

Proposed Board of Regents Policy and Bylaw changes for SB 37

(Those items marked “new” are entirely new, those marked “edited” the highlighted language is new.)

BOR POLICY 21.13 **Faculty Council (NEW)**

21.13.1 Definition: A faculty council means a representative faculty organization at one of the institutions of higher education in the UH System and can only be established by the Board of Regents. A faculty council is advisory only and may not be delegated the final decision-making authority on any matter. A faculty council shall represent the entire faculty of the institution of higher education and advise the institution administration and any system administration regarding matters related to the general welfare of the institution, including curriculum, faculty affairs, as well as research and scholarship. The presidents shall appoint appropriate administrators to assist the faculty council in these areas.

21.13.2 Requirements: Each faculty council in the UH System must:

- (1) ensure adequate representation of each college and school of the institution;
- (2) require the members to be faculty members;
- (3) require consistent and equitable representation of non-tenure track and tenure track, and tenured faculty;
- (4) exclude faculty members with administrative appointments above the chair level; and
- (5) except as otherwise provided by the Board of Regents total membership may not exceed 60 and should be proportionate to faculty size and campus structure with at least two representatives from each college or school, including:
 - (A) one member appointed by the president; and
 - (B) the remaining members elected by a vote of the faculty of the respective college or school.
- (6) A faculty council may not issue any statement or publish a report

using the institution's official seal, trademark, or resources funded by the institution on any matter not directly related to its duties to advise the institution's administration.

(7) Service on the faculty council is an additional duty of the faculty member's employment. Members of the faculty council are not entitled to compensation or reimbursement of expenses for their role as members of the faculty council unless the expense is on behalf of and approved by the institution.

(8) A member of the faculty council appointed by the president in accordance with Subsection 5 (A) may serve up to six consecutive one-year terms and then may only be reappointed after the second anniversary of the last day of the member's most recent term. A member of the faculty council elected by a vote of the faculty of the member's respective college or school in accordance with Subsection 5(B) serves a two-year term, staggered in a manner that allows approximately one-half of the elected members to be elected each year, and may only be reelected after the second anniversary of the last day of the member's most recent term.

(9) A faculty member serving on the faculty council may be immediately removed from the council for failing to conduct the member's responsibilities within the council's parameters, failing to attend council meetings (at least 75% in person attendance required), or engaging in other similar misconduct. A member of a faculty council may be removed on recommendation of the institution's provost and approval by the institution's president.

(10) The president shall appoint a presiding officer, associate presiding officer, and secretary from the members of the faculty council.

(11) The presiding officer shall preside over meetings of the faculty council and represent the council in official communications with the institution administration and system administration.

(12) Chapters 551 and 2110 of the Texas Government Code do not apply to the faculty council.

(13) The faculty council shall conduct meetings at which a quorum is present in a manner that is open to the public and in accordance with

procedures prescribed by the president.

(14) The faculty council shall broadcast over the Internet live video and audio, as applicable, of each open meeting of the council if more than 50 percent of the members of the council are in attendance.

(15) The faculty council shall adopt rules for establishing a quorum.

(16) The faculty council must post on the institution's Internet website not later than the seventh day before a meeting of the faculty council:

(A) an agenda for the meeting with sufficient detail to indicate the items that are to be discussed or that will be subject to a vote; and

(B) any curriculum proposals reviewed by the council that will be discussed or voted on at the meeting.

(17) Appropriate minutes of all meetings must be maintained and the names of the members in attendance must be recorded at a meeting in which the faculty council conducts business related to:

(A) a vote of no confidence regarding an institution or system administrator; or

(B) policies related to curriculum and academic standards.

(18) A faculty member maintains their rights to freedom of association protected by the United States Constitution and the Texas Constitution.

BOR POLICY 21.14 Academic Program Review (NEW)

21.14.1 Definitions: General education curriculum means a core curriculum, as that term is defined by Texas Government Code Section 61.821, and any other curriculum or competency all undergraduate students of the institutions in the UH System are required to complete before receiving an undergraduate degree.

Low-Producing Program

An academic program that does not meet minimum graduation thresholds over a rolling five-year period as defined by THECB in [Texas Administration Code, Title](#)

[19, Chapter 4, Subchapter R, Rules 4.285 to 4.290:](#)

- **Undergraduate programs:** Fewer than 25 graduates
- **Master's programs:** Fewer than 15 graduates
- **Doctoral programs:** Fewer than 10 graduates

Minimum thresholds for minor and certificate programs are to be based on the comparable degree level offered (i.e. Minors – undergraduate, Certificates – undergraduate/master's).

Degree Program

A formally approved and transcribed academic program leading to the conferral of a bachelor's, master's, or doctoral degree.

Minor Program

A transcribed, secondary program of study that complements a student's major field of study.

Certificate Program

A formally transcribed sequence of courses leading to a certificate credential awarded by the institution.

21.14.2 General Education Curriculum Review:

A. At least once every five years, the Board of Regents will conduct a comprehensive review of the general education curriculum established by each institution. In reviewing an institution's general education curriculum, the Board will ensure courses in the curriculum:

- (1) are foundational and fundamental to a sound postsecondary education;
- (2) are necessary to prepare students for civic and professional life;
- (3) equip students for participation in the workforce and in the betterment of society; and
- (4) ensure a breadth of knowledge in compliance with applicable accreditation standards.

B. Upon completion of the review for each campus, the Board will certify their compliance with this review to the Texas Higher Education Coordinating Board and each standing legislative committee and subcommittee with primary jurisdiction over higher education.

21.14.3. Program Review

All institutions within the University of Houston System shall conduct an annual review of low-producing academic degree programs. The review will identify programs for retention, monitoring, consolidation or closure. A consolidated report of all low-producing programs (LPP) will be presented to the UHS Board of Regents annually for formal review and action.

Programs in operation for fewer than five years are exempt from review under Texas Administration Code, Title 19, Chapter 4, Subchapter R, [Rule 4.289 Exemptions](#).

Each year, the UHS Senior Vice Chancellor for Academic Affairs shall submit a consolidated report to the UHS Board of Regents that includes all academic programs across component institutions identified as low-producing programs. Each program will carry one of the following three recommendations:

- **Retain** – Maintain the program based on mission relevance, recent improvements, workforce need, or other strategic rationale.
- **Place on Monitoring Status (3 years)** – The program must show significant progress in productivity. A decision on retention or closure will be made at the end of the third year.
- **Discontinue** – Recommend consolidation or closure of the program based on persistent underperformance and lack of justifying rationale.

Programs on monitoring status that do not show substantial improvement within three years will be recommended for closure, unless compelling justification is provided and approved by the Board of Regents.

21.14.4 Minor and Certificate Program Review:

A. The presidents of each institution in the UH System must adopt and implement a process for reviewing minor degree and certificate programs offered by their institution to identify programs with low enrollment that may require

consolidation or elimination. This review must occur at least once every five years.

B. The criteria for review must require that minor degree and certificate programs have specific industry data to substantiate workforce demand to avoid consideration for consolidation or elimination. A minor degree or certificate program that has operated less than five years at the time of the review is exempt from this low enrollment review.

C. The Board of Regents must approve or deny any decision made by the president to consolidate or eliminate a minor degree or certificate program as a result of the review.

Board of Regents Bylaw 2.7: Shared Governance (NEW)

All institutions in the UH System will be governed by a principle of shared governance, which is a structured decision-making process in which the Board of Regents exercises ultimate authority and responsibility for institutional oversight, financial stewardship, and policy implementation, while allowing for appropriate consultation with faculty, administrators, and other stakeholders on matters related to academic policy and institutional operations. The principle of shared governance is not to be construed to diminish the authority of the Board to make final decisions in the best interest of the institution, students, and taxpayers.

All administrators at institutions of the UH System must make decisions in a manner that promotes efficiency, accountability, and responsiveness to state priorities, workforce needs, and the institution's institutional mission. Faculty and staff may provide recommendations on academic matters, but that input is only advisory in nature, ensuring that the Board of Regents and institutional leadership retain clear and ultimate decision-making authority. Shared governance structures are not to be used to obstruct, delay, or undermine necessary institutional reforms or serve as a mechanism for advancing ideological or political agendas.

Board of Regents Policy 02.03: Responsibility of Presidents (NEW)

The president must conduct annual evaluations for individuals who hold the positions of vice president, provost, dean, or a similar leadership position who oversee curriculum or student affairs for the institution and report to the institution's governing board regarding any decision to remove an individual from

a position described by this subsection.

Board of Regents Policy 02.02 (NEW subsection)

E. An executive search committee formed by the Board of Regents, which has as its primary purpose the evaluation and assessment of candidates and nominees for the position of president or chancellor, must include at least two members of the institution's governing board, with at least one of those members serving as the chair.

Board of Regents Policy 21.06.2. Faculty Grievances (New Subsection)

A. Only the president, chancellor, or provost of an institution or the system administration, or their designee, may be involved in final decision-making regarding review of a faculty grievance, including those related to nonrenewal or termination of a faculty member's employment, or the faculty disciplinary process.

B. A faculty member who does not serve in an administrative leadership position may not have final decision-making authority on the hiring of an individual for any faculty or administrative leadership position at the institution.

Board of Regents Bylaw 1.4: (EDITED)

Board Member Training

A. As soon as practicable after appointment, members of the Board are required to receive training in accordance with Texas Education Code (TEC) 61.084 and 61.0841; and Texas Government Code (TGC) 551.005, 552.0121, 2256, and 2054.5191. The content of the instruction at the training program shall focus on the official role and duties of the members the board and shall provide training in the areas of budgeting, policy development, ethics, and governance. Topics covered by the training program must include:

- (1) auditing procedures and recent audits of the institutions;
- (2) the enabling legislation that creates institutions;
- (3) the role of the Board and the relationship between the Board and an institution's administration, faculty and staff, and students, including limitations on the authority of the Board;
- (4) the mission statements of institutions of higher education;
- (5) disciplinary and investigative authority of the Board;
- (6) the requirements of the open meetings law, Chapter 551,

Government Code, and the open records law, Chapter 552, Government Code;

(7) the requirements of conflict of interest laws and other laws relating to public officials;

(8) any applicable ethics policies adopted by the institutions or the Texas Ethics Commission;

(9) the requirements of laws relating to the protection of student information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g) or any other federal or state law relating to the privacy of student information;

(10) an overview of the legislature, the General Appropriations Act, and the state budget as those topics relate to the responsibilities of the Board;

(11) an emphasis on the commitment the members of the Board are making to:

(A) the institutions under the Board's control and management and, if applicable, the university system;

(B) this state; and

(C) taxpayers of this state; and

(12) any other topic relating to higher education the Board considers important.

B. On completion of a training program under this section, the Board member shall provide a sworn statement affirming the member's understanding of the member's duties and responsibilities.

C. The minutes of the last regular meeting of the Board for the calendar year must reflect whether each Board member has completed any required training under this section as of the date of the meeting.

Board of Regents Policy 57.10 Executive Management Employees (Edited)

The Board delegates to the Chancellor or President as applicable, the authority to make interim appointments for executive management employees as well for deputy, associate or assistant provosts. The Board further delegates to the Chancellor or their 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.

57.10.1 Executive management employees include persons serving in the following positions: Chancellor, Vice Chancellor, General Counsel, President, Vice President, Dean (Academic), Chief Audit Executive, and their equivalents (e.g., an administrative head of a recognized department reporting directly to the Chancellor or President).

57.10.2 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.

57.10.3 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 qualifications, 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 they return to their 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 their discipline and at their 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 they are 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.

57.10.4 This policy is effective for all appointments made to executive management positions after the time of approval of the policy, June 20, 1996.

Board of Regents Bylaw 1.2 (EDITED)

1.2 Section 51.352. Responsibility of Governing Boards, Texas Education Code, sets forth the responsibility of the Board as follows:

(a) It is the policy of this state that the governing boards of institutions of higher education, being composed of lay members, shall exercise the traditional and time-honored role for such boards as their role has evolved in the United States and shall constitute the keystone of the governance structure. In this regard each governing board:

(1) is expected to preserve institutional independence and to defend its right to manage its own affairs through its chosen administrators and employees;

(2) shall enhance the public image of each institution under its governance;

(3) shall interpret the community to the campus and interpret the campus to the community;

(4) shall nurture each institution under its governance to the end that each institution achieves its full potential within its role and mission; and

(5) shall insist on clarity of focus and mission of each institution under its governance.

(b) The governing board of an institution of higher education shall provide the policy direction for each institution of higher education under its management and control.

(c) In making or confirming appointments to a governing board, the governor and senate shall ensure that the appointee has the background and experience suitable for performing the statutory responsibility of a member of the governing board.

(d) In addition to powers and duties specifically granted by this code or other law, each governing board shall:

(1) establish, for each institution under its control and management, goals consistent with the role and mission of the institution;

(2) appoint the chancellor or other chief executive officer of the system, if the board governs a university system;

(3) appoint the president or the chief executive officer of each institution under the board's control and management and evaluate the chief executive officer of each component institution and assist the officer in the achievement of performance goals;

(4) approve or deny the hiring of an individual for the position of provost or deputy, associate, or assistant provost by each institution under the Board's control and management;

(5) collaborate with institutions under its control and management to set campus admission standards consistent with the role and mission of the institution and considering the admission standards of similar institutions

nationwide having a similar role and mission, as determined by the coordinating board; and

(e) ensure that its formal position on matters of importance to the institution under its governance is made clear to the coordinating board when such matters are under consideration by the coordinating board.

(f) each member of the governing board has the legal responsibilities of a fiduciary in the management of funds under the control of institutions subject to the board's control and management.

(g) The governing board of each general academic teaching institution and each public junior college within a 100-mile radius of that institution shall adopt a policy to enhance the transfer of students based on the recommendations of the permanent advisory committee under Section 51.3521 of this code.

(h) The Board of Regents must approve the hiring or termination of individuals for the position of vice president or dean.

(i) The Board of Regents must annually submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature a report regarding decisions on the hiring or termination made by the board for the applicable academic year for the position of vice president or dean.