

1. Title

Board Authority and Duties

2. Rule and Regulation

Sec. 1 Authority of the Board. The Legislature, which is given the duty and authority to provide for the maintenance, support, and direction of The University of Texas by [Article VII, Section 10](#) of the Texas Constitution, has delegated the power and authority to govern, operate, support, and maintain The University of Texas System to the Board of Regents. *Texas Education Code Section 65.11 et seq.* and [Section 51.352](#). Texas court cases construing these statutes have held that the Board has wide discretion in exercising its power and authority and that the rules adopted by the Board have the same force as statutes. The System's lands and buildings are State of Texas property subject to the control of the Board as the State's agent.

Sec. 2 Composition. Pursuant to *Texas Education Code Section 65.11*, the Board of Regents is composed of nine members appointed by the Governor, with the advice and consent of the Senate, for staggered terms of six years each, the terms of three members expiring on February 1 of odd-numbered years.

Sec. 3 Chairman and Vice Chairmen

3.1 Election of the Chairman and Vice Chairmen. The Chairman and Vice Chairmen of the Board of Regents shall be elected by the Board from its number, shall serve at the pleasure of the Board, and shall report to and be responsible to the Board. Election of the Chairman and Vice Chairmen shall take place in odd-numbered years after new members of the Board have been appointed and received the consent of the Senate. At the election, the Board shall designate which Vice Chairman shall assume the duties of Chairman in case the Chairman is unable to serve.

3.2 Inability to Serve. In case of the absence, death, resignation, disability, removal, or disqualification of the Chairman, the Chairman's duties shall be assumed by the designated Vice Chairman until the Chairman resumes office or the Board elects a successor Chairman. Upon

the death, resignation, disability, or removal of a Vice Chairman, the Board shall elect a successor Vice Chairman as soon as practicable.

3.3 Duties and Responsibilities of the Chairman. The duties and responsibilities of the Chairman shall include the following:

3.3.1 The Chairman shall preside over the meetings of the Board.

3.3.2 The Chairman shall be authorized to call special meetings of the Board.

3.3.3 The Chairman shall appoint the standing committees of the Board and such special committees as the Board may authorize.

3.3.4 The Chairman shall appoint ad hoc committees as necessary to address special issues.

3.3.5 The Chairman shall be a nonvoting ex officio member of all standing and special committees of the Board.

3.3.6 The Chairman, as the Board's elected leader, directs the day-to-day activities of the Board.

Sec. 4 Duties and Responsibilities of Each Regent.

4.1 In carrying out the Board's duties and responsibilities, it is the responsibility of each Regent to be generally knowledgeable regarding the operations, management, finances, and effectiveness of the academic, research, and public service programs of the U.T. System and the duties, responsibilities, and obligations of the member. Members of the Board are to be provided access to such information as will enable them to fulfill their duties and responsibilities as Regents of the U.T. System.

4.2 A Regent may not publicly disclose information that is confidential by law, unless disclosure is required by law or made pursuant to a vote of the Board to waive an applicable privilege.

In addition, the use or disclosure of information that has not been made public may implicate the provisions of *Texas Penal Code* [Section 39.06](#) (Misuse of Official Information).

- 4.3 Members of the Board shall bring concerns about operations, accountability, compliance, or the need for an investigation to the Chancellor, Chairman, Board, or an appropriate Committee of the Board.
- 4.4 Members of the Board will at all times respect the role of the Chancellor as the chief executive officer of the U.T. System and will at all times respect management and reporting lines for U.T. System and institutional employees.
- 4.6 Each member of the Board must complete statutorily required trainings and may be legally restricted in what official actions they may take until such training is completed.

Sec. 5 Board Self-Evaluation. To assess the effectiveness of the Board of Regents as a whole, the Board will continue to regularly define and evaluate its responsibilities and expectations as follows:

- 5.1 The Board will conduct a self-evaluation of its responsibilities and expectations at least every two years. The Board may also choose to engage in an additional self-evaluation upon the election of a new Chairman.
- 5.2 The self-evaluation will include assessments regarding
 - (a) Board organization, leadership, and committee responsibilities and structure;
 - (b) Board orientation and ongoing education;
 - (c) Board fiduciary oversight of the U.T. System;
 - (d) Board's role in establishing policy;
 - (e) Board's oversight of the Chancellor as chief executive officer of the U.T. System; and
 - (f) Board's method for identifying and addressing potential Regental conflicts of interest.

Sec. 6 Communication with Faculty, Staff, and Administration. Members of the Board of Regents are to be provided access to such personnel as in their individual judgments will enable them

to fulfill their duties and responsibilities as Regents of the U.T. System.

6.1 The regular channel of communication from members of the Board to the faculty, staff, and administration is through the Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved, and a copy of any communication sent by a Regent directly to any member of the faculty, staff, or administration should be furnished to the Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved; however, individual Board members are not precluded from direct participation and communication with the presidents, faculty, staff, and students of the U.T. System.

6.2 Official materials for members of the Board of Regents shall be sent to the Office of the Board of Regents for distribution to the Board.

Sec. 7 Public Statements on Controversial Matters. The Board of Regents acts to determine the official position of the U.T. System or the Board of Regents on matters of an obviously controversial nature.

7.1 Statements on such matters on behalf of the Board or the U.T. System shall be made by the Chairman of the Board or the Chancellor. Accordingly, except as allowed in this Rule, no Regent, officer, or employee shall make or issue any public statement on an obviously controversial subject which might reasonably be construed as a statement of the official position of the U.T. System or the Board of Regents without the advance approval of the Board.

7.2 It is not the intent of this policy statement to stifle the right of freedom of speech of anyone speaking in a personal capacity where that person makes it clear by an express statement that he or she is not speaking for the U.T. System or the Board of Regents.

7.3 Except in unusual circumstances, Regents are expected to coordinate media contacts with and to provide advance notice to the U.T. System Office of External

Relations, Communications and Advancement Services regarding any media contacts and press statements.

Sec. 8 Records and Information Management. Members of the Board of Regents shall comply with the Systemwide policies regarding records retention and information management, including policies on encryption, retention, destruction, and release of documents.

8.1 In addition to required training under State law, each member of the Board will be provided training on records and document management, including compliance with U.T. System records and retention policies.

8.2 U.T. System Administration will provide a U.T. System email address and account to each Regent at the beginning of service as a member of the Board of Regents. Members of the Board are expected to use U.T. System email addresses for all communications related to public business or public policy over which the Board of Regents has supervision or control.

3. Definitions

None

4. Relevant Federal and State Statutes

Texas Constitution [Article VII, Section 10](#) – Establishment of University

Texas Education Code [Section 51.352](#) – Responsibility of Governing Boards

Texas Education Code [Section 61.0841](#) – Intensive Short Course for Appointed Members of Governing Boards

Texas Education Code [Section 65.11](#) – Board of Regents

Texas Education Code [Section 65.12](#) – Qualifications and Terms

Texas Government Code [Section 551.006](#) – Written Electronic Communications Accessible to Public

Texas Government Code [Sections 551.005](#) and [552.012](#) – Open Meetings Training and Open Records Training

Texas Government Code [Section 2054.5191](#) – Cybersecurity Training Required

Texas Penal Code [Section 39.06](#) – Misuse of Official Information

5. Relevant System Policies, Procedures, and Forms

Regents' Rules and Regulations, [Rule 10403](#) – Board Meeting Accessibility and Public Participation

Regents' Rules and Regulations, [Rule 10801](#) – Policy on Transparency, Accountability, and Access to Information

The University of Texas Systemwide Policy [UTS 115](#), *Records and Information Management Policy*

The University of Texas Systemwide Policy [UTS 139](#), *Texas Public Information Act*

The University of Texas Systemwide Policy [UTS 165](#), *Information Resources Use and Security Policy*

6. System Administration Office(s) Responsible for Rule

Office of the Board of Regents

7. Dates Approved or Amended

[Regents' Rules Revision History](#)