

Meeting No. 1,206

THE MINUTES OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

Pages 1 - 17

June 29, 2020

Austin, Texas

MEETING NO. 1,206

MONDAY, JUNE 29, 2020.--The members of the Board of Regents of The University of Texas System convened in Open Session on Monday, June 29, 2020, at 10:32 a.m. via telephone conference, with the below meeting participation. This special called meeting of the Board was held via telephone conference call as authorized by Governor Abbott's Executive Order temporarily suspending certain provisions of the Texas Open Meetings Act, effective March 16 2020, to address and mitigate the effects of the COVID-19 pandemic.

ATTENDANCE.--

Present

Chairman Eltife
Vice Chairman Longoria
Vice Chairman Weaver
Regent Beck
Regent Crain
Regent Hicks
Regent Jiles
Regent Perez
Regent Warren
Regent Ojeaga, Student Regent, nonvoting

[Secretary's Note: On June 17, 2020, Governor Greg Abbott appointed Mr. Patrick Ojeaga, of McAllen, Texas as Student Regent to The University of Texas System Board of Regents to serve a term beginning June 1, 2020 to May 31, 2021. Regent Ojeaga is pursuing a Medical degree from The University of Texas Rio Grande Valley.]

CONVENE THE BOARD IN OPEN SESSION.--At 10:32 a.m., in accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Eltife called the meeting to order in Open Session. He formally welcomed Student Regent Patrick Ojeaga to his first Board meeting then recessed the Board to Executive Session.

RECESS TO EXECUTIVE SESSION.--At 10:33 a.m. the Board recessed to Executive Session, pursuant to *Texas Government Code* Sections 551.071, 551.074, 551.076, and 551.089 to consider the matters listed on the Executive Session agenda.

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS AND TO CONSIDER OTHER AGENDA ITEMS.--Chairman Eltife reconvened the Board in Open Session at 11:06 a.m. to consider action on the following items.

- 1a. 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 including presidents ad interim); 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

No action was taken on this item.

- 1b. U. T. Tyler and U. T. Health Science Center - Tyler: Discussion and appropriate action related to individual personnel issues concerning administrative structure and oversight for U. T. operations and facilities, including individual administrative appointments, duties, and reassignment of duties

Chairman Eltife made the following motion:

I move that the U. T. System Board of Regents act, consistent with previous authorizations related to the realignment of U. T. Tyler and U. T. Health Science Center - Tyler as a single institution, to state its intent to name President Kirk Calhoun as President of the restructured U. T. Tyler/U. T. Health Science Center - Tyler entity at a date to be determined in the future. Chancellor Milliken and his staff are working closely with Presidents Calhoun and Tidwell, as well as accreditation bodies, and he will present an item to the Board for action at the appropriate time.

This motion is made in acknowledgement of President Kirk Calhoun's long term of service to the Tyler community, with appreciation for the efforts of President Michael Tidwell in full support of the realignment, and with the understanding that a formal vote on this action will be taken at the appropriate time in the future. We are grateful for the good work at both of these institutions and for both of these presidents who have done an outstanding job to get us to this point.

Vice Chairman Longoria seconded the motion, which carried unanimously.

2. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

3. 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

No action was taken on this item.

AGENDA ITEMS

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

Chairman Eltife noted the following related to the Consent Agenda:

- Items 1 and 2 request approval of employment agreements for interim presidents at U. T. Arlington and U. T. Austin. In approving these items, the Board is asked to find that the terms of employment are in the best interest of the U. T. System and the institutions. Appropriate advance notice of these agreements was provided to the Legislative Budget Board.
- Item 3 requests approval of an amendment to the contract between the Texas Department of Family and Protective Services and U. T. Permian Basin.

[Secretary's Note: President Woodley clarified during the meeting that an audit recently revealed that prior approval for this contract had inadvertently been missed. She reported that almost all of the grant funds have been awarded and this item was presented to the Board today to correct that oversight for complete compliance.]

- Item 4 requests approval for the dual appointment of U. T. M. D. Anderson professor, Dr. Alexander Lazar, as COVID-19 Special Advisor to the Executive Commissioner for the Texas Department of Health and Human Services. In approving this item, the Board is asked to make a finding, that holding this position is of benefit to the State of Texas and U. T. M. D. Anderson Cancer Center and there is no conflict between the position and Dr. Lazar's employment.

Regent Perez moved approval, which was seconded by Regent Beck. The Board then approved the Consent Agenda, which is set forth on Pages 11 - 17.

In approving the Consent Agenda, the Board expressly authorized that any contracts or other documents or instruments approved therein may be executed by the appropriate officials of the respective University of Texas institution involved.

2. U. T. System Board of Regents: Discussion and appropriate action regarding proposed appointment to University Lands Advisory Board (ULAB)

Vice Chairman Weaver moved, Regent Beck seconded, and the Board unanimously approved the following recommendation:

RECOMMENDATION

Chairman Eltife and Vice Chairman Weaver will recommend the reappointment of Thomas L. Carter to the University Lands Advisory Board (ULAB) for a three-year term.

BACKGROUND INFORMATION

On March 19, 2018, the Board of Regents approved changes to the membership structure for the University Lands Advisory Board (ULAB), effective immediately, as follows:

- five members appointed by The University of Texas System Board of Regents;
- three members appointed by The Texas A&M University System Board of Regents; and
- the Commissioner of the General Land Office.

Further, at least two of the members appointed by the U. T. System Board and at least one of the members appointed by the A&M System Board must be current Regents, with the ULAB Chairman to be named by the U. T. System Board. In addition, at least three of the members appointed by the U. T. System Board and at least two of the members appointed by the A&M System Board must have industry experience.

Mr. Carter is President, CEO, and Chairman of Black Stone Minerals Company LP. On July 10, 2014, Mr. Carter was appointed to the ULAB for a three-year term. He was reappointed on June 20, 2018, for a term ending June 1, 2020.

3. U. T. System: Discussion and appropriate action associated with reopening of campuses

Following remarks by Chancellor Milliken, which are attached following this item, Chairman Eltife called on Regents for comments. Regents Jiles and Perez praised the collaboration among the institutions on the reopening plans.

Vice Chairman Longoria made the following motion:

I move that the U. T. System Board of Regents acknowledge the thoughtful work and careful planning of State officials, led by Governor Abbott, associated with reopening the State of Texas including its public institutions of higher education for the Fall 2020 and endorse the goals and philosophy for campus operations and health and safety protocols as recommended by Chancellor Milliken and the U.T. institutional presidents for the fall semester.

I further move that the Board approve the approach to and parameters for campus reopening, as outlined by Chancellor Milliken for the Board today.

Finally, I move that the Board authorize each U. T. president to implement detailed institutional plans consistent with all applicable State and CDC guidelines and be authorized to take appropriate action to modify the plans, in consultation with Chancellor Milliken, as necessary to respond to local conditions to promote the health and safety of members of the university community and the patients and members of the public they serve, with the understanding that Chancellor Milliken will continue to keep the Board updated on a regular basis.

Regent Crain seconded the motion, which carried unanimously.



Chancellor Milliken

PREPARED REMARKS

UT SYSTEM BOARD OF REGENTS MEETING

June 29, 2020

BACKGROUND

Much has happened since January when the Centers for Disease Control and Prevention issued a Health Alert Network advisory regarding an outbreak of disease in China. Two weeks later the first COVID-19 notice was issued from the UT System Office of Risk Management to risk and safety officers at the 14 UT institutions. On March 2, the UT System issued system-wide guidance on international travel, spring break and personal travel and travelers returning to campus. Three days later we issued guidelines elevating approvals for out of state travel, a required review of infection control, and post-travel return to work protocols. At the same time Executive Vice Chancellor John Zerwas and I began twice weekly conference calls with health presidents, and Executive Vice Chancellor Steve Leslie and I did the same with academic presidents. Weekly calls were also held with institutional business officers, risk managers, academic officers and other administrative groups.

On March 17, after consultation with Chairman Eltife and communication to the Board of Regents, I issued guidance to academic presidents, directing that all instruction for the remainder of the semester take place online, spring gatherings such as commencement ceremonies be postponed, and reimbursements be made for unused portions of spring residence, dining, and parking fees. Throughout this period of early 2020, Governor Abbott declared a state of disaster and took numerous steps to control the spread of COVID-19, restricted non-COVID medical procedures, and announced expert groups to address acquisition of personal protective equipment and hospital capacity. UT employees throughout the system who were able to work from home were required to do so. By late April, all UT academic institutions had announced that summer courses would be offered entirely online. During the late spring and summer, UT academic institutions had launched comprehensive processes to plan for fall campus operations.

Today's discussion and proposed action relates to the fall plans for our eight academic institutions, but at the outset I want to recognize and express great gratitude to each of our institutions, health and academic, for the outstanding work they have done over the last four months and continue to do. Our health institutions have been on the frontlines of patient care, and all our institutions have continued to deliver on their missions under extraordinary circumstances. From my conversations with Board members, I know you agree.

SPRING ONLINE

The pivot to all online instruction in March, at UT academic institutions and virtually all institutions nationwide, was one of the most remarkable episodes in higher education history. Prior to the spring, less than 20% of UT faculty had taught online, and 40% of students had taken courses online. Now 100 percent of both faculty and students have experienced fully online education. Most students were able to continue their coursework, and most of those on track to graduate were able to do so.

While the move to online education was clearly successful by that critical measure, it was not, however, always smooth or satisfactory to students or faculty. Notwithstanding this, each of our academic institutions reports summer enrollment, entirely online, has increased over total enrollments of last year. We have learned a great deal during the spring and summer and have been able to take advantage of that experience in preparation for Fall 2020. This included the offering of training for faculty this summer on effective use of available instructional technology, online educational materials, and online pedagogy.

PLANNING FOR THE FALL

Despite the relative success of online education in the spring and summer, through surveys of our students as well as national surveys, we knew that many students were reconsidering plans for fall, and that many indicated they would not enroll if universities were planning to be completely online in the fall. Institutions were faced with a choice, and not a choice as simplistic as health versus fiscal viability, as some have asserted. In numerous discussions on the question of fall opening, the presidents and I have been remarkably unified. We believe we have an obligation to our students and the people of Texas to plan for a fall semester with a campus presence, although it will obviously be much different than any in the past. We know from student surveys that if we do not open, many students will choose to pause their education. And we know from research that pausing has an impact on persistence and graduation. The most vulnerable students—low income, first generation, and underrepresented students—will be at the greatest risk of falling off the path to success.

In light of our mission and our obligation, each institution has plans for fully online, in-person and hybrid course experiences, and each is prepared to alter its plans based on health and safety concerns. Each will be prepared to step back or close in-person activities if conditions require it. We demonstrated last March that our institutions are fully capable of changing course dramatically if necessary. Resiliency, flexibility and adaptability are the keys to operating success this fall.

We have a common set of guiding principles that is governing our approach. These begin with paramount concern for the health, safety and well-being of our students, faculty, staff and campus visitors. They include a commitment to our vital missions of education, research and service. They include adherence to the guidelines issued by Governor Abbott, the CDC, the Texas Higher Education Coordinating Board, local health authorities and the Board of Regents. And they include a commitment to openness and regular communication, resiliency and flexibility, and the commitment to scale back or end campus-based activities if circumstances require.

Each institution has organized multifaceted, comprehensive processes to plan for all aspects of campus operations in the fall. Some have already released their plans publicly, and the others will do so in the days ahead. Drs. Zerwas and Lakey have carefully reviewed each institutional plan. While there are many common elements to the plans, each campus is unique, depending on factors such as location, size, residential population, athletics, research activities, and other factors. Among the common elements of the institutional plans is the plan to begin the fall semester at the previously designated time in late August and end most in-person academic experiences at Thanksgiving, with only online work after.

Each plan also has specific, detailed elements, including:

- phased and limited return of the workforce, with staggered arrival and departure times;
- continued remote work where possible;
- extended hours of building use with density and pedestrian flow restrictions;
- mandatory masks and physical distancing;
- testing protocols, isolation requirements, and contact tracing;
- increased thorough cleaning and disinfecting regimens campus-wide;
- signage on movement and physical distancing within buildings and on campus grounds;
- physical barriers in offices, classrooms, and buildings (typically plexiglass);
- appropriate ventilation;
- housing and dining restrictions;
- minimizing campus visitors;
- limiting large gatherings;
- regulating athletic practices and events; and
- preparing for mental and emotional health issues.

Given the uncharted territory of operating with some continued presence of COVID-19, there will be understandable anxiety among students and their families, as well as faculty and staff. And we are well aware of and concerned about the recent increase in cases and hospitalizations in Texas. While our planning for the fall continues, recent events reinforce the importance of plans that can be altered as soon as they need to be, and activities can be scaled back or eliminated completely.

Our institutions have been communicating with their stakeholders frequently, and will continue to do so, so all are aware of the fall plans. And institutions have surveyed attitudes and preferences of faculty and students and encouraged involvement in planning from across the campuses. This has helped promote a shared sense of purpose and consensus on operational principles and practices. For instance, in one institutional survey, 77 percent of faculty and 88 percent of students surveyed agreed with a requirement that wearing masks should be required in campus buildings.

To the extent practical, each institution is providing educational modalities that will satisfy all stakeholders, including those in more vulnerable positions. Each institution will offer completely online courses, face-to-face courses, and hybrid or combined online and face-to-face courses.

One institution has identified seven different approaches ranging from completely online, asynchronous learning to face-to-face, with most courses expected to be hybrid in one form or another. Another institution has committed to offer every single course both online and in-person, with the decision of how to participate up to each student and each faculty member. As an example of the flexibility built in to the approaches, one institution had begun planning earlier this summer for about one-third of its courses to be online and two-thirds in person in the fall, and has now flipped those estimates, planning for one-third in-person and two-thirds online. This kind of flexibility in light of changing circumstances will be critical to our institutions this fall.

I am impressed and heartened by the exceptional work of our presidents and their leadership teams, and the commitment of faculty and staff. We will continue to work closely with the institutions and continue to promote what I believe has been a very useful experience among the many institutional teams, sharing ideas and plans with each other. And I will continue to keep the Board of Regents updated frequently as plans continue to develop and adapt to changing conditions. This experience is unlike any we have faced before, but our institutions have responded exceptionally to the challenge to fulfill our mission and help ensure the health and safety of our campus communities.

We would be pleased to answer any questions you may have. Thank you.

Prior to adjourning, Chairman Eltife made the following closing comments related to the Board's discussion of the fall reopening.

Chairman Eltife's remarks

These have been a tough few months for Texas and the nation, first as we have faced the COVID-19 pandemic and now as we deal with hard questions about race relations in our country.

I want to speak for the Regents when I say, we have all been hearing from many members of the U. T. community over the past few weeks about these issues.

We take these conversations very seriously. I am very proud of President Hartzell at U. T. Austin and all of our Presidents for listening closely to their students, alumni, faculty, staff, and supporters. Even more, I am proud of them for trying to work together with their community members to decide on next steps in making our U. T. institutions even greater than they are. The Regents and I are doing a lot of listening as well and are here to support the presidents and provide the resources they will need to take the next steps. We again want to thank all of our health care workers on the front lines fighting COVID-19.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 11:22 a.m.

/s/ Tina E. Montemayor
Secretary to the Board of Regents
July 2, 2020



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Austin, Texas

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ACADEMIC AFFAIRS COMMITTEE

1. Employment Agreement - U. T. Arlington: Approval of terms of Employment Agreement with Teik C. Lim, Ph.D., as President *ad interim* of The University of Texas at Arlington

The following agreement has been approved by the Chancellor and Executive Vice Chancellor for Academic Affairs, has been signed by Dr. Lim and is recommended for approval by the U. T. System Board of Regents. Terms of employment under this agreement are subject to Regents' *Rules and Regulations*, Rules 10501 and 20201, and *Texas Education Code*, Section 51.948.

Item:	President <i>ad interim</i>
Funds:	\$485,000 annually
Period:	Beginning May 1, 2020
Description:	Agreement for employment of Dr. Teik Lim, as President <i>ad interim</i> of The University of Texas at Arlington. The President <i>ad interim</i> reports to the Chancellor and shall hold office without fixed term, subject to the pleasure of the Chancellor following input by the Executive Vice Chancellor for Academic Affairs and approval by the Board of Regents. The employment agreement is on the following page.



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Office of the Chancellor
210 West 7th Street
Austin, Texas 78701
512-499-4201
WWW.UTSYSTEM.EDU

April 29, 2020

Dr. Teik C. Lim
Administrator in Charge
The University of Texas at Arlington
P. O. Box 19125
Arlington, Texas 76019

Dear Teik:

I am writing to express my gratitude for the work you have done as Administrator in Charge of The University of Texas at Arlington and that you have also agreed to serve as President *ad interim*, effective May 1, 2020, with duties, as outlined in the Regents' Rules related to the responsibilities of an institutional President. While serving in this capacity, you will have general authority and responsibility for the administration of the institution.

Your annual salary rate will be \$485,000 and will be paid monthly. All of your current responsibilities will be reassigned, and you will resume such duties when your assignment as President *ad interim* concludes.

Please sign below to indicate your agreement to the terms of your service and return a signed copy to my office. If you have any questions, please feel free to contact me or Executive Vice Chancellor Steve Leslie. I look forward to the opportunity to continue to work with you as President *ad interim*.

Sincerely,

James B. Milliken
Chancellor

Accepted:

Date 5-14-2020

Teik C. Lim, Ph.D.

cc: Dr. Steve Leslie
Dr. Scott Kelley
Ms. Julie Goonewardene
Ms. Francie Frederick

2. Employment Agreement - U. T. Austin: Approval of terms of Employment Agreement with Jay C. Hartzell, Ph.D., as President *ad interim* of The University of Texas at Austin

The following agreement has been approved by the Chancellor and Executive Vice Chancellor for Academic Affairs, has been signed by Dr. Hartzell and is recommended for approval by the U. T. System Board of Regents. Terms of employment under this agreement are subject to Regents' *Rules and Regulations*, Rules 10501 and 20201, and *Texas Education Code*, Section 51.948.

Item: President *ad interim*

Funds: \$795,000 annually

Period: Beginning June 1, 2020

Description: Agreement for employment of Dr. Jay Hartzell, as President *ad interim* of The University of Texas at Austin. The President *ad interim* reports to the Chancellor and shall hold office without fixed term, subject to the pleasure of the Chancellor following input by the Executive Vice Chancellor for Academic Affairs and approval by the Board of Regents. The employment agreement is on the following page.



THE UNIVERSITY of TEXAS SYSTEM
FOURTEEN INSTITUTIONS. UNLIMITED POSSIBILITIES.

Office of the Chancellor
210 West 7th Street
Austin, Texas 78701
512-499-4201
WWW.UTSYSTEM.EDU

April 29, 2020

Dr. Jay C. Hartzell
Dean, McCombs School of Business
The University of Texas at Austin
2110 Speedway
Austin, Texas 78705

Dear Jay:

I am writing to express my gratitude that you have agreed to serve as President *ad interim* of The University of Texas at Austin, effective June 1, 2020, with duties, as outlined in the Regents' Rules related to the responsibilities of an institutional President. While serving in this capacity, you will have general authority and responsibility for the administration of the institution.

Your annual salary rate will be \$795,000 and will be paid monthly. All of your current responsibilities will be reassigned, and you will resume such duties when your assignment as President *ad interim* concludes.

Please sign below to indicate your agreement to the terms of your service and return a signed copy to my office. If you have any questions, please feel free to contact me or Executive Vice Chancellor Steve Leslie. I look forward to the opportunity to work with you in your role as President *ad interim*.

Sincerely,

James B. Milliken
Chancellor

Accepted:

Jay C. Hartzell, Ph.D.

Date

4/30/20

- cc: Dr. Steve Leslie
- Dr. Scott Kelley
- Ms. Julie Goonewardene
- Ms. Francie Frederick

3. Contract (funds coming in) - U. T. Permian Basin: Amendment to Agreement with Texas Department of Family and Protective Services under the Maternal, Infant, and Early Childhood Home Visitation Texas Home Visiting Services Grant Program

Agency: Texas Department of Family and Protective Services

Funds: \$6,575,000

Period: June 01, 2020 through August 31, 2022

Description: The Texas Department of Family and Protective Services Maternal, Infant, and Early Childhood Home Visitation program provides at risk pregnant women and families necessary resources and skills to raise children who are physically, socially, and emotionally healthy and ready to succeed. Under this agreement, U. T. Permian Basin provides services to the program to identify community-level needs as related to school-readiness and maternal/child health outcomes and related services.

An initial agreement effective September 1, 2017, and with a value capped at \$6,500,000 was not previously presented to the Board for approval due to an inadvertent administrative oversight. The initial agreement was also amended on January 9, 2019, and February 1, 2020, without these amendments impacting the value of the agreement. Upon realizing the oversight, the institution asks for approval to extend the agreement.

If approved, the proposed amendment will be effective June 1, 2020, and will continue through its original term ending August 31, 2022. As amended, the agreement value is capped at \$6,575,000. The grant funds, however, are allocated equally across the five-year term. To date, U. T. Permian Basin has provided services valued at approximately \$450,000. Accordingly, the maximum funding U. T. Permian Basin may realize if fully performing future services is approximately \$3,000,000 through the end of the term.

[Secretary's Note: President Woodley clarified during the meeting that an audit recently revealed that prior approval for this contract had inadvertently been missed. She reported that almost all of the grant funds have been awarded and this item was presented to the Board today to correct that oversight for complete compliance.]

HEALTH AFFAIRS COMMITTEE

4. Approval of Dual Position of Honor, Trust, or Profit - U. T. M. D. Anderson Cancer Center: Appointment by Governor Abbott and the Texas Department of Health and Human Services Executive Commissioner Phil Wilson of Alexander Lazar, M.D., Ph.D., as COVID-19 Special Advisor to the Executive Commissioner

The following item has been approved by the Executive Vice Chancellor for Health Affairs in accordance with Regents' *Rules and Regulations*, Rule 30103.

It has been determined that the holding of this office or position is of benefit to the State of Texas and The University of Texas M. D. Anderson Cancer Center and that there is no conflict between holding this position and the appointment with the University.

The Board is also asked to find that holding this position is of benefit to the State of Texas and the University and that there is no conflict between the position and the University.

Name:	Alexander Lazar, M.D., Ph.D.
Title:	Professor, Pathology Department, Anatomical
Position:	COVID-19 Special Advisor to the Executive Commissioner
Period:	May 22, 2020, for a term to expire August 31, 2020, or at the pleasure of the Governor and the Texas Department of Health and Human Services Executive Commissioner
Compensation:	None
Description:	Governor Abbott and the Texas Department of Health and Human Services Executive Commissioner Wilson have appointed Alexander Lazar, M.D., Ph.D., as COVID-19 Special Advisor to the Executive Commissioner. In his role, Dr. Lazar will lead the data science strategy and help formulate the viral and serology testing strategy for the State of Texas, as well as execute additional projects related to COVID-19.