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TEXAS STATE UNIVERSITY SYSTEM

Rules and Regulations (Summary)

Chapter I. Board of Regents

This chapter states the Board's plenary authority over System institutions; outlines procedures for holding meetings and appointing officers; names the Board's committees (curriculum, finance and audit, planning and construction, and local); and specifies how honorary doctorates are awarded. The diversity enhancement committee is *ad hoc*.

Chapter II. System Administration

This chapter names the officers of system administration and describes their job duties; appoints the Chancellor as Secretary of the Board; and details operations of the System Administrative Office.

Chapter III. Component Operations

This chapter delineates agenda items requiring Board approval (contracts, personnel, finances, tuition and fee charges, curriculum, construction projects, gift acceptance and the naming of buildings, legislation, and real property matters). Construction, financial, legal, procurement, and curricular procedures are outlined in detail as are the System's copyright and patent policies.

Chapter IV. Component Presidents

This chapter outlines the authority, duties, and responsibilities delegated to the presidents, through the Chancellor, and specifies terms and conditions of their employment, including benefits.

Chapter V. Component Personnel

This chapter states terms and conditions of employment for all System employees; articulates how tenure is granted; provides grievance and termination procedures; and states duties and responsibilities of faculty.

Chapter VI. Student Services & Activities

This chapter covers admissions standards; sets tuition and fees, grants and loans procedures; prescribes student conduct/disciplinary procedures; and authorizes student organizations and government.

Chapter VII. Campus Activities

This chapter states conditions for use of system facilities, including solicitation, speech and assembly on campus; and addresses health and safety issues (weapons, alcohol, racial and sexual harassment).

Chapter VIII. Ethics Policy

This chapter addresses board expenses and allowances and incorporates Texas *Government Code* provisions regulating acceptance of gifts or favors, conflicts of interest, confidentiality, and dual office holding.

Chapter IX. Support Organizations

This chapter states the rules by which organizations and foundations, created to support the missions of System components, are recognized by the Board and permitted to use System or campus staff and facilities.

Chapter X. Rules Amendment

This chapter creates the Rules and Regulations Committee and specifies procedures for enactment, amendment, and repeal of all rules, regulations, orders and resolutions of the Board.

TEXAS EDUCATION CODE, CHAPTER 51

PROVISIONS GENERALLY APPLICABLE TO HIGHER EDUCATION

SUBCHAPTER G. RESPONSIBILITIES OF GOVERNING BOARDS, SYSTEM ADMINISTRATIONS, AND INSTITUTIONS

<p>§ 51.351. DEFINITIONS. In this subchapter: (1) "General academic teaching institution," "governing board," "institution of higher education," "medical and dental unit," "public junior college," and "university system" have the meanings assigned by Section 61.003. (2) "System administration" means the administrative officers and employees of a university system who are assigned responsibility in relation to administration of two or more component institutions and are under the supervision of the chancellor or other chief executive officer of the university system. Added by Acts 1987, 70th Leg., ch. 823, Sec. 1.09, eff. June 20, 1987. Amended by Acts 1991, 72nd Leg., ch. 526, Sec. 1, eff. Sept. 1, 1991; Acts 2005, 79th Leg., Ch. 292, Sec. 1, eff. June 17, 2005; Acts 2005, 79th Leg., Ch. 1181, Sec. 2, eff. September 1, 2005.</p>	<p>(1) Applies to institutions of higher education, including public junior colleges.</p> <p>(2) Defines system administration.</p>
<p>§ 51.352. RESPONSIBILITY OF GOVERNING BOARDS. (a) It is the policy of this state that the governing boards of institutions of higher education, being composed of lay members, shall exercise the traditional and time-honored role for such boards as their role has evolved in the United States and shall constitute the keystone of the governance structure. In this regard each governing board: (1) is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees; (2) shall enhance the public image of each institution under its governance; (3) shall interpret the community to the campus and interpret the campus to the community; (4) shall nurture each institution under its governance to the end that each institution achieves its full potential within its role and mission; and (5) shall insist on clarity of focus and mission of each institution under its governance.</p> <p>(b) The governing board of an institution of higher education shall provide the policy direction for each institution of higher education under its management and control.</p> <p>(c) In making or confirming appointments to a governing board, the governor and senate shall ensure that the appointee has the background and experience suitable for performing the statutory responsibility of a member of the governing board.</p> <p>(d) In addition to powers and duties specifically granted by this code or other law, each governing board shall: (1) establish, for each institution under its control and management, goals consistent with the role and mission of the institution; (2) appoint the chancellor or other chief executive officer of the system, if the board governs a university system; (3) appoint the president or other chief executive officer of each institution under the board's control and management and evaluate the chief executive officer of each component institution and assist the officer in the achievement of performance goals; (4) set campus admission standards consistent with the role and mission of the institution and considering the admission standards of similar institutions nationwide having a similar role and mission, as determined by the coordinating board; and (5) ensure that its formal position on matters of importance to the institutions under its governance is made clear to the coordinating board when such matters are under consideration by the coordinating board.</p> <p>(e) Each member of a governing board has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management.</p> <p>(f) The governing board of each general academic teaching institution and each public junior college within a 100-mile radius of that institution shall adopt a policy to enhance the transfer of students based on the recommendations of the permanent advisory committee under Section 51.3521 of this code.</p> <p>Added by Acts 1987, 70th Leg., ch. 823, Sec. 1.09, eff. June 20, 1987. Amended by Acts 1991, 72nd Leg., ch. 526, Sec. 2, eff. Sept. 1, 1991.</p>	<p>(a) Traditional role of governing boards:</p> <ol style="list-style-type: none"> (1) Preserve institutional independence and administrative authority; (2) Enhance institution's public image; (3) Act as liaison with community; (4) Nurture each institution; and, (5) State clear mission. <p>(b) Provide <u>policy</u> direction.</p> <p>(c) If appointed, suitable background required.</p> <p>(d) Statutory duties:</p> <ol style="list-style-type: none"> (1) Establish goals; (2) Name chancellor; (3) Name and assist president; (4) Set admission standards; and, (5) Make clear to THECB board position on important matters. <p>(e) Fiduciary responsibility for managing funds.</p> <p>(f) Adopt policy to enhance junior to senior college transfers.</p>

Duties and Ethics of Public Sector Board Members under Texas Law

General Authority and Duties

1. ***Duty of Loyalty*** - A Board member must be responsible and loyal to the interests of the institution he or she was appointed to help govern. A member does not represent any other constituency, person, or entity that conflicts with those interests.
2. ***Duty of Unity*** - No single member of the Board may speak for or otherwise bind the Board, unless authorized to do so by vote of a majority of the Board pursuant to an action taken in open or public session at a duly-constituted meeting of the Board.
3. ***Duties of the Chair*** - The Chair may speak for and represent the Board under a general grant of authority but may not take positions he or she knows to be contrary to Board policy.
4. ***Committee Authority*** - Board committees (e.g., academic, finance and audit, planning and construction, rules and regulations) represent the Board and act on its behalf in preparation for Board meetings. They have authority to report and recommend policy initiatives to the Board.

Texas Education Code, Chapter 51.

Conduct at Board Meetings

5. ***Right to Speak*** - A Board member has the right to state his or her views, opinions, positions, and recommendations but should do so professionally and respectfully in the procedural manner established or directed by the Chair, who shall allow and facilitate expression of dissenting or minority view points.
6. ***Duty to Listen*** - A Board member should listen respectfully to the views, opinions, positions, and recommendations of others, even those with whom he or she disagrees.
7. ***Duty to Respect Board Decisions*** - A Board member should abide by and not subvert or otherwise derogate to outside parties lawfully-taken Board decisions. If, as a matter of principle, a Board member must articulate a minority opinion, he or she may do so; however, such opinion should be announced to the Board through the Chair, who may call upon the dissenting Board member to articulate his or her opinion.
8. ***Duty of Confidentiality*** - A Board member may not report the Board's executive session discussions, deliberations, or statements of Board members (including his or hers) to any third party without the Board's permission.

Robert's Rules of Order (10th Edition).

Conflicts of Interest

9. ***Gifts and Bribes*** – A Board member may not accept or solicit any gift, favor or service that might reasonably tend to influence him or her in discharge of official duties or that he or she knows or should know is offered with the intent of influencing his or her official conduct. Nor should he or she knowingly solicit, accept or agree to accept any benefit for exercising or having exercised his or her official powers or duties in favor of another.
10. ***Business or Professional Activities*** – A Board member may not engage in employment or in business or professional activities that might reasonably require or induce him or her to disclose confidential information acquired by virtue of his or her official position.
11. ***Employment*** – A Board member may not accept employment or compensation that could reasonably be expected to impair his or her independence of judgment in the performance of his or her official duties.
12. ***Investments*** – A Board member may not make personal investments that could reasonably be expected to create a substantial conflict between his or her private interest and the Board's interest; nor, may he or she usurp an opportunity of the Board to profit or benefit from any other person or entity.

Texas Government Code, Chapter 572.051

Relationships with Chancellor, Staff and Presidents

13. ***Executive's Role*** – A Board member must respect the role of the system chancellor or university president as the institution's chief executive officer charged with carrying out policy set by the Board. While the chancellor or president should be responsive to inquiries and requests from members of the Board, he or she is not obligated to honor policy initiatives set by individual Board members, unless those initiatives have been authorized by the Board.
14. ***Staff and Presidents*** – Board members customarily should not deal directly with system or university staff, except through specific or general grant of authority from the chancellor or president and should expect those staffs to keep the chancellor or president informed of such conversations.
15. ***Local and Other Committees*** – Board members should timely inform the chancellor, the president, and the Chair of scheduled committee meetings and keep them informed of the proceedings of meetings they are unable to attend.
16. ***Supervision*** – The chancellor or president reports to the Chair day-to-day and to the Board. The relationship should be collegial and professional.