The compensation section will be reviewed and updated annually based on changes in operational overhead and other expenses

APPENDIX C
FACULTY DENTAL PLAN COMPENSATION

1. The faculty compensation will be a predetermined percentage of net collections (i.e., gross collections less the cost of clinic expenses, external laboratory work, radiology, implant part costs, etc.).
2. The percentage and method of compensation will be reviewed by the Executive Committee on an annual basis in order to consider the changes in operational overhead and other expenses, and make recommendations to the Dean of The School for approval.
3. Compensation will be calculated and paid quarterly.
4. Faculty practice compensation will be considered additional income above base salary.

APPENDIX D
CODE OF ETHICS
PRESENT PRINCIPLES OF DENTAL ETHICS

Preamble

The American Dental Association (ADA) calls upon dentists to follow high ethical standards which have the benefit of the patient as their primary goal. In recognition of this goal, the education and training of a dentist has resulted in society affording to the profession the privilege and obligation of self-government. To fulfill this privilege, these high ethical standards should be adopted and practiced throughout the dental school educational process and subsequent professional career.

The Association believes that dentists should possess not only knowledge, skill and technical competence but also those traits of character that foster adherence to ethical principles. Qualities of honesty, compassion, kindness, integrity, fairness and charity are part of the ethical education of a dentist and practice of dentistry and help to define the true professional. As such, each dentist should share in providing advocacy to and care of the underserved. It is urged that the dentist meet this goal, subject to individual circumstances.

The ethical dentist strives to do that which is right and good. The ADA Code is an instrument to help the dentist in this quest.

APPENDIX E
ASSIGNMENT AND PLAN AGREEMENT

Dental Practice Income Plan
TTUHSC EP and the Woody L. Hunt School of Dental Medicine

I, _____ (*Name*), a Faculty/Provider of professional services at the Texas Tech University Health Sciences Center El Paso (TTUHSC EP) Woody L. Hunt School of Dental Medicine, as a condition of my employment by TTUHSC, hereby assign to the Dental Practice Income Plan (DPIP) Trust Fund all fees charged by me for professional activities and patient care, except those specifically exempted by the Plan.

I further agree that all electronic funds, monies received by me, or other accrued credits resulting from my professional activities will promptly be remitted to the DPIP Business Office. It is expressly understood that this Assignment and Plan Agreement (Assignment) does not apply to salary received from TTUHSC EP.

Further, I agree to comply with the DPIP Bylaws, ADA Code of Ethics and the TTUHSC EP Operating Policies and Procedures.

This Assignment will terminate when my membership in DPIP ends.

Associate Dean of Clinical Affairs *Date*

Fiscal Manager *Date*

(Printed Name)

(Printed Name)

Faculty/Provider *Date*

(Printed Name)

ATTACHMENT

3

**TTUS *Regents' Rules*, Chapter 07
with proposed revisions
(Finance Item 1.)**

Chapter 07 -- Fiscal Management

Date last revised: 08-09-2019

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

07.00 **Definitions.**

07.00.1 "FDIC" means the Federal Deposit Insurance Corporation.

07.00.2 "HEF" means Higher Education Funds.

07.00.3 "HUBs" means Historically Underutilized Businesses.

07.00.4 "OAS" means the Office of Audit Services.

07.00.5 "RFS" means the Revenue Financing System.

07.00.6 "CAE" means the Chief Audit Executive.

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

07.02 **Audits.**

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

07.02.2 Objectives. The OAS shall:

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

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

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

07.02.4 Organizational responsibility and reporting relationships.

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

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

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

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

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

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

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

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

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

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

07.02.8 Authority.

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

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

07.03 **Fraud policy.**

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

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

a. _____ An intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or to surrender a legal right.

b. _____ A false representation of a matter of fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury.

a-c. _____ Any kind of artifice employed by one person to deceive another.

07.03.1 For purposes of this policy, the definition of fraud as per the above shall include, but not be limited to, the following:

- a. an intentional or deliberate act;
- b. depriving the TTU system or a person of something of value or gaining an unfair benefit; and
- c. using deception, false suggestions, suppression of truth, or other unfair means which are believed and relied upon.

07.03.2 A fraudulent act may be an illegal, unethical, improper, or dishonest act, including but not limited to:

- a. embezzlement;
- b. misappropriation, defalcation, misapplication, and other fiscal irregularities, and destruction, removal, or concealment of property;
- c. alteration or falsification of records or other documentation;
- d. false claims by students, employees, vendors, or others associated with the TTU system;
- e. theft of any asset including, but not limited to, money, tangible property, trade secrets, or intellectual property;
- f. inappropriate use of computer systems, including hacking and software piracy;
- g. bribery, rebate, or kickback;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

07.04 **Budget rules and procedures.**

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

07.04.2 General.

- a. The board is required by law and Section 01.02.8.d(3), *Regents' Rules*, to approve an annual budget covering the operation of the ensuing fiscal year. This budget shall be prepared within the limits of revenue available from legislative appropriations and estimated local and other funds.
- b. The budget is to be constructed along organizational lines and using appropriate fund groupings required by state law or recommended by the State Auditor's Office or the State Comptroller's Office.
- c. The board has the overall responsibility for the budget; however, limitations of time make it impractical for the board to address budget issues other than major policies and priorities. The board effectively discharges its budgetary responsibilities by reviewing and approving general policies. Detailed budgetary development and control is delegated to the chancellor, the presidents, and the chief fiscal officers.
- d. The annual budget shall be prepared and adopted well in advance of the fiscal period and shall include all anticipated operating revenues, expenditures, transfers, and allocations. Adjustments to the budget shall be approved in accordance with board policy set forth in Section 07.04.45, *Regents' Rules*.
- e. The chief fiscal officers are responsible for the compilation of estimates of revenues and the development of appropriate contingencies.
- f. The principal officers of the TTU system shall develop recommendations on major budgetary policies and programs. These policies include such items as salary and wage increases, differential allocations to certain programs, implementation of new programs, reduction or elimination of existing programs, and

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

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

07.04.3 Budgets and other expenditure certifications.

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

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

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

- (a) adjustments that establish a new budget in excess of \$12,000,000 or increase an existing budget to an amount of more than \$12,000,000 due to new activities and/or revenue sources; and
 - (b) non-statutory adjustments to the salary of the chancellor.
- (2) Emergency and exigent circumstances approvals. When an emergency or exigent circumstances exist, the chair or the chair of the Finance and Administration Committee may approve a proposal submitted by the chancellor, or the chancellor's designee, for budget adjustments which establish a new budget in excess of \$12,000,000 or increase an existing budget to an amount in excess of \$12,000,000 due to new activities and/or revenue sources, with subsequent notification to the board at the next regular board meeting.

b. Chancellor's approval is required for the following:

- (1) Budget adjustments of \$2,000,000 or less to the TTUSA's original operating budget.
~~Adjustments to the salary of TTU system officers and individuals who report directly to the chancellor, except for positions covered under the provisions of Section 02.03.6, Regents' Rules.~~
- (2) Non-statutory adjustments to the total salary or wage rate of a TTUSA employee when such an adjustment is 10% or more per annum. However, this requirement does not apply to:
 - (a) bona fide promotions or reclassifications;
 - (b) supplemental compensation payments required by law; or
 - (c) adjustments to an employee's total salary or wage rate that result in an annual increase of \$2,000 or less.

(d) adjustments to the salary of TTU system officers and individuals covered under the provisions of Section 02.03.6, Regents' Rules.

~~(3) All budget adjustments of \$1,000,000 or less to the TTUSA's original operating budget.~~

~~(43)~~ Adjustments authorized by law.

c. President's approval is required for the following:

(1) ~~All b~~Budget adjustments of \$~~21~~,000,000 or less to the institution's original operating budget.

(2) Non-statutory adjustments to the total salary or wage rate of an employee of the institution when such an adjustment is 10% or more per annum. However, this requirement does not apply to:

(a) bona fide promotions or reclassifications;

(b) supplemental compensation payments required by law;

(c) adjustments to the total salary or wage rate of an employee of the institution that result in an annual increase of \$2,000 or less; or

(d) adjustments to the total salary of a position covered under the provisions of Section 02.03.8, *Regents' Rules*.

d. Approval of any agreement or contract, in accordance with Section 07.12.2, *Regents' Rules*, constitutes authority to establish a maximum budget that does not exceed the amount of the approved agreement or contract.

e. The chancellor and presidents may delegate budget authority to appropriate budget and financial officials.

f. Budgetary control.

- (1) An essential element of budgeting is the establishment of effective budgetary control. Budgetary control shall ensure that expenditures do not exceed available funds.
- (2) The chief fiscal officers are responsible to the presidents, the chancellor, and the board for maintaining budgetary controls. All expenditures in the institutions must be made within approved budgets. Administrators are not authorized to commit funds without a budget approved by the chief fiscal officers or designee. The chief fiscal officers shall ~~provide inform~~ the respective chief executive officer ~~of any deviations greater than \$100,000 from this policy, including with~~ a list of individual fund accounts with deficit fund balances greater than \$500,000 at the end of each fiscal quarter.
- (3) It is the responsibility of the department head (e.g., dean, chair, director) or designated financial manager to exercise budget control. These officers have the primary responsibility to control expenditures under their budget authority. Upon approval of the budget, department heads are responsible for assuring there is no deviation from the approved budgets.
- (4) The chief fiscal officers shall assure that monthly reports of revenues and expenditures are made available to each budget unit.

07.05 Debt management policy.

07.05.1 General debt management policy.

- a. All debt programs shall be made in accordance with applicable state and federal statutes and regulations. Notwithstanding any other provision of the *Regents' Rules*, the board shall authorize the issuance of all TTU system indebtedness.
- b. To the extent permitted by law, the board may grant to the chancellor, or the chancellor's designee, the authority to issue short-term indebtedness. The short-term debt program shall be

utilized for capital projects during construction and for equipment acquisition. All conversions to long-term or bond indebtedness shall be approved by the board.

- c. The vice chancellor and chief financial officer, or the vice chancellor and chief financial officer's designee, is authorized to approve the pricing of bond and note issues and is responsible for assuring that all bond covenants are in compliance and that all necessary approvals, certifications, and authorizations are fully documented and made available to the board and to all bondholders.
- d. The vice chancellor and chief financial officer, or the vice chancellor and chief financial officer's designee, is responsible for assuring that all debt service payments are made to the appropriate paying agents in a timely manner.
- e. Debt service funding is the responsibility of each institution participating in the RFS and the HEF programs.
- f. If a project requires Texas Higher Education Coordinating Board approval, no debt proceeds will be allocated to that project prior to receiving such approval.

07.05.2 RFS debt management policy.

- a. The TTU system and its components are eligible to participate in the RFS.
- b. The TTU system shall use the following guidelines for the RFS:
 - (1) Debt proceeds will be used only for capital expenditures or bond issuance costs. Generally, capital expenditures are for assets having a useful life of over one year. Buildings and other major capital projects shall be financed for a period of up to the lesser of the project's estimated useful life or 40 years. Equipment shall be financed for a period up to the lesser of its projected useful life or 10 years.
 - (2) To the extent required by law, the Texas Higher Education Coordinating Board shall be notified of project costs in ac-

cordance with the relevant rules promulgated by the Coordinating Board.

- (3) Individual revenue streams considered for debt service must meet a 1.15 debt coverage ratio test, unless the debt is issued as tuition revenue debt, in which case it must meet a 1.00 debt coverage ratio test. Debt coverage is defined as total revenue divided by total debt service.
- (4) Components of the TTU system are required to establish internal debt reserves on their respective chart of accounts by participating ~~area~~division or department on bond financed debt other than tuition revenue and HEF debt. Bond financed debt service shall be collected from departments at the component institutions in the amount of the 1.15 ratio until the maximum reserve accumulated is equal to the division's~~area's~~ or department's maximum annual debt service for the remaining debt outstanding. When the maximum reserve is reached, the bond debt service shall be collected in the amount of a 1.00 ratio. Should newly-issued debt cause ~~an area's~~division's or a department's new maximum annual debt service to exceed their accumulated reserve, then the 1.15 ratio will apply only to debt service on the newly-issued debt. The TTUS Office of Treasury monitors bond debt service reserves additions and reserve balances to maximum annual debt service semi-annually. Exceptions and return of reserve balances are to be reviewed and approved by the vice chancellor and chief financial officer and the component's chief fiscal officer.
- (5) The board shall approve designated debt financing prior to a project's initiation. Reimbursement clauses, revenue stream certification, non-default certification, and all requirements of the RFS Master Resolution shall be included in the agenda items submitted for board approval that authorize the debt financing.
- (6) For minor construction projects, as defined by Section 08.01.2, *Regents' Rules*, the chancellor, or the chancellor's designee, may approve RFS funding on behalf of the board

to satisfy approval requirements of the Master Resolution authorizing the Revenue Financing System.

(7) Higher Education Fund (HEF) appropriation transfers for debt service by the component institutions to the TTU system are authorized, but only for financed projects which would be eligible for HEF funding under Article VII, Section 17 of the Texas Constitution and section 07.05.3(4) below. ~~Generally, these projects must have an educational and general purpose.~~

(8) Application to and approval of the Texas Bond Review Board is required for all new long-term issues, except as noted below. Long-term issuances also are subject to the examination and approval of the Texas Attorney General. (Note: Sec. 1231.041(b), *Texas Government Code*, eliminates the requirement for institutions of higher education to seek approval by the Texas Bond Review Board for bonds rated AA- or better, unless state general revenue is pledged on the debt.)

c. The TTU system shall use the following general guidelines for the RFS:

~~(1) As long as RFS debt remains outstanding, the TTU system shall prepare end-of-fiscal-year certifications. The certifications, signed and approved by the vice president for fiscal affairs of the component institution, shall be submitted to the vice chancellor and chief financial officer no later than November 15 of each year and shall be used for reporting on the status of the RFS to the chancellor and the board. The certifications shall include the following:~~

(1a) A comparison of revenue projections with those actually collected in the previous year and an updated assessment of anticipated future revenues. If actual revenues were not sufficient, a written report to the board must be provided. This report must address why the revenues were insufficient and the impact on the institution's current and future ability to pay for its share of debt service.

- (2b) Verification that the institution has sufficient funds that may be pledged and are available for the next fiscal year's principal/interest payments.
- (3e) Verification that the institution is in compliance with all RFS bond covenants and *Regents' Rules* requirements relative to the issuance of RFS debt.
- (4z) The vice chancellor and chief financial officer shall prepare an annual report on the status of RFS obligations for the chancellor and the board. The report shall include the following:
 - (a) The balance of RFS obligations outstanding at the beginning of the fiscal year and on the date of the report.
 - (b) A listing of projected needs (by institution and funding source) for the next year.
 - (c) The amount of RFS obligations that will be necessary to fund each institution's needs for the next year.
 - (d) A certification that the TTU system is current on debt service funding for RFS obligations outstanding. If an institution is not in compliance, the steps being taken to bring the institution into compliance shall be included and reported quarterly until compliance is achieved.

07.05.3 HEF debt management policy.

- a. Component institutions are eligible to participate in HEF debt financing.
 - (1) Except as described in Subdivision (4) of this subsection, HEF debt proceeds may be used for acquiring land, construction, equipping permanent improvements, major repair and rehabilitation of permanent improvements, acquisition of capital equipment, and refunding previously issued HEF indebtedness.

- (2) HEF indebtedness shall be payable with ~~state~~HEF appropriated ~~funds~~money. Maturities shall not exceed 10 years. HEF bonds shall be competitively bid. HEF notes (e.g., commercial paper notes) need not be competitively bid. HEF indebtedness is subject to approval by the Texas Attorney General.
- (3) No more than 50% of the annual HEF allocation of component institutions shall be used for paying debt service on HEF indebtedness issued on behalf of component institutions.
- (4) HEF debt proceeds are not permitted by law to be used for maintenance, minor repairs, operating expenses, student housing, intercollegiate athletics, or auxiliary enterprises.

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

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

- 07.05.5 Failed remarketing procedures. Procedures to be used in the event of a failed remarketing of RFS commercial paper debt shall be maintained in the Office of Treasury.
- 07.05.6 Post tax-exempt issuance compliance. Procedures shall be maintained in the Office of Treasury that comply with all applicable federal tax law requirements ensuring that interest earned by the holders of tax-exempt bonds is not taxable under Section 103 of the U.S. Internal Revenue Code.
- 07.06 **Credit extension.** The chancellor, or the chancellor's designee, is authorized to approve the sale of goods and services on credit provided that: there is a public purpose for the sale that can be documented; and controls limiting risk of loss have been established and reviewed by the OAS.
- 07.07 **State comptroller deposits.**
- 07.07.1 Cash receipts. State statutes and the current state Appropriations Act require that all cash receipts accruing to component institutions be deposited in the state treasury, with the exception of those funds listed in Section 51.008, *Texas Education Code*. Funds to be deposited within the TTU system include funds from auxiliary enterprises, non-instructional services, agency, designated and restricted funds, endowment funds, trust funds, other gift funds, student loan funds, funds retained under Chapter 145, *Texas Education Code*, and Constitutional College Building Amendment Funds.
- 07.07.2 Depositing rules. Cash receipts that are required to be deposited in the state treasury shall be so deposited in the manner prescribed by state statutes and the current state Appropriations Act.
- 07.07.3 Revolving funds. Component institutions of the TTU system are authorized by the current state Appropriations Act to establish Revolving Funds under certain prescribed procedures to facilitate the payment of nominal expenses and to pay bills within cash discount periods, as well as for regular monthly, weekly, and special payrolls.
- 07.07.4 Board delegation of authority. The chancellor, or the chancellor's designee, is responsible for establishing, maintaining, and updating any TTU system depository and/or investment accounts, which in-

cludes maintaining authorized signatory cards for all financial accounts.

07.08 **Primary and secondary depositories for the TTU system.** Only those ~~banks~~depositories selected as prescribed by this policy and in compliance with all existing statutes shall be used to deposit and safeguard all funds subject to the control of the board.

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

07.08.2 Secondary depositories.

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

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

07.09 **Travel authorization, reimbursement, and institutional regulations.**

- 07.09.1 Travel approval. Each component of the TTU system shall promulgate operating policies, procedures, rules and regulations governing employee travel in conformity with federal and state laws.
- 07.09.2 Board members' travel and other expenses.
- a. All travel by board members that is paid from TTU system funds shall be for official business only.
 - b. When traveling on official business, members of the board are authorized to be reimbursed from appropriated funds for the actual cost of:
 - (1) meals and lodging, subject to the rates and limitations established in statutory authority;
 - (2) local transportation;
 - (3) parking fees; and
 - (4) airfare at the next lowest rate below first class, unless such a rate is not available.
 - c. When the board member's spouse is required to accompany the board member for a valid public purpose, as determined by the board member, the spouse's expenses shall be reimbursed from non-appropriated funds.
 - d. Vouchers for travel or other expenses of board members shall be prepared in the Office of the Board of Regents, forwarded to the Office of the Chief Financial Officer for review, and returned to the Office of the Board of Regents for further approval. Either the chair of the board or the chair of the Finance and Administration Committee must approve all vouchers for board members. A board member may not approve his or her own voucher.
 - e. Vouchers for reimbursements to board members for other expenses shall be processed in accordance with Subsection d. of this section. These expenses must be for a valid public purpose, as certified by the board member. Any extraordinary expenses

must be approved in advance by either the chair of the board or the chair of the Finance and Administration Committee.

- f. The vice chancellor and chief financial officer shall assure that expense vouchers for board members are audited annually.

07.09.3 Chancellor's travel and other expenses.

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

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

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

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

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

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

mercial pilot certificate with instrument rating. All flights involving student travel must be piloted by two pilots.

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

- 07.11.5 Insurance. Aircraft owners/operators must furnish a certificate of insurance to the TTU system as proof of at least \$300,000 coverage per passenger, or the minimum amount required by law, whichever is greater.
- 07.11.6 Administrative requirements. The following are administrative requirements:
- a. All flights involving leased or chartered aircraft, or aircraft made available to the TTU system pursuant to Section 07.11.4, *Regents' Rules*, must be approved in advance by the chancellor or the chancellor's designee.
 - b. All flights involving student travel, other than travel on commercial air carriers, must be approved in advance by the chancellor or the chancellor's designee.
 - c. The TTU system department arranging travel under Subdivision a. or b. of this subsection shall ensure that contracts and other appropriate documents are reviewed by the Office of the General Counsel prior to approval by the chancellor or the chancellor's designee.
- 07.11.7 Waiver. This policy may be waived by the prior written approval of the institution's chief academic officer for employees and graduate research assistants involved in research projects requiring aerial surveys. Such research projects must be supported by funded grants that have been approved by the Office of Research Services.
- 07.11.8 Aircraft piloted by TTU system personnel on official business. A TTU system employee may pilot an aircraft owned or leased by the employee for travel on official business and may be reimbursed for such travel in accordance with state regulations (see Chapter 660, Subchapter D, *Texas Government Code*). Any aircraft piloted by TTU system personnel for travel on official business must be maintained in accordance with all applicable Federal Aviation Regulations and shall have all instrumentation required for flying in the meteorological conditions then existing and as forecast. The pilot must be current and qualified in accordance with all applicable Federal Aviation Regulations for the type aircraft flown and for the meteorological conditions then existing and as forecast. No flight shall be piloted by

TTU system personnel with other faculty, staff, students, prospective students, or guests aboard. Any TTU system personnel desiring to travel under this provision must execute a written release of liability releasing the TTU system from any and all liability associated with such travel.

07.12 Contracting policies and procedures.

07.12.1 General.

- a. This policy shall establish the authority for the board and authorized TTU system personnel to approve, sign, and execute contracts committing ~~the~~ TTU system or any component institution to any ~~approved act~~ contractual obligation.
- b. Written contracts shall be executed whenever a TTU system component enters into a binding agreement with another party which involves any material consideration. The written contract requirement may be satisfied by a formal purchase order as determined by the chief fiscal officer or their designee.
- c. Contracts include, but are not limited to: letter agreements, cooperative agreements, memorandums of understanding, inter-agency contracts, grants, loans, easements, licenses, leases, permits and restrictions on acceptances of gifts and bequests. Other parties include, but are not limited to: federal, state and local agencies, nonprofit organizations, private businesses, corporations, limited liability entities, partnerships, and individuals.
- d. Applicability of policy.
 - (1) This policy shall apply to all contracts for the initial periods and for amendments or extensions that are exercised thereto. For the purpose of determining whether a contract requires the approval of the board, any option(s) to extend or renew a contract that has been exercised shall be counted in the overall term of the contract. ~~For example, a contract for a lease of land for three years that has an option to extend the lease for an additional three~~

~~years shall be considered to be a lease of land for more than four years.~~

- (2) This policy shall also apply to, but not be limited to: cooperative agreements with affiliated and nonaffiliated hospitals and other health care agencies, private corporations, sole proprietorships, federal agencies, private partnerships, limited liability entities, and individuals.
- e. Officers and employees of the TTU system are prohibited from acting as an agent for another person in the negotiation of the terms of ~~an agreement~~ a contract relating to the provision of money, services, or property to the TTU system.
- f. The TTU system and its component institutions shall develop a contract management handbook that provides consistent contracting policies and practices. ~~and contract review procedures, including risk analysis and a contract review checklist.~~ The provisions in this handbook shall be consistent with state and federal contracting laws, rules, and regulations.
- g. The TTU system and its component institutions shall develop contract review procedures and a contract review checklist.
- h. TTU system personnel authorized to execute contracts for TTU system or any component institution, or to exercise discretion in awarding contracts involved in procurement or contract management shall receive training and continuing education, including ethics training, the selection of appropriate procurement methods, and information resources purchasing technologies.
- ih. 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~~ as a consent item at the next available board meeting.
- i. Approval and signature execution of a contract pursuant to the provisions of this policy constitutes approval to establish an operating budget, when applicable, which shall not exceed the

consideration of the contract. The operating budget then shall be considered approved in accordance with the provisions of Section 07.04, *Regents' Rules*, and related implementing procedures.

- j. Contracts shall not be divided to fall within lower levels of approval.

07.12.2 Prohibited contracts.

- a. Neither the TTU system administration nor a component institution may enter into a contract for the purchase of goods or services with a private vendor with whom any of the following persons have a financial interest unless the contract is for the purchase of goods or services solicited through a purchase order and the purchase order does not exceed \$25,000:
 - (1) the chancellor, vice chancellor and general counsel, president of the institution involved in the contract, chief procurement officer or equivalent employee responsible for procuring goods and services for the institution involved in the contract; or
 - (2) a family member related to the employees and officials listed above within the second degree of affinity or consanguinity.
- b. A person listed in Section 07.12.2.a, *Regents' Rules*, has a financial interest in a private vendor if the person:
 - (1) owns or controls, directly or indirectly, an ownership interest of at least 1% in the private vendor, including the right to share in profits, proceeds, or capital gains; or
 - (2) could reasonably foresee that a contract with the private vendor could result in a financial benefit to the employee, official, or family member within the second degree of affinity or consanguinity.

- c. A financial interest prohibited by this section does not include a retirement plan, a blind trust, insurance coverage, or an ownership interest of less than 1% in a corporation.

07.12.3 Board approval.

- a. Upon recommendation of the chancellor, board approval is required for contracts that involve a stated or implied consideration that totals in excess of \$1,000,000 ~~over the entire term per annum~~ of the contract, unless a different consideration is specified by this policy. This requirement is applicable to both cash and non-cash considerations. The board may delegate the approval and signature authority for such contracts to the chancellor or component president.
- b. The board must approve any amendment, extension, or renewal of a contract with a value that exceeds 25% of the value of the original contract approved by the board or that increases the value of the original contract to more than \$1,000,000 ~~over the entire term per annum~~ of the contract unless the authority to exceed the approved amount is expressly delegated by the board or an exception is expressly adopted by the board for that contract.
- c. For each contract for the purchase of goods and services with a value exceeding \$5,000,000, the applicable chief procurement officer for the applicable component institution or the TTU system must submit to the board:
 - (1) verification that the solicitation and purchasing methods and contractor selection process comply with state law and TTU system/~~institutional~~ policies; and
 - (2) information on any potential issue that may arise in the solicitation, purchasing, or contractor selection process.
- d. Contracts involving a sale or lease of land and/or improvements thereon, or a commitment of funds or other resources for more than four years as stated in Section 07.12.1.d(1), Regents' Rules:

- (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 ~~182~~20 days or less are excepted from the requirements of Section 07.12.3.d(1), *Regents' Rules*.

- e. Contracts that provide for the services of a consultant:
 - (1) Consulting contracts with an initial consideration in excess of \$~~100~~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 \$~~100~~25,000 and prior to the execution of all modifications that increase the consideration of such a contract.
 - (b) A consulting contract with an initial consideration in excess of \$~~100~~25,000 may be executed prior to approval by the board if:
 - i. i. —the contract includes a provision that limits the total amount to be paid to the consultant to no more than \$~~100~~25,000 unless and until such time as the board has approved the agreement; ~~and~~
 - ii. the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief fiscal officers provides approval to execute contract with an initial consideration in excess of \$100,000; and,
 - iii. an agenda item is provided for approval by the board at the next board meeting.

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 07.12.3.~~fe~~(3) herein, employment agreements that contain one or more of the following provisions must be approved by the board:

- (a) employment contracts having a total value (including cash and non-cash considerations) over the entire term of the contract of more than \$1,000,000;
 - (b) employment contracts having a term longer than four (4) years;
 - (c) employment contracts that allow for settlement or other payments on the termination of the contract to exceed an amount equal to the discounted net present cash value of the contract on termination at the U.S. Treasury rate that matches the remaining term of the contract;
 - (d) employment contracts allowing for development leave that is inconsistent with Section 04.05, *Regents' Rules*, and/or institutional operating policies; or
 - (e) employment contracts awarding tenure in any way that varies from the applicable operating policies on the award of tenure.
- (3) The following are excepted from the requirements of Section 07.12.3.e(f)(2), *Regents' Rules*, but to the extent any excepted contract has a value exceeding \$1,000,000, the board delegates approval and signature authority for the contract to the president of the applicable component institution or to the chancellor for TTUSA contracts:
- (a) Employment agreements for the chancellor or presidents shall be governed by Sections 02.01.2 and 02.03.1.b(2) of the *Regents' Rules*, respectively.
 - (b) Athletic employment agreements:
 - i. Athletic directors and head coaches. Employment contracts and employment contract modifications and extensions for athletic directors and head coaches of intercollegiate athletics programs do not require the approval of the board if: the total value (including cash and

non-cash considerations) over the entire term of the contract is \$~~52~~,000,000 or less; and the term of the contract does not exceed five (5) years. For athletic directors, such contracts, modifications, and extensions shall receive the final approval of the president, with prior notification to the chancellor. For head coaches, such contracts, modifications, and extensions shall have the recommendation of the athletic director and receive the final approval of the president, with prior notification to the chancellor.

ii. Assistant coaches. Employment contracts and employment contract modifications and extensions for assistant coaches of intercollegiate athletics programs do not require the approval of the board if: the total value (including cash and non-cash considerations) over the entire term of the contract is \$~~12~~,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. ~~However, F~~for such contracts that would require the approval of the board under Section 07.12.3.e(2)(~~b-e~~), when it is not feasible or practical to delay action until the next scheduled regular or special called meeting of the board and upon the recommendation of the chancellor, approval of the contract may be given by the chair or the chair of the Finance and Administration Committee. Contracts approved in this manner shall be reported to the board as an information item at the next board meeting.

~~f~~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.

Alternative Language to consider for having presidential approval across all facilities: "Contracts to license the sale of alcoholic beverages by a third-party vendor at a TTUS facility shall be approved by the president or president's designee of the component institution that is responsible for the facility or facilities involved. Before any such approval is granted, the president shall notify the chancellor."

~~hg.~~ Contracts to license the sale of alcoholic beverages by a third-party vendor at or in conjunction with any intercollegiate athletic event at a TTUS facility shall be approved by the board. Any other contract to license sales of alcoholic beverages by a third-party vendor on a term or multi-event basis shall be approved by the president or president's designee of the component institution that is responsible for the facility or facilities involved. Before any such approval is granted, the president shall notify the chancellor and the board of the proposed contract.

~~ih.~~ Unless prohibited by law, when an emergency or exigent circumstances exist and it is not feasible or practical to convene a quorum of the board within the time in which action is needed, approval may be given for a contract proposal submitted by the chancellor, or the chancellor's designee, by verbal approval of the chair or of the chair of the Finance and Administration Committee. Contracts approved in this manner shall be presented to the board as an information item at the next board meeting.

~~hi.~~ Contracts approved by the board shall be executed as specified in the board order.

07.12.4 Board delegation of authority.

- a. The following are excepted from the requirements of Section 07.12.3.a and 07.12.3 b, Regents' Rules, Notwithstanding Section 07.12.3.a, Regents' Rules, the chancellor or president, or the chancellor or presidents designee, as appropriate, is delegated the authority to approve: (i) contracts that involve a stated or implied consideration that total in excess of \$1,000,000 over the entire term of the contract but the per annum amount is less than

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

- b. The following are excepted from the requirements of Section 07.12.3.a, Regents' Rules, Notwithstanding Section 07.12.3.a, Regents' Rules, the board delegates to the presidents or the presidents designee the authority to approve the proposals and execute and sign contracts for sponsored program projects in excess of \$1,000,000 per annum. Sponsored program projects are those grants, contracts, and cooperative agreements from either the public or private sectors that support research, instructional, and service projects. A list of such contracts for sponsored program projects in excess of \$1,000,000 per annum shall be provided to the board as an information item at the next regular board meeting.

- c. The following are excepted from the requirements of Section 07.12.3.a and Section 07.12.3.b, Regents' Rules, Notwithstanding Section 07.12.3.a or Section 07.12.3.b, Regents' Rules, the board delegates to the presidents of health-related institutions the authority to approve the proposals and execute and sign contracts for health related services, as specified herein. This delegation is limited to contracts with entities for which the institution has an ongoing and continuing contractual relationship, to include: revenue contracts from which the institution receives payment for health related services; participation in health provider networks; resident or faculty support; and expense contracts with healthcare providers or suppliers necessary to fulfill the obligation to provide health related services as part of a revenue contract or new health related services 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. Before such a contract may be executed, the

president shall obtain the prior review of the TTU ~~system~~ Office of General Counsel and the TTU ~~system~~ vice chancellor and chief financial officer, or their designees. A list of health related services contracts that have been executed under this delegation of authority since the previous regular board meeting shall be provided to the board as an information item at the next regular board meeting.

- d. The board delegates to the chancellor and the presidents the authority to execute and sign contracts related to construction projects for TTUSA and the component institutions, respectively, as provided by Chapter 08, *Regents' Rules*.
- e. The following are excepted from the requirements of Section 07.12.3.e, *Regents Rules*. Contracts that provide for the services of a consultant:

~~(1) Consulting contracts with an initial consideration in excess of \$25,000:~~

~~(a) Upon recommendation of the chancellor, board approval is required prior to the execution of a consulting contract with an initial consideration in excess of \$25,000 and prior to the execution of all modifications that increase the consideration of such a contract.~~

~~(b) A consulting contract with an initial consideration in excess of \$25,000 may be executed prior to approval by the board if:~~

- ~~i. the contract includes a provision that limits the total amount to be paid to the consultant to no more than \$25,000 unless and until such time as the board has approved the agreement; and~~
- ~~ii. the chair or chair of the Finance and Administration Committee authorize a proposal submitted to them by the chancellor, or the chancellor's designee, regarding execution of the agreement in advance of approval by the board.~~

- (21) Consulting contracts with an initial consideration of \$~~10025~~,000 or less:
- (a) Board approval is not required, but the vice chancellor and chief financial officer, in consultation with the chancellor, presidents, and chief financial officers of the institutions, shall review consulting contracts of \$~~10025~~,000 or less prior to execution of the contract by the chancellor or president, as appropriate.
 - (b) A report of the contract shall be provided as an Information Agenda item at the next board meeting.
 - (c) Approval of the board is required prior to execution for any modification to a consulting contract where the initial consideration was \$~~10025~~,000 or less and the modification will cause the total consideration to exceed \$~~10025~~,000.
- (23) For the purposes of Section 07.12.4.e, *Regents' Rules*, a search firm is a service provider and is not deemed to be a consultant.

07.12.5 Chancellor's approval.

- a. [In addition to the requirements of 07.12.3 and 07.12.4, *Regents' Rules*, a](#)Approval of the chancellor or the chancellor's designee is required for TTUSA contracts that involve a stated or implied consideration of \$1,000,000 or less per annum. This requirement is applicable to both cash and non-cash considerations. Such TTUSA contracts may be signed by the chancellor or the chancellor's designee. Provisions in the *Regents' Rules* regarding employment contracts shall govern the approval of those employment contracts.
- b. [In addition to the requirements of 07.12.3 and 07.12.4, *Regents' Rules*, a](#)Approval of the chancellor or the chancellor's designee is required for all TTUSA contract renewals, extensions or amendments that do not cause the contract amount to exceed \$1,000,000 per annum. Such TTUSA contract renewals, exten-

sions, or amendments may be signed by the chancellor or the chancellor’s designee.

07.12.6 President's approval.

- a. In addition to the requirements of 07.12.3 and 07.12.4, Regents’ Rules, a Approval of the president or the president’s designee is required for all component institution contracts that involve a stated or implied consideration of \$1,000,000 or less per annum. This requirement is applicable to both cash and non-cash considerations. Such component institution contracts may be signed by the president or the president’s designee. Provisions in the *Regents’ Rules* regarding employment contracts shall govern the approval of those employment contracts.
- b. In addition to the requirements of 07.12.3 and 07.12.4, Regents’ Rules, a Approval of the president or the president’s designee is required for all component institution contract renewals, extensions, or amendments that do not cause the contract amount to exceed \$1,000,000 per annum. Such component institution contract renewals, extensions or amendments may be signed by the president or the president’s designee.

~~07.12.7 — Required approvals summary.~~

Contract Terms	<i>Regents’ Rules</i> Section Citation	Approval Required
Contracts in excess of \$1,000,000 over the entire term of the contract <u>per annum</u>	07.12.3.a	Board
Contracts in excess of \$1,000,000 total but less than \$1,000,000 per annum; and any amendment, extension or renewal of such contracts that does not cause the annual amount to exceed \$1,000,000 [NOTE: for this delegation of approval authority, §07.12.3.d(1)(b) imposes a 4-year cap on the contract term.]	07.12.4.a	Chancellor or President, as appropriate
Contracts for real property: sale or purchase; and lease for more than 4 years (unless the contract can be terminated without cause with notice of 120 days or less)	07.12.3.d(1)(a)	Board
Contracts in excess of four years (unless the contract can be terminated without cause with notice of 120 days or less)	07.12.3.d(1)(b)	Board

Contract Terms	Regents' Rules Section Citation	Approval Required
	07.12.3.b	Board
<u>Renewals, extensions, or amendments with a value that exceeds 25% of the value of the original contract approved by the Board.</u>	07.12.5.b or 07.12.6.b	Chancellor or President
<u>Contracts for construction projects that exceed \$4,000,000</u>	07.12.4.d <u>Chapter</u> <u>08</u>	Chancellor (for TTUSA projects) or President (for institutional pro- jects) <u>Board</u>
<u>Contracts for construction projects less than \$4,000,000</u>	<u>Chapter 08</u>	<u>Chancellor (for TTUSA projects) or President (for institutional projects)</u>
Consulting contracts in excess of \$25,000, and all modifications that increase such contracts	07.12.4.e(1)	Board
Consulting contracts of \$25,000 or less	07.12.4.e(2)	Chancellor or Presi- dent, as appropriate— with prior review by the VC/CFO
Contracts with search firms (so long as contract amount does not exceed \$1.0 million per year <u>annum</u>)	due to 07.12.4.e(3) and 07.12.4.a: 07.12.5 or 07.12.6	Chancellor (for TTUSA searches) or President (for institutional searches)
Initial contracts for vending machines	07.12.3.f	Board
<u>Location Renewal/amendment of vending machines contracts</u>	07.12.3.f	<u>Chancellor/President</u>
TTUSA contracts of \$1,000,000 or less; and any amendment, extension or renewal of such System Administration contracts that does not cause the amount to exceed \$1,000,000	07.12.5	Chancellor
Component institution contracts of \$1,000,000 or less; and any amendment, extension or renewal of such component institution contracts that does not cause the amount to exceed \$1,000,000	07.12.6	President
Sponsored program project contracts	07.12.4.b	President
Certain health-related continuing contractual relationships	07.12.4.e	President
Employment contracts	[see Appendix A]	—varies—

07.13 HUBs

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

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

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

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

07.14 Professional Medical Malpractice Self-Insurance Plan settlement authority.

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

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

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

Dates Approved or Amended:

<i>Comprehensive review of chapter</i>	02-28-2014	• amendments throughout
<i>Amendment</i>	03-06-2015	• §07.03.6 re: fraud disciplinary actions
<i>State contracting law changes</i>	10-09-2015	• amendments to multiple sections, including: §07.02.4.a, 07.02.6, 07.02.7.o, 07.03.2.b, and extensively throughout 07.12
<i>Various amendments</i>	05-20-2016	<ul style="list-style-type: none"> • Additional state contracting law changes • Updates to audit provisions..... • Revisions to emergency approvals of a budget adjustment or a contract • Change in the 'early start' provision for consulting contracts of more than \$25,000
<i>Amendment</i>	10-14-2016	• amended §07.05.2.b to bring the provision on use of debt proceeds in line with U.S. Treasury regulations
<i>Amendment</i>	08-11-2017	• amended §07.12.4.e(2) to require the prior review of \$25,000-or-less consulting contracts by the System CFO, rather than by the Board chair and chair of the Finance & Administration Committee

Amendment.....10-20-2017

amended §07.12.4 by:

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

Amendments..... 03-02-2018

Debt and equipment financing

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

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

Contracting and conflict of interest policies

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

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

Amendments..... 08-09-2019

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

APPENDIX A – summary of required contracting approvals

<u>Contract Terms</u>	<u>Regents' Rules Section Citation</u>	<u>Approval Required</u>
<u>Contracts in excess of \$1,000,000 per annum; and any amendment, extension or renewal of such contracts that increases the value of the original contract to more than \$1,000,000 per annum.</u>	<u>07.12.3.a 07.12.3.b</u>	<u>Board</u>
<u>Contracts in excess of \$1,000,000 total but less than \$1,000,000 per annum; and any amendment, extension or renewal of such contracts that does not cause the per annum amount to exceed \$1,000,000</u>	<u>07.12.4.a 07.12.5 07.12.6</u>	<u>Chancellor or President - with information item provided to board at next meeting</u>
<u>Contracts for real property: sale or purchase; and lease for more than 4 years (unless the contract can be terminated without cause with notice of 180 days or less)</u>	<u>07.12.3.d(1)(a)</u>	<u>Board</u>
<u>Contracts in excess of four years (unless the contract can be terminated without cause with notice of 180 days or less)</u>	<u>07.12.3.d(1)(b)</u>	<u>Board</u>
<u>Consulting contracts in excess of \$100,000, and all modifications that increase the consideration of such contracts</u>	<u>07.12.3.e(1)</u>	<u>Board</u>
<u>Consulting contracts of \$100,000 or less</u>	<u>07.12.4.e(1)</u>	<u>Chancellor or President – with prior review by the VC/CFO and information item provided to board at next meeting.</u>
<u>Employment contracts</u>	<u>07.12.3.f</u>	<u>[see Appendix B]</u>
<u>Initial contracts for vending machines</u>	<u>07.12.3.g</u>	<u>Board</u>
<u>Contracts to license sale of alcohol beverages by third-party vendor at or in conjunction with any inter-collegiate athletic event at a TTUS facility</u>	<u>07.12.3.h</u>	<u>Board</u>
<u>Sponsored program project contracts in excess of \$1,000,000 per annum</u>	<u>07.12.4.b</u>	<u>President – with information item provided to board at next meeting</u>
<u>Certain health-related continuing contractual relationships</u>	<u>07.12.4.c</u>	<u>President - with prior review of General Counsel and VC/CFO and information item provided to board at next meeting.</u>
<u>Contracts with search firms (so long as contract amount does not exceed \$1.0 million per annum)</u>	<u>due to 07.12.4.e(2) and 07.12.4.a; 07.12.5 or 07.12.6</u>	<u>Chancellor (for TTUSA searches) or President (for institutional searches)</u>

APPENDIX BA – summary of employment agreement approvals (per Sec. 07.12.3.fe, *Regents' Rules*)

BOARD APPROVAL REQUIRED	<i>per Section 07.12.3... ↓</i>	BOARD APPROVAL NOT REQUIRED
<p>If <u>any</u> of the following provisions apply, the agreement must be approved by the Board:</p> <ul style="list-style-type: none"> • Total value over the entire term of the contract exceeds \$1.0 million. • Term is longer than 4 years. • Termination payment exceeds an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract. • Contract allows for development leave inconsistent with <i>Regents' Rules</i> or institutional operating policies. • Contract awards tenure in any way other than as provided in Board-approved operating policies. 	<p>← <u>fe</u>(2)(a) →</p> <p>← <u>fe</u>(2)(b) →</p> <p>← <u>fe</u>(2)(c) →</p> <p>← <u>fe</u>(2)(d) →</p> <p>← <u>fe</u>(2)(e) →</p>	<p><u>All</u> of the following provisions must apply for the agreement to be exempt from Board approval:</p> <ul style="list-style-type: none"> • Total value over the entire term of the contract is \$1.0 million or less. • Term is 4 years or less. • Termination payment does <u>not</u> exceed an amount equal to the discounted net present cash value of the contract upon termination at the U.S. Treasury rate that matches the remaining term of the contract. • Contract does <u>not</u> allow development leave inconsistent with <i>Regents' Rules</i> or institutional operating policies. • Contract does <u>not</u> award tenure in any way other than as provided in Board-approved operating policies.
<p>Chancellor or President contract. [see Sections 02.01.2 and 02.03.1.b(2), respectively]</p>	<p>← <u>fe</u>(3)(a) →</p>	<p align="center">— — — —</p>
<p>Athletic director or head coach contract if:</p> <ul style="list-style-type: none"> • total value over the entire term of the contract exceeds \$<u>25</u>.0 million; OR • term exceeds 5 years. 	<p>← <u>fe</u>(3)(b)i →</p>	<p>Athletic director or head coach contract if: • total value over entire term of the contract is \$<u>52</u>.0 million or less; AND ... • term is 5 years or less. [<i>President approves, and Chancellor gets prior notice.</i>]</p>
<p>Assistant coach contract if:</p> <ul style="list-style-type: none"> • total value over the entire term of the contract exceeds \$<u>2±</u>.0 million; OR • term exceeds 3 years. 	<p>← <u>fe</u>(3)(b)ii →</p>	<p>Assistant coach contract if: • total value over the entire term of the contract is \$<u>2±</u>.0 million or less; AND ... • term is 3 years or less. [<i>President approves, and Chancellor gets prior notice.</i>]</p>
<p>Health-related institution faculty contract if: any of the general thresholds shown above are exceeded ... but a process for quick approval is provided when needed.</p>	<p>← <u>fe</u>(3)(c) →</p>	<p>Health-related institution faculty contract if: none of the general thresholds provided in Sec. 07.12.3.e(2) are exceeded.</p>

ATTACHMENT

4

**TTUS Regents' Rules, Chapter 08
with proposed revisions
(Finance Item 2.)**

Chapter 08 – Facilities

Date last revised: 08-05-2021

[see last page of chapter for list of amendments adopted]

08.00 **Definitions.** For the purposes of this chapter, the following definitions are assigned:

- 08.00.1 “Facility” or “facilities” shall mean: Any building(s) or structure(s), any improved or unimproved land, or any part of any such building(s), structure(s), or land that is owned, used, or occupied by the TTU system.
- 08.00.2 “FP&C Office” and “FP&C” shall mean: The Office of Facilities Planning and Construction, a division of the TTU system administration.
- 08.00.3 “FP&C vice chancellor” shall mean: The vice chancellor of Facilities Planning and Construction.
- 08.00.4 “University Public Art Committee” or “UPAC” shall mean: The committee that functions as a standing advisory committee to oversee the Public Art Collection and that develops and selects works of art for purchase or commission using funds designated for that purpose by Section 08.02.3, *Regents’ Rules*.
- 08.00.5 “Public Art Collection” shall mean: All works of art purchased using the funds designated for that purpose by Section 08.02.3, *Regents’ Rules*, and select public works of art that have been donated specifically to the Public Art Collection or which predate the Public Art program’s care at the time of its inception. Excluded from the Public Art Collection are works of art owned or held by the Museum of Texas Tech University, the National Ranching Heritage Center, and any other institutional galleries or museum entities owned or maintained by the TTU system or funded by means other than the funds designated for that purpose by Section 08.02.3, *Regents’ Rules*.

8.00.6 "Project Management Team" shall mean: The team that is responsible for managing major construction projects.

08.01 Construction program

08.01.1 Construction procurement methods. The TTU system shall use the procurement methods set forth in Chapter 51, *Texas Education Code*, "Construction and Repair of Permanent Improvements" (as amended or modified) for all construction or renovation projects as follows:

- a. Competitive Bidding – per Section 51.778 and 51.779, *Texas Education Code*;
- b. Design-Build – per Section 51.780, *Texas Education Code*;
- c. Construction Manager-Agent – per Section 51.781, *Texas Education Code*;
- d. Construction Manager-at-Risk – per Section 51.782, *Texas Education Code*;
- e. Competitive Sealed Proposals – per Section 51.783, *Texas Education Code*; and
- f. Job Order Contracts for ~~minor construction, repair, rehabilitation, or alterations~~ facilities construction or repair – per Section 51.784, *Texas Education Code*.

08.01.2 Authorization. Construction projects are either new construction projects or repair and renovation projects, and each category of construction projects shall be governed as follows:

- a. Major projects are construction projects with a total budget of \$4,000,000 or more. These projects are governed by Section 08.01.3, *Regents' Rules*.
- b. Minor projects are construction projects with a total budget of less than \$4,000,000. These projects are governed by Section 08.01.4, *Regents' Rules*.

08.01.3 Major construction projects. Major construction projects include: new construction projects and repair and renovation projects with a total project budget of \$4,000,000 or more. A major construction project will be managed by a project management team which consists of an FP&C representative, a component institution representative (owner), and a project manager unless an exception is approved by the board.

a. For major construction projects:

- (1) Project activities prior to Board approval (pre-construction services): The chancellor, or the chancellor's designated representative, upon the recommendation of the president if the project is being constructed for a component institution, may proceed with the following pre-construction activities before a project has received approval of the board under Section 08.01.3.a(3):
 - (a) identify funding for the project being constructed, with a planned project budget being provided along with the funding request;
 - (b) work with the component's CFO, Operations/Physical Plant representative, and facility user representatives, as designated by the president if the project is being constructed for a component institution, to develop the scope of the project within planned budgets or adjusted budgets as approved by the chancellor and/or presidents, which shall be known as an Owner's Project Requirements (OPR) document; and
 - (c) engage in other preliminary pre-construction planning activities through the use of pre-qualified service providers (such as surveyors, civil engineers, asbestos consultants, and so forth).
- (2) Project activities for the feasibility study option: In addition to activities authorized under Section 08.01.3.a(1), the chancellor, or the chancellor's designated representative, upon the recommendation of the president if the

project is being constructed for a component institution, may utilize the option of engaging an architect/engineer team (a design professional) for pre-construction feasibility study planning services before a project has received preliminary approval of the board under Section 08.01.3.a(3), subject to the following limitations:

- (a) the design professional shall be selected by means of a Request For Qualifications (RFQ) process that was either specific to the project or selected from a prequalified list, with advance notice provided to the board;
 - (b) no earlier than ten (10) days prior to the execution of such a contract with a design professional, the board shall be presented information that includes a preliminary project concept, the proposed feasibility study budget, and an overview of the selection process for the identified design professional that includes the information required under Section 08.01.3.a(3); and
 - (c) authorization in writing by the chair of the board's Facilities Committee, with notification to all board members, is required before a contract with the design professional may be executed.
- (3) Preliminary approval by the board: A preliminary project approval, to include a planned budget, is required before an architect/engineer team, a construction manager-agent, or a construction manager-at-risk may be engaged for pre-construction services. (If an architect/engineer team was previously engaged under the provisions of Section 08.01.3.a(2) and if a change in this service provider is not deemed necessary, board approval at this stage constitutes an authorization for the architect/engineer team to continue providing pre-construction design services for the project.) When such preliminary project approval is requested, the board shall be presented information that includes a summary of the project concept, the planned budget, an estimated

total project budget, and an overview of the selection process for each proposed external partner that includes the following information:

(a) Initial Submittal Phase:

- i. weighted grading criteria used in the initial selection phase;
- ii. names of all submitting firms;
- iii. grading of the initial submittals by the members of the selection committee; and
- iv. a summary of the scores.

(b) Interview Phase:

- i. weighted grading criteria for this phase;
- ii. names of firms selected to interview for this phase;
- iii. scoring of each firm by the members of the selection committee; and
- iv. summary of final scores from the Interview Phase.

b. Approval to proceed with construction: For major construction projects, when approval to proceed with the construction phase of a project is requested, the board shall be presented information that includes the project design, the project budget, and a detailed summary of proposed fees and cost, for each selected external partner. The chancellor or the chancellor's designated representative, upon the recommendation of the president, shall obtain the approval of the board prior to proceeding with the following actions as applicable to the project:

- (1) approve a total project budget;

- (2) proceed with design development and construction documents;
 - (3) submit required reports to the Texas Higher Education Coordinating Board;
 - (4) solicit and accept construction bids or proposals;
 - (5) award a construction contract or execute a Guaranteed Maximum Price contract amendment; and
 - (6) amend any associated existing contracts to reflect the remaining scope of the project as well as construction management services for the project.
 - (7) When it is deemed necessary by the component president to include new furniture or equipment in a new building or renovation construction project, such facts justifying the acquisition shall be determined and documented. The furniture and equipment costs shall be included in the project budget, with the approval of the board.
- c. Board approval: combining steps in the process; dividing projects.
- (1) Any of the steps listed in Section 08.01.3.b may be combined in the board approval process. The board, however, may choose to retain control over any or all of the steps listed above in the board approval process.
 - (2) Projects shall not be divided for the purpose of falling within a lower level of approval.
- d. The chancellor's designated representative for major construction projects shall be ~~the project management team which includes the~~ FP&C Office. All major construction projects shall be managed by the FP&C Office.
- e. All major construction projects shall be conducted by the project management team ~~under the auspices of the FP&C Office~~

with the assistance of a Construction Manager-Agent (CMA) per Section 51.781, *Texas Government Code*, or an alternative method recommended by FP&C, the institution's president, and the chancellor and approved by the board.

- f. The following changes to a major construction project require re-approval by the board and may require re-submission of a report to the Texas Higher Education Coordinating Board:
 - (1) the total cost of a project exceeds the initial board-approved budget by more than \$500,000 or ten percent (10%), whichever is more;
 - (2) the TTU system administration or the component institution has not contracted for the project within 18 months of the date of final approval by the board; or
 - ~~(3) any funding source of an approved project is changed.~~
- g. At each regular meeting of the board, a summary of each major construction project in progress shall be provided to the board that includes photos of the project and the status of the project's schedule and budget.

08.01.4 Minor construction projects. Minor construction projects include: new construction projects and repair and renovation projects with a total project budget less than \$4,000,000.

- a. The chancellor or the president, as applicable, or their designated representatives, are authorized to proceed with any minor construction project.
- b. The physical plant officers of the component institutions bear responsibility for management of minor construction projects as defined above.
- c. The president of the institution for which the project is being constructed, with the concurrence of the chancellor, shall have the option of designating FP&C as the manager of the minor construction project when the complexity of the project warrants such action.

- d. If changes in a minor construction project cause the project budget to fall within the definition of a major construction project, then:
 - (1) the FP&C Office must be notified as soon as the revised total project cost is identified; and
 - (2) in accordance with Section 08.01.3, the project must be brought to the chair of the Facilities Committee for board approval.

08.01.5 Procurement procedures. All major and minor construction projects not classified as emergency actions and construction projects not performed by TTU system personnel will be competitively procured in accordance with the methods set forth in Chapter 51, *Texas Education Code*, (as amended or modified). In addition, all such projects must be procured in accordance with TTU system policies, [federal and state purchasing regulations](#), [institutional operating policies](#), and other applicable laws.

08.01.6 Contract execution. The chancellor or the president, as applicable, or their designated representatives, shall execute all construction contracts as authorized by the board.

08.01.7 Emergency actions.

- a. If the chancellor, on the recommendation of the president, declares a major construction project to be an emergency or that 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, the board authorizes the chair of the board or the chair of the Facilities Committee to approve all necessary actions. Any emergency actions taken must be reported to the board at its next meeting.
- b. Notwithstanding Section 08.01.3.h(2), *Regents' Rules*, when an emergency or exigent circumstances exist such that immediate action to address life, health or safety risks is required for a major project that is under construction, the board authorizes the chancellor to approve the use of any contingency funds

designated for the project for activities necessary to address the risks. Subsequently, approval of the use of such contingency funds shall be documented in writing and reported to the board.

08.01.8 Wage rate schedule. As required by Section 2258.022, *Texas Government Code*, (as amended or modified), the TTU system administration will determine the prevailing wage rates for the geographic areas where work is to be performed and include the appropriate schedule of prevailing wages in the specifications for each construction contract.

08.01.9 Project management fee. The FP&C Office shall receive a project management fee for all design and construction initiatives managed by the FP&C Office. This fee shall be used to support all FP&C operations.

a. ~~Fee assessment. There are three components of the fees~~ to be assessed by FP&C, as follows:

~~(1) "Grandfathered" assessment. For all projects approved by the board prior to September 1, 2014, the fee shall be determined by the fee matrix in effect on that date for the project amount and type as initially approved by the board.~~

(12) Project assessment. For any project ~~with a budget of \$15 million or more~~, the fee shall be 2.4% of the initial project budget, as approved by the board. The fee assessed will be capitalized in the cost of the project, and the fee shall be assessed and collected based upon the following milestones:

<u>Milestone</u>	<u>% of fee to be collected</u>
Board approval.....	50%
Construction contract execution date	30%
Substantial completion date	20%

~~(3) Base assessment. For all projects with a budget of less than \$15 million that are or will be administered by~~

~~FP&C, the chief financial officer annually shall determine the actual budgets of such projects approved during the previous year plus the anticipated budgets of such projects that are planned for the next four years. The total of these project budgets for the five year period shall be multiplied by 2.4%. Of this amount, 20% shall be allocated by the chief financial officer to the components for which the projects are being or will be constructed and then assessed for the FP&C base allocation.~~

- b. Fee administration. The project management fee shall be administered and managed by the FP&C vice chancellor and the chief financial officer.
- c. Annual review and adjustments. Each year, the project management fee and funding plan shall be reviewed during the operating budget process, and, with board approval, the fee may be adjusted when the board considers and approves the operating budgets.

08.02 Campus planning and enhancements

08.02.1 The board shall be notified of all campus master plan initiatives.

08.02.2 Campus master plans and accompanying architectural and site design guidelines shall be developed and approved by the board to guide campus development, unless the board approves an exception.

- a. Architectural and site design guidelines, as developed and approved by the board, shall be adhered to for TTU system campuses.
- b. Unless an exception is granted by the board, the TTU system Campus Master Plans shall guide new construction, new infrastructure, traffic and parking modifications, necessary demolition, enhancement of pedestrian space, and preservation efforts.
- c. The FP&C Office shall be represented on all master plan committees.

08.02.~~32~~ The component institutions' *Architectural and Site Design Guidelines*, as modified, shall guide development on all component institution campuses, unless the board grants a specific exception for a particular project.

08.02.3 Public Art Program.

- a. The FP&C Office shall manage and be the chancellor's designated representative for the public art program. Each project shall include a statement from the chancellor and/or president as to whether public art is applicable based on the scope of the project, campus location, and proximity to other public art. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of the original board approved total project budget of each major construction project, as defined in Section 08.01.3, will be allocated for the acquisition of original works of public art, unless an exception is approved by the board. The president may request an exception in writing to FP&C, and with the approval of the chancellor, submit the request to the chair of the Facilities Committee for approval. These works of public art shall be located at or near the site of the construction project or, insofar as is permissible under ~~Texas Tech~~TTU system/institutional policies and applicable to the source of funds, the funds may be aggregated and expended pursuant to a comprehensive art and aesthetic improvement plan, as approved by the board.
- b. Each fiscal year, the Public Art Director in the FP&C Office shall prepare a prioritized list of recommended maintenance and conservation actions, both reactive and proactive, to be performed by qualified professionals under the coordination of the Public Art Director. Each TTU system component institution shall be provided the list, and annually the president of each institution shall report to the board and chancellor the maintenance and conservation work that has been done, is in progress, or is planned.

08.02.4 University Public Art Committee.

- a. The chancellor, in consultation with the presidents, shall approve nominations of members to serve on the University Public Art Committee (“UPAC”) to recommend major public art acquisitions. The nominations provided to the chancellor and presidents shall be submitted by the UPAC. The UPAC shall be composed of the FP&C vice chancellor, the Public Art Director, students, faculty, and staff of the TTU system, individuals from the communities surrounding the various campuses of the component institutions, and professional artists who are alumni of a component institution of the TTU system. The president of the appropriate component institution shall appoint a representative to the UPAC for the selection of works of public art for inclusion in a major construction project on a case by case basis.
- b. The UPAC will review all proposed new commissions of campus public art and take into consideration the Campus Master Plan, location of the install, the cost of installation, maintenance requirements, and other factors deemed appropriate by the UPAC. The UPAC shall provide a final recommendation to the respective president for the inclusion of the artwork in the Public Art Collection. Upon the president’s approval, the UPAC will provide the final recommendation to the chancellor.
- c. Proposed gifts to the public art program must be made in accordance with the respective institution’s operating policies and procedures. To qualify for acceptance, such proposed gifts must meet the UPAC’s acquisition criteria and standards. The UPAC shall review each proposed gift of public art, and this review shall take into consideration the following factors: the Campus Master Plan; the cost of installation; maintenance requirements; and any other factors deemed appropriate by the UPAC. If the UPAC votes to recommend acceptance of a proposed gift for inclusion in the Public Art Collection, the Public Art Manager shall provide a final recommendation to the respective president regarding the gift’s inclusion in the Public Art Collection. Upon the president’s approval, the UPAC will provide the final recommendation to the chancellor.

- d. Except as provided in Section 08.02.4.e, herein, the respective president shall make a recommendation to the chancellor regarding proposed new artwork, and the chancellor shall make the final determination of whether the proposed new artwork is to be included in the Public Art Collection.
- e. Inclusion of an honorary statue, sculpture, or other artistic representation in the Public Art Collection.
 - (1) If a proposed new commission of campus public art (per Section 08.02.4.b, herein) or a proposed gift to the public art program (per Section 08.02.4.c, herein) involves an honorary statue, sculpture, or other artistic representation that depicts one or more specific individuals, or that otherwise honors any specific individual, group, foundation, corporation, or other business entity:
 - (a) the UPAC shall conduct its review and make its recommendation in accordance with Section 08.02.4.b or Section 08.02.4.c, as appropriate;
 - (b) the respective president shall make a recommendation to the chancellor;
 - (c) the chancellor shall make a recommendation to the board; and
 - (d) the board shall grant the final approval of the proposed new statue, sculpture, or other artistic representation.
 - (2) For the purposes of this subdivision, a statue, sculpture, or other artistic representation includes any such work of art that:
 - (a) is planned and executed with the specific intention of being sited, staged, or exhibited permanently in or on any building or structure, any improved or unimproved land, or any part of any such buildings, structures, or land that is owned, used, or occupied by the TTU system;

- (b) is accessible to the public.
 - (c) is not a work of art that is or will be owned or held by the Museum of Texas Tech University, the National Ranching Heritage Center, or any other institutional gallery or museum entity owned or maintained by the TTU system.
- (3) In unusual and unforeseen circumstances, the board reserves the right to rescind a previous approval and require the removal of an honorary statue, sculpture, or other artistic representation.

08.02.5 Landscape Enhancement Program. The FP&C Office shall manage and be the chancellor's designated representative for the landscape enhancement program. Each project shall include a statement from the chancellor and/or president as to whether landscape enhancement is applicable based on the scope of the project, campus location, and proximity to other landscaping. If applicable, up to one percent (1%) or a maximum of \$500,000, whichever is less, of the original board approved total project budget of each new major construction project will be allocated to the enhancement of exterior landscape, hardscape, and waterscape features unless an exception is granted by the board. The president may request an exception in writing to FP&C, and with the approval of the chancellor, submit the request to the chair of the Facilities Committee for approval. These enhancements shall be located either at or near the site of the construction project or, insofar as is permissible under [Texas Tech TTU system/institutional](#) policies and applicable to the source of funds, the funds may be aggregated and expended pursuant to a comprehensive art and aesthetic improvement plan, as approved by the board.

08.02.6 Combining programs. The chancellor or the chancellor's designated representative may combine the landscape enhancement and public art allocations for a single acquisition when such a combination is appropriate and necessary to meet the unique requirements of a specific project.

08.02.7 Private development. Prior approval of the board is required for the private development of TTU system land.

08.03 **Preservation of campus buildings and landmarks.** The board may provide for the preservation of buildings and landmarks because of their historical significance, unique architecture, or other significant reason. Such preservation efforts shall be in accordance with the Campus Master Plan.

08.04 **TTU system building cornerstones and plaques**

08.04.1 Cornerstones. A cornerstone shall be placed on each new building and each major addition at the time it is constructed. The cornerstone shall show the year the building was completed and may contain memorabilia appropriate at the time of construction.

08.04.2 Building plaques. A plaque shall be required with each major construction project. The plaque shall show, as of the date of board approval of the project, the following:

- a. the name of the building (see Section 13.02.2, *Regents' Rules*, for further information on naming of buildings and facilities);
- b. the names of the chair, the vice chair, and the other board members serving at that time, arranged in alphabetical order;
- c. the names of those occupying the following positions at that time:
 - (1) the chancellor, and
 - (2) the president of the appropriate component institution.
- d. the design-professional firm;
- e. the general contractor, the construction manager-at-risk, or the design-build firm; and
- f. the year the construction project was approved.

08.04.3 Recognition plaques. All recognition plaques shall comply with all operating policies governing such plaques that are in effect at the time the plaque is installed.

08.04.4 Building demolition. Upon the demolition of a building, its cornerstone and/or plaque shall be removed and held in the archives of the TTU Southwest Collection or in another appropriate location. Upon the construction of a new building on the site of the former building, the cornerstone and/or plaque from the former building shall be placed in an appropriate location inside the new building, along with an appropriate historical notation.

08.05 **Construction code and standard requirements.** All design, materials, and construction shall conform with the applicable requirements of the most current editions adopted by the local municipalities in whose jurisdiction the project is located and/or as determined by project requirements (unless otherwise noted), including but not limited to the following published documents:

08.05.1 Adopted codes and standards:

- a. International Building Code (IBC);
- b. International Energy Conservation Code (IECC);
- c. International Fire Code (IFC);
- d. International Plumbing Code (IPC);
- e. International Electrical Code Administration Provisions (IECAP);
- f. NFPA 101, Life Safety Code (including references to the National Electrical Code) — editions adopted by the State Fire Marshal's Office;
- g. National Fire Protection Association (NFPA) Codes and Standards — editions adopted by the State Fire Marshal's Office;

- h. State Fire Marshall's Office (SFMO);
- i. ANSI/ASME A17.1 – Safety Code for Elevators and Escalators – edition adopted by the Texas Department of Licensing and Regulation (TDLR);
- j. ANSI Z136.1 Standards for Safe Use of Lasers;
- k. Factory Mutual Global or current insurance carrier;
- l. United States Environmental Protection Agency (EPA) regulations;
- m. ASHRAE Standard 90A, B, &C – Energy Conservation in New Building Design;
- n. ASHRAE Standard 62 – Ventilation for Acceptable Indoor Air Quality;
- o. United States Department of Health, Public Health Service regulations and guidelines;
- p. State statutes regulating, but not limited to, the following;
 - (1) asbestos;
 - (2) boilers;
 - (3) control of radiation;
 - (4) energy consumption;
 - (5) fire escapes;
 - (6) fire alarms;
 - (7) plumbing fixtures; and
 - (8) elevators.
- q. Elimination of Architectural Barriers – Chapter 469, *Texas Government Code*;

- r. Americans with Disabilities Act (ADA) – Accessibility Guidelines for Buildings and Facilities (as amended);
- s. United States Department of Labor Occupational Safety and Health Administration (OSHA) regulations;
- t. Texas Commission on Environmental Quality (TCEQ);
- u. State Energy Conservation Office (SECO);
- v. operating policies and procedures of the TTU system component institutions;
- w. Biosafety in Microbiological and Biomedical Laboratories (BMBL), HHS Publication No. (CDC) 21-112; and
- x. TTU system design and construction standards, including but not limited to the TTU system architectural and site design guidelines per Sections 08.02.1 and 08.02.2, *Regents' Rules*.

08.05.2 Other applicable codes. Any other applicable codes deemed necessary by the project's nature shall be specified during the design process.

08.06 TTU system space and facilities use

- 08.06.1 Prioritization. With the exception of free expression activities as outlined in the component institutions' policies, TTU system space and facilities are available according to the following priorities:
- a. regular institutional programs;
 - b. programs sponsored and conducted by the TTU system and/or a component institution's academic and administrative departments or organizations which are affiliated with such departments;
 - c. activities that have as their purpose service or benefit to the TTU system community and that are sponsored by a registered student organization;

- d. lease of space or facilities to organizations that serve or benefit the academic, research, student life, or business functions of the TTU system; and
- e. other lease of space or facilities to individuals or organizations in accordance with the institution's operating policies.

08.06.2 Each component institution may designate certain facilities containing space particularly amenable to community outreach for private events as "Community Cultural Facilities." Examples of Community Cultural Facilities include, but are not limited to, the Museum of Texas Tech University, TTU's National Ranching Heritage Center, TTU's International Cultural Center, and some athletic facilities.

- a. Guidelines for rental and use of facilities designated as Community Cultural Facilities include:
 - (1) The component institutions are authorized and encouraged to make Community Cultural Facilities available for rental by individuals or groups for the following types of events:
 - (a) private events (such as weddings, wedding receptions, anniversaries, birthday parties, business receptions, and similar events); and
 - (b) functions for local entities designated as charitable organizations under IRC Section 501(c), including fund raising events for such organizations.
 - (2) Community Cultural Facilities may not be rented or used for political activities or free expression activities. Free expression activities are governed by institutional policies.
- b. The component institutions, with input from the directors of the respective Community Cultural Facilities, shall promulgate policies and procedures for the rental and use of each Community Cultural Facility that are consistent with good

stewardship of the facility in keeping with the mission of the institution's department with regards to the following:

- (1) available times and space for events;
- (2) rental fees, which must be at fair market value based on the nature of the event;
- (3) event capacity; and
- (4) service of food and/or alcoholic beverages.

08.06.3 Non-profit organizations. Office space and other assistance including, but not limited to, utilities, telephone service, custodial service, maintenance and use of the component institution's services may be provided to non-profit organizations that exist for the purpose of supporting the educational undertaking of the TTU system or its component institutions, thereby serving a public purpose, provided the provision of such space and assistance is not otherwise prohibited by law. ~~Organizations authorized for this support include, but are not limited to:~~

- ~~a. Museum of Texas Tech University Association;~~
- ~~b. National Ranching Heritage Association;~~
- ~~c. Texas Tech Alumni Association;~~
- ~~d. Texas Tech Association of Parents;~~
- ~~e. Texas Tech Foundation;~~
- ~~f. Texas Tech University Federal Credit Union;~~
- ~~g. Texas Tech Physicians Association;~~
- ~~h. Angelo State University Foundation;~~
- ~~i. Carr Scholarship Foundation;~~
- ~~j. ASU Alumni Association;~~

- ~~k. Angelo State Athletic Foundation;~~
- ~~l. Houston Harte Foundation;~~
- ~~m. ASU Friends of Art and Music Education;~~
- ~~n. Friends of the Porter Henderson Library & West Texas Collection;~~
- ~~o. College of Professional Studies Foundation in Excellence; and~~
- ~~p. other organizations approved by the component institution's president.~~

08.06.4 TTU system Department of Athletics facilities ~~— TTU and ASU.~~

- a. The playing fields and other athletics facilities are under the control of the ~~TTU and ASU~~ Departments of Athletics at the TTU system component. ~~are available for the following uses:~~
 - ~~(1) Department of Athletics events;~~
 - ~~(2) TTU and ASU band and spirit activities;~~
 - ~~(3) High School Band Day and band competitions;~~
 - ~~(4) High school athletic events;~~
 - ~~(5) physical education classes;~~
 - ~~(6) intramural playoffs between leagues;~~
 - ~~(7) academic convocations of the TTU system;~~
 - ~~(8) Special Olympics, Para Olympics, and similar events; and~~
 - ~~(9) charitable and other events, as approved by the president.~~
- b. Expenses incurred. Responsibility for expenses incurred for cleaning, provision for security officers, and any other expenses will be mutually determined by the director of intercollegiate athletics and the sponsor of the activity proposing to use the facility.

- c. Approved use. The director of intercollegiate athletics is responsible for determining whether use of the athletics facilities falls within the scope of the above policy

08.06.5 Alcoholic beverages.

- a. Each component institution shall develop operating policies regarding the sale or complimentary service of alcoholic beverages at any TTUS system facility.
- b. Each component's institutional policy shall include, and shall be deemed to include (whether explicitly stated or not), the following minimum requirements:
 - (1) Any sales or complimentary service of alcoholic beverages shall comply with federal, state, and local laws regarding the possession, consumption, and distribution of alcoholic beverages.
 - (2) Any event in which alcoholic beverages are to be served on a complimentary basis shall be pre-approved in writing by the head of the respective office or department sponsoring the event.
 - (3) All sales and service of alcoholic beverages at any TTUS system event shall be provided by a caterer or server(s) licensed by the Texas Alcoholic Beverage Commission to serve alcoholic beverages who provide proof of appropriate-required insurance coverage.
 - (4) Any agreement-contract for sales of alcoholic beverages at a single TTU systemS event shall be with a third-party vendor holding all permits required by the Texas Alcoholic Beverage Commission and shall be approved in writing by the head of the sponsoring office or department.
 - ~~(5) Any agreement contract to license the sale of alcoholic beverages by a third party vendor at or in conjunction with any intercollegiate athletic event at a TTUS facility shall be approved by the board. Any other agreement to license sales of alcoholic beverages by a third-~~

~~party vendor on a term or multi-event basis shall be approved by the president of the component institution that is responsible for the facility or facilities involved. Before any such approval is granted, the president shall notify the chancellor and the board of the proposed agreement. shall be approved by the board in accordance with 07.12.3 (g).~~

(56) No department or office of the TTU system shall be licensed to sell alcoholic beverages unless such sales activity is a necessary component of the department's or office's approved academic curriculum (for example, the Department of Restaurant, Hotel and Institutional Management in TTU's College of Human Sciences). Before any such application is submitted, the approval of the department chair or head of the academic unit involved, the dean of the college or school, and the president of the respective component institution shall be obtained.

c. Renewed or revised policies required by this section adopted by a component institution subsequent to board approval of this provision shall be subject to the prior approval of the board. Thereafter, any substantive change in the component institution's policies shall be subject to approval by the board.

08.07 **On-campus speakers**

08.07.1 Operating policies. Each component institution of the TTU system shall develop operating policies necessary for the administration of free speech activities, including placing reasonable restrictions upon the time, place, and manner of on-campus speech.

08.07.2 Freedoms. No individual or group shall be denied the right to speak within the physical confines of the TTU system solely on the basis of the views sought to be expressed by the speaker.

08.08 **Handbills, leaflets, and advertising material distribution**

08.08.1 Implementation policies. The operating manuals of each component institution shall contain such policies that may be necessary to

implement the purpose of this policy or to otherwise provide for the orderly conduct of the academic institution.

- 08.08.2 General. Individuals and organizations, other than students, faculty, staff and organizations consisting solely of members of one or more of these classes of individuals, may not distribute handbills, leaflets or any other form of advertising media on campus. Free expression materials may be distributed in accordance with the component institution's policies.
- 08.08.3 Advertising. The distribution of advertising materials by individuals and organizations, other than students, faculty, staff and organizations consisting solely of members of one or more of these classes of individuals, is not permitted on TTU system property, even if conducted through student representatives, except as may be allowed by the advertising policies of the component institution's publications, such as authorized student newspapers and year books, or the Department of Intercollegiate Athletics.
- 08.08.4 United States mail. Individuals and organizations herein before described may make advertising media available to students, faculty and staff by utilizing the United States mail.
- 08.08.5 On-campus distribution. Students, faculty, staff, and organizations consisting solely of members of one or more of these classes of individuals may distribute advertising media on campus, subject to the following:
- a. The material is not in contravention of a published component institution's policy or a state or federal law; and
 - b. The information presented is accurate.
- 08.08.6 Automobiles. Media otherwise permissible under this policy that is to be distributed by an individual or group otherwise authorized under this policy may not be distributed by placement on or around automobiles parked or in motion in the physical confine of the TTU system.

08.09 Solicitations

- 08.09.1 Policy administration. The operating policies of each component institution shall contain such policies and procedures as may be necessary for the administration of this policy.
- 08.09.2 Definition. "Solicitation" for the purposes of this policy is defined as requesting money, seeking a pledge or agreement to pay, taking subscriptions, or selling merchandise, tickets, or future interests.
- 08.09.3 Approved organizations. On-campus solicitations may be conducted only by students, faculty, staff or student organizations as demonstrated by a current and valid student or faculty/staff identification card and only as consistent with the operating policies of the component institution.
- 08.09.4 Solicitation exception. No solicitation is permitted within the TTU system buildings except as consistent with the component institution's operating policies.
- 08.09.5 Individual buildings. Solicitations in a component institution's student union or student center facility must be conducted under the terms and conditions established by the institutional office charged with administration of that facility. The terms and conditions shall give weight to these criteria: compatibility of the solicitation activity with the educational purpose of the institution; compatibility of the solicitation activity with the orderly operation of the student union/center facility; and the availability of space.
- 08.09.6 Residence halls. Solicitations in the residence halls must be conducted entirely from within the student's room or in an assigned public area. Solicitations within the student rooms require the consent of the roommate(s), and there may be no parties or group demonstrations to advertise a product. There can be no advertising on room doors or within the residence halls. Application for permission for solicitation privileges in the residence halls should be referred to the Director of Housing and Residence Life.
- 08.09.7 On-campus solicitations by organizations not associated with the TTU system. An on-campus solicitation may be made by an organization not associated with the TTU system if the organization is sponsored by a registered student organization and if the solici-

tations are for a community-wide benefit, such as a symphony, or for recognized and established charitable purposes.

08.09.8 Further guidelines. This policy does not apply to:

- a. The canvassing of their own membership by campus organizations in money-raising projects or in the sale of tickets to programs sponsored by them to their own membership is recognized as a permissible privilege which does not require approval through the procedures established in the policy. If the request for money is made to persons other than members of the organization, such as the sale of tickets at the door to the general public, the entire solicitation is not exempted and is subject to approval as a solicitations project;
- b. Solicitations are permitted through such public agencies as the United States Postal Service and advertisements in local newspapers, which include any authorized student newspapers, are not within the jurisdiction of this policy;
- c. Occasionally departments of the component institutions of the TTU system may wish to sponsor activities that have an educational value for students at the institution. Such activities by such departments should be approved by appropriate authorities of the component institution; and
- d. Solicitations by the Texas Tech Alumni Association within the Merket Alumni Center, the Texas Tech Museum, the ASU Alumni Association within the LeGrand Alumni and Visitors Center, and contract vending machines.

08.10 **Solicitations and sale of publications**

- 08.10.1 TTU system benefit. Solicitations for and sale of publications shall be conducted only to produce a direct and real benefit to the TTU system in fulfilling its primary educational mission.
- 08.10.2 Money raised. If the principal purpose of the solicitation project is to raise money, then the proposed use for the money so raised must be identified and the benefit to the educational, intellectual or

cultural growth or development of the TTU system or its faculty, staff, or students specified.

08.10.3 Solicitations other than to raise money. Where the principal purpose of the solicitation is other than to raise money, a determination will be made as to whether the solicitation project will be approved based on the contribution of the project to the educational, intellectual, or cultural growth or development of the TTU system, its faculty, staff, or students.

08.11 **Regulations for the operation and parking of vehicles.** The Board shall approve the establishment of parking fees and any changes thereto. However, the board delegates to the presidents of the respective institutions the authority to adopt policies and regulations that govern the operation and parking of vehicles on property owned or under the control of the institution, including but not limited to: limiting the rate of speed; designating parking spaces and areas and their use; prohibiting parking as deemed necessary; removing vehicles parked in violation of the institution's policies and regulations at the expense of the violator; and instituting a system of registration for vehicle identification.

Dates Approved or Amended:

-- *Comprehensive review/amendments*02-28-2014

-- *Amendments*12-12-2014

- §08.01.9 – revised FP&C fees
- §08.02.4.e – added honorary statue policy
- §08.07.5 – added alcohol policy

-- *Amendments*10-20-2017

- §08.01.2 – replaced a provision that applied mainly to major construction projects with a general statement regarding the thresholds for major and minor projects and the *Regents’ Rules* section that governs each
- §08.01.3 – comprehensive overhaul of provisions that govern the approval processes for major projects
- §08.01.7 – added a provision that allows the chancellor to approve the use of any contingency funds for a project when immediate action is required to address a life, health or safety risk

-- *Amendments*05-18-2018

- §08.01.3.a – added feasibility study option

-- *Amendments*08-10-2018

- added §08.12 – a provision that: (1) allows institutional presidents, rather than the Board, to adopt policies that regulate traffic and parking on their respective campuses; and (2) continues to require Board approval of parking fee rates.

-- *Amendments*12-13-2019

Various amendments were adopted for the policies that govern processes used to construct major facility projects. Examples include:

- increased the threshold for a major project from \$2 million to \$4 million;
- revised the requirement for use of a Construction Manager Agent on major projects;
- with the approval of the Board, a major project could be managed by the institution rather than by FP&C;
- upon a request by a president, FP&C could be designated to manage a minor project;
- when new furniture/equipment is proposed to be purchased for a major project, the president must certify that existing and/or surplus furniture/equipment is not suitable for the space being constructed; and
- the public art fee and the landscape enhancement fee were each set at up to 1% of a major project’s budget or \$500,000, whichever is less.

-- *Amendments*08-05-2021

- Deleted Section 08.05 related to namings