

Meeting No. 1,228

THE MINUTES OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF TEXAS SYSTEM

Pages 1 - 12

June 28, 2022

Austin, Texas

MEETING NO. 1,228

TUESDAY, JUNE 28, 2022.--The members of the Board of Regents of The University of Texas System convened a special called meeting in Open Session on Tuesday, June 28, 2022, at 10:00 a.m. via telephone conference call, in the Board Room, Second Floor, The University of Texas System Building, 210 West Seventh Street, Austin, Texas, with the following participation:

ATTENDANCE.--

Present

Chairman Eltife  
Vice Chairman Longoria  
Vice Chairman Weaver  
Regent Crain  
Regent Hicks  
Regent Jiles  
Regent Stedman  
Regent Warren  
Regent Mutyala, Student Regent, nonvoting

Absent

Regent Perez

CONVENE THE BOARD IN OPEN SESSION TO RECESS TO EXECUTIVE SESSION.--

At 10:01 a.m., in accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Chairman Eltife called the meeting to order in Open Session, then recessed the Board to Executive Session, pursuant to *Texas Government Code* Sections 551.071, 551.072, 551.073, 551.074, 551.076, and 551.089 to consider the matters listed on the Executive Session agenda.

RECONVENE THE BOARD IN OPEN SESSION TO CONSIDER ACTION ON EXECUTIVE SESSION ITEMS AND AGENDA ITEMS.--Chairman Eltife reconvened the Board in Open Session at 10:16 a.m. to consider action on the following items.

1. U. T. System: Discussion and appropriate action regarding individual personnel matters relating to appointment, employment, evaluation, compensation, assignment, and duties of presidents (academic and health institutions including interim presidents); U. T. System Administration officers (Executive Vice Chancellors and Vice Chancellors); other officers reporting directly to the Board (Chancellor, General Counsel to the Board, and Chief Audit Executive); Board members; and U. T. System and institutional employees

No action was taken on this item.

2a. U. T. System Academic Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

No action was taken on this item.

2b. U. T. System Health Institutions: Discussion and appropriate action regarding proposed negotiated gifts, including potential naming features

No action was taken on this item.

3. U. T. System Board of Regents: Discussion with Counsel on pending legal issues

No action was taken on this item.

4. U. T. System Board of Regents: Discussion and appropriate action regarding safety and security issues, including security audits and the deployment of security personnel and devices

No action was taken on this item.

#### AGENDA ITEMS

1. U. T. System Board of Regents: Approval of Consent Agenda items

Chairman Eltife noted the following related to the items on the Consent Agenda:

- For Items 1 - 5, U. T. Austin requests approval of various real estate transactions.
- Item 6 requests approval of paid leave programs for medical residents and fellows at three U. T. institutions to assure compliance with new accreditation requirements.

Vice Chairman Weaver moved approval, which was seconded by Vice Chairman Longoria. The Board then approved the Consent Agenda, which is set forth on Pages 6 - 12.

In approving the Consent Agenda, the Board expressly authorized that any contracts or other documents or instruments approved therein may be executed by officials of The University of Texas System or respective U. T. institution involved, as appropriate.

2. U. T. System: Discussion and appropriate action regarding recommendation for an allocation of \$16.5 million over the next five years from Available University Funds to support the funding of student mental health, student safety, and alcohol education and related initiatives across the academic and health institutions

The Board approved the following recommendation:

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Executive Vice Chancellor for Business Affairs that the U. T. System Board of Regents approve the allocation of \$16.5 million over the next five years from Available University Funds (AUF) to support the funding of student mental health, student safety, and alcohol education and related initiatives as described on the following pages.

In addition, the Board is asked to make a finding that expenditure of AUF for this purpose is appropriate under the U. T. System's responsibilities to provide oversight and coordination of the activities of the U. T. institutions, with the intent that the expenditure will benefit all U. T. institutions.

#### BACKGROUND INFORMATION

Mental health among college-aged students continues to be an issue of concern in higher education. In the 2021 National College Health Assessment Survey, three of the five top ongoing or chronic impediments to academic success in college were related to mental health: stress, anxiety, and depression. Since the start of the coronavirus pandemic, depression, stress, anxiety, loneliness, substance use, aggression, and attentional issues have all increased for college students. From 2011 to 2021, the percentage of students at U. T. institutions who were diagnosed by and/or received mental health services from a professional increased from 20.6% to 30.4%. Student counseling centers reported a 38% increase in psychiatric hospitalizations during the same time frame.

Over the past 11 years, the U. T. System Board of Regents has funded four separate allocations for mental health, student safety, and alcohol-related initiatives. These allocations and the programs created have been led and managed by U. T. Austin, which has leveraged on-campus expertise, developed and evaluated programs, and taken what has been learned and provided it to the entire U. T. System. This funding request builds on what has been learned over the 11 years and during the pandemic, to expand offerings to ensure education and related initiatives for all students at the academic and health institutions. This funding will allow ongoing initiatives to continue without a break in service for FY 2023 (Academic Year 2022-2023) and will support two new services - telehealth and faculty and staff training.

**Proposal for U. T. System Funding of  
Ongoing Mental Health, Student Safety, and Alcohol-Related Initiatives  
Estimated Cost for 5 Years: \$16,500,000**

***The U. T. System and U. T. Austin’s Role and Leadership***

The five initiatives below (**\$14,800,000**) have been selected because they are most needed by institutions and leverage the buying-power and scale of the U. T. System. In addition to funding these initiatives, we seek funding for evaluation of these initiatives, which includes utilizing the American College Health Association-National College Health Assessment (NCHA) (**\$250,000**) and leadership, consultative, and administrative support to be provided by U. T. Austin (**\$1,450,000**).

**(1) Mental Health Crisis Line (Funding Request: \$900,000 over five years)**

This initiative provides crisis assessment, stabilization, intervention, and referral services to students experiencing mental health crises customized for each academic and health institution. The 24/7 crisis support is advantageous to students because these services are available when on-campus counseling centers are typically closed and the line is also available to students who travel abroad, have internships, or are away from the university for any reason. The crisis line also satisfies the Southern Association of Colleges and Schools accreditation standard to provide services to distance learners.

**(2) Expanding Clinical Mental Health Services to Students Via Telehealth Support (Funding Request: \$10,00,000 over five years)**

One of the greatest challenges that counseling centers face is expanding clinical resources and successfully referring students to off-campus mental health providers. A handful of U. T. institutions have independently piloted contracts with vendors who augment campus accessibility to clinical services beyond that which their counseling centers can provide by utilizing networks of providers via telehealth. By working hand-in-hand with counseling center clinicians, the vendors offer 24/7 services to students via chat or phone, ongoing clinical appointments with the same clinician via phone or video, and clinical availability in over 150 countries and in multiple languages.

**(3) Web-based Alcohol Education and Sexual Assault & Harassment Prevention for Students; Harassment, Safety, and Other Training for Faculty/Staff (Funding Request: \$2,250,000 over five years)**

The current vendor for this initiative provides web-based alcohol and sexual assault prevention education, among other courses, designed specifically for college students. The alcohol course is proven to reduce dangerous alcohol use and alcohol-related harm and increase the use of protective factors. The sexual assault prevention courses are Title IX compliant, fulfill educational requirements found in the Violence Against Women Act, and satisfy NCAA requirements for sexual assault training.

**(4) Faculty and Staff Training (Funding Request: \$1,500,000 over five years)**

Funding for this initiative would include two training elements: (1) programs from vendors such as scenario-based online training for recognizing and responding to students who are exhibiting concerning behavior or are in distress and (2) an in-person suicide prevention training program whereby U. T. institutions would draw from the expertise of leaders within the U. T. System to create a systemwide suicide prevention training program based on the successful U. T. System Bystander Intervention initiatives that are now on each campus.

**(5) Thrive at UT Mobile App (Funding Request: \$150,000 over five years)**

The smartphone app *Thrive at UT* was designed by the Counseling and Mental Health Center at U. T. Austin. *Thrive* consists of engaging videos, guided exercises, and interactive assignments designed to help students integrate newly acquired behaviors and concepts into their daily lives. The app teaches users core skills related to specific dimensions of emotional intelligence, mental health, and well-being, while using the messaging feature of their mobile phones to remind them to practice and integrate the concepts.

ADJOURNMENT.--There being no further business, the meeting was adjourned at 10:18 a.m.

/s/

Jasmina Hasanovic  
Assistant Secretary to the Board of Regents  
June 28, 2022



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Austin, Texas

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1. Purchase - **U. T. Austin**: Authorization to purchase the leasehold estate consisting of multi-family improvements located at 2600 Lake Austin Boulevard, Austin, Travis County, Texas, from Town Lake Apartments, LLC, for mission uses and future university planning; and resolution regarding parity debt

Description: Purchase of the leasehold estate created by a prepaid Ground Lease Agreement effective February 10, 1994, between the U. T. System Board of Regents on behalf of U. T. Austin and Gables Realty Limited Partnership, as further amended and assigned, and commonly known as 2600 Lake Austin Boulevard.

The prepaid ground lease expires in 2044. Improvements to be acquired as part of the leasehold estate consist of approximately 256 multi-family apartment units located within 19 buildings on an approximately 12-acre land parcel owned for and benefitting U. T. Austin in the Brackenridge Tract. The apartment complex is commonly known as Boulevard at Town Lake. The improvements on the property are allowed by the Brackenridge Development Agreement, which supersedes most City of Austin land regulations.

Seller: Town Lake Apartments, LLC, a Delaware limited liability company. The Seller is the ground lessee.

Total Area: Approximately 256 multi-family apartment units located within 19 buildings on an approximately 12-acre land parcel owned for U. T. Austin within the Brackenridge Tract.

Purchase Price: Not to exceed fair market value as determined by independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951

Use: U. T. Austin plans to house faculty, students, or other university-related individuals in the improvements. The institution may also continue to operate some or all of the improvements as a multi-family apartment complex housing individuals not affiliated with U. T. Austin. In addition, consolidating the leasehold estate with the fee estate may benefit planning of the land.

Source of Funds: Revenue Financing System debt to be repaid out of designated tuition. The institution's Scorecard Rating of 2.3 at fiscal year-end 2021 is below the maximum threshold of 6.0 and demonstrates that the institution has the financial capacity to satisfy its direct obligations related to parity debt. In approving this item, the Board will be making the findings required under Section 5 of the Amended and Restated Master Resolution establishing the Revenue Financing System relating to the issuance of parity debt on behalf of U. T. Austin in an aggregate amount not to exceed fair market value as established by independent appraisal, and this action satisfies the official intent requirements set forth in Section 1.150-2 of the *Code of Federal Regulations*.

2. Purchase - U. T. Austin: Authorization to purchase approximately 2.547 acres of land and improvements including 2201-2211 and 2301 East Martin Luther King Jr. Boulevard, 1805 Ferdinand Street, and 1803-1807 Chestnut Avenue, all in Austin, Travis County, Texas, from David Chapel Missionary Baptist Church or The 2033 Higher Education Development Foundation or assigns, for future mission uses; and resolution regarding parity debt

Description: Purchase of approximately 2.547 acres of land and improvements including 2201-2211 and 2301 East Martin Luther King Jr. Boulevard, 1805 Ferdinand Street, and 1803-1807 Chestnut Avenue, all in Austin, Travis County, Texas, for future mission uses. The property is currently used as a church, and the sanctuary was designed by John S. Chase, the first licensed African American architect in the State of Texas, and a graduate of U. T. Austin's School of Architecture. The property is located approximately 1/3 of a mile from the institution's campus.

Seller: David Chapel Missionary Baptist Church or The 2033 Higher Education Development Foundation, a Texas non-profit corporation, or assigns

Total Area: 2.547 acres consisting of four parcels on two city blocks; the largest parcel consists of 1/2 of a city block. Improvements totaling approximately 16,450 square feet, include the historic David Chapel, associated office/classroom space, single family houses, and related surface parking.

Purchase Price: Not to exceed fair market value as determined by an independent appraisal

Use: Mission uses; initial uses may support performing and fine arts

Source of Funds: Revenue Financing System debt to be repaid out of designated tuition. The institution's Scorecard Rating of 2.3 at fiscal year-end 2021 is below the maximum threshold of 6.0 and demonstrates that the institution has the financial capacity to satisfy its direct obligations related to parity debt. In approving this item, the Board will be making the findings required under Section 5 of the Amended and Restated Master Resolution establishing the Revenue Financing System relating to the issuance of parity debt on behalf of U. T. Austin in an aggregate amount not to exceed fair market value as established by independent appraisal, and this action satisfies the official intent requirements set forth in Section 1.150-2 of the *Code of Federal Regulations*.

3. Purchase - U. T. Austin: Authorization to purchase approximately a 0.2008 acre tract of land improved with surface parking located at 2004 University Avenue, Austin, Texas, from The McCombs School of Business Foundation, for future campus expansion

Description: Purchase of Lot 40, Louis Horst's Subdivision of Outlot 21, Division D, Austin, Travis County, Texas, and improvements consisting of surface parking, commonly known as 2004 University Avenue, Austin, Travis County, Texas, for future campus expansion.

Seller: The McCombs School of Business Foundation, a Texas non-profit corporation

Total Area: Approximately 0.2008 acre

Use: This property is located on the edge of U. T. Austin's main campus, and its purchase will contribute to the redevelopment and use potential of the institution's surrounding tracts.

Purchase Price: Not to exceed fair market value as determined by independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951

4. Purchase - U. T. Austin: Authorization to purchase improvements consisting of approximately 20 condominium units and accompanying undivided interests in common areas located at 2000 Whitis Avenue, Austin, Travis County, Texas, from various owners including The 2033 Higher Education Development Foundation, a Texas non-profit corporation, or The McCombs School of Business Foundation, a Texas non-profit corporation, for future campus expansion

Description: Purchase of improvements consisting of approximately twenty condominium units and the accompanying undivided interests in common areas located at 2000 Whitis Avenue, Austin, Travis County, Texas, commonly known as Whitis Place Condominiums, for future campus expansion. This property is located adjacent to other land owned on behalf of U. T. Austin on the edge of its main campus. It is anticipated that the units may be purchased individually over time. The total project land area is approximately 0.2008 acres of land.

Seller: Various owners including The 2033 Higher Education Development Foundation, a Texas non-profit corporation, or The McCombs School of Business Foundation, a Texas non-profit corporation

Total Area: Approximately 0.2008 acre

Use: For future campus expansion.

Purchase Price: Not to exceed fair market value as determined by independent appraisal

5. Purchase - U. T. Austin: Authorization to purchase approximately 0.56 acres of land, with approximately 8,544 square feet of improvements, located at 2901 Medical Arts Street, Austin, Travis County, Texas, from Bevo Plaza, LP, for future university planning and use

Description: Authorization to purchase approximately 0.56 acres of land located at 2901 Medical Arts Street, Austin, Texas with improvements consisting of a retail shopping center commonly known as Bevo Plaza, which is approximately 8,544 square feet. The property is being purchased for future university planning and use.

Seller: Bevo Plaza, LP, a Texas Domestic Limited Partnership

- Use: The property is being purchased for future university planning and use.
- Purchase Price: Not to exceed fair market value, as determined by an independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951

6. **Other Matters - U. T. Southwestern Medical Center, U. T. Health Science Center - Houston, and the Health Science Center at U. T. Tyler: Approval of paid leave programs for medical residents and fellows**

U. T. Southwestern Medical Center, U. T. Health Science Center at Houston, and the Health Science Center at U. T. Tyler seek approval to adopt a proposed paid leave program, as described below, which will be implemented effective July 1, 2022. The paid leave programs for medical residents and fellows will be updated as necessary to conform to current and future accreditation obligations imposed by the American Council for Graduate Medical Education (ACGME), with the final policy details to be developed in cooperation with and subject to approval by the U. T. System Office of General Counsel and Office of Health Affairs or Office of Academic Affairs, as appropriate. Authorization is also sought for the Chancellor, following review and recommendations from the U. T. System Office of Health Affairs or Office of Academic Affairs, as appropriate, Office of Business Affairs, and Office of General Counsel, acting on behalf of the Board of Regents, to take all steps necessary to meet any requirements of *Texas Education Code* Section 51.961(h) for governing board action, including execution of documents with other state agencies.

The ACGME accredits graduate medical training programs in the United States. In 2021, the ACGME amended its Institutional Requirements that medical residency and fellowship sponsors, including U. T. institutions, must follow to maintain ACGME institutional accreditations. The amendments require sponsors to expand the paid leave opportunities provided to residents and fellows. This expansion requires adjustments to the leave opportunities the employees receive under Texas law.

*Texas Education Code* Section 51.961 authorizes the governing board of a university system to adopt a comprehensive leave policy that applies to employees of any university system. A leave policy adopted by the governing board may combine state authorized vacation, sick, and holiday leave into a paid leave system that does not distinguish or separate the types of leave to be awarded and may award leave in an amount determined by the governing board to be appropriate and cost effective. Further, the leave policy must include provisions that address the effect of the policy on the rights, duties, and responsibilities of employees and employers.

Section 51.961 requires reasonable efforts be made to enter into a memorandum of understanding with the State Auditor's Office, the Employees Retirement System of Texas, and the Texas Higher Education Coordinating Board regarding awards of accrued leave for the purpose of retirement and any other issues of concern prior to implementation of the policy.

The proposed leave programs will authorize the three U. T. institutions to:

- At least once and at any time during a program accredited by the ACGME, provide residents and fellows at least six weeks of medical, parental, or caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws, starting the day the resident or fellow is required to report;
- Provide residents and fellows at least the equivalent of 100 percent of their salary for the first six weeks of the first medical, parental, or caregiver leave(s) of absence taken; and
- Provide residents and fellows at least one additional week of paid time off in addition to the first six weeks of the first medical, parental, or caregiver leave(s) of absence taken.

These adjustments are necessary to maintain the national accreditation of all medical residency and fellowship programs sponsored by the three requesting U. T. institutions. All other U. T. graduate medical training programs that employ residents and fellows have an existing process to comply with the new requirements.

No significant cost impact is anticipated with implementation of these paid leave programs. Other related provisions necessary to implement these new requirements will be included in the respective program design of each institution, which will be reviewed and approved by the Executive Vice Chancellor for Health Affairs or the Executive Vice Chancellor for Academic Affairs, as appropriate, the Executive Vice Chancellor for Business Affairs, and the Vice Chancellor and General Counsel. If, in the future, the ACGME further amends the requirements related to paid leave for residents and fellows, the three institutions will adapt their policies accordingly after review and approval by the Executive Vice Chancellor for Health Affairs or the Executive Vice Chancellor for Academic Affairs, as appropriate, the Executive Vice Chancellor for Business Affairs, and the Vice Chancellor and General Counsel.