

2-9-79
BOARD OF REGENTS: REVISION OF REGENTS' RULES AND REGULATIONS, PART ONE. --Chairman Shivers called to the attention of the Committee of the Whole that Items 1 through 6 on the Agenda related to the Regents' Rules and Regulations.

Regent Law was recognized. He stated that he had gone over the proposed revision of the Regents' Rules and Regulations, Part One that had been submitted in congressional style. This proposed revision was based on the rules and regulations in effect prior to the meeting on November 30-December 1, 1978. At the November 30-December 1, 1978 meeting, Chapters I and II and Section 31 of Chapter III were adopted.

Regent Law cited in this proposed revision numerous editorial and technical changes which the Secretary was instructed to make. It was noted

that one of the changes was the deletion of Subsection 6.6 and its subsections and the substitution therefor of the following:

FEB 9 1979 6.6 Every faculty member and employee is expected to obey all federal, state, and local laws, and particularly Section 42.01 (Texas Penal Code) and Sections 4.30 and 4.31 (Texas Education Code). Any faculty member or employee who violates any provision of these three statutes is subject to dismissal as a faculty member or employee, notwithstanding any action by civil authorities on account of the violation.

To Chapter II that was adopted on December 1, 1978, Regent Law offered the following amendments:

1. Amend Subsection 4.318 of Section 4 of Chapter II to read as follows:

FEB 9 1979 4.318 Appoint, or establish procedures for the appointment of, all faculty, staff, and student committees.

2. Amend the second sentence of Subsection 5.1 of Section 5 of Chapter II to read as follows:

FEB 9 1979 5.1 ... However, prior approval of the Chancellor shall be necessary for each such permanent or acting appointment and for each such dismissal whether from a permanent or acting appointment. ...

(This is a reinstatement of that portion deleted at the meeting of December 1978. See Page 94 of the Minutes of November 30-December 1, 1978.)

After discussion of each of the following, Regent Law moved that the proposed revision of Part One be amended by changing:

FEB 9 1979 1. The title "Regents Professor" to "Regental Professor" in Subsection 1.81 of Section 1 of Chapter III and wherever "Regents Professor" occurs.

2. The first paragraph of Section 4 of Chapter III to read as follows:

FEB 9 1979 Sec. 4 Code of Ethics. --Each employee, under State law, shall be furnished a copy of the Code of Ethics (V. C. S. 6252-9b) and, in addition thereto, shall adhere to the following standards of conduct for employees of the System and its component institutions:

3. Subsection 6.335 of Section 6 of Chapter III to read as follows:

FEB 9 1979 6.335 The hearing tribunal shall not include any accuser of the faculty member. If the accused faculty member is not satisfied with the fairness or objectivity of any member or members of the hearing tribunal, he may challenge his or their alleged lack of fairness or objectivity,

but any such challenge must be made prior to the submission of any evidence to the hearing tribunal. The accused faculty member shall have no right to disqualify any such member or members from serving on the tribunal. It shall be up to each such challenged member to determine whether he can serve with fairness and objectivity in the matter, and if any such challenged member should voluntarily disqualify himself, the institutional head shall appoint a substitute member of the tribunal who is qualified hereunder.

4. The first paragraph of Subsection 6.4 of Section 6 of Chapter III to read as follows:

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6.4 Any employee of any component institution of the System, including any member of the faculty or administration, who is placed on probation by a court of competent jurisdiction for, or finally convicted of, the illegal use, possession, or sale of a drug or narcotic, shall be dismissed as an employee, regardless of whether or not the illegal act that gave rise to the conviction was committed on the campus of one of the component institutions of the System.

5. Subsection 3.9 of Section 3 of Chapter VI to read as follows:

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3.9 Any student who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a component institution of the System, or on any real property over which the System has possession and control, shall be subject to discipline, including expulsion. As used in this subsection, the words "force or violence" include such acts as "stand-ins," "sit-ins," and "lie-ins," when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

6. Subsection 3.(12) of Section 3 of Chapter VI to read as follows:

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3.(12) The accused student may challenge the impartiality of the Hearing Officer at any time prior to the introduction of any evidence. The Hearing Officer shall be the sole judge of whether he or she can serve with fairness and objectivity. In the event the Hearing Officer disqualifies himself/herself, a substitute will be chosen in accordance with procedures adopted by the institution.

7. Chapter VII by deleting Subsections 2.32 and 2.46 of Section 2 and all references to the System Development Advisory Council.

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The motion prevailed without objection.

It was then moved and duly seconded that the Regents' Rules and Regulations, Part One be revised as submitted with the foregoing amendments incorporated. The motion prevailed without objection.