



AGENDA
FOR MEETING
of
THE UNIVERSITY OF TEXAS SYSTEM
BOARD OF REGENTS

May 6, 2020
Austin, Texas

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RECESS TO EXECUTIVE SESSION PURSUANT TO <i>TEXAS GOVERNMENT CODE</i> , CHAPTER 551	10:00 a.m.
1. Individual Personnel Matters Relating to Officers or Employees – Section 551.074	
a. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions); U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors); other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive); Board members; and U. T. System and institutional employees	

Wednesday, May 6, 2020 (cont.)

- b. **U. T. System: Discussion and appropriate action regarding individual personnel matters relating to assignment and duties of the Chancellor, including responsibilities associated with the admissions procedures set forth in Regents' *Rules and Regulations*, Rule 40303**
 - c. **U. T. Health Science Center - Houston: Discussion and appropriate action regarding proposed compensation for Sunjay Kaushal, M.D., Professor of Surgery, Department of Surgery (Regents' *Rules and Regulations*, Rule 20204, regarding compensation for highly compensated employees)**
 - d. **U. T. Austin: Discussion and appropriate action regarding terms of compensation for Dr. Jay Hartzell as interim president**
2. Negotiated Contracts for Prospective Gifts or Donations – Section 551.073
- a. **U. T. System Academic Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features**
 - b. **U. T. System Health Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features**
3. Consultation with Attorney Regarding Legal Matters or Pending and/or Contemplated Litigation or Settlement Offers – Section 551.071
- a. **U. T. System Board of Regents: Discussion with Counsel on pending legal issues**
 - b. **U. T. System Board of Regents: Discussion and appropriate action regarding legal issues concerning pending legal claims by and against U. T. System**
 - c. **U. T. Austin: Discussion and appropriate action regarding legal issues related to the utilization of the Brackenridge Tract, including land bounded by the Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas**
4. Deliberations Regarding the Purchase, Exchange, Lease, Sale, or Value of Real Property – Section 551.072
- U. T. Austin: Discussion and appropriate action regarding the lease, uses, or value of property related to the Brackenridge Tract, including land bounded by Exposition Boulevard, Lake Austin Boulevard, and Enfield Road, Austin, Travis County, Texas**
5. Deliberation Regarding Security Devices or Security Audits – Sections 551.076 and 551.089
- U. T. System Board of Regents: Discussion and appropriate action regarding safety and security issues, including security audits and the deployment of security personnel and devices**

Wednesday, May 6, 2020 (cont.)

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION, IF
ANY, ON EXECUTIVE SESSION ITEMS

*11:15 a.m.
approximately*

ADJOURN

*11:30 a.m.
approximately*

1. **U. T. System Board of Regents: Approval of Consent Agenda and consideration of any items referred to the full Board**

RECOMMENDATION

The Board will be asked to approve the Consent Agenda beginning on [Page 61](#).

2. **U. T. System: Update and possible appropriate action regarding COVID-19 issues and response**

3. **U. T. System: Update and possible appropriate action related to implementation of CARES Act provisions**

4. **U. T. System: Consideration of recommendations from the U. T. System Student Advisory Council**

INTRODUCTION

The U. T. System Student Advisory Council's recommendations will be taken into consideration by the Board of Regents. The Council's recommendations are set forth on the following pages.

BACKGROUND INFORMATION

The U. T. System Student Advisory Council was established in 1989 to provide input to the U. T. System Board of Regents working through and with the Chancellor and U. T. System Administration on issues of student concern. The operating guidelines of the Council require that recommendations have a multi-institutional focus and that the Council explore individual campus issues with institutional administrators prior to any consideration thereof. The Student Advisory Council consists of two student representatives from each U. T. System institution in addition to five elected officers and meets three times a year in Austin.

Council officers are:

Chair: Mr. Mustafa Mithaiwala, U. T. Health Science Center - San Antonio, Neuroscience Graduate Program, Ph.D. candidate

Academic Success Committee: Mr. Isaac Varela, U. T. El Paso, Electrical Engineering

Career Success Committee: Mr. Joshua Menhennett, U. T. Tyler, Marketing

Affordability Committee: Ms. Jessica Martinez, U. T. El Paso, Nursing

Campus Wellness Committee: Ms. Elena Ivanova, U. T. Austin, Public Health/Plan II Honors Program

2019-20 Student Advisory Council: Summary of Recommendations

Committee	Committee Chairs	Purpose	Issues Identified	Outcome
Affordability	Jessica Martinez, U. T. El Paso Mitul Kachhla, U. T. Arlington	To explore issues related to student financial well-being at U. T. institutions and make recommendations as appropriate.	Tuition and fee transparency	Recommending that U. T. academic institutions post a breakdown of tuition and fees by Semester Credit Hours, program of study and residency status. Additionally, recommending that academic institutions explore adopting U. T. Arlington's tuition and fee estimator tool.
			Student involvement in the tuition-setting process	Recommending that U. T. academic institutions include procedures in the Handbooks of Operating Procedures for including students in the tuition-setting process.
			Graduate student funding packages	Recommending the establishment of campus committees every other year to assess cost-of-living adjustments for graduate students' stipends.
			Open educational resources	Providing a letter of support and student testimonials for the U. T. System Affordable Learning Accelerator Task Force.
Campus Wellness	Elena Ivanova, U. T. Austin Gavin Mitchell, U. T. Arlington	To explore issues that impact campus life, student health, and general well-being at U. T. institutions, and make	Mental Health	Providing a letter of support for the continued funding of Systemwide mental health initiatives and recommending the establishment of a task force to assess the

		recommendations as appropriate.		effectiveness of existing programs and identify new potential services.
			Sexual Misconduct	Recommending several steps be taken in order to better support survivors of sexual misconduct, including assessing capacity and resources at each institution.
			Tobacco-Free Campuses	Providing support for the existing U. T. policy on tobacco-free campuses, and recommending strategies to improve enforcement and cessation support, especially as it relates to vaping.
			Sustainability	Recommending strategies to ensure compliance with existing U. T. System Sustainability Policy.
			Diversity and Inclusion	Passed a resolution in support of diversity and condemning white supremacy.
Academic Success	Issac Varela, U. T. El Paso Jack Rust, U. T. San Antonio	To explore issues that impact student success, including retention and graduation, and make recommendations as appropriate.	Support for first-generation, nontraditional and other high-risk student groups	Requesting information from the U. T. System Guiding Coalition for Student Success regarding the programs and services in place to support the success of high-risk student populations.
Career Success	Xavier Rice,	To explore issues that impact postgraduation	Faculty mentorship of graduate	Recommending the expansion of mentor training for graduate-level

<p>U. T. Medical Branch – Galveston</p>	<p>career success and make recommendations as appropriate.</p>	<p>students and mentor training</p>	<p>faculty, including participation in the National Research Mentoring Network and the Center for Improvement of Mentored Experiences in Research.</p>
<p>Joshua Menhennett, U. T. Tyler</p>		<p>Career services and resources available on campuses</p>	<p>Recommending minimum career services and resources to be provided by each U. T. academic institution.</p>

5. U. T. System: Discussion and Appropriate Action regarding institutional Audit Committee chair changes; Report on the State Auditor's Office Statewide Single Audit Report for FY 2019 and Systemwide internal audit administrative items, including Required Communications and Annual Audit Plan Status

Chief Audit Executive Peppers will:

- 1) provide a report on the State Auditor's Office (SAO) State of Texas Federal and Financial Portions of the Statewide Single Audit for Fiscal Year 2019;
- 2) discuss required communications to the Committee, including independence of the Chief Audit Executives and the triennial quality assurance review process; and
- 3) provide an update on the Fiscal Year 2020 Annual Audit Plan status as of February 29, 2020.

Details on the SAO audit results, required communications, and Audit Plan status was provided to the Audit, Compliance, and Risk Management Committee (ACRMC) members prior to the meeting.

RECOMMENDATION

Mr. Peppers, on behalf of the Presidents at U. T. Austin, U. T. San Antonio, U. T. Tyler, and U. T. Health Science Center - San Antonio, recommends formal approval by the ACRMC of the appointment of the following individuals to serve as Chairs of the Institutional Audit Committees:

- Elizabeth Henke Yant, Retired Partner, PricewaterhouseCoopers LLP, at U. T. Austin;
- Frank Burk, Retired Partner at Carneiro, Chumney & Co. L.C., CPAs, at U. T. San Antonio (reappointment);
- Rose Blakely, Retired Co-Founder, President, and Shareholder, Curtis Blakely & Co., P.C., CPAs & Consultants, at U. T. Tyler; and
- Tony Randal (Randy) Cain, Former Ernst & Young Vice Chair and Southwest Region Managing Partner, at U. T. Health Science Center - San Antonio.

ACRMC Chairman Beck has reviewed the proposed appointments.

BACKGROUND INFORMATION

The Texas State Auditor's Office performs the Statewide Single Audit annually. The audit includes a federal portion, which is an audit of compliance and controls over the State's federal awards, and a financial portion, which includes an audit of the basic financial statements for the State of Texas. These reports are submitted to the federal government.

Required communications to the Board include the discussion of internal auditing professional standards and confirmation of the organizational independence of the internal audit activity. Through their annual certification process, all institutional chief audit executives confirmed they are receiving adequate support to conduct the necessary audit services and there are institutional internal audit departmental processes to ensure compliance with professional standards.

The Regents' Rules require the ACRMC to annually review and approve nominations from all the institutional presidents for external member chairs of their institutional audit committees. For this year, the full Board is asked to approve the nominations.

6. U. T. System Board of Regents: Approval to renew the contract with Deloitte & Touche LLP to provide financial auditing services for Fiscal Years 2020 and 2021

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Health Affairs, that the U. T. System Board of Regents approve for Deloitte & Touche LLP (Deloitte) to provide independent auditing services for the Fiscal Year 2020 and Fiscal Year 2021 financial statement audits of the U. T. System, U. T. Austin, U. T. Southwestern Medical Center, U. T. Medical Branch - Galveston, U. T. M. D. Anderson Cancer Center, and the funds managed by The University of Texas/Texas A&M Investment Management Company (UTIMCO).

Approval is requested for U. T. System staff to negotiate and enter into an auditing services contract amendment with Deloitte to renew the contract for a two-year term pursuant to delegation of authority from the State Auditor's Office.

BACKGROUND INFORMATION

The contract with Deloitte, effective June 30, 2016, to provide audit services for Fiscal Years 2016 and 2017 expired on May 30, 2018, and was renewed for Fiscal Years 2018 and 2019 on February 27, 2018 to expire on May 30, 2020. It has an option to renew for an additional two years.

The source of funding for this contract is primarily Available University Funds, as approved for the prior contracts.

7. **U. T. El Paso: Approval of preliminary authority for a Doctor of Philosophy in Sociology degree program**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve

- a. preliminary authority for U. T. El Paso to create a Doctor of Philosophy in Sociology degree program; and
- b. notification of the proposal to the Texas Higher Education Coordinating Board.

BACKGROUND INFORMATION

The proposed research doctoral (Ph.D.) program in Sociology would be a traditional face-to-face degree program offered to full-time doctoral students. The program will specialize in the comparative sociological study of national and social processes that connect and transcend the boundaries of the United States and Mexico, drawing on the advantage of our unique location on the U.S.-Mexico border.

The job outlook for graduates of a Ph.D. program in sociology now and in the foreseeable future is favorable. According to the U.S. Bureau of Labor Statistics, employment for sociologists prepared at the doctoral level is expected to increase by 9%, faster than the average for all occupations (5%). An additional indicator of job market need is the unemployment rate relative to other occupations. According to the American Sociological Association, in 2017 the unemployment rate for doctorate holders in sociology was 1.6%, compared to 1.9% for all social science fields and 2.4% for all science, engineering, and health fields. Lastly, in 2018 the median annual salary for sociologists was \$82,000, compared to the median annual salary for all social scientists, which was \$78,600.

The U. T. El Paso Department of Sociology and Anthropology has 15 faculty who would contribute to the doctoral program. The research productivity of the faculty compares favorably to that of their peers nationally.

Once preliminary authority has been approved, U. T. El Paso will submit the full degree program proposal for approval to the U. T. System Board of Regents and the Texas Higher Education Coordinating Board.

8a. U. T. Arlington: Approval to establish a Bachelor of Science in Business Analytics degree program

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, and the institutional administrator in charge that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Bachelor of Science degree program in Business Analytics at U. T. Arlington; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The Bachelor of Science in Business Analytics (BSBA) is a Science, Technology, Engineering, and Math (STEM) program designed to provide tools and technologies that are needed to bring value-added decisions to the strategic goals of an organization. The program will prepare graduates to apply skills, technologies, and practices to investigate business performance through data and statistical methods. In addition, the program teaches graduates how to apply these techniques to decision-making.

Need and Student Demand

The Texas Workforce Commission projects from 2016 to 2026, an increase of 36% in job openings in Mathematical Science Occupations and an 18% increase for job openings for Database Administrators. These are two employment areas students may be able to enter upon completing the program.

In 2017, the Business-Higher Education Forum released a report that projects continued growth and demand for graduates with data science and analytical skills. Specifically, the report cites that by 2021 nearly 70% of business leaders in the United States will prefer job applicants with data skills. While the research cites 2.35 million documented data science and analytics-related job postings in 2015, it projects the number to grow to 2.72 million by 2020.

The University anticipates an enrollment of 40 students in Year 1 of the program, growing by approximately 20 students per year, with 120 students anticipated to be enrolled by Year 5. An investment in student success by the College of Business, through additions in advising, tutoring, and graduate teaching assistant support is intended to mitigate attrition and improve completion rates. The College of Business continues to improve on student success and completion by focusing on student success factors and improving upon guided pathways for both transfer students and first-time college students.

Program Quality

The program will be comprised of nine core and five support faculty, who are existing tenured and clinical faculty. The proposed program will not require the addition of any new faculty.

The quality of the program will be addressed at several levels. This proposed program will be accredited by the Association to Advance Collegiate Schools of Business (AACSB). Program evaluation is conducted via multiple processes: the Student Feedback Survey (SFS), AACSB program review, and the Unit Effectiveness Process (UEP). The SFS is U. T. Arlington's course-level evaluation process where course evaluations are completed by students. The SFS is intended to continually improve teaching and learning. The UEP is U. T. Arlington's program-level institutional effectiveness process that seeks continuous program improvement through the assessment of student learning outcomes. Annually, programs identify expected student learning and advising outcomes, assess the extent to which these outcomes are achieved, and implements improvements to the program as indicated by the assessment data.

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries (Reallocated)	\$2,313,930
Benefits (Reallocated)	\$ 686,679
<i>Graduate Students</i>	
TA Salaries	0
TA Benefits	0
GRA Salaries	\$ 18,900
GRA Benefits	0
<i>Staff & Administration</i>	
Graduate Coordinator Salary	0
Administrative Staff Salaries	\$ 82,350
Administrative Staff Benefits	\$ 24,705
Recruiter, Advisor (Reallocated)	\$ 265,005
Recruiter, Advisor Benefits (Reallocated)	\$ 79,502
<i>Other Expenses</i>	
Supplies and Materials	\$ 14,500
Equipment	\$ 29,500
Start-up (Course Dev w/ fringe)	\$ 26,000
Marketing	\$ 25,000
Total Expenses	\$3,566,071

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$ 149,774
Tuition and Fees	\$5,311,857
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$3,345,116
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
N/A	
Total Revenue	\$8,806,747

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor's degree programs.

8b. U. T. Austin: Approval to establish a Bachelor of Arts and a Bachelor of Science degree programs in Informatics

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, and the institutional president that authorization, pursuant to the Regents' *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Bachelor of Arts degree program and a Bachelor of Science degree program in Informatics at U. T. Austin; and
- b. submit the proposals to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

The field of informatics focuses on how information intersects with people, technology, and data. The interdisciplinary bachelor's degree program in informatics, which will be offered using face-to-face, web-based, and blended learning courses, is designed to provide students with a deep understanding and knowledge of how data, information, and technology can benefit individuals, organizations, and society. The informatics program would offer both a Bachelor of Arts (B.A.) and Bachelor of Science (B.S.) degree option, to serve undergraduate students interested in either a liberal arts-based or Science, Technology, Engineering, and Math (STEM)-based approach to the rapidly growing study of the intersection of people, information, technology, and data. It will prepare graduates to leverage marketable information technology and data science skills to compete for top technology-related jobs in a wide range of careers from health care to records management to artificial intelligence.

Need and Student Demand

With advancements in information technology, there is an increased need for experts who not only understand how technology functions, but also understand the social, cultural, and ethical issues surrounding the design, development, support, and access to these technologies.

Available data indicate that undergraduate students who pursue informatics degrees are in great demand on the job market. For example, in 2017, 80% of students who received a B.S. in Informatics from The University of Washington Information School were earning salaries between \$60,000 and \$150,000 within three months of graduation. Twelve percent of those graduates received three or more job offers, and 25% received two job offers. Similar results can be found at The University of Michigan School of Information. One hundred percent of the graduates from its B.S. in Information program find jobs within the first three to four months of graduation, with an average starting salary of \$70,000. These examples indicate a high demand for undergraduates with an informatics degree.

In the last five years, the City of Austin has added 1,200 more tech jobs than tech graduates, with these jobs paying an average salary of \$95,000. Further, the City of Austin continues to be a growing “tech hub” with major technology companies increasing their presence and adding thousands of employees.

However, Austin also ranks in the top 10 big cities suffering from “brain drain”, with a 38.4% retention of its college graduates. As information technology continues to progress as Austin’s leading industry, informatics majors will only be more in demand. Additional graduates in this field will strengthen the Austin ecosystem by helping to fill employment vacancies with graduates from the same city.

In May 2019, a survey of 192 potential employers was conducted. Eighty-eight responses (46% response rate) were received. Among the employers surveyed, 94% indicated an interest in hiring applicants with a bachelor’s in informatics from the U. T. Austin School of Information. Further, 80% would be interested in hiring interns who were in the process of completing a bachelor’s in informatics from the U. T. Austin School of Information.

Nationally, informatics is proving to be an area of particular success and growth, even among STEM programs. Bachelor’s completions in informatics exhibited over 50% growth between 2010 and 2014. A program in informatics at U. T. Austin is appealing to students based on a survey of 105 undergraduate students enrolled in undergraduate courses offered by the School of Information. Of those surveyed, 59% of respondents indicated they would have definitely, probably, or possibly been interested in pursuing an undergraduate major offered by the School of Information. Asked a different way, approximately one third would prefer a stand-alone major either in addition to or instead of their current major.

There is a strong demand for STEM education at U. T. Austin, by both prospective and current students. However, current degree programs cannot accommodate the number of qualified and interested students due to enrollment limitations. The informatics program will help serve students who would otherwise not attend U. T. Austin because they could not get into a STEM program due to capacity, potentially seeking education by leaving Texas. It will also potentially lessen the stress on existing degrees by offering another option to students generally interested in technology, but who find themselves more interested in the human end of computing than solely in the circuitry or the underlying code. It would also serve students who enter the university undeclared, but still face the challenge of near-capacity degree programs.

Program Quality

Core existing faculty includes 10 tenured/tenure-track faculty in the School of Information, three full-time nontenure-track faculty, and a pool of part-time adjunct faculty. The School is currently hiring six additional faculty who will contribute to the program and will hire additional faculty as the program grows. The existing faculty have doctoral degrees in information studies/science, science and technology studies, psychology, computer science, engineering, and the humanities. The School of Information is currently ranked 5th (tie) in the *U.S. News & World Report* “Best Library and Information Studies Program” rankings, and a recent published analysis of information programs identified the School of Information as the 3rd (tie) most prolific information school as measured by overall research impact, and the 2nd most highly cited. This high research impact informs teaching and allows the faculty to teach students cutting-edge knowledge.

An additional measure of program quality was the Texas Higher Education Coordinating Board review in 2019 of the School's graduate programs, in which the external review committee report found the School of Information to be a "vibrant, healthy, and thriving learning environment. The School's students, faculty, and staff are actively engaged in the mission of the School" and concluded that its programs enjoy strong reputations locally, statewide, nationally, and internationally.

Lastly, the informatics program has the potential to greatly benefit traditionally underrepresented populations in STEM and at U. T. Austin. The existing graduate programs currently boast the highest percentage of females in STEM programs at U. T. Austin, and the undergraduate program is likely to mirror that success.

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries (including benefits)	\$5,111,950.02
Program Administration	\$1,339,074.45
<i>Graduate Students</i>	
Graduate Assistants (with benefits)	\$ 718,485.30
<i>Staff & Administration</i>	
Administrative Staff Salaries (with benefits)	\$ 801,855.58
<i>Other Expenses</i>	
Student Support (Scholarships)	\$ 317,856.00
Supplies and Materials	\$ 65,500.00
Equipment	\$ 100,000.00
Start-up packages for new faculty	\$1,000,000.00
Advertising	\$ 30,000.00
Total Expenses	\$9,484,721.35

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	0
Tuition and Fees	0
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$9,484,721.35
<i>From Grant Funds</i>	
N/A	
<i>From Other Revenue Sources</i>	
N/A	
Total Revenue	\$9,484,721.35

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new bachelor's degree programs.

8c. U. T. Rio Grande Valley: Approval to establish a Doctor of Philosophy in Human Genetics degree program

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that authorization, pursuant to Regent's *Rules and Regulations*, Rule 40307, related to academic program approval standards, be granted to

- a. establish a Doctor of Philosophy in Human Genetics degree program at U. T. Rio Grande Valley; and
- b. submit the proposal to the Texas Higher Education Coordinating Board for review and appropriate action.

BACKGROUND INFORMATION

Program Description

U. T. Rio Grande Valley proposes to develop a Doctor of Philosophy (Ph.D.) in Human Genetics degree program that will address the growing need for researchers in human genetics and genomics. The Ph.D. in Human Genetics will be a four-year, full-time, research-intensive program consisting of 72 credit hours.

The proposed degree program is designed to develop the next generation of independent scientists in human genetics and genomics, with a heavy focus on research training. The program will be focused on applications of human genetics to medicine and will encompass training across the breadth of genetics, from molecular genetics through computational approaches to analysis.

Since the completion of the human genome project, the use of genetic testing and genetic approaches for understanding disease and applying personalized medicine based on each patient's genetic makeup has significantly grown. This growth is associated with an increased demand for qualified geneticists in the areas of basic research, clinical research, medical care, and biological science. Because of the location of the program in the Rio Grande Valley, there will be a natural focus on the diseases and conditions that disproportionately affect minority populations, particularly Hispanics.

The proposed degree program is structured to produce highly qualified, research-oriented human geneticists able to meet the critical need for genetics expertise in the coming decades.

Need and Student Demand

The American Society of Human Genetics has noted a current and continuing shortage of human geneticists able to meet the labor demands generated from the expanding understanding of the human genome and proliferation of genetic testing. Doctoral-level human geneticists will be needed in the traditional academic areas of basic science, clinical research,

and education. However, they will also be needed in management and consulting, biocuration and bioinformatics, patent law, biotechnology, pharmaceutical development, clinical laboratory management, health policy, science reporting, and scientific editing.

The expected growth in need for human geneticists is substantial. Market research reports reflect a primary need for advanced genomic/genetic scientists growing at a rate of nearly 20% per year. These reports identify primary areas of growth in sequence analysis, large-scale data analysis, and “omic” applications, such as genomics, metabolomics, transcriptomics, methylomics, microbiomics, and proteomics. These are areas of substantial existing strength in the Department of Human Genetics at U. T. Rio Grande Valley.

While the U.S. Bureau of Labor Statistics does not include human geneticist as a specific job title in the Occupational Outlook Handbook, the job outlooks for a variety of other relevant titles are provided. Between 2018 and 2028, medical scientist jobs are projected to grow by 8%, which is faster than the average. Similarly, growth in biological science educators at the college level is projected to increase by 12% between 2018 and 2028.

At the regional level, Texas is a major employer of life scientists, with 13 medical schools, four National Cancer Institute (NCI) Cancer Centers, over 1,700 medical and testing labs, and more than 4,000 life science and research firms. The projected growth in medical and life science jobs in Texas will increase more rapidly than the projected national growth, with medical scientist positions expected to grow 17% and life scientist positions expected to grow by 14% between 2016 and 2026.

Projected student demand is strong. The presence of undergraduate and graduate training programs in the biological sciences generates a large pool of U. T. Rio Grande Valley graduates each year who are prepared to pursue doctoral studies in human genetics. The B.S. and M.S. in Biology, and M.S. in Biochemistry and Molecular Biology all produce students capable of feeding into the Ph.D. in Human Genetics program. In addition, this degree program will be able to recruit students nationally and internationally.

Seven new students will be admitted into the program each year. The enrollment projections were determined after reviewing the faculty-to-student ratios at other programs in Texas, as well as the number of students accepted each year into those programs. The expectation is to achieve a steady state of 25 doctoral students by the end of Year 5. Based on the 72-credit hour program of study, the degree program can be completed in four years.

Program Quality

The program is projected to require partial or full-time commitment from 23 core and supporting faculty members, including a designated Course Director. The University already employs 11 of the core faculty members and nine support faculty members; three new program faculty will be hired during the first three years of the program.

Faculty members currently employed by the University have a demonstrated record of research productivity. Over the past five years, 11 core faculty members currently employed by the University have averaged 43.5 referred papers and 1.2 book chapters per faculty member. In addition, core faculty members have won over \$62 million in total external grant awards over the past five years, including several National Institutes of Health (NIH) grants.

Moreover, U. T. Rio Grande Valley has made significant facility and equipment investments to support a high-quality, nationally competitive program. Available resources to support human genetics research are located in facilities in Brownsville, Edinburg, and San Antonio. These resources include the South Texas Diabetes and Obesity Institute Genomics Computing Center in Brownsville, a 1,000 square-foot machine room housing a high-performance computing cluster.

Revenue and Expenses

Expenses	5-Year Total
<i>Faculty</i>	
Salaries	\$ 5,727,392
Benefits	\$ 2,454,597
<i>Graduate Students</i>	
TA Salaries	\$ 1,335,000
TA Benefits	\$ 133,500
<i>Staff & Administration</i>	
Clerical and Support Staff	\$ 674,460
Staff Benefits	\$ 289,054
	-
<i>Other Expenses</i>	
Equipment	\$ 300,000
Supplies & Materials	\$ 475,000
Marketing & Recruitment	\$ 70,000
Library Resources	\$ 290,000
Facilities	\$ 56,000
Total Expenses	\$11,805,003

Revenue	5-Year Total
<i>From Student Enrollment</i>	
Formula Funding	\$ 1,110,525
Tuition and Fees	\$ 525,667
<i>From Institutional Funds</i>	
Reallocation of Existing Resources	\$ 6,086,062
Institutional Enhancement Funds	\$ 5,000,000
<i>From Grant Funds</i>	
N/A	-
<i>From Other Revenue Sources</i>	
N/A	-
Total Revenue	\$12,722,254

Coordinating Board Criteria

The proposed program meets all applicable Coordinating Board criteria for new doctoral degree programs.

9a. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Business Administration degree program

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Business Administration degree program at U. T. Arlington as described on the following pages.

BACKGROUND INFORMATION

The College of Business proposes updating the standards for admissions to the Master of Business Administration (MBA) Program to simplify the admission process and add flexibility to the admission criteria while maintaining high-quality standards.

Although the MBA program at U. T. Arlington was originally designed to train nonbusiness majors, under the current catalogue, individuals with nonbusiness undergraduate majors cannot be unconditionally admitted to the MBA program regardless of undergraduate Grade Point Average (GPA), Graduate Management Admission Test (GMAT) or Graduate Record Examinations (GRE). According to the Graduate Management Admission Council, in 2017 only 47% of business school applicants studied business prior to beginning an MBA program. The proposed admission criteria no longer discriminate between business and nonbusiness undergraduates.

All students admitted to the U. T. Arlington MBA program in Fall 2019 and Spring 2020 who had an undergraduate GPA of 3.5 or higher succeeded in their first semester of the MBA program. In all cases, students obtained a graduate GPA of 3.0 or higher during their first semester (average graduate GPA was 3.61). Thus, the proposed change provides a GMAT/GRE waiver for top undergraduate students who graduated from a university with an Association to Advance Collegiate Schools of Business (AACSB) [or European Quality Improvement System (EQUIS)/Association of MBAs (AMBA)] accreditation.

The current admission policy allows probationary admissions with a GMAT/GRE waiver for students who complete 12 hours of foundation pathway courses. The foundation courses add at least one semester to the completion of the MBA and are no longer a prerequisite for any of the required courses in the MBA program. Performance on foundation courses has not been predictive of success in the program. The proposed modification allows students to gain probationary admission by achieving passing scores of 85% or greater on three exams in Business Statistics (BSTAT), Economics (ECON), and Management (MANA) taken through a vendor approved by the MBA Graduate Committee.

Current Admission Criteria	Proposed Admission Criteria
<p data-bbox="196 239 626 296">Unconditional Admission without Committee Review</p> <p data-bbox="196 338 748 638">Applicants qualify for unconditional admission without the need for review by the MBA Admissions Committee if they have a bachelor's degree in a business discipline (with a GPA of 3.0 or better), take the GMAT and score at least 500 with a 30th percentile or higher in the verbal and quantitative areas. The GRE is accepted but the GMAT is preferred.</p>	<p data-bbox="774 239 1200 296">Unconditional Admission without Committee Review</p> <p data-bbox="774 338 1321 842">Applicants qualify for unconditional admission without the need for review by the MBA Admissions Committee if they have a bachelor's degree in a business discipline (with a GPA of 3.0 or better), take the GMAT and score at least 500 with a 30th percentile or higher in the verbal and quantitative areas. The GRE is accepted but the GMAT is preferred. <u>A 3.0 GPA (or higher) in the last 60 undergraduate hours with an earned undergraduate degree, and a minimum score of 500 on the GMAT with at least 30th percentile in verbal and quantitative areas or equivalent GRE scores.</u></p> <p data-bbox="774 879 1297 1045"><u>GMAT/GRE Waiver Conditions</u> <u>Waiver of the GMAT/GRE and unconditional admission will be considered for applicants who meet one of the following conditions:</u></p> <ul data-bbox="774 1052 1317 1793" style="list-style-type: none"> <li data-bbox="774 1052 1317 1587">• <u>Have earned a 3.5 GPA (or higher) in two calculations (cumulative and last 60 hours) with an earned undergraduate degree in any major from a university with accreditation by the Association of Advance Collegiate Schools of Business (AACSB) or by the European Quality Improvement System (EQUIS) or the Association of Master of Business Administration (AMBA) so long as the degree was awarded no more than seven academic years prior to the semester for which admission to the Master of Business Administration (MBA) is sought, or</u> <li data-bbox="774 1598 1317 1793">• <u>An earned graduate degree or a graduate certificate (at least 9 credit hours) from a professionally and/or from a regionally accredited school with a 3.0 GPA (or higher) for all graduate coursework</u>

<p>Probationary Admission</p> <p>Applicants with a bachelor’s degree in a business or non-business discipline and a GPA of 3.0 or better who choose not to take the GMAT can be admitted to the MBA program on probation. Twelve hours of Foundation Pathway courses are required. These courses must be completed with a 3.0 or higher GPA and with only one grade of C. Upon successful completion of the Foundation Pathway courses, the student will be admitted unconditionally to the MBA program. The Foundation Pathway courses are in addition to the 36-hour count.</p>	<p>Probationary Admission</p> <p>Applicants with a bachelor’s degree in a business or non-business discipline and a GPA of 3.0 or better who choose not to take the GMAT can be admitted to the MBA program on probation. Twelve hours of Foundation Pathway courses are required. These courses must be completed with a 3.0 or higher GPA and with only one grade of C. Upon successful completion of the Foundation Pathway courses, the student will be admitted unconditionally to the MBA program. The Foundation Pathway courses are in addition to the 36-hour count.</p> <p><u>An applicant who does not meet unconditional admission requirements, as stated above, may receive probationary admission</u></p> <p>a) <u>Without taking the GMAT or GRE if the applicant 1) has a GPA of 3.0 or greater and 2) achieves passing scores of 85 percent or greater on three exams in Business Statistics (BSTAT), Economics (ECON), and Management (MANA) taken through a UTA College of Business approved vendor (approved by MBA Committee). Modules are available in these areas for exam preparation. Retaking exams is permissible, however successful completion of exams is required prior to admission. If GMAT/GRE minimum scores (as stated above) or at least a 3.0 GPA are not met, the MBA committee will review for an admission decision.</u></p>
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9b. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Business Administration degree program

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Business Administration degree program at U. T. Arlington as described below.

BACKGROUND INFORMATION

U. T. Arlington requests approval to change the required Grade Point Average (GPA) for unconditional admission in the Master of Science in Business Administration (MSBA) from 3.25 to 3.0 in an effort to standardize the College of Business master's program admission criteria and to be more competitive with peer schools. This change aligns with the existing GPA requirement for admission into graduate programs at U. T. Arlington and enhances the consistency of graduate admission practices within the College.

In addition, U. T. Arlington requests approval to eliminate the use of Graduate Management Admission Test (GMAT) or Graduate Record Examination (GRE) scores and replace them with the GMAT or GRE percentiles. Program faculty have found that verbal and quantitative percentiles are better predictors of success than the actual GMAT or GRE scores.

Finally, the institution requests approval to eliminate the requirement for a face-to-face interview with international applicants. Currently, every international applicant is interviewed to validate his/her verbal communication skills. Now that the MSBA program has five years of interview data, it has been determined that the interview has no value added to the application process as the applicant's verbal percentile rank and Test of English as a Foreign Language/International English Language Testing System scores adequately predict success in the program.

Current Unconditional Admission Criteria	Proposed Unconditional Admission Criteria
Applicants qualify for unconditional admission without the need for review by the Graduate Studies Committee if they meet the following set of unconditional admission criteria:	No change
UNCONDITIONAL ADMISSION Individuals who meet each of the following two conditions are given unconditional admission:	UNCONDITIONAL ADMISSION Individuals who meet each <u>both</u> of the following conditions are given unconditional admission:

<ul style="list-style-type: none"> Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25 on the last 60 hours of undergraduate work and 	<ul style="list-style-type: none"> Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25 on the last 60 hours of undergraduate work and
<ul style="list-style-type: none"> GMAT total score is at least 580 with verbal and quantitative score at the 50th percentile or higher, on both. GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both. 	<ul style="list-style-type: none"> GMAT total score is at least 580 with verbal and quantitative score at the 50th percentile or higher, on both. GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both. GRE or GMAT verbal and quantitative scores at the 50th percentile or higher in either.
In addition, international applicants must meet the following condition:	In addition, international applicants must meet the following condition:
<ul style="list-style-type: none"> Successfully complete a face-to-face interview (either in person or online) with the MSBA Graduate Advisor. 	<ul style="list-style-type: none"> Successfully complete a face-to-face interview (either in person or online) with the MSBA Graduate Advisor.
Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.	No change
<ul style="list-style-type: none"> Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution; 	No change
<ul style="list-style-type: none"> Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions); 	No change
<ul style="list-style-type: none"> Applicant's professional work experience and professional certification/licensure; and 	No change
<ul style="list-style-type: none"> Letters of reference and personal statement provided by the applicant. 	No change

9c. U. T. Arlington: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Science in Information Systems degree program

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional administrator in charge that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Science in Information Systems degree program at U. T. Arlington as described below.

BACKGROUND INFORMATION

U. T. Arlington proposes revisions to the admission criteria for the Master of Science in Information Systems. In an effort to standardize master's program admission criteria and to be more competitive with peer schools, the required Grade Point Average (GPA) for unconditional admission will change from 3.25 to 3.0. This change will better reflect current institutional admissions and enhance the consistency of graduate admission practices within the College of Information Systems and Operations Management.

U. T. Arlington also found inconsistency between Graduate Records Examinations (GRE) and Graduate Management Admission Test (GMAT) percentiles. This will be corrected by standardizing admission criteria for departmental programs. In addition, assessing verbal and quantitative percentiles independently is considered a better predictor of success than the overall GMAT score.

Lastly, with the GPA changed to 3.0, the conditional criteria are not needed as they are already in the Graduate Catalog as University criteria and do not need to be repeated.

Current Unconditional Admission Criteria	Proposed Unconditional Admission Criteria
<p>UNCONDITIONAL ADMISSION SET #1: GMAT CONDITION</p> <p>Individuals who meet each of the following two conditions are given unconditional admission:</p>	<p>UNCONDITIONAL ADMISSION SET #1: GMAT CONDITION</p> <p>Individuals who meet each <u>both</u> of the following two conditions are given unconditional admission:</p>
<ul style="list-style-type: none"> Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25 on the last 60 hours of undergraduate work and 	<ul style="list-style-type: none"> Applicant holds an earned bachelor's degree from an AACSB-accredited college or university, with a minimum GPA of 3.25<u>0</u> on the last 60 hours of undergraduate work and

<ul style="list-style-type: none"> • GMAT total score is at least 520 with verbal and quantitative score at the 36th percentile or higher, on both. The GMAT is preferred, however, GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both. 	<ul style="list-style-type: none"> • GMAT total score is at least 520 with verbal and quantitative score at the 36th percentile or higher, on both. The GMAT is preferred, however, GRE scores will be considered if the verbal and quantitative score is at the 50th percentile or higher, on both. <u>GRE or GMAT verbal and quantitative scores at the 50th percentile or higher in each.</u>
<p>UNCONDITIONAL ADMISSION SET #2: GMAT WAIVER CONDITION</p> <p>This unconditional admission set #2 focuses on satisfying the following criteria.</p>	<p>UNCONDITIONAL ADMISSION SET #2: GMAT WAIVER CONDITION</p> <p>This unconditional admission set #2 focuses on satisfying the following criteria.</p>
<ul style="list-style-type: none"> • Graduated from UTA within three years of expected entrance into the graduate program with a BS/BBA in Information Systems (or related degree) with a minimum of 3.25 overall GPA and 3.25 information systems GPA. 	<ul style="list-style-type: none"> • Graduated from UTA within three years of expected entrance into the graduate program with a BS/BBA in Information Systems (or related degree) with a minimum of 3.25 overall GPA and 3.25 information systems GPA.
<ul style="list-style-type: none"> • Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions. 	<ul style="list-style-type: none"> • Applicants who require committee review are considered for admission using the following factors, with no single factor used as the primary criterion for making admission decisions.
<ul style="list-style-type: none"> • Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution; 	<ul style="list-style-type: none"> • Undergraduate and graduate GPA (overall, major, and last 60 hours) and program accreditation status of the applicant's degree granting institution;
<ul style="list-style-type: none"> • Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions); 	<ul style="list-style-type: none"> • Score on the GMAT/GRE (including separate scores on the verbal and quantitative portions);
<ul style="list-style-type: none"> • Applicant's professional work experience and professional certification/licensure; and 	<ul style="list-style-type: none"> • Applicant's professional work experience and professional certification/licensure; and
<ul style="list-style-type: none"> • Letters of reference and personal statement provided by the applicant. 	<ul style="list-style-type: none"> • Letters of reference and personal statement provided by the applicant.

9d. U. T. Tyler: Discussion and appropriate action regarding proposed changes to admission criteria for the Master of Business Administration degree program

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and the institutional president that the U. T. System Board of Regents approve changes to the criteria for admission to the Master of Business Administration degree program at U. T. Tyler as described below.

BACKGROUND INFORMATION

U. T. Tyler proposes changes to the admission criteria for the Master of Business Administration (MBA). Most MBA programs in the United States require two recommendation letters from individuals who can comment on professional qualifications. Evaluating letters of recommendation from applicants will give the admissions committee a better sense of the value an applicant can bring to the program and how the applicant can benefit from the program. To that end, U. T. Tyler would like to require submission of two letters of recommendation.

Another proposed change notes that, upon admission, students will be sent a link to the U. T. Tyler Honor Code and are asked to acknowledge its receipt. This requirement will alert students to the importance of integrity and the Honor Code.

The final proposed change would allow an applicant who has a prior graduate degree to request a waiver of the Graduate Management Admission Test (GMAT). Completion of a prior graduate degree is considered to be a strong indicator of likely success in another graduate program.

Current Admission Criteria	Proposed Admission
The requirements to be a graduate student in business administration are:	The requirements to be a graduate student in business administration are:
1. Admission to the degree program is determined primarily on the basis of predictors of success in graduate study: <ul style="list-style-type: none"> a. a baccalaureate degree from a regionally accredited institution, b. grade point average computed on the last 60 undergraduate hours, and c. a satisfactory score on the Graduate Management Admissions Test (GMAT). In rare instances the Graduate Record Examination (GRE) may be accepted in lieu of the GMAT. 	1. Admission to the degree program is determined primarily on the basis of predictors of success in graduate study: <ul style="list-style-type: none"> a. a baccalaureate degree from a regionally accredited institution, b. grade point average computed on the last 60 undergraduate hours, and c. a satisfactory score on the Graduate Management Admissions Test (GMAT). In rare instances the Graduate Record Examination (GRE) may be accepted in lieu of the GMAT. <u>d. Two letters of recommendation from professional contacts.</u>

<p>2. Quantitative measures are integrated into an index that multiplies the applicant's 60-hour GPA times 200 and adds the total GMAT score (60-hour GPA X 200) + GMAT = >1000. An index score of greater than 1000 is typical of a successful candidate. If the student's 60-hour GPA is above 3.25 the GMAT may be waived.</p>	<p>2. No change</p>
<p>3. Additionally, applicants with three or more years of extensive managerial work experience (earned in the U.S. or with a U.S. government entity) may request to have the GMAT requirement waived by the Program Advisor. This decision is made on a case-by-case basis; "extensive managerial experience" will typically mean a full-time supervisory or managerial position held for a significant period of time after completing the bachelor's degree as demonstrated with a resume. Applicants for the Executive MBA Healthcare Management Program (EMBA HCM) are required to have 3 or more years of managerial work experience. Such experience is evaluated by the Program to waive the GMAT requirement for EMBA HCM applicants.</p>	<p>3. <u>Applicants who earned a prior graduate degree may request a waiver of the GMAT.</u> Additionally, applicants with three or more years of extensive managerial work experience (earned in the U.S. or with a U.S. government entity) may request to have the GMAT requirement waived by the Program Advisor. This decision is made on a case-by-case basis; "extensive managerial experience" will typically mean a full-time supervisory or managerial position held for a significant period of time after completing the bachelor's degree as demonstrated with a resume. Applicants for the Executive MBA Healthcare Management Program (EMBA HCM) are required to have 3 or more years of managerial work experience. Such experience is evaluated by the Program to waive the GMAT requirement for EMBA HCM applicants.</p>
<p>4. Consideration may also be given to other factors.</p>	<p>4. No change</p>
<p>5. International applicants must meet the minimum requirements as stated in the International Graduate Student Admissions section of this catalog.</p>	<p>5. No change</p>
<p>6. No more than nine semester credit hours of graduate credit earned prior to acceptance into the program, including transfer credit, may be applied to the degree. Students seeking admission to the program who have not yet satisfied admission criteria may be admitted as conditional or provisional students and allowed to complete one semester with up to nine hours of coursework.</p>	<p>6. No change</p>

<p>7. After reviewing all credentials (official transcripts, GMAT score, other relevant information), the Graduate Program Advisor and the Soules College of Business Graduate Admissions Committee will determine if the student may be accepted into the program. A degree plan will be prepared by the Graduate Program Advisor with the student. Students will be notified of official acceptance into the program. Full admission must occur prior to enrollment beyond nine semester credit hours including any transfer credit.</p>	<p>7. After reviewing all credentials (official transcripts, GMAT score, other relevant information), the Graduate Program Advisor and the Soules College of Business Graduate Admissions Committee will determine if the student may be accepted into the program. A degree plan will be prepared by the Graduate Program Advisor with the student. Students will be notified of official acceptance into the program. <u>Upon admission, applicants will receive a link to the U. T. Tyler Honor Code and be asked to abide by it.</u> Full admission must occur prior to enrollment beyond nine semester credit hours including any transfer credit.</p>
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10. **U. T. Health Science Center - Houston: Discussion and appropriate action regarding the Mission Statement**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and the institutional president that the U. T. System Board of Regents approve and reaffirm the Mission Statement for U. T. Health Science Center - Houston as follows.

Mission Statement

As a comprehensive health science university, the mission of The University of Texas Health Science Center at Houston is to educate health science professionals, discover and translate advances in the biomedical and social sciences, and model the best practices in clinical and public health.

We pursue this mission in order to advance the quality of human life by enhancing the diagnosis, treatment, and prevention of disease and injury, as well as promoting individual health and community well-being.

BACKGROUND INFORMATION

Each public institution of higher education is required to have a mission statement under *Texas Education Code* Section 51.359. Section 51.352 of the *Code*, regarding the Responsibility of Governing Boards, requires each governing board to insist on clarity of focus and mission of each institution under its governance.

In addition, Southern Association of Colleges and Schools (SACS) accreditation requirements require the periodic review and approval of each institution's mission statement by its governing board.

The U. T. Health Science Center - Houston Mission Statement was last reviewed and approved by the Board of Regents on December 6, 2007. There are no changes to the existing Mission Statement.

11. **U. T. System: Approval to amend The University of Texas System Professional Medical Liability Benefit Plan to provide coverage for certain health care professionals and approve rates**

RECOMMENDATION

The Chancellor concurs in the recommendation of The University of Texas System Professional Medical Liability Benefit Plan (Plan) Management Committee, chaired by the Vice Chancellor and General Counsel and comprised of the Committee Chair, the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Business Affairs, after consultation with Milliman, Inc., actuary for the Plan, that:

- a. the Plan be amended to provide coverage to health care professionals who are licensed, certified or registered to provide patient care at the same levels of coverage currently provided to physicians and dentists covered under the Plan (\$500,000 per incident and \$1,500,000 per year as set forth in Exhibit 1);
- b. premium rates and risk classifications for these newly covered health care professionals be as set forth in Exhibit 2; and
- c. coverage levels for residents and fellows also be increased to the same amount of coverage.

BACKGROUND INFORMATION

Authority for the establishment of a self-insurance program to indemnify U. T. System physicians was granted to the Board of Regents by Senate Bill 391, Acts of the 65th Legislature, effective March 10, 1977 (later codified as *Texas Education Code* Section 59.01 et seq.). The self-insured Plan for professional medical liability was originally approved by the Board of Regents on April 15, 1977. Since the Plan was first approved, it has been amended periodically as needed.

In Fall 2003, a Task Force of physicians and attorneys was appointed and met to discuss tort reform measures that had recently been adopted by the legislature and the impact of these changes on U. T. System physicians and institutions. In anticipation of the effects of the new law, the Task Force overwhelmingly recommended expanding medical liability coverage to also provide legal representation before the Texas State Board of Medical Examiners (now the Texas Medical Board) and the Texas State Board of Dental Examiners. On August 12, 2004, the Board of Regents adopted a Plan amendment to provide coverage for legal representation and expenses in disciplinary, licensing, or similar administrative proceedings up to \$25,000 per proceeding and \$100,000 per enrollment year, unless other Plan exclusions apply. Fines, penalties, or costs assessed as a result of the proceedings are explicitly excluded from coverage. The last Plan amendment was in 2013 when the Plan Administrator was provided discretionary authority to exceed the prior \$25,000 disciplinary coverage limitation up to \$35,000 when warranted.

Texas Education Code Section 59.01 et seq. was amended the last legislative session to permit systems of higher education to expand coverage to include other health care professionals in addition to physicians and dentists. Other health care professionals to be added to Plan coverage include clinical nurse specialists, psychologists, athletic trainers, chiropractors, certified nurse practitioners, perfusionists, physician assistants, certified nurse anesthetists, surgical assistants, certified nurse midwives and other healthcare professionals who are licensed, certified or registered to provide patient care. To reduce administrative cost and complexity, coverage for these other health professionals would be provided on a blanket basis, meaning that billing will be simplified and individual certificates of coverage will only be issued on an "as-needed basis", generally for hospital credentialing purposes.

The recommendation to increase resident coverage levels, currently at \$100,000/\$300,000, to the same level of coverage as those provided to faculty physicians and dentists and other health professionals will simplify administration, particularly for out of state externships. The Plan actuary advises that current premium levels for residents should be adequate since overall exposure per claim is capped at \$250,000 by the Texas Tort Claims Act.

The proposed Plan amendments are set forth as Exhibit 1. The premium rates and risk classes are set forth as Exhibit 2.

Exhibit 1

THE UNIVERSITY OF TEXAS SYSTEM PROFESSIONAL MEDICAL LIABILITY BENEFIT PLAN

(Effective September 1, 2005)

ARTICLE I PURPOSE

The purpose of The University of Texas System Professional Medical Liability Plan ("Plan") is to provide certain health care providers and students of The University of Texas System ("System") with professional liability indemnity from and against medical and dental liability claims pursuant to the authority granted to the Board of Regents of The University of Texas System by Texas Education Code Section 59.01 et seq.

ARTICLE II DEFINITIONS

Unless otherwise required by the context, the following definitions shall control:

A. **Plan Participant** shall mean:

1. Staff physicians and dentists who are medical doctors, oral surgeons, oral pathologists, dentists, doctors of osteopathy, or podiatrists appointed to the faculty of ~~a health- an~~ institution of the System, medical doctors employed in health services at and by a general academic institution of the System;
2. Residents and fellows enrolled in a residency program or fellowship at a System medical or dental school who are duly licensed, credentialed, and registered to practice their profession;
3. Medical doctors, oral surgeons, oral pathologists, dentists, doctors of osteopathy, and podiatrists appointed to the faculty of a medical school or hospital of the System on a part-time or volunteer basis, and who either devote their total professional service to such appointments or provide services to patients by assignment from the department chairman. For purposes of the Plan, such persons are "Plan Participants" only when providing services to patients in conjunction with supervision of medical or dental students or residents by assignment from the department chairman and shall become Participants in the Plan only as provided in Article IV, Section 2;
4. Medical or dental students of a medical or dental school of the System and only when participating (with prior approval of such medical or dental school) in a patient-care program of a duly accredited medical or dental school under the direct supervision of a faculty member of the school conducting such program; ~~and~~
5. Healthcare professional staff members and faculty who are licensed, certified or registered to provide patient care; and
- ~~5.6.~~ System institutions against which a liability claim, as that term is defined in Article II.B. below, is made that arises from the treatment or lack of treatment by a Plan Participant in ~~4-41-5~~ above

- B. **Liability Claim** means a claim, lawsuit or cause of action based upon treatment or lack of treatment within the United States of America, its territories or possessions, or Canada that departs from accepted standards of medical or dental care which proximately results in injury to or death of a patient, whether the claim or cause of action sounds in tort or contract, subject to the exclusions described in Article V, Section 4, below. This definition shall extend to anywhere in the world for ~~full time or part time faculty of a medical or dental school or hospital of the System- Plan Participants~~ after compliance with conditions for participation set by the Administrator and the Executive Vice Chancellor for Health Affairs or a delegate.
- C. **Disciplinary and Licensing Actions** means any disciplinary, licensing, or similar administrative proceeding brought against a Participant by a Texas licensing ~~or healthcare professional regulatory~~ agency for the Participant's profession or a Texas quality review or regulatory body that arises from professional services, except those excluded pursuant to Article V, Section 4.
- D. **System** means The University of Texas System.
- E. **Board** means the Board of Regents of The University of Texas System.
- F. **Fund** means the Professional Medical Liability Fund established by the Board.
- G. **Administrator** means the Vice Chancellor and General Counsel of The University of Texas System.
- H. **Damages** mean all damages, including damages for death, which are payable because of injury to which the Plan applies, but does not include exemplary or punitive damages.
- I. **Coverage** means the liability indemnity and legal representation afforded Participants by this Plan.
- J. **Annual Enrollment period** begins on the date the Participant has a System appointment and meets the conditions for participation under Article IV below and ends on August 31st after enrollment begins.
- K. **Certificate of Coverage** means that document issued to the Plan Participant by the System specifying the enrollment period and limits of coverage.
- L. **Professional services** means medical, dental or health care and treatment.
- M. **Plan year** means the twelve-month period beginning on September 1 and ending on August 31 of each year.

**ARTICLE III
APPLICABILITY OF PLAN PROVISION**

The coverage afforded by this Plan is subject to the particular terms, conditions, and limitations (including, but not limited to limits of liability) of this Plan and the interpretation thereby by the Board or the Plan Administrator. Notwithstanding any other language of the Plan, the coverage afforded by the Plan applies only to Liability Claims and Disciplinary and Licensing Actions arising out of incidents, transactions or events occurring on or after April 1, 1977.

**ARTICLE IV
CONDITIONS FOR PARTICIPATION**

Section 1

Each Participant on the effective date of the Plan, and each person who becomes a Participant thereafter, as long as this Plan remains in effect, shall participate in the Plan provided, that

- A. Each medical or dental student, as an additional condition of participation, must pay into the Fund a fee in such amount or amounts, and at such time or times, as may be required by the Board; and
- B. A medical doctor employed in health services at and by a general academic institution of the System shall not become a participant unless and until
 - 1. Such institution files with the Administrator a written application, on behalf of such medical doctors, for participation in the Plan, and
 - 2. Such application is approved and accepted by the Administrator.

Section 2

Plan Participants as defined in Article IIA.3 above shall become participants in the Plan upon written designation by the president ~~or approved delegee~~ of the ~~health care~~ institution with the approval of the Administrator and the Executive Vice Chancellor for Health Affairs.

Section 3

Residents and fellows who work additional hours for additional compensation at a System health facility or facility affiliated with the System, will be provided coverage as long as it meets the requirements of the Accreditation Council for Graduate Medical Education (including requirements of supervision and restrictions on allowable number of work hours), and the work has previously been identified as part of the resident's or fellow's general training program and fees generated for professional services are deposited in a System health component practice plan, trust or affiliated foundation or certified not-for-profit corporation as approved by the Board.

**ARTICLE V
COVERAGE OF PARTICIPANTS**

Section 1 -- Payments on Behalf of Participants

- A. Except as otherwise provided herein, the System will pay on behalf of each Participant, from monies in the Fund, all sums which the Participant shall become legally obligated to pay as damages because of a Liability Claim arising from the exercise of the Participant's employment, duties or training with the System as a Plan Participant performed in the practice of the Participant's profession, including service by the Participant as a member of a formal accreditation or similar professional board or committee of a hospital or professional society with respect to medical staff privileges, accreditation or disciplinary matters related to competency.
- B. Coverage for Plan Participants as defined in Article IIA. 3 above shall be limited to claims arising from assigned teaching activities and supervision of medical or dental students, residents and fellows performed within the course and scope of the Participants' assignments.

- C. Peer review performed at the request of a credentialing body or a professional society for the purpose of determining quality of care is covered provided that any funds generated from the review are deposited into the practice plan as required by the practice plan bylaws.
- D. Coverage for Plan Participants for Disciplinary and Licensing Actions shall be limited to legal representation of the Plan Participant by an attorney in a proceeding brought against the Plan Participant by the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board that arises from a covered activity, subject to the limitation in Section 3 D below and exclusions set forth in Section 4 below.

Section 2 -- Defense of Lawsuits

The System shall have the right and duty to defend any claim or lawsuit against a Participant seeking damages because of such injury even if any of the allegations of the claim or lawsuit are groundless, false or fraudulent. The System may make such investigation and settlement of any claim or lawsuit, as it deems appropriate. The System shall not be obligated to pay any claim or judgment or to defend any suit after the applicable limit of the System's liability has been exhausted by payment of judgments or settlements, or monies in the Fund have been exhausted. The System has no duty to defend any claims not covered by the Plan.

Section 3 -- Supplementary Payments

The System will pay from the Fund, in addition to the applicable limit of liability:

- A. All expenses incurred by the System in investigating and defending any lawsuit, all costs taxed against the Participant in any suit defended by the System, and all interest on the entire amount of any judgment therein which accrues after entry of the judgment and before the System has paid or tendered or deposited in court that part of the judgment which does not exceed the limit of the System's liability thereon;
- B. Premiums on appeal bonds required in any such suit, premiums on bonds to release attachments in any such lawsuit for an amount not in excess of the applicable limit of liability of this Plan, but the System shall have no obligation to apply for or furnish any such bonds.
- C. Reasonable, personal expenses incurred by a Participant at the System's request in assisting the System in the investigation or defense of any claim or lawsuit.
- D. Costs and expenses incurred in connection with the investigation and defense of a disciplinary and licensing action brought against the Participant; however the Plan will not pay more than \$25,000 in costs and expenses on behalf of a Participant for any single proceeding unless in the discretion of the Plan Administrator or a designee there is a determination of necessity to exceed such limitation on costs and expenses up to \$35,000. Furthermore, the Plan will not pay more than \$100,000 for costs and expenses on behalf of a Participant for all such proceedings during an annual enrollment period.

Section 4 -- Exclusions

The System will not defend or indemnify a Participant for:

- A. Injury arising out of the performance by the Participant of any illegal, dishonest, fraudulent, criminal or malicious act or omission by the Participant unless Participant had no reasonable cause to believe his conduct was unlawful or illegal;

- B. Any claims or lawsuits alleging violation of state or federal laws relating to antitrust, fraud and abuse, anti-kickback, and illegal remuneration;
- C. Injury arising out of any sexual conduct of the Participant, including but not limited to sexual harassment and sexual relations, and including, without limitation, when intentionally or negligently done in connection with any professional service, act or omission, and regardless of whether such conduct is alleged to constitute negligence;
- D. Any injury caused while Participant is acting under the influence of alcohol or controlled substances or as a result of excessive use of therapeutic drugs;
- E. Any use, administration or prescription of any drug or pharmaceutical disapproved or not yet approved by the United States Food and Drug Administration for treatment for human beings; unless such use, administration or prescription has been approved by the Institutional Review Board of the health care institution where such drug or pharmaceutical was used, administered or prescribed;
- F. Any liability arising out of any professional or licensed service, act or omission outside the scope of Participant's employment with System;
- G. Injury for which the Participant may be held liable as a proprietor, stockholder, owner, member of the board of directors, governors or trustees, superintendent, executive officer, department head or medical director of any non-System owned or managed hospital, sanitarium, laboratory, clinic with bed and board facilities, infirmary, nursing home, foundation, surgical center, blood bank, commercial or any other business enterprise whether or not related to patient care and/or treatment; but, this exclusion shall not be applied to responsibilities which require the special expertise or training of a physician or surgeon and which are not principally executive or administrative in nature;
- H. Injury arising out of the rendering of or failure to render professional services by any other person for whose acts or omissions the Participant may be held liable as a member, partner, officer, director or stockholder of any professional partnership, association or corporation;
- I. Injury to any employee of the Participant arising out of and in the course of that person's employment by the Participant;
- J. Any obligation for which the Participant or any carrier acting as insurer may be liable under any workers' compensation, unemployment compensation or disability benefits law, or under any similar law;
- K. Any liability or indemnity obligation assumed by the Participant under contract or agreement, except to the extent endorsed hereto;
- L. Injury to any employee (past or present) or applicant for employment or patient of the Participant based upon actual or alleged discrimination based on race, religion, color, sex, national origin, age, veteran status, or disability;
- M. Damage to property:
 - 1. owned, occupied or rented by a Participant;
 - 2. used by a Participant;
 - 3. in any Participant's care, custody or control; or
 - 4. over which a Participant is exercising physical control for any reason;

- N. Any fines, penalties, the return or withdrawal of fees or government payments, including any fines, penalties or costs assessed against a Participant by the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board as a result of a Disciplinary and Licensing Action;
- O. Any award of punitive or exemplary damages, treble or multiple damages;
- P. Any claim arising out of professional services which occurred prior to the date of this Plan;
- Q. Any claim arising out of professional services which occurred after the termination of faculty appointment, employment, residency or student status with the System;
- R. Any claim arising out of professional services where the professional services were billed for by the Participant and were not deposited in a System health component practice plan trust or affiliated foundation or certified not-for-profit corporation as approved by the Board;
- S. Any claim arising out of professional services performed for professional fees, salaries or other compensation by a Plan Participant that is not part of the Plan Participant's employment with the System or training program; and
- T. Legal representation of a Plan Participant before the Texas State Board of Medical Examiners, ~~or~~ Texas State Board of Dental Examiners or other Texas state healthcare professional regulatory board in a Disciplinary and Licensing Action arising out of any activity that is excluded under this Plan.
- U. Matters before the Texas Medical Board or other Texas regulatory agency, where, in the judgment of the Plan Administrator or a designee, a potential conflict of interest exists between the Participant and The University of Texas System or its institutions with regard to a potential or pending employment or administrative matter.

**ARTICLE VI
PARTICIPANTS' OBLIGATIONS**

Section 1 -- Notice of Claim, Suit or Disciplinary and Licensing Action

The Participant shall give written notice to the System as soon as practicable of any claim made against the Participant. The notice shall identify the Participant and contain reasonably obtainable information with respect to the time, place and circumstances of the injury, including the names and addresses of the patient and of available witnesses. If a claim is made or a lawsuit is brought against the Participant, the Participant shall immediately forward to the Administrator every demand, notice, summons, or other process received by the Participant in accordance with administrative procedures prescribed or approved by the Administrator.

The Participant shall give written notice to the System as soon as practicable of any disciplinary and licensing action taken against the Participant for which the Participant seeks coverage.

Section 2 -- Cooperation by Participant

The Participant shall cooperate with the System and, upon the System's request, respond to discovery requests, attend meetings with Plan representatives or defense counsel, and attend mediations and trials. Further, the Participant shall cooperate with the System in enforcing any right of contribution or indemnity against any person or organization who may be liable to the Participant because of injury or damage with respect to which coverage is afforded under this Plan. The Participant shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses. The Participant shall not, except at Participant's own cost, and after informing the Administrator in writing, voluntarily make any payment, assume any obligation or incur any expense. The Participant shall not take any affirmative act or omission which may reasonably prejudice the defense of the claim or lawsuit. The taking of any affirmative act or omission which prejudices the defense of the claim or lawsuit shall entitle the System, but not obligate the System, to deny indemnity for any or all claims or lawsuit so prejudiced.

Section 3 -- Nonassignability of Interest in Plan

The Participant's interest under this Plan is nonassignable. If any Participant shall die or be adjudged incompetent, this Plan shall thereupon terminate automatically as to such Participant, but shall indemnify and defend the legal representative of such Participant's estate as a Participant with respect to liability previously incurred and covered by this Plan.

ARTICLE VII LIMITS OF LIABILITY

The Plan's liability shall not exceed the limits of liability stated below, and such stated limits shall be applied as follows:

1. A single "per claim" limit of liability shall be applicable to a Liability Claim regardless of the number of claimants or Plan Participants involved.
 - a. A single "per claim" limit of liability shall apply to claims involving injuries to more than one patient such as in obstetrical services to the mother and fetus/child or children, a single "per claim" limit of liability shall be applicable for all such claims and resulting lawsuits.
 - b. A single "per claim" limit of liability shall apply to all claims by both the patient and by the family members or the heirs or estate of such patient, including derivative claims, claims for loss of consortium, claims of beneficiaries under the Texas Wrongful Death Statute and claims for mental anguish and related injuries associated with bystander perception or reaction to the injuries sustained by the patient.
 - c. Plan coverage limits of liability will not be stacked, added or combined in any manner to increase liability under this Plan even though multiple claimants, multiple claims or injuries, multiple lawsuits, or annual periods may be involved within a Liability Claim.
2. The "annual aggregate for all claims for all Participants" is the maximum amount of money the Plan will pay to indemnify all Participants for all Liability Claims arising during any one Plan year.

Limits of Liability Schedule

The following limits shall apply unless lower liability limits are set by law, in which case the lower limits shall apply:

Staff Physician, Resident, Fellow and Healthcare Professional - \$500,000.00 per Liability Claim (up to \$1,500,000.00 for all Liability Claims during any one enrollment period)

~~Resident and Fellows - \$100,000.00 per Liability Claim (up to \$300,000.00 for all Liability Claims during any one enrollment period)~~

Medical or Dental Student - \$25,000.00 per Liability Claim (up to \$75,000.00 for all Liability Claims during any one enrollment period)

Annual Aggregate - \$30,000,000.00 for all Liability Claims for all Participants during any one Plan year

Per Claim Limitation - Plan liability shall be limited to \$2,000,000.00 per claim regardless of the number of the claimants or Plan Participants involved in an incident.

The above limits of liability for Plan Participants, as defined in Article II A 1 - 4 only, may be exceeded upon determination of necessity and with the conditions of participation determined by the Plan Administrator or a designee.

ARTICLE VIII OTHER COVERAGE

Section 1 -- Coverage

When the Participant has other professional liability coverage which is stated to be applicable to the loss on an excess or contingent basis, the amount of the System's liability under this Plan shall not be reduced by the existence of such insurance.

Section 2 -- Insurance

When both this Plan and insurance apply to the loss on the same basis, whether primary, excess or contingent, the System shall not be liable under this Plan for a greater proportion of the loss than that stated in the applicable contribution provision below:

- A. **Contribution by Equal Shares.** If all such valid and collectible insurance provides for contribution by equal shares, the System shall not be liable for a greater proportion of such loss than would be payable if each such insurer contributes an equal share until the share of each insurer or the Plan equals the lowest applicable limit of liability under any one policy or the Plan or the full amount of loss is paid, and with respect to any amount of loss not so paid, the remaining insurers or the Plan then continue to contribute equal shares of the remaining amount of the loss until each such insurer or the Plan has paid its limit in full or the full amount of the loss is paid.
- B. **Contribution by Limits.** If any of such insurance does not provide for contribution by equal shares, the System shall not be liable for a greater proportion of such loss than the applicable limit of liability under this Plan for such loss bears to the total applicable limit of liability of all valid and collectible insurance and the Plan against such loss.

ARTICLE IX MODIFICATION AND TERMINATION

Section 1 -- Rights of Participants

The Board may terminate the Plan at any time or from time to time, may amend, alter or suspend the Plan in whole or in part, as to all persons eligible to participate hereunder, or any class or groups of such persons, provided such action shall not impair any rights accrued prior to the effective date of such termination, amendments, alterations or suspension. Any such termination, amendments, alterations or suspension shall be effective on the date of the Board

action unless a later date is specified by the Board. The Administrator shall promptly give notice of any such termination, amendment, alteration or suspension to all Participants affected thereby.

Section 2 -- Termination in Event of Mandatory Participation in Other Indemnity or Insurance Programs

It is an express condition of the Plan that if the System is required by law, or by a collective bargaining or other agreement, to contribute toward another plan, program or scheme providing professional liability insurance or indemnity benefits for a class or group of Plan Participants, this Plan will terminate forthwith as to such class or group of Plan Participants.

Section 3 -- Termination of Plan Participation

This Plan shall apply to a Participant only so long as such Participant remains qualified to participate in this Plan, provided that cessation of such participation shall not impair any rights accrued under this Plan prior to the effective date of such cessation of qualification.

Section 4 -- Benefits Terminable

All coverage of a Participant under this Plan shall cease at once if the Participant engages in any business or performs any act which in the sole judgment of the Board is prejudicial to the interest of the System.

**ARTICLE X
ACTION AGAINST SYSTEM**

Section 1 -- Conditions Precedent

No action shall lie against the System unless, as a condition precedent thereto, there shall have been full compliance with all of the terms of this Plan, nor until the amount of the Participant's obligation to pay shall have been finally determined either by judgment against the Participant after actual trial, or by written agreement of the claimant and the Administrator.

Section 2 -- Third-party Actions

Any person or organization, or the legal representative thereof, who has secured such judgment or written agreement, shall thereafter be entitled to recover under this Plan to the extent of the coverage afforded by this Plan. No person or organization shall have any right under this Plan to join the System as a party to any action against the Participant to determine the Participant's liability, nor shall the System be impleaded by the Participant or the Participant's legal representative. Bankruptcy or insolvency of the Participant or the Participant's estate shall not relieve the System of any of its obligation hereunder.

**ARTICLE XI
ADMINISTRATION OF PLAN**

Section 1 -- Administration

The Plan shall be administered by the Administrator under direction of the Board.

Section 2 -- Administrative Regulations

The Administrator may from time to time prescribe regulations for the administration of this Plan provided that such regulations shall, in the opinion of the Administrator, be consistent with the provisions of this Plan as it may be amended from time to time pursuant to Article IX of this Plan. Pursuant to The University of Texas System Regents' Rules and Regulations, the Administrator may delegate in writing certain administrative, accounting, and investment functions of the Plan.

Section 3 -- Legal Interpretation

The text of this Plan shall control and the headings to the Articles, Sections and Paragraphs are for reference purposes only, and do not limit or extend the meaning of any of the Plan's provisions. The Plan shall be governed by and construed in accordance with the laws of the State of Texas. Any interpretation of the Plan by the Administrator shall be conclusive as between the System and its employees and students, participating Plan Participant, and retired or otherwise terminated Participants, employees and students, and may be relied upon by the System and all parties in interest.

Section 4 -- Counsel and Settlement Authority

Authority to employ counsel, approve attorney fees and expenses, and approve settlement of all claims, including litigation, shall rest with the Administrator, or the Administrator's delegate, subject to any additional approval required by the Board of Regents of the System pursuant to any applicable policies of the System.

ARTICLE XII GENERAL PROVISIONS

Section 1 -- Subrogation

In the event of any payment under this Plan, the System shall be subrogated to all of the Participant's rights of recovery thereof against any person or organization and the participant shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The Participant shall do nothing after loss to prejudice such rights.

Section 2 -- Changes

Notice to any agent or knowledge possessed by any agent or by any other person shall not affect a waiver or a change in any part of this Plan, or estop the System from asserting any right under the terms of this Plan; nor shall the terms of this Plan be waived or changed, except by written waiver or amendment duly approved by the Board.

Section 3 -- Entirety of Agreement

This Plan embodies all agreements existing between any and all persons and the System or any of its agents relating to this Plan and the coverage afforded hereunder.

Section 4 -- Employment Noncontractual

The System may terminate the appointment, employment, internship, residency, fellowship, or student-school relationship of any Participant as freely and with the same effect as if this Plan were not in operation.

Section 5 -- Actions Against Participant

This Plan or its operations shall not in any way affect any claim or cause of action by the System against a Participant for indemnity or contribution arising out of or incident to any Liability Claim.

Section 6 -- Communications

All notices, reports and statements given, made, delivered or transmitted to a Participant shall be deemed duly given, made, delivered or transmitted when delivered to the Participant, or when mailed by first-class mail, postage prepaid, and addressed to the Participant at the address last appearing on the books of the System. A Participant who changes address shall forthwith give written notice to the System of such change. Written directions, notices and other communications from participants to the System shall be mailed by first-class mail, postage prepaid, or delivered as follows:

The University of Texas System
Office of General Counsel
~~Ashbel Smith Hall~~
~~201-210~~ West 7th Street
Austin, Texas 78701

Attention: Vice Chancellor and General Counsel

Section 7 -- Use of Pronouns

Whenever used in this Plan, masculine pronouns shall include both men and women unless the context indicates otherwise.

Section 8 -- Effective Date

The revised Plan shall be effective ~~September 1, 2019~~ July 1, 2020.

Exhibit 2

The University of Texas System Professional Medical Liability Benefit Plan
Premium Rates & Risk Classifications for Newly Covered Healthcare Professionals

Tier 1	\$15	Group 1 – All Other Group 2 – Clinical Nurse Specialists, Psychologist
Tier 2	\$25	Group 3 - Athletic Trainers Group 4 - Chiropractors Group 5 - Certified Nurse Practitioners, Perfusionists, Physician Assistants
Tier 3	\$35	Group 6 – Certified Nurse Anesthetists Group 7 – Surgical Assistants
Tier 4	\$350	Group 8 – Certified Nurse Midwives

12. U. T. Austin: Red and Charline McCombs Stadium Player Development Center and Renovation - Amendment of the current Capital Improvement Program to include expansion of ongoing project; approval of addition to total project cost; and modified appropriation of funds and authorization of expenditure

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents amend the current Capital Improvement Program (CIP) to include the expanded scope of the ongoing and nearly completed Red and Charline McCombs Stadium and Player Development Center and Renovation project at The University of Texas at Austin as follows:

- a. approve the addition of funding necessary to complete the project (\$2,700,000); and
- b. appropriate funds and authorize expenditure of the requested additional amount, which combined with the previously authorized expenditure results in a new total project cost of \$12,600,000 with all funding, with the exception of \$200,000 from Gifts, to come from Auxiliary Enterprises Balances.

BACKGROUND INFORMATION

Previous Actions

None. This project was initially a minor project with a total project cost of \$9,900,000 (under \$10 million) and did not require Definition Phase approval.

Project Description

The original scope of this minor project included a new addition of a two-level structure, a player development center, exterior improvements, and utility infrastructure. After construction was underway in Phase 1, unknown utility conditions were discovered and a buried duct bank was relocated to achieve structural integrity for the new addition, placing the cost above the minor project threshold. Phase 2 is being brought forward now to accelerate completion of the overall project and streamline the schedule and budget while still utilizing the current contractor. The additional scope includes renovation of the north section of the McCombs Stadium and finish-out of the second floor in the new addition.

This proposed project reclassification has been approved by U. T. System staff and meets the criteria for inclusion in the CIP. Pursuant to a May 10, 2017 Board of Regents approval, effective September 1, 2017, U. T. Austin has delegated authority for institutional management of construction projects under the continued oversight of the Office of Capital Projects.

**The University of Texas at Austin
Red and Charline McCombs Stadium Player Development Center and Renovation**

Project Information

Project Number 102-1306
 CIP Project Type New Construction
 Facility Type Athletic
 Management Type Institutional Management
 Institution's Project Advocate Arthur Johnson,
 Executive Senior Associate Athletic Director
 Project Delivery Method Construction Manager-at-Risk
 Gross Square Feet (GSF) 13,407 - New Construction
 3,100 - Repair and Rehabilitation (R&R)

Project Funding

	<u>Current</u>	<u>Proposed</u>
Auxiliary Enterprises Balances	\$9,900,000	\$12,400,000
Gifts ¹	<u>\$ 0</u>	<u>\$ 200,000</u>
Total Project Cost	\$9,900,000	\$12,600,000

¹Gifts are not fully collected or committed at this time; however, the Office of Finance has determined the institution has sufficient local funds to cover any shortfall

Project Cost Detail

Building Cost – New Construction	\$8,771,000
Renovation	300,000
Utilities	600,000
Site Development	-
Furniture and Moveable Equipment	550,600
Institutionally Managed Work	163,800
Architectural/Design Services	1,009,200
Project Management Fees	567,000
Insurance	-
Other Professional Fees	175,000
Project Contingency	441,500
Other Costs	<u>21,900</u>
Total Project Cost	\$12,600,000

Building Cost per GSF Benchmarks (escalated to midpoint of construction)

McCombs Stadium Player Development Center		\$654	
	Low Quartile	Median	High Quartile
Other U. T. System Projects	\$364	\$393	\$552
Other National Projects	\$438	\$514	\$667

**The University of Texas at Austin
Red and Charline McCombs Stadium Player Development Center and Renovation
(continued)**

Project Planning

Definition Phase Completed	No
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

13. **U. T. Austin: Texas Athletics Basketball and Rowing Training Facility - Approval of design development**

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve design development plans for the Texas Athletics Basketball and Rowing Training Facility project at The University of Texas at Austin.

BACKGROUND INFORMATION

Previous Actions

On December 9, 2019, the Chancellor approved this project for Definition Phase. On February 27, 2020, the project was included in the Capital Improvement Program (CIP) with a total project cost of \$60,000,000 to be funded entirely from RFS Bond Proceeds.

Project Description

The project will replace the Denton A. Cooley Pavilion basketball training facility after it is decommissioned following completion of the Moody Center. The building will be adjacent to and serve as the primary training facility for the Men's and Women's Basketball programs and the Women's Rowing program. The four-story facility will include basketball courts, rooms for rowing ergometers, strength and conditioning, sports medicine, players' lounges, meeting rooms, and coach and staff offices. Also included in the project will be the interior finish-out of space in the Moody Center for locker rooms for the men, women, and visiting basketball teams, as well as retail store spaces.

**The University of Texas at Austin
Texas Athletics Basketball and Rowing Training Facility**

Project Information

Project Number	102-1292
CIP Project Type	New Construction
Facility Type	Athletic
Management Type	Institutional Management
Institution's Project Advocates	Arthur Johnson, Executive Senior Associate Athletics Director Shawn Eichorst, Deputy Athletic Director/Chief Operating Officer
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	75,200 – New Construction 12,600 – Repair & Renovation (R&R)

Project Planning

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

Project Milestones

Definition Phase Approval	December 2019
Addition to CIP	February 2020
Design Development Approval	May 2020
Additional authorizations as needed/Notice to Proceed	August 2020
Substantial Completion	22 months after Notice to Proceed is approved

Basis of Design

The planned building life expectancy includes the following elements:

- Enclosure: 50 years
- Building Systems: 30 years
- Interior Construction: 20 years

14. U. T. Southwestern Medical Center: James W. Aston Ambulatory Care Building Renovations - Amendment of the current Capital Improvement Program to increase total project cost; approval of design development; appropriation of funds and authorization of expenditure; and resolution regarding parity debt

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs, the Executive Vice Chancellor for Business Affairs, and the institutional president that the U. T. System Board of Regents approve the recommendations for the James W. Aston Ambulatory Care Building Renovations project at The University of Texas Southwestern Medical Center as follows:

- a. amend the current Capital Improvement Program (CIP) to increase the total project cost from \$37,000,000 to \$47,711,000;
- b. approve design development plans;
- c. appropriate funds and authorize expenditure of \$47,711,000 with funding of \$35,711,000 from Revenue Financing System (RFS) Bond Proceeds and \$12,000,000 from Designated Funds; and
- d. resolve in accordance with Section 5 of the Amended and Restated Master Resolution Establishing The University of Texas System Revenue Financing System that parity debt shall be issued to pay the project's cost, including any costs prior to the issuance of such parity debt; sufficient funds will be available to meet the financial obligations of the U. T. System, including sufficient Pledged Revenues as defined in the Master Resolution to satisfy the Annual Debt Service Requirements of the Financing System, and to meet all financial obligations of the U. T. System Board of Regents relating to the Financing System; and U. T. Southwestern Medical Center, which is a "Member" as such term is used in the Master Resolution, possesses the financial capacity to satisfy its direct obligation as defined in the Master Resolution relating to the issuance by the U. T. System Board of Regents of tax-exempt parity debt in the aggregate amount of \$35,711,000.

BACKGROUND INFORMATION

Debt Service

The \$35,711,000 in RFS debt will be repaid from Clinical Revenues. Annual debt service on the \$35,711,000 in RFS debt is expected to be \$2.0 million. The institution's Scorecard Rating of 5.3 at fiscal year-end 2019 is below the maximum threshold of 6.0 and demonstrates that the institution has the financial capacity to satisfy its direct obligations related to parity debt.

Previous Actions

On May 10, 2019, the Chancellor approved this project for Definition Phase. On November 14, 2019, the Board approved the addition to the CIP with a total project cost of \$37,000,000 with funding of \$25,000,000 from RFS Bond Funding and \$12,000,000 from Designated Funds.

Project Description

The original project to renovate the James W. Aston Ambulatory Care Building was approved to meet the clinical needs of patients and research needs of faculty. The original scope included the expansion of the neuroscience and ophthalmology clinics; providing a central core of clinical research space for investigators and their patients; and addressing significant building infrastructure issues including mechanical, electrical and plumbing (MEP) systems, building envelope and enclosure, and ADA regulatory compliance deficiencies.

As part of the design development process the need to expand the scope of the infrastructure replacement and modernization work was identified based on a detailed condition assessment of the MEP systems. Additional scope now includes expanding the building footprint to meet electrical code requirements and extending circuits; and replacing original building air handling units and domestic hot water piping throughout the building. The full renovation of 17 exam rooms has also added to the clinical scope.

**The University of Texas Southwestern Medical Center
James W. Aston Ambulatory Care Building Renovations**

Project Information

Project Number	303-1243
CIP Project Type	Repair and Rehabilitation
Facility Type	Healthcare Facility, Hospital
Management Type	Institutional Management
Institution's Project Advocate	Brendan Kelley, Vice Chair of Clinical Affairs, Neurology and Neurotherapeutics
Project Delivery Method	Construction Manager-at-Risk
Gross Square Feet (GSF)	143,050

Project Funding

	<u>Current</u>	<u>Proposed</u>
Revenue Financing System Bond Proceeds ¹	\$25,000,000	\$35,711,000
Designated Funds	<u>\$12,000,000</u>	<u>\$12,000,000</u>
Total Project Cost	\$37,000,000	\$47,711,000

¹ RFS Bond Proceeds to be repaid from Clinical Revenues

Project Cost Detail

Building Cost	\$ 36,777,500
Fixed Equipment (with IR)	2,700,000
Site Development	-
Furniture and Moveable Equipment	550,000
Institutionally Managed Work	-
Architectural/Design Services	2,523,000
Project Management Fees	1,036,000
Insurance	437,500
Other Professional Fees	400,000
Project Contingency	2,400,000
Other Costs	<u>887,000</u>
Total Project Cost	\$47,711,000

Project Planning

Definition Phase Completed	Yes
Owner's Project Requirements	Yes
Basis of Design	Yes
Schematic Design	Yes
Detailed Cost Estimate	Yes

Project Milestones

Definition Phase Approval	May 2019
Addition to CIP	November 2019
Design Development Approval	May 2020
Construction Notice to Proceed	July 2020
Substantial Completion	December 2021

15. **U. T. System Board of Regents: Presentation of Certificate of Appreciation to Student Regent Daniel R. Dominguez**

16. **U. T. System Board of Regents: Presentation of Certificate of Appreciation to President Gregory L. Fenves**