

03.800 Specific Board Powers, Duties, and Authority

03.801 Powers and Duties of the Board. The Board may exercise all of the powers and duties set out in Chapter 105 of the Texas Education Code including, but not limited to, those powers and duties associated with the Institutions. Pursuant to Texas Education Code § 105.101:

1. the Board may direct, govern, operate, support, maintain, manage, and control the System and the Institutions; and
2. the Board may:
  - a. erect, equip, maintain, and repair System buildings;
  - b. purchase libraries, furniture, equipment, fuel, and supplies necessary to operate the System;
  - c. employ and discharge personnel, including faculty, to carry out the Board's powers and duties;
  - d. adopt rules and policies for the administration of the Board's powers and duties;
  - e. prescribe for each Institution programs and courses leading to customary degrees, including baccalaureate, masters, and doctoral degrees and their equivalents in accordance with the rules of the Texas Higher Education Coordinating Board;
  - f. establish admission standards for each of the Institutions;
  - g. perform other acts that contribute to the development of the System or the Institutions or the welfare of students of the Institutions; and

- h. delegate a power or assign a duty of the Board to an officer, employee, or committee designated by the Board.

03.802      Appointment Authority.

1.      Chancellor. In accordance with Texas Education Code § 105.102(a), the Board shall appoint a Chancellor who serves as chief executive officer of the System.
2.      Institution Presidents. In accordance with Texas Education Code § 105.102(b), the Board shall appoint a President of each Institution who serves as chief executive officer of the Institution.
3.      Vice Chancellor and General Counsel. The Board, on recommendation by the Chancellor, shall appoint a Vice Chancellor and General Counsel who is responsible to the Board and who shall report to the Chancellor.
4.      Chief Internal Auditor. The Board, on recommendation by the Chancellor, shall appoint a Chief Internal Auditor who shall report directly to the Board and who shall have the qualifications required by Texas Government Code § 2102.006 and carry out the duties prescribed by Texas Government Code § 2102.007.
5.      Award of Faculty Tenure. Only the Board may confer faculty tenure. The President of each Institution shall forward to the Board through the Chancellor all recommendations for the granting of tenure.

03.803      Delegation of Appointment Authority. Pursuant to Texas Education Code §§ 105.101(b)(3) and (8), the Board makes the following delegations of authority:

1.      Chancellor. Unless otherwise specified in these Regents Rules, the Board delegates to the Chancellor authority to appoint, evaluate, promote, transfer, and terminate System Administration employees in accordance with System Administration policies.

2. Presidents. Unless otherwise specified in these Regents Rules, the Board delegates to the Presidents the authority to appoint, evaluate, promote, transfer, and terminate the Institution's employees in accordance with Institution policies.

03.804 Eminent Domain. In accordance with Texas Education Code § 105.103, the Board may exercise the power of eminent domain to acquire land for the use of the System. The Board must exercise the power of eminent domain in the manner provided by Chapter 21 of the Texas Property Code, but is not required to provide a bond for appeal or a bond for costs. The Board may not use the power of eminent domain to acquire land that is dedicated to a public use by another governmental entity.

03.805 Gifts, Grants, and Endowments. In accordance with Texas Education Code § 105.104, the Board may accept donations, gifts, grants, and endowments of money or property, real or personal, for the System to be held in trust and administered by the Board for the purposes and under the direction, limitations, and provisions declared in writing in the donation, gift, grant, or endowment. The donation, gift, grant, or endowment must be consistent with state law and with the objectives and proper management of the System.

03.806 Funds Received From Management of Trust Estate. In accordance with Texas Education Code § 105.105, the Board may deposit in an appropriate System account outside the state treasury all funds received as administrative fees or charges for services rendered in the management or administration of a trust estate under the control of the System. These funds may be spent by the Board for any educational purpose of the System.

03.807 Disbursement of Appropriations. In accordance with Texas Education Code § 105.106, the Board shall disburse all appropriations to the System except as otherwise provided by law. The Board may adopt rules for the disbursement of appropriations and other funds, the auditing and approval of System accounts, and the issuance of System vouchers and warrants.

03.808 Lands Owned by the System or the Institutions. In accordance with Texas Education Code § 105.107, the Board has the sole and exclusive authority to manage and control

land owned by the System or the Institutions. The Board may acquire by purchase, donation, exchange, condemnation, or otherwise land, including improvements, for the use of the System, and other real property that is necessary or convenient to carry out the purposes of the System and the Institutions. Except as otherwise provided by law, the Board may sell, exchange, lease, or dispose of any land or other real property owned by or acquired for the Board, the System, or the Institutions.

- 03.809      Contracts. In accordance with Texas Education Code § 105.108, the Board by rule may delegate to a representative of the Board or an employee of the System the authority to negotiate, execute, and approve a contract on behalf of the System. Unless this authority is delegated, a contract with the System must be approved by the Board. A contract that is not approved in accordance with these Regents Rules is void.
- 03.810      Joint Appointments. In accordance with Texas Education Code § 105.109, the Board may make joint appointments to the Institutions, with the salary of any person who receives a joint appointment to be apportioned to each Institution on the basis of services rendered.
- 03.811      Research Parks. In accordance with Texas Education Code § 105.110, the Board may authorize the establishment of a research park by one or more Institution. The administrator of the research park may use private or public entities for scientific and technological research and development in the surrounding region.

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