

## Regents' Rules – comprehensive reviews/updates and amendments since 08-09-2013

Regents' Rules chapters	Comprehensive update approved	Chapter amendments since comprehensive update adopted
Missions	12-12-2014	<p><b>05-19-2017:</b> revised TTUHSC's Mission statement</p> <p><b>09-01-2021:</b> add MSU's Mission statement</p>
00 - Definitions	10-10-2014	<p><b>09-01-2021:</b> added definitions for Midwestern State University (MSU) in §00.01.4</p>
01 – Bylaws	02-28-2014	<p><b>10-10-2014:</b> technical corrections to: §01.02.1.f re: new acronym for TTUHSC El Paso per Ch. 00 changes ... §01.02.6.b(6) re: section citation updates due to changes in Ch. 00</p> <p><b>12-12-2014:</b> technical correction to section citation in §01.02.6.b(5) due to Ch. 12 changes</p> <p><b>10-09-2015:</b> revisions to statute citations and wording in §01.02.1 due to System clean-up legislation</p> <p><b>03-02-2018:</b> added §01.01.4 to require Board self-evaluations</p> <p><b>04-06-2020:</b> added emergency/exigent circumstances delegations of authority to §01.02.1.b-c</p> <p><b>12-10-2020:</b> updated the Finance, Administration, and Investments Committee in §01.02.8.d(3) &amp; , §01.02.8.d(3)(l); and deleted §01.02.8. f to remove reference to the IAC</p> <p><b>05-13-2021:</b> rename the Finance, Administration, and Investments Committee in §01.02.8.d(3) the Finance and Investments Committee.</p> <p><b>05-25-2021:</b> update standing committee leadership to include chair and vice chair and expand committee to all nine regents as voting members.</p> <p><b>09-01-2021:</b> added §01.02.1.i to include MSU as under the management and control of the board.</p>
02 - Administration	02-28-2014	<p><b>10-09-2015:</b> amendments to conform the <i>Regents' Rules</i> to changes in state contracting laws: added §02.01.3.n &amp; §02.04.2.o ... revised Ch. 07 section citations in §02.03.2.c &amp; §02.03.3.b</p> <p><b>05-20-2016:</b> amendments to conform the <i>Regents' Rules</i> to changes in state contracting laws: added §02.04.2.p ... revised Ch. 07 section citations in §02.03.2.c &amp; §02.03.3.b</p>
03 – Personnel	10-11-2013	<p><b>10-10-2014:</b> adjustment to §03.01.5.b(2) re: new acronym for TTUHSC El Paso per Ch. 00 changes</p> <p><b>10-09-2015:</b> amendments re: revised §03.01.2.e to conform to changes in state contracting laws ... technical adjustments to §03.07.2.a(2)</p> <p><b>05-20-2016:</b> updates relating to: state contracting law changes ... EEO requirements ... the approving authority for outside employment</p> <p><b>03-02-2018:</b> various updates/conforming changes due to state law revisions relating to contracts and conflicts of interest, including to: §03.01.2.j ... §03.01.5.b(3) ... §03.03.2 ... §03.03.3.a ... §03.03.5.a</p> <p><b>05-17-2019:</b> §03.03.2 amended to recognize that §03.03.5.a provides a less restrictive policy for dealing with a regent's conflict of interest in a contract or other transaction, per the <i>Texas Education Code</i></p> <p><b>12-13-2019:</b> §03.01.11.e-f were amended and §03.01.11.l was added to more fully specify the steps that must be taken to assure proper supervisory relationships when a nepotism exception is granted</p> <p><b>08-05-2021:</b> amendments to §03.08 allows annual or biennial approval of holiday schedules</p>
04 – Academic Affairs	08-09-2013	<p><b>10-10-2014:</b> adjustment to §04.04.1 re: new acronym for TTUHSC El Paso per Ch. 00 changes</p> <p><b>10-09-2015:</b> added "department" in §04.11 header and §04.11.3</p> <p><b>08-06-2020:</b> amendments to §04.01.1 to rename "Horn Professorship" as "Horn Distinguished Professorship" and include TTUHSC El Paso for the Murray Professorship</p> <p><b>08-05-2021:</b> amendments deleted §04.11.3 related to namings</p> <p><b>09-01-2021:</b> amendments throughout to §04.04.1, 04.08 and 04.10 to add MSU</p>
05 – Student Affairs	08-09-2013	<p><b>08-10-2018:</b> amended §05.01.2 to require Board approval of parking <u>fees</u> paid by students, rather than parking <u>regulations</u> that apply to students</p> <p><b>12-10-2020:</b> amended §05.02.1 to delegate to the chancellor, or the chancellor's designee, the responsibility to set campus admission standards</p>

<b>Regents' Rules chapters</b>	<b>Comprehensive update approved</b>	<b>Chapter amendments since comprehensive update adopted</b>
06 – Inst'l Advancement	08-09-2013	<p><b>10-11-2013:</b> added §06.01.5  <b>10-10-2014:</b> adjustment to §06.05.4.b re: new acronym for TTUHSC El Paso per Ch. 00 changes  <b>03-06-2015:</b> amended §06.03.2 &amp; §06.03.3 re: roles of the Chancellor and Presidents in fund raising  <b>10-09-2015:</b> revisions to §06.01.2.b statute citations and wording due to System clean-up legislation  <b>08-05-2021:</b> amendments deleted §06.06 related to namings  <b>09-01-2021:</b> added §06.05.4.e  <b>08-11-2022:</b> comprehensive review of the chapter with amendments throughout</p>
07 – Fiscal Management	02-28-2014	<p><b>03-06-2015:</b> amended §07.03.6 re: fraud disciplinary actions  <b>10-09-2015:</b> due to changes in state contracting laws, many amendments made to multiple sections, including: §07.02.4.a ... §07.02.6 ... §07.02.7.o ... §07.03.2.b ... extensively throughout §07.12  <b>05-20-2016:</b> additional revisions throughout due to changes in state contracting laws, plus revisions in: audit standards ... emergency approval of a budget adjustment or contract ... 'early start' approval for an over-\$25,000 consulting contract  <b>10-14-2016:</b> amended §07.05.2.b to bring use-of-debt-proceeds policy in line with US Treasury reg's  <b>08-11-2017:</b> amended §07.12.4.e(2) so System CFO does prior review of \$25,000-or-less consulting contracts  <b>10-20-2017:</b> added a new §07.12.4.c for a delegation of contract approval authority to the health-related presidents for certain continuing contractual relationships; and deleted old §07.12.4.d due to it conflicting with §07.12.3.b  <b>03-02-2018:</b> changes re: debt and equipment financing policies (§07.05.2.b and §07.05.4.a) ... student financial assistance program administration (§07.10.4) ... contracts and conflicts of interest (various in §07.12) ... name of the Office of Treasury  <b>08-09-2019:</b> changed HEAF to HEF throughout; added a new §07.05.2.b(6) re: Chancellor approval of RFS funding for minor projects; and added delegations of authority to the Chancellor for state comptroller deposits (§07.07.4) and primary/secondary depositories (§07.08.3)  <b>02-24-2022:</b> changes throughout the chapter re: •language to reflect the current standards of audit practices (§07.02.3) • Added the Office of Equal Opportunity to the list of offices with which to consult when an employee's fraudulent act leads to disciplinary action (§07.03.6.b) • deleted antiquated certification requirement as TTU system is no longer subject to the TX Bond Review Board (07.04.3.b) • updated regarding 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; (2) the chancellor's ability to approve budget adjustments of \$2 million or less to TTUSA's original budget; (3) president's ability to approve budget adjustments of \$2 million or less to each institution's original budget; and (4) update the threshold to \$500,000 for reporting deficit fund balances. (§07.04.4.a.(1), §07.04.4.b.(1), §07.04.4.c.(1), and §07.04.4.f.(2)) • language added to clarify 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;(3) training and continuing education on ethics, appropriate procurement methods and information resources purchasing; and (4) appropriate submission to the board of contracts (§07.12.1.d &amp; §07.12.1.e-i ) • language added for term threshold for when a contract in excess of \$1 million require board approval - changed to "per annum" (§07.12.3.a &amp; b) • language updated on the exemption from board approval for contracts that may be terminated without cause with notice of 180 days (§07.12.3.d) • language relocated (previously in 07.12.4e) and the threshold for consulting contract requiring board approval increase to initial considerations in excess of \$100,000 (up from \$25,000) (§07.12.3.e(1)) • language 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. (§07.12.3.h) • summary table for contract approval is relocated to the end of the chapter</p>

<b>Regents' Rules chapters</b>	<b>Comprehensive update approved</b>	<b>Chapter amendments since comprehensive update adopted</b>
08 – Facilities	02-28-2014	<p><b>12-12-2014:</b> revised FP&amp;C fee structure (§08.01.9) ... added policy on honorary statues (§08.02.4.e) ... added a system-wide alcohol policy (§08.07.5)</p> <p><b>10-20-2017:</b></p> <ul style="list-style-type: none"> <li>• §08.01.2 – revised to a general statement on thresholds for major and minor construction projects</li> <li>• §08.01.3 – comprehensive overhaul of the approval processes for major projects</li> <li>• §08.01.7 – authorized emergency use of contingency funds when a life, health or safety risk exists</li> </ul> <p><b>05-18-2018:</b> added a feasibility study option (in §08.01.3.a) to the major project approval process</p> <p><b>08-10-2018:</b> added new §08.12 to delegate to the presidents the authority to adopt regulations for traffic and parking, with the board retaining the authority to approve parking fee rates</p> <p><b>12-13-2019:</b> Various amendments were adopted for the policies that govern processes used to construct major and minor 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&amp;C ... • upon a request by a president, FP&amp;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</p> <p><b>08-05-2021:</b> amendments deleted §08.05 related to namings</p> <p><b>02-24-2022:</b> Various amendments were adopted for the policies that govern processes used for construction projects. Examples include: • §08.00.6 &amp; §08.01.3 – language added to define "Project Management Team." • §08.01.1 – language added to update Texas Education Code citation related to competitive bidding for construction projects • §08.01.5 – language added regarding the applicability of federal regulations and institutional OPs to the procurement process for construction projects • §08.01.9 – Simplification of language on FP&amp;C fees. • §08.02, §08.06.3 &amp; §08.06.4 – language added to clarify: (1) the role of the Board and FP&amp;C related to master plan initiatives; (2) the broad applicability of TTU System policies to aiding non-profit organizations; and (3) that the playing fields and other athletic facilities are under the control of the various departments of athletics. • §08.06.5 – Clarifying language added on the sale and service of alcohol.</p>
09 – Investments	08-08-2014	<p><b>10-09-2015:</b> amendments to conform the process for Board approval of mineral leases in §09.07.3 to that used for Board approval of other matters</p> <p><b>08-10-2018:</b> amended §09.02 to allow the SITIF investment policy statement to provide all of the policies that govern management of the SITIF</p> <p><b>12-13-2019:</b> to update SITIF references to the new STIF and ITIF; and to add language to handle exceptions to investments requested by a donor</p> <p><b>12-10-2020:</b> amendments to §09.00, §09.01.2, §09.02, and §09.03 to update STIF and ITIF references to new CCP; delete the roles and responsibilities of the IAC in §09.02; and define/clarify the roles of the CFO and CIO in §09.02.1 and §09.02.2</p> <p><b>11-17-2022:</b> to §09.00.1 to add the Mission Driven Investment Fund (MDIF) as the third investment program; to §09.01.3 to add a definition for MDIF; to §09.05 to include clarification on the policies for the new MDIF; and various updates to section numberings throughout.</p>
10 – Intellectual Prop.	10-09-2015	
11 – Athletics	10-11-2013	<p><b>09-01-2021:</b> amendments throughout to include MSU and added new §11.02.5 for MSU's Athletic Council</p>
12 – Honorifics & Seals	08-09-2013	<p><b>12-12-2014:</b> added new §12.06 re: honorary statues; subsequent sections were re-numbered</p> <p><b>05-19-2017:</b> added new §12.09 to authorize a seal monument for TTU–Costa Rica</p> <p><b>02-26-2021:</b> added new §12.10 to authorize the TTU School of Veterinary Medicine seal</p> <p><b>08-05-2021:</b> amendments deleted §12.05.06 related to other honorific naming not facility or gift related</p>

<i>Regents' Rules</i> chapters	Comprehensive update approved	Chapter amendments since comprehensive update adopted
13 – Namings	08-05-2021	<b>08-05-2021:</b> new chapter 13 added to RR to consolidate all naming policies <b>08-11-2022:</b> updated definitions in §13.00.2 and §13.00.5, and updated exigent circumstances provision §13.05.8

## Board Policy Statements – comprehensive reviews/updates and amendments since 08-09-2013

Board Policy Statements	Comprehensive reviews/updates	Amendments since comprehensive update adopted
Audit Committee Charter	07-28-2014	← Reviewed by Regents Rules Review Cmte, but no changes recommended or adopted
Investment Policy Statement – SITIF	<del>08-08-2014</del>	<del>10-14-2016:</del> amended §7.1.a to add a requirement that investment in money market funds is limited to those offered at a constant \$1.00 net asset value <b>12-13-2019:</b> SITIF Policy Statement was deleted and replaced by separate investment policy statements for the Short Term Investment Fund and the Intermediate Term Investment Fund
Investment Policy Statement – STIF	established <del>12-13-2019</del>	<del>12-13-2019:</del> new investment policy statement adopted for the STIF <b>12-10-2020:</b> STIF Policy Statement was deleted and replaced by separate investment policy statements for the Comprehensive Cash Pool (CCP) which combined the STIF and ITIF
Investment Policy Statement – ITIF	established <del>12-13-2019</del>	<del>12-13-2019:</del> new investment policy statement adopted for the ITIF <b>12-10-2020:</b> ITIF Policy Statement was deleted and replaced by a separate investment policy statements for the Comprehensive Cash Pool (CCP) which combined the STIF and ITIF
Investment Policy Statement – CCP	established 12-10-2020	<b>12-10-2020:</b> new investment policy statement adopted for the CCP
Investment Policy Statement – LTIF	08-08-2014	<b>05-19-2017:</b> various amendments throughout to conform policy to practice <b>12-13-2019:</b> amendments throughout to: • update SITIF references to new STIF and ITIF; • update strategic asset class ranges terminology and policy changes (on Schedule A); • update management report requirements; and • align the management fee assessment with the annual budget process. <b>12-10-2020:</b> amendments throughout to: • update role and responsibility of the Finance, Administration, and Investments Committee (FAI), the Chief Investment Officer (CIO), and CFO; • delete all references to the IAC and the new Investment Resource Committee (IRC); • clarify/simplify performance benchmarks; • updates to statement on core investment beliefs; and • inclusion of quarterly report by the CIO to the FAI committee.
Seals of the TTU System	08-09-2013	<b>10-10-2014:</b> TTUHSC El Paso seal revised; plus technical correction re: new acronym for TTUHSC El Paso per Ch. 00 changes <b>12-12-2014:</b> technical corrections to section citations in §1 and §3 due to Ch. 12 changes <b>05-19-2017:</b> added authorization for a TTU–Costa Rica seal monument <b>02-26-2021:</b> added authorization for the TTU School of Veterinary Medicine seal <b>09-01-2021:</b> added MSU Texas seal
Investment Policy Statement – MDIF	11-17-2022	<b>11-17-2022:</b> new investment policy statement adopted for the MDIF

## **Missions**

**Summary of comprehensive updates adopted on: [December 12, 2014](#)**

*Substantive revisions include the following .....*

### **Texas Tech University System:**

The only change to the System's mission statement was the addition of Texas Tech University Health Sciences Center at El Paso to the list of the System's component institutions.

### **Texas Tech University Health Sciences Center at El Paso:**

The addition of a mission statement for TTUHSC El Paso was adopted. Although the El Paso campus became a free-standing institution on September 1, 2013, the development of a Board-approved mission statement for the new institution was pending the arrival of a permanent president of the institution.

President Richard Lange took office on July 1, 2014, and submitted a proposed mission statement for TTUHSC El Paso.

### **Amendments to "Missions" adopted since Dec. 12, 2014:**

**05-19-2017** ... Revised the Mission statement of TTUHSC.

**09-01-2021** ... Amended to add mission statement for MSU in recognition of MSU's transfer to the TTUS.

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## **Chapter 00 – Definitions, Styles and Citations**

**Summary of comprehensive updates adopted on: October 10, 2014**

*All revisions proposed for Chapter 00 are non-substantive in nature.*

### **Definitions (Sec. 00.01):**

The definitions contained in Section 00.01 define words, phrases, acronyms and/or other abbreviations that are used in more than one chapter of the *Regents' Rules*. As such, definitions that apply only within a particular chapter typically are not included in Chapter 00.

Many of the proposed changes in the attached draft relate to a reorganization of the definitions currently in Section 00.01.

Some of the existing definitions are revised for the sake of clarity or to conform the Chapter 00 definitions to their common usage in other chapters of the *Regents' Rules*.

A few of the amendments add new definitions to reflect changes made in other chapters over the past year ... for example, to reflect the addition of TTUHSC El Paso as a stand-alone institution within the Texas Tech system.

### **Style (Sec. 00.02) and Citations (Sec. 00.03):**

The minor revisions in these two sections are all housekeeping or clarifying in nature.

### **Conforming changes needed in other chapters and Board Policy Statements:**

Due to the changes proposed for Chapter 00, there will need to be a limited number of conforming or technical corrections made in other chapters of the *Regents' Rules* and the Board Policy Statements. It is proposed that the Board secretary be authorized to make such changes, which include the following:

- (1) Conforming changes where a provision in another chapter of the *Regents' Rules* cites a section number in Chapter 00 that has changed: Sec. 01.02.6.b(6).
- (2) Conforming changes due to a new abbreviation in Chapter 00 ... specifically, where the abbreviation added for Texas Tech University Health Sciences Center at El Paso is "**TTUHSC El Paso**" – but elsewhere in the *Regents' Rules* and Board Policy Statements, there currently are a total of 5 references to "**TTUHSC-El Paso**" ... one each in: Sec. 01.02.1.f ... Sec. 03.01.5.b(2) ... Sec. 04.04.1 ... Sec. 06.05.4.b ... the Board Policy Statement on Seals, on the page for the seal of the Texas Tech University Health Sciences Center at El Paso.

[see next page for amendments to Chapter 00 since 10-10-2014 comprehensive review/amendments]

## **Amendments to Chapter 00 adopted since October 10, 2014:**

**09-01-2021** ... added definitions for Midwestern State University (MSU) in §00.01.4 as a component institution of the Texas Tech University System.

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## **Chapter 01 – Bylaws**

### **Summary of comprehensive updates adopted on: [February 28, 2014](#)**

#### INTRODUCTORY NOTE:

Where needed and appropriate, references and/or provisions relating to the Texas Tech University Health Sciences Center at El Paso are added, since the El Paso campus now is a stand-alone institution.

*Substantive revisions include the following:*

#### **Responsibilities of the Board:**

A state law provision regarding the Board having the legal responsibility of a fiduciary is added. This is not a new statutory requirement, so its addition to the *Regents' Rules* simply emphasizes that this is a fundamental duty of the Board. [*§01.01.3*]

#### **Board chair:**

A SACS-required provision regarding the eligibility of a Board member to serve as chairman of the Board is added. Per SACS, the Board chair "must be free of any contractual, employment, or personal or familial financial interest" in a component institution under the Board's control. [*§01.02.3.a(1)*]

#### **Board secretary:**

- A statement regarding the mission of the Board secretary and the Office of the Board of Regents is added. [*§01.02.6.a(3)*]
- New provisions are added regarding:
  - the ability of the Board secretary and assistant secretary to function as agents of the Board; and ...
  - a requirement that the Board secretary and assistant secretary maintain information as confidential when so directed by the Board or required by law. (Note: A related provision is added for the General Counsel in Chapter 02.) [*§01.02.6.a(5)*]

#### **Duties and responsibilities of the standing committees of the Board:**

The chairs of the Board's standing committees have reviewed the charge for their respective committees and proposed certain revisions.

- Academic, Clinical & Student Affairs Committee. [*§01.02.8.d(1)*]
- Facilities Committee. [*§01.02.8.d(2)*]
- Finance & Investments Committee. [*§01.02.8.d(3)*]
- Audit Committee. [*§01.02.8.d(4)*]

[Summary of changes to Chapter 01, continued]

### **Executive Committee:**

The Executive Committee would be eliminated, as there is no longer a need to keep this committee on the books. Under the requirements of today's Open Meetings Act, the timeframe and process it takes to convene a meeting of the 5-member Executive Committee is the same as for gathering a quorum of the Board for a special called teleconference meeting. [see former §01.02.8.d(5)]

### **Advisory nature of special committees and the IAC:**

New provisions would clarify that, unless the Board makes a specific delegation of authority to a special committee or the Investment Advisory Committee (IAC), those committees serve only in an advisory capacity. [§01.02.8.e(4) and §01.02.8.f(2)]

### **Procedure for suspension of the Regents' Rules:**

A procedure for motions to suspend the *Regents' Rules* is added. The vote required to approve a suspension of the *Rules* would be a simple majority of members who are present at the meeting. [§01.02.9.f]

### **Board members' participation at commencement ceremonies:**

Given the new, expanded schedule of commencement ceremonies for TTUHSC and TTUHSC at El Paso, Board members would be "encouraged" (as opposed to "expected") to participate in the commencement ceremonies of the component institutions. [§01.06]

### **Regents' Rules review:**

The schedule for reviews of the *Regents Rules* would be changed from "every four years" to one that is an ongoing process ... which in turn would require the Regents Rules Review Committee to be a special "advisory" committee that's always in place and available to study and recommend changes to the *Regents' Rules* whenever needed and appropriate. [§01.07]

### **Amendments to the Regents' Rules:**

The Board would be able to adopt amendments to the *Regents' Rules* at special called meetings as well as at regularly-scheduled meetings. [§01.08.1]

[see next page for amendments to Chapter 01 since 02-28-2014 comprehensive review/amendments]

## **Amendments to Chapter 01 adopted since February 28, 2014:**

**10-10-2014** ... The following technical adjustments were made:

- In §01.02.1.f, a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.
- In §01.02.6.b(6), citations to sections in Chapter 00 were revised to reflect the renumbering of sections in Chapter 00.

**12-12-2014** ... The following technical adjustment was made: In §01.02.6.b(5), a section citation was revised due to changes made in Chapter 12.

**10-09-2015** ... Revisions were made to §01.02.1 (in .c, .e & .g) to conform state law citations and wording to changes made to Texas Tech's enabling statutes by the System clean-up legislation (S.B. 907).

**03-02-2018** ... Added a new §01.01.4 to comply with a SACSCOC new requirement that the Board conduct self-evaluations on a regular basis.

**04-06-2020** ... added emergency/exigent circumstances delegations of authority to §01.02.1.b-c.

**12-10-2020** ... updated the name of the Finance, Administration, and Investments Committee in §01.02.8.d(3) and expanded the committee's oversight of investments in §01.02.8.d(3)(I). Delete §01.02.8.f to remove all references to the Investment Advisory Committee (IAC) including its duties and responsibilities. (IAC is no longer a Special Committee of the Board of Regents.)

**05-13-2021** ... The following technical adjustment was made: In §01.02.8.d(3) the Finance, Administration, and Investments Committee was renamed the Finance and Investments Committee. This reflects a request from the committee chair.

**05-25-2021** ... Revisions were made to §01.02.8.a – c & §01.02.8.d(1) – (4) to update standing committee leadership to include a chair and vice chair and allow all nine regents to serve as voting members of each standing committee.

**09-01-2021** ... added §01.02.1.i to include MSU as under the management and control of the board. Effective September 1, 2021, as authorized by House Bill 1522 of the 87th Legislature, Section 109.201, Texas Education Code was amended to include MSU as a component institution of the Texas Tech University System and under the management and control of the TTUS Board of Regents.

## **Chapter 02 – Administration**

### **Summary of comprehensive updates adopted on: February 28, 2014**

#### **Responsibilities of the System Administration ... service provision:**

The System Administration, under the direction of the Chancellor, provides system-wide leadership and coordination of various functions and priorities. Such functions/priorities currently include coordination and oversight of “cultural diversity” and “customer-oriented instruction.” As these are better coordinated at the institutional level, these functions/priorities are reassigned to the respective Presidents. [*§02.02.3.a ... and §02.04.2.c-d*]

#### **President searches:**

When there is a vacancy in a President position, current policy requires that a new President be appointed by a vote of the Board, with the Chancellor providing a recommendation to the Board. Currently, there are no provisions that govern the process by which a search for a President is conducted. The following provisions would guide that process.

- If the Board determines that a presidential search committee is needed, the Board appoints the members of the search committee and determines the process to be used by that committee ... with the Chancellor being able to make recommendations to the Board about the use, members, and process of such a search committee.  
**But**, the Board also has the option to delegate to the Chancellor the authority to establish a presidential search committee and determine the process to be used by that committee.
- The recommendations of a presidential search committee must be submitted to the Board, with a copy to the Chancellor.
- With a recommendation from the Chancellor, the Board determines which, if any, of the candidates recommended by the search committee will be interviewed by the Board and the Chancellor prior to the Board naming a finalist.

[*§02.03.1.b(4)*]

#### **Notification to the Board for positions appointed by the Chancellor and President:**

Currently, the Board receives prior notification when certain executive and/or administrative positions are filled by the appointment of the Chancellor or a President (such as vice chancellors, vice presidents, provosts, deans, athletic directors and head coaches). Provisions are added that also require prior notice to the Board when the Chancellor or a President terminates or reassigns a person who holds one of those positions. [*§02.03.2.a ... and §02.03.3.a*]

#### **General Counsel:**

- The duties of the General Counsel are enhanced to clarify that the General Counsel:
  - represents the System Administration and each component institution in all legal matters; and ...
  - when approved by the Attorney General, the General Counsel retains and manages any outside counsel that provides services to the System Administration or the component institutions. [*§02.03.2.b(2)*]
- Provisions are added regarding the General Counsel being governed by the Texas Rules of Ethics when providing legal services or advice to the Board or individual members of

[Summary of changes to Chapter 02, continued]

the Board. As such, when the Board or individual members of the Board seek legal services from the General Counsel, they will be deemed "client representatives," and they may expect the confidentiality that the rules provide for such individuals. (see Texas Rules of Ethics rule 1.05) [§02.03.2.b(3)]

### **Employment contracts for certain appointees of the Chancellor:**

A new general provision that governs the approval of employment agreements is established in Chapter 07 (in Sec. 07.12.2.f). Accordingly, the provisions in Chapter 02 regarding approval of employment contracts for certain appointees of the Chancellor (*which include vice chancellors and other members of the System Administration executive team*) are tied to and governed by the new guidelines in Chapter 07 when specified thresholds are exceeded. [§02.03.2.c]

### **Presidents' appointments:**

**SELECTION:** The Chancellor shall provide input when the President is considering the appointment, termination or reassignment of certain institutional officers. Then, after a decision is reached, the President must give the Chancellor and Board advance notice before an announcement is made regarding the position. [§02.03.3.a]

**CONTRACT:** A new Chapter 07 provision that governs approval of employment contracts will require a contract for one of these institutional officers to be approved by the Board if certain thresholds are exceeded. Otherwise, the President must have the input of the Chancellor before the President approves a contract for such an officer. [§02.03.3.b]

### **Performance evaluations of Presidents:**

Current policy has the Board conducting the annual performance evaluations of each President, with a recommendation from the Chancellor being provided to the Board. Under the proposed change, the Chancellor would evaluate each President ... but before the evaluation is shared with a President, the Chancellor and the Board would discuss and come to an agreement on the evaluation. [§02.03.4.b]

### **Salaries of certain System Administration and institutional officers:**

- Currently when the Chancellor sets the salary of a vice chancellor or other System Administration officer, the Board is to be given prior notice of what that officer's salary will be. Instead of giving the Board prior notice each time the salary of a new officer is appointed or a current officer's salary is increased or decreased, the Chancellor would present to the Board an annual report of the salaries for all such officers at the time that operating budgets are approved by the Board. [§02.03.6]
- Currently, the salaries of certain positions appointed by a President – including a vice president, provost, vice provost or dean – are set by the President, with prior approval by the Chancellor and prior notice to the Board. Instead, the salaries of these institutional officers would be set by the President, with the President presenting to the Chancellor and the Board an annual report of the salaries for all such officers at the time that operating budgets are approved by the Board. [§02.03.8]

[see next page for amendments to Chapter 02 since 02-28-2014 comprehensive review/amendments]

## **Amendments to Chapter 02 adopted since February 28, 2014:**

- 10-09-2015** ... Legislative changes in state contracting and purchasing laws made by S.B. 20 required conforming changes to Chapter 02, including:
- adding to the duties of the Chancellor and Presidents the responsibility for the development and implementation of programs and policies that promote and ensure ethical behavior for the Texas Tech system and the component institutions [§02.01.3.n and §02.04.2.o]; and
  - making conforming changes to Chapter 07 section citations in §02.03.2.c and §02.03.3.b due to changes in Chapter 07 resulting from the legislative statute revisions.

- 05-20-2016** ... Legislative changes in state contracting and purchasing laws made by S.B. 20 required conforming changes to Chapter 02, including:
- adding to the duties of the Presidents the responsibility for the development and implementation of a contract management handbook [§02.04.2.p]; and
  - making additional conforming changes to Chapter 07 section citations in §02.03.2.c and §02.03.3.b due to changes in Chapter 07 resulting from the legislative statute revisions.
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## **Chapter 03 – Personnel**

### **Summary of comprehensive updates adopted on: October 11, 2013**

#### **Benefits, gifts and honoraria:**

GENERALLY – Clarifies and strengthens the general restrictions on benefits, gifts and honoraria. [*first paragraph of §03.01.4*]

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FOOD, LODGING, TRANSPORTATION AND ENTERTAINMENT – Clarifies that officers or employees who have discretion or control over contracts, purchases, payments, claims and other financial transactions are not allowed to accept food, lodging, transportation or entertainment from persons or entities the officer or employee knows or should reasonably know are interested in a contract, purchase, payment, claim, or other financial decision or transaction with Texas Tech for which the officer or employee exercises discretion or control. [*§03.01.4.c(1)*]

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HONORARIA – Clarifies that an officer or employee can accept payment for providing services when the officer or employee is asked to provide the service because of the officer's or employee's expertise and not because of the officer's or employee's official status with Texas Tech. [*§03.01.4.f*]

#### **Conflict of commitment:** [*to complement the existing conflict of interest policies*]

Creates a broad conflict of commitment policy into which the current provisions on consulting and outside employment are merged. [*§03.01.5*]

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Clarifies/enhances provisions on the primary responsibility of employees and employees' external activities while working on official time. [*§03.01.5.a-c*]

#### **Preservation of Texas Tech resources:**

Adds specific language regarding: • when employees are at work, they may not use official time for personal or external activities, and ... • someone in a supervisory capacity may not require a subordinate to perform personal activities for the supervisor. [*§03.01.7*]

#### **Discriminatory conduct:**

Merges and updates current provisions regarding sexual harassment and affirmative action/equal employment opportunity into a broader policy that addresses discriminatory conduct. [*§03.01.8*]

#### **Familial/household or consensual relationships for faculty and students:**

Adds 2 new policies that address familial or household relationships and consensual relationships involving faculty members and students. [*§03.01.9 and §03.01.10*]

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Prohibits a faculty member from having instructional or supervisory oversight of the student when such relationships exist.

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Requires the faculty member to disclose such a relationship ... and then the relationship must either cease or a management plan must be developed and followed under which alternative arrangements are made for the student's continued education.

## Amendments to Chapter 03 adopted since October 11, 2013:

**10-10-2014** ... The following technical adjustment was made: In §03.01.5.b(2), a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.

**10-09-2015** ... Two amendments were made, as follows:

- Due to legislative changes in state contracting and purchasing laws made by S.B. 20, the provision relating to the protection and conservation of public property was augmented by the addition of "including all institutional resources".
- Due to the renumbering of sections in Chapter 10 as a result of the comprehensive rewrite of that chapter, section citations in §03.07.2.a(2) to provisions in Chapter 10 were adjusted.

**05-20-2016** ... Various amendments were made, as follows:

- Due to legislative changes in state contracting and purchasing laws made by S.B. 20 in 2015, several provisions were updated to conform to current interpretations of the statute changes; sections amended included: §03.01 ... §03.01.1.d ... §03.01.1.f ... §03.01.2.a ... §03.01.2.j-k ... §03.01.5.
- In response to EEO requirements of Title IX, Title VII and U.S. Executive Order 11246, conforming changes were made to various sections, including: §03.01.2.h ... §03.01.8.a.
- The General Counsel and the Board Secretary identified a clarifying change that was needed for §03.01.5.b(3)-(4) regarding the approving authority for outside employment.

**03-02-2018** ... Various updates and conforming changes made as a result of revisions in state law relating to contracts and conflicts of interest, including to: §03.01.2.j ... §03.01.5.b(3) ... §03.03.2 ... §03.03.3.a ... §03.03.5.a.

**05-17-2019** ... §03.03.2 (*which reflects the Texas Government Code's general prohibition on any business relationship with an entity in which a regent or regent's family member has a financial interest*) was amended to recognize that §03.03.5.a provides an alternative, less restrictive policy for dealing with such conflicts of interest (*as permitted by the Texas Education Code*).

**12-13-2019** ... §03.01.11.e-f were amended and §03.01.11.l was added to more fully specify the steps that must be taken to assure proper supervisory relationships when a nepotism exception is granted.

**08-05-2021** ... §03.08 amended to provide flexibility in allowing annual or biennial approval of holiday schedules.



## **Chapter 04 – Academic Affairs**

### **Summary of comprehensive updates adopted on: August 9, 2013**

- The title of the chapter is changed from “Faculty” to “Academic Affairs” as the content of the proposed new chapter includes more than just faculty matters.
- A process is added by which the previous award of a Horn or Murray Professorship may be rescinded. [*§04.01.1.e*]
- Policies and procedures are added governing Board approval of the establishment, consolidation, restructuring and deletion of degree programs. [*§04.09 and §04.10*]  
DETAILS: A new state law that went into effect on September 1, 2013 eliminates the Coordinating Board’s authority to require the consolidation or deletion of low-producing degree programs, leaving the Board of Regents as the final authority for low-producing degree programs. Since the *Regents’ Rules* currently do not contain any provisions regarding the creation, revision or deletion of degree programs, language is added to require Board of Regents approval for degree programs.
- Policies and procedures are added governing approvals required to establish, restructure, or name schools, colleges, centers, institutes and other academic units. [*§04.11*]  
DETAILS:
  - Board approval would be required to establish or restructure schools/colleges or departments within a school/college ... but the President would be delegated that authority over other academic units (e.g., centers, institutes, and so forth).
  - If the naming of an academic unit is not governed by other provisions in the *Regents’ Rules* (e.g., a facility naming, a gift-related naming, or other naming in honor of a person or entity) ... then the naming of a school or college must be approved by the Board, but the President would be delegated the authority to approve the naming of other academic units.
- A reference to TTUHSC-El Paso is added where a current provision regarding “public purpose” in the “Faculty responsibility” section mentions TTU, ASU and TTUHSC ... as the El Paso campus now is a separate institution. [*§04.04.1*]

[see next page for amendments to Chapter 04 since 08-09-2013]

## Amendments to Chapter 04 adopted since August 9, 2013:

- 10-10-2014** ... The following technical adjustment was made: In §04.04.1, a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.
- 10-09-2015** ... The word "department" was added to the header of §04.11 and in §04.11.3 to eliminated any confusion as to whether a department was encompassed within "other academic unit or program."
- 08-06-2020** ... Amendments to §04.01.1 renamed the "Horn Professorship" as "Horn Distinguished Professorship" to clarify the honorific nature of the title. Further, TTUHSC El Paso's status as an independent institution necessitated amendments to §04.01.1 to add TTUHSC El Paso as eligible to award the Murray Professorship until such time that TTUHSC El Paso develops an honorific title in the name of its first president.
- 08-05-2021** ... §04.11.3 related to naming of schools, college, center, institute, and other academic unit or program was deleted. The rules related to namings were consolidated in the new Chapter 13 of the *Regents' Rules*.
- 09-01-2021** ... Amendments were made throughout to add MSU to §04.04.1 (Faculty Responsibility), 04.08 (Nonnative English-speaking teaching assistants and faculty) and 04.10 (Review and approval of low-producing degree programs).
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## **Chapter 05 – Student Affairs**

### **Summary of comprehensive updates adopted on: August 9, 2013**

- A reference to the Board's statutory duty to approve admission standards is added to clarify within the *Regents' Rules* that this is one of the core duties of an institution's governing board. [*§05.02.1*]
- A new provision clarifies that the Board of Regents does not serve as a hearing or appellate body for appeals by students of decisions regarding admission, academic progress, disciplinary measures, dismissal or other such matters. Similar provisions already exist in the *Regents' Rules* in sections that deal with requests to speak to the Board during Board meetings and for personnel grievances ... but it would be helpful to include a specific provision in the student affairs chapter. [*§05.05*]

### **Amendments to Chapter 05 adopted since August 9, 2013:**

- 08-10-2018** ... Revised §05.01.2 to provide that Board approval is required for parking fees that are charged to students, rather than the parking regulations that apply to students.
- 12-10-2020** ... Revised §05.02.1 to delegate to the chancellor, or the chancellor's designee, the responsibility to set campus admission standards.

## **Chapter 06 – Institutional Advancement**

### **Summary of comprehensive updates adopted on: August 9, 2013**

- The section on gift evaluation and acceptance has been reorganized so it flows in the proper sequence, as follows: evaluation of the gift ... acceptance of the gift via either Board approval or Chancellor approval (depending upon certain thresholds) ... and notification to the donor. [*§06.01.2*]
- The section on Board approval of gifts adds a reference to existing statutes that authorize the Board to accept gifts and grants for the benefit and use of the institutions. [*§06.01.2.b*]
- The current requirement that an unrestricted gift of real property be placed in an endowment is deleted to provide flexibility in the disposition of such gifts. In most cases, the gifted real property will be sold as quickly as possible so the real property can be converted to a more useful asset, and putting the real property into an endowment could impair that flexibility. The board would still approve the acceptance of any gift of real property, and a determination about whether real property should be put into an endowment can be made on a case-by-case basis at the time the Board approves acceptance. [*§06.01.2.b*]
- The provision regarding modification of the purpose of a gift as designated by the donor is revised so it will conform to state law. [*§06.02.2*]
- A minimum level for research endowments is added for TTUHSC-El Paso. The dollar amount required to establish a research endowment at TTUHSC-El Paso will be the same as for TTUHSC. [*§06.05.4.b*]
- The ability to rescind a gift-related naming is added. A similar provision already is in place for facility namings, and proposed changes to Chapters 04 and 12 will add such a provision for other namings. [*§06.06.3*]

*[see next page for amendments to Chapter 06 since 08-09-2013 comprehensive review/amendments]*

## Amendments to Chapter 06 adopted since August 9, 2013:

**10-11-2013** ... Added a new §06.01.5 regarding a prohibition on acceptance of gifts designated for use as salary supplementation.

**10-10-2014** ... The following technical adjustment was made: In §06.05.4.b, a reference to "TTUHSC-El Paso" was changed to "TTUHSC El Paso" to conform to the Chapter 00 acronym for that institution.

**03-06-2015** ... In §06.03.2: • the reference to fund raising being a "centralized" service was changed to a "coordinated" service; and ... • President's were specifically authorized to have a development director that reports directly to the President, with the President and the institutional development director working in collaboration with the Chancellor and the Vice Chancellor for Institutional Advancement. In §06.03.3, it was clarified that the coordination of fund raising activities is a shared role for the Chancellor and Presidents.

**10-09-2015** ... Revisions were made to §06.01.2.b to conform state law citations and wording to changes made to Texas Tech's enabling statutes by the System clean-up legislation (S.B. 907).

**08-05-2021** ... §06.06 related to endowment or other gift related naming was deleted. The rules related to namings were consolidated in the new Chapter 13 of the *Regents' Rules*.

**09-01-2021** ... added §06.05.4.e. related to minimum endowment levels for research positions at MSU.

**08-11-2022** ... Comprehensive revisions were made to Chapter 06 to reflect the philosophical and operational shift in the management of Institutional Advancement (IA) activities to the component institutions with complementary and coordinating services being provided by the TTUS Administration.

This rewrite organized the flow of the chapter. The chapter sections are: 1) definitions; 2) roles and responsibilities; 3) management and coordination of activities; 4) gift acceptance and administration; 5) restrictions; and 6) affiliated entities.

There is now clear delineation of the roles and responsibilities of the board, the chancellor, vice chancellor for institutional advancement, and component institution presidents. Such clarity helps to satisfy SACSCOC accreditation standards while maintaining the board's legal role in accepting gifts.

For the first time in Regents' Rules, affiliated entities are defined, and guidelines are offered on how to formalize the process by which affiliated entities engage with the TTUS and its component institutions. This section also outlines the expectations that affiliated entities operate in a manner that aligns with the mission, operations, and objectives of the TTUS and its component institutions and provides for regular assessment of the relationship with affiliated entities.

The rewrite includes language outlining the unique management and coordination functions of the TTU System Office of Institutional Advancement (TTUSIA) and that of each component institution's advancement offices. Distinctions are made between the centralized supportive services provided by TTUSIA and the lead role of the component institutions in their fundraising activities.

Clarifying language is included related to gift acceptance and administration that addresses the role of the chancellor and vice chancellor for institutional advancement in establishing procedures for coordinated solicitation, proper acceptance, acknowledgment, and receipt of gifts. Additionally, language is updated to indicate the responsibility of the benefitting component institution president in evaluating gifts that require board acceptance and outlines dollar thresholds where the board is required to formally accept unrestricted gifts, restricted gifts, and gifts-in-kind.

Current monetary thresholds for the Board's acceptance of gifts have not changed.

Each component institution, in coordination with TTUSIA, is responsible for establishing minimum funding levels to support endowed chairs, professorships, deanships, and any other academic position(s). This replaces the previous minimum endowment levels in Chapter 06 which are deleted.

Language is included to provide for exigent circumstances approval in the acceptance of a gift by the chair and vice chair of the board with concurrent notice to the board of the decision. This ensures that regents are kept informed of major gifts that may be considered for approval between board meetings.

Clarifying language was included on the process by which gifts may be modified from their original purpose, with any modification being in accordance with Texas law. Clarifying language is also added regarding the appropriate use of fundraising for employee salaries and a prohibition is added for unlawful donor restrictions.

## **Chapter 07 – Fiscal Management**

### **Summary of comprehensive updates adopted on: February 28, 2014**

#### INTRODUCTORY NOTE:

Where needed, references to the Texas Tech University Health Sciences Center at El Paso are added, since the El Paso campus now is a stand-alone institution.

#### *Substantive revisions include the following:*

##### **Increase in the dollar threshold above which Board approval is required:**

- For budget item/adjustment approvals ... the threshold is increased from \$500,000 to \$1.0 million so that:
  - in excess of \$1.0 million = Board approves [*§07.04.4.a*]
  - \$1.0 million or less = Chancellor or President approves [*§07.04.4.b and §07.04.4.c*]
- For contract approvals ... the threshold is increased from \$500,000 to \$1.0 million so that:
  - in excess of \$1.0 million = Board approves [*§07.12.2.a*]
  - \$1.0 million or less = Chancellor or President approves [*§07.12.3 and §07.12.4*]

##### **Debt management policy:**

- Language is added to ensure that the Board must approve any and all use of debt. [*§07.05.1.a*]
- A reference to a statutory exception is added regarding long-term debt issuances that are not reviewed and approved by the Texas Bond Review Board. [*§07.05.2.b(7)*]
- A provision is added that requires Texas Tech's Office of Treasury and Cash Management to have procedures in place to ensure that interest earned by holders of Texas Tech's tax-exempt debt does not become taxable. [*§07.05.6*]

##### **Contracting in general:**

- A clarification is added that, for the purpose of determining whether Board approval of a contract is required, options to extend a contract are counted in the overall term of the contract. [*§07.12.1.d(1)*]

##### **Emergency approval of contracts:**

- The potential that a "walking quorum" could be used is deleted from the provision that governs emergency approval of contracts. [*§07.12.2.h*]

### **Consulting contracts:**

- Currently, Board approval is required for consulting contracts that cost more than \$25,000. There are occasions, though, when the initial intention is to pay a consultant more than \$25,000, but the consultant needs to start work prior to the date of a Board meeting at which Board approval can be granted. An informal process that's been used in these situations is codified within Chapter 07 whereby an "over \$25,000" consultant can begin work prior to Board approval **if**:
  - the contract includes a provision that limits the amount the consultant can be paid to no more than \$25,000 unless and until the Board has approved the contract; and
  - the Board chair and the Finance & Administration Committee chair authorize the use of this process in advance.[§07.12.2.d(1)(b)]
- Search firms would be deemed to be service providers and not consultants ... and thus are not be subject to the consulting contract approval requirements.  
[§07.12.2.d(3)]

### **Employment agreements:**

- A new general provision that governs the approval of employment agreements is established. [§07.12.2.f]
- Unless a specific exemption is provided, all employment agreements are subject to certain thresholds, above which Board approval is required. The thresholds include:
  - total compensation over the entire term of the agreement exceeds \$1.0 million;
  - term of the agreement is longer than 4 years; or
  - certain other factors, any of which would trigger a requirement for Board approval.[§07.12.2.f(2)]
- Exceptions that have special approval provisions include:
  - Chancellor and President contracts ... which will continue to be governed by their current provisions in Chapter 02. [§07.12.2.f(3)(a)]
  - Employment contracts for athletics directors and coaches ... with higher thresholds set for athletics directors and head coaches than for assistant coaches (with the current provisions and thresholds for assistant coach contracts kept as-is). [§07.12.2.f(3)(b)]
  - Health-related institution faculty employment contracts ... Current policy delegates to the President the authority to approve all such contracts. It is proposed that this special provision be modified so that health-related faculty contracts would be governed by the general policy for employment contract approvals ... but:
    - for determining whether the faculty member's compensation exceeds the dollar threshold that triggers Board approval, only the faculty member's compensation that is paid from state funds would be counted; and
    - a process for quick Board approval (by the Board chair or the chair of the Finance & Administration Committee) is available when needed.[§07.12.2.f(3)(c)]
- The summary table for contract approvals is supplemented with a new Appendix A that provides a more detailed and "plain English" explanation of the provisions that govern the approval of employment agreements.

[see next page for amendments to Chapter 07 since 08-09-2013 comprehensive review/amendments]



## Amendments to Chapter 07 adopted since August 9, 2013:

**03-06-2015** ... §07.03.6 was revised to require that, when a fraud investigation leads to disciplinary action against an employee, the employee's supervisor must consult with both the institution's Office of Human Resources and the Office of General Counsel before any disciplinary action is taken.

**10-09-2015** ... Due to changes in state contracting and purchasing laws made by S.B. 20, many amendments were needed to multiple sections of Chapter 07, including: §07.02.4.a ... §07.02.6 ... §07.02.7.o ... §07.03.2.b ... and extensively throughout §07.12. The following is a more comprehensive summary of these changes:

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

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

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

In order to conform §07.12 (contracting policies and procedures) of the *Regents' Rules* to these requirements, the following changes were adopted:

- (1) A current Board policy [§07.12.2.a] establishes the general threshold for Board approval of a contract at \$1.0 million per year. This provision remained unchanged, but the amendments [in §07.12.3.a] clarified this threshold as follows:
  - If the total amount of the contract over the entire term of the agreement exceeds \$1.0 million and the per-year amount exceeds \$1.0 million — Board approval is required.
  - If the total amount of the contract over the entire term of the agreement exceeds \$1.0 million but the per-year amount is \$1.0 million or less — the Board delegates its approval authority to the Chancellor or President, as appropriate.
- (2) Various subsections of §07.12 were relocated and grouped together to more clearly define the Board's delegations of authority, such as:
  - PROVISION RELOCATED WITHOUT CHANGE ... The Board delegates to the Presidents the authority to approve the proposals and to execute contracts for sponsored program (i.e., research) projects that exceed \$1.0 million per year. [§07.12.3.b]
  - PROVISION RELOCATED WITHOUT CHANGE ... The Board delegates to the Chancellor and Presidents the authority to execute contracts for minor construction projects (projects that total less than \$2 million). [§07.12.3.c]

[Amendments to Chapter 07, continued]

- PROVISION RELOCATED WITHOUT CHANGE ... Contracts that provide for the services of a consultant. [§07.12.3.d]
- PROVISION RELOCATED WITHOUT CHANGE ... The clarification that the contract approval policy does not apply to purchasing documents, which are processed in accordance with state laws and regulations that govern such purchases. [§07.12.3.e]

Changes also were needed to the sections on audits [§07.02] and on fraud policy [§07.03] to conform those policies to the following changes in statute made by S.B. 20:

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

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

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

**05-20-2016** ... Due to changes in state contracting and purchasing laws made by S.B. 20, additional amendments were needed to multiple sections of Chapter 07. Various other changes included:

**AUDIT:** The provisions that govern audit practices needed to be updated to reflect the new mission of internal auditing that was recently adopted by the Institute of Internal Auditors in its International Professional Practices Framework, which also addresses the code of ethics and standards for auditing.

**EMERGENCY APPROVAL OF A BUDGET ADJUSTMENT OR A CONTRACT:** Provisions that allow the Board chair or the chair of the Finance & Administration Committee to approve budget adjustments and contracts when an emergency exists were revised to:

- conform the budget adjustment provision to the contract provision so they both use the same “emergency or exigent circumstances” language; and
- require that proposals for the approval of budget adjustments and contracts proposals be submitted to the two chairs by the Chancellor or the Chancellor’s designee.

**‘EARLY START’ CLAUSE FOR “OVER \$25,000” CONSULTING CONTRACTS:** The provision that allows the Board chair and the chair of the Finance & Administration Committee to authorize an ‘early start’ for an “over \$25,000” consulting contract, with such contracts not progressing beyond the ‘early start’ stage unless approved by the Board, was revised to require that such ‘early start’ proposals must be submitted to the two chairs by the Chancellor or the Chancellor’s designee.

[Amendments to Chapter 07, continued]

**10-14-2016** ... §07.05.2.b was amended to bring the provision on the use of debt proceeds in line with U.S. Treasury regulations.

**08-11-2017** ... §07.12.4.e(2) was amended to require the prior review of \$25,000-or-less consulting contracts be done by the System CFO, rather than by the Board chair or the chair of the Finance & Administration Committee.

**10-20-2017** ... §07.12.4 was amended by:

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

**03-02-2018** ... Various amendments, including:

Debt and equipment financing policies

- §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.

Student financial assistance programs

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

**08-09-2019** ... Amendments included:

- amended §07.00.2, §07.05.1.e and §07.05.3.a to change the abbreviation of “HEAF” to “HEF”;
- added a new §07.05.2.b(6) to delegate authority to the Chancellor to approve RFS funding for minor construction projects; and
- added a new §07.07.4 and a new §07.08.3 to delegate to the Chancellor the authority over state comptroller deposits and primary/secondary depositories, respectively.

**02-24-2022** ... Amendments included:

- §07.02.3 – language added to reflect the current standards of audit practices.

[Amendments to Chapter 07, continued]

- §07.03.6.b – Added the Office of Equal Opportunity to the list of offices with which to consult when an employee’s fraudulent act leads to disciplinary action.
- §07.04.3.b – deleted antiquated certification requirement as TTU system is no longer subject to the TX Bond Review Board.
- §07.04.4.a.(1), §07.04.4.b.(1), §07.04.4.c.(1), and §07.04.4.f.(2) – updated regarding 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.
- §07.05.2.b(4) – added the word “division” to replace the word “area” as division is more accurately defined.
- §07.05.2.b(7) & §07.05.2.c – added clarification on the appropriate use of Higher Education Fund for financed projects and deleted antiquated language related to the Revenue Financing System.
- §07.10.1 – language added to indicate the role of the board in approving revisions to tuition and fees biannually to replace the existing requirement for annual approval.
- §07.12.1.b & §07.12.1.e-i – language added to clarify 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;(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; and (4) appropriate submission of contracts to the board for approval.
- §07.12.3.a & b– language added for term threshold for when a contract in excess of \$1 million require board approval - changed from “over the term” to “per annum” to be in line with state contracting laws.
- §07.12.3.d– language updated on the exemption from board approval for contracts that may be terminated without cause with notice of 180 days (up from 120 days).
- §07.12.3.e(1) – language relocated (previously in 07.12.4e) and the threshold for consulting contract requiring board approval increase to initial considerations in excess of \$100,000 (up from \$25,000). 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.
- §07.12.3.h – language 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. The requirement that the board approves sale of alcoholic beverages by a third-party vendor at any intercollegiate athletic event is also removed, thereby granting this approval to presidents.

- The summary table for contract approval is relocated to the end of the chapter and reflects the necessary updates
  - Other editorial changes throughout to improve clarity and readability.
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## **Chapter 08 – Facilities**

### **Summary of comprehensive updates adopted on: February 28, 2014**

#### **Major construction projects:**

- Dollar threshold for new construction projects that require Board approval made the same as the current threshold for repair and renovation projects. [*§08.01.3 and §08.01.4*]
- Codify and enhance the current informal policies and processes regarding pre-approval / pre-construction activities. [*§08.01.3.a*]
- Instead of allowing the cost of a major construction project to increase by up to 10% without re-approval by the Board, require any increase in the Board-approved project cost to come back to the Board for re-approval. [*§08.01.3.g(1)*]
- Add a provision to enhance data reporting and collection of projects managed by both FP&C and the institutions. [*§08.01.4.b*]

#### **FP&C fee structure:**

- Codify FP&C's project management fee structure in an official policy. [*§08.01.9*]
- Discontinue the 50% fee discount for ASU projects that had been an unofficial policy.

#### **Public art program:**

- Add a requirement that maintenance and conservation work needed for public artwork on an institution's campus be cataloged and prioritized, with the institution reporting annually to the Board and Chancellor on such work that's been done, is in progress, or is planned. [*§08.02.3.b*]

#### **Public Art Committee:**

- Clarify that the Chancellor approves the committee members from nominations submitted by the Public Art Committee. [*§08.02.4.a*]
- Provide that the Public Art Committee makes its recommendations about proposed new artwork to the respective President ... and the President makes a recommendation to the Chancellor ... and the Chancellor makes the final decision on whether the proposed new artwork is to be added to the public art collection. [*§08.02.4.b-d*]
- Add guidelines the Public Art Committee is to use in reviewing proposed gifts of public art. [*§08.02.4.c*]

#### **Preservation efforts:**

- Include "landmarks" as well as "buildings" for preservation efforts.
- Add a requirement that preservation activities for buildings and landmarks must conform to the institution's Campus Master Plan.  
[for both, *§08.03*]

### **Building plaques:**

- Change from "date of construction contract award" to "date of board approval of the project" for the information that is included on building plaques (e.g., this includes names of the Board officers/members, Chancellor, and President that would go on the plaques). [§08.04.2]

### **Use of space and facilities:**

- Add a new, fifth element to the list of priorities for use of Texas Tech space and facilities that authorizes "other leases" of space or facilities ... and for these "other leases," the use of space or facilities must be in accordance with the operating policies of the institution that owns the space or facilities. [§08.07.1.e]
- Revise/replace current provisions governing the use or lease of space or facilities by non-registered student groups or off-campus individuals or organizations. Establish a category of facilities that would be designated as "Community Cultural Facilities" – such as the TTU Museum – that are particularly suited to community outreach for private events ... with the institutions being "authorized and encouraged" to make those facilities available for rent for various events and with the institutions adopting operating policies to govern available times and space for such events, rental fees, event capacity, and the service of food/beverages. [§08.07.2]

## **Amendments to Chapter 08 adopted since February 28, 2014:**

**12-12-2014** ... The following amendments were adopted:

- In §08.01.9, the FP&C project management fee rate and calculation methodology were revised.
- In §08.02.4.e, a policy on honorary statues was added to the provisions that govern the Public Art Collection.
- In §08.07.5, a system-wide policy on the sale or service of alcoholic beverages was added.

**10-20-2017** ... The following amendments were adopted:

- §08.01.2 – replaced a provision relating primarily to major projects with a general statement on the thresholds for major and minor construction projects and the *Regents' Rules* section that governs each.
- §08.01.3 – comprehensive overhaul of the approval processes for major construction projects.
- §08.01.7 – added an authorization for the chancellor to approve the use of any contingency funds available for a project when immediate action is needed to address a life, health or safety risk for that project.

**05-18-2018** ... Added a feasibility study option (in §08.01.3.a) to the major project approval process.

**08-10-2018** ... Added §08.12 to delegate to the presidents the authority to adopt traffic and parking regulations, with the Board retaining approval authority for parking fee rates.

- 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.

**08-05-2021** ... §08.05 related to TTU system building and facilities naming was deleted. The rules related to namings were consolidated in the new Chapter 13 of the *Regents' Rules*.

- 02-24-2022** ... Amendments included:
- §08.00.6 & §08.01.3 – language added to define “Project Management Team” as the team responsible for managing major construction projects.
  - §08.01.1 – language added to update Texas Education Code citation related to competitive bidding for construction projects
  - §08.01.5 – language added regarding the applicability of federal regulations and institutional OPs to the procurement process for construction projects
  - §08.01.9 – 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
  - §08.02, §08.06.3 & §08.06.4 – language added to clarify: (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.
  - §08.06.5 – Clarifying language added 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
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## **Chapter 09 – Investments and Endowments**

### **Summary of comprehensive updates adopted on: August 8, 2014**

#### **Clarify that the Treasurer is responsible for the Short and Intermediate Term Investment Fund:**

- Add a definition for the Treasurer. [§09.00.05]
- The Treasurer is given the following responsibilities: “The Treasurer is responsible for the day-to-day investment activities related to the SITIF, with reporting responsibilities and delegated authority as defined in the Investment Policy Statement for the Short/Intermediate Term Investment Fund.” [§09.01.04]

#### **Identify the responsibilities of the investment consultant and investment managers:**

- The investment consultant will assist all the key stakeholders in developing policies. [§09.01.2]
- The Treasurer now has a role in managing the investment managers. [§09.01.5]

#### **Modification to reflect the authority of investment officers to authorize investment agreements:**

- The signature delegations have evolved through the Board of Regents and IAC discussions to allow the investment officers to authorize investment managers. [§09.02.3]

#### **Eliminate necessity of written reports when reports are available on-line:**

- Per state General Appropriation bills, certain investment reports must be posted on-line. Allowing investment status reports to be submitted on-line to the designated Board officers and executive administrators eliminates the need for written reports. [§09.02.7]

#### **Eliminate an arcane report:**

- Changes made to the Intermediate Pool eliminate the need to report on the weighted average maturity of investments. [§09.02.7.a(2)(e)]

*[see next page for amendments to Chapter 09 since 08-08-2014 comprehensive review/amendments]*

## **Amendments to Chapter 09 adopted since August 8, 2014:**

- 10-09-2015** ... In §09.07.3, the process for Board approval of mineral leases was conformed to the process used for Board approvals of other matters.
- 08-10-2018** ... §09.02 was revised to allow the SITIF investment policy statement to provide all of the policies that govern management of the SITIF.
- 12-13-2019** ... updated SITIF references to the new STIF and ITIF; and added language to handle exceptions to investments requested by a donor
- 12-10-2020** ... amendments to §09.00, §09.01.2, §09.02, and §09.03 to update STIF and ITIF references to the new combined Comprehensive Cash Pool (CCP); delete the roles and responsibilities of the IAC in §09.02; and define/clarify the roles of the CFO and CIO in §09.02.1 and §09.02.2
- 11-17-2022** ... amendments to §09.00.1 to add the Mission Driven Investment Fund (MDIF) as the third investment program; to §09.01.3 to add a definition for MDIF; to §09.05 to include clarification on the policies for the new MDIF; and various updates to section numberings throughout.
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## **Chapter 10 – Intellectual Property Rights**

### **Summary of comprehensive updates adopted on: [October 9, 2015](#)**

This will provide a summary of changes to Regents' Rule 10 which governs Intellectual Property. With this summary you will receive the proposed rule in full. An important part of development of the revisions to Rule 10 has been a parallel process extensively involving the TTU Faculty Senate which has led to revisions to TTU Operating Policy 74.04. Because that process has been integral to the revisions of Rule 10, we make reference here to some of those important changes.

#### **Introduction and Status**

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

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

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

#### **Ownership Issues:**

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

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

#### **Copyrightable Material:**

The ownership of copyrightable works is described in Section 10.03.3 of proposed Rule 10. The provision contains current exceptions related to traditional academic activity. Copyrightable material which qualifies as "work for hire" will be owned by the university. See proposed Rule 10, Section 10.03.3 (d). However, provisions in proposed Rule 10 and proposed

OP 74.04 seek to clarify faculty work which is (or is not) work for hire. Those clarifications are in proposed Rule 10, Section 10.02.14 and OP 74.04, Section 11 (i).

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

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

**Disclosure of Intellectual Property to the ORC:** Proposed Rule 10 articulates a broad duty of disclosure of intellectual property by creators (see Section 10.05).

**Revenue Sharing:**

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

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

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

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

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## **Chapter 11 – Athletics at TTU and ASU**

### **Summary of comprehensive updates adopted on: October 11, 2013**

-- The section on institutional control of athletics is strengthened by adding language from the NCAA Constitution that designates the presidents as having “ultimate responsibility and final authority” for their athletic programs. [*§11.01.3*]

### **Amendments to Chapter 11 adopted since October 11, 2013:**

**09-01-2021** ...Amendments throughout to include MSU and added new §11.02.5 for MSU’s Athletic Council membership, rules, regulations, and bylaws

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## **Chapter 12 – Honorifics and Seals**

### **Summary of comprehensive updates adopted on: August 9, 2013**

- A current provision governs the naming of schools, colleges, centers, institutes, and other entities when the naming is not a facility naming or a gift-related naming but the naming is in honor of a person or entity. That current provision is revised to:
- (1) govern any naming that's in honor of a person or entity when the facility or gift-related naming provisions do not apply; and
  - (2) add the ability for the Board to rescind a previously-approved naming.

[§12.05.1 and §12.05.2]

- The current section on seals of the System and institutions:
- has a reference to an out-dated set of "official Identity Guidelines" that was approved by the Board in 2005 as the document that governs the different styles and usage of seals; and
  - provides illustrations of the approved seals for the System and each institution.

The proposal is to off-load much of this section into a new and separate Board Policy Statement devoted to seals. This new Board Policy Statement would:

- (1) show all of the authorized seals and seal variations for each entity (including new seals for TTUHSC-El Paso);
- (2) address how and when each of the seal variations may be used; and
- (3) add illustrations of the TTU School of Law seal.

[§12.06 and new Board Policy Statement on "Seals of the TTU System"]

### **Amendments to Chapter 12 adopted since Aug. 9, 2013:**

**12-12-2014** ... The following amendments were adopted:

- A new §12.06 incorporated a policy on honorary statues.
- Subsequent sections were re-numbered accordingly.

**05-19-2017** ... A new §12.09 was added to authorize a seal monument for the TTU-Costa Rica campus.

**02-26-2021** ... A new §12.10 was added to authorize the TTU School of Veterinary Medicine seal.

**08-05-2021** ... §12.05 related to other honorific naming not a facility or gift related naming was deleted. The rules related to namings were consolidated in the new Chapter 13 of the *Regents' Rules*.

## **Chapter 13 – Namings**

### **Summary of new chapter adopted on: August 5, 2021**

- The new chapter to the Regents' Rules provides consistency and remove the practice where naming policies are addressed by four separate chapters of the Regents' Rules.
- Major provisions of the proposed new chapter include:
  - Enhanced definitions to clarify the areas impacted by the proposed new Chapter 13
  - Consolidation of all existing *Regents' Rules* provisions on namings into the new chapter
  - Establishment of guidelines for naming academic units and setting minimum gift amounts for academic unit and facility related namings
  - Delegation of authority to component institution presidents, in cooperation and coordination with TTUSA, to approve certain namings that meet specified dollar thresholds
  - Delegating the naming of streets, landscape features, monuments and fixtures to component institutions as governed by their operating policies
  - Clarification on the timing of public announcements of gifts and the requirements for providing advance notice to the board on highly visible namings
  - Establishment of guidelines related to benchmarking and consideration of termed namings and ensuring that component institution naming related operating policies are approved by the Board of Regents.
  - Requirement that all gift agreements include a reference and link to Chapter 13

### **Amendments to Chapter 13 adopted since August 5, 2021:**

**08-11-2022** ... Amendments to Chapter 06 made it necessary to make technical adjustments to Chapter 13. This included updating the definition of affiliated entities in §13.00.2 to match the Chapter 06 definition of the same, update definitions of gifts in §13.00.5; and updating the Exigent Circumstances provision in Section §13.05.8 to include language on concurrent notice to the board when exigent circumstances approval is given or a naming proposal.

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# **Investment Policy Statement for the Short/Intermediate Term Investment Fund**

**12-13-2019** ... Deleted and replaced by new STIF and ITIF policy statements.

## **Summary of comprehensive updates adopted on: August 8, 2014**

### **Changes to reflect organizational responsibility for Short/Intermediate Term Investment Fund (SITIF):**

- The Texas Tech system has organized and separated the two investment offices to align the offices with their fund responsibility. The Assistant Vice Chancellor of Treasury and Cash Management ("Treasurer") is responsible for the SITIF. [see *changes throughout the document*]

### **Simplify references to the Operating Funds Investment Committee to the "Committee." [see *changes throughout the document*]**

### **Compare investment manager performance against an index for the asset class, and set new performance goal for investment managers:**

- "The performance of each investment manager will be evaluated against a comparable index for its asset class and should outperform that index over a rolling three-year period. Managers underperforming over that period will be considered by the Committee for replacement." [§9.1.b]
- This is a change from the current policy of comparing investment manager performance against that of a peer group. An index for each asset class does exist, while finding a deep enough peer group would be difficult or impossible to identify.

### **Clarify the definition and methodology for calculation of the investment management fee:**

- Set the fee rate at 10 bps (0.1%) for management of the SITIF, and calculate the fee on a quarterly basis with a 1-month lag on the Intermediate Fund. [§14]

## **Amendments to SITIF policy statement adopted since Aug. 8, 2014:**

**10-14-2016** ... Securities and Exchange Commission rules revisions effective October 2016 included a change under which money market funds are no longer required to have a constant net asset value of \$1.00. It was recommended that Texas Tech's investment policy continue to require our money market fund purchases be in funds that are offered at a constant \$1.00 net asset value. Investment in "stable" net asset value funds offers better risk protection than investment in "floating" net asset value funds.

**08-10-2018** ... Amendments throughout to allow the Chief Investment Officer and the IAC to manage the Intermediate Pool portion of the SITIF, which had been managed by the Cash/Short Term Pools investment staff in the System CFO's office.



## **Investment Policy Statement for the Short Term Investment Fund**

**12-10-2020** ... Deleted and replaced by new CCP policy statement.

**12-13-2019** .. Due to significant differences in investment objectives and the day-to-day management as carried out by Office of Treasury and Office of Investments, the Investment Policy Statement for the Short/Intermediate Term Investment Fund (SITIF) was split into separate policy statements. The SITIF investment policy statement was deleted and, for the Short Term Investment Fund (STIF), a new investment policy was adopted.

Summary of new STIF Policy Statement:

- Investment objectives same as current SITIF:
  - preservation and safety of principal;
  - liquidity; and
  - return.
- Day-to-day operations by the Office of Treasury.
- Investment Vehicles:
  - Short Term Pool; and
  - New – Municipal Bonds rated A or better, Bond mutual funds of high quality as defined in the current policy.
- New sections – to outline administration of Cash Pool relationships with depositories and Broker/Dealer selection for the Short-Term Pool.
- Line up management fee assessment with the annual budget process.

## **Investment Policy Statement for the Intermediate Term Investment Fund**

**12-10-2020** ... Deleted and replaced by new CCP policy statement.

**12-13-2019** .. Due to significant differences in investment objectives and the day-to-day management as carried out by Office of Treasury and Office of Investments, the Investment Policy Statement for the Short/Intermediate Term Investment Fund (SITIF) was split into separate policy statements. The SITIF investment policy statement was deleted and, for the Intermediate Term Investment Fund (ITIF), a new investment policy was adopted.

Summary of new ITIF Policy Statement:

- Investment objectives are:
  - maximize investment returns;
  - achieve incremental growth to preserve purchasing power of ITIF assets; and
  - prudently diversify with appropriate liquidity.
- Day-to-day operations by the Office of Investments:
  - can be invested in unitized pools of the LTIF.
- Update asset allocation target, ranges and benchmarks
- Revise section for rebalancing between STIF and ITIF.
- Line up management fee assessment with the annual budget process.

## **Investment Policy Statement for the Comprehensive Cash Pool**

**12-10-2020** .. To create greater clarity on the use and oversight of institutional operating funds, the Investment Policy Statement for the Short Term Investment Fund (STIF) and Intermediate Term Investment Fund (ITIF) were combined into the Comprehensive Cash Pool (CCP), and a new investment policy statement was adopted. This change enhanced the distinction between operating funds and endowment funds which are managed under the LTIF.

Summary of new CCP Policy Statement:

- Investment objectives are same as current STIF:
  - preservation and safety of principal;
  - liquidity; and
  - return.
- Investment Vehicles: Investment structure of three segments based on cash flow requirements to provide sufficient liquidity covering operating outflows as well as preserving the system's excellent credit ratings
  - Cash Segment (to meet current operating needs);
  - Contingency Segment (to provide a margin of safety to meet current or unplanned expenditures); and
  - Noncurrent Segment (assets not needed in the other two segments to invested over a time horizon of 5 years or greater).
- Day-to-day operations by the Treasurer, under supervision of the CFO
- Update asset allocation target, ranges, and benchmarks from the old STIF; maintain asset allocation target, ranges, and benchmarks from the old ITIF for the new noncurrent segment.
- Update management fee assessment with relevant language from STIF and ITIF.

# **Investment Policy Statement for the Long Term Investment Fund**

## **Summary of comprehensive updates adopted on: [August 8, 2014](#)**

Changes in the Asset Allocation were presented to and approved by the Board of Regents on October 11, 2013. Additional changes are proposed now to the Investment Policy Statement for the Long Term Investment Fund ("LTIF") specifically to correlate with revisions proposed to Chapter 09, *Regents Rules*.

The Investment Advisory Committee ("IAC") undertook a thorough review and rework of the LTIF Investment Policy to address not only the approved Asset Allocation changes, but clearly define core beliefs, governance, as well as objectives and goals. In addition, a number of sections were added or updated to grant authority to the Chief Investment Officer ("CIO") in managing the overall investment strategy. The following is a summary of the changes proposed to the aforementioned sections.

### **Core Beliefs:**

- While not in the current policy, it is important to effectively communicate the core beliefs through an Investment Policy Statement. This section details 10 core beliefs that explicitly detail a framework for investing the assets of the LTIF. [*§10*]

### **Statement of Goals and Objectives:**

- This section was revised to detail the difference between an objective and a goal as well as set expectations for performance. [*§11*]
- The primary objective is to outperform the policy benchmark. The risk and return profile of a policy index is known, detailed, investable and transparent. It is expected that over time, the IAC, will outperform this policy. The goal is that, by focusing on achieving our objectives, we will outperform the vast majority of our peers in the NACUBO universe. The NACUBO universe, to be clear, is not investable, transparent or investable. However, the IAC expects that if we achieve our objective of beating the Policy benchmark, we will meet the goal of being top quartile in the NACUBO universe.

### **Governance:**

- The governance section was redrafted into a table format to easily communicate responsibilities from a policy and implementation perspective. [*§12*]
- Improvements were implemented to allow the CIO to restructure the portfolio in a more timely manner by allowing a negative consent voting process which, in many but not all cases, is conducted in an online process. [*see table entry in §12 re: "Manager Selection & Redemption"*]
- Also, the CIO is given the authority to tactically adjust the portfolio within explicit approved rebalancing ranges using futures, swaps or options, and combinations thereof. This policy change is congruent with the core beliefs detailed in Section 10. [*see table entry in §12 re: "Tactical Rebalancing" plus §12.2*]

### **Management Fee:**

- This section was updated to reflect the build-out of a professional team by codifying that the Office of Investments will receive 50% of the investment management fee approved by the Board of Regents. The CIO will prepare an annual budget for submission and preliminary approval by the IAC. The System CFO and Chancellor will, in turn, present the recommended budget to the Board of Regents for approval as part of the operating budget process. [§20]

### **Policy Allocation Target and Ranges:**

- Schedule A was updated to incorporate the Asset Allocation as approved by the Board of Regents on October 11, 2013. This section, in addition to the new derivatives policy, addresses guidelines and authorities related to implementing the Beta Overlay for the portable alpha program, along with the Tactical Allocation program. [see Schedule A: §1 and §2]
- The Beta Overlay program simply allows the CIO to gain passive exposure to markets, such as the equity market, through a derivative contract (i.e., a futures contract). The collateral for the derivatives is invested in a combination of cash (20%) and low, uncorrelated hedge fund strategies (80%). [see Schedule A: §3]

### **Derivatives Policy:**

- The Derivatives Policy was added to provide clear authorities and guidelines in the use of various derivatives for hedging, overlaying or structuring exposures with options. There are hard limits to the amount of overall derivatives exposure, as well as limits on OTC (over the counter) exposure. OTC exposure means that you have counterparty risk. This is also addressed by requiring credit support annexes and transfer thresholds, essentially turning an OTC swap into the same risk profile as an exchange traded futures contract. [see Schedule D]

### **Amendments to LTIF policy statement adopted since Aug. 8, 2014:**

- 05-19-2017** ... Various amendments throughout to conform policy to practice, including:
  - increase target allocations to the overlay program and any related exposures;
  - change the policy benchmark; and
  - make minor or clarifying changes for definitions and practices.
- 12-13-2019** ... Various amendments throughout to:
  - Update SITIF reference to new STIF and ITIF.
  - Update strategic asset class ranges terminology and policy ranges (on Schedule A).
  - Update management report requirements.
  - Line up management fee assessment with the annual budget process.

*[Amendments to LTIF Investment Policy, continued]*

**12-10-2020** ... Various amendments throughout to:

- Update role and responsibility of the Finance, Administration, and Investments Committee (FAI), the Chief Investment Officer (CIO), and Chief Financial Officer (CFO).
  - Delete all references to the Investment Advisory Committee and replace with description and function of the Investment Resource Committee (IRC) which will be managed by the CFO.
  - Clarify/simplify performance benchmarks (Global 60/40 + 100 bps over) and strategic benchmark (CPI+5% over rolling 10-year periods).
  - Updates to statement on core investment beliefs.
  - Inclusion of quarterly report by the CIO to the FAI committee.
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# **Investment Policy Statement for the Mission Driven Investment Fund**

**Summary of comprehensive changes adopted on: [November 17, 2022](#)**

To provide additional investment flexibility to component institutions, a new Mission Driven Investment Fund (MDIF) was created. The investment of funds for the MDIF are focused on advancing the overall mission of the institution as the primary objective with returns being a secondary consideration. Summary of new MDIF Policy Statement:

## **Investment objectives:**

- Focused on advancing the overall mission of component institutions as the primary objective with returns being a secondary consideration.

## **Sources of Capital and Limitations:**

- The policy establishes capital limits based on the source of funds: (1) Institutional Capital with a maximum of \$150,000 per year for each component institution or .015% of the Institutions' operating budget (with a maximum cumulative commitment of \$1 million in aggregate per institution); and (2) Donor Directed Capital, with approval from the MDIF advisory committee, having a \$150,000 limitation per donor.

## **Approval Process:**

- MDIF Advisory Committee will review and approve all proposed MDIF investments.
- MDIF Advisory Committee is comprised of the Chancellor, TTUS CFO, respective component institution CFO(s), TTUS Chief Investment Officer and TTUS Director of Investment Operations.

## **Cash Deposits:**

- The MDIF cash deposits will be invested in the Comprehensive Cash Pool ("CCP") cash segment until the capital is called by the investment firm.

## **Distributions:**

- All realized gains and distributions from the underlying MDIF investment are distributed according to the donor or institutions' direction

## **Board Policy Statement on Seals of the Texas Tech University System**

### **Summary of comprehensive changes adopted on: [August 9, 2013](#)**

On August 9, 2013, the Board of Regents created the Seals policy statement by off-loading from Chapter 12 (Honorifics & Seals), *Regents' Rules*, most of the details regarding the official seals and seal variations for each entity within the Texas Tech system. Section 12.06, *Regents' Rules*, continues to address the approval process for official seals along with the purposes for which such seals may be used. The Seals policy statement then provides illustrations of the seals that are authorized for official use as well as the manner in which various seal combinations may be used.

### **Amendments to the Seals policy statement adopted since Aug. 9, 2013:**

**10-10-2014** ...A revised seal for TTUHSC El Paso was adopted.

**12-12-2014** ...In §1 and §3, technical adjustments had to be made to section citations as the result of changes made in Chapter 12 [*where §12.06 was re-numbered as §12.07, and §12.07 was re-numbered as §12.08*].

**05-19-2017** ...An authorization for a seal monument for the TTU–Costa Rica campus was added via amendments to §2 and §3 plus insertion of a new, separate page that governs the use and design of the seal monument.

**02-26-2021** ...A seal for the TTU School of Veterinary Medicine was adopted via amendments to §2 and a separate page was added that governs the use and design of the TTU School of Veterinary Medicine seal.

**09-01-2021** ...A seal for MSU Texas was adopted.

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