

TEXAS TECH UNIVERSITY SYSTEM
Lubbock, Texas

Minutes

Board of Regents
April 6, 2020

Monday, April 6, 2020.—The members of the Board of Regents of the Texas Tech University System convened in a special-called meeting by teleconference at 2:05 pm on Monday, April 6, 2020, in the Board of Regents Committee Room (106), First Floor, System Administration Building, 1508 Knoxville Avenue, Lubbock, Texas, with the following in attendance:

ATTENDANCE.—

Regents present by telephone were Mark Griffin; Ron Hammonds; Christopher “Chris” M. Huckabee, Chair; Ginger Kerrick; J. Michael Lewis, Vice Chairman; Sean Lewis, Student Regent; Mickey L. Long; John D. Steinmetz; John B. Walker; and Dusty Womble.

Administration and staff present in person during the meeting were Dr. Tedd Mitchell, Chancellor, TTUS; Dr. Lawrence Schovanec, President, TTU; Mr. Gary Barnes, Vice Chancellor and Chief Financial Officer, TTUS; Mr. Keino McWhinney, Executive Assistant to the Chancellor and Secretary of the Board of Regents, TTUS; Mr. Ben Lock, Advisor to the Board of Regents and Chancellor, TTUS; Mr. Eric Bentley, Vice Chancellor and General Counsel, TTUS; Mrs. Kendra Burris, Deputy Chancellor, Chancellor’s Office, TTUS; Mr. Dailey Fuller, Chief of Staff, Chancellor’s Office, TTUS; Mr. Scott Lacefield, Executive Director, Communications, Chancellor’s Office, TTUS; Mr. Joe Carmichael, IT Support Senior Specialist, Institutional Advancement, TTUS; and Mrs. Christina Martinez, Assistant Secretary to the Board of Regents, TTUS.

Administration and staff present via telephone during the meeting were Dr. Brian May, President, ASU; Dr. Richard Lange, President, TTUHSC El Paso; Dr. Lori Rice-Spearman, Interim President, TTUHSC; Mr. Billy Breedlove, Vice Chancellor for Facilities, Planning and Construction, TTUS; Ms. Martha Brown, Vice Chancellor for State Relations, TTUS; and Mrs. Kristina Butts, Vice Chancellor for Federal Relations, TTUS.

- I. MEETING OF THE BOARD—CALL TO ORDER; CONVENE INTO OPEN SESSION OF THE BOARD.—Chairman Huckabee announced a quorum present and called the meeting to order at 2:05 pm.
 - A. ROLL CALL—Chairman Huckabee called on Board Secretary Keino McWhinney to establish who was on the call and present in the Board Room.

A. COMMITTEE OF THE WHOLE.—Chairman Huckabee presided over the Committee of the Whole.

II.A.1. TTUS: Discussion of issues related to COVID-19 and consideration of delegations of authority to provide services and support and to maintain necessary and essential operations during emergencies and exigent circumstances.—The Board accepted an overview of the Texas Tech University System (“TTUS”) response to the COVID-19 pandemic and following executive session, the Board reconvened in open session and adopted amendments to Chapter 01, *Regents’ Rules*, to delegate authority to the Board chairman and the chancellor to take and approve actions required for TTUS institutions and System Administration to provide services and support and to maintain necessary and essential operations during emergencies and exigent circumstances.

Various amendments are proposed that would:

- add a general delegation of authority to the Board chair to address emergencies and exigent circumstances;
- grant the Board chair, or under certain circumstances the vice chair, the authority to authorize the chancellor to exercise additional authority as is necessary when emergencies or exigent circumstances require such authorization; and
- includes provisions that govern the scope and expectations for the authority delegated to the chancellor during emergencies and exigent circumstances.

The amendments to Chapter 01 (Bylaws), Section 01.02 as adopted are included herewith as Attachment No. 1.

II. EXECUTIVE SESSION.—At approximately 2:36 pm, the Board recessed and convened into Executive Session as authorized by Chapter 551.0741, 551.072, 551.073 AND 551.074 of the *Texas Government Code*.

III. OPEN SESSION.—At 3:57 pm., the Board reconvened in open session to consider items from Executive Session.

A. REPORT OF EXECUTIVE SESSION.—Chairman Huckabee announced that there were no motions resulting from Executive Session.

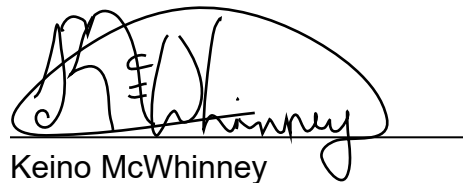
B. CHAIRMAN’S ANNOUNCEMENTS.—There were no announcements.

IV. ADJOURNMENT.—Chairman Huckabee adjourned the meeting at 4:00 pm.

INDEX OF ATTACHMENTS

Attachment 1 TTUS Amendments to Chapter 01 (Bylaws), Section 01.02 as adopted

I, Keino McWhinney, the duly appointed and qualified Secretary to the Board of Regents, hereby certify that the above and foregoing is a true and correct copy of the Minutes of the Texas Tech University System Board of Regents meeting on April 6, 2020.

A handwritten signature in black ink, appearing to read 'Keino McWhinney', is written over a horizontal line. The signature is stylized and cursive.

Keino McWhinney
Secretary of the Board

Seal

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Chapter 01 (Bylaws) amendment to add a general delegation of authority to the Board chairman to deal with emergencies and exigent circumstances, including to authorize the Chancellor to take any necessary actions when needed

01.02 Governance

01.02.1 Authority

- a. The Legislature, in Chapters 109, 109A, 110, and in Section 51.352, *Texas Education Code*, has delegated to the Board of Regents of the Texas Tech University System the power and authority to govern, control, and direct the policies of the Texas Tech University System.
- b. Section 109.001, *Texas Education Code*, states that the board "by rule may delegate a power or duty of the board to an officer, employee, or other agent of the board." When an emergency or exigent circumstances exist that cannot be adequately addressed through Section 07.04.4.a(2) relating to budget adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects, the chair – or if the chair is not available within the time required for action, the vice chair – may approve a proposal submitted by the chancellor, or the chancellor’s designee, for an action that otherwise would require the approval of the board as a whole, with subsequent notification to the board as soon as practicable.
- c. Section 109.004, *Texas Education Code*, requires the board to "appoint a chief executive officer, who shall devote the officer’s attention to the executive management of the university system and who shall be directly accountable to the board for the conduct of the university system. The board, when required by law to be the governing body of any other state educational institution or facility, shall also direct the chief executive officer to be directly responsible for the executive management of that other institution or facility." The board has determined that the chancellor is the chief

executive officer of the TTU system. When an emergency or exigent circumstances exist that the chair determines cannot be adequately addressed through Section 01.02.1.b herein, Section 07.04.4.a(2) relating to budget adjustments, Section 07.12.3.g relating to contracts, or Section 08.01.7 relating to major construction projects:

Per §418.004(1):
"Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.

- (1) the chair – or if the chair is not available within the time required for action, the vice chair – may authorize the chancellor to exercise such additional authority as is necessary to ensure the health and safety of the students, faculty, and staff of the Texas Tech University System and/or the continued operations of the System’s components during a state of emergency or exigent circumstances (including, but not limited to, a “disaster” as defined in Section 418.004(1), Texas Government Code); and
- (2) such a delegation of authority by the chair or vice chair for the chancellor to approve actions that otherwise would require the approval of the board as a whole must:
 - (a) be provided to the chancellor in writing, with notice to the board;
 - (b) stipulate the nature and scope of the additional authority;
 - (c) require consultation with the chair, or the vice chair as appropriate, before the chancellor may exercise any such additional authority;
 - (d) include subsequent notification to the board of such actions taken as soon as practicable; and
 - (e) expire whenever the chair, or vice chair as appropriate, determines the delegation of authority is no longer necessary.