

Section I**GENERAL****01 SCOPE OF AUTHORITY OF BOARD POLICIES****01.01 Governance**

The official actions of the Board of Regents of Texas Southern University and its members, administrators, employees, and agents are governed by the following:

01.01.1 Federal and State Law

Board policies are subject to all relevant laws, rules, and regulations of the federal government and the government of the State of Texas. It is the policy of the board to comply with state and federal laws, rules and regulations at all times. Any policy, university memorandum, rule, or regulation found to be in conflict with a state or federal law, rule or regulation shall be null and void to the extent of the conflict.

01.01.02 Board Bylaws

Board bylaws govern the organization and conduct of the board activities. Board policies, university memoranda and policies are subject to all board bylaws and are void to the extent that they conflict with such bylaws. The board requires of its members compliance with all board bylaws at all times.

01.01.03 Board Policies

The board shall adopt official policies to establish direction for the university. The president is responsible for implementation of the policies adopted by the board. Board policies are intended to govern

the actions and conduct of the individual regents, administrators, employees, and agents representing the university. The board requires of its members, administrators, employees, and agents compliance with all board policies at all times.

01.02 Definitions

Throughout the board bylaws, policies, administrative memoranda, and other official materials, the following definitions shall apply:

- a) "Board." The Board of Regents of Texas Southern University
- b) "Administration." The central administration for the university, as an entity. (*State Agency Number 717*)
- c) "Texas Southern University." The university legally named Texas Southern University. (*State Agency Number 717*)

01.03 Review of Board Policies

Board policies must be reviewed every six year and each policy shall bear the date of its most recent review.

The president is responsible for periodic review and recommendations to the board of these policies. Notwithstanding the above schedule for review, all policies are subject to review at any time on special call by any member of the board or the president.

02 ORGANIZATION AND ADMINISTRATION

02.01 President

The board appoints the president as the chief executive officer of the university. The president is responsible for the management and operation of the university under the direction of the board. The president holds office subject to the pleasure of the board.

02.02 General Officers

The general officers of the university are the vice presidents and the general counsel. The board appoints the general officers upon recommendation of the president. The general officers hold office subject to the pleasure of the board. The vice presidents are responsible for the management of the operation of the university under the direction of the president. The general counsel is responsible for overseeing legal services for the university.

09 GENERAL MISCELLANEOUS

09.01 Power to Bind University

No officer, agent, employee, or regent of the university, as an individual or as a member of any association or agency, shall have the authority to in any way bind the board, or the university to any position or course of action that is in conflict with any bylaw or policy of the board, or any administrative memorandum of the university, and any effort to do so shall be of no force or effect.

09.02 Use of University Names and Indicia

The board may adopt for time to time certain indicia of the university. The following policies apply to those indicia and the official name of the university:

09.02.1 Authority

The board is authorized under state law to adopt an official seal for the university. The board is also empowered by the state

legislature to protect the use of the names, logos, trademarks, and other identifying marks of the university.

09.02.2 Approval

The names, logos, trademarks, and other identifying marks of the board and the university shall be protected and cannot be used with the express approval of the board or its designated representative. The president shall take whatever steps are reasonable and necessary to effect and enforce this policy.

09.03 Medal of Honor

The Texas Southern University Board of Regents Medal of Honor may be awarded by the board on a special occasion for the purpose of recognizing outstanding achievements. All medals of Honor require a majority vote of the Board of Regents.

A Medal of Honor may be awarded to either an individual or an organization that has made an outstanding personal or collective contribution to Texas Southern University. Additionally, the medal may be awarded to an individual whose life and career exemplify excellence and the highest qualities of integrity, creativity, and commitment to the betterment of the human condition.

09.04 Complaints and Grievances

The board delegates to the president or his or her designee the authority and responsibility to establish comprehensive procedures for the resolution of all faculty, staff, student and other complaints and grievances against the university.

Section II ACADEMIC AND STUDENT AFFAIRS**21 ACADEMIC AFFAIRS****21.01 Planning**

The board requires the administration to employ systematic processes to assess needs, identify goals, develop operating plans and budgets, evaluate performance outcomes, and report performance results.

21.01.1 Responsibility

A. Annually, the board approves fiscal year operating budgets and organization plans for the administration.

B. The president is responsible for developing the university's planning and budgeting process employed. The process will provide for review of all plans by the appropriate board committee prior to board action.

C. The president is responsible for preparing and implementing plans for the university as approved by the board, for ensuring that the results are compatible with the mission and goals approved for the university, and for reporting performance results to the board.

21.01.2 Reporting Requirements

Annually, the president shall report to the board the operating and budget plans of the university administration for the ensuing fiscal year, and the university's performance for that year.

21.02 Honorary Degrees

Honorary degrees may be awarded by the board at commencement or on other special occasions for the purpose of recognizing outstanding achievements. All honorary degrees must be approved by the board upon recommendation of the president.

A candidate nominated to receive an honorary degree should have national or international distinction or have exceptionally strong visibility within the State of Texas. The candidate should have an association with the university, or there should be an established program at the university in the recipient's major area of expertise. Employees and regents of the university and officials currently holding elective offices are ineligible to receive honorary degrees; however, persons of national prominence in their field are excepted from this restriction.

21.03 Academic Freedom

To establish and clarify the rights and responsibilities of the faculty pursuant to academic freedom, the board adopts the following policy:

21.03.1 The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of the faculty member's other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the university.

21.03.2 The faculty member is entitled to freedom in the classroom in discussing the subject matter, but the faculty member should be careful not to introduce into the teaching controversial matter which has no close relation to the subject.

21.03.3 The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, the faculty member shall be free from institutional censorship or discipline, but the faculty member's special position in the community imposes special obligations. As a person of learning and an educational officer, the faculty member should remember that the public may judge the profession and the institution by the faculty member's utterances. Hence the faculty member should at all times strive for accuracy, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that the faculty member is not speaking for the institution.

21.04 Part-Time and Evening Programs

The board affirms the university's commitment and obligation to the citizens of the state to provide a broad range of high-quality professional and general educational and degree opportunities, within the context of the specific mission of the university, to full-time and part-time students in academic programs during both day and evening hours.

Because of the board's strong commitment to maximize educational and degree opportunities and its concern for students who must attend part-time and evenings, the board directs that any change in academic programs that could adversely affect part-time and evening students be submitted to the board for prior approval.

21.05 Faculty Workload

The university, in compliance with state law, shall adopt and maintain faculty academic workload rules and regulations directed toward attaining the greatest educational benefit from the expenditure of public funds. All such rules and regulations must be approved by the president or his or her designee and adopted by the board.

The faculty academic workload rules and regulations shall be reported to the Texas Higher Education Coordinating Board and included in the operating budgets and faculty handbooks.

21.06 Faculty Personnel Actions

The university shall establish guidelines and procedures regarding academic appointments, separations, promotions, and tenure awards. Such guidelines and procedures should maximize the university's ability to attract and retain academic personnel of the highest quality. The guidelines and procedures must be approved by the board and published in the university's faculty manual.

21.07 Faculty Dismissal

Dismissal is the termination of employment of a tenured faculty member, or of a probationary or nontenured faculty member before the term of appointment has expired. The university through its faculty governance processes shall develop policies and procedures pertaining to dismissal of faculty members. Such policies must be consistent with those specified herein and must be approved by the president and the board.

21.07.1 Assurances

University policies and procedures for faculty dismissals must assure that:

- A. the rights of the individual to due process are protected;
- B. dismissal shall not violate the constitutionally protected rights of an individual and shall not be used to restrain faculty members in their exercise of academic freedom;
- C. dismissal procedures provide for timely written notice of impending dismissal that specifies the grounds on which dismissal is sought;
- D. a faculty member notified of impending dismissal has the option of a hearing before an impartial faculty tribunal designated by the established procedures of the university; and
- E. the burden of proof in dismissal proceedings rests with the university/school/college seeking the dismissal.

21.07.2 Justifications

Dismissal may be justified by one or more of the following:

- A. Adequate Cause. Termination of employment for adequate cause may include:

1. grounds related to dishonesty, or to demonstrated professional incompetence in teaching or research;
2. grounds related to substantial and manifest neglect of professional or academic responsibilities; or
3. grounds related to actions that would result in a general condemnation of the faculty member by the U.S. academic community.

B. *Financial Exigency*. Termination of employment may be justified by a demonstrated and *bona fide* imminent financial crisis that threatens the continuation of the academic programs in their present form, and that cannot be alleviated by other means. The university will develop criteria and procedures to determine whether a state of financial exigency exists. Standards so developed will include provisions for faculty involvement in the determination and for a minimum twelve-month notice of termination of appointment to tenured faculty. Untenured faculty will be given notice consistent with the university's non-reappointment guidelines.

C. *Medical Reasons*. Termination of employment may be justified by clear and convincing medical evidence that the faculty member cannot fulfill professional and academic obligations, or the terms and conditions of appointment, with reasonable accommodation.

D. *Discontinuance of Academic Programs*. Termination of employment may be based on the discontinuance of an academic program reflecting long-range judgments concerning the educational mission of the university. Tenured faculty will be given notice eighteen months prior to termination of employment due to discontinuance of academic programs. Untenured faculty will be given notice consistent with the university's non-reappointment guidelines.

In the event of dismissal of faculty by reason of financial exigency or discontinuance of academic programs, the university's administration will make every reasonable effort to place affected faculty in other positions. A faculty member with tenure will not be dismissed in favor of retaining a faculty member without tenure, except in extraordinary circumstances where a distortion of the academic program would otherwise result.

21.08 Intellectual Property

University research and intellectual endeavors often result in the invention of new technology or the creation of new copyrighted material. Such results may have

commercial value. While the production of commercially valuable intellectual property is not necessarily the purpose of university research and educational activities, nor the duty of anyone engaged in research and educational activities, the board desires that both society and the university under the governance of the board use all knowledge to the greatest possible benefit. Accordingly, when appropriate, the university will protect all intellectual property rights in technology and copyrighted material and use diligent efforts to make productive use of such rights for the good of the public, the creator, and the university. When this result is achieved by the attraction of private risk capital, or by the transfer or licensing of rights in technology or copyrighted material, income may be realized, which the board will seek to distribute in a manner fair both to the creator and to the university at which the intellectual property was developed. Financial return, however, always remains secondary and incidental to the public service aspect of developing and disseminating knowledge for public use. The board hereby delegates authority to promulgate specific policies for managing Intellectual Property Rights to the president.

21.08.1 Definitions

A. "Author" means any person (as defined below) who actually creates copyrighted material (also as defined below).

B. "Creator" means an inventor or author (each as defined elsewhere in this policy).

C. "Inventor" means any person who discovers or invents technology.

D. "University" means Texas Southern University.

E. "Business participation" means the participation of a person in any activity, the purpose of which is the commercial development or exploitation of intellectual property owned by the university. Such participation includes, but is not limited to, an equity interest, a consulting relationship, service on a board of directors or similar body, a royalty interest, stock ownership, or any similar relationship.

F. "Copyrighted material" or "work of authorship" means original expression that is fixed in any tangible medium of expression and subject to copyright protection under Title 17 of the United States Code as it now exists or as it may be amended. Under federal law, copyright subsists from the moment of the work's creation, although protection may be enhanced by registration with the United States Copyright Office. Works of authorship currently include:

1. Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and survey instruments;
2. Lectures and unpublished lecture notes;
3. Musical works;
4. Dramatic works;
5. Works of visual art, such as sculptures and drawings;
- 6.

Architectural works; 7. Films, audiovisual works, slide programs, film strips; 8. Sound recordings and video recordings containing original performances; 9. Programmed instruction materials; 10. Computer programs and documentation (firmware).

G. "Intellectual Property Rights" means those rights of ownership recognized by law in technology, copyrighted material, and computer software and firmware (all as defined in this policy). Intellectual property rights include, but are not limited to, patents, copyrights, and rights to trade secrets and know-how.

H. "Licensed Subject Matter" means inventions and discoveries covered by patent rights of technology rights within licensed fields.

I. "Net income" means, with respect to board-owned rights in any particular intellectual property and/or copyright, gross revenue received by the university as a result of the commercialization of such rights, less:

1. any taxes or other charges of any description paid by the University to governmental agencies in connection with the particular intellectual property; and
2. all legal and other expenses paid by the University to affiliates or third parties in filing, prosecuting, maintaining, enforcing, defending, and commercializing such rights in the United States or foreign countries.

J. "Person" means any part-time or full-time faculty or staff member working at, or student attending, the university or other entity under the governance of the board.

K. "President" means the president of the university under the governance of the board, or any person the President designates to carry out the university's intellectual property policy.

L. "Software" means any program, language, or procedure for a computer system or portion thereof, and any accompanying documentation. Software includes, but is not limited to, computer programs, internal programs, subroutines, assemblers, generators, subroutine libraries, compilers, operating systems, and application programs.

M. "Technology" means discoveries, innovations, or inventions.

N. "University research" means all research, activities, or work within or related to a person's expertise or general area of employment responsibility, or that has resulted from activities performed by the person on university time, with the support of university funds or from using university facilities,

including work under a research agreement with an external sponsor and research conducted by anyone, whether or not a person as defined in this policy, who utilizes university resources.

O. "Work for Hire" means the participation of a person, faculty member, researcher, student, or employee who was hired specifically or required to produce or create specific intellectual property or create specific materials resulting in intellectual property.

P. "University support" means direct university support, which includes but is not limited to the following:

1. Equipment, materials, and staff services from any of a variety of university departments other than the person's academic department or unit are used in the development of copyrightable materials at no expense to the author or the author's academic department/unit.
2. Author receives support for the development of copyrightable material, such support being in the form of money in excess of normal salary, reduced teaching load, released time, or other resources from a department, college, or any unit of the university.

21.08.2 Intellectual Property

The Board of Regents may assert ownership in intellectual property of all types (including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, and computer software) regardless of whether subject to protection under patent, trademark, copyright, or other laws. The Board of Regents shall have sole ownership of all intellectual property created by an employee who is hired specifically or required to produce it or commissioned by the university except as may be provided otherwise in a written agreement approved by the president. The university will provide review of the management services for patentable inventions, as well as other intellectual property either by its own staff, through a related foundation, or by other means. Intellectual property resulting from research supported by a grant or contract with the federal government, or an agency thereof, with a nonprofit or for profit nongovernmental entity, or by a private gift or grant to the university shall be subject to the ownership by the Board of Regents.

A. Administration approval of application requests to, and acceptance of, grants or contracts with the federal government or any agency thereof, a nonprofit or for profit nongovernmental entity or a private donor that contain provisions that are inconsistent with this policy or other policies and guidelines adopted by the Board of Regents imply a decision that the value to the university of receiving the grant or performing the contract outweighs the

impact of any nonconforming provisions of the grant or contract on the intellectual property policy of the university.

B. The intellectual property policies and guidelines of the university are subject to, and thus amended and superseded by, the specific terms pertaining to intellectual property rights included in federal grants and contracts, or grants and contracts with nonprofit and for profit nongovernmental entities or private donors, to the extent of any conflict. In instances where it is possible to negotiate university-wide intellectual property agreements with the federal agencies, nonprofit and for profit nongovernmental entities or private donors and thereby obtain more favorable treatment for the creator and the university, every effort will be made to do so with the cooperation and concurrence of the Office of General Counsel, after consultation with the chair of the Standing Committee on Intellectual Property.

C. Employees of the University whose intellectual property creations result from a grant or contract with the federal government, or any agency thereof, with a nonprofit or for profit nongovernmental entity, or by private gift to the university shall make such assignment of such creations as is necessary in each case in order that the university may discharge its obligation, expressed or implied, under the particular agreement.

D. In the event that two or more persons are entitled to share royalty income and such persons cannot agree on an appropriate sharing arrangement as evidenced by a clear and unequivocal written agreement transmitted to the Standing Committee on Intellectual Property in the research disclosure form, that portion of the royalty income to which the creator is entitled under this policy will be distributed to such person in such portions as the chair of the Standing Committee on Intellectual Property may deem appropriate under the circumstances, and such decision shall be binding on the creator.

21.08.3 Standing Committee on Intellectual Property

A. Appointment. The president of the university shall appoint or specify the composition of a Standing Committee on Intellectual Property. The General Counsel will be a member of the Standing Committee on Intellectual Property.

B. Duties in General. In addition to the responsibilities described elsewhere in this policy, the committee will advise and recommend to the president:

1. guidelines and procedures for implementation of this intellectual property policy;
2. proposed amendments to this policy; and

3. such other matters as the president directs.

21.09 Patents

A. General Policy. Texas Southern University is interested in the application of discovery, reason and knowledge to the solution of the problems of mankind. Therefore, to the extent that the results of this application are patentable, Texas Southern University has the responsibility of assuring that such patents are used and controlled in a manner that will provide maximum benefits to the public, the inventor and to the university. Texas Southern University is committed to assisting the faculty and staff in matters related to inventions and patents and to providing an environment that will encourage the development and disclosure of patentable inventions. The aim of this document is to provide a policy for the disclosure and publication of patentable findings. It will be the responsibility of all affected faculty and staff members to abide by university regulations as well as those agreements reached under contracts with sponsoring federal agencies or other cooperating organizations. This policy applies to all members of the faculty, staff and student body of Texas Southern University. Patents related to the individual's employment responsibility or resulting from the activities performed on the university's time, with support by state funds or through the use of university facilities, is subject to ownership by the Board of Regents. Patents unrelated to the individual's employment responsibility that is developed on an individual's own time and without the university's support or use of the university's facilities is the exclusive property of the creator.

B. Administration of Policy. Matters of policy relating to the operation of this patent policy shall be the responsibility of the Standing Committee on Intellectual Property. Administrative matters pertaining to the operation of this patent policy shall be the responsibility of the Office of the General Counsel.

C. Disclosure of Technology. Carefully planned methods of transferring Board of Regents-owned rights in technology will best accomplish the objectives stated in the first paragraph of this policy. Each school of discipline can accomplish those objectives only if inventors promptly disclose technology. Any person who as a result of his or her teaching and/or research activities on behalf of Texas Southern University creates intellectual property must submit a research agreement to the Standing Committee on Intellectual Property for determination of the university's interest. The research agreement requires disclosure and the inventor must prepare, sign, and date a patent disclosure in the form promulgated by the university. The inventor must also include drawings, sketches and other pertinent data to show the principle of the technology. Premature publication of information pertaining to discoveries and inventions, or delayed prosecution of patent protection, can damage seriously the ability to obtain patent protection. Therefore, if a person conceives or reduces to practice any technology, that

person must disclose such technology to the university as soon as practicable after the date of first conception or discovery. Where delay would jeopardize obtaining the appropriate protection for the property, the creator may request the approval of the Chair of the Standing Committee on Intellectual Property and the Office of General Counsel to file a patent application or take other steps to obtain available protection prior to the administrative review. If the request is granted, the creator may proceed with the filing of a patent application or other available protective measures pending the determination of the university's interest, provided that the creator is reimbursed for reasonable expenses in filing the patent application or taking other steps to obtain protection if the decision of the university is to assert and exploit its interest.

D. Procedure. All faculty, staff, and students who believe that they have made a patentable invention shall report that belief in writing to the Standing Committee on Intellectual Property. The report should include a full description of the invention and any related matters. The Standing Committee on Intellectual Property shall decide how the invention will be categorized under the following guidelines:

1. Any invention made with only a nominal use of materials, supplies, facilities and services of Texas Southern University and with little use of the services of graduate or undergraduate students enrolled in the university shall belong to the inventor.
2. Any invention made with more than a nominal use of materials, supplies, facilities or services of Texas Southern University or with a substantial use of the services of graduate or undergraduate enrolled in the university shall belong to the university.
3. Notwithstanding 1 and 2 above, any invention made by Texas Southern University personnel with funds controlled by or derived from an extra-University contract or otherwise subject to such shall be subject to that contract's terms respecting patents. All such contracts must be submitted to the Office of the General Counsel for review and approval before a commitment is made.

E. Action after disclosure

1. The Standing Committee on Intellectual Property shall review the technology upon disclosure and shall recommend to the president that the university adopt one of the following actions:
 - a. Institute action to acquire patent protection. The Committee shall recommend whether the university should pursue such action itself, refer the technology to a management agency, or license the technology as know-how and/or a trade secret, whether or not it obtains patent protection; or

b. Transfer intellectual property rights in the technology to the research sponsor, if such transfer is required by the research agreement; or

c. Waive ownership in the intellectual property rights in the technology in favor of the inventor and release the inventor from further responsibilities with respect to the technology that was disclosed, provided however that any further improvements or modifications are the property of the university and subject to this policy.

2. After reviewing the Committee's recommendation and such other technical consultation as is appropriate under the circumstances, the president shall determine the course of action concerning the technology.

3. The University will act in good faith and will attempt to evaluate all disclosures within a reasonable time. The Standing Committee on Intellectual Property evaluates each disclosure, if adequate (see subsection 4 following), within 120 days from the first scheduled meeting after the disclosure is made. Within 120 days, the committee shall transmit its recommendation to the president. The president has an additional 60 days to act on the committee's recommendation. If either the committee or the president fails to act, absent exceptional circumstances, on the invention within the relevant time period specified in the preceding two sentences, the inventor may request, and in response thereto the university shall grant, a waiver of its rights in favor of the inventor.

4. If, in the committee's judgment, the inventor fails to provide any pertinent information, the evaluation of the disclosure will not be considered "adequate." In such circumstances, the committee shall request the needed information from the inventor, and the calculation of the 120-and 60-day time periods specified in the foregoing subsection shall not begin until the requested information is received by the committee.

5. If the Chair of the Committee recommends that university not assert and exploit its interest, and that recommendation is approved by the president, the creator shall be notified within one hundred eighty (180) days from the date of submission that he or she is free to obtain and exploit a patent or other intellectual property protection in his or her own right and the university shall not have any further rights, obligations or duties with respect thereto except that, in some instances, the university may elect to impose certain limitations or obligations or retain income rights, dependent upon the degree of the university's support involved in the creation of such property.

6. If the Chair of the Committee recommends that the university assert and exploit its interest, and that recommendation is approved by the president, the Office of General Counsel, in consultation with the chairperson, shall decide how, when, and where the intellectual property is to be protected. If the university decides to patent or seek other available protection for such

intellectual property, it may proceed either through its own efforts or those of an appropriate private firm or attorney to obtain protection and manage the intellectual property. It shall be mandatory for all employees, academic and nonacademic, to assign the right to intellectual property and patents to the Board of Regents when such creations fall within Section 21.09(D) (2).

F. Publication. Premature publication of information pertaining to technology could damage seriously the university's ability to obtain patent protection. Accordingly, neither an inventor nor the university may seek publication of any information pertaining to disclosed technology until the earlier of (1) ninety (90) days after disclosure is made, or (2) such time as the university grants permission for such. The university will submit any prepublication materials to the inventor for review and comment at least sixty (60) days prior to planned submission for publication. The University shall have final authority to determine the scope and content of any publication during the 120 day review time frame as described in Section 21.09(E)(3).

21.10 Copyrights

Copyright ownership and the rights thereto are defined by federal law. The general policy of Texas Southern University, relative to copyright ownership, is that it shall reside with the creator of the work unless (1) the work was created as a result of funds directly allocated to the author by Texas Southern University for the specific project or otherwise subject to contractual or legal obligations, or (2) the work is a "work for hire" as that term is defined in Section 21.08.1.

A copyright or a creative work developed without substantial contributions of funds, space, hardware or facilities of Texas Southern University shall reside with the creator. Copyright to materials developed with substantial funds, facilities, space and equipment from Texas Southern University shall reside with Texas Southern University.

The terms of a sponsored research or other agreement may determine the ownership of a copyright material that a person creates in the course of or pursuant to such an agreement. If the agreement does not contain terms relating to the ownership of the copyright, whether by the author, the university, a third party, or a combination thereof, the other provisions of this section shall govern ownership of the copyright.

21.11 Property Rights

It is the policy of the university that any inventions, designs, improvements and discoveries made by an employee of the university during the term of his or her employment solely or jointly with others which are made with the university's equipment, supplies, facilities, trade secrets, or time, or the university's actual research or development, of which result from any work performed by an employee or faculty member of the university, shall be the exclusive property of the university. All employees and faculty members will promptly and fully inform and disclose to the university all such inventions, designs, improvements and discoveries, and all employees and faculty members agree to assign such inventions to the university.

The university shall have the right to keep inventions if it so chooses. The employee or faculty member shall assist the university in obtaining patents in the United States and in all foreign countries on all inventions, designs, improvements, and discoveries deemed patentable by the university and shall execute all documents and do all things necessary to obtain letters of patent to vest the university with full and extensive titles to the patents and to protect the patents against infringement by others. An invention is deemed to have been made during the period of the employee's employment if during such period the invention was conceived or first actually reduced to practice and all employees and faculty members agree that any patent application filed by the employee shall be presumed to relate to an invention made during the employee's or faculty member's employment unless he or she produces evidence to the contrary.

21.12 Computer Software and Firmware

A. Ownership of software and firmware. Subject to relevant provisions of this policy, the Board of Regents owns any and all software and firmware that is conceived or developed by any person engaged in university research.

B. Compliance with policy. Since the potential exists to protect software and firmware under copyright, patent, and trade secret laws, the creator must comply with the Board of Regents policies and regulations governing copyright and technology.

C. Inapplicability: employment to develop software and firmware. Sections below on "Reimbursement to University," "Creator's Residual Economic Interest," and "Time of Distributions " do not apply to revenue derived from the commercialization of the Board of Regents-owned software or firmware in any instance in which the creator of the software or firmware is employed by the University specifically for the purpose of creating the software or firmware. In all such instances the university owns the intellectual property rights in the software or firmware and retains all income there from.

21.13 License

Except for the rights, if any, of the government of the United States, as set forth below, the Board of Regents represents and warrants its belief that (i) it is the owner of the entire right, title, and interest in and to Licensed Subject Matter, (ii) it has the sole right to grant licenses there under, and (iii) it has not knowingly granted licenses there under to any other entity that would restrict rights granted to Licensee except as stated herein.

Licensee understands that a "Licensed Subject Matter" may have been developed under a funding agreement with the government of the United States of America and, if so, that the government may have certain rights relative thereto. An agreement may be explicitly made subject to the government's rights under any agreement and any applicable law or regulation or an Agreement, the terms of the government agreement, applicable law or regulation shall prevail.

Licensee understands and acknowledges that the Board of Regents makes no representation as to the operability or fitness for any use, safety, efficacy, ability to obtain regulatory approval, patentability, and/or breadth of Licensed Subject Matter. The Board of Regents also makes no representation as to whether there are any patents held, or which will be held, by others or by the Board of Regents in the Licensed Field, nor does the Board of Regents make any representation that the inventions contained in Patent Rights do not infringe any other patents now held or that will be held by others or by the Board of Regents.

21.14 Net Income Distribution

A. Reimbursements to University. The Board of Regents recognizes the healthy symbiotic relationship that, by this policy, it seeks to foster between itself and persons associated with the university. Of necessity, any gross revenue received as a result of commercializing any intellectual property rights developed or created at the university must first be applied to recovering the expenses listed in the definition of "net income" above in Section 21.08.1. Thereafter, the creator or creators of the intellectual property have a residual economic interest, to be paid out according to the schedule in the following subsection.

B. Creator's Residual Economic Interest

1. The first \$1,000 of income shall be paid to the creator(s) thereof in the proportions set forth on the disclosure form submitted to the Standing Committee on Intellectual Property (in the case of patents and other technology) or on the title page of the copyrighted work.
2. Thereafter, unless the Standing Committee on Intellectual Property recommends and the president adopts a different distribution, the net income derived from

commercialization of the intellectual property rights shall be distributed as follows between the creator and the university:

- a. Of the first \$100,000, 50% to the creator(s) and 50% to the university.
- b. Of the second \$100,000, 40% to the creator(s) and 60% to the university.
- c. Of the third \$100,000, 30% to the creator(s) and 70% to the university.
- d. Of all other net income in excess of \$300,000, 25% to the creator(s) and 75% to the university.

3. When there is more than one creator, the foregoing shares to the creator shall be distributed in the proportions set forth on the disclosure form submitted to the Standing Committee on Intellectual Property (in the case of patents or other technology) or on the title page of the copyrighted work.

c. Time of Distributions. The sums referenced in the foregoing schedule shall be distributed annually to the creator(s) or the university as soon as practicable after the close of the fiscal year during which the income was received.

21.15 Business Participation

Any Texas Southern University employee who conceives, creates, discovers, invents or develops intellectual property shall not serve as a member of the board of directors or other governing board or as an officer or an employee (other than as a consultant) of a business entity that has an agreement with Texas Southern University relating to the research, development, licensing, or exploitation of that intellectual property without prior review and approval by the president of Texas Southern University and the board of regents.

When requested and authorized by the board of regents, an employee may serve on behalf of the board of regents as a member of the board of directors or other governing board of a business entity that has an agreement with Texas Southern University relating to research, development, licensing or exploitation of intellectual property.

- A. **Business participation approved.** The board of regents does not discourage persons subject to this policy from participating in the commercial development and/or exploitation of board of regents-owned intellectual property. Nonetheless, such participation must conform in all respects to this policy, including the section above concerning licenses and transfer, and to applicable state and federal laws.

- B. **Specific requirements.** In particular, a person shall not engage in business participation if such participation would violate Texas Education Code, Section 51.912, or any other state or federal law or regulation that controls such participation.

21.16 Equity Interest.

In agreements with business entities relating to rights in intellectual property owned by the Board of Regents, the university may receive equity interests as partial or total compensation for the rights conveyed. In any such instance, the university may elect, at its option and with the concurrence of the president, to share an equity interest with the creator(s) in the same manner as residual economic interests are shared pursuant to Section 21.14(B).

Consistent with Section 51.912, Texas Education Code, and subject to review and approval by the president of the university, the appropriate Vice President and the Board of Regents, employees of the university who conceive, create, discover, invent, or develop intellectual property may hold an equity interest in a business entity that has an agreement with the university relating to the research, development, licensing or exploitation of that intellectual property.

The university may negotiate, but shall not be obligated to negotiate, an equity interest on behalf of any employee as a part of an agreement between the university and a business entity relating to intellectual property conceived, created, discovered, invented, or developed by the employee and owned by the Board of Regents.

Dividend income and income from the sale or disposition of equity interests held by the Board of Regents pursuant to agreements relating to intellectual property shall belong to the university.

Dividend income and income from the sale or disposition with equity interests held by a university employee pursuant to an agreement between the university and a business entity relating to rights in intellectual property conceived, created, discovered, invented or developed by such employee shall belong to the employee.

21.17 Shortened Format Courses

The board intends that, when feasible, the duration of credit courses offered coincide with the established academic calendar. Thus, courses of instruction should have a duration of approximately 14 weeks if offered during a semester of the academic year, and approximately five weeks if offered during the summer term. However, the board acknowledges that a few areas of instruction are of such nature

that occasional courses offered in a shortened format are appropriate. Such courses, when offered, shall satisfy university guidelines.

TEXAS SOUTHERN UNIVERSITY BOARD OF REGENTS POLICY

ACADEMIC AND STUDENT AFFAIRS

TEC § 51.942, FACULTY TENURE AND POST-TENURE REVIEW

ADOPTED AUGUST 27, 2026

22.01 FACULTY TENURE AND POST-TENURE REVIEW

I. GENERAL PROVISIONS

22.01.1 Purpose and Scope

The Board of Regents of Texas Southern University recognizes that the quality of the University is dependent upon the quality of its faculty and reaffirms its commitment to academic excellence, academic freedom, faculty accountability, and appropriate due process. This policy establishes the Board of Regents' policies and procedures regarding faculty tenure pursuant to Texas Education Code § 51.942 (Faculty Tenure), as amended by Senate Bill 18, 88th Texas Legislature, Regular Session (2023), Acts 2023, 88th Leg., R.S., ch. 923, and establishes the University's post-tenure review policy as required by applicable state law. The provisions herein address the granting and scope of tenure, dismissal of tenured faculty for good cause, comprehensive post-tenure performance evaluation, and professional development following unsatisfactory performance.

22.01.2 Definitions

For purposes of this policy:

A. Governing Board. "Governing Board" means the Texas Southern University Board of Regents.

B. Neglect of Duty. "Neglect of duty" means continuing or repeated substantial neglect of professional responsibilities.

C. Tenure. "Tenure" means the entitlement of a faculty member to continue in the faculty member's academic position unless dismissed by the University for good cause in accordance with this policy and applicable law.

22.01.3 Institutional Considerations and Faculty Participation

The Board may design its policies and procedures regarding tenure to fit the University's particular educational mission, traditions, resources, and circumstances relevant to the University's character, role, and scope, in addition to other relevant factors determined by the Board.

Before adopting any policies and procedures regarding tenure pursuant to Texas Education Code § 51.942, the Board shall seek advice and comment from the University's faculty.

The Board shall give the utmost consideration to faculty advice and comment regarding the performance evaluation of tenured faculty members.

II. FACULTY TENURE

22.01.4 Granting and Scope of Tenure

Only the Texas Southern University Board of Regents, upon recommendation of the President, may grant tenure.

The granting of tenure shall not be construed to create a property interest in any attribute of a faculty position beyond the faculty member's continuing employment, including the faculty member's regular annual salary and any privileges incident to the faculty member's status as a tenured faculty member.

Tenure applies to the faculty member's academic appointment and does not create tenure in an administrative position or appointment.

The University may establish criteria and procedures governing recommendations for tenure, promotion, and faculty appointment, provided that those criteria and procedures are consistent with applicable law and this policy.

22.01.5 Dismissal of Tenured Faculty

A tenured faculty member may be dismissed at any time after being provided appropriate due process upon a determination that one or more grounds for dismissal established by Texas Education Code § 51.942 and this policy exist.

A. Grounds Relating to Faculty Conduct or Performance

A tenured faculty member may be dismissed upon a determination that the faculty member has:

- exhibited professional incompetence;
- continually or repeatedly failed to perform duties or meet the professional responsibilities of the faculty member's position;
- failed to successfully complete any post-tenure review professional development program;
- engaged in conduct involving moral turpitude that adversely affects the University or the faculty member's performance of duties or meeting of responsibilities;
- violated laws or University policies substantially related to the performance of the faculty member's duties;
- been convicted of a crime affecting the faculty member's fitness to engage in teaching, research, service, outreach, or administration;
- engaged in unprofessional conduct that adversely affects the University or the faculty member's performance of duties or meeting of responsibilities; or
- falsified the faculty member's academic credentials.

B. Financial Exigency or Program Elimination

A tenured faculty member may also be dismissed upon a determination that an actual financial exigency or the phasing out of an institutional program requires elimination of the faculty member's position.

The University shall administer any dismissal arising from financial exigency or program elimination in accordance with applicable law, this policy, and Board-approved University procedures.

C. Other Good Cause

A tenured faculty member may be dismissed for other good cause as defined in University policy, provided that any such definition and dismissal is consistent with Texas Education Code § 51.942, this policy, and applicable law.

22.01.6 Due Process in Dismissal Proceedings

University policies and procedures governing dismissal of tenured faculty shall ensure appropriate due process.

Except as otherwise authorized by law for summary dismissal, a tenured faculty member against whom dismissal is sought shall receive:

- timely written notice of the proposed dismissal and the grounds upon which dismissal is sought;
- an explanation of the basis supporting the proposed action;
- a meaningful opportunity to respond;
- an opportunity for a hearing conducted pursuant to applicable University procedures; and
- any additional due process required by Texas Education Code § 51.942 or other applicable law.

Dismissal shall not be used to restrain a faculty member in the lawful exercise of academic freedom or constitutionally protected rights.

Dismissal of a tenured faculty member requires final action by the Board of Regents following the process required by this policy and applicable University procedures.

22.01.7 Summary Dismissal for Serious Misconduct

The University may initiate summary dismissal proceedings against a tenured faculty member for serious misconduct, including:

- conduct involving moral turpitude;
- conviction of a crime affecting the faculty member's fitness to engage in teaching, research, service, outreach, or administration;
- unprofessional conduct that adversely affects the University or the faculty member's performance of duties or meeting of responsibilities;
- falsification of academic credentials; or
- other serious misconduct as determined by the University.

Before summary dismissal becomes final, the University shall provide the faculty member the following procedural protections:

- written notice of the allegations against the faculty member together with an explanation of the evidence supporting summary dismissal;
- an opportunity for the faculty member to respond to the allegations in a hearing before a designated administrator;
- consideration by the designated administrator of the faculty member's response and a written determination of whether the University will proceed with summary dismissal;
- prompt written notice to the faculty member of the designated administrator's determination, which shall either state the effective date of dismissal and the faculty member's opportunity for a post-dismissal appeal, or state that the faculty member is not subject to summary dismissal; and
- if the determination is to proceed with summary dismissal, an opportunity for a post-dismissal appeal in accordance with applicable University procedures.

Any University procedure implementing summary dismissal must conform to Texas Education Code § 51.942 and this policy.

22.01.8 Administrators Holding Tenure

The University may not award tenure to an administrator in any manner that varies from the University's general policy on the award of tenure.

An administrator who also holds a tenured faculty position remains subject to the comprehensive post-tenure performance evaluation requirements applicable to the administrator's tenured faculty appointment, as provided in § 22.01.9 of this policy.

Evaluation of the faculty member's performance as an administrator does not substitute for or waive the comprehensive post-tenure performance evaluation required under § 22.01.9.

Tenure in a faculty position does not create a property interest in an administrative appointment or administrative duties.

III. POST-TENURE REVIEW

22.01.9 Comprehensive Post-Tenure Performance Evaluation

Each tenured faculty member shall undergo a comprehensive performance evaluation in accordance with Texas Education Code § 51.942.

The comprehensive evaluation:

- shall be conducted no more often than once each year and no less often than once every six years after the faculty member was granted tenure or received an academic promotion, as applicable;
- must include peer review;
- may not be waived for a tenured faculty member subject to evaluation;
- shall evaluate the faculty member based upon the professional responsibilities of the faculty member's position, including teaching, research or scholarly activity, service, patient care, and administration, as applicable;
- shall be directed toward the professional development of the faculty member;

- shall incorporate appropriate academic due process, including notice of the manner and scope of the evaluation, an opportunity for the faculty member to submit documentation during the evaluation process, and, before any disciplinary action is taken on the basis of a comprehensive evaluation, notice of specific charges and an opportunity for a hearing on those charges; and
- may result in revocation of tenure or other appropriate disciplinary action if the evaluation determines that incompetency, neglect of duty, or other good cause is present.

Post-tenure evaluation criteria may appropriately reflect the mission, traditions, professional standards, and academic disciplines of the applicable school or college, provided that such criteria remain consistent with this policy and applicable law.

22.01.10 Professional Development Following Unsatisfactory Performance

When a faculty member receives an unsatisfactory rating in any area of any evaluation conducted pursuant to this policy, the evaluation process shall provide for a short-term professional development plan designed to return the faculty member to satisfactory performance and containing performance benchmarks for doing so.

The professional development plan shall identify, as appropriate:

- the deficiencies requiring correction;
- expected performance;
- required corrective actions;
- performance benchmarks;
- the applicable timeline;
- available resources or assistance; and
- the consequences of failure to successfully complete the plan.

Failure to successfully complete a required post-tenure review professional development program constitutes a statutory ground upon which a tenured faculty member may be dismissed, subject to appropriate due process.

Nothing in this section requires completion of a professional development program before the University may initiate disciplinary or dismissal proceedings when independent good cause for dismissal otherwise exists under § 22.01.5.

IV. Administrative Policies and Procedures

22.01.11 Administrative Policies and Procedures on Tenure and Post-Tenure Review

The President and Provost may establish and maintain administrative policies and procedures necessary to implement and administer this policy and the University's faculty tenure and post-tenure review processes.

Administrative policies and procedures may not waive, diminish, materially alter, or conflict with the standards established by this policy.

22.01.12 Records and Administration

Records documenting actions taken pursuant to the University's comprehensive post-tenure performance evaluation process shall be maintained by the Office of the Provost in accordance with applicable University records-retention requirements.

Deans shall provide the Provost with an annual written report regarding the status of faculty members subject to professional development programs resulting from comprehensive post-tenure performance evaluations.

The President or designee shall be responsible for ensuring implementation of this policy throughout the University.

22.01.13 Other Administrative Policies and Procedures

Consistent with § 22.01.11, and through established administrative processes, additional policies and procedures concerning tenure, promotion, academic rank, faculty evaluation, standards and criteria for advancement, or other academic personnel matters may supplement and provide greater specificity to this Board policy, provided such policies do not waive, diminish, or materially alter any requirement established by the Board of Regents.

University MAPPs, faculty handbooks, college or school policies, departmental procedures, and other academic personnel policies may establish additional standards, criteria, procedures, and processes concerning matters including, but not limited to:

- criteria and procedures for promotion and advancement in academic rank;
- criteria and procedures for recommendations for tenure;
- the relationship, if any, between promotion and tenure decisions;
- tenure and promotion review schedules and timelines;
- faculty dossiers and supporting documentation;
- departmental, college, school, and University review processes;
- faculty committee composition, participation, voting, and recommendations;
- discipline-specific standards and expectations for teaching, scholarship, research, creative activity, and service;
- annual and periodic faculty evaluation criteria and procedures;
- standards and procedures applicable to particular academic ranks or appointments;
- procedures for faculty participation in tenure and promotion decisions; and
- other academic personnel matters appropriately addressed through University policy.

The Board recognizes that such policies and procedures may appropriately reflect differences among academic disciplines, schools, and colleges, including differences in academic mission,

professional standards, and disciplinary expectations, provided that they remain consistent with applicable law and this policy.

The statutory requirements assigned to the Board under Texas Education Code § 51.942 shall not be amended or repealed through implementation of a MAPP, faculty handbook, college or school procedure, or other administrative policy.

V. ANNUAL BOARD REVIEW AND THECB FILING

22.01.14 Annual Review and Filing with the Texas Higher Education Coordinating Board

The Board of Regents shall annually review the University's policies and procedures regarding faculty tenure and post-tenure review and shall take such action as necessary to ensure continued compliance with applicable law.

On or before September 1 of each year, the Board of Regents shall file with the Texas Higher Education Coordinating Board:

1. a copy of the Board's policies and procedures related to faculty tenure adopted pursuant to Texas Education Code § 51.942, including any amendments to such policies and procedures; and
2. a copy of the University's post-tenure review policy, including review procedures to determine that a tenured faculty member is performing consistently at an acceptable, professional level and a mechanism by which a faculty member is informed of any deficiencies and provided opportunities to effectively improve the faculty member's performance, as required by the General Appropriations Act, Article III, § 25, or any successor provision.

VI. CONTROLLING AUTHORITY

22.01.15 Controlling Authority

This policy shall be interpreted consistently with Texas Education Code § 51.942 (Faculty Tenure), as amended by Senate Bill 18, 88th Texas Legislature, Regular Session (2023), Acts 2023, 88th Leg., R.S., ch. 923, and other applicable law.

23 AUXILIARY ENTERPRISES

23.01 Intercollegiate Athletics

Intercollegiate athletics programs under the auspices of Texas Southern University shall be operated by the component to assure accountability to the values and principles of American higher education and the University. The board subscribes to the Statement of Principles established by the Knight Foundation Commission on Intercollegiate Athletics as general operating guidelines for Texas Southern University intercollegiate athletics programs. (Keeping Faith with the Student Athlete: A New Model for Intercollegiate Athletics. Report of the Knight Foundation Commission on Intercollegiate Athletics, March 1991. p. 30-32.) The board and president expect such

programs to operate under institutional control, with academic and financial integrity, and in full compliance with National Collegiate Athletic Association rules. Annually, the President will review academic and financial matters related to intercollegiate athletics programs operated by the University and report to the board academic achievement of student athletes, compliance with NCAA rules, and financial status of the program.

24 STUDENT SERVICES

24.01 Admissions

24.01 Student Use of Alcohol and Drugs

University regulations concerning student use of alcohol and controlled substances shall be consistent with state and federal law and reflect the intent of the Texas

Legislature and Congress to discourage drug and alcohol abuse by students. Accordingly, such regulations shall provide disciplinary measures including, and after due process, suspension from attendance or enrollment for a prescribed period of time.

The president shall encourage and develop regular communication with students for the purposes of:

- a) informing students of regulations concerning the use of alcohol and controlled substances; and
- b) informing students of programs, either on campus or in the community, designed to counsel and advise individuals regarding alcohol and drug abuse.

24.02 Student Financial Aid

The board is committed to the concept that all qualified students should be afforded educational opportunities regardless of individual financial circumstances.

Within the constraints of its resources, the university shall take all steps necessary to maximize the amount of available student financial aid, and shall take steps to fully utilize those funds to assist students whose education would not otherwise be possible.

24.03 Student Travel Policy

The Board delegates to the President the authority to develop, finalize, and implement a student travel policy in compliance with Section 51.949 of the Texas Education Code. Such policy shall address student travel that is undertaken by one or more students presently enrolled in the institution to reach an activity or event located more than 25 miles from the institution, that is organized and sponsored by the institution, and that is: 1) travel funded by the institution and using vehicles owned or leased by the institution; or 2) travel required by a student organization registered at the institution. The President shall ensure that any student travel policy, including any amendments thereto, complies with applicable law, including Section 51.950 of the Education Code. Any student travel policy or amendment thereto is effective upon approval by the president.

29 ACADEMIC AND STUDENT AFFAIRS MISCELLANEOUS

29.01 HIV Services (AIDS)

The university shall adopt policies consistent with the Human Immunodeficiency Virus Services Act, Texas Health and Safety Code, Section 85.001 (the "Act").

The university shall include in appropriate academic programs curricula consistent with the educational objectives of the Act.

The university and the administration shall communicate its policies in a manner designed to reach the widest possible audience of faculty, students, and staff.

29.02 Sexual Harassment

The board and the university are committed to providing a professional working and learning environment free from sexual harassment. Sexual harassment is a form of sex discrimination and is illegal. Neither the board nor the university will tolerate any form of sexual harassment. Furthermore, the board and the university are committed to providing the training to educate staff, faculty, and students about sexual harassment issues.

The university shall adopt policies consistent with this policy. The rights of claimants and respondents will be protected by the procedures developed by the university.

29.03 Equal Educational Opportunity

Texas Southern University shall provide and promote equal educational opportunity for all persons and shall take affirmative steps directed toward eradicating the vestiges of past discrimination. No person shall be denied admission to the university or be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored or conducted by the university on any basis prohibited by applicable law, including race, color, national origin, religion, sex, disability, age, or veteran.

Section III ADMINISTRATION AND FINANCE**51 FINANCE****51.01 Contracts**

No person has the authority to bind the university contractually except in accordance with the policy. Complete, accurate and timely due diligence must be performed on any contract, agreement, transaction or other arrangement involving the commitment of financial or other university resources. Such due diligence should be designed to ensure that the university's interests are protected, that it receives value for money, and that there is transparency in decision-making.

51.01.1 Board Approval (51.01.1 Amended -10/26/2012)

In an open meeting, the board must approve:

- A. contract for the purchase, gift or acquisition of real property;
- B. contracts for the sale of real property or conveyance of any rights in real property, other than residential leases, and licenses which do not transfer any rights in property;
- C. as lessee, all real estate leases, lease renewals and extension, if the obligation of the lease is equal to or greater than the submittal threshold requiring Texas Higher Education Coordinating Board action;
- D. contracts with any entity in which a member of the Board of Regents holds stock and/or serves as a director;
- E. banking and investment agreements;
- F. any single procurement contract for any equipment, goods or services, not specified above, which is expected to exceed \$250,000 in a fiscal year with the exception of contracts that fall within and are a part of approved construction project set forth in Section 73.03;
- G. any extension, modification, or renewal of an existing contract which is expected to exceed \$250,000 in a fiscal year;
- H. any series of contracts which are initiated in the same department for the same goods or services with the same party within a fiscal year, that, if combined in one contract, would require board approval or reporting;
- I. any other contract the board might designate as having significant importance to require board approval.

51.01.2 Delegation of Authority for Contracts Requiring Board Approval

- A. **Delegation to the President.** The president shall execute all contracts approved by the board.
- B. **Delegation by the President.** All delegations of contracting authority shall be in writing, approved by the president, and filed with the board. No employee, officer, or agent of the university shall have the authority to execute contracts unless delegated such authority pursuant to this policy.
- C. **General Counsel Review.** All contracts must be reviewed and approved as to form by the Office of the General Counsel before execution. The Office of the General Counsel may approve uniform contracts which, thereafter, may be used without additional review and approval by the Officer of the General Counsel if no changes or alterations have been made to the contract or those that require board approval.
- D. **Construction Contract Review.** The office of the vice president for administration and finance shall review all plans, specification and bidding documents for the compliance with applicable state laws governing their areas of responsibility prior to being released for bidding.
- E. **Emergencies.** In the event of a bona fide emergency, as declared by the chairman of the board upon consultation with the president may enter into a contract that would otherwise require board approval under this policy, provided that the president submits such contract to the board for ratification at the next regular meeting of the board.

51.01.3 Delegation of Authority for Contracts not Requiring Board Approval

- A. **Delegation to the President.** The president may negotiate, execute, and administer all contracts and related necessary legal documents and instruments not requiring board approval according to section 51.01.1.
- B. **Delegation by the President.** The president may delegate the authority granted by section 51.01.3A to administrative officers, according to their areas of responsibility. The president may approve the further delegation of such authority by university administrative officers as is appropriate.

- C. **General Counsel Review.** All contracts must be reviewed and approved as to form by the Office of General Counsel before execution. The Office of General Counsel may approve uniform contract which, thereafter, may be used without additional review and approval by the Office of General Counsel if no changes or alterations have been made to the contract.
- D. **Construction Contract Review.** When total project costs of a new construction and/or renovation project are \$250,000 or less, the office of the vice president for administration and finance shall ensure that all plans, specifications, and bidding documents are reviewed for compliance with applicable state laws prior to being released for bidding. The university's office of the vice president for administration and finance shall manage such projects, including review of all plans, specifications and bidding documents for compliance with applicable state laws prior to being released for bidding.

51.01.4 Reporting to the Board

Following the end of each fiscal year, a report shall be submitted to the board listing all professional services or consulting contracts where total compensation from all university sources to a single entity exceeded \$250,000 during the fiscal year.

51.02 Competitive Bidding

The purpose of this policy is to achieve efficiency in the expenditure of university funds for goods and services, to prevent favoritism or the appearance of favoritism, to secure the best goods and services at the lowest practical cost, and to stimulate competition.

51.02.1 Applicability

- A. This policy applies to all contracts that require the approval of the board under Board Policy 51.01.1.
- B. This policy shall not be construed as enlarging or restricting the competitive bidding requirements imposed by state or federal law or administrative rule, regulation, or order.
- C. This policy shall not apply to any situation where the service or product to be contracted for is unique and/or is available from only one source or where procurement is allowed without competitive bidding standards as allowed by law.

51.02.2 Competitive Bidding Required

- A. The board will only enter into a contract when the contracting party was selected pursuant to a competitive bidding process designed to fulfill the purposes of this policy except when otherwise prohibited by law.
- B. This policy does not manage any particular form of bidding process for every contract. However, any such process must meet the following minimum requirements:
 - 1. when the subject matter warrants, the process should permit a reasonably objective analysis of bidding responses;
 - 2. the process should provide enough advance information through invitations to bid or requests for proposals so as to invite bids from as many eligible sources as practicable;
 - 3. when appropriate, based on subject matter, the process should invite creativity in the delivery of goods or services;
 - 4. The process should recognize qualitative as well as quantitative comparisons of responses or proposals; and
 - 5. No evaluation or comparison of bids should be conducted until the time has expired for receiving all bids or requests for proposals.

51.03 Travel Reimbursement**Faculty and Staff**

The board delegates to the president or his or her designee the authority to approve all travel reimbursement for faculty and staff from appropriated or other funds. All such reimbursements must comply with University and State of Texas rules and regulations on travel (See TSU MAPPs 03.02.10 and 03.02.11; General Appropriations Act, Article IX, Part 5; Chapter 660 of the Texas Government Code, referred to as the Travel Regulations Act; 34 Texas Administrative Code §5.22, referred to as State of Texas Travel Guidance).

Board of Regents**Overview**

The Texas Education Code allows Texas Southern University to pay for the regents' actual expenses incurred in the discharge of their duties from any available funds of the University. See Tex. Educ. Code §106.15.

The term “in the discharge of their duties” shall mean the accomplishment of board duties as defined by Section 51.352 of the Texas Education Code and the Board’s Bylaws, including the reasonably necessary means and methods to accomplish those duties.

The term “expenses” specifically includes transportation, meals, and lodging expenses, in amounts not to exceed the rates and limitations specified in University and State of Texas rules and regulations on travel (See TSU MAPPs 03.02.10 and 03.02.11; General Appropriations Act, Article IX, Part 5; Chapter 660 of the Texas Government Code, referred to as the Travel Regulations Act; 34 Texas Administrative Code §5.22, referred to as State of Texas Travel Guidance).

All regent expenses/requests for reimbursement must comply with University and State of Texas rules and regulations on travel and fall within the University budget allocated for that purpose. Regent expenses reimbursed or paid from state appropriated funds shall not exceed the annual cap contained in the General Appropriations Act for that purpose for the biennium.

Any incremental travel expenses incurred by the university or by a board member on behalf of a board member’s spouse, dependents or guests, in attending the work of the board, are the sole responsibility of the board member.

Except for expenses associated with attendance at regularly scheduled board meetings, all requests for reimbursement of regent expenses, including domestic travel and business meals while discharging board duties, must be preapproved by the Board Chair, or if unavailable, the Vice Chair, or if unavailable, the Second Vice Chair, or in the case of the Board Chair’s expenses, the Vice Chair, or if unavailable the Second Vice Chair, before the expense is incurred.

Process

A separate record of regent expenses, expense approvals, and reimbursement requests shall be kept and maintained as provided in the University’s rules and regulations on travel (See TSU MAPPs 03.02.10 and 03.02.11).

Regent reimbursement and preapproval requests shall first be prepared by the Board Office then forwarded to the Division of Business and Finance for review and returned to the Board Office for submission to the Board Chair, Vice Chair, or Second Vice Chair (as applicable) for final approval.

The Board Office shall develop procedures for regent submission of expenses and requests for reimbursement, and Board Office review of same for compliance with University and State rules and regulations on travel prior to submission to the Division of Business and Finance or the Board Chair, Vice Chair, or Second Vice Chair (as applicable).

Annual Audit

The Audit and Compliance Committee Chair in coordination with the Internal Auditor shall ensure regent expenses and requests for reimbursement are audited annually and the resulting audit report submitted to the Board.

51.04 Historically Underutilized Businesses

The board adopts the following policy to comply fully with the letter and the spirit of Chapter 2161 of the Texas Government Code, and the applicable provisions of the current Appropriations Act the board pledges to:

- A. reaffirm the university's commitment to the principles of equal opportunity for all businesses and to act affirmatively to increase the participation of historically underutilized businesses in the university's procurement processes;
- B. encourage participation in procurement from historically underutilized businesses;
- C. foster further expansion and development of historically underutilized businesses;
- D. actively assist historically underutilized businesses in Texas in becoming familiar with the procurement processes of the university;
- E. support growth and new business opportunities in the areas served by the university, thereby promoting the economic development of the state;
- F. expand the number of suppliers and contractors seeking to provide goods and services to the university, thereby encouraging competition, with the ultimate goal of improving quality and economy of goods and services purchased by the university;

51.04.1 Applicability

- A. This policy applies to all purchases and procurements of goods and services for the university.
- B. It is the intent of the university that the goals of this policy will apply to the hiring of subcontractors by its contractors. This intent will be reflected in bid documents and in the provisions of all contracts.
- C. This policy shall not be construed as permitting variation from competitive bidding requirements as imposed by state or federal law or administrative rule, regulation, or order.

51.04.2 Definitions

A. “Historically under-utilized business” means:

1. A for-profit corporation, sole proprietorship, partnership, joint venture or supplier contract between an economically disadvantaged business with principal place of business in this State, and a prime contractor;
2. Designated by the Texas Comptroller of Public Accounts, through the Texas Procurement and Support Services division; and
3. In which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who are economically disadvantaged because of their identification as members of certain groups, including Black Americans, Hispanic Americans, women, Asian Pacific Americans, and Native Americans, who have suffered the effect of discriminatory practices or similar insidious circumstances over which they have no control and who have a proportionate interest and demonstrate active participation in the control, operation, and management of the corporation’s affairs.

B. The Texas comptroller of Public accounts, through the Texas Procurement and Support Services division, will certify a business enterprise meeting the above criteria.

51.04.3 Assessment

- A. The university will report annually to the president or his or her designee on purchases and contracts with historically underutilized business.
- B. Each March and September the president or his or her designee shall report on the purchases and contracts awarded to historically underutilized businesses for the previous six month period to the Texas Comptroller of Public Accounts, through the Texas Procurement and Support Services division as required by the Texas Government Code.
- C. The university will include in its strategic plan, a plan for increasing the use of historically underutilized business in purchasing and construction contracting as required by the Texas Government Code.

51.05 Reduction in Asset Valuations

All reductions in asset valuations on the accounting records of Texas Southern University, including but not limited to accounts receivable, notes receivable, inventory, and capital assets, must be approved by the board of regents

51.06 Higher Education Assistance Fund (HEAF)

Accounting to Article VII, Section 17 of the Texas Constitution, the Texas Legislature makes appropriations from the Higher Education Assistance Fund (HEAF) to the Boards of Regents of institutions of higher education, including the board of regents of Texas Southern University. The board is responsible for authorizing HEAF expenditures by the university based on the president's recommendations.

The president is responsible for recommending HEAF expenditures to the board based on the university's priorities. The president is responsible for recommending university HEAF priorities based on plans that identify the need to acquire land; to construct and equip buildings; to rehabilitate or make major repairs to buildings and facilities; to acquire capital equipment; and to acquire library books or other library materials. HEAF allocations are recommended annually during the budget process.

52 FEES

In accordance with Section 54.545 of the Texas Education Code, the board delegates authority to the president, or his or her designee, to set fees for each continuing education course at each institution in an amount sufficient to permit the university to recover the costs of proving the course. Fees will be charged only for a course for which the university does not collect tuition or receive formula funding, including an extension course, correspondence course, or other self-supporting course. Information regarding fees charged for continuing education courses shall be on file in the office of the president.

52.02 Approval of Tuition, Fees and Other Charges

Tuition, fees, other charges to students, faculty, staff, and the general public shall be established or changed only in accordance with this policy.

52.02.1 Board Approval

The board shall approve all fees and charges as allowed by law, or any amendment thereto, made by the university for:

- A. tuition;
- B. student service fees;
- C. general fees;
- D. laboratory fees;

- E. computer use fees;
- F. general property deposits
- G. room and board within university housing for students; and
- H. parking privileges.

52.02.2 Delegation of Authority

Exclusive of those charges or fees requiring board approval, the president may set charges or fees, or any amendment thereto. At least once each fiscal year, the president shall submit to the board for its approval a list of such charges or fees.

52.02.3 Waivers

The president may waive fees or charges as allowed by law.

53 ENDOWMENTS

53.01 Minimum Endowment Levels

The board encourages gifts of all sizes; however, the high cost of administering endowment accounts requires a minimum acceptable endowments threshold. The board authorizes the president to establish minimum funding levels for endowments.

53.02 Pooled Investment Funds

To promote the effective implementation of the board's investment philosophy, assets of individual endowments, except where prohibited, are co-mingled with assets of other endowments in the purchase of shares, called units, of open-ended, pooled investment funds administered by the university. The Pooled Investment Fund is intended to provide a predictable source of income to meet current needs, and to provide growth through market value appreciation. At least once annually, the president will recommend to the board of regents the asset allocation to be maintained by the investment managers. The asset allocation should ensure capital growth and income production in appropriate proportions to preserve the assets' real value and the long-range purchasing power of endowment income.

53.03 Management of Endowments

53.03.1 Investment Management

Except for alternative investments, all endowment investment portfolios are managed by the university's external investment managers; alternative investments may be externally managed or managed internally by the president or his or her designee. All investments are managed in accordance with the Endowment Fund Statement of Investment Objectives and Policies approved by the board. The Endowment Fund Statement of Investment Objectives and Policies is on file in the board of regents office and on the University.

54 INVESTMENTS

The university shall invest all endowments, local, or other available funds to optimize return on investment to the extent possible, balanced with the appropriate level of risk. All investments should comply with the goals of the university and all appropriate laws and restrictions.

54.01 Investment Objectives

The university shall invest all endowments, local, or other available funds to optimize return on investment to the extent possible, balanced with the appropriate level of risk. All investments should comply with the goals of the university and all appropriate laws and restrictions.

54.01.1 Local Funds

The president, or his or her designee, or an external investment manager approved by the board shall invest all local funds in accordance with Investment Policy for Non-Endowed Funds approved by the board. All demand deposits shall be collateralized as required by law. Longer-term funds shall be invested to ensure safety of principal, liquidity, and maximum yield with primary emphasis on safety and liquidity.

54.01.2 Bond-Related Funds

Proceeds from the issuance of bonds and revenues designated for the debt repayment are invested in accordance with bond resolution investment instructions. Bond-related funds are managed by the treasurer.

55 FINANCIAL ADVISORS AND SERVICE PROVIDERS

55.01 Disclosure

Financial advisors and service providers which include a person or business entity who acts as a financial advisor, financial consultant money or investment manager or broker shall comply with the disclosure requirements contained in Texas Government Code Section 2263.005. Financial Advisors and service providers must:

- A. make full and fair disclosure of all matters that could reasonably be expected to impair their independence and objectivity or interfere with their respective duties to Texas Southern University; and
- B. on an annual basis, communicate the relevant information using the Texas State Auditor's Office Uniform Disclosure Form.

55.02 Standards of Conduct for Financial Advisors and Service Providers

55.02.1 Code of Ethics

Financial advisors and service providers under contract with Texas Southern University shall:

- A. act with integrity, competence, diligence, respect, and in unethically manner with the public, clients, prospective clients, employers, employees, and colleagues in the investment profession;
- B. use reasonable care and exercise independent professional judgment when conducting investment analysis, making investment recommendations , taking investment actions, or engaging in other professional activities;
- C. practice, and encourage others to practice, in a professional and ethical manner that will reflect credit on themselves and the profession;
- D. maintain and improve their professional competence and strive to maintain and improve the competence of other investment professionals; and
- E. place the interest of clients, the interest of their employer, and the integrity of the investment profession above their own personal interest.

55.02.2 Standards of Professional Conduct

Financial advisors and service providers under contract with Texas Southern University:

- A. must understand and comply with all applicable laws, rules and regulations of any government agency, regulatory organization, licensing agency, regulatory organization, licensing agency, or professional association governing their professional activities;
- B. must not knowingly participate or assist in, any violation of such laws, rules or regulations;
- C. must use reasonable care and judgment to achieve and maintain independence and objectivity in their professional activities;
- D. must not offer, solicit, or accept any gift, benefit, compensation, or consideration that could be reasonably expected to compromise their own or another's independence and objectivity;
- E. must not make any statements that misrepresent facts relating to investment analysis, recommendations, actions, or other professional activities;
- F. must not engage in any professional conduct involving dishonesty, fraud, deceit, or commit any act that reflects adversely on their integrity, trustworthiness, or professional competence;
- G. must exercise due diligence, independence, and thoroughness in conducting investment analysis, making investment recommendations and taking investment actions; and
- H. must have a reasonable and adequate basis, supported by appropriate research and investigation, for any investment analysis, recommendation, and action.

55.02.3 The above standards of conduct are derived from the Association for Investment Management and Research code of ethics and standards of professional conduct.

59 FINANCE MISCELLANEOUS

Section IV AUDIT**41 AUDIT****41.01 Internal Auditing**

To develop a frame work for the implementation of the internal audit function within the university, and to define the scope of the internal audit function as an effective management tool for use by the board and president in evaluating the university's fiscal integrity and compliance with the Texas internal Auditing Act, Texas Government Code, Section 2102, applicable state and federal laws and with approved board policies, the board adopts the following policy:

41.01.1 Philosophy

- A. A primary responsibility of the board is to ensure the legal and fiscal integrity of the university. To that end, the board directs the Department of Internal Auditing to perform those audit activities necessary to assure that the university's resources are being properly managed and accounted for and that the institution is complying with approved policies and statutory requirements.
- B. Internal audits are resource tools for management and enable the university to monitor the effectiveness with which policies are followed, objectives met, and control systems function.
- C. Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve the university's operations. It supports the university to accomplish its objectives by bringing a systematic, strategic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.
- D. The Office of Internal Audit is objective and independent; and will be free of any operational duties, development and installation of systems, implementation of procedures, initiation or approval of accounting transactions, preparation of records or engagement in any other management responsibilities that would impair the ability to make independent reviews of all aspects of the University
- E. In carrying out their duties and responsibilities, members of the Department of Internal Auditing will have full free, and unrestricted access to all university activities, records, property, and personnel. The

Office of Internal Audit may also request access to the financial records of private support organizations and foundations chartered for the benefit of Texas Southern University or any part thereof.

41.01.2 Organizational Responsibility

- A. The Director of Internal Audit will report directly to the chair of the Audit Committee of the board, and have access to the president.
- B. The Audit Committee is responsible for making recommendations to the board specific to the appointment, dismissal or reassignment of the Director of Internal Audit, annual performance evaluation and compensation decision related to the Director.
- C. The Audit Committee will ensure, as required by the Texas Internal Auditing Act. That the internal auditing activity of Texas Southern University is complying with the IIA's International Standards for the Professional Practice of Internal Auditing and Code of Ethics, and Generally Accepted Government Auditing Standards.

41.01.3 The Internal Auditing Process

- A. In October of each year, the Office of Internal Audit will present to the Audit Committee and board an annual audit plan for the board's review and approval.
- B. The Director of Internal Audit and staff will meet with the Audit Committee on a by-monthly or as required basis, to review audits performed, audits in progress, and future audits.
- C. Internal Audit reports will be distributed internally to the Audit Committee of the board, Chairman of the board, the president, and the president's cabinet. Internal Audit reports shall be distributed externally to the State Auditor's Office, the Governor's Office of Planning and Budgeting, the Legislative Budget Board and the Sunset Advisory Commission, as required by the Texas Government Code, Section 2102.

41.01.4 Objectives

The internal audit function supports the continuous improvement of the

university's system of risk management, control and governance systems by addressing the following strategic objectives:

- A. **Risk Management:** Office of Internal Audit utilizes a risk-based approach to identify inherent risks and establish acceptable residual risk values by contributing to the enhancement of control systems.
- B. **Control Systems:** The Office of Internal Audit supports the development, implementation, and the maintenance of controlled activities to mitigate exposure, improve effectiveness and efficiency and promote continuous improvement.
- C. **Governance:** The Office of Internal Audit contributes to the governance of the university through the promotion of control systems whereby: objectives are documented and communicated, accountability and performance are measured, and control systems are preserved.
- D. **Internal** audit activity will evaluate risk exposures, adequacy and effectiveness of controls relating to the university's governance, operations and information systems regarding the:
 - Reliability and integrity of financial and operational information
 - Effectiveness and efficiency of operations
 - Safeguarding of assets
 - Compliance with applicable laws, regulations, board policies and the university's manual of administrative policies and procedures.
- E. The Office of Internal Audit will coordinate audit efforts with the State Auditor's Office, external audit firms, and other applicable oversight agencies as appropriate, for the purpose of ensuring optimal audit coverage to the university.

49 AUDIT MISCELLANEOUS

63 – COMPLIANCE

63.1 - RESEARCH SECURITY PROGRAM

POLICY STATEMENT

Texas Southern University ("University") is committed to the highest standards of research security at every level of the University. The Texas Southern University Board of Regents

("Board") establishes this policy to promote secure academic research at the

University while mitigating the risk of foreign espionage and interference. The Board adopts this policy to establish a Research Security Program to comport with SB 1273 and Texas Education Code Section 51.956. The Research Security Program is intended to ensure that the University complies with applicable federal and state laws and regulations and University requirements.

APPLICABILITY

This policy is applicable to Texas Southern University Students, Employees, and University Affiliates.

DEFINITIONS

1. “Employee” means an individual who is employed part-time, full-time, or in a temporary capacity as faculty, staff, or who is required to be a student as a condition of employment, undergraduate or graduate.
2. “Student” means a person taking courses at Texas Southern University, a person who is not currently enrolled in courses but who has a continuing academic relationship with Texas Southern University, or a person who has been admitted or readmitted to Texas Southern University.
3. “University Affiliate” means any individual associated with Texas Southern University in a capacity other than as a Student or Employee who has access to University resources through a contractual arrangement or other association. This includes the following individuals:
 - a. Contractors and Vendors: an individual, business, or governmental entity that has a fully executed contract to provide goods or services to Texas Southern University. This includes employees of contractors or vendors and independent contractors.
 - b. Employee of a Governmental Agency: an individual employed by a federal or Texas state agency.
 - c. Employee of a Texas Southern University-Affiliated Institution: an individual who works for organizations that are tightly aligned with the University.
 - d. Pre-Employment Individual: an individual who will be hired by the University and the hiring department has sponsored their access to University resources.
 - e. Other University Affiliate: any individual who does not fit into any other category and needs access to University resources.

POLICY

I. Research Security Program

Research Security Program. The President is responsible for ensuring the implementation of a Research Security Program for the University .

II. Research Security Officer

Research Security Officer. The President shall recommend a Research Security Officer to the Texas Southern University Board of Regents for appointment by the Board. The Research Security Officer shall: maintain classified information; maintain controlled unclassified information; conduct foreign influence reporting; export control programs; NSPM-33 implementation; provide research security training and export control training to relevant personnel; serve as the point of contact for communications with federal agencies related to research security; address other issues associated with the goals of the research security program; and attend the state required annual academic security and counter exploitation program seminar offered by Texas A&M University.

III. Program Requirements

Program Requirements. The Research Security Program shall be designed to achieve the highest level of compliance with applicable ethical, legal, regulatory, contractual, and institutional standards and requirements for securing and protecting the University's research portfolios. The Research Security Program shall also promote an organizational culture of compliance with federal requirements to ensure that Texas Southern University maintains eligibility for federal funding, including requirements with foreign influence reporting, export controls, and National Security Presidential Memorandum – 33 (NSPM-33). The Research Security Officer shall be responsible for developing and submitting for Board approval, the framework and infrastructure for the effective operation of the Research Security Program.

IV. University Regulations and Procedures – Research Security

Adoption of Regulations and Procedures. Texas Southern University is committed to promoting secure academic research at the University while mitigating the risk of foreign espionage and interference. Texas Southern University shall adopt University Regulations and Procedures concerning research security consistent with state and federal law.

Section V**DEVELOPMENT AND LEGISLATIVE AFFAIRS****31 INFORMATION AND COMMUNICATION****31.01 Public Announcements**

There shall be no public announcements or statements initiated by the university relating to any matter or item that requires board approval prior to official board action other than those announcement and notices required by the state law or authorized by the other board policies, administrative policies, rules or regulations.

Texas Southern University is a highly visible, major public institution and situations will arise in which public announcements or discussion of items requiring board approval are desirable or necessary prior to board action. The president may authorize exceptions to the policy stated in the preceding paragraph after consultation with the chair of the board. In such cases, any advance announcement must state that the item is subject to board approval.

The board delegates authority to the president or his/her designee to speak on behalf of the university.

32 UNIVERSITY ADVANCEMENT**32.01 Management and Coordination of Activities**

The president is responsible for managing and coordinating all of the university advancement activities (development, alumni, and the university relations). Development and university relations activities involving the administration and volunteer groups will be planned and coordinated by the president or his or her designee and managed by the appropriate professional staff.

32.02 Naming Opportunities

The board must approve the naming of a building (new, existing or expanded), college, school, program, institute or center recognizing a donor for his or her generosity to the university. The board must also approve the naming of a building (new, existing or expanded), college, school program, institute or center for the purpose of recognizing an individual or other entity based on distinguished leadership and/or service to the university. All naming opportunities should reflect favorably on, and bring honor to, the university.

The board must approve the removal of a name of a building, college, school, program, institute or center.

The board directs the president to develop procedures and guidelines for the proposal and recommendation of naming opportunities and removing names.

The board delegates to the president the authority to approve naming opportunities for the other areas not specified in this policy, i.e. classrooms, auditoria, laboratories, etc.

32.03 Acceptance of Gifts

The board must approve acceptance of gifts that result in the naming of a facility, college, school, program, institute or center. The board delegates to the president or his or her designee the authority to give preliminary approval of gifts requiring board approval but the board must make its final acceptance of the gift prior to any public announcement. The board also delegates to the president or his or her designee the final authority to approve acceptance of all gifts not specified elsewhere in these policies.

32.04 Acceptance of Donated Property

The board delegates to the president the authority to accept all gifts of property. The president shall report to the board all such gifts. The president shall administer these properties subject to board policies and directions. No public announcement of a gift of real property shall be permitted until after the President has accepted the property.

30.05 External Constituency Records

The board directs the administration to create and manage a comprehensive data base that provides timely, accurate, and integrated records and ensures maximum accountability to the in the area of alumni, donor, and other major external constituency relations.

While the university has primary responsibility for carrying out its own external constituency development, the university administration should provide general direction of the creation and maintenance of an integrated demographic data base

containing all alumni, donor, and other major external constituency records for the on-site use and benefit of the university.

32.06 Private Support Organizations and Foundations

The board recognizes that there are legally incorporated nonprofit organizations (support organizations) whose sole purpose is to benefit Texas Southern University or any of its activities. These organizations are administered by boards of directors that are independent from the direct control and supervision of the Texas Southern University Board of Regents. However, because state law charges the board with governance of the university, the board must ensure that the existence, purpose, and operations of all such organizations and foundations are consistent with the board policies and objectives. The board therefore delegates to the president the authority necessary to ensure compliance with the following policy on the parts of all such private support organizations and foundations. The president and/or his or her designee shall report the board annually on the compliance status of each support organization.

Any nonprofit entity wishing to become a support organization of the university must first enter into a written agreement with the board that adequately addresses the following:

- a.** use of the names of any parts thereof, of Texas Southern University by the support organization;
- b.** administration and investment of funds received by the support organization for the benefit of the university, including reporting and auditing requirements concerning assets, gifts, and distribution;
- c.** use of university staff, facilities, and other resources;
- d.** service by an officer or employee of the university as an officer or director of the support organization
- e.** remuneration of an officer or employee of the university by the support organization.
- f.** access to the records and documents of the support organization by Texas Southern University, including its Internal Auditor;
- g.** the compatibility of the activities of the private support organization in relation to the mission of the university; and

- h. other issues the president deems necessary in establishing rules governing all aspects of conduct of the university and its employees in relationship to the support organization.

32.07 Coordination of Major Donor Prospect Cultivation and Solicitation Activity

The board designates the president or his or her designee as the coordinator for all major donor prospects. All contacts, cultivation visits, and solicitations to major donor prospects must be coordinated by the president or his or her designee through the prospect management system. The president shall develop guidelines and procedures for the prospect management system.

33 GOVERNMENTAL RELATIONS

33.01 Governmental Appearances

All university employees appearing before Congress, the Texas Legislature, City, County, or governmental body, or their agencies, committees, or members to offer testimony, opinions, or commentary in regard to existing or potential laws, rules or regulations, not expressly authorized to do so by the board or the president, must clearly state in advance that they are appearing in their individual capacities and that their testimony, opinions, and commentary are not authorized by, and must not be construed as reflecting on, the position of the university.

39 DEVELOPMENT AND LEGISLATIVE MISCELLANEOUS

Section VI PERSONNEL AND LITIGATION

61 PERSONNEL

61.01 Code of Ethics

61.01.1 All members of the board and all employees of the university shall adhere to the highest ethical standards of conduct reflected in state law and board policies, including, but not limited to the University's Ethics and Conflicts of Interest Policy – MAPP 02.05.05

61.01.2 This Code of Ethics is adopted to fulfill the requirements of Texas Government Code § 572.051 and Section 22 of the General Appropriations Act, which prohibits expenditure of public funds unless the governing board has adopted an ethics policy. It applies to all members of the Board of Regents, Regents' staff, University administrators, faculty, and staff.

61.01.3 Definitions

1. Code of Ethics– The standards of conduct, disclosure, conflict-of-interest, and sexual harassment policies required under § 572.051, Texas Government Code.
2. Covered Individuals – Members of the Board, Regents' staff, University administration, faculty, and staff.
3. Sexual Harassment – Unwelcome conduct of a sexual nature prohibited under Title VII, Title IX, and University policy.

61.01.4 Sexual Harassment Provisions

This Code of Ethics explicitly includes sexual harassment provisions, aligning with Board Policy 29.02, as a core component of the Code of Ethics. Unwelcome conduct of a sexual nature that creates a hostile or intimidating environment is strictly prohibited.

61.01.5 Applicability and Responsibility

1. Applicability – This policy applies to all Covered Individuals across the University.
2. Responsibility –The Board of Regents is responsible for adoption and review.
3. The Office of General Counsel and Human Resources Employee Relations & Compliance oversee implementation, dissemination, training, and enforcement.

61.01.6 Distribution and Training

1. Covered Individuals will receive a copy of this policy, and the laws and Board Policies which constitute the University's Code of Ethics, upon commencement of their service and at the start of each academic or fiscal year.

2. Mandatory annual training on ethics and sexual harassment is required.
3. Non-completion of training may result in sanctions under MAPP 02.05.03 – Discipline and Termination.

61.01.7 Enforcement

1. Violations—including failure to disclose conflicts of interest or sexual harassment—may result in disciplinary action as per MAPP 02.05.03.
2. Reports of violations will be investigated jointly by Employee Relations & Compliance and the Office of General Counsel, as appropriate.

61.01.8 Review and Revision

This Code of Ethics shall be reviewed at least biennially, or when required by state law or Board updates, to ensure alignment with evolving ethical standards and institutional governance.

61.01.9 The university code of ethics is comprised of the following components:

- A. Statutory Standards of Conduct for State Employees, Section 572.051, Texas Government Code;
- B. the following board policies:
 - a) Academic Freedom (21.03)
 - b) Sexual Harassment (29.02)
 - c) Governmental Appearances (33.01)
 - d) Consulting and Paid Professional Service (61.02)
 - e) Dual Employment (61.04)
 - f) Nepotism (61.07)
 - g) Conflicts of Interest (61.08)

61.02 Consulting and Paid Professional Services

Full-time members of the faculty and professional or administrative staff may engage in external consultation or other paid professional services, provided such activities benefit the university and contribute to the professional development of the individual. This privilege is subject in all instances to the conditions set forth below. Failure to comply with this policy may subject an employee to disciplinary action in accordance with the University's Discipline and Termination Policy –MAPP 02.05.03, and relevant portions of the University Faculty Manual, including reprimand, suspension, or termination.

61.02.1 The first responsibility of the individual is to the university, and outside professional commitments should not interfere with the person's fulltime responsibility to the university.

61.02.2 No outside obligation should result in any conflict of interest involving the individual's responsibilities to the university or to its programs, policies, and objectives. Consulting and other professional agreements that represent actual or potential conflicts of interest must be avoided.

61.02.3 Use of university facilities, space, equipment, or support staff for consulting or other paid professional activities is permitted only if a financial arrangement has been concluded between the individual and the administration prior to the employee's beginning the outside consulting or other paid professional service.

61.02.4 Individuals may not represent themselves as acting in the capacity of university employees when conducting consulting or other paid professional activities. The university bears no responsibility for any actual or implied obligations or liabilities incurred by the individual resulting from a consulting or other paid professional agreement or activity.

61.02.5 Faculty who wish to arrange consulting or other paid professional activities must provide prior written notification to their dean. Review by their dean of such activities will include consideration of any real or apparent conflict of interest and the benefit of the proposed service to the university. Each faculty member who engages in consulting or other paid professional service, including teaching on a temporary basis at other institutions, must ensure that such activities do not require commitments of time averaging more than one day per calendar week, and must arrange such activities so as not to interfere with regular scheduled classes.

61.02.6 Professional or administrative staff who wish to arrange consulting or other paid professional activities must obtain prior written approval from the appropriate supervisor. While consulting is a recognized aspect of faculty

activities with the limitations noted in this document, consulting by professional or administrative staff must be justified on an individual basis by clear and direct benefit to the university.

61.02.7 When any of an individual's salary is paid from fund for externally sponsored activities, the time allowable for consultation or other paid professional activities must comply with sponsor requirements.

The president will establish a process for monitoring outside paid professional activities of their faculty and staff in order to ensure that such activities are consistent with the above policy and also serve university purposes. The president will report to the board annually on such activities.

61.03 Equal Employment Opportunity

Texas Southern University shall provide equal opportunity for employment to all person regardless of race, color, religion, sex, national origin, disability, age or veteran status, and shall strive to achieve full and equal employment opportunity for faculty and staff employees.

61.04 Dual Employment

The board must give its approval before any officer of the university may hold other nonelective state or federal office or position of honor, trust or profit. Approval must include formal findings that the dual office holding is of benefit to the state or required by state or federal law, and creates no conflict of interest. The board delegates to the president the authority to approve such dual office holding by any university employee who is not an officer of the university.

61.05 Outside Employment of General Officers

The president and vice presidents of the university shall not become members of any board of directors, trustees, regents, or of any corporation or institution's governing body by whatever name except with the specific prior approval of the board.

61.06 Leaves of Absence

The board delegates to the president or his or her designee the authority to grant extended leaves of absence to employees of the university. Leaves may be granted for such purposes as research and writing, education, other personal development, or extended illness, according to university guidelines. Leaves will be limited in duration to twelve months.

61.07 Nepotism

Relatives of members of the board shall not be employed by the university unless the employment took place at least one year prior to the appointment of the board member. Relatives of other university employees shall not be employed by the university in positions where the employee has the official authority to hire or recommend or approve the hiring, salary, or promotions of the relative.

Relatives shall not be employed in the direct supervisory-subordinate relationship even if it results from marriage after the employment relationship was formed. The provisions of this policy apply to all programs regardless of funding source.

For the purposes of this policy, the term “relative” is defined as anyone related to the employee within the second degree of affinity or the third degree of consanguinity and includes the employee’s spouse and the employee’s of the spouses’ parents, grandparents, great grandparents, brothers, sisters half brother and sisters, children, grandchildren, great grandchildren, aunts, uncles, nieces, nephews, first cousins, second cousins and persons married to them.

61.08 Conflict of Interest

All members of the board and employees of the university shall adhere to and be furnished a copy of the Statutory Standards of Conduct for State Employees, Section 572.051, Texas Government Code, and shall avoid conflicts of interest, generally described as the use of one’s university employment or position to obtain unauthorized privileges, benefits, or things of value for oneself or others, including the following:

61.08.1 (61.08.1 *Added - 2/19/2016*) Each Board member or employee who is involved in procurement or in contract management shall disclose to the agency any potential conflict of interest specified by state law or University policy that is known by the Board member or employee with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor with the University.

61.08.2 No board member or employee shall solicit, engage, or agree to accept any privilege, benefit or thing of value for the exercise of his or her discretion, influence, or powers as an employee or regent, except as is allowed by law.

61.08.3 No board member or employee shall accept any privilege, benefit, or thing of value that might influence him or her in the discharge of his or her duties as an employee or regent.

61.08.4 No board member or employee shall use his or her position to secure special privileges or exemptions for himself or others, except as is allowed by law.

61.08.5 No board member or employee may be an officer, agent, employee, or member of, or own an interest in a professional activity that foreseeably might require or induce him or her to disclose confidential information acquired by reason of his or her university position.

61.08.6 No board member or employee shall accept employment or engage in any business or professional activity that foreseeably might require or induce him or her to disclose confidential information acquired by reason of his or her university position.

61.08.7 No board members or employee shall disclose confidential information gained by reason of his or her university position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

61.08.8 (61.08.8 Amended - 2/19/2016) No board member or employee shall transact any business for the university with any entity of which he or she is an officer, agent, employee, or member.

The University may not enter into a contract for the purchase of goods or services with a private vendor with whom a board member president general counsel, chief procurement officer or procurement director or family member of any of them related within the second degree of affinity or consanguinity owns or controls at least one percent in the vendor or could reasonably foresee that a contract with the vendor could result in a financial benefit to the board member, president, general counsel, chief procurement officer or procurement director, or related family member.

61.08.9 No board member or employee shall make personal investments in any enterprise that foreseeably might create a substantial conflict between his or her private interests and the university's interests.

61.08.10 No board member or employee shall accept other employment that might impair his or her independence of judgment in the performance of his or her university duties.

61.08.11 No board member or employee shall receive any compensation for his her services to the university from any source other than the State of Texas except as is allowed duties.

61.08.12 No board member or employee who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions shall solicit, accept, or agree to accept any benefit from a person or entity the employee knows or should know or should know is or is likely to become financially interested in such transactions.

Failure of any employee to comply with the foregoing shall constitute grounds for discharge or other disciplinary action.

61.08.13 (61.08.13 *Added - 2/19/2016*) No board member or employee shall act as an agent for another person in the negotiation of the terms of an agreement relating to the provision of money services or property to the University.

61.08.14 (61.08.14 *Added - 2/19/2016*) The resources of the University shall be used only in accordance with University policies and applicable law.

61.09 Sick Leave Pool

The board delegates to the president the authority and responsibility to adopt and implement a program within the university to allow employees voluntarily to transfer sick leave time earned by the employee to a sick leave pool, administered by the president or his or her designee, for the benefit of eligible employees suffering from catastrophic illnesses or injuries.

61.10 Executive Management Employees

All executive management employee appointments shall be approved by the board upon the recommendation of the president. The board delegates to the president, or his or her designee, the authority to approve all other faculty, professional, and administrative actions. Executive management employees are considered administrative employees, and conditions of service are governed by policies relating to administrative employees.

61.10.1 Executive management employees include persons serving in the following positions: President, Vice President, General Counsel, Dean (Academic) Director of Internal Auditing, and their equivalents (e.g., an administrative head of a recognized department reporting directly to the president).

61.10.2 Executive management employment agreements will contain the following elements, where applicable:

Period of Service, Base Salary, Benefits, Deferred Compensation, Perquisites, Separation, Appointments of Tenured Faculty Members, and Performance Incentives.

61.10.3 For those executive management employees who also hold tenured faculty positions, the following additional provisions apply:

A. the determination of the *administrative rate* to be paid to an executive management employee is based on the traditional criteria of scope of responsibility, marketplace, and individual qualification, provided, however, that the rate falls within the salary range paid to individuals holding comparable positions at similar institutions. In addition to the administrative rate, an *academic rate* is also determined for a tenured faculty member who serves in an executive management position, to be used as the original basis for establishing the salary of the individual at the time he or she returns to his or her regular faculty position. This academic rate is based on an assessment of current salary rates for comparably ranked faculty in the faculty member's discipline and the relative qualifications of the faculty member within that discipline. Though the academic rate is initially set at the time of the appointment to the executive management position, it is subject to adjustment based on the length of time the individual serves in the executive management position, and will reflect an increment not less than the average increment of the faculty members in his or her discipline and at his or her rank.

B. If provided in the employment agreement, a tenured faculty member may be eligible for a paid leave assignment for a period of up to one year in order to prepare to return to academic duties. The duration of the paid leave assignment should be reasonably related to the length of time that the individual has served in administrative position(s) and therefore removed from normal academic responsibilities. Eligibility for the paid leave assignment is contingent upon an expressed intention to resume academic duties and is grounded in recognition of the need to support an individual during the time he or she is retooling for the purpose of returning to faculty duties. A faculty member terminated for cause from an executive management position is not eligible for a paid leave assignment. If a faculty member accepts other employment during the period of the paid leave assignment, all salary entitlement will cease.

61.10.4 This policy is effective for all appointments made to executive management positions after the time of approval of the policy, date._____

62 LEGAL

62.02 Litigation

The board will be promptly and thoroughly informed by the general counsel with regard to all lawsuits filed against the university or a component university, and any employees or agents for the system or component universities in their official capacities. The general counsel is responsible for providing the board with litigation status reports at each board meeting, and for keeping the board fully informed of the outcome of all litigation.

69 PERSONNEL AND LITIGATION MISCELLANEOUS

Section VII Buildings and Grounds**71 REAL ESTATE****71.01 Acquisition and Sale of Property**

The acquisition and sale of all real property shall be approved by the board in compliance with Policy 57.01 with at least (1) appraisal in demonstrating fair market value. Real property with a fair market value of less than \$50,000 may be demonstrated by approved documentation other than by appraisal. All acquisitions and sales of real property shall be by an approved purchase agreement and special warranty deed in transferring title, including appropriate qualifying language. All documentation must be reviewed and approved by the Office of the General Counsel.

72 PROPERTY**72.01 Abandoned and Unclaimed Personal Property**

The board delegates to the president the authority and responsibility for the safekeeping and appropriate disposition of unclaimed or abandoned personal property found on university grounds. Disposition of abandoned or unclaimed property shall be in accordance with state statutes.

73 FACILITIES**73.01 Building Identification Plaques**

Building identification plaques shall be placed in all new buildings constructed by the university.

73.01.1 Contents

Building identification plaques shall contain:

- A. the name of Texas governor at the time of approval of the project;
- B. the names of chair, vice chair, secretary and other members of the board at the time of approval of the project;
- C. the names of the president at the time of approval of the project;

D. the year building is occupied.

73.01.2 Funding

Building identification plaques will be paid for from project funds.

73.02 Selection and Approval of Professional Services and General Contractors

73.02.1 The board delegates to the president the authority to select and approve the services of architects, engineers, and general contractors for construction and renovation projects requiring board approval and to execute appropriate contracts to secure the aforementioned services.

Two weeks prior to the preparation of a selection list for an architect or engineering firm, the vice president for administration and finance will provide the board with information about the proposed project. This information will include qualification criteria to be used in evaluating firms for the designated project, a time line for the selection process and other information as is appropriate in the circumstances. Board members may provide suggestions about firms they believe should be considered. The vice president for administration and finance will provide the president with a recommended firm.

73.02.2 The board delegates to the president, or his or her designee, the authority to select, approve and execute appropriate contracts to secure the following services:

- A. Architects, engineers and general contractors for projects not requiring board approval; and
- B. Professional services firms relating to testing, real estate, environmental issues, and HVAC systems for all construction and renovation projects, and professional services for other projects as authorized by the president not requiring board approval.

73.03 Approval of Construction Projects

The vice president for administration and finance shall present for approval to the board projects for new construction or major repair and rehabilitation of buildings and facilities when the total cost is equal to or greater than the submittal threshold requiring Texas Higher Education Coordinating Board action. In such cases, the board will be presented with the project, budget, schedule and, if applicable, a program and schematic design. Once a project is approved by The Higher Education Coordinating Board, the board delegates to the president the authority to negotiate and execute all appropriate contracts and easements required to accomplish the project provided it is within the approved scope and budget of the project.

74 Grounds

79 Physical Facilities Miscellaneous