



*Agenda Items*  
*Meeting*  
*of the*  
*Board of Regents*

*August 1, 2024*



**MEETING OF THE BOARD OF REGENTS  
THE TEXAS A&M UNIVERSITY SYSTEM**

**August 1, 2024  
College Station, Texas**

**REGULAR AGENDA ITEMS**

**1. COMMITTEE ON FINANCE**

- 1.1 Adoption of a Resolution Authorizing the Issuance of the Board of Regents of The Texas A&M University System Revenue Financing System Bonds, A&M System
- 1.2 Adoption of a Resolution Authorizing the Issuance of the Board of Regents of The Texas A&M University System Permanent University Fund Bonds, A&M System
- 1.3 Approval of Proposed Fee Consolidation Effective with the Fall 2024 Semester for Texas A&M International University, Texas A&M University-Kingsville, and Texas A&M University-Commerce, A&M System

**2. COMMITTEE ON AUDIT**

- 2.1 Approval of System Internal Audit Plan for Fiscal Year 2025, A&M System

**3. COMMITTEE ON BUILDINGS AND PHYSICAL PLANT**

- 3.1 Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the Public Safety Facility Project, West Texas A&M University, Canyon, Texas (Project No. 18-3369), A&M System
- 3.2 Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the School of Dentistry Main Building Renovations Project, Texas A&M University Health Science Center, Dallas, Texas (Project No. 23-3400), A&M System
- 3.3 Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the Avenue D South Extension & Utility Upgrades Project, Texas A&M-RELLIS, Bryan, Texas (Project No. 26-3351), A&M System
- 3.4 Approval of the Project Scope and Increased Budget, Appropriation for Construction Services, and Approval for Construction for the Alkek Building Roof & Exhaust Fan Replacement Project, Texas A&M University Health Science Center, Houston, Texas (SSC Project No. 22-0209), Texas A&M

*\*Certified by the general counsel or other appropriate attorney as confidential or information that may be withheld from public disclosure in accordance with Section 551.1281 and Chapter 552 of the Texas Government Code.*

- 3.5 Approval to Amend the FY 2025 – FY 2029 Texas A&M University System Capital Plan to Change the Fiscal Year Designation for Project Initiation and Appropriate Funding for Pre-Construction Services for the Heldenfels 4th Floor Instructional Lab Renovation Project for Texas A&M University (Project No. 02-3432), Texas A&M
- 3.6 Approval to Amend the FY 2025-FY 2029 A&M System Capital Plan to Add the Corpus Christi Workforce Development Project for Texas A&M Engineering Extension Service, Corpus Christi, Texas (Project No. 09-3436), with an FY 2024 Start Date and Appropriate Funding for Preconstruction Services, TEEX
- 3.7 Approval to Amend the FY 2025-FY 2029 A&M System Capital Plan to Add the CEA Research Greenhouse Project for Texas A&M AgriLife Research with an FY 2025 Start Date and Appropriate Funding for Preconstruction Services (Project No. 24-007), AgriLife Research
- 3.8 Approval to Amend the FY 2025 - FY 2029 A&M System Capital Plan to Add Safe Room Projects for System Members with an FY 2025 Start Date (Upon approval of a FEMA Project), A&M System

#### Informational Report

Report of System Construction Projects Authorized by the Board

#### **4. COMMITTEE ON ACADEMIC AND STUDENT AFFAIRS**

- 4.1 Approval of Revisions to Policy 12.03, Faculty Academic Workload and Reporting Requirements and Policy 12.07, Fixed Term Academic Professional Track Faculty, A&M System
- 4.2 Approval of Revisions to System Policy 15.04, Sponsored Research Services, A&M System

#### **5. THE TEXAS A&M UNIVERSITY SYSTEM BOARD OF REGENTS (*not assigned to Committee*)**

##### Regular Items

- 5.1 Authorization for the Chairman of the Board to Submit a Report to the State Legislature and the Texas Higher Education Coordinating Board (THECB) Certifying the Board of Regents' Compliance with Texas Education Code, Sec. 51.3525, for Fiscal Year 2024, A&M System

##### Executive Session Items

- 5.2 \*Authorization to Purchase Approximately 35.45 Acres of Land Located on University Avenue in Texarkana, Bowie County, Texas, TAMUT
- 5.3 \*Authorization to Purchase Mid-Cities Logistics, Building A, Located at 3153 Sandy Lane in Fort Worth, Tarrant County, Texas, and Approval to Amend the FY 2025-FY 2029 Texas A&M University System Capital Plan to add the TDEM Fort Worth Warehouse Modifications Project with an Immediate Start Date, TDEM

*\*Certified by the general counsel or other appropriate attorney as confidential or information that may be withheld from public disclosure in accordance with Section 551.1281 and Chapter 552 of the Texas Government Code.*

- 5.4 (Withdrawn)
- 5.5 \*Authorization to Execute an Interlocal Agreement with the Research and Innovation Local Government Corporation in Fort Worth, Texas, A&M System
- 5.6 \*Authorization for the President to Execute New Employment Contracts for the Head Baseball Coach and an Assistant Baseball Coach, Texas A&M

**6. CONSENT AGENDA ITEMS**

The Texas A&M University System/Board of Regents

- 6.1 Approval of Minutes, BOR
- 6.2 Granting of the Title of Emeritus, August 2024, A&M System
- 6.3 Confirmation of Appointment and Commissioning of Peace Officers, A&M System
- 6.4 Approval of Revisions to System Policy 34.06, Appointment, Commissioning and Authority of Peace Officers, A&M System
- 6.5 Approval of List of Authorized Signers for Revolving Fund Bank Accounts for System Members, A&M System

Prairie View A&M University

- 6.6 Approval of Academic Tenure, August 2024, PVAMU
- 6.7 Granting of Faculty Development Leave for FY 2024, PVAMU

Tarleton State University

- 6.8 Approval of Academic Tenure, August 2024, Tarleton
- 6.9 Approval of a New Bachelor of Science Degree Program with a Major in Artificial Intelligence and Machine Learning and Authorization to Request Approval from the Texas Higher Education Coordinating Board, Tarleton
- 6.10 Approval of a New Master of Science Degree Program with a Major in Artificial Intelligence and Machine Learning and Authorization to Request Approval from the Texas Higher Education Coordinating Board, Tarleton
- 6.11 Approval of a New Doctor of Philosophy Degree Program with a Major in Agricultural and Biological Engineering, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, Tarleton



Texas A&M International University

- 6.12 Approval of Academic Tenure, August 2024, TAMIU

Texas A&M University

- 6.13 Approval of Academic Tenure, August 2024, Texas A&M
- 6.14 Establishment of the Biosecurity and Pandemic Policy Center, Texas A&M
- 6.15 Authorization to Award an Honorary Degree to Ambassador Ryan C. Crocker, Texas A&M
- 6.16 \*Naming of the Construction Field Lab – Phase I at the RELLIS Campus, Texas A&M
- 6.17 \*Naming of Athletics Facilities and Related Structures, Texas A&M
- 6.18 \*Naming of Spaces in the Wayne Roberts '85 Building, Texas A&M
- 6.19 \*Authorization for the President to Negotiate and Execute Revenue Agreement(s) for the Mays Business School Center for Executive Development for FY 2025, Texas A&M
- 6.20 \*Authorization for the President to Negotiate and Execute Certain Specified Contracts Involving Consideration of \$500,000 or More, Texas A&M

Texas A&M University-Central Texas

- 6.21 Approval of a New Doctor of Education in Educational Leadership Degree Program and Authorization to Request Approval from the Texas Higher Education Coordinating Board, A&M-Central Texas
- 6.22 Authorization to Award an Honorary Degree to Lieutenant General Horace "Pete" Taylor, A&M-Central Texas

Texas A&M University-Commerce

- 6.23 Approval of Academic Tenure, August 2024, A&M-Commerce
- 6.24 Approval of Amended Mission Statement and Authorization to Provide Notification to the Texas Higher Education Coordinating Board, A&M-Commerce
- 6.25 \*Naming of the Band Hall in the Music Building, A&M-Commerce

Texas A&M University-Corpus Christi

- 6.26 Approval of Academic Tenure, August 2024, A&M-Corpus Christi
- 6.27 \*Naming of the Concession Stand in the Performing Arts Center at Texas A&M University-Corpus Christi, A&M-Corpus Christi

*\*Certified by the general counsel or other appropriate attorney as confidential or information that may be withheld from public disclosure in accordance with Section 551.1281 and Chapter 552 of the Texas Government Code.*

- 6.28 \*Naming of Exhibit Space within the Special Collections and Archives Space in the Chapparral Downtown Building, A&M-Corpus Christi
- 6.29 \*Naming of the Multipurpose Room within the Special Collections and Archives Space in the Chapparral Downtown Building, A&M-Corpus Christi
- 6.30 \*Naming of an Office within the Special Collections and Archives Space in the Chapparral Downtown Building, A&M-Corpus Christi
- 6.31 \*Naming of the Office within the Special Collections and Archives Space in the Chapparral Downtown Building, A&M-Corpus Christi
- 6.32 \*Naming of the Reading Room within the Special Collections and Archives Space in the Chapparral Downtown Building, A&M-Corpus Christi

Texas A&M University-Kingsville  
(No consent agenda items)

Texas A&M University-San Antonio  
(No consent agenda items)

Texas A&M University-Texarkana

- 6.33 Approval of a New Bachelor of Science Degree Program, with a Major in Computer Engineering, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, TAMUT
- 6.34 Approval of a New Master of Business Administration Degree Program with a Major in Quantitative Finance, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, TAMUT
- 6.35 Approval of a New Master of Healthcare Administration Degree Program, with a Major in Healthcare Administration, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, TAMUT
- 6.36 Approval of a New Master of Science in Engineering Degree Program, with a Major in Engineering, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, TAMUT
- 6.37 Approval of a New Master of Science Degree Program, with a Major in Engineering Management, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, TAMUT
- 6.38 Approval of a New Doctor of Nursing Practice Degree Program, with a Major in Nursing Practice, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, TAMUT
- 6.39 Approval of a New Doctor of Physical Therapy Degree Program, with a Major in Physical Therapy, and Authorization to Request Approval from the Texas Higher Education Coordinating Board, TAMUT

*\*Certified by the general counsel or other appropriate attorney as confidential or information that may be withheld from public disclosure in accordance with Section 551.1281 and Chapter 552 of the Texas Government Code.*

- 6.40 Establishment of the Northeast Texas STEM Center, TAMUT
- 6.41 Authorization to Award an Honorary Degree to Sonja Yates Hubbard, TAMUT
- 6.42 \*Naming of Facility and Area within the Athletic Complex, TAMUT

West Texas A&M University

- 6.43 Approval of Academic Tenure, August 2024, WTAMU
- 6.44 Authorization to Award an Honorary Degree to Connie Wooton, WTAMU

Texas A&M AgriLife Extension Service  
*(No consent agenda items)*

Texas A&M AgriLife Research

- 6.45 \*Authorization to Establish Two Quasi-Endowments in the System Endowment Fund, AgriLife Research

Texas A&M Engineering Experiment Station  
*(No consent agenda items)*

Texas A&M Forest Service

- 6.46 Authorization to Execute Federal and State Non-research Grant Agreements and any Amendments, Modifications or Extensions, TFS

Texas A&M Engineering Extension Service  
*(No consent agenda items)*

Texas A&M Veterinary Medical Diagnostic Laboratory  
*(No consent agenda items)*

Texas A&M Transportation Institute  
*(No consent agenda items)*

Texas Division of Emergency Management

- 6.47 Approval of the Texas Division of Emergency Management Disaster Recovery Loan Program Rule Revisions, TDEM

A&M System .....	The Texas A&M University System
A&M-Central Texas .....	Texas A&M University-Central Texas
A&M-Commerce .....	Texas A&M University-Commerce
A&M-Corpus Christi .....	Texas A&M University-Corpus Christi
A&M-San Antonio .....	Texas A&M University-San Antonio
A/E.....	Architect/Engineer
AgriLife Extension.....	Texas A&M AgriLife Extension Service
AgriLife Research .....	Texas A&M AgriLife Research
BOR .....	Board of Regents
FP&C.....	Facilities Planning and Construction
POR.....	Program of Requirements
PUF .....	Permanent University Fund
PVAMU .....	Prairie View A&M University
RELLIS .....	Respect, Excellence, Leadership, Loyalty, Integrity and Selfless Service
RFS.....	Revenue Financing System
TAMHSC .....	Texas A&M Health Science Center
TAMIU .....	Texas A&M International University
TAMUG.....	Texas A&M University at Galveston
TAMUT .....	Texas A&M University-Texarkana
Tarleton.....	Tarleton State University
TEES.....	Texas A&M Engineering Experiment Station
TEEX.....	Texas A&M Engineering Extension Service
Texas A&M at Qatar.....	Texas A&M University at Qatar
Texas A&M .....	Texas A&M University
Texas A&M-Kingsville.....	Texas A&M University-Kingsville
TDEM.....	Texas Division of Emergency Management
TFS.....	Texas A&M Forest Service
THECB.....	Texas Higher Education Coordinating Board
TTI.....	Texas A&M Transportation Institute
TVMDL.....	Texas A&M Veterinary Medical Diagnostic Laboratory
UTIMCO.....	The University of Texas/Texas A&M Investment Management Company
WTAMU.....	West Texas A&M University

Agenda Item No.

## **AGENDA ITEM BRIEFING**

**Submitted by:** Maria L. Robinson, Chief Investment Officer and Treasurer  
The Texas A&M University System

**Subject:** Adoption of a Resolution Authorizing the Issuance of the Board of Regents of  
The Texas A&M University System Revenue Financing System Bonds

### **Proposed Board Action:**

Adopt a resolution authorizing the issuance of Revenue Financing System Bonds.

### **Background Information:**

The resolution provides the authority for the issuance of one or more series of Revenue Financing System Bonds to: convert all or a portion of the commercial paper notes to long-term bonds; provide funds for construction, renovation and other projects; provide funds for property acquisitions; refund all or a portion of the outstanding bonds previously issued by the Board of Regents; and pay the costs of issuing the bonds. The authority in the maximum amount of \$467 million (including issuance costs) will be effective for the period from August 1, 2024 to July 31, 2025.

Bonds will be issued only for those projects approved by the Board of Regents and the projects which may be financed during the fiscal year are estimated at \$333 million.

Previously issued outstanding bonds which are candidates for refunding total approximately \$134 million; however, only those bonds that meet the savings targets will be included in a refunding issue.

### **A&M System Funding or Other Financial Implications:**

Debt service for Revenue Financing System Bonds will be funded with various revenues which may include housing revenue, utility revenue, designated tuition, transportation services, parking revenue, student fees, available university fund, higher education fund, and indirect costs.

### **Strategic Plan Imperative(s) this Item Advances:**

This item advances Strategic Plan Imperative 6, which provides that “The A&M System, in adhering to the high standard of excellence and growth required in this strategic plan, will display prudent financial stewardship and sustainability.”

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
Office of the Chief Investment Officer and Treasurer  
July 1, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Adoption of a Resolution Authorizing the Issuance of the Board of Regents of  
The Texas A&M University System Revenue Financing System Bonds

I recommend adoption of the following minute order:

**“The resolution authorizing the issuance of the Board of Regents of The Texas A&M University System Revenue Financing System Bonds, substantially in the form of the attached exhibit, is adopted. The Chief Investment Officer and Treasurer, or other designated financial officer, is hereby authorized to take such actions as are necessary to accomplish the purposes of the resolution, including those relating to the issuance, sale, security and delivery of the bonds, all in accordance with the provisions of the resolution.”**

Respectfully submitted,

Maria L. Robinson  
Chief Investment Officer and Treasurer

**Approval Recommended:**

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John Sharp  
Chancellor

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel

ITEM  
EXHIBIT

THIRTY-FOURTH SUPPLEMENTAL RESOLUTION TO THE  
MASTER RESOLUTION AUTHORIZING THE ISSUANCE,  
SALE, AND DELIVERY OF BOARD OF REGENTS OF THE  
TEXAS A&M UNIVERSITY SYSTEM REVENUE FINANCING  
SYSTEM BONDS IN THE MAXIMUM AGGREGATE  
PRINCIPAL AMOUNT OF \$467 MILLION, AND APPROVING  
AND AUTHORIZING INSTRUMENTS AND PROCEDURES  
RELATING THERETO

Adopted August 1, 2024

THIRTY-FOURTH SUPPLEMENTAL RESOLUTION TO THE  
MASTER RESOLUTION AUTHORIZING THE ISSUANCE,  
SALE, AND DELIVERY OF BOARD OF REGENTS OF THE  
TEXAS A&M UNIVERSITY SYSTEM REVENUE FINANCING  
SYSTEM BONDS IN THE MAXIMUM AGGREGATE  
PRINCIPAL AMOUNT OF \$467 MILLION, AND APPROVING  
AND AUTHORIZING INSTRUMENTS AND PROCEDURES  
RELATING THERETO

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THIRTY-FOURTH SUPPLEMENTAL RESOLUTION TO THE  
MASTER RESOLUTION AUTHORIZING THE ISSUANCE,  
SALE, AND DELIVERY OF BOARD OF REGENTS OF THE  
TEXAS A&M UNIVERSITY SYSTEM REVENUE FINANCING  
SYSTEM BONDS IN THE MAXIMUM AGGREGATE  
PRINCIPAL AMOUNT OF \$467 MILLION, AND APPROVING  
AND AUTHORIZING INSTRUMENTS AND PROCEDURES  
RELATING THERETO

**WHEREAS**, the Board of Regents of The Texas A&M University System (the “Board”) has adopted a Master Resolution Establishing The Texas A&M University System Revenue Financing System (referred to herein as the “Master Resolution”); and

**WHEREAS**, unless otherwise defined herein, capitalized terms used herein shall have the meaning given in the Master Resolution; and

**WHEREAS**, the Master Resolution establishes the Revenue Financing System comprised of each institution and agency presently in The Texas A&M University System, and pledges the Pledged Revenues attributable to each Participant of the Revenue Financing System to the payment of Parity Obligations to be outstanding under the Master Resolution; and

**WHEREAS**, the Board has previously adopted the First through the Thirty-Third Supplemental Resolutions to the Master Resolution authorizing Parity Obligations thereunder; and

**WHEREAS**, the Board has determined to issue Parity Obligations in one or more installments to (i) finance and refinance the cost of facilities and improvements for the Participants of the Revenue Financing System, including but not limited to those set forth in The Texas A&M University System Capital Plan; (ii) provide permanent financing for facilities and improvements financed with the proceeds of Refunded Notes; (iii) refund Refunded Bonds; and (iv) pay the costs of issuance relating to such Parity Obligations; and

**WHEREAS**, for such purposes the Board deems it necessary to issue Parity Obligations pursuant to this Thirty-Fourth Supplement to the Master Resolution (the “Thirty-Fourth Supplement”); and

**WHEREAS**, pursuant to the Master Resolution, a Designated Financial Officer, has delivered to the Board a certificate stating that, to the best of his or her knowledge, the Board is in compliance with all covenants contained in the Master Resolution and each Supplemental Resolution and is not in default in the performance and observance of any of the terms, provisions, and conditions contained therein; and

**WHEREAS**, the Bonds authorized to be issued by this Thirty-Fourth Supplement are to be issued and delivered pursuant to Chapter 55, Texas Education Code, and Chapters 1207 and 1371, Texas Government Code,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM THAT:**

**Section 1. DEFINITIONS.**

(a) Definitions. In addition to the definitions set forth in the preamble of this Thirty-Fourth Supplement, the terms used in this Thirty-Fourth Supplement (except in the Form of Bonds) and not otherwise defined shall have the meanings given in the Master Resolution or in Exhibit A to this Thirty-Fourth Supplement attached hereto and made a part hereof.

(b) Construction of Terms. If appropriate in the context of this Thirty-Fourth Supplement, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine, or neuter gender shall be considered to include the other genders.

**Section 2. AMOUNT, PURPOSE, AND DESIGNATION OF THE BONDS.**

(a) The Board's "BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM REVENUE FINANCING SYSTEM BONDS, SERIES \_\_\_\_\_," are hereby authorized to be issued and delivered in the maximum principal amount (determined without regard to premium or discount affecting the sale price) of \$467 Million, in one or more Series or sub-Series (as Tax-Exempt Bonds, Taxable Bonds or any combination thereof) as determined by the Designated Financial Officer pursuant to the terms of this Thirty-Fourth Supplement. The Bonds shall be designated by the year in which they are awarded pursuant to Section 3 below, and each Series within a year may have a letter designation following the year as determined by the Designated Financial Officer. The title of the Bonds may also be revised by a Designated Financial Officer as reflected in the Award Certificate pursuant to Section 3(b) hereof to reflect the status of the Bonds as Tax-Exempt Bonds or Taxable Bonds, as applicable. The authority conferred by this Thirty-Fourth Supplement to (i) act on behalf of the Board in selling any Series of Bonds and (ii) award the sale of the Bonds of such Series to a bidder in a competitive sale or execute one or more Bond Purchase Contract(s) pursuant to this Section shall expire at 11:59 p.m. on July 31, 2025 (the "Expiration Date"). Any Series of Bonds awarded pursuant to an official bid form or sold pursuant to a Bond Purchase Contract executed on or before the Expiration Date, may be delivered after such date.

(b) The Bonds are to be issued for the purpose of (i) financing and refinancing the costs of acquiring, purchasing, constructing, improving, enlarging, and equipping the property and facilities of the Participants of the Revenue Financing System; (ii) refunding all or a portion of the Potential Refunded Bonds; (iii) refunding all or a portion of the Board's outstanding Revenue Financing System Commercial Paper Notes, Series B (the "Notes") to provide permanent financing for facilities and improvements financed with the proceeds of the Notes; and (iv) paying the costs of issuance related thereto.

(c) To the extent that it is economically reasonable, Section 55.17 Projects may be financed in separate Series of Bonds and the Award Certificate relating to each such Series of Bonds shall show the principal amount of Parity Obligations, including the Bonds, issued for each Participant to finance or refinance Section 55.17 Projects and the additional Parity Obligations that

may be issued pursuant to such sections. Each Series of Bonds issued to refund portions of the Potential Refunded Bonds that were issued pursuant to Section 55.17 Authorization or issued to refund Parity Obligations issued pursuant to Section 55.17 Authorization, or any similar section, may also be included in that separate Series of Bonds.

(d) Each Series of Bonds herein authorized, unless otherwise indicated, are hereinafter referred to as the “Bonds,” which may be in the form of fixed or adjustable rate bonds and as either Current Interest Bonds or Capital Appreciation Bonds.

### **Section 3. DATE, DENOMINATIONS, NUMBERS, MATURITIES AND TERMS OF BONDS.**

(a) Terms of Bonds. The Bonds shall initially be issued, sold, and delivered hereunder as fully registered bonds, without interest coupons, in the form of Current Interest Bonds or Capital Appreciation Bonds, numbered consecutively for each Series of Bonds from R-1 upward (or CR-1 upward, in the case of Capital Appreciation Bonds) (except the Initial Bond which shall be numbered T-1 for the Current Interest Bonds and TR-1 for the Capital Appreciation Bonds), payable to the respective initial registered owners thereof, or to the registered assignee or assignees of said bonds or any portion or portions thereof (in each case, the “Registered Owner”), in Authorized Denominations, maturing on the dates, in the years and in the principal amounts, respectively, and dated, all as set forth in the Award Certificate.

(b) Award Certificate. As authorized by Chapter 1371, Government Code, as amended, the Designated Financial Officer is hereby authorized, appointed, and designated to act on behalf of the Board in selling and delivering the Bonds and carrying out, the other procedures specified in this Thirty-Fourth Supplement, including determining and fixing: (i) the date of the Bonds, (ii) any additional or different designation or title by which the Bonds shall be known, (iii) the price at which the Bonds will be sold, (iv) the years in which the Bonds will mature, (v) the principal amount or Maturity Amount of the Bonds to mature in each of such years, (vi) the aggregate principal amount of the Bonds, including the aggregate principal amount of Current Interest Bonds and Capital Appreciation Bonds, (vii) the rate or rates of interest to be borne by each maturity, (viii) the interest payment periods, (ix) the dates, prices, and terms upon and at which the Bonds shall be subject to redemption, (x) the designation of which notes shall constitute the Refunded Notes refunded by the Bonds, (xi) the designation of which Potential Refunded Bonds shall constitute the Refunded Bonds, (xii) the Paying Agent/Registrar and Escrow Agent, if applicable, for the Bonds, (xiii) whether the Bonds shall be issued as Tax-Exempt Bonds or Taxable Bonds, (xiv) the Authorized Denominations for the Bonds, (xv) the date on which the Bonds shall be delivered to the purchaser(s) thereof, which date shall be not more than twelve (12) months following the Expiration Date, and (xvi) all other terms, provisions, details and matters relating to the Bonds and their issuance, sale, and delivery, and the refunding of the Refunded Obligations. All such determinations made by the Designated Financial Officer shall be specified in the Award Certificate delivered to the Executive Director, Board of Regents. Such determinations shall be limited by the following: (1) the price to be paid for the Bonds shall not be less than 95% of the aggregate original principal amount thereof plus accrued interest thereon, if any, from their dated date to their date of initial delivery, (2) none of the Bonds shall bear interest at a rate greater than the maximum rate allowed by law, (3) no Stated Maturity of any Bond shall be later than June 1, 2066, (4) the aggregate principal amount of the Bonds shall not exceed the

amount authorized in Section 2(a) hereof, and (5) Bonds shall be issued to refund all or a portion of the Potential Refunded Bonds only if that refunding, assuming that each Series sold and delivered at the same time is one Series of Bonds, results in the minimum present value savings set forth in the following paragraph.

Each Series of Bonds to be issued, in whole or in part, to refund Refunded Bonds must be sold on terms that produce a present value savings when the scheduled debt service payable on such Bonds during each Bond Year is subtracted from the scheduled debt service payable on the Refunded Bonds during the same Bond Year and the remainder is discounted to the scheduled date of delivery of the Bonds of such Series set forth in the Award Certificate at a discount factor equal to the yield on such Bonds determined in accordance with section 148 of the Code. The amount of the savings to be realized from the refunding shall be shown in the Award Certificate. The Award Certificate for each Series that is issued to refund Refunded Bonds or Refunded Notes shall also identify the Refunded Bonds or Refunded Notes being refunded by that Series.

It is further provided, however, that, notwithstanding the foregoing provisions, the Bonds shall not be delivered unless prior to delivery (i) the Award Certificate has been executed and delivered as required by this Thirty-Fourth Supplement and (ii) the Bonds have been rated by a Nationally-Recognized Rating Agency in one of the four highest rating categories for long-term obligations, as required by Chapter 1371, Texas Government Code, as amended.

The Designated Financial Officer is authorized and directed to determine which facilities and improvements will be financed or refinanced with the proceeds of the Bonds taking into account (i) the scheduled completion dates of the improvements and facilities financed with the proceeds of the Bonds, (ii) the economic projections for each such facility and improvement and the Participant on whose campus the facility or improvement is located and (iii) which Section 55.17 Projects are being undertaken and the projected budget impact on the Financing System of such financing. The designation of which improvements or facilities are to be financed or refinanced with the proceeds of the Bonds shall be set forth in the Award Certificate. Before the Designated Financial Officer may determine that any improvement or facility is to be financed or refinanced with the proceeds of the Bonds, (i) the improvement or facility must have been approved for construction and financing by the Board, (ii) the Board must have made the findings required by Section 5 of the Master Resolution with respect to the Parity Obligations to be issued for such improvement or facility, and (iii) the project must have received any required approval or review of the Higher Education Coordinating Board to the extent and as required by the provisions of Section 61.058 of the Texas Education Code.

Each Award Certificate is hereby incorporated in and made a part of this Thirty-Fourth Supplement and shall be filed in the minutes of the Board as a part of this Thirty-Fourth Supplement.

(c) Sale of the Bonds. To achieve the lowest borrowing costs for the Participants of the Financing System, each Series of Bonds shall be sold to the public on either a negotiated or competitive basis as determined by the Designated Financial Officer in the Award Certificate for that Series of Bonds. In determining whether to sell a Series of Bonds by negotiated or competitive sale, the Designated Financial Officer shall take into account the financial condition of the State, the System, and the Financing System, any material disclosure issues that might exist at the time,

the market conditions expected at the time of the sale, the achievement of the HUB goals of the Board, and any other matters that, in the judgment of the Designated Financial Officer, might affect the net borrowing costs on the Series of Bonds to be sold.

If the Designated Financial Officer determines that a Series of Bonds should be sold at a competitive sale, the Designated Financial Officer shall prepare a notice of sale and Official Statement in such manner as the Designated Financial Officer deems appropriate, to make the notice of sale and Official Statement available to those institutions and firms wishing to submit a bid for the Series of Bonds, to receive such bids, and to award the sale of the Series of Bonds to the bidder submitting the best bid in accordance with the provisions of the notice of sale. If the Designated Financial Officer determines that a Series of Bonds should be sold by a negotiated sale, the Designated Financial Officer shall designate the senior managing underwriter for such Series of Bonds and such additional investment banking firms as he or she deems appropriate to assure that the Bonds are sold on the most advantageous terms to the Financing System. The Designated Financial Officer, acting for and on behalf of the Board, is authorized to enter into and carry out the terms of a Bond Purchase Contract for each Series of the Bonds to be sold by negotiated sale, with the underwriter(s) thereof at such price, with and subject to such terms as determined by the Designated Financial Officer pursuant to subsection (b) above. The Designated Financial Officer's approval of a Bond Purchase Contract shall be conclusively evidenced by said Designated Financial Officer's execution thereof.

(d) In General. The Bonds (i) may and shall be redeemed prior to the respective scheduled maturity dates, (ii) may be assigned and transferred, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed and sealed, and (vi) shall be subject to redemption prior to maturity, and the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BONDS set forth in Exhibit B to this Thirty-Fourth Supplement and as determined by the Designated Financial Officer as provided herein, with such changes and additions as are required to be consistent with the terms and provisions shown in the Award Certificate relating to the Bonds.

(e) Delegation to Establish Sinking Fund for Balloon Debt. In the event that the Designated Financial Officer determines to issue Bonds that constitute Balloon Debt, the Designated Financial Officer may upon determining that it is in the best interests of the Board provide in the Award Certificate for (i) the establishment of a sinking fund for such Balloon Debt, (ii) the accumulation of amounts in such sinking fund either by a fixed schedule stated in such Award Certificate or by a formula setting forth the amount and timing of required contributions that in each case is sufficient to provide for the payment of all amounts due on such Balloon Debt, and (iii) any restrictions with respect to such sinking fund, including the investment thereof, necessary to ensure compliance with any applicable provisions of the Code.

(f) Finding Regarding Section 1207.008(b), Government Code. Pursuant to Section 1207.008(b), Government Code, it is hereby found that it is not practicable or possible to make the determination required by Section 1207.008(a), Government Code, in connection with the issuance of the Bonds to refund the Refunded Obligations. A portion of the Bonds is being authorized to refund the Refunded Notes to provide permanent financing for the improvements and facilities financed by the Refunded Notes. It is not possible to determine what the difference in debt service would be if the Refunded Notes were not refunded.

**Section 4. INTEREST.** Except as otherwise provided in the Award Certificate for the Bonds, (a) Current Interest Bonds of each Series of Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BONDS and in the Award Certificate to their respective dates of maturity at the rates set forth in the Award Certificate and (b) Capital Appreciation Bonds of each Series of Bonds shall bear interest from the Issuance Date for such Series of Bonds, calculated on the basis of a 360-day year composed of twelve 30-day months (subject to rounding to the Compounded Amounts thereof), compounded semiannually on the dates set forth in the Award Certificate (the “Compounding Dates”) commencing on the date set forth in the Award Certificate, and payable, together with the principal amount thereof, in the manner provided in the FORM OF BONDS at the rates set forth in the Award Certificate.

Attached to the Award Certificate, if Capital Appreciation Bonds are to be issued, shall be an Exhibit (the “Compounded Amount Table”) which will set forth the rounded original principal amounts at the Issuance Date for the Capital Appreciation Bonds and the Compounded Amounts and Maturity Amounts thereof (per \$5,000 Maturity Amount) as of each Compounding Date, commencing on the date set forth in the Award Certificate, and continuing until the final maturity of such Capital Appreciation Bonds. The Compounded Amount with respect to any date other than a Compounding Date is the amount set forth on the Compounded Amount Table with respect to the last preceding Compounding Date, plus the portion of the difference between such amount and the amount set forth on the Compounded Amount Table with respect to the next succeeding Compounding Date that the number of days (based on 30-day months) from such last preceding Compounding Date to the date for which such determination is being calculated bears to the total number of days (based on 30-day months) from such last preceding Compounding Date to the next succeeding Compounding Date.

**Section 5. REGISTRATION, TRANSFER AND EXCHANGE;  
BOOK-ENTRY-ONLY SYSTEM; AUTHENTICATION.**

(a) Paying Agent/Registrar. The Designated Financial Officer is authorized to solicit bids for and to select a Paying Agent/Registrar for the Bonds. The Designated Financial Officer is also authorized to enter into and carry out a Paying Agent/Registrar Agreement with the Paying Agent/Registrar with respect to the Bonds in substantially the form previously approved by the Board.

(b) Registration Books. The Board shall keep Registration Books for the registration of the transfer, exchange, and replacement of Bonds, and the Board hereby designates the Paying Agent/Registrar as the initial registrar and transfer agent to keep such Registration Books and make such registrations of transfers, exchanges, and replacements under such reasonable regulations as the Board may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, exchanges, and replacements as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The Board shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep

the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(c) Ownership of Bonds. The entity in whose name any Bond shall be registered in the Registration Books at any time shall be deemed and treated as the absolute owner thereof for all purposes of this Thirty-Fourth Supplement, whether or not such Bond shall be overdue, and, to the extent permitted by law, the Board and the Paying Agent/Registrar shall not be affected by any notice to the contrary; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such Registered Owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(d) Payment of Bonds and Interest. The Board hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Thirty-Fourth Supplement. The Paying Agent/Registrar shall keep proper records of all payments made by the Board and the Paying Agent/Registrar with respect to the Bonds.

(e) Authentication. The Initial Bond shall be delivered to the initial purchaser and is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each Bond issued in exchange for the Initial Bond or any Bond or Bonds issued under this Thirty-Fourth Supplement the Paying Agent/Registrar shall execute the Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BONDS set forth in this Thirty-Fourth Supplement.

(f) Transfer, Exchange, or Replacement. Each Bond issued and delivered pursuant to this Thirty-Fourth Supplement, to the extent of the unpaid or unredeemed principal amount or Maturity Amount thereof, upon surrender of such Bond at a designated corporate trust office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, may, at the option of the Registered Owner or such assignee or assignees, as appropriate, be exchanged for fully registered bonds, without interest coupons, in the appropriate form prescribed in the FORM OF BONDS set forth in this Thirty-Fourth Supplement, in the denomination of any Authorized Denominations (subject to the requirement hereinafter stated that each substitute Bond shall be of the same Series and have a single stated maturity date) as requested in writing by such Registered Owner or such assignee or assignees, in an aggregate principal amount or Maturity Amount equal to the unpaid or unredeemed principal amount or Maturity Amount of any Bond or Bonds so surrendered, and payable to the appropriate Registered Owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, a substitute Bond or Bonds having the same Series designation and maturity date, bearing interest at the same rate, and payable in the same manner, in Authorized Denominations at the request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same Series designation and maturity date and bear interest at the same rate and be payable in the same manner as the Bond for which it is being exchanged. Each substitute Bond



shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Thirty-Fourth Supplement shall constitute one of the Bonds for all purposes of this Thirty-Fourth Supplement and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Thirty-Fourth Supplement there shall be printed an Authentication Certificate, in the form set forth in Exhibit B to this Thirty-Fourth Supplement. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the above Authentication Certificate, and, except as provided in (e) above, no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for transfer, exchange, or replacement. No additional resolutions need be passed or adopted by the Board or any other body or person so as to accomplish the foregoing transfer, exchange, or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein. Pursuant to Chapter 1203, Texas Government Code, as amended, the duty of transfer, exchange, or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above Paying Agent/Registrar's Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which were originally issued pursuant to this Thirty-Fourth Supplement. The Board shall pay the Paying Agent/Registrar's standard or customary fees and charges, if any, for transferring, and exchanging any Bond or any portion thereof, but the one requesting any such transfer and exchange shall pay any taxes or governmental charges required to be paid with respect thereto as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, exchange, or replacement of Bonds or any portion thereof during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following interest payment date. To the extent possible, any new Bond issued in an exchange, replacement, or transfer of a Bond will be delivered to the Registered Owner or assignee of the Registered Owner not more than three business days after the receipt of the Bonds to be cancelled and the written request as described above.

(g) Substitute Paying Agent/Registrar. The Board covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the Board will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Thirty-Fourth Supplement. The Board reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 60 days written notice to the Paying Agent/Registrar, to be effective not later than 60 days prior to the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Board covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Thirty-Fourth Supplement. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Board. Upon any change in the Paying Agent/Registrar, the Board promptly will

cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Thirty-Fourth Supplement, and a certified copy of this Thirty-Fourth Supplement shall be delivered to each Paying Agent/Registrar.

(h) Book-Entry-Only System. The Definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York (“DTC”), and except as provided in subsection (i) hereof, all of the Outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Board and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest on the Bonds. Without limiting the immediately preceding sentence, the Board and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Bondholder, as shown on the Registration Books, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than a Bondholder, as shown in the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Thirty-Fourth Supplement to the contrary, but to the extent permitted by law, the Board and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest with respect to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective owners, as shown in the Registration Books as provided in this Thirty-Fourth Supplement, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Board’s obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an owner, as shown in the Registration Books, shall receive a Bond certificate evidencing the obligation of the Board to make payments of principal, premium, if any, and interest pursuant to this Thirty-Fourth Supplement. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Thirty-Fourth Supplement with respect to interest checks being mailed to the Registered Owner at the close of business on the Record Date, the word “Cede & Co.” in this Thirty-Fourth Supplement shall refer to such new nominee of DTC.

(i) Successor Securities Depository: Transfers Outside Book-Entry-Only System. In the event that the Board determines to discontinue the use of the Book-Entry-Only System through DTC, or DTC determines to discontinue providing its services with respect to the Bonds the Board

shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Thirty-Fourth Supplement. Whenever a successor securities depository has been appointed pursuant to this paragraph, the terms DTC and DTC Participant as used in this Thirty-Fourth Supplement shall refer to such successor securities depository and its participants, respectively.

(j) Payments to Cede & Co. Notwithstanding any other provision of this Thirty-Fourth Supplement to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

(k) Notice of Redemption and Defeasance.

(i) In addition to the notice of redemption set forth in the FORM OF BONDS, the Designated Financial Officer shall give notice of redemption or defeasance to the Paying Agent/Registrar at least forty-five (45) days prior to a redemption date in the case of a redemption and on the defeasance date in the case of a defeasance and the Paying Agent/Registrar shall give notice of redemption or of defeasance of Bonds by mail, first-class postage prepaid at least thirty (30) days prior to a redemption date and within thirty (30) days after a defeasance date to each registered securities depository and to any national information service that disseminates such notices.

(ii) In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the registered securities depositories or such national information services shall be sent so that they are received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of prepayment or redemption to the Registered Owner of any Bond who has not sent the Bonds in for redemption sixty (60) days after the redemption date.

(iii) Each notice of redemption or defeasance, whether required in the FORM OF BONDS or in this Section, shall contain a description of the Bonds to be redeemed or defeased including the complete name of the Bonds, the date of issue, the interest rate, the maturity date, the CUSIP number, the amount called of each maturity, the publication and mailing date for the notice, the date of redemption or defeasance, the redemption price, if

any, the name of the Paying Agent/Registrar and the address at which the Bonds may be redeemed or paid, including a contact person and telephone number.

(iv) All redemption payments made by the Paying Agent/Registrar to the Registered Owners of the Bonds shall include a CUSIP number relating to each amount paid to such Registered Owner.

(v) If at the time of mailing of notice of any optional redemption in connection with a refunding of the Bonds, the Board shall not have deposited with the Paying Agent/Registrar or an eligible financial institution moneys sufficient to redeem all of the Bonds called for redemption, such notice may state that it is conditional in that it is subject to the deposit of the proceeds of refunding bonds with the Paying Agent/Registrar or an eligible financial institution not later than the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

**Section 6. FORM OF BONDS.** The form of the Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas, if needed with respect to the Bonds initially issued and delivered pursuant to this Thirty-Fourth Supplement, shall be, respectively, substantially as set forth in Exhibit B, with such appropriate variations, omissions, or insertions as are permitted or required by this Thirty-Fourth Supplement and the Award Certificate, including specifically information relating to Capital Appreciation Bonds and Current Interest Bonds, redemption provisions, and the information to be included in the purpose clause.

**Section 7. ESTABLISHMENT OF FINANCING SYSTEM AND ISSUANCE OF PARITY OBLIGATIONS.** By adoption of the Master Resolution the Board has established The Texas A&M University System Revenue Financing System for the purpose of providing a financing structure for revenue supported indebtedness of the institutions and agencies of The Texas A&M University System which are from time to time included as Participants of the Financing System. The Master Resolution is intended to establish a master plan under which revenue supported debt of the Financing System can be incurred. This Thirty-Fourth Supplement provides for the authorization, issuance, sale, delivery, form, characteristics, provisions of payment and redemption, and security of the Bonds as Parity Obligations. The Master Resolution is incorporated herein by reference and as such made a part hereof for all purposes, except to the extent modified and supplemented hereby, and the Bonds are hereby declared to be Parity Obligations under the Master Resolution. As required by Section 5(a) of the Master Resolution, the Board hereby determines that, upon the issuance of the Bonds, it will have sufficient funds to meet the financial obligations of The Texas A&M University System, including sufficient Pledged Revenues to satisfy the Annual Debt Service Requirements of the Financing System and to meet all financial obligations of the Board relating to the Financing System and that the Participants on whose behalf the Bonds are to be issued possess the financial capacity to satisfy their Direct Obligations after taking the Bonds into account.

**Section 8. SECURITY AND PAYMENTS.** The Bonds are special obligations of the Board payable from and secured solely by the Pledged Revenues pursuant to the Master Resolution and this Thirty-Fourth Supplement. The Pledged Revenues are hereby pledged, subject to the liens securing Prior Encumbered Obligations, to the payment of the principal of, premium, if any, and

interest on Parity Obligations, including the Bonds, as the same shall become due and payable. The Board agrees to pay the principal of, premium, if any, and the interest on the Bonds when due, whether by reason of maturity or redemption.

#### **Section 9. PAYMENTS.**

(a) Immediately after the delivery of the Bonds, the Board shall deposit all accrued interest received from the sale and delivery of the Bonds to the credit of a special account to be held to pay interest on the Bonds on the first interest payment date.

(b) Semiannually on or before each principal, redemption, or interest payment date while any of the Bonds are outstanding and unpaid, commencing on the first interest payment date for the Bonds as provided in the Award Certificate, the Board shall make available to the Paying Agent/Registrar, money sufficient to pay such interest on and such principal of the Bonds, including the Maturity Amount of any Capital Appreciation Bonds, as will accrue or mature, or be subject to mandatory redemption prior to maturity, on such principal, redemption, or interest payment date. The Paying Agent/Registrar shall cancel all paid Bonds and shall furnish the Board with an appropriate certificate of cancellation.

#### **Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.**

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new bond of the same Series, principal amount, Maturity Amount, maturity and interest rate, and in the same form, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the Board and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the Board and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Payment in Lieu of Replacement. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal, Maturity Amount, redemption premium, if any, or interest on the Bond, the Board may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions

of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the Board whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Thirty-Fourth Supplement equally and proportionately with any and all other Bonds duly issued under this Thirty-Fourth Supplement.

(e) Authority for Issuing Replacement Bonds. In accordance with Chapter 1203, Texas Government Code, as amended, this Section shall constitute authority for the issuance of any such replacement Bond without the necessity of further action by the Board or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 5(e) of this Thirty-Fourth Supplement for Bonds issued in exchange and replacement for other Bonds.

## **Section 11. AMENDMENT OF SUPPLEMENT.**

(a) Amendments Without Consent. This Thirty-Fourth Supplement and the rights and obligations of the Board and of the owners of the Bonds may be modified or amended at any time without notice to or the consent of any owner of the Bonds or any other Parity Obligations, solely for any one or more of the following purposes:

(i) To add to the covenants and agreements of the Board contained in this Thirty-Fourth Supplement, other covenants and agreements thereafter to be observed, or to surrender any right or power reserved to or conferred upon the Board in this Thirty-Fourth Supplement;

(ii) To cure any ambiguity or inconsistency, or to cure or correct any defective provisions contained in this Thirty-Fourth Supplement, upon receipt by the Board of an opinion of Bond Counsel that the same is needed for such purpose and will more clearly express the intent of this Thirty-Fourth Supplement;

(iii) To supplement the security for the Bonds, replace or provide additional credit facilities, or change the form of the Bonds or make such other changes in the provisions hereof as the Board may deem necessary or desirable and which shall not, in the judgment of the Board, materially adversely affect the interests of the owners of the Outstanding Bonds;

(iv) To make such other changes in the provisions of this Thirty-Fourth Supplement as the Board may deem necessary or desirable and which does not, in the judgment of the Board, materially adversely affect the interests of the owners of Parity Obligations; or

(v) To make any changes or amendments requested by any National-Recognized Rating Agency then rating or requested to rate Bonds, as a condition to the issuance or maintenance of a rating, which changes or amendments do not, in the judgment of the Board, materially adversely affect the interests of the owners of the Outstanding Bonds.

(b) Amendments With Consent. Subject to the other provisions of this Thirty-Fourth Supplement, the owners of Outstanding Bonds aggregating fifty-one percent (51%) in Outstanding Principal Amount of Bonds shall have the right from time to time to approve any amendment, other than amendments described in subsection (a) of this Section, to this Thirty-Fourth Supplement which may be deemed necessary or desirable by the Board; provided, however, that nothing herein contained shall permit or be construed to permit, without the approval of the owners of all of the Outstanding Bonds, the amendment of the terms and conditions in this Thirty-Fourth Supplement or in the Bonds so as to:

- (i) Make any change in the maturity of the Outstanding Bonds;
- (ii) Reduce the rate of interest borne by Outstanding Bonds;
- (iii) Reduce the amount of the principal or Maturity Amount payable on Outstanding Bonds;
- (iv) Modify the terms of payment of principal or Maturity Amount of or interest on the Outstanding Bonds, or impose any conditions with respect to such payment;
- (v) Affect the rights of the owners of less than all Bonds then Outstanding; or
- (vi) Change the minimum percentage of the Outstanding Principal Amount of Bonds necessary for consent to such amendment.

(c) Notice. If at any time the Board shall desire to amend this Thirty-Fourth Supplement pursuant to (b) above, the Board shall cause notice of the proposed amendment to be published in a financial newspaper or journal of general circulation in the City of New York, New York, once during each calendar week for at least two successive calendar weeks or disseminated by electronic means customarily used to convey notices of redemption. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Registrar for inspection by all owners of Bonds. Such publication is not required, however, if the Board gives or causes to be given such notice in writing to each owner of Bonds.

(d) Receipt of Consents. Whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice of the proposed amendment the Board shall receive an instrument or instruments executed by all of the owners or the owners of at least fifty-one percent (51%) in Outstanding Principal Amount of Bonds, as appropriate, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file as aforesaid, the Board may adopt the amendatory resolution in substantially the same form.

(e) Effect of Amendments. Upon the adoption by the Board of any resolution to amend this Thirty-Fourth Supplement pursuant to the provisions of this Section, this Thirty-Fourth Supplement shall be deemed to be amended in accordance with the amendatory resolution, and the respective rights, duties, and obligations of the Board and all the owners of then Outstanding Bonds

and all future Bonds shall thereafter be determined, exercised, and enforced under the Master Resolution and this Thirty-Fourth Supplement, as amended.

(f) Consent Irrevocable. Any consent given by any owner of Bonds pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication or other service of the notice provided for in this Section, and shall be conclusive and binding upon all future owners of the same Bonds during such period. Such consent may be revoked at any time after six months from the date of the first publication of such notice by the owner who gave such consent, or by a successor in title, by filing notice thereof with the Registrar and the Board, but such revocation shall not be effective if the owners of fifty-one percent (51%) in Outstanding Principal Amount of Bonds, prior to the attempted revocation, consented to and approved the amendment.

(g) Ownership. For the purpose of this Section, the ownership and other matters relating to all Bonds registered as to ownership shall be determined from the registration books kept by the Registrar therefor. The Registrar may conclusively assume that such ownership continues until written notice to the contrary is served upon the Registrar.

## **Section 12. COVENANTS REGARDING TAX MATTERS.**

The Board covenants that it will monitor and control the receipt, investment, expenditure and use of all gross proceeds of the Tax-Exempt Bonds (including all property the acquisition, construction or improvement of which is to be financed directly or indirectly with the proceeds of the Tax-Exempt Bonds) and take or omit to take such other and further actions as may be required by Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the “Code”) and all applicable temporary, proposed and final regulations (the “Regulations”) to cause interest on the Tax-Exempt Bonds to be and remain excludable from the gross income, as defined in Section 61 of the Code, of the owners of the Tax-Exempt Bonds for federal income tax purposes. Without limiting the generality of the foregoing, the Board shall comply with each of the following covenants:

(a) The Board will use all of the proceeds of the Tax-Exempt Bonds to (i) provide funds for the purposes described in Section 2 hereof, which will be owned and operated by the Board and (ii) to pay the costs of issuing the Tax-Exempt Bonds and the costs of refunding the Refunded Bonds and the Refunded Notes. The Board will not use any portion of the proceeds of the Tax-Exempt Bonds to pay the principal of or interest or redemption premium on, any other obligation of the Board or a related person.

(b) The Board will not directly or indirectly take any action, or omit to take any action, which action or omission would cause the Tax-Exempt Bonds to constitute “private activity bonds” within the meaning of Section 141(a) of the Code.

(c) Principal of and interest on the Tax-Exempt Bonds will be paid solely from Pledged Revenues collected by the Board and investment earnings on such collections.

(d) Based upon all facts and estimates now known or reasonably expected to be in existence on the date the Tax-Exempt Bonds are delivered, the Board reasonably expects that the



proceeds of the Tax-Exempt Bonds will not be used in a manner that would cause the Tax-Exempt Bonds or any portion thereof to be an “arbitrage bond” within the meaning of Section 148 of the Code.

(e) At all times while the Tax-Exempt Bonds are outstanding, the Board will identify and properly account for all amounts constituting gross proceeds of the Tax-Exempt Bonds in accordance with the Regulations. The Board will monitor the yield on the investments of the proceeds of the Tax-Exempt Bonds and, to the extent required by the Code and the Regulations, will restrict the yield on such investments to a yield which is not materially higher than the yield on the Tax-Exempt Bonds. To the extent necessary to prevent the Tax-Exempt Bonds from constituting “arbitrage bonds,” the Board will make such payments as are necessary to cause the yield on all yield restricted nonpurpose investments allocable to the Tax-Exempt Bonds to be less than the yield that is materially higher than the yield on the Tax-Exempt Bonds.

(f) The Board will not take any action or knowingly omit to take any action that, if taken or omitted, would cause the Tax-Exempt Bonds to be treated as “federally guaranteed” obligations for purposes of Section 149(b) of the Code.

(g) The Board represents that not more than fifty percent (50%) of the proceeds of the Tax-Exempt Bonds will be invested in nonpurpose investments (as defined in Section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four years or more within the meaning of Section 149(g)(3)(A)(ii) of the Code, and the Board reasonably expects that at least eighty-five percent (85%) of the spendable proceeds of the Tax-Exempt Bonds will be used to carry out the governmental purpose of the Tax-Exempt Bonds within the three-year period beginning on the date of issue of the Tax-Exempt Bonds. The Board further represents that not more than fifty percent (50%) of the proceeds of the Refunded Bonds and the Refunded Notes (to the extent such bonds and notes are refunded with the proceeds of Tax-Exempt Bonds) were invested in nonpurpose investments (as defined in Section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four years or more within the meaning of Section 149(g)(3)(A)(ii) of the Code, and on the date of issue of such Refunded Bonds and Refunded Notes, the Board reasonably expected that at least eighty-five percent (85%) of the spendable proceeds of such Refunded Bonds and Refunded Notes would be used to carry out the governmental purpose of such Refunded Bonds and Refunded Notes within the three-year period beginning on the date of issue of such Refunded Bonds and Refunded Notes.

(h) The Board will take all necessary steps to comply with the requirement that certain amounts earned by the Board on the investment of the gross proceeds of the Tax-Exempt Bonds, if any, be rebated to the federal government. Specifically, the Board will (i) maintain records regarding the receipt, investment, and expenditure of the gross proceeds of the Tax-Exempt Bonds as may be required to calculate such excess arbitrage profits separately from records of amounts on deposit in the funds and accounts of the Board allocable to other obligations of the Board or moneys which do not represent gross proceeds of any obligations of the Board and retain such records for at least six years after the day on which the last outstanding Bond is discharged, (ii) account for all gross proceeds under a reasonable, consistently applied method of accounting, not employed as an artifice or device to avoid in whole or in part, the requirements of Section 148 of the Code, including any specified method of accounting required by applicable Regulations to be used for all or a portion of any gross proceeds, (iii) calculate, at such times as are required by

applicable Regulations, the amount of excess arbitrage profits, if any, earned from the investment of the gross proceeds of the Tax-Exempt Bonds and (iv) timely pay, as required by applicable Regulations, all amounts required to be rebated to the federal government. In addition, the Board will exercise reasonable diligence to assure that no errors are made in the calculations required by the preceding sentence and, if such an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter, including payment to the federal government of any delinquent amounts owed to it, interest thereon and any penalty.

(i) The Board will not directly or indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Tax-Exempt Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if such arrangement had been at arm's length and had the yield on the Tax-Exempt Bonds not been relevant to either party.

(j) The Board will timely file or cause to be filed with the Secretary of the Treasury of the United States the information required by Section 149(e) of the Code with respect to the Tax-Exempt Bonds on such form and in such place as the Secretary may prescribe.

(k) The Board will not issue or use the Tax-Exempt Bonds as part of an “abusive arbitrage device” (as defined in Section 1.148-10(a) of the Regulations). Without limiting the foregoing, the Tax-Exempt Bonds are not and will not be a part of a transaction or series of transactions that attempts to circumvent the provisions of Section 148 of the Code and the Regulations, by (i) enabling the Board to exploit the difference between tax-exempt and taxable interest rates to gain a material financial advantage, or (ii) increasing the burden on the market for tax-exempt obligations.

(l) Proper officers of the Board charged with the responsibility for issuing the Tax-Exempt Bonds are hereby directed to make, execute and deliver certifications as to facts, estimates or circumstances in existence as of the date of issuance of the Tax-Exempt Bonds and stating whether there are facts, estimates or circumstances that would materially change the Board's expectations. On or after the date of issuance of the Tax-Exempt Bonds, the Board will take such actions as are necessary and appropriate to assure the continuous accuracy of the representations contained in such certificates.

(m) The covenants and representations made or required by this Section are for the benefit of the Bond holders and any subsequent Bond holder, and may be relied upon by the Bond holders and any subsequent Bond holder and bond counsel to the Board.

In complying with the foregoing covenants, the Board may rely upon an unqualified opinion issued to the Board by nationally recognized bond counsel that any action by the Board or reliance upon any interpretation of the Code or Regulations contained in such opinion will not cause interest on the Tax-Exempt Bonds to be includable in gross income for federal income tax purposes under existing law.

Notwithstanding any other provision of this Thirty-Fourth Supplement, the Board's representations and obligations under the covenants and provisions of this Section shall survive the defeasance and discharge of the Tax-Exempt Bonds for as long as such matters are relevant to the exclusion of interest on the Tax-Exempt Bonds from the gross income of the owners for federal income tax purposes.

### **Section 13. CONTINUING DISCLOSURE UNDERTAKING.**

(a) Annual Reports. The Board shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six (6) months after the end of each Fiscal Year, financial information and operating data with respect to The Texas A&M University System, including the Annual Financial Report of The Texas A&M University System, as determined by the Designated Financial Officer at the time the Bonds are sold. The Award Certificate shall specify such financial information and operating data. Any financial statements with respect to The Texas A&M University System so to be provided shall be (1) prepared on an accrual basis, or such other basis as the Board may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the Board commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements are not so provided within the required period, then the Board shall provide unaudited financial statements for the applicable Fiscal Year to the MSRB, in an electronic format as prescribed by the MSRB, and shall file audited financial statements when and if audited financial statements become available. If audited financial statements are not prepared for any Fiscal Year and audited financial statements are prepared with respect to the State of Texas for such Fiscal Year, the Board shall provide, or cause to be provided, the audited financial statements of the State of Texas for the applicable Fiscal Year to the MSRB, in an electronic format as prescribed by the MSRB, within six (6) months after the end of said Fiscal Year or as soon thereafter as such audited financial statements become available from the State Auditor of the State of Texas. Any such audited financial statements of the State of Texas so provided shall be prepared in accordance with generally accepted accounting principles for state governments, as such principles may be changed from time to time to comply with state law.

If the Board changes the Fiscal Year, the Board will notify the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the Board otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Subsection may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this subsection shall be accompanied by identifying information as prescribed by the MSRB.

The Board shall notify the MSRB, in a timely manner, of any failure by the Board to provide financial information or operating data in accordance with this subsection by the time required.

(b) Event Notices. The Board shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the

occurrence of the event, of any of the following events with respect to the Bonds: (i) principal and interest payment delinquencies; (ii) non-payment related defaults, if material; (iii) unscheduled draws on debt service reserves reflecting financial difficulties; (iv) unscheduled draws on credit enhancements reflecting financial difficulties; (v) substitution of credit or liquidity providers, or their failure to perform; (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (vii) modifications to rights of holders of the Bonds, if material; (viii) bond calls, if material, and tender offers; (ix) defeasances; (x) release, substitution, or sale of property securing repayment of the Bonds, if material; (xi) rating changes; (xii) bankruptcy, insolvency, receivership or similar event of the obligated person; (xiii) the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; (xiv) the appointment of a successor or additional trustee or the change of name of a trustee, if material, (xv) incurrence of a Financial Obligation of the Board, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Board, any of which affect security holders, if material; and (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Board, any of which reflect financial difficulties.

As used in clause (xii), above, the phrase “bankruptcy, insolvency, receivership or similar event” means the appointment of a receiver, fiscal agent or similar officer for the System in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the System, or if jurisdiction has been assumed by leaving the System in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the System. The Board intends the words used in clauses (xv) and (xvi), above, and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

(c) Identifying Information. All information and notices shall be provided to the MSRB in an electronic format, as prescribed by the MSRB, and all documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information, as prescribed by the MSRB.

(d) Limitations, Disclaimers, and Amendments. The Board shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Board remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the Board in any event will give the notice required by Section 4 of this Thirty-Fourth Supplement of any Bond calls and defeasance that cause the Bonds to no longer be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or

equitable right, remedy, or claim hereunder to any other person. The Board undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this subsection and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Board's financial results, condition, or prospects, or hereby undertake to update any information provided in accordance with this subsection or otherwise, except as expressly provided herein. The Board does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE BOARD BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE BOARD, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the Board in observing or performing its obligations under this Section shall constitute a breach of or default under this Thirty-Fourth Supplement for purposes of any other provision of this Thirty-Fourth Supplement.

Should the Rule be amended to obligate the Board to make filings with or provide notices to entities other than the MSRB, the Board hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Board under federal and State securities laws.

The provisions of this Section may be amended by the Board from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Board, but only if (i) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Thirty-Fourth Supplement that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the Board (such as nationally-recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. If the Board so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The Board may also amend or repeal the provisions of this continuing disclosure requirement if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence

would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

(e) Modification of Undertaking. For the avoidance of doubt, the authority conferred on the Designated Financial Officer pursuant to Section 3(b) of this Thirty-Fourth Supplement to determine and fix terms, provisions, details and matters relating to the Bonds includes the authority to modify the terms of this Section by specification of such modification in the Award Certificate for the Bonds.

**Section 14. THIRTY-FOURTH SUPPLEMENT TO CONSTITUTE A CONTRACT; EQUAL SECURITY.** In consideration of the acceptance of the Bonds, the issuance of which is authorized hereunder, by those who shall hold the same from time to time, this Thirty-Fourth Supplement shall be deemed to be and shall constitute a contract between the Board and the Holders from time to time of the Bonds and the pledge made in this Thirty-Fourth Supplement by the Board and the covenants and agreements set forth in this Thirty-Fourth Supplement to be performed by the Board shall be for the equal and proportionate benefit, security, and protection of all Holders, without preference, priority, or distinction as to security or otherwise of any of the Bonds authorized hereunder over any of the others by reason of time of issuance, sale, or maturity thereof or otherwise for any cause whatsoever, except as expressly provided in or permitted by this Thirty-Fourth Supplement.

**Section 15. SEVERABILITY OF INVALID PROVISIONS.** If any one or more of the covenants, agreements, or provisions herein contained shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements, or provisions and shall in no way affect the validity of any of the other provisions hereof or of the Bonds issued hereunder.

**Section 16. PAYMENT AND PERFORMANCE ON BUSINESS DAYS.** Except as provided to the contrary in the FORM OF BONDS, whenever under the terms of this Thirty-Fourth Supplement or the Bonds, the performance date of any provision hereof or thereof, including the payment of principal of or interest on the Bonds, shall occur on a day other than a Business Day, then the performance thereof, including the payment of principal of and interest on the Bonds, need not be made on such day but may be performed or paid, as the case may be, on the next succeeding Business Day with the same force and effect as if made on the date of performance or payment.

**Section 17. LIMITATION OF BENEFITS WITH RESPECT TO THE THIRTY-FOURTH SUPPLEMENT.** With the exception of the rights or benefits herein expressly conferred, nothing expressed or contained herein or implied from the provisions of this Thirty-Fourth Supplement or the Bonds is intended or should be construed to confer upon or give to any person other than the Board, the Holders, and the Paying Agent/Registrar, any legal or equitable right, remedy, or claim under or by reason of or in respect to this Thirty-Fourth Supplement or any covenant, condition, stipulation, promise, agreement, or provision herein contained. This Thirty-Fourth Supplement and all of the covenants, conditions, stipulations, promises, agreements, and

provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the Board, the Holders, and the Paying Agent/Registrar as herein and therein provided.

**Section 18. CUSTODY, APPROVAL, BOND COUNSEL'S OPINION, CUSIP NUMBERS, PREAMBLE AND INSURANCE.** The Designated Financial Officer is hereby authorized to have control of the Bonds issued hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and approval by the Attorney General of the State of Texas of the proceedings authorizing the Bonds in accordance with Chapter 1371, Texas Government Code, as amended. The Designated Financial Officer is also authorized to request that the Attorney General approve the Bonds and that the Comptroller of Public Accounts register the Bonds, and to cause an appropriate legend reflecting such approval and registration to appear on the Bonds and the substitute Bonds. The approving legal opinion of Bond Counsel and the assigned CUSIP numbers may, at the option of the Board, be printed on the Bonds and on any Bonds issued and delivered in exchange or replacement of any Bond, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Bonds. The preamble to this Thirty-Fourth Supplement is hereby adopted and made a part of this Thirty-Fourth Supplement for all purposes. If insurance is obtained on any of the Bonds, the Bonds shall bear, as appropriate and applicable, a legend concerning insurance as provided by the Insurer.

**Section 19. REFUNDING OF REFUNDED OBLIGATIONS; ESCROW AGREEMENTS.**

(a) Concurrently with the delivery of Bonds issued to refund Refunded Notes, the Designated Financial Officer shall cause to be deposited with the Issuing and Paying Agent for the Refunded Notes or with an Escrow Agent selected by the Designated Financial Officer, from the proceeds from the sale of such Series of Bonds and other legally available funds, an amount sufficient to provide for the refunding and defeasance of such Refunded Notes. In the event it is deemed necessary, the Designated Financial Officer is hereby authorized to select one or more Escrow Agent(s) with respect to the Refunded Notes and to enter into one or more Escrow Agreements. The Designated Financial Officer is further authorized and directed to apply and there is hereby appropriated such moneys of the Board as are necessary (i) to provide for the defeasance of such Refunded Notes on the date of delivery of the Bonds or (ii) to fund the Escrow Fund to be created pursuant to the Escrow Agreement(s) with amounts sufficient to provide for the defeasance of the Refunded Notes.

(b) Concurrently with the delivery of each Series of Bonds issued in whole or in part to refund Refunded Bonds, the Designated Financial Officer shall cause to be deposited with the paying agent/registrar for the Refunded Bonds or Escrow Agent selected by the Designated Financial Officer, from the proceeds from the sale of such Series of Bonds and other legally available funds, an amount sufficient to provide for the refunding and defeasance of such Refunded Bonds in accordance with Chapter 1207, Texas Government Code, as amended. In the event it is deemed necessary, the Designated Financial Officer is hereby authorized to select one or more Escrow Agent(s) with respect to the Refunded Bonds and to enter into one or more Escrow Agreements. The Designated Financial Officer is further authorized and directed to apply and there is hereby appropriated such moneys of the Board as are necessary (i) to provide for the defeasance of such Refunded Bonds on the date of delivery of the Bonds or (ii) to fund the Escrow

Fund to be created pursuant to the Escrow Agreement(s) with amounts sufficient to provide for the defeasance of the Refunded Bonds.

(c) With regard to issuance of any Series of Bonds constituting Refunding Bonds, as provided in Section 2(b) above, the Designated Financial Officer shall designate in the Award Certificate the particular Potential Refunded Bonds to be refunded by such Series of Bonds; provided, that the Award Certificate in which Refunded Bonds are so designated must contain a certification to the effect that the Bonds of such Series being issued to refund such Refunded Bonds are being sold on terms that produce present value savings as required by Section 3(b) hereof.

(d) Subject to the designation by the Designated Financial Officer of the Refunded Bonds to be refunded by a Series of Bonds, the Board irrevocably calls the particular Potential Refunded Bonds constituting Refunded Bonds for redemption prior to maturity on the date(s) and at the price(s) set forth in the Award Certificate.

The Designated Financial Officer, acting for and on behalf of the Board, shall provide for notice of such redemption to be given in accordance with the resolution(s) of the Board authorizing the Refunded Bonds.

(e) To assure the purchase of the “Escrowed Securities” referred to in the respective Escrow Agreements for the Refunded Notes or the Refunded Bonds, the Designated Financial Officer, acting for and on behalf of the Board, is hereby authorized to subscribe for, agree to purchase and purchase “Government Obligations,” as defined in resolutions authorizing the Refunded Notes or the resolutions authorizing the Refunded Bonds, in such amounts and maturities and bearing interest at such rates as may be provided for in such Escrow Agreement, and to execute any and all subscriptions, purchase agreements, commitments, letters of authorization and other documents necessary to effectuate the foregoing, and is authorized to create and fund (or cause to be created and funded) the “Escrow Fund” contemplated by such Escrow Agreement through the use of the proceeds of the Series of Bonds issued to refund the Refunded Notes or the Refunded Bonds, the moneys and investments held in the fund securing the Refunded Notes or the Refunded Bonds, and other lawfully available moneys of the Board.

(f) To satisfy in a timely manner all of the Board’s obligations under this Thirty-Fourth Supplement and the Escrow Agreement(s), the Designated Financial Officer and all other appropriate officers and agents of the Board are hereby severally authorized and directed for and on behalf of the Board to take all other actions that are reasonably necessary to provide for the refunding of the Refunded Notes or the Refunded Bonds, including, without limitation, executing and delivering for and on behalf of the Board all certificates, consents, receipts, requests and other documents as may be reasonably necessary to satisfy the Board’s obligations under the Escrow Agreement(s) and this Thirty-Fourth Supplement and to direct the transfer and application of funds of the Board consistent with the provisions of such Escrow Agreement(s) and this Thirty-Fourth Supplement.

## **Section 20. APPLICATION OF BOND PROCEEDS.**

(a) Proceeds from the sale of the Bonds shall, promptly upon receipt thereof, be applied by the Designated Financial Officer, as follows: (i) accrued interest for the Bonds shall be



deposited as provided in Section 9 hereof; (ii) an amount sufficient to accomplish the purposes of Section 19 hereof shall be so applied; (iii) an amount sufficient to pay the cost of acquiring, purchasing, constructing, improving, enlarging and equipping the property, facilities and improvements being financed with the proceeds of the Bonds shall be deposited in the Board's accounts to be used for such purposes; (iv) the amount of any premium received as a portion of the purchase price of the Bonds issued to finance improvements or facilities to be financed pursuant to Section 55.17 Authorization that is not to be counted against the authorized amount of bonds that can be issued pursuant to such Section 55.17 Authorization, shall, except as otherwise allowed by state law, including Sections 1201.042 and 1201.029 of the Texas Government Code, be credited to a special account to be held to pay interest on the Bonds on the first interest payment date; and (v) any proceeds from the sale of the Bonds remaining after the deposits provided for in clauses (i) through (iv) above, shall be applied to pay expenses arising in connection with the issuance of the Bonds and the refunding of the Refunded Obligations.

Any sale proceeds of Bonds remaining after making all deposits and payments provided for above shall be applied to the payment of principal of and interest on the Bonds.

(b) Additional projects may be added to the list of projects included in the Award Certificate pursuant to Section 3 hereof and the amount of the proceeds of the Bonds allocated to each project may be reallocated to other projects in the list (such reallocation may also result in the removal of any such project), and therefore be financed or refinanced with the proceeds of the Bonds upon satisfaction of the following conditions:

(i) the project has received any required approval or review of the Higher Education Coordinating Board to the extent and as required by the provisions of Section 61.058 of the Texas Education Code;

(ii) the Board shall have approved the construction of the project and made the findings required by Section 5 of the Master Resolution relating to the issuance of Parity Obligations to finance the cost of the project;

(iii) with respect to Tax-Exempt Bonds, the Board shall have received an opinion of Bond Counsel with respect to the Revenue Financing System, to the effect that the amendment of the exhibit, or the financing or refinancing of the project, and the expenditure of the proceeds of the Tax-Exempt Bonds to pay the cost of project will not adversely affect the treatment of interest on the Tax-Exempt Bonds for federal income tax purposes; and

(iv) the Designated Financial Officer shall execute and deliver a certificate to the Executive Director, Board of Regents certifying (a) that the requirements of subsection (b)(i), (ii), and (iii) of this Section have been satisfied and having attached to such certificate copies of the documents referred to in those subsections and (b) that, to the extent that the list of projects set forth in the Award Certificate or the allocation of proceeds set forth in the Award Certificate to finance or refinance improvements and facilities pursuant to Section 55.17 Authorization have been changed, the Board is in compliance with the requirements and limitations of such sections of the Education Code. A copy of the certificate shall be filed in the minutes of the Board with the Award Certificate.

## **Section 21. FURTHER PROCEDURES.**

(a) The Chairman, Vice Chairman and Executive Director, Board of Regents, and each member of the Board, the Designated Financial Officer, and all other officers, employees, and agents of the Board, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the Board all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Thirty-Fourth Supplement, the Award Certificate, the Representation Letter, the Bonds, the sale and delivery of the Bonds and fixing all details in connection therewith, and the refunding of the Refunded Obligations. In addition, the Designated Financial Officer is authorized to submit a notice of intent to the Texas Bond Review Board requesting the approval of the issuance of the Bonds if such approval is required by law.

(b) In case any officer whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

(c) The Board hereby determines that (i) designating the number of this Supplemental Resolution is a ministerial act and (ii) the number of this Supplemental Resolution shall be revised at the direction of the Designated Financial Officer to conform the number of this Supplemental Resolution to the actual sequence of the Board's approval of this Supplemental Resolution in relation to the Board's approval of any other Supplemental Resolution(s). In addition, the Designated Financial Officer, General Counsel, and Bond Counsel are hereby authorized to approve, subsequent to the date of the adoption of this Thirty-Fourth Supplement, any amendments to the above named documents, and any technical amendments to this Thirty-Fourth Supplement as may be required by a Nationally-Recognized Rating Agency as a condition to the granting of a rating on the Bonds or as required by the office of the Texas Attorney General as a condition to the approval of the Bonds.

## **Section 22. APPROVAL OF NOTICE OF SALE AND OFFICIAL STATEMENT.**

The Designated Financial Officer is authorized and directed to provide for and oversee the preparation of a notice of sale, if appropriate, a preliminary Official Statement and a final Official Statement in connection with the issuance of each Series of the Bonds, and to approve such official statement and deem it final in compliance with the Rule and to provide it to the purchasers of the Bonds in compliance with such Rule.

**Section 23. DTC LETTER OF REPRESENTATIONS.** The Designated Financial Officer is authorized to execute the Representation Letter and implement the Book-Entry-Only System of Bond registration with respect to the Bonds pursuant to the Representation Letter. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry-Only-System and to the extent permitted by law, the Representation Letter is hereby incorporated herein and its provisions shall prevail over any other provisions of this Thirty-Fourth Supplement in the event of conflict. Provisions relating to DTC, its Book-Entry-Only System of registration, and the Representation Letter are detailed in Section 5(h) of this Thirty-Fourth Supplement.

## **Section 24. ADDITIONAL DEFEASANCE PROVISIONS.**

(a) In addition to the defeasance provisions set forth in Section 12 of the Master Resolution, it is hereby provided that, to the extent that the Bonds are treated as Defeased Debt for purposes of Section 12 of the Master Resolution, any determination not to redeem Defeased Debt that is made in conjunction with the payment arrangements specified in Section 12(a)(i) or (ii) of the Master Resolution shall not be irrevocable, provided that: (1) in the proceedings providing for such defeasance, the Board expressly reserves the right to call the Defeased Bonds for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Bonds immediately following the defeasance; (3) directs that notice of the reservation be included in any redemption notices that it authorizes; and (4) at or prior to the time of the redemption, satisfies the conditions of subsection (a) of Section 12 of the Master Resolution with respect to such Defeased Debt as though it was being defeased at the time of the exercise of the option to redeem the Defeased Debt, after taking the redemption into account in determining the sufficiency of the provisions made for the payment of the Defeased Debt.

(b) Notwithstanding the provisions of Section 12(c) of the Master Resolution and except as otherwise provided in the Award Certificate for the Bonds, in connection with the defeasance of the Bonds pursuant to Section 12 of the Master Resolution, the term Government Obligations shall mean (i) direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation), (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the Board adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent, and (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the Board adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent.

(c) Notwithstanding the provisions of Section 12 of the Master Resolution, the Board may provide for the irrevocable deposit contemplated by Section 12 of the Master Resolution to be made with the Paying Agent/Registrar or with any other eligible bank or trust company as then authorized by state law.

(d) Notwithstanding the provisions of Section 12 of the Master Resolution or any of the other provisions of this Section, any Taxable Bonds issued under this Thirty-Fourth Supplement may be designated by the Designated Financial Officer in the Award Certificate as not being subject to defeasance to the extent that such Designated Financial Officer determines in the Award Certificate that such treatment is in the best economic interests of the Board.

**Section 25. REPEAL OF CONFLICTING RESOLUTIONS.** All resolutions and all parts of any resolutions which are in conflict or are inconsistent with this Thirty-Fourth

Supplement are hereby repealed and shall be of no further force or effect to the extent of such conflict or inconsistency.

**Section 26. DEFEASANCE OF OUTSTANDING PARITY OBLIGATIONS.** The Board desires to authorize the use of certain lawfully available funds of the Board, as determined by the Designated Financial Officer, to defease and refund, from time to time, certain outstanding Parity Obligations previously issued by the Board in accordance with the applicable defeasance provisions in the respective Supplemental Resolutions that authorized the issuance of such Parity Obligations. The Designated Financial Officer is hereby authorized to determine and retire, from time to time, the various portions of such outstanding Parity Obligations which are economically advantageous for Board to retire by the defeasance of such debt. The Designated Financial Officer is authorized to enter into one or more Escrow Agreements to accomplish such defeasances. In the event of such a defeasance, the Designated Financial Officer is authorized hereby to take such steps as may be necessary to purchase the escrowed securities identified in such Escrow Agreements on behalf of the Board and is authorized to create and fund the escrow funds contemplated by the Escrow Agreements through the use of the lawfully available funds of the Board. The Designated Financial Officer is authorized to call for redemption such Parity Obligations defeased pursuant to this Section and is hereby authorized to provide and complete an appropriate notice of redemption to the paying agent(s) for such Parity Obligations in anticipation of or upon the deposit with the Escrow Agent of such available funds and compliance with the conditions set forth in the Escrow Agreements.

**Section 27. PUBLIC NOTICE.** It is hereby found and determined that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the meeting at which this Thirty-Fourth Supplemental Resolution was adopted, and that this Thirty-Fourth Supplemental Resolution would be introduced and considered for adoption at said meeting; that said meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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## **EXHIBIT A**

### **DEFINITIONS**

As used in this Thirty-Fourth Supplement the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term “Acts” means, collectively, Chapter 55, Texas Education Code, as amended, and Chapters 1207 and 1371, Texas Government Code, as amended.

The term “Authorized Denomination” means \$5,000 or any integral multiple thereof with respect to Current Interest Bonds and \$5,000 in Maturity Amount or any integral multiple thereof with respect to Capital Appreciation Bonds, except as otherwise provided in the Award Certificate for each Series of Bonds.

The term “Award Certificate” means the certificate executed by the Designated Financial Officer in connection with each Series of Bonds which establishes the terms of the Bonds delivered pursuant to Section 3 of this Thirty-Fourth Supplement.

The terms “Board” and “Issuer” mean the Board of Regents of The Texas A&M University System or any successor thereto.

The term “Bond Counsel” means Winstead PC or such other nationally-recognized firm designated by the Board as Bond Counsel for purposes of this Thirty-Fourth Supplement.

The term “Bond Purchase Contract” means the Board’s agreement with underwriters providing for the sale of a Series of Bonds as authorized by Section 2(c) hereof, provided that two or more Series of Bonds may be sold to the same underwriters pursuant to the terms of a single Bond Purchase Contract.

The term “Bonds” means, collectively, the Bonds issued pursuant to this Supplemental Resolution, and all substitute bonds exchanged therefor, and all other substitute and replacement bonds issued pursuant to this Supplemental Resolution; and the term “Bond” means any of the Bonds.

The term “Bond Year” means the period beginning on June 2 of any calendar year and continuing through June 1 of the following calendar year.

The term “Business Day” means any day other than a Saturday, Sunday, or legal holiday, or a day on which banking institutions in either the State of New York or the State of Texas are authorized by law or executive order to close.

The term “Capital Appreciation Bonds” means the Bonds on which no interest is paid prior to maturity, maturing variously in each of the years and in the aggregate principal amount and Maturity Amount as set forth in the Award Certificate.

The term “Code” means the Internal Revenue Code of 1986, as amended.

The term “Compounded Amount” means, with respect to a Capital Appreciation Bond, as of any particular date of calculation, the original principal amount thereof, plus all interest accrued and compounded to the particular date of calculation, as determined in accordance with Section 4 of this Thirty-Fourth Supplement and the Compounded Amount Table relating to such Bonds.

The term “Compounded Amount Table” means, with respect to the Capital Appreciation Bonds, the Compounded Amount Table as defined in Section 4 of this Thirty-Fourth Supplement.

The term “Compounding Dates” means Compounding Dates as defined in Section 4 of this Thirty-Fourth Supplement.

The term “Current Interest Bonds” means the Bonds paying current interest and maturing in each of the years and in the aggregate principal amounts set forth in the Award Certificate.

The term “Definitive Bonds” means the Bonds issued in exchange for the Initial Bond.

The term “Designated Financial Officer” means each Designated Financial Officer under the Master Resolution and shall include the Chancellor, the Deputy Chancellor and Chief Financial Officer, the Chief Investment Officer and Treasurer, the Deputy Chief Investment Officer, or an officer who has assumed the duties of any of the foregoing named officers, or such other officer or employee of the System authorized by the Board to act as a Designated Financial Officer.

The term “DTC” means The Depository Trust Company of New York, New York, New York, or any successor securities depository.

The term “DTC Participant” means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

The term “Escrow Agent” means each Escrow Agent selected pursuant to Section 19 hereof.

The term “Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

The term “Initial Bond” means the Bond initially delivered hereunder and upon which the registration certificate, manually executed by or on behalf of the Comptroller of Public Accounts of the State of Texas, has been placed.

The term “Issuance Date” means the date of delivery of Bonds to the initial purchaser or purchasers thereof against payment therefor.

The term “MSRB” shall mean the Municipal Securities Rulemaking Board.

The term “Master Resolution” means the Master Resolution Establishing The Texas A&M University System Revenue Financing System adopted by the Board on November 19, 1990, as amended on September 17, 1993 and July 25, 1997.

The term “Maturity” means the date on which the principal of a Bond becomes due and payable as therein and herein provided, whether at Stated Maturity, by redemption, declaration of acceleration or otherwise.

The term “Maturity Amount” means the Compounded Amount of a Capital Appreciation Bond due on its Stated Maturity.

The term “Nationally-Recognized Rating Agency” means any nationally-recognized securities rating agency that provides a rating on the Bonds at the request of the Board.

The term “Official Statement” means the disclosure document describing the Bonds of a Series dated the date of sale pursuant to Section 22 of this Thirty-Fourth Supplement.

The term “Paying Agent/Registrar,” “Paying Agent” or “Registrar” means the agent appointed pursuant to Section 5 hereof, or any successor to such agent.

The term “Potential Refunded Bonds” means the outstanding Parity Obligations previously issued by the Board.

The term “Record Date” means, with respect to the Bonds, the last calendar day of each month preceding an interest payment date

The term “Refunded Bonds” means the Potential Refunded Bonds to be refunded by a Series of Bonds as set forth in the Award Certificate.

The term “Refunded Notes” means the Board’s Revenue Financing System Commercial Paper Notes, Series B to be refunded by a Series of Bonds as set forth in the Award Certificate.

The term “Refunded Obligations” means, collectively, the Refunded Notes, if any, and the Refunded Bonds, if any, refunded by a Series.

The term “Registration Books” means the books or records relating to the registration, payment and transfer or exchange of the Bonds maintained by the Paying Agent/Registrar pursuant to Section 5 hereof.

The term “Representation Letter” means the Blanket Letter of Representation with DTC regarding the Book Entry Only System.

The term “Rule” means SEC Rule 15c2-12, as amended from time to time.

The term “SEC” means the United States Securities and Exchange Commission.

The term “Section 55.17 Authorization” means the statutory authorization provided by the Legislature for Section 55.17 Projects.

The term “Section 55.17 Projects” means the improvements or facilities to be financed or refinanced with Bonds pursuant to Sections 55.1711, 55.1721, 55.1731, 55.1741, 55.17411, 55.1751, 55.1771, 55.1781, and 55.1791 of the Education Code, or similar provisions currently existing or hereafter enacted by the Legislature.

The term “Series” means any designated Series of Bonds issued pursuant to this Thirty-Fourth Supplement.

The term “State” means the State of Texas.

The term “Taxable Bonds” means any Bonds designated by the Designated Financial Officer in the Award Certificate as Taxable Bonds, the interest on which is not intended to be excludable from the gross income of the owners thereof for federal income tax purposes pursuant to section 103 of the Code.

The term “Tax-Exempt Bonds” means any Bonds designated by the Designated Financial Officer in the Award Certificate as Tax-Exempt Bonds, the interest on which is intended to be excludable from the gross income of the owners thereof for federal income tax purposes pursuant to section 103 of the Code.

The term “Thirty-Fourth Supplement” means this Supplemental Resolution authorizing the Bonds.

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**EXHIBIT B**

**FORM OF BONDS**

**#[FORM OF FIRST TWO PARAGRAPHS OF CURRENT INTEREST BONDS]**

United States of America  
State of Texas

NUMBER  
R-\_\_\_\_  
REGISTERED

PRINCIPAL AMOUNT  
\$\_\_\_\_\_  
REGISTERED

BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM  
REVENUE FINANCING SYSTEM BONDS, SERIES \_\_\_\_\_

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>[DATED/ISSUANCE DATE]</u>	<u>CUSIP:</u>
_____%	_____, 20__	_____	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

ON THE MATURITY DATE specified above the BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM (the "Board"), being an agency of the State of Texas, hereby promises to pay to the registered owner, specified above, or to the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount, specified above, and to pay interest thereon, calculated on the basis of a 360-day year composed of twelve 30-day consecutive months, from the [Dated Date] [Issuance Date], specified above, to the Maturity Date, specified above, or the date of redemption prior to maturity, at the interest rate per annum, specified above, with interest being payable on \_\_\_\_\_, 20\_\_, and semiannually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter, except that if the date of authentication of this Bond is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges, solely from funds of the Board required by the Bond Resolution (hereinafter defined) to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at the corporate trust office of \_\_\_\_\_ in \_\_\_\_\_, which is the "Paying Agent/Registrar" for this Bond. The payment of interest

on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof on each interest payment date by check, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Board required by the Bond Resolution (hereinafter defined), to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the registered owner hereof, at the address of the registered owner, as it appeared on the last calendar day of the month next preceding each such date (the "Record Date") on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described; provided, that upon the written request of any owner of no less than \$1,000,000 in aggregate principal amount of the Bonds, delivered to the Paying Agent/Registrar not later than the Record Date immediately preceding an interest payment date, interest due on such interest payment date shall be made by wire transfer to any designated account within the United States of America. In addition, interest may be paid by such other method acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. Any accrued interest due upon the redemption of this Bond prior to maturity as provided herein shall be paid to the registered owner upon presentation and surrender of this Bond for redemption and payment at the corporate trust office of the Paying Agent/Registrar. The Board covenants with the registered owner of this Bond that on or before each principal payment date, interest payment date, and accrued interest payment date for this Bond it will make available to the Paying Agent/Registrar, from the Pledged Revenues, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the resolution authorizing the issuance of this Bond adopted by the Board on May 7, 2024 (the "Bond Resolution"). Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the Board and the securities depository. Terms used herein and not otherwise defined have the meanings given in the Bond Resolution.

\* \* \*

**##[FORM OF FIRST TWO PARAGRAPHS OF CAPITAL APPRECIATION BONDS]**

NUMBER  
CR-\_\_\_\_  
REGISTERED

MATURITY AMOUNT  
\$\_\_\_\_\_  
REGISTERED

BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM  
REVENUE FINANCING SYSTEM BONDS, SERIES \_\_\_\_\_

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>ISSUANCE DATE</u>	<u>CUSIP:</u>
_____%	_____, 20__	_____	_____

REGISTERED OWNER:

MATURITY AMOUNT: \_\_\_\_\_ DOLLARS

ON THE MATURITY DATE specified above, the BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM (the “Board”), being an agency and political subdivision of the State of Texas, hereby promises to pay to the Registered Owner specified above or the registered assignee hereof (either being hereinafter called the “Registered Owner”) the Maturity Amount specified above representing the original principal amount hereof and accrued and compounded interest hereon. Interest shall accrete on the original principal amount hereof from the Issuance Date at the interest rate per annum specified above (subject to rounding to the Compounded Amounts as provided in the Bond Resolution), compounded semi-annually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_. For convenience of reference, a table appears on the back of this Bond showing the “Compounded Amount” of the original principal amount per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table.

THE MATURITY AMOUNT OF this Bond is payable in lawful money of the United States of America, without exchange or collection charges, solely from funds of the Board required by the Bond Resolution to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided. The Maturity Amount or Compounded Amount of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, as the case may be, at the corporate trust office of \_\_\_\_\_ in \_\_\_\_\_, which is the “Paying Agent/Registrar” for this Bond. The Board covenants with the registered owner of this Bond that on or before the Maturity Date for this Bond it will make available to the Paying Agent/Registrar, the amount required to provide for the payment, in immediately available funds, of the Maturity Amount when due, in the manner set forth in the resolution authorizing the issuance of this Bond adopted by the Board on May 7, 2024 (the “Bond Resolution”). Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, payments made to the securities depository, or its nominee, shall be made in accordance with

arrangements between the Board and the securities depository. Terms used herein and not otherwise defined have the meaning given in the Bond Resolution.

**[FORM OF REMAINDER OF CURRENT INTEREST BONDS  
AND CAPITAL APPRECIATION BONDS]**

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, a Sunday, a legal holiday, or a day on which banking institutions in The City of New York, New York, or in the city where the corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of an issue of Bonds dated \_\_\_\_\_, 20\_\_, authorized by the Bond Resolution in the aggregate principal amount of \$\_\_\_\_\_ for the purpose of \*[(i) refunding the Refunded Notes and the Refunded Bonds; (ii) providing \$\_\_\_\_\_ to pay the cost of acquiring, purchasing, constructing, improving, enlarging, and equipping the property and facilities of the Participants of the Revenue Financing System; and (iii) paying the costs related thereto], ##[and comprised of (i) Bonds in the aggregate principal amount of \$\_\_\_\_\_ that pay interest only at maturity (the "Capital Appreciation Bonds") and (ii) Bonds in the aggregate principal amount of \$\_\_\_\_\_ that pay interest semiannually until maturity (the "Current Interest Bonds")].

\*\*On \_\_\_\_\_, or on any date thereafter, the Bonds scheduled to mature on \_\_\_\_\_, and thereafter may be redeemed prior to their scheduled maturities, at the option of the Board, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portions thereof, to be redeemed shall be selected and designated by the Board (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to \_\_\_\_\_ and accrued interest to date fixed for the redemption; provided, that during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Board and the securities depository.

\*\*The Bonds of this issue scheduled to mature on \_\_\_\_\_ are subject to mandatory sinking fund redemption prior to their scheduled maturity and shall be redeemed by the Board, in part, prior to their scheduled maturity, with the particular Bonds or portions thereof to be redeemed to be selected and designated by the Board (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to the par or principal amount thereof and accrued interest to the date of redemption, on the dates, and in the principal amounts, respectively, as set forth in the following schedule:

Bonds Maturing \_\_\_\_\_

Redemption Date

Principal Amount

\*\*The principal amount of the Bonds required to be redeemed on each such redemption date pursuant to the foregoing operation of the mandatory sinking fund shall be reduced, at the option of the Board, by the principal amount of any Bonds, which, at least 45 days prior to the mandatory sinking fund redemption date, (1) shall have been acquired by the Board and delivered to the Paying Agent/Registrar for cancellation, or (2) shall have been acquired and canceled by the Paying Agent/Registrar at the direction of the Board, in either case of (1) or (2) at a price not exceeding the par or principal amount of such Bonds or (3) have been redeemed pursuant to the optional redemption provisions set forth above and not theretofore credited against a mandatory sinking fund redemption. During any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Board and the securities depository.

\*\*AT LEAST 30 days prior to the date for any redemption of this Bond prior to maturity, a notice of such redemption also shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to the registered owner of each Bond, or portion thereof to be redeemed, at its address as it appeared on the Registration Books on the 45<sup>th</sup> day prior to such redemption date and to major securities depositories, national bond rating agencies, and bond information services; provided, however, that the failure to send, mail, or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption, due provision shall be made by the Board with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion thereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Board, all as provided in the Bond Resolution.

THIS BOND OR ANY PORTION OR PORTIONS HEREOF IN ANY AUTHORIZED DENOMINATION may be assigned and shall be transferred only in the Registration Books of the Board kept by the Paying Agent/Registrar acting in the capacity of registrar for the Bonds, upon the terms and conditions set forth in the Bond Resolution. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying

Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any authorized denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The Form of Assignment printed or endorsed on this Bond shall be executed by the registered owner, or its duly authorized attorney or representative, to evidence the assignment hereof. A new Bond or Bonds payable to such assignee or assignees (which then will be the new registered owner or owners of such new Bond or Bonds), or to the previous registered owner in the case of the assignment and transfer of only a portion of this Bond, may be delivered by the Paying Agent/Registrar in exchange for this Bond, all in the form and manner as provided in the next paragraph hereof for the exchange of other Bonds. The Board shall pay the Paying Agent/Registrar's standard or customary fees and charges, if any, for making such transfer or exchange as provided below, but the one requesting such transfer or exchange shall pay any taxes or other governmental charges required to be paid with respect thereto. The Paying Agent/Registrar shall not be required to make transfers of registration or exchange of this Bond or any portion hereof #[(i) with respect to Current Interest Bonds,] during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with respect to any Bond or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date. The registered owner of this Bond shall be deemed and treated by the Board and the Paying Agent/Registrar as the absolute owner hereof for all purposes, including payment and discharge of liability upon this Bond to the extent of such payment, and, to the extent permitted by law, the Board and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, #[(with respect to the Current Interest Bonds,] in the denomination of any integral multiple of \$5,000 ##[, with respect to Capital Appreciation Bonds, in the denomination of \$5,000 Maturity Amounts or any integral multiple thereof.] As provided in the Bond Resolution, this Bond may, at the request of the registered owner or the assignee or assignees hereof, be exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, in the same form, and bearing interest at the same rate, in any authorized denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Bond Resolution. Whenever the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering, or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Board, resigns, or otherwise ceases to act as such, the Board has covenanted in the Bond Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be

performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; that the Series of Bonds of which this Bond is one constitute Parity Obligations under the Master Resolution; and that the interest on and principal of this Bond, together with the other Bonds of this Series and the other outstanding Parity Obligations are equally and ratably secured by and payable from a lien on and pledge of the Pledged Revenues, subject only to the provisions of Prior Encumbered Obligations, if any.

THE BOARD has reserved the right, subject to the restrictions referred to in the Bond Resolution, (i) to issue additional Parity Obligations which also may be secured by and made payable from a lien on and pledge of the aforesaid Pledged Revenues, in the same manner and to the same extent as this Bond, and (ii) to amend the provisions of the Bond Resolution under the conditions provided in the Bond Resolution.

THE REGISTERED OWNER hereof shall never have the right to demand payment of this Bond or the interest hereon out of any funds raised or to be raised by taxation or from any source whatsoever other than specified in the Bond Resolution.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Bond Resolution, agrees to be bound by such terms and provisions, acknowledges that the Bond Resolution is duly recorded and available for inspection in the official minutes and records of the Board, and agrees that the terms and provisions of this Bond and the Bond Resolution constitute a contract between each registered owner hereof and the Board.

IN WITNESS WHEREOF, the Board has caused this Bond to be signed with the manual or facsimile signature of the Chairman or Vice Chairman of the Board and countersigned with the manual or facsimile signature of the Executive Director, Board of Regents, and has caused the official seal of the Board to be duly impressed, or placed in facsimile, on this Bond.

\_\_\_\_\_  
(signature)

Executive Director, Board of  
Regents of The Texas A&M  
University System

\_\_\_\_\_  
(signature)

[Vice] Chairman, Board of  
Regents of The Texas A&M  
University System

(BOARD SEAL)

\_\_\_\_\_

- \* The use of proceeds provisions shall be conformed to the purposes referenced in the Award Certificate.
- \*\* The redemption provisions shall be conformed to the language relating to redemption in the Award Certificate. Provisions of Bonds related to redemption are to be deleted if the Bonds are not subject to redemption. Any inconsistencies in such provisions shall be resolved in favor of the Award Certificate.
- # For inclusion in Current Interest Bonds if some of the Bonds are issued as Capital Appreciation Bonds.
- ## For inclusion in Capital Appreciation Bonds.

### **[INSERTIONS FOR THE INITIAL BONDS]**

The Initial Current Interest Bond shall be in the form set forth in this exhibit, except that:

- A. Immediately under the name of the Bond, the headings “INTEREST RATE” and “MATURITY DATE” shall both be completed with the words “As shown below”, and the heading “CUSIP NO.” shall be deleted.
- B. The first paragraph of the Bond shall be deleted and the following will be inserted (with all blanks and bracketed items to be completed with information contained in the Award Certificate):

“The BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY (the “Board”), being an agency of the State of Texas, hereby promises to pay to the registered owner specified above or the registered assignee hereof (either being hereinafter called the “registered owner”) on \_\_\_\_\_ in each of the years in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Principal</u> <u>Installments</u>	<u>Years of</u> <u>Stated Maturities</u>	<u>Interest</u> <u>Rates</u>
---	---	---------------------------------

(Information from Award Certificate to be inserted)

The Board promises to pay interest on the unpaid principal amount hereof from the [Dated Date] [Issuance Date] specified above at the respective per annum rate of interest specified above, calculated on the basis of a 360-day year composed of twelve 30-day months, to the Maturity Date specified above, or the date of redemption prior to maturity; with interest being payable on \_\_\_\_\_, 20\_\_, and semi-annually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter, except that if the date of authentication of this Bond is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date.”



C. The Initial Bond shall be numbered "T-I".

The Initial Capital Appreciation Bond shall be in the form set forth in this exhibit, except that:

- A. Immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below", and the heading "CUSIP NO." shall be deleted.
- B. The first paragraph of the Bond shall be deleted and the following will be inserted (with all blanks and bracketed items to be completed with information contained in the Award Certificate):

"The BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM (the "Board"), being an agency of the State of Texas, hereby promises to pay to the registered owner specified above or the registered assignee hereof (either being hereinafter called the "registered owner") on \_\_\_\_\_ in each of the years in the Maturity Amounts and bearing interest at the per annum rates set forth in the following schedule:

Maturity  
Amounts

Years of  
Stated Maturities

Interest  
Rates

(Information from Award Certificate to be inserted)

Interest shall accrete on the original principal amount hereof from the Issuance Date at the interest rate per annum specified above (subject to rounding to the Compounded Amounts as provided in the Bond Resolution), compounded semi-annually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_\_\_. For convenience of reference, a table appears on the back of this Bond showing the "Compounded Amount" of the original principal amount per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table."

C. The Initial Capital Appreciation Bond shall be numbered "CT-I".

\* \* \*

TABLE OF ACCRETED VALUES [FOR CAPITAL APPRECIATION BONDS]

The Accreted Value, initial offering price (all per \$5,000 of Maturity Amount), together with the yield to maturity are as follows. Accreted Values are calculated based on the initial offering price and yield to maturity and, except at maturity, do not equal principal amount plus accrued interest.

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the Bond Resolution described in this Bond and that this Bond has been issued in conversion of and exchange for or replacement of a bond, bonds, or a portion of a bond or bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

[\_\_\_\_\_] , as  
Paying Agent/Registrar

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Representative

Address: \_\_\_\_\_  
\_\_\_\_\_

FORM OF REGISTRATION CERTIFICATE  
OF THE COMPTROLLER OF PUBLIC ACCOUNTS

COMPTROLLER'S REGISTRATION CERTIFICATE

REGISTER NO.

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

(COMPTROLLER'S SEAL)

\_\_\_\_\_  
Comptroller of Public Accounts of the State  
of Texas

FORM OF ASSIGNMENT

ASSIGNMENT

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM --	as tenants in common	UNIF GIFT MIN ACT -- Custodian
TEN ENT --	as tenants by the entireties	(Cust) (Minor)
JT TEN --	as joint tenants with rights of survivorship and not as tenants in common	under Uniform Gifts to Minors Act_____ (State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

Please insert Social Security or

Other Identification Number of Assignee  
/ \_\_\_\_\_/

---

(Name and Address of Assignee)

the within Bond and does hereby irrevocably constitutes and appoints

\_\_\_\_\_ to transfer said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever; and

NOTICE: Signature(s) must be guaranteed by the Securities Transfer Association signature guarantee program.

Agenda Item No.

### **AGENDA ITEM BRIEFING**

**Submitted by:** Maria L. Robinson, Chief Investment Officer and Treasurer  
The Texas A&M University System

**Subject:** Adoption of a Resolution Authorizing the Issuance of the Board of Regents of  
The Texas A&M University System Permanent University Fund Bonds

**Proposed Board Action:**

Adopt a resolution authorizing the issuance of Permanent University Fund Bonds.

**Background Information:**

The resolution provides the authority for the issuance of one or more series of Permanent University Fund Bonds to convert all or a portion of commercial paper to long-term bonds; provide funds for construction, renovation and other projects; refund previously issued bonds; and pay the costs of issuing the bonds. The authority in the amount of \$590 million (including issuance costs) will be for the period from August 1, 2024 to July 31, 2025.

Bonds will be issued only for those projects approved by the Board of Regents and the projects which may be financed during the fiscal year are estimated at \$429 million.

Previously issued bonds that are candidates for refunding total approximately \$161 million; however, only those bonds that meet savings targets will be included in a refunding issue.

**A&M System Funding or Other Financial Implications:**

Debt service for Permanent University Fund Bonds will be funded with the Available University Fund.

**Strategic Plan Imperative(s) this Item Advances:**

This item advances Strategic Plan Imperative 6, which provides that “The A&M System, in adhering to the high standard of excellence and growth required in this strategic plan, will display prudent financial stewardship and sustainability.”

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
Office of the Chief Investment Officer and Treasurer  
June 24, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Adoption of a Resolution Authorizing the Issuance of the Board of Regents of The  
Texas A&M University System Permanent University Fund Bonds

I recommend adoption of the following minute order:

**“The resolution authorizing the issuance of the Board of Regents of The Texas A&M University System Permanent University Fund Bonds, substantially in the form of the attached exhibit, is adopted. The Chief Investment Officer and Treasurer, or other designated financial officer, is hereby authorized to take such actions as are necessary to accomplish the purposes of the resolution, including those relating to the issuance, sale, security, and delivery of the bonds, all in accordance with the provisions of the resolution.”**

Respectfully submitted,

Maria L. Robinson  
Chief Investment Officer and Treasurer

**Approval Recommended:**

---

John Sharp  
Chancellor

**Approved for Legal Sufficiency:**

---

Ray Bonilla  
General Counsel

---

Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND  
DELIVERY OF BOARD OF REGENTS OF THE TEXAS A&M  
UNIVERSITY SYSTEM PERMANENT UNIVERSITY FUND BONDS IN  
THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT  
OF \$590 MILLION, PLEDGING REVENUES FOR THE  
PAYMENT THEREOF, AND APPROVING AND AUTHORIZING  
INSTRUMENTS AND PROCEDURES RELATING THERETO**

Adopted August 1, 2024

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**A RESOLUTION AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM PERMANENT UNIVERSITY FUND BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$590 MILLION, PLEDGING REVENUES FOR THE PAYMENT THEREOF, AND APPROVING AND AUTHORIZING INSTRUMENTS AND PROCEDURES RELATING THERETO**

**WHEREAS**, the Board of Regents (the “Board”) of The Texas A&M University System (the “System”) hereby determines to issue obligations pursuant to the provisions of Article VII, Section 18 of the Constitution of the State of Texas, as amended (the “Constitutional Provision”), Chapters 1207 and 1371, Texas Government Code, as amended, and other applicable laws (collectively, “Applicable Law”) for the purposes hereinafter described; and

**WHEREAS**, the Constitutional Provision authorizes the Board to issue bonds and notes not to exceed a total amount of 10% of the cost value of investments and other assets of the Permanent University Fund (exclusive of real estate) at the time of issuance thereof, and to pledge all or any part of the Available University Fund Share (defined herein) to secure the payment of the principal and interest of those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair and rehabilitation of buildings and other permanent improvements, acquiring capital equipment and library books and library materials, and refunding bonds or notes issued under such section or prior law, at or for the System’s administration and certain component institutions and agencies of the System; and

**WHEREAS**, the Board has heretofore duly authorized, sold, and delivered certain outstanding obligations pursuant to the provisions of the Constitutional Provision, payable from, and secured by a first lien on and pledge of, the Available University Fund Share (such outstanding obligations, collectively, the “Outstanding Parity Bonds”), in the manner and to the extent provided in the respective resolutions authorizing the issuance of each of the Outstanding Parity Bonds (collectively, the “Parity Bond Resolutions”); and

**WHEREAS**, the Board has also heretofore duly authorized certain obligations pursuant to the provisions of the Constitutional Provision, payable from, and secured by a lien on and pledge of, the Available University Fund Share that is junior and subordinate to the pledge of and lien on the Available University Fund Share that secures Parity Obligations (defined below) (such obligations, collectively, the “Subordinate Lien Obligations”); and

**WHEREAS**, the Parity Bond Resolutions reserved the right and power in the Board to issue, under certain conditions, Additional Parity Obligations (defined herein) for the purposes and to the extent provided in the Constitutional Provision and the Parity Bond Resolutions, said Additional Parity Obligations to be on a parity with the Outstanding Parity Bonds, and equally and ratably secured by and payable from a first lien on and pledge of the Available University Fund Share in the same manner and to the same extent as are the Outstanding Parity Bonds; and

**WHEREAS**, the Board deems it necessary and desirable to issue Additional Parity Obligations to (i) refund such of its outstanding Subordinate Lien Obligations as shall be specified

in the Award Certificate (defined herein) executed in accordance with the terms of this Resolution for the purposes of providing permanent financing for facilities and improvements financed with the proceeds of such refunded Subordinate Lien Obligations and of providing the Board with the ability to issue additional Subordinate Lien Obligations in the future as part of the System's continuing Subordinate Lien Obligations program; (ii) refund such of its Outstanding Parity Bonds as shall be specified in the Award Certificate executed in accordance with the terms of this Resolution, for the purpose of producing a net present value savings in accordance with the requirements of this Resolution; (iii) pay the Project Costs (as defined herein) of certain Eligible Projects (as defined herein); and (iv) pay costs of issuance of such Additional Parity Obligations; and

**WHEREAS**, the Bonds (defined herein) hereinafter authorized are to be issued and delivered as Additional Parity Obligations pursuant to the Parity Bond Resolutions and Applicable Law.

**THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM AS FOLLOWS:**

**SECTION 1. AUTHORIZATION AND FINDINGS.**

(a) Bonds Authorized. The Board's bonds, designated as the "Board of Regents of The Texas A&M University System Permanent University Fund Bonds, Series \_\_\_\_" (the "Bonds"), are hereby authorized to be issued and delivered in one or more Series (defined herein) in the maximum aggregate principal amount of \$\_\_\_\_\_ (without regard to premium or discount affecting the sale price) for the purposes of (i) refunding the Refunded Notes (defined herein), (ii) refunding all or a portion of the Potential Refunded Bonds (defined herein), (iii) paying the Project Costs of certain Eligible Projects, and (iv) paying the costs of issuance relating to the Bonds. The Bonds shall be designated by the year in which they are awarded pursuant to Section 2(b) below; provided that for any Series of Bonds issued as Taxable Bonds (defined herein) the word "Taxable" shall be included in the designation of such Bonds before the word "Series."

(b) Refunding Purposes.

(i) The Board may issue Bonds to refund Refunded Obligations (defined herein) for the purpose of restructuring certain of its outstanding debt. Pursuant to Section 1207.008, Texas Government Code, as amended, the Board hereby finds that, because the Refunded Notes bear interest at variable rates, the amount of savings or loss as a result of the refunding of the Refunded Notes cannot be ascertained, and that issuing the Bonds to refund the Refunded Notes for the aforementioned purpose is in the best interest of the System.

(ii) The Board may issue Bonds to refund Refunded Bonds (defined herein) for the public purpose of producing a net present value savings expressed as a percentage of the principal amount of the Refunded Bonds, all in accordance with Section 2(b) of this Resolution.

(c) Type of Bonds. Each Series of Bonds herein authorized, unless otherwise indicated, shall be in the form of fixed rate bonds as either Current Interest Bonds (defined herein) or Capital Appreciation Bonds (defined herein).

## **SECTION 2. DATE, DENOMINATIONS, NUMBERS, MATURITIES OF AND INTEREST ON THE BONDS.**

(a) Date, Denominations, and Numbers. The Bonds of each Series shall initially be issued, sold, and delivered hereunder as fully registered bonds, without interest coupons, in the form of (i) Taxable Bonds or Tax-Exempt Bonds (defined herein) and (ii) Current Interest Bonds or Capital Appreciation Bonds, numbered consecutively for each Series of Bonds from R-1 upward (or CR-1 upward, in the case of Capital Appreciation Bonds) (except the Initial Bond (defined herein) which shall be numbered T-1 for the Current Interest Bonds and TR-1 for the Capital Appreciation Bonds), payable to the initial purchaser of the Bonds (the "Initial Purchaser") specified by the Authorized Representative (defined herein) in the Award Certificate, or to the registered assignee or assignees of said Bonds or any portion or portions thereof (in each case, the "Registered Owner"), in Authorized Denominations (defined herein), maturing on the dates, in the years and in the principal amounts or Maturity Amounts (defined herein), respectively, and dated, all as set forth in the Award Certificate.

(b) Delegation of Board's Authority. As permitted by Applicable Law, the Authorized Representative is hereby authorized, appointed, and designated to act on behalf of the Board in selling and delivering the Bonds and carrying out other procedures specified in this Resolution, including determining and fixing (i) the date of the Bonds and the Issuance Date (defined herein) thereof; (ii) any additional or different designations or titles by which the Bonds shall be known, if any; (iii) the price at which the Bonds will be sold; (iv) the years in which the Bonds will mature; (v) the principal amount or Maturity Amount of the Bonds to mature in each of such years; (vi) the aggregate principal amount of the Bonds, including the aggregate principal amount of Current Interest Bonds and Capital Appreciation Bonds; (vii) the rate of interest to be borne by each such maturity, and whether the Bonds shall be Tax-Exempt Bonds or Taxable Bonds; (viii) the interest payment periods; (ix) the dates, prices, and terms upon and at which the Bonds shall be subject to redemption prior to Stated Maturity at the option of the Board, as well as mandatory redemption provisions, if any; (x) the designation of which Subordinate Lien Obligations shall constitute the Refunded Notes refunded by the Bonds; (xi) the designation of which Potential Refunded Bonds shall constitute the Refunded Bonds to be refunded by the Bonds; (xii) the Paying Agent/Registrar (defined herein) and Escrow Agent (defined herein), if applicable, with respect to the Bonds; (xiii) the Eligible Projects to be financed by any Series of Bonds; and (xiv) all other matters relating to the issuance, sale, and delivery of the Bonds and the refunding of the Refunded Obligations. All such determinations made by the Authorized Representative shall be specified in the Award Certificate delivered to the Executive Director of the Board. Those determinations to be made by the Authorized Representative are limited, however, by the following: (i) the price to be paid for the Bonds shall not be less than 95% of the aggregate par amount thereof; (ii) none of the Bonds shall bear interest at a rate greater than the maximum rate allowed by law; (iii) none of the Bonds shall mature more than 30 years from their respective dates in accordance with the Constitutional Provision; and (iv) the aggregate principal amount of the Bonds shall not exceed \$\_\_\_\_\_ (without regard to premium or discount affecting the sale price).

In addition, each Series of Bonds issued to refund Refunded Bonds must be sold on terms that produce a present value savings when the scheduled debt service payable on such Bonds during each Bond Year is subtracted from the scheduled debt service payable on the Refunded Bonds during the same Bond Year and the remainder is discounted to the scheduled date of delivery of the Bonds of such Series set forth in the Award Certificate at a discount factor equal to the yield on such Bonds determined in accordance with section 148 of the Code (defined herein). The amount of the savings to be realized from the refunding shall be set forth in the Award Certificate. The Award Certificate for each Series of Bonds that is issued to refund Refunded Bonds or Refunded Notes shall also identify the Refunded Bonds or Refunded Notes being refunded by that Series.

The Award Certificate shall also contain a determination that the total principal amount of all outstanding Permanent University Fund Obligations (defined herein), subsequent to the issuance of the Bonds of such Series, will not exceed 10% of the cost value of investments and other assets of the Permanent University Fund (exclusive of real estate) at the time the Bonds of such Series are issued.

It is further provided, however, that, notwithstanding the foregoing provisions, the Bonds shall not be delivered unless prior to delivery (i) the Award Certificate has been executed and delivered as required by this Resolution; (ii) the Bonds have been rated by a Nationally-Recognized Rating Agency (defined herein) in one of the four highest rating categories for long-term obligations, as required by Chapter 1371, Texas Government Code, as amended; (iii) the Authorized Representative, or some other financial officer of the System designated by the Board, executes a certificate meeting the requirements of, and to the extent required by, Section 12(a) of this Resolution; and (iv) if a Series of Bonds is being issued to pay Project Costs, the Authorized Representative, or some other financial officer of the System designated by the Board, executes a certificate to the effect that such Bonds are being issued to pay Project Costs for Eligible Projects and, attached to such certificate is a listing of the Eligible Projects expected to be financed, in whole or in part, by such Bonds; provided, however, that at some future date, the Board may substitute other Eligible Projects to be financed, in whole or in part, by such Bonds for the Eligible Projects listed on such certificate.

The Award Certificate is hereby incorporated in and made a part of this Resolution and shall be filed in the minutes of the Board as a part of this Resolution.

(c) Maturities and Interest Rates. The Bonds shall mature on July 1 in each of the years and in the amounts as specified in the Award Certificate.

The Current Interest Bonds of each Series of Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the Award Certificate to their respective dates of maturity at the rates set forth in the Award Certificate; provided that interest on any Taxable Bonds may be computed as determined by the Authorized Representative in the Award Certificate (i) on the basis of a 365- or 366-day year, as applicable for the number of days actually elapsed based upon the calendar year in which the interest rate period for such Bonds commences, (ii) on the basis of a 360-day year composed of twelve 30-day months, or (iii) as otherwise determined by the Authorized Representative to be necessary to achieve the most beneficial pricing terms for such Bonds.

The Capital Appreciation Bonds of each Series of Bonds shall bear interest from the Issuance Date for such Series of Bonds, calculated on the basis of a 360-day year composed of twelve 30-day months (subject to rounding to the Compounded Amounts (defined herein) thereof), compounded semiannually on the dates set forth in the Award Certificate (the “Compounding Dates”) commencing on the date set forth in the Award Certificate, and payable, together with the principal amount thereof, in the manner provided in the FORM OF BONDS at the rates set forth in the Award Certificate. Attached to the Award Certificate, if Capital Appreciation Bonds are to be issued, shall be an Exhibit (the “Compounded Amount Table”) which shall set forth the rounded original principal amounts at the Issuance Date for the Capital Appreciation Bonds and the Compounded Amounts and Maturity Amounts thereof (per \$5,000 Maturity Amount) as of each Compounding Date (defined herein), commencing on the date set forth in the Award Certificate, and continuing until the final maturity of such Capital Appreciation Bonds. The Compounded Amount with respect to any date other than a Compounding Date is the amount set forth on the Compounded Amount Table with respect to the last preceding Compounding Date, plus the portion of the difference between such amount and the amount set forth on the Compounded Amount Table with respect to the next succeeding Compounding Date that the number of days (based on 30-day months) from such last preceding Compounding Date to the date for which such determination is being calculated bears to the total number of days (based on 30-day months) from such last preceding Compounding Date to the next succeeding Compounding Date.

**SECTION 3. RIGHT OF OPTIONAL REDEMPTION.** The Board reserves the right to redeem prior to their stated maturities the Bonds, in whole or in part, in principal amounts or Maturity Amounts of \$5,000 or any integral multiple thereof at the redemption prices, to the extent, on the dates, and in the manner described in the Award Certificate.

**SECTION 4. CHARACTERISTICS OF THE BONDS.**

(a) Paying Agent/Registrar; Registration, Transfer, and Exchange; Authentication. The Board shall keep or cause to be kept at a designated corporate trust office of the Paying Agent/Registrar books or records for the registration and transfer of the Bonds (the “Registration Books”), and the Board hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the Board and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, and exchanges as herein provided. Registration of the Bonds shall be accomplished in accordance with the provisions of this Resolution, including Section 14, relating to DTC’s Book-Entry-Only System. The Authorized Representative, acting for and on behalf of the Board, is hereby authorized to solicit bids for and to select an initial Paying Agent/Registrar for the Bonds and to approve, execute, and deliver for and on behalf of the Board a Paying Agent/Registrar Agreement (defined herein) to reflect the appointment, responsibilities, and compensation of the Paying Agent/Registrar, such approval to be conclusively evidenced by the Authorized Representative’s execution thereof. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. To the extent possible and under reasonable circumstances, all transfers of Bonds shall be made within three Business Days after request and presentation thereof.

The Board shall have the right to inspect the Registration Books during the Paying Agent/Registrar's regular business hours, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange, and delivery of a substitute Bond or Bonds shall be paid as provided in the FORM OF BONDS set forth in this Resolution. Registration of assignments, transfers, and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BONDS set forth in this Resolution. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in subsection (c) below, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Paying Agent/Registrar's Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Authentication Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for transfer and exchange. No additional action need be taken by the Board or any other body or person so as to accomplish the foregoing transfer and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds. Pursuant to Chapter 1201, Texas Government Code, as amended, the duty of transfer and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and upon the execution of said certificate, the transferred and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Bond.

(b) Payment of Bonds and Interest. The Board hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal and Maturity Amount of and interest on the Bonds, all as provided in this Resolution. The Paying Agent/Registrar shall keep proper records of all payments made by the Board and the Paying Agent/Registrar with respect to the Bonds.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on or Maturity Amount of such Bonds to be payable only to the Registered Owners thereof; (ii) may and shall be prepaid or redeemed prior to the respective scheduled maturity dates; (iii) may be transferred and assigned; (iv) may be exchanged for other Bonds; (v) shall have the characteristics; (vi) shall be signed, sealed, executed, and authenticated; and (vii) shall be administered, and the Paying Agent/Registrar and the Board shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BONDS set forth in this Resolution and in the Award Certificate. The Initial Bond shall be delivered to the Initial Purchaser and is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each Bond issued in exchange for the Initial Bond or any Bond or Bonds issued under this Resolution the Paying Agent/Registrar shall execute the Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BONDS set forth in this Resolution.

**SECTION 5. FORMS.** The form of all Bonds, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment, and the form of Registration Certificate of the Comptroller of Public Accounts, to accompany the Initial Bond on the initial delivery thereof shall be, respectively, substantially as provided in Exhibit A hereto, with such

appropriate variations, omissions, or insertions as are permitted or required by this Resolution and the Award Certificate.

**SECTION 6. DEFINITIONS.** In addition to terms defined elsewhere in this Resolution, as used in this Resolution, the following terms shall have the meanings set forth below, unless expressly provided otherwise herein or unless the context shall indicate a contrary meaning or intent:

“Additional Parity Obligations” means the additional obligations of the Board permitted to be issued pursuant to Section 12 of this Resolution or pursuant to the Parity Bond Resolutions, such obligations to be payable from and secured by a first lien on and pledge of the Available University Fund Share on a parity with and of equal dignity to the Outstanding Parity Bonds and the Bonds.

“Applicable Law” has the meaning ascribed thereto in the recitals of this Resolution.

“Attorney General” means the Attorney General of the State of Texas.

“Authorized Denominations” means, except as otherwise provided in the Award Certificate, \$5,000 in principal amount or any integral multiple thereof with respect to Current Interest Bonds and \$5,000 in Maturity Amount or any integral multiple thereof with respect to Capital Appreciation Bonds.

“Authorized Representative” means one or more of the following officers or employees of the System, to-wit: the Chancellor, the Deputy Chancellor and Chief Financial Officer, the Chief Investment Officer and Treasurer, and the Deputy Chief Investment Officer, or in the event of a vacancy in any such position, the person duly authorized to act in such capacity pending the appointment of a successor to such position, or such other officer or employee of the System authorized by the Board to act as an Authorized Representative.

“Available University Fund” means the fund by that name specified in the Constitutional Provision, which fund consists of the distributions made to it from the total return on all investment assets of the Permanent University Fund, including the net income attributable to the surface of Permanent University Fund land, as determined by the Board of Regents of The University of Texas System pursuant to the Constitutional Provision.

“Available University Fund Share” means the System’s one-third interest in the Available University Fund as apportioned and provided in the Constitutional Provision.

“Award Certificate” means the certificate to be signed and delivered pursuant to Section 2(b) of this Resolution in connection with each Series of Bonds which establishes the terms of the Bonds.

“Board of Regents” or “Board” means the Board of Regents of the System.

“Bond” or “Bonds” mean one or more, as the case may be, of the Bonds authorized to be issued by this Resolution.



“Bond Counsel” means McCall, Parkhurst & Horton L.L.P., or such other nationally-recognized firm designated by the Board as Bond Counsel for purposes of this Resolution.

“Bond Counsel Opinion” means, with respect to any action the occurrence of which requires such an opinion relating to the Bonds, an unqualified opinion of Bond Counsel to the effect that such action is permitted under State law and this Resolution and, with respect to Tax-Exempt Bonds, will not adversely affect the exclusion from gross income for federal income tax purposes of interest on such Tax-Exempt Bonds (subject to the inclusion of any exceptions contained in the opinion delivered upon original issuance of the Tax-Exempt Bonds).

“Bond Purchase Contract” means the Board’s agreement with a senior managing underwriter providing for the sale of a Series of Bonds on a negotiated basis as authorized by Section 20 hereof; provided that two or more Series of Bonds may be sold to the same senior managing underwriter pursuant to the terms of a single Bond Purchase Contract.

“Bond Year” means the period beginning on July 2 of any calendar year and continuing through July 1 of the following calendar year.

“Business Day” means any day other than a Saturday, Sunday, or legal holiday, or a day on which banking institutions in either the State of New York or the State of Texas are authorized by law or executive order to close.

“Capital Appreciation Bonds” means Bonds on which no interest is paid prior to maturity, maturing variously in each of the years and in the Maturity Amounts as set forth in the Award Certificate.

“Code” means the Internal Revenue Code of 1986, as amended, and, with respect to a specific section thereof, such reference shall be deemed to include (a) the Regulations promulgated under such section, (b) any successor provision of similar import hereafter enacted, (c) any corresponding provision of any subsequent Internal Revenue Code, and (d) the Regulations promulgated under the provisions described in (b) and (c).

“Commercial Paper Notes” means commercial paper notes of the Board issued as Subordinate Lien Obligations pursuant to the Board’s resolution adopted on September 26, 2008, as amended on February 4, 2011.

“Compounded Amount” means, with respect to a Capital Appreciation Bond, as of any particular date of calculation, the original principal amount thereof, plus all interest accrued and compounded to the particular date of calculation, as determined in accordance with Section 2(c) of this Resolution and the Compounded Amount Table relating to such Bonds.

“Compounded Amount Table” means, with respect to the Capital Appreciation Bonds, the Compounded Amount Table as defined in Section 2(c) of this Resolution.

“Compounding Dates” means Compounding Dates as defined in Section 2(c) of this Resolution.

“Comptroller” means the Comptroller of Public Accounts of the State of Texas or any successor thereto.

“Constitutional Provision” means Section 18 of Article VII of the Constitution of the State, as amended, and in effect on the date hereof, and any amendment thereto or any other provision or amendment to the Constitution of the State relating to the Permanent University Fund hereafter approved by the voters of the State.

“Current Interest Bonds” means Bonds paying current interest and maturing in each of the years and in the aggregate principal amounts set forth in the Award Certificate.

“Definitive Bonds” means the Bonds issued in exchange for the Initial Bond.

“DTC” means The Depository Trust Company, New York, New York, and its successors and assigns.

“DTC Participant” means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

“Eligible Project” means the acquisition of land either with or without permanent improvements, the construction and equipping of buildings or other permanent improvements, major repair and rehabilitation of buildings and other permanent improvements, the acquisition of capital equipment and library books and library materials. The term “Eligible Project” does not include the constructing, equipping, repairing, or rehabilitating of buildings or other permanent improvements that are to be used for student housing, intercollegiate athletics, or auxiliary enterprises.

“Escrow Agent” means the Escrow Agent set forth in the Award Certificate, if any, and any successor thereto.

“Escrow Agreement” means an agreement between the Board and the Escrow Agent as authorized by Section 23 hereof, as each such agreement may be amended from time to time in accordance with the terms thereof.

“Financial Obligation” has the meaning given in Section 18(b) hereof.

“Fiscal Year” means the 12-month operational period of both the System and the Permanent University Fund, commencing on September 1 of each year and ending on the following August 31.

“Government Obligations” means (i) direct noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation), and (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the Board adopts or approves proceedings authorizing the issuance of Refunding Bonds or otherwise provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as

to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent. The foregoing notwithstanding, the Authorized Representative may elect in the Award Certificate to modify the definition of “Government Obligations” by eliminating any securities or obligations set forth in the preceding sentence upon determining that it is in the best interests of the Board to do so.

“Initial Bond” means the Bond of a Series initially delivered hereunder and upon which the registration certificate, manually executed by or on behalf of the Comptroller of Public Accounts of the State of Texas, has been placed.

“Initial Purchaser” has the meaning given in Section 2 hereof.

“Issuance Date” means the date of delivery of each Series of Bonds to the Initial Purchasers thereof.

“Maturity” means the date on which the principal of a Bond becomes due and payable as therein and herein provided, whether at Stated Maturity, by redemption, or otherwise.

“Maturity Amount” means the Compounded Amount of a Capital Appreciation Bond due on its Stated Maturity.

“MSRB” means the Municipal Securities Rulemaking Board.

“Nationally-Recognized Rating Agency” means any nationally-recognized securities rating agency that provides a rating on the Bonds at the request of the Board.

“Outstanding Parity Bonds” has the meaning ascribed thereto in the recitals of this Resolution.

“Parity Bond Resolutions” has the meaning ascribed thereto in the recitals of this Resolution.

“Parity Obligations” means the Outstanding Parity Bonds, the Bonds, and any Additional Parity Obligations outstanding on the date of adoption of this Resolution or thereafter issued.

“Paying Agent/Registrar,” “Paying Agent,” or “Registrar” means an agent appointed pursuant to Section 2(b) of this Resolution, or any successor thereto.

“Paying Agent/Registrar Agreement” means a Paying/Agent Registrar Agreement executed by the Board and a Paying Agent/Registrar pursuant to Section 4(a) of this Resolution, substantially in the form previously approved by the Board, as such agreement may be amended from time to time in accordance with the terms thereof.

“Permanent University Fund” means the Permanent University Fund as created, established, implemented, and administered pursuant to Article VII, Sections 10, 11, 11a, 15, and 18 of the Texas Constitution, as currently or hereafter amended, and further implemented by the provisions of Chapter 66, Texas Education Code, as amended.

“Permanent University Fund Obligations” means, collectively, all bonds or notes of the Board heretofore or hereafter issued and delivered pursuant to the provisions of the Constitutional Provision, payable from and secured by a lien on and pledge of the Available University Fund Share, including, but not limited to, Parity Obligations and Subordinate Lien Obligations.

“Potential Refunded Bonds” means any of the Outstanding Parity Bonds.

“Principal and Interest Requirements” means, with respect to any Fiscal Year, the respective amounts of principal of and interest on all outstanding Permanent University Fund Obligations scheduled to be paid in such Fiscal Year from the Available University Fund Share. If the rate or rates of interest to be borne by any Additional Parity Obligations or Subordinate Lien Obligations is not fixed, but is variable or adjustable by any formula, agreement, or otherwise, and therefore cannot be calculated as actually being scheduled to be paid in a particular amount for any particular period, then for the purposes of the previous sentence, such Additional Parity Obligations or Subordinate Lien Obligations shall be deemed to bear interest at all times to maturity or due date at the lesser of (i) the maximum rate then permitted by law or (ii) the maximum rate specified in such Additional Parity Obligations or Subordinate Lien Obligations.

“Project Costs” means all costs and expenses incurred in relation to Eligible Projects, including, without limitation, design, planning, engineering, and legal costs; acquisition costs of land, interests in land, right-of-way and easements; construction costs; costs of machinery, equipment, and other capital assets incident and related to the operation, maintenance, and administration of an Eligible Project; and financing costs, including interest during construction and thereafter; underwriters’ discount and/or fees; legal, financial, and other professional services; and reimbursements for such Project Costs attributable to an Eligible Project incurred prior to issuance and delivery of the Bonds.

“Refunded Bonds” means the Potential Refunded Bonds to be refunded by a Series of Bonds as set forth in the Award Certificate.

“Refunded Notes” means the Commercial Paper Notes to be refunded by a Series of Bonds as set forth in the Award Certificate.

“Refunded Obligations” means, collectively, the Refunded Notes, if any, and the Refunded Bonds, if any, refunded by a Series.

“Refunding Bonds” means any Series of Bonds issued for the purpose of refunding any of the Refunded Obligations and paying the costs of issuance of such Bonds thereby constituting “refunding bonds” for purposes of subsection (g) of the Constitutional Provision.

“Registered Owner” has the meaning ascribed thereto in Section 2 of this Resolution.

“Regulations” means the applicable proposed, temporary or final Treasury Regulations promulgated under the Code or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

“Rule” means SEC Rule 15c2-12 promulgated by the SEC, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

“Series” means any designated series of Bonds issued pursuant to this Resolution.

“State” means the State of Texas.

“Stated Maturity” with respect to any Bond, means the scheduled maturity or mandatory sinking fund redemption date of the Bond.

“Subordinate Lien Obligations” means those bonds, notes, or other obligations of the Board, including the Commercial Paper Notes, payable from, and secured by a lien on and a pledge of, the Available University Fund Share that is junior and subordinate to the pledge of and lien on the Available University Fund Share that secures the Parity Obligations.

“System” means The Texas A&M University System.

“Tax-Exempt Bonds” means a series of Bonds, the interest on which is excludable from gross income from federal income tax purposes, as determined and set forth in the Award Certificate therefor.

“Taxable Bonds” means a series of Bonds, the interest on which is not excludable from gross income for federal income tax purposes, as determined and set forth in the Award Certificate therefor.

“UT Board” means the Board of Regents of The University of Texas System.

**SECTION 7. PLEDGE.** Pursuant to the Constitutional Provision, the Bonds and any Additional Parity Obligations hereafter issued, and the interest thereon, shall be and are hereby equally and ratably secured, together with the Outstanding Parity Bonds, by and payable from a first lien on and pledge of the Available University Fund Share.

**SECTION 8. PERFECTION OF SECURITY.** Chapter 1208, Texas Government Code, as amended, applies to the issuance of the Parity Obligations and the pledge of the Available University Fund Share made in Section 7 of this Resolution, and such pledge is, therefore, valid, effective, and perfected. Should State law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the Available University Fund Share is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, as amended, in order to preserve to the Registered Owners a security interest in such pledge, the Board agrees to take such measures as it determines are reasonable and necessary to enable a filing of a security interest in said pledge to occur.

**SECTION 9. PAYMENT OF BONDS AND ADDITIONAL PARITY OBLIGATIONS.**

(a) Payment of the Bonds. The Comptroller previously has established and shall maintain in the State Treasury a fund known as the “Board of Regents of The Texas A&M University System Permanent University Fund Bonds Interest and Sinking Fund” (the “Interest and Sinking Fund”). The Board and the officers of the System shall cause the Comptroller to (i)

transfer to the Interest and Sinking Fund, out of the fund in the State Treasury to which is deposited the Available University Fund Share, such fund being designated the "The Texas A&M University System Available University Fund", on or before each date upon which the principal of, premium, if any, or interest on any Parity Obligations is due and payable, whether by reason of maturity, mandatory redemption, or optional redemption prior to maturity and (ii) withdraw from the Interest and Sinking Fund and deposit with the Paying Agent/Registrar, on or before each such date, the amounts of interest or principal, premium, if any, and interest which will come due on the Parity Obligations on each such date, and in such manner that such amounts, in immediately available funds, will be on deposit with the Paying Agent/Registrar at least by each such date.

(b) Payment of Additional Parity Obligations. When Additional Parity Obligations are issued pursuant to the provisions of this Resolution, the Board, the officers of the System, and the Comptroller shall follow substantially the same procedures as provided above in connection with paying the principal of and interest on such Additional Parity Obligations when due; provided, however, that other and different banks or places of payment (paying agents) and/or paying agent/registrar, dates and methods of payment, and other procedures not in conflict with this Resolution may be named and provided for in connection with each issue of Additional Parity Obligations. In the event that any such Additional Parity Obligations are made redeemable prior to maturity, the resolution or resolutions authorizing the issuance of such Additional Parity Obligations shall prescribe the appropriate procedures for redeeming the same.

**SECTION 10. DISPOSITION OF FUNDS.** After provision has been made for the payment of the principal of, premium, if any, and interest on the Parity Obligations the balance of the Available University Fund Share each year shall be made available to the Board for payment of any Subordinate Lien Obligations and, thereafter, shall be available to the Board in the manner and to the extent provided by law and by regulations of the Board to be used by the Board as it may lawfully direct.

**SECTION 11. INVESTMENTS.** Subject to the requirements of any Parity Bond Resolution and except as may be otherwise provided herein, (i) money in any account or fund established or affirmed pursuant to this Resolution may be invested at the direction of an Authorized Representative in the manner prescribed by law and in accordance with the written policies adopted by the Board, and (ii) the interest and income derived from such investments shall be credited to the account or fund from which the deposit or investment was made and shall be used only for the purpose or purposes for which such account or fund is required or permitted to be used.

**SECTION 12. ADDITIONAL OBLIGATIONS.**

(a) Additional Parity Obligations. The Board reserves the right and shall have full power at any time and from time to time, to authorize, issue, and deliver Additional Parity Obligations, in as many separate installments or series as deemed advisable by the Board but only for the purpose and to the extent provided in the Constitutional Provision, or in any amendment hereafter made to the Constitutional Provision, or for refunding purposes as provided by Applicable Law. Such Additional Parity Obligations when issued, and the interest thereon, shall be equally and ratably secured by and payable from a first lien on and pledge of the Available University Fund Share, in the same manner and to the same extent as are the Parity Obligations,

and shall be on a parity and in all respects of equal dignity. It is further covenanted that no installment or series of Additional Parity Obligations shall be issued and delivered unless the Authorized Representative, or some other financial officer of the System designated by the Board, executes a certificate to the effect that (i) for the Fiscal Year immediately preceding the date of said certificate, the amount of the Available University Fund Share was at least 1.5 times the average annual Principal and Interest Requirements of the installment or series of Additional Parity Obligations then proposed to be issued and the Parity Obligations which are then and will be outstanding after the issuance and delivery of said proposed installment or series; provided, however, that the certification required by this clause (i) shall only remain in effect so long as any Parity Obligation that was outstanding on August 3, 2012, remains outstanding; and (ii) the total principal amount of all Permanent University Fund Obligations that will be outstanding after the issuance and delivery of the installment or series of Additional Parity Obligations then proposed to be issued will not exceed 10% of the cost value of investments and other assets of the Permanent University Fund (exclusive of real estate) at the time the proposed series or installment of Additional Parity Obligations is issued.

(b) Subordinate Lien Obligations. The Board may, at any time and from time to time, for any lawful purpose permitted pursuant to the terms of the Constitutional Provision, issue Subordinate Lien Obligations, the principal of and redemption premium, if any, and interest on which are payable from and secured by a pledge of and lien on the Available University Fund Share junior and subordinate to the lien and pledge created hereby for the security of the Parity Obligations; provided, however, that any such pledge and lien securing such Subordinate Lien Obligations shall be, and shall be expressed to be, subordinate in all respects to the pledge of and lien on the Available University Fund Share pledged as security for the Parity Obligations.

**SECTION 13. GENERAL COVENANTS.** The Board covenants and agrees with the Registered Owners as follows:

(a) It is recognized that the UT Board is the legal custodian of the Permanent University Fund, having sole power to administer and invest the Permanent University Fund in accordance with Applicable Law, provided that the Constitutional Provision affirmatively appropriates out of the Available University Fund Share an annual amount sufficient to pay the principal and interest on the Permanent University Fund Obligations. Therefore, while the Parity Obligations or the Subordinate Lien Obligations are outstanding and unpaid, the Board covenants to use its best efforts to cause the Permanent University Fund to be administered, invested, and the income therefrom to be distributed, all as required by law and consistent with the Parity Bond Resolutions and this Resolution.

(b) The Board will duly and punctually pay or cause to be paid the principal of every Parity Obligation and all Subordinate Lien Obligations, while outstanding, and the interest thereon, from the sources, on the days, at the places, and in the manner mentioned and provided in such obligations, according to the true intent and meaning thereof, and it will duly cause to be called for redemption prior to maturity, and will cause to be redeemed prior to maturity, all Parity Obligations and Subordinate Lien Obligations which, by their terms, are mandatorily required to be redeemed prior to maturity, when and as so required, and it will faithfully do and perform and at all times fully observe all covenants, undertakings, and provisions contained in this Resolution and in the aforesaid obligations.

(c) Except for the benefit of the Parity Obligations, and the interest thereon, the Board will not at any time create or allow to accrue or exist any lien or charge upon the Interest and Sinking Fund or the Available University Fund Share, unless such lien or charge is made junior and subordinate in all respects to the liens, pledges, and covenants in connection with the Parity Obligations, but the right to issue Subordinate Lien Obligations payable from the Available University Fund Share, as specified in Section 12(b) of this Resolution, is specifically reserved by the Board. The lien created by this Resolution will not be impaired in any manner as a result of any action or non-action on the part of the Board or officers of the System.

(d) Proper books of records and accounts will be kept in which true, full, and correct entries will be made of all income, expenses, and transactions of and in relation to the Permanent University Fund and each and every part thereof in accordance with accepted accounting practices, and as soon after the close of each Fiscal Year as reasonably may be done, the Board will furnish to all bondholders and Registered Owners who may so request, such audits and reports by the State Auditor of the State for the preceding Fiscal Year, concerning the Permanent University Fund, the Available University Fund Share, and the Parity Obligations, as the State Auditor is required by Applicable Law to prepare and distribute.

(e) No portion of the proceeds of the Bonds will be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing, intercollegiate athletics, or auxiliary enterprises.

(f) The Board will (i) pay the standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to (A) the transfer of registration of the Bonds, and (B) solely to the extent provided in this Resolution, the exchange of the Bonds.

(g) At all times while the Bonds are outstanding, the Board will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Resolution. The Paying Agent/Registrar will be one entity. The Board reserves the right to appoint a successor Paying Agent/Registrar upon providing the previous Paying Agent/Registrar with a certified copy of a resolution terminating such agency. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the Board covenants that it will promptly appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Resolution. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the Board. Upon any change in the Paying Agent/Registrar, the Board promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Resolution, and a certified copy of this Resolution shall be delivered to each Paying Agent/Registrar.



**SECTION 14. BOOK-ENTRY-ONLY SYSTEM.** It is intended that the Bonds initially be registered so as to participate in a securities depository system (the “DTC System”) with DTC, as set forth herein. The Definitive Bonds shall be issued in the form of a separate single definitive Bond for each maturity. Upon issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as the nominee of DTC, and all of the outstanding Bonds shall be registered in the name of Cede & Co., as the nominee of DTC. The Board and the Paying Agent/Registrar are authorized to execute, deliver, and take the actions set forth in such letters to or agreements with DTC as shall be necessary to effectuate the DTC System, including a “Letter of Representations” (the “Representation Letter”).

With respect to the Bonds registered in the name of Cede & Co., as nominee of DTC, the Board and the Paying Agent/Registrar shall have no responsibility or obligation to any broker-dealer, bank, or other financial institution for which DTC holds the Bonds from time to time as securities depository (a “Depository Participant”) or to any person on behalf of whom such a Depository Participant holds an interest in the Bonds (an “Indirect Participant”). Without limiting the immediately preceding sentence, the Board and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co., or any Depository Participant with respect to any ownership interest in the Bonds, or (ii) the delivery to any Depository Participant or any Indirect Participant or any other person, other than a Registered Owner of a Bond, of any amount with respect to principal of or interest on the Bonds. While in the DTC System, no person other than Cede & Co., or any successor thereto, as nominee for DTC, shall receive a Bond evidencing the obligation of the Board to make payments of principal and interest pursuant to this Resolution. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Resolution with respect to interest checks or drafts being mailed to the holder, the words “Cede & Co.” in this Resolution shall refer to such new nominee of DTC.

In the event that (a) the Board determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, (b) the Representation Letter shall be terminated for any reason, or (c) DTC or the Board determines that it is in the best interest of the Registered Owners that they be able to obtain certificated Bonds, the Board shall notify the Paying Agent/Registrar, DTC, and Depository Participants of the availability within a reasonable period of time through DTC of certificated Bonds, and the Bonds shall no longer be restricted to being registered in the name of Cede & Co., as nominee of DTC. At that time, the Board may determine that the Bonds shall be registered in the name of and deposited with a successor depository operating a securities depository system, as may be acceptable to the Board, or such depository’s agent or designee, and if the Board and the Paying Agent/Registrar do not select such alternate securities depository system, then the Bonds may be registered in whatever names the Registered Owners transferring or exchanging the Bonds shall designate, in accordance with the provisions hereof.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

## **SECTION 15. AMENDMENT OF RESOLUTION.**

(a) The owners of the Parity Obligations comprising 51% or more in principal amount of the aggregate principal amount of then outstanding Parity Obligations shall have the right, from time to time, to approve any amendment to any resolution authorizing the issuance of Parity Obligations which may be deemed necessary or desirable by the Board; provided, however, that nothing herein contained shall permit or be construed to permit, without the approval of the owners of all of the outstanding Parity Obligations, the amendment of the terms and conditions in said resolutions or in the Parity Obligations so as to (i) make any change in the maturity of the outstanding Parity Obligations; (ii) reduce the rate of interest borne by any of the outstanding Parity Obligations; (iii) reduce the amount of the principal payable on the outstanding Parity Obligations; (iv) modify the terms of payment of principal of or interest on the outstanding Parity Obligations, or impose any conditions with respect to such payment; (v) affect the rights of the owners of less than all of the Parity Obligations then outstanding; or (vi) change the minimum percentage of the principal amount of Parity Obligations necessary for consent to such amendment.

(b) If at any time the Board shall desire to amend a resolution under this Section, the Board shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of each Paying Agent/Registrar for the Parity Obligations for inspection by all owners of Parity Obligations. Such publication is not required, however, if written notice is given to each owner of Parity Obligations.

(c) Whenever at any time not less than 30 days, and within one year, from the date of the first publication of said notice or other service of written notice of the proposed amendment, the Board shall receive an instrument or instruments executed by the owners of at least 51% in aggregate principal amount of all Parity Obligations then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file as aforesaid, the Board may adopt the amendatory resolution in substantially the same form.

(d) Any consent given by the owner of a Parity Obligation pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the first publication or other service of the notice provided for in this Section, and shall be conclusive and binding upon all future owners of the same Parity Obligations during such period. Such consent may be revoked at any time after six months from the date of the first publication of such notice by the owner who gave such consent, or by a successor in title, by filing notice thereof with the Paying Agent/Registrar for such Parity Obligations and the Board, but such revocation shall not be effective if the owners of 51% in aggregate principal amount of the then-outstanding Parity Obligations as in this Section defined have, prior to the attempted revocation, consented to and approved the amendment.

(e) Notwithstanding the provisions of Subsections (a)-(d) of this Section and subject to the requirements of the resolutions authorizing the Outstanding Parity Bonds, this Resolution and the rights and obligations of the Board and of the owners of the Bonds may, to the extent permitted by law, be modified or amended at any time by a supplemental resolution, without notice to or the

consent of any owners of the Bonds, to cure any ambiguity, or to cure or correct any defective provision contained in this Resolution, upon receipt by the Board of an approving opinion of Bond Counsel that the same is needed for such purpose and will more clearly express the intent of this Resolution.

(f) Upon the adoption of any amendatory resolution adopted by the Board pursuant to the provisions of this Section, the resolution being amended shall be deemed to be amended in accordance with the amendatory resolution, and the respective rights, duties, and obligations of the Board and all the owners of then-outstanding Parity Obligations and all future Parity Obligations shall thereafter be determined, exercised, and enforced thereunder, subject in all respects to such amendment.

#### **SECTION 16. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.**

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered a new Bond of the same principal amount, Maturity Amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the Board and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the Board and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Payment in Lieu of Replacement. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of or interest on the Bond, the Board may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as provided above in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the Board whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Resolution equally and proportionately with any and all other Bonds duly issued under this Resolution.

(e) Authority for Issuing Replacement Bonds. In accordance with Chapter 1201, Texas Government Code, as amended, this Section shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the Board or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 4(a) of this Resolution, for Bonds issued in exchange for other Bonds.

## **SECTION 17. DEFEASANCE OF BONDS.**

(a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Resolution, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bond, plus interest thereon, with respect to Current Interest Bonds, and/or the Maturity Amount with respect to Capital Appreciation Bonds, to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Government Obligations that mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the Board with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the revenues herein pledged as provided in this Resolution, and such principal and interest shall be payable solely from such money or Government Obligations.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bonds shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with this Resolution. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the Board also be invested in Government Obligations, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Government Obligations in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the Board.

(c) Notwithstanding any provision of any other Section of this Resolution which may be contrary to the provisions of this Section, all money or Government Obligations set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bonds and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bonds and premium, if any, and interest thereon, with respect to which such money

or Government Obligations have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the Board shall make proper arrangements to provide and pay for such services as required by this Resolution.

(d) Notwithstanding any other provision of this Resolution to the contrary, if money or Government Obligations have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of Bonds and such Bonds shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the Registered Owner of each Bond affected thereby. Notwithstanding the provisions of this Section to the contrary, any Taxable Bonds issued under this Resolution may be designated by the Authorized Representative in the Award Certificate as not being subject to defeasance if such Authorized Representative determines that such treatment is in the best economic interest of the Board.

(e) Notwithstanding the provisions of subsection (a) of this Section, to the extent that, upon the defeasance of any Defeased Bond to be paid at its maturity, the Board retains the right under State law to later call that Defeased Bond for redemption in accordance with the provisions of this Resolution, the Board may call such Defeased Bond for redemption upon complying with the provisions of State law and upon the satisfaction of the provisions of subsection (a) of this Section with respect to such Defeased Bond as though it was being defeased at the time of the exercise of the option to redeem the Defeased Bond and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Bond. After all required deposits are made in connection with any related defeasance, the Bonds shall no longer be regarded as outstanding or unpaid.

## **SECTION 18. CONTINUING DISCLOSURE.**

(a) Annual Reports. The Board shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of each Fiscal Year ending after the issuance and sale of each Series of Bonds pursuant to this Resolution, financial information and operating data with respect to the Permanent University Fund as determined by the Authorized Representative at the time the Bonds are sold. The Award Certificate shall specify such financial information and operating data. Any financial statements with respect to the Permanent University Fund so to be provided shall be (1) prepared on an accrual basis, or such other basis as the UT Board may be required to employ from time to time pursuant to State law or regulation, and (2) audited, if the UT Board commissions an audit of such statements and the audit is completed within the period during which they must be provided. If audited financial statements with respect to the Permanent University Fund are not so provided within the required period, then the Board shall provide unaudited financial statements with respect to the Permanent University Fund for the applicable Fiscal Year to the MSRB, in an electronic format as prescribed by the MSRB, and shall file audited financial statements with respect to the Permanent University Fund when and if such audited financial statements become available. If audited financial statements with respect to the Permanent University Fund are not prepared for any Fiscal Year and audited financial statements are prepared with respect to the State of Texas for such Fiscal Year, the Board shall provide, or cause to be provided, the audited financial statements of the State of Texas for the applicable Fiscal Year to the MSRB, in an electronic format as prescribed by the MSRB, within

six months after the end of said Fiscal Year or as soon thereafter as such audited financial statements become available from the State Auditor of the State of Texas. Any such audited financial statements of the State of Texas so provided shall be prepared in accordance with generally accepted accounting principles for state governments, as such principles may be changed from time to time to comply with State law.

If the UT Board changes the Permanent University Fund's Fiscal Year, the Board will notify the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the Board otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this subsection (a) may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC.

(b) Event Notices. As used in this subsection (b), the term "obligated person" shall mean any person, including the Board, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities). The Board shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten Business Days after the occurrence of the event, of any of the following events with respect to the Bonds: (i) principal and interest payment delinquencies; (ii) non-payment related defaults, if material; (iii) unscheduled draws on debt service reserves reflecting financial difficulties; (iv) unscheduled draws on credit enhancements reflecting financial difficulties; (v) substitution of credit or liquidity providers, or their failure to perform; (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (vii) modifications to rights of holders of the Bonds, if material; (viii) bond calls, if material, and tender offers; (ix) defeasances; (x) release, substitution, or sale of property securing repayment of the Bonds, if material; (xi) rating changes; (xii) bankruptcy, insolvency, receivership or similar event of the obligated person; (xiii) the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; (xiv) the appointment of a successor or additional trustee or the change of name of a trustee, if material; (xv) incurrence of a Financial Obligation (as defined below) of the Board, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Board, any of which affect the holders of the outstanding Parity Obligations, if material; and (xvi) default, event of acceleration, termination event, modification of terms or similar events under the terms of a Financial Obligation of the Board, any of which reflect financial difficulties.

For the purposes of the event identified in clause (xii) of the immediately preceding paragraph, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S.

Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person. The Board intends the words used in clauses (xv) and (xvi), above, and the definition of “Financial Obligation” in this Section to have the same meanings as when it is used in the Rule, as evidenced by SEC Release NO. 34-83885, dated August 20, 2018.

In addition, the Board shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the Board to provide financial information or operating data in accordance with subsection (a) of this Section by the time required.

(c) Identifying Information. All information and notices shall be provided to the MSRB in an electronic format, as prescribed by the MSRB, and all documents provided to the MSRB pursuant to this Section 18 shall be accompanied by identifying information, as prescribed by the MSRB.

(d) Limitations, Disclaimers, and Amendments. The Board shall be obligated to observe and perform the covenants specified in this Section 18 for so long as, but only for so long as, the Board, the Permanent University Fund, or the Available University Fund Share remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the Board in any event will give the notice required by Section 4 of this Resolution of any Bond calls and defeasance that cause the Board, the Permanent University Fund, or the Available University Fund Share to no longer be “obligated persons”.

The provisions of this Section 18 are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section 18, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Board undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section 18 and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Permanent University Fund’s or the Available University Fund Share’s financial results, condition, or prospects, or hereby undertake to update any information provided in accordance with this Section 18 or otherwise, except as expressly provided herein. The Board does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE BOARD BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE BOARD, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION 18, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH

BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the Board in observing or performing its obligations under this Section 18 shall constitute a breach of or default under this Resolution for purposes of any other provision of this Resolution. Should the Rule be amended to obligate the Board to make filings with or provide notices to entities other than the MSRB, the Board hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended.

Nothing in this Section 18 is intended or shall act to disclaim, waive, or otherwise limit the duties of the Board under federal and State securities laws.

Except as otherwise authorized by Section 32, the provisions of this Section 18 may be amended by the Board from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Board or the Permanent University Fund, but only if (i) the provisions of this Section 18, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the Board and the Permanent University Fund (such as nationally-recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. If the Board so amends the provisions of this Section 18, it shall include with any amended financial information or operating data next provided in accordance with this Section 18 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The Board may also amend or repeal the provisions of this continuing disclosure requirement if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

## **SECTION 19. PROVISIONS CONCERNING FEDERAL INCOME TAX EXCLUSION.**

(a) General Tax Covenant. As used in this Section 19, the term “Bonds” shall mean only Bonds issued as Tax-Exempt Bonds. The Board covenants not to take any action or omit to take any action that, if taken or omitted, would cause the interest on the Bonds to be includable in gross income for federal income tax purposes. In furtherance thereof, the Board covenants to comply with sections 103 and 141 through 150 of the Code and the provisions set forth in the federal tax certificate executed by the Board in connection with the Bonds.

(b) No Private Use or Payment and No Private Loan Financing. The Board covenants that it will use the proceeds of the Bonds (including investment income) and the property financed, directly or indirectly, with such proceeds so that the Bonds will not be “private activity bonds”



within the meaning of section 141 of the Code. Furthermore, the Board will not take a deliberate action (as defined in section 1.141-2(d)(3) of the Regulations) that causes the Bonds to be a “private activity bond” unless it takes a remedial action permitted by section 1.141-12 of the Regulations.

(c) No Federal Guarantee. The Board covenants not to take any action or omit to take any action that, if taken or omitted, would cause the Bonds to be “federally guaranteed” within the meaning of section 149(b) of the Code, except as permitted by section 149(b)(3) of the Code.

(d) No Hedge Bonds. The Board covenants not to take any action or omit to take action that, if taken or omitted, would cause the Bonds to be “hedge bonds” within the meaning of section 149(g) of the Code.

(e) No Arbitrage. The Board covenants that it will make such use of the proceeds of the Bonds (including investment income) and regulate the investment of such proceeds of the Bonds so that the Bonds will not be “arbitrage bonds” within the meaning of section 148(a) of the Code.

(f) Arbitrage Rebate. The Board covenants that, if the Board does not qualify for an exception to the requirements of section 148(f) of the Code, the Board will comply with the requirement that certain amounts earned by the Board on the investment of the gross proceeds of the Bonds, be rebated to the United States.

(g) Information Reporting. The Board covenants to file or cause to be filed with the Secretary of the Treasury an information statement concerning the Bonds in accordance with section 149(e) of the Code.

(h) Record Retention. The Board covenants to retain all material records relating to the expenditure of the proceeds (including investment income) of the Bonds and, if applicable, any obligations refunded therewith, and the use of the property financed, directly or indirectly, thereby until three years after the last Bond is redeemed or paid at maturity (or such other period as provided by subsequent guidance issued by the Department of the Treasury) in a manner that ensures their complete access throughout such retention period.

(i) Continuing Obligation. Notwithstanding any other provision of this Resolution, the Board’s obligations under the federal tax covenants set forth above will survive the defeasance and discharge of the Bonds for as long as such matters are relevant to the excludability of interest on the Bonds from gross income for federal income tax purposes.

(j) Official Intent. For purposes of section 1.150-2(d) of the Regulations, to the extent that an official intent to reimburse has not previously been adopted by the Board, this Resolution serves as the Board’s official declaration of intent to use proceeds of the Bonds to reimburse itself from proceeds of the Bonds issued in the maximum amount authorized by this Resolution for certain expenditures paid in connection with the projects set forth herein. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or

(B) the date of with the project to which such expenditure relates is placed in service or abandoned, but in to event more than three years after the original expenditure is paid.

## **SECTION 20. SALE OF THE BONDS.**

(a) The Authorized Representative is hereby authorized to act for and on behalf of the Board in connection with the issuance and sale of the Bonds. In that capacity, the Authorized Representative, acting for and on behalf of the Board, shall determine the dates for the issuance and sale of the Bonds and all other matters relating to the issuance, sale and delivery of the Bonds as set forth in Section 2(b) of this Resolution.

(b) Except as set forth in subsection (c) of this Section 20, the Bonds of each Series shall be sold through competitive bidding as required by the Constitutional Provision. For any Series of Bonds to be sold through competitive bidding pursuant to the terms hereof, the Authorized Representative shall prepare a notice of sale and bidding instructions (including an official bid form) with respect thereto to be in substantially the form and substance previously approved by the Board in connection with the authorization of Parity Obligations, which form is hereby approved, but with such changes and completions as the Authorized Representative may approve.

(c) Notwithstanding the provisions of subsection (b) of this Section 20 or any other provisions in this Resolution, any Series of Bonds constituting Refunding Bonds may be sold in the manner deemed by the Authorized Representative to be the most economically advantageous to the Board, as set forth in the Award Certificate.

If the Authorized Representative determines that a Series of Refunding Bonds should be sold by a negotiated sale, the Authorized Representative shall designate the senior managing underwriter for such Refunding Bonds and such additional investment banking firms as he or she deems appropriate to assure that the Refunding Bonds are sold on the most advantageous terms to the Board. The Authorized Representative, acting for and on behalf of the Board, is authorized to approve, execute, and deliver a Bond Purchase Contract for each Series of Refunding Bonds to be sold by negotiated sale, with the underwriter(s) thereof at such price, with and subject to such terms as determined by the Authorized Representative pursuant to Section 2 of this Resolution. Each Bond Purchase Contract shall be substantially in the form and substance previously approved by the Board in connection with the authorization of Parity Obligations or the Board's revenue financing System obligations with such changes as are acceptable to the Authorized Representative, including those set forth in this Resolution with respect to disclosure documents and continuing disclosure provisions. The Authorized Representative's approval of a Bond Purchase Contract shall be conclusively evidenced by said Authorized Representative's execution thereof.

(d) Following the award of the sale of each Series of Bonds the Authorized Representative shall notify the Paying Agent/Registrar in writing of the identity of the purchaser of the Bonds and of the following terms for such Bonds: Series designation; dated date and Issuance Date; date from which interest accrues; principal amount; maturities; redemption provisions; rate or rates of interest; and first interest payment date. The Authorized Representative shall deliver the Initial Bonds of such Series to the purchasers thereof against payment therefor.

(e) The authority conferred by this Resolution to (i) act on behalf of the Board in selling any Series of Bonds and (ii) award the sale of the Bonds of such Series to a bidder in a competitive sale or execute one or more Bond Purchase Contract(s) pursuant to this Section shall expire at 11:59 p.m. on May 7, 2025. Any Series of Bonds awarded pursuant to an official bid form or sold pursuant to a Bond Purchase Contract executed on or before May 7, 2025, may be delivered after such date.

**SECTION 21. PROCEEDS OF SALE.** Proceeds from the sale of each Series of Bonds shall, promptly upon receipt thereof, be applied by the Authorized Representative as follows:

(i) accrued interest for the Bonds, if any, shall be deposited in the Interest and Sinking Fund to be used to pay interest on the Bonds on the first interest payment date therefor;

(ii) if the Series of Bonds is being issued to refund Refunded Obligations, there shall be applied, from the remaining proceeds from the sale of such Bonds, the amounts specified in Section 23 of this Resolution; and

(iii) any proceeds from the sale of such Bonds remaining after the deposits provided for in clauses (i) and (ii) above shall be used to pay Project Costs of Eligible Projects and, to the extent not otherwise provided for, to pay all expenses arising in connection with the issuance of such Bonds and the refunding of the Refunded Obligations, as appropriate.

Any sale proceeds of the Bonds remaining after making all deposits and payments provided for above shall be deposited into the Interest and Sinking Fund.

**SECTION 22. APPROVAL OF OFFICIAL STATEMENT.** The Authorized Representative, acting for and on behalf of the Board, is authorized and directed to provide for and oversee the preparation of a preliminary official statement to be prepared for distribution (which may be made electronically) and to be used in the offering and sale of the Bonds. The Authorized Representative, acting for and on behalf of the Board, is hereby authorized to approve the form of the preliminary official statement and to deem the preliminary official statement to be final as of its date, except for such omissions as are permitted by the Rule. The Authorized Representative, acting for and on behalf of the Board, shall cause a final official statement to be prepared and provided in compliance with the Rule. Notwithstanding the foregoing, the Authorized Representative may prepare one preliminary official statement and one final official statement with respect to multiple Series of such Bonds so sold.

**SECTION 23. REFUNDING AND REDEMPTION OF REFUNDED OBLIGATIONS; ESCROW AGREEMENT.**

(a) Concurrently with the delivery of each Series of Bonds issued to refund Refunded Notes, the Authorized Representative shall cause to be deposited with the issuing and paying agent for the Refunded Notes or with an Escrow Agent selected by the Authorized Representative, from the proceeds from the sale of such Series of Bonds and other legally available funds, an amount sufficient to provide for the refunding and defeasance of such Refunded Notes, in accordance with Chapter 1207, Texas Government Code, as amended. In the event it is deemed necessary, the

Authorized Representative is hereby authorized to select one or more Escrow Agent(s) with respect to the Refunded Notes and to enter into one or more Escrow Agreements. The Authorized Representative is further authorized and directed to apply and there is hereby appropriated such moneys of the Board as are necessary (i) to provide for the defeasance of such Refunded Notes on the date of delivery of the Bonds or (ii) to fund the Escrow Fund to be created pursuant to the Escrow Agreement(s) with amounts sufficient to provide for the defeasance of the Refunded Notes.

(b) Concurrently with the delivery of each Series of Bonds issued to refund Refunded Bonds, the Authorized Representative shall cause to be deposited with the paying agent for the Refunded Bonds or with an Escrow Agent selected by the Authorized Representative, from the proceeds from the sale of such Series of Bonds and other legally available funds, an amount sufficient to provide for the refunding and defeasance of such Refunded Bonds, in accordance with Chapter 1207, Texas Government Code, as amended. In the event it is deemed necessary, the Authorized Representative is hereby authorized to select one or more Escrow Agent(s) with respect to the Refunded Bonds and to enter into one or more Escrow Agreements. The Authorized Representative is further authorized and directed to apply and there is hereby appropriated such moneys of the Board as are necessary (i) to provide for the defeasance of such Refunded Bonds on the date of delivery of the Bonds or (ii) to fund the Escrow Fund to be created pursuant to the Escrow Agreement(s) with amounts sufficient to provide for the defeasance of the Refunded Bonds.

(c) As provided in Section 2(b) of this Resolution, the Authorized Representative shall determine the particular Subordinate Lien Obligations and Potential Refunded Bonds to be refunded by a Series of Bonds subject, in the case of the Refunded Bonds, to the present value savings requirement of said Section 2(b).

(d) Subject to the execution of an Award Certificate and the determination by the Authorized Representative of the Refunded Bonds to be refunded by a Series of Bonds, the Board irrevocably calls the particular Potential Refunded Bonds constituting Refunded Bonds for redemption prior to maturity on the first optional redemption date following delivery of the Bonds of such Series, for which all of the notice requirements for redemption can reasonably be met, at a redemption price of par (plus accrued interest to the date fixed for redemption).

The Authorized Representative, acting for and on behalf of the Board, shall provide for notice of such redemption to be given in accordance with the resolution(s) of the Board authorizing the Refunded Bonds.

(e) If the Authorized Representative determines to execute an Escrow Agreement relating to the Refunded Notes or the Refunded Bonds, to assure the purchase of the "Escrowed Securities" referred to in the respective Escrow Agreements for the Refunded Notes or the Refunded Bonds, the Authorized Representative, acting for and on behalf of the Board, is hereby authorized to subscribe for, agree to purchase and purchase "Government Obligations" and "Defeasance Obligations" (as defined in resolutions authorizing the Refunded Notes or the Parity Bond Resolutions authorizing the Refunded Bonds, as appropriate) in such amounts and maturities and bearing interest at such rates as may be provided for in such Escrow Agreement, and to execute any and all subscriptions, purchase agreements, commitments, letters of authorization and other

documents necessary to effectuate the foregoing, and is authorized to create and fund the “Escrow Fund” contemplated by such Escrow Agreement through the use of the proceeds of the Series of Bonds issued to refund the Refunded Notes or the Refunded Bonds, the moneys and investments held in the fund securing the Refunded Notes or the Refunded Bonds, and other lawfully available moneys of the Board.

(f) To satisfy in a timely manner all of the Board’s obligations under this Resolution and the Escrow Agreement(s), the Authorized Representative and all other appropriate officers and agents of the Board are hereby severally authorized and directed for and on behalf of the Board to take all other actions that are reasonably necessary to provide for the refunding of the Refunded Notes or the Refunded Bonds, including, without limitation, executing and delivering for and on behalf of the Board all certificates, consents, receipts, requests, and other documents as may be reasonably necessary to satisfy the Board’s obligations under the Escrow Agreement(s) and this Resolution and to direct the transfer and application of funds of the Board consistent with the provisions of such Escrow Agreement(s) and this Resolution.

**SECTION 24. AGREEMENTS AUTHORIZED.** The Paying Agent/Registrar Agreement, the Escrow Agreements, if used, and the Bond Purchase Contract are hereby approved and the Authorized Representative is hereby authorized to execute and deliver same and to execute certificates and other documents pursuant to any such agreement to carry out the intent thereof.

**SECTION 25. PARTIES INTERESTED HEREIN.** Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Board, the Paying Agent/Registrar, and the Registered Owners any right, remedy, or claim under or by reason of this Resolution or any covenant, condition, or stipulation hereof, and all covenants, stipulations, promises, and agreements in this Resolution contained by and on behalf of the Board shall be for the sole and exclusive benefit of the Board, the Paying Agent/Registrar, and the Registered Owners.

**SECTION 26. REMEDIES.** Any owner or holder of any of the Bonds or Additional Parity Obligations, when issued, in the event of default in connection with any covenant contained herein or default in the payment of said obligations, or of any interest thereon, shall have the right to institute mandamus proceedings against the Board or any other necessary or appropriate party for the purpose of enforcing payment from the source pledged herein or for enforcing any covenant herein contained.

**SECTION 27. INDIVIDUALS NOT LIABLE.** All covenants, stipulations, obligations, and agreements of the Board contained in this Resolution shall be deemed to be covenants, stipulations, obligations, and agreements of the System and the Board to the full extent authorized or permitted by the Constitution and laws of the State. No covenant, stipulation, obligation, or agreement herein contained shall be deemed to be a covenant, stipulation, obligation, or agreement of any member of the Board or agent or employee of the Board in his individual capacity and neither the members of the Board nor any officer thereof shall be liable personally on the Parity Obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

**SECTION 28. EXECUTION, CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; AND CUSIP NUMBERS.**

(a) The Bonds shall be executed either manually or by facsimile signature on behalf of the Board by the Chairman or Vice Chairman of the Board and countersigned by the Executive Director of the Board, or the Assistant to the Board, and the official seal of the Board shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by said officers of the Board, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the Board had been manually impressed upon each of the Bonds.

(b) The Authorized Representative is hereby authorized to have control of the Initial Bonds of each Series issued and delivered hereunder and all necessary records and proceedings pertaining to such Bonds pending their delivery and approval by the Attorney General and their registration by the Comptroller. Upon registration of the Bonds of a Series, the Comptroller (or a deputy designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate printed or attached to the Initial Bonds of such Series, and the seal of said Comptroller shall be impressed or placed in facsimile thereon. The Bond Counsel Opinion and the assigned CUSIP numbers may, at the option of the Board, be printed on the Initial Bonds of such Series or on any Bonds issued and delivered in exchange or replacement of any Bond, but neither of such items shall be binding upon the Board or have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Bonds. If insurance is obtained on any of the Bonds, the Bonds shall bear, as appropriate and applicable, a legend concerning insurance as provided by the insurer.

**SECTION 29. DTC LETTER OF REPRESENTATIONS.** The Authorized Representative is authorized to implement the Book-Entry-Only System of Bond registration with respect to the Bonds pursuant to the Representation Letter. Notwithstanding anything to the contrary contained herein, while the Bonds are subject to DTC's Book-Entry-Only System and to the extent permitted by law, the Representation Letter is hereby incorporated herein and its provisions shall prevail over any other provisions of this Resolution in the event of conflict. Provisions relating to DTC, its Book-Entry-Only System of registration, and the Representation Letter are set forth in Section 14 of this Resolution.

**SECTION 30. APPROPRIATION OF FUNDS.** The Authorized Representative is further authorized and directed to apply and there is hereby appropriated such money of the Board as is necessary (i) to pay the costs of issuance of Bonds incurred in connection with the issuance thereof and the refunding of the Refunded Obligations, to the extent not paid from Bond proceeds and (ii) to make the deposits described in Sections 21 and 23 in amounts sufficient, together with the proceeds of the Bonds, to provide for the defeasance of the Refunded Obligations on the date of delivery of the Bonds.

**SECTION 31. DEFEASANCE OF OUTSTANDING PARITY BONDS.** (a) The Board desires to authorize the use of certain lawfully available funds of the Board, including but not limited to Available University Fund moneys, as determined by the Authorized Representative, to defease, from time to time, certain Outstanding Parity Bonds previously issued by the Board in accordance with the applicable defeasance provisions in the respective resolutions authorizing

their issuance. The Authorized Representative is hereby authorized to determine and retire, from time to time, the various portions of such Outstanding Parity Bonds which are economically advantageous for the Board to retire by the defeasance of such Bonds. The Authorized Representative is authorized to enter into one or more Escrow Agreements in substantially the standard form previously approved by the Board to accomplish such defeasances. In the event of such a defeasance, the Authorized Representative is authorized hereby to take such steps as may be necessary to purchase the escrowed securities identified in such escrow agreements on behalf of the Board and is authorized to create and fund the escrow funds contemplated by such Escrow Agreements through the use of the lawfully available funds of the Board. The Authorized Representative is authorized to call for redemption such Outstanding Parity Bonds defeased pursuant to this Section and is hereby authorized to provide and complete an appropriate notice of redemption to the paying agent(s) and/or registrar(s) for such Outstanding Parity Bonds upon the deposit with the Escrow Agent of such available funds and compliance with the conditions set forth in the Escrow Agreements.

(b) Except as provided in the following sentence, the Board hereby (i) expressly reserves the right to call for redemption any Outstanding Parity Bonds defeased pursuant to this Section in accordance with the applicable redemption provisions contained in the respective resolution authorizing their issuance, (ii) directs the Authorized Representative to give notice of the reservation of such right to the owners of such Outstanding Parity Bonds immediately following the making of the firm banking and financial arrangements for such defeasance, and (iii) directs the Authorized Representative to include notice of such reservation in any notice of redemption authorized pursuant to this Section. Notwithstanding the immediately preceding sentence, the Authorized Representative, upon determining that doing so is in the best interest of the Board, may elect on behalf of the Board not to retain the right to call such Outstanding Parity Bonds for redemption by choosing not to give the notices required in clauses (ii) and (iii) of the immediately preceding sentence.

(c) The Board hereby expressly authorizes the expenditure of, and appropriates for such purpose, moneys in the Available University Fund constituting the Available University Fund Share in the amount determined by the Authorized Representative for the purpose of defeasing Outstanding Parity Bonds in accordance with the terms of this Section 31; provided that, the remaining balance of the Available University Fund Share after giving effect to any such expenditure shall not be less than the sum of (i) the amount necessary for the Board to be able to fully observe and comply with its covenants and obligations, as appropriate, under (A) the Constitutional Provision, (B) all Parity Bond Resolutions and resolutions of the Board authorizing the issuance of Subordinate Lien Obligations that are then outstanding, and (C) all other resolutions or agreements then outstanding pursuant to which the obligations of the Board thereunder are payable from the Available University Fund Share, plus (ii) to the extent not included in clause (i) of this sentence, any unexpended amounts previously appropriated by the Board for the support and maintenance of The Texas A&M University System administration, Texas A&M University and Prairie View A&M University.

**SECTION 32. FURTHER PROCEDURES.** The Chairman of the Board, the Vice Chairman of the Board, the Executive Director of the Board, each Authorized Representative, and all other officers, employees, and agents of the Board, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and

perform all such acts and things and to execute, acknowledge, and deliver in the name and under the seal and on behalf of the Board all such agreements, documents, and instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Resolution, the Bonds, the preliminary official statement, the official statement, the Paying Agent/Registrar Agreement, each Escrow Agreement, any Bond Purchase Contract, and the Representation Letter. In addition, each Authorized Representative, the General Counsel of the System, and Bond Counsel are hereby authorized to approve, subsequent to the date of the adoption of this Resolution, any amendments to the above named documents, and any technical amendments to this Resolution as may be required by any Nationally-Recognized Rating Agency as a condition to the granting of a rating on the Bonds, as may be required by the Attorney General as a condition to the approval of the Bonds and as may be required to assist the underwriters in complying with the Rule.

In case any officer whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. It is further provided the Authorized Representative is hereby designated as the officer responsible for making the certifications required by the Parity Bond Resolutions as a condition to the issuance of obligations on a parity with the Outstanding Parity Bonds.

**SECTION 33. PUBLIC NOTICE.** It is hereby found and determined that each of the officers and members of the Board were duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the meeting at which this Resolution was adopted; that this Resolution would be introduced and considered for adoption at said meeting; that said meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

**SECTION 34. NONPRESENTMENT OF BONDS.** In the event any Bond shall not be presented for payment when the principal thereof or interest thereon, if applicable, becomes due, either at maturity or otherwise, or if any check or draft representing payment of principal of or interest on the Bonds shall not be presented for payment, if funds sufficient to pay the principal of or interest on such Bond shall have been made available by the Board to the Paying Agent/Registrar for the benefit of the Registered Owner thereof, all liability of the Board to such Registered Owner for the payment of the principal of or interest on such Bond shall cease, terminate, and be completely discharged, and thereupon it shall be the duty of the Paying Agent/Registrar to hold such funds in trust, uninvested and without liability for interest thereon, for the benefit of the Registered Owner of such Bond who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution with respect to the principal of or interest on such Bond. To the extent applicable, the Paying Agent/Registrar shall hold and apply any such funds in accordance with Title 6, Texas Property Code, as amended, and shall comply with the reporting requirements of Chapter 74, Texas Property Code, as amended.

**SECTION 35. INTERPRETATIONS.** The titles and headings of the articles and sections of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa; words importing the masculine gender shall include the



feminine and neuter genders and vice versa. Reference to any document means that document as amended or supplemented from time to time. Reference to any party to a document means that party and its successors and assigns. Reference herein to any article, section, subsection or other subdivision, as applicable, unless specifically stated otherwise, means the article, section, subsection or other subdivision, as applicable, of this Resolution.

**SECTION 36. SEVERABILITY.** The provisions of this Resolution are severable; and in case any one or more of the provisions of this Resolution or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**SECTION 37. RECITALS INCORPORATED.** The recitals of this Resolution are hereby incorporated by reference as if copied in full.

**SECTION 38. IMMEDIATE EFFECT.** This Resolution shall take effect immediately upon its adoption.

**SECTION 39. REPEAL OF CONFLICTING RESOLUTIONS.** All resolutions and all parts of any resolutions which are in conflict or are inconsistent with this Resolution are hereby repealed and shall be of no further force or effect to the extent of such conflict or inconsistency.

\* \* \*

**EXHIBIT A**  
**FORM OF BONDS**

[FORM OF FIRST TWO PARAGRAPHS OF CURRENT INTEREST BONDS]

UNITED STATES OF AMERICA  
STATE OF TEXAS

NO. R - _____	PRINCIPAL AMOUNT
	\$ _____
REGISTERED	REGISTERED

BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM  
PERMANENT UNIVERSITY FUND BONDS, SERIES \_\_\_\_\_

INTEREST RATE	MATURITY DATE	ISSUANCE DATE	CUSIP NO.
_____%	_____, 20__	_____	_____

REGISTERED OWNER: \_\_\_\_\_

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

ON THE MATURITY DATE, specified above, the BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM (the "Board"), being an agency of the State of Texas, hereby promises to pay to the Registered Owner, specified above, or the registered assignee hereof (either being hereinafter called the "registered owner") the Principal Amount, specified above, and to pay interest thereon calculated on the basis of a 360-day year of twelve 30-day months, from the Issuance Date specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the Interest Rate per annum, specified above, with said interest being payable on \_\_\_\_\_, 20\_\_, and semiannually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter, except that if the date of authentication of this Bond is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at the designated payment office of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter described) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the Board required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on

each such interest payment date, to the registered owner hereof at its address as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described. Upon written request, the registered owner of any Bonds of at least \$1,000,000 in principal amount may receive payment of interest by wire transfer to any designated account within the United States of America. The record date for determining the person to whom interest is payable on any interest payment date (the “Record Date”) means the 15th calendar day of the month next preceding such interest payment date. In the event of a non-payment of interest on a scheduled payment date, and for 30 calendar days thereafter, a new Record Date for such interest payment (a “Special Record Date”) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Board. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice. The Board covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds by wire transfer or other means acceptable to the Paying Agent/Registrar, of all principal of and interest on the Bonds, when due, in the manner set forth in the resolution authorizing the issuance of this Bond adopted by the Board on May 7, 2024 (the “Resolution”). Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the Board and the securities depository. Terms used herein and not otherwise defined have the meanings given in the Resolution.

\* \* \*

[FORM OF FIRST TWO PARAGRAPHS OF CAPITAL APPRECIATION BONDS]

UNITED STATES OF AMERICA  
STATE OF TEXAS

NO. CR - \_\_\_\_

MATURITY AMOUNT  
\$ \_\_\_\_\_

BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM  
PERMANENT UNIVERSITY FUND BONDS, SERIES \_\_\_\_\_

INTEREST RATE	MATURITY DATE	ISSUANCE DATE	CUSIP NO.
_____%	_____, 20__	_____	_____

REGISTERED OWNER: \_\_\_\_\_

MATURITY AMOUNT: \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

ON THE MATURITY DATE, specified above, the BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM (the “Board”), being an agency of the State of Texas, hereby promises to pay to the Registered Owner specified above or the registered assignee hereof (either being hereinafter called the “registered owner”) the Maturity Amount specified above, representing the principal amount hereof and accrued and compounded interest hereon. Interest shall accrete on the original principal amount hereof from the Issuance Date at the interest rate per annum specified above (subject to rounding to the Compounded Amounts as provided in the Bond Resolution), compounded semi-annually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_. For convenience of reference, a table appears on the back of this Bond showing the “Compounded Amount” of the original principal amount per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table.

THE MATURITY AMOUNT OF this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The Maturity Amount or Compounded Amount of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at the designated payment office of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ which is the “Paying Agent/Registrar” for this Bond. The Board covenants with the registered owner of this Bond that on or before the Maturity Date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds by wire transfer or other means acceptable to the Paying Agent/Registrar, of the Maturity Amount when due, in the manner set forth in the resolution authorizing the issuance of this Bond adopted by the Board on May 7, 2024 (the “Resolution”). Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the Board and the securities depository. Terms used herein and not otherwise defined have the meanings given in the Resolution.

[FORM OF REMAINDER OF CURRENT INTEREST BONDS  
AND CAPITAL APPRECIATION BONDS]

THIS BOND is one of a series of bonds of like tenor and effect, except as to denomination, number, maturity, interest rate, interest payment, and right of prior redemption, dated \_\_\_\_\_, 20\_\_, and issued in the aggregate principal amount of \$\_\_\_\_\_ for the purposes of \_\_\_\_\_, \*[and comprised of (i) Bonds in the aggregate principal amount of \$\_\_\_\_\_ that pay interest only at maturity (the “Capital Appreciation Bonds”) and (ii) Bonds in the aggregate principal amount of \$\_\_\_\_\_ that pay interest semiannually until maturity (the “Current Interest Bonds”)].

\*[THE BONDS maturing on \_\_\_\_\_, 20\_\_ (The “Term Bonds”) shall be subject to mandatory redemption at par plus accrued interest in the following principal amounts on the following dates:

OF THE YEAR

AMOUNT

(final maturity)

The Term Bonds to be redeemed shall be selected by lot or other customary random method of the Paying Agent/Registrar (or by the securities depository in accordance with its procedures while the Bonds are in book-entry-only form). Any Term Bonds not selected for prior redemption shall be paid on the date of their stated maturity. At least thirty (30) days prior to each mandatory redemption date, the Paying Agent/Registrar shall cause a notice of redemption to be given in the manner provided herein.

The principal amount of the Term Bonds for a stated maturity required to be redeemed pursuant to the operation of such mandatory redemption provisions may be reduced, at the option of the Board, by the principal amount of any Term Bonds of like stated maturity which, at least 50 days prior to the mandatory redemption date, (1) shall have been defeased or acquired by the Board and delivered to the Paying Agent/Registrar at the request of the Board, or (2) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against mandatory redemption requirement.]

\*[ON \_\_\_\_\_, 20\_\_, or on any date thereafter, the Bonds of this Series scheduled to mature on \_\_\_\_\_, 20\_\_, and thereafter may be redeemed prior to their scheduled maturities, at the option of the Board, with funds derived from any available and lawful source, as a whole, or in part, and, if in part, the particular Bonds, or portion thereof, to be redeemed shall be selected and designated by the Board (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000), at a redemption price equal to \_\_\_\_\_ plus accrued interest to the date fixed for redemption; provided that during any period in which ownership of the Bonds is determined by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Board and the securities depository.]

\*[AT LEAST 30 days prior to the date for any redemption of this Bond prior to maturity, a notice of such redemption shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, to the registered owner of each Bond, or portion thereof to be redeemed, at its address as it appeared on the Registration Books on the 45th day prior to such redemption date and to each registered securities depository and to any national information service that disseminates such notices; provided, however, that the failure to send, mail, or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption, due provision shall be made by the Board with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion thereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the Board, all as provided in the Resolution.]

IF AT THE TIME of mailing of notice of any optional redemption in connection with a refunding of the Bonds, the Board shall not have deposited with the Paying Agent/Registrar moneys sufficient to redeem all of the Bonds called for redemption, such notice may state that it is conditional in that it is subject to the deposit of the proceeds of refunding bonds with the Paying Agent/Registrar not later than the redemption date, and such notice shall be of no effect unless such moneys are so deposited.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, a Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

ALL BONDS OF THIS SERIES are issuable solely as fully registered bonds, without interest coupons, \*[[with respect to Current Interest Bonds,] in the denomination of any integral multiple of \$5,000] [[with respect to Capital Appreciation Bonds,] in the denomination of \$5,000 Maturity Amounts or any integral multiple thereof.] As provided in the Resolution, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at

the same rate, in any denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Resolution. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The Board shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer and exchange. In any circumstance, neither the Board nor the Paying Agent/Registrar shall be required (i) to make any transfer or exchange during a period beginning at the opening of business 15 calendar days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing or (ii) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, that such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the Board, resigns, or otherwise ceases to act as such, the Board has covenanted in the Resolution that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner hereby acknowledges all of the terms and provisions of the Resolution, agrees to be bound by such terms and provisions, acknowledges that the Resolution is duly recorded and available for inspection in the official minutes and records of the Board, and agrees that the terms and provisions of this Bond and the Resolution constitute a contract between each registered owner hereof and the Board.

THE BONDS ARE ON A PARITY with Outstanding Parity Bonds, and the Board has reserved the right, subject to the restrictions stated in the Resolution, to issue additional obligations which also may be made payable from, and secured by a lien on and pledge of, the Available University Fund Share (as defined in the Resolution) on a parity with the Bonds, and the Board may issue other obligations payable from the Available University Fund Share junior and subordinate to the Bonds.

THE REGISTERED OWNER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation, or from any source whatsoever other than specified in the Resolution.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; and that the principal of and interest on this Bond are equally and ratably secured by and payable from a first lien on and pledge of the Available University Fund Share, all in accordance with the Constitutional Provision and other Applicable Law, on a parity with the lien and pledge securing the Outstanding Parity Bonds.

*[remainder of page intentionally left blank]*



IN WITNESS WHEREOF this Bond has been signed with the manual or facsimile signature of the [Chairman] [Vice Chairman] of the Board and countersigned with the manual or facsimile signature of the Executive Director, Board of Regents, and the official seal of the Board has been duly impressed, or placed in facsimile, on this Bond.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Executive Director, Board of Regents of  
The Texas A&M University System

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

[Chairman] [Vice Chairman], Board of Regents  
of The Texas A&M University System

\_\_\_\_\_  
(BOARD SEAL)

\* \* \*

- \* Marked provisions shall be conformed to the applicable terms identified in the Award Certificate

[INSERTIONS FOR THE INITIAL BONDS]

The Initial Current Interest Bond shall be in the form set forth in this exhibit, except that:

- A. Immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below", and the heading "CUSIP NO." shall be deleted.
- B. The first paragraph of the Bond shall be deleted and the following will be inserted (with all blanks and bracketed items to be completed with information contained in the Award Certificate):

"THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY (the "Board"), being an agency of the State of Texas, hereby promises to pay to the registered owner specified above or the registered assignee hereof (either being hereinafter called the "Registered Owner") in each of the years in the principal amounts and bearing interest at the per annum rates set forth in the following schedule:

<u>YEARS OF STATED MATURITY</u>	<u>PRINCIPAL AMOUNTS</u>	<u>INTEREST RATES</u>
-------------------------------------	------------------------------	---------------------------

[Information from Award Certificate to be inserted]

THE BOARD promises to pay interest on the unpaid principal amount hereof from the Issuance Date specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the Interest Rate per annum, specified above, with said interest being payable on \_\_\_\_\_, 20\_\_, and semiannually on each \_\_\_\_\_ and \_\_\_\_\_ thereafter, except that if the date of authentication of this Bond is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date."

- C. The Initial Bond shall be numbered "T-I".

The Initial Capital Appreciation Bond shall be in the form set forth in this exhibit, except

- A. Immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below", and the heading "CUSIP NO." shall be deleted.
- B. The first paragraph of the Bond shall be deleted and the following will be inserted (with all blanks and bracketed items to be completed with information contained in the Award Certificate):

"THE BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY (the "Board"), being an agency of the State of Texas, hereby promises to pay to the registered owner specified

above or the registered assignee hereof (either being hereinafter called the “Registered Owner”) in each of the years in the principal amounts and bearing interest at the per annum rates set forth in the following schedule:

<u>YEARS OF STATED MATURITY</u>	<u>PRINCIPAL AMOUNTS</u>	<u>INTEREST RATES</u>
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[Information from Award Certificate to be inserted]

INTEREST shall accrete on the original principal amount hereof from the Issuance Date at the interest rate per annum specified above (subject to rounding to the Compounded Amounts as provided in the Bond Resolution), compounded semi-annually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, 20\_\_\_\_. For convenience of reference, a table appears on the back of this Bond showing the “Compounded Amount” of the original principal amount per \$5,000 Maturity Amount compounded semiannually at the yield shown on such table.”

C. The Initial Capital Appreciation Bond shall be numbered “CT-I”.

\* \* \*

TABLE OF ACCRETED VALUES [FOR CAPITAL APPRECIATION BONDS]

The Accreted Value, initial offering price (all per \$5,000 of Maturity Amount), together with the yield to maturity are as follows. Accreted Values are calculated based on the initial offering price and yield to maturity and, except at maturity, do not equal principal amount plus accrued interest.

\* \* \*

[FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE]

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

IT IS HEREBY certified that this Bond has been issued under the provisions of the Resolution described in this Bond and that this Bond has been issued in conversion of and exchange for or replacement of a bond, bonds, or a portion of a bond or bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

\_\_\_\_\_  
as Paying Agent/Registrar

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Representative

\* \* \*

[FORM OF REGISTRATION CERTIFICATE  
OF THE COMPTROLLER OF PUBLIC ACCOUNTS]

COMPTROLLER'S REGISTRATION CERTIFICATE

REGISTER NO.

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

(COMPTROLLER'S SEAL)

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Comptroller of Public Accounts of the State  
of Texas

\* \* \*

[FORM OF ASSIGNMENT]

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

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Please insert Social Security or Taxpayer Identification Number of Transferee

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(Please print or typewrite name and address, including zip code, of Transferee.)

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the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to register the transfer of the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

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NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a securities transfer association recognized signature guarantee program.

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NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.

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Note: In addition, provisions of the Bond relating to redemption may be changed, completed, or deleted as determined by the Authorized Representative to conform to the terms set forth in the Award Certificate.

Agenda Item No.

## **AGENDA ITEM BRIEFING**

**Submitted by:** Billy Hamilton, Deputy Chancellor and Chief Financial Officer  
The Texas A&M University System

**Subject:** Approval of Proposed Fee Consolidation Effective with the Fall 2024 Semester for Texas A&M International University, Texas A&M University-Kingsville, and Texas A&M University-Commerce

### **Proposed Board Action:**

Approve the proposed fee consolidation for Texas A&M International University, Texas A&M University-Kingsville, and Texas A&M University-Commerce to be effective for the fall 2024 semester.

### **Background Information:**

The Texas Education Code provides guidance on all student tuition and fees allowable for collection by institutions of higher education. Many of the authorized tuition and fees require approval from the Board of Regents (Board) prior to implementation.

As shown on the attached exhibits, this proposed fee consolidation would eliminate the current Student Services Fee and increase each respective University Services Fee by the same amount. This elimination/consolidation would provide additional flexibility for each respective chief executive officer to allocate the revenues into the areas or programs of greatest need while, at the same time, maintaining the student service programs that have traditionally been provided by each university. This fee consolidation will simplify student fee bills and result in no additional cost to students and any subsequent increases to the University Services Fee would require Board approval. Similar fee consolidations have been done in 2012 and 2014 for other A&M System universities.

### **A&M System Funding or Other Financial Implications:**

See attached exhibit.

### **Strategic Plan Imperative(s) this Item Advances:**

This agenda item is relevant to the advancement of all the imperatives of the Strategic Plan.

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
Office of the Deputy Chancellor and Chief Financial Officer  
June 3, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of Proposed Fee Consolidation Effective with the Fall 2024 Semester for  
Texas A&M International University, Texas A&M University-Kingsville, and Texas  
A&M University-Commerce

I recommend adoption of the following minute order:

**“The proposed fee consolidation for Texas A&M International University, Texas A&M University-Kingsville, and Texas A&M University-Commerce, as shown on the attached exhibit, is approved to be effective with the fall 2024 semester.”**

Respectfully submitted,

Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approval Recommended:**

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John Sharp  
Chancellor

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel



ITEM  
EXHIBIT

## TEXAS A&amp;M INTERNATIONAL UNIVERSITY

## CURRENT PLAN

## PROPOSED PLAN WITH STUDENT SERVICES FEE COLLAPSE INTO UNIV. SERVICES FEE

TEXAS RESIDENT - UNDERGRADUATE 2024-25  
VARIABLE ONE-YEAR RATE - LONG SESSION

HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES	STUDENT SERVICES	HEALTH	STUDENT CENTER	REC SPORTS	ATHLETIC	TOTAL
			FEE	FEE	FEE	FEE	FEE	FEE	
1	50.00	109.10	241.14	28.20	75.00	9.00	82.00	23.05	617.49
2	100.00	218.20	335.39	56.40	75.00	18.00	82.00	46.10	931.09
3	150.00	327.30	429.63	84.60	75.00	27.00	82.00	69.15	1,244.68
4	200.00	436.40	523.87	112.80	75.00	36.00	82.00	92.20	1,558.27
5	250.00	545.50	618.13	141.00	75.00	45.00	82.00	115.25	1,871.88
6	300.00	654.60	712.37	169.20	75.00	54.00	82.00	138.30	2,185.47
7	350.00	763.70	806.62	197.40	75.00	63.00	82.00	161.35	2,499.07
8	400.00	872.80	900.86	225.60	75.00	72.00	82.00	184.40	2,812.66
9	450.00	981.90	994.16	250.00	75.00	81.00	82.00	207.45	3,121.51
10	500.00	1,091.00	1,081.46	250.00	75.00	90.00	82.00	230.50	3,399.96
11	550.00	1,200.10	1,168.78	250.00	75.00	99.00	82.00	253.55	3,678.43
12	600.00	1,309.20	1,254.12	250.00	75.00	100.00	82.00	276.60	3,946.92
13	650.00	1,418.30	1,339.21	250.00	75.00	100.00	82.00	299.65	4,214.16
14	700.00	1,527.40	1,424.29	250.00	75.00	100.00	82.00	322.70	4,481.39
15	750.00	1,636.50	1,509.40	250.00	75.00	100.00	82.00	345.75	4,748.65
16	800.00	1,745.60	1,589.29	250.00	75.00	100.00	82.00	345.75	4,987.64
17	850.00	1,854.70	1,669.15	250.00	75.00	100.00	82.00	345.75	5,226.60
18	900.00	1,963.80	1,749.02	250.00	75.00	100.00	82.00	345.75	5,465.57
19	950.00	2,072.90	1,828.89	250.00	75.00	100.00	82.00	345.75	5,704.54
20	1,000.00	2,182.00	1,908.77	250.00	75.00	100.00	82.00	345.75	5,943.52
21	1,050.00	2,291.10	1,988.64	250.00	75.00	100.00	82.00	345.75	6,182.49
22	1,100.00	2,400.20	2,068.52	250.00	75.00	100.00	82.00	345.75	6,421.47

TEXAS RESIDENT - UNDERGRADUATE 2024-25  
VARIABLE ONE-YEAR RATE - LONG SESSION

HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES	STUDENT SERVICES	HEALTH	STUDENT CENTER	REC SPORTS	ATHLETIC	TOTAL	Verification Formula
			FEE	FEE	FEE	FEE	FEE	FEE		
1	50.00	109.10	269.34		75.00	9.00	82.00	23.05	617.49	0.00
2	100.00	218.20	391.79		75.00	18.00	82.00	46.10	931.09	0.00
3	150.00	327.30	514.23		75.00	27.00	82.00	69.15	1,244.68	0.00
4	200.00	436.40	636.67		75.00	36.00	82.00	92.20	1,558.27	0.00
5	250.00	545.50	759.13		75.00	45.00	82.00	115.25	1,871.88	0.00
6	300.00	654.60	881.57		75.00	54.00	82.00	138.30	2,185.47	0.00
7	350.00	763.70	1,004.02		75.00	63.00	82.00	161.35	2,499.07	0.00
8	400.00	872.80	1,126.46		75.00	72.00	82.00	184.40	2,812.66	0.00
9	450.00	981.90	1,244.16		75.00	81.00	82.00	207.45	3,121.51	0.00
10	500.00	1,091.00	1,331.46		75.00	90.00	82.00	230.50	3,399.96	0.00
11	550.00	1,200.10	1,418.78		75.00	99.00	82.00	253.55	3,678.43	0.00
12	600.00	1,309.20	1,504.12		75.00	100.00	82.00	276.60	3,946.92	0.00
13	650.00	1,418.30	1,589.21		75.00	100.00	82.00	299.65	4,214.16	0.00
14	700.00	1,527.40	1,674.29		75.00	100.00	82.00	322.70	4,481.39	0.00
15	750.00	1,636.50	1,759.40		75.00	100.00	82.00	345.75	4,748.65	0.00
16	800.00	1,745.60	1,839.29		75.00	100.00	82.00	345.75	4,987.64	0.00
17	850.00	1,854.70	1,919.15		75.00	100.00	82.00	345.75	5,226.60	0.00
18	900.00	1,963.80	1,999.02		75.00	100.00	82.00	345.75	5,465.57	0.00
19	950.00	2,072.90	2,078.89		75.00	100.00	82.00	345.75	5,704.54	0.00
20	1,000.00	2,182.00	2,158.77		75.00	100.00	82.00	345.75	5,943.52	0.00
21	1,050.00	2,291.10	2,238.64		75.00	100.00	82.00	345.75	6,182.49	0.00
22	1,100.00	2,400.20	2,318.52		75.00	100.00	82.00	345.75	6,421.47	0.00

TEXAS RESIDENT - UNDERGRADUATE - 2024-25 Cohort\*  
FIXED RATE - LONG SESSION

HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES	STUDENT SERVICES	HEALTH	STUDENT CENTER	REC SPORTS	ATHLETIC	TOTAL
			FEE	FEE	FEE	FEE	FEE	FEE	
1	50.00	177.00	202.90	28.20	75.00	9.00	82.00	23.05	647.15
2	100.00	354.00	244.93	56.40	75.00	18.00	82.00	46.10	976.43
3	150.00	531.00	286.95	84.60	75.00	27.00	82.00	69.15	1,305.70
4	200.00	708.00	328.97	112.80	75.00	36.00	82.00	92.20	1,634.97
5	250.00	885.00	371.01	141.00	75.00	45.00	82.00	115.25	1,964.26
6	300.00	1,062.00	413.03	169.20	75.00	54.00	82.00	138.30	2,293.53
7	350.00	1,239.00	455.06	197.40	75.00	63.00	82.00	161.35	2,622.81
8	400.00	1,416.00	497.08	225.60	75.00	72.00	82.00	184.40	2,952.08
9	450.00	1,593.00	537.92	250.00	75.00	81.00	82.00	207.45	3,276.37
10	500.00	1,770.00	571.24	250.00	75.00	90.00	82.00	230.50	3,568.74
11	550.00	1,947.00	604.58	250.00	75.00	99.00	82.00	253.55	3,861.13
12	600.00	2,124.00	635.45	250.00	75.00	100.00	82.00	276.60	4,143.05
13	650.00	2,301.00	666.00	250.00	75.00	100.00	82.00	299.65	4,423.65
14	700.00	2,478.00	696.54	250.00	75.00	100.00	82.00	322.70	4,704.24
15	750.00	2,655.00	727.12	250.00	75.00	100.00	82.00	345.75	4,984.87
16	800.00	2,832.00	751.05	250.00	75.00	100.00	82.00	345.75	5,235.80
17	850.00	3,009.00	774.96	250.00	75.00	100.00	82.00	345.75	5,486.71
18	900.00	3,186.00	798.88	250.00	75.00	100.00	82.00	345.75	5,737.63
19	950.00	3,363.00	822.80	250.00	75.00	100.00	82.00	345.75	5,988.55
20	1,000.00	3,540.00	846.73	250.00	75.00	100.00	82.00	345.75	6,239.48
21	1,050.00	3,717.00	870.65	250.00	75.00	100.00	82.00	345.75	6,490.40
22	1,100.00	3,894.00	894.58	250.00	75.00	100.00	82.00	345.75	6,741.33

NOTE: UGRAD RESIDENT TUITION \$50.00/SCH.  
STUDENT SERVICE FEE \$28.20/SCH, \$250.00 MAXIMUM.  
STUDENT HEALTH FEE \$75.00/SEMESTER; \$25.00/SUMMER TERM.  
STUDENT CENTER FEE \$9.00/SCH. \$100.00 MAXIMUM LONG SESSION; \$50 MAXIMUM/SUMMER TERM.  
RECREATIONAL SPORTS FEE \$82.00/SEM & SSIII; \$41.00/SUMMER TERM.  
ATHLETIC SPORTS FEE \$23.05/SCH. \$345.75 MAXIMUM.

TEXAS RESIDENT - UNDERGRADUATE - 2024-25 Cohort\*  
FIXED RATE - LONG SESSION

HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES	STUDENT SERVICES	HEALTH	STUDENT CENTER	REC SPORTS	ATHLETIC	TOTAL	Verification Formula
			FEE	FEE	FEE	FEE	FEE	FEE		
1	50.00	177.00	231.10		75.00	9.00	82.00	23.05	647.15	0.00
2	100.00	354.00	301.33		75.00	18.00	82.00	46.10	976.43	0.00
3	150.00	531.00	371.55		75.00	27.00	82.00	69.15	1,305.70	0.00
4	200.00	708.00	441.77		75.00	36.00	82.00	92.20	1,634.97	0.00
5	250.00	885.00	512.01		75.00	45.00	82.00	115.25	1,964.26	0.00
6	300.00	1,062.00	582.23		75.00	54.00	82.00	138.30	2,293.53	0.00
7	350.00	1,239.00	652.46		75.00	63.00	82.00	161.35	2,622.81	0.00
8	400.00	1,416.00	722.68		75.00	72.00	82.00	184.40	2,952.08	0.00
9	450.00	1,593.00	787.92		75.00	81.00	82.00	207.45	3,276.37	0.00
10	500.00	1,770.00	821.24		75.00	90.00	82.00	230.50	3,568.74	0.00
11	550.00	1,947.00	854.58		75.00	99.00	82.00	253.55	3,861.13	0.00
12	600.00	2,124.00	885.45		75.00	100.00	82.00	276.60	4,143.05	0.00
13	650.00	2,301.00	916.00		75.00	100.00	82.00	299.65	4,423.65	0.00
14	700.00	2,478.00	946.54		75.00	100.00	82.00	322.70	4,704.24	0.00
15	750.00	2,655.00	977.12		75.00	100.00	82.00	345.75	4,984.87	0.00
16	800.00	2,832.00	1,001.05		75.00	100.00	82.00	345.75	5,235.80	0.00
17	850.00	3,009.00	1,024.96		75.00	100.00	82.00	345.75	5,486.71	0.00
18	900.00	3,186.00	1,048.88		75.00	100.00	82.00	345.75	5,737.63	0.00
19	950.00	3,363.00	1,072.80		75.00	100.00	82.00	345.75	5,988.55	0.00
20	1,000.00	3,540.00	1,096.73		75.00	100.00	82.00	345.75	6,239.48	0.00
21	1,050.00	3,717.00	1,120.65		75.00	100.00	82.00	345.75	6,490.40	0.00
22	1,100.00	3,894.00	1,144.58		75.00	100.00	82.00	345.75	6,741.33	0.00

NOTE: UGRAD RESIDENT TUITION \$50.00/SCH.  
STUDENT HEALTH FEE \$75.00/SEMESTER; \$25.00/SUMMER TERM.  
STUDENT CENTER FEE \$9.00/SCH. \$100.00 MAXIMUM LONG SESSION; \$50 MAXIMUM/SUMMER TERM.  
RECREATIONAL SPORTS FEE \$82.00/SEM & SSIII; \$41.00/SUMMER TERM.  
ATHLETIC SPORTS FEE \$23.05/SCH. \$345.75 MAXIMUM.

TEXAS A&M UNIVERSITY - KINGSVILLE

CURRENT PLAN

PROPOSED PLAN WITH STUDENT SERVICES FEE COLLAPSE INTO UNIV. SERVICES FEE

TEXAS RESIDENT - UNDERGRADUATE 2024-25 VARIABLE ONE-YEAR RATE - LONG SESSION									
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL
1	50.00	113.07	295.56	16.94	57.00	80.00	150.00	20.00	782.57
2	100.00	226.14	379.31	33.88	57.00	80.00	150.00	40.00	1,066.33
3	150.00	339.21	470.45	50.82	57.00	80.00	150.00	60.00	1,357.48
4	200.00	452.28	566.51	67.76	57.00	80.00	150.00	80.00	1,653.55
5	250.00	565.35	662.56	84.70	57.00	80.00	150.00	100.00	1,949.61
6	300.00	678.42	758.63	101.64	57.00	80.00	150.00	120.00	2,245.69
7	350.00	791.49	854.69	118.58	57.00	80.00	150.00	140.00	2,541.76
8	400.00	904.56	950.74	135.52	57.00	80.00	150.00	160.00	2,837.82
9	450.00	1,017.63	1,046.80	152.46	57.00	80.00	150.00	180.00	3,133.89
10	500.00	1,130.70	1,142.86	169.40	57.00	80.00	150.00	200.00	3,429.96
11	550.00	1,243.77	1,238.92	186.34	57.00	80.00	150.00	220.00	3,726.03
12	600.00	1,582.98	1,399.95	203.28	57.00	80.00	150.00	240.00	4,313.21
13	650.00	1,582.98	1,462.93	220.22	57.00	80.00	150.00	260.00	4,463.13
14	700.00	1,582.98	1,522.17	237.16	57.00	80.00	150.00	260.00	4,589.31
15	750.00	1,582.98	1,580.67	250.00	57.00	80.00	150.00	260.00	4,710.65
16	800.00	1,582.98	1,636.87	250.00	57.00	80.00	150.00	260.00	4,816.85
17	850.00	1,582.98	1,693.07	250.00	57.00	80.00	150.00	260.00	4,923.05
18	900.00	1,582.98	1,749.27	250.00	57.00	80.00	150.00	260.00	5,029.25
19	950.00	1,582.98	1,805.47	250.00	57.00	80.00	150.00	260.00	5,135.45
20	1,000.00	1,582.98	1,861.66	250.00	57.00	80.00	150.00	260.00	5,241.64
21	1,050.00	1,582.98	1,914.78	250.00	57.00	80.00	150.00	260.00	5,344.76

TEXAS RESIDENT - UNDERGRADUATE 2024-25 VARIABLE ONE-YEAR RATE - LONG SESSION										Verification Formula
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL	
1	50.00	113.07	312.50		57.00	80.00	150.00	20.00	782.57	0.00
2	100.00	226.14	413.19		57.00	80.00	150.00	40.00	1,066.33	0.00
3	150.00	339.21	521.27		57.00	80.00	150.00	60.00	1,357.48	0.00
4	200.00	452.28	634.27		57.00	80.00	150.00	80.00	1,653.55	0.00
5	250.00	565.35	747.26		57.00	80.00	150.00	100.00	1,949.61	0.00
6	300.00	678.42	860.27		57.00	80.00	150.00	120.00	2,245.69	0.00
7	350.00	791.49	973.27		57.00	80.00	150.00	140.00	2,541.76	0.00
8	400.00	904.56	1,086.26		57.00	80.00	150.00	160.00	2,837.82	0.00
9	450.00	1,017.63	1,199.26		57.00	80.00	150.00	180.00	3,133.89	0.00
10	500.00	1,130.70	1,312.26		57.00	80.00	150.00	200.00	3,429.96	0.00
11	550.00	1,243.77	1,425.26		57.00	80.00	150.00	220.00	3,726.03	0.00
12	600.00	1,582.98	1,603.23		57.00	80.00	150.00	240.00	4,313.21	0.00
13	650.00	1,582.98	1,683.15		57.00	80.00	150.00	260.00	4,463.13	0.00
14	700.00	1,582.98	1,759.33		57.00	80.00	150.00	260.00	4,589.31	0.00
15	750.00	1,582.98	1,830.67		57.00	80.00	150.00	260.00	4,710.65	0.00
16	800.00	1,582.98	1,886.87		57.00	80.00	150.00	260.00	4,816.85	0.00
17	850.00	1,582.98	1,943.07		57.00	80.00	150.00	260.00	4,923.05	0.00
18	900.00	1,582.98	1,999.27		57.00	80.00	150.00	260.00	5,029.25	0.00
19	950.00	1,582.98	2,055.47		57.00	80.00	150.00	260.00	5,135.45	0.00
20	1,000.00	1,582.98	2,111.66		57.00	80.00	150.00	260.00	5,241.64	0.00
21	1,050.00	1,582.98	2,164.78		57.00	80.00	150.00	260.00	5,344.76	0.00

TEXAS RESIDENT - UNDERGRADUATE - 2024-25 Cohort* FIXED TUITION AND FEES - LONG SESSION									
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL
1	50.00	129.89	295.56	16.94	57.00	80.00	150.00	20.00	799.39
2	100.00	259.78	379.31	33.88	57.00	80.00	150.00	40.00	1,099.97
3	150.00	389.67	470.45	50.82	57.00	80.00	150.00	60.00	1,407.94
4	200.00	519.56	566.51	67.76	57.00	80.00	150.00	80.00	1,720.83
5	250.00	649.45	662.51	84.70	57.00	80.00	150.00	100.00	2,033.66
6	300.00	779.34	758.63	101.64	57.00	80.00	150.00	120.00	2,346.61
7	350.00	909.23	854.69	118.58	57.00	80.00	150.00	140.00	2,659.50
8	400.00	1,039.12	950.74	135.52	57.00	80.00	150.00	160.00	2,972.38
9	450.00	1,169.01	1,046.80	152.46	57.00	80.00	150.00	180.00	3,285.27
10	500.00	1,298.90	1,142.86	169.40	57.00	80.00	150.00	200.00	3,598.16
11	550.00	1,428.79	1,238.92	186.34	57.00	80.00	150.00	220.00	3,911.05
12	600.00	1,818.46	1,399.95	203.28	57.00	80.00	150.00	240.00	4,548.69
13	650.00	1,818.46	1,462.93	220.22	57.00	80.00	150.00	260.00	4,698.61
14	700.00	1,818.46	1,522.17	237.16	57.00	80.00	150.00	260.00	4,824.79
15	750.00	1,818.46	1,580.67	250.00	57.00	80.00	150.00	260.00	4,946.13
16	800.00	1,818.46	1,636.87	250.00	57.00	80.00	150.00	260.00	5,052.33
17	850.00	1,818.46	1,693.07	250.00	57.00	80.00	150.00	260.00	5,158.53
18	900.00	1,818.46	1,749.27	250.00	57.00	80.00	150.00	260.00	5,264.73
19	950.00	1,818.46	1,805.47	250.00	57.00	80.00	150.00	260.00	5,370.93
20	1,000.00	1,818.46	1,861.66	250.00	57.00	80.00	150.00	260.00	5,477.12
21	1,050.00	1,818.46	1,914.78	250.00	57.00	80.00	150.00	260.00	5,580.24

TEXAS RESIDENT - UNDERGRADUATE - 2024-25 Cohort* FIXED TUITION AND FEES - LONG SESSION										Verification Formula
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL	
1	50.00	129.89	312.50		57.00	80.00	150.00	20.00	799.39	0.00
2	100.00	259.78	413.19		57.00	80.00	150.00	40.00	1,099.97	0.00
3	150.00	389.67	521.27		57.00	80.00	150.00	60.00	1,407.94	0.00
4	200.00	519.56	634.27		57.00	80.00	150.00	80.00	1,720.83	0.00
5	250.00	649.45	747.21		57.00	80.00	150.00	100.00	2,033.66	0.00
6	300.00	779.34	860.27		57.00	80.00	150.00	120.00	2,346.61	0.00
7	350.00	909.23	973.27		57.00	80.00	150.00	140.00	2,659.50	0.00
8	400.00	1,039.12	1,086.26		57.00	80.00	150.00	160.00	2,972.38	0.00
9	450.00	1,169.01	1,199.26		57.00	80.00	150.00	180.00	3,285.27	0.00
10	500.00	1,298.90	1,312.26		57.00	80.00	150.00	200.00	3,598.16	0.00
11	550.00	1,428.79	1,425.26		57.00	80.00	150.00	220.00	3,911.05	0.00
12	600.00	1,818.46	1,603.23		57.00	80.00	150.00	240.00	4,548.69	0.00
13	650.00	1,818.46	1,683.15		57.00	80.00	150.00	260.00	4,698.61	0.00
14	700.00	1,818.46	1,759.33		57.00	80.00	150.00	260.00	4,824.79	0.00
15	750.00	1,818.46	1,830.67		57.00	80.00	150.00	260.00	4,946.13	0.00
16	800.00	1,818.46	1,886.87		57.00	80.00	150.00	260.00	5,052.33	0.00
17	850.00	1,818.46	1,943.07		57.00	80.00	150.00	260.00	5,158.53	0.00
18	900.00	1,818.46	1,999.27		57.00	80.00	150.00	260.00	5,264.73	0.00
19	950.00	1,818.46	2,055.47		57.00	80.00	150.00	260.00	5,370.93	0.00
20	1,000.00	1,818.46	2,111.66		57.00	80.00	150.00	260.00	5,477.12	0.00
21	1,050.00	1,818.46	2,164.78		57.00	80.00	150.00	260.00	5,580.24	0.00

\*This cohort applies to students who and enroll in an institution of higher education for the first time following high school graduation:  
 -in the 2024-2025 academic year, AND  
 -opt-in to the fixed tuition and fees plan.  
 This cohort expires 12 semesters after the initial enrollment date, but no sooner than Summer 2028.

\*This cohort applies to students who and enroll in an institution of higher education for the first time following high school graduation:  
 -in the 2024-2025 academic year, AND  
 -opt-in to the fixed tuition and fees plan.  
 This cohort expires 12 semesters after the initial enrollment date, but no sooner than Summer 2028.

**TEXAS A&M UNIVERSITY - COMMERCE**

CURRENT PLAN

PROPOSED PLAN WITH STUDENT SERVICES FEE COLLAPSE INTO UNIV. SERVICES FEE

TEXAS RESIDENT - UNDERGRADUATE 2024-25 VARIABLE ONE-YEAR RATE - LONG SESSION									
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL
1	50.00	109.68	178.41	23.00	75.00	100.00	150.00	32.00	<b>718.09</b>
2	100.00	219.36	284.10	46.00	75.00	100.00	150.00	64.00	<b>1,038.46</b>
3	150.00	329.04	389.79	69.00	75.00	100.00	150.00	96.00	<b>1,358.83</b>
4	200.00	438.72	495.48	92.00	75.00	100.00	150.00	128.00	<b>1,679.20</b>
5	250.00	548.40	601.17	115.00	75.00	100.00	150.00	160.00	<b>1,999.57</b>
6	300.00	658.08	709.01	138.00	75.00	100.00	150.00	192.00	<b>2,322.09</b>
7	350.00	767.76	814.70	161.00	75.00	100.00	150.00	224.00	<b>2,642.46</b>
8	400.00	877.44	920.39	184.00	75.00	100.00	150.00	256.00	<b>2,962.83</b>
9	450.00	987.12	1,026.08	207.00	75.00	100.00	150.00	288.00	<b>3,283.20</b>
10	500.00	1,096.80	1,131.77	230.00	75.00	100.00	150.00	320.00	<b>3,603.57</b>
11	550.00	1,206.48	1,236.73	250.00	75.00	100.00	150.00	352.00	<b>3,920.21</b>
12	600.00	1,316.16	1,336.76	250.00	75.00	100.00	150.00	384.00	<b>4,211.92</b>
13	650.00	1,425.84	1,436.79	250.00	75.00	100.00	150.00	416.00	<b>4,503.63</b>
14	700.00	1,535.52	1,531.83	250.00	75.00	100.00	150.00	416.00	<b>4,758.35</b>
15	750.00	1,645.20	1,626.87	250.00	75.00	100.00	150.00	416.00	<b>5,013.07</b>
16	800.00	1,754.88	1,721.90	250.00	75.00	100.00	150.00	416.00	<b>5,267.78</b>
17	850.00	1,864.56	1,816.94	250.00	75.00	100.00	150.00	416.00	<b>5,522.50</b>
18	900.00	1,974.24	1,911.97	250.00	75.00	100.00	150.00	416.00	<b>5,777.21</b>
19	950.00	2,083.92	2,007.01	250.00	75.00	100.00	150.00	416.00	<b>6,031.93</b>
20	1,000.00	2,193.60	2,102.04	250.00	75.00	100.00	150.00	416.00	<b>6,286.64</b>
21	1,050.00	2,303.28	2,197.08	250.00	75.00	100.00	150.00	416.00	<b>6,541.36</b>
22	1,100.00	2,412.96	2,264.08	250.00	75.00	100.00	150.00	416.00	<b>6,768.04</b>

TEXAS RESIDENT - UNDERGRADUATE 2024-25 VARIABLE ONE-YEAR RATE - LONG SESSION										Verification Formula
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL	
1	50.00	109.68	201.41		75.00	100.00	150.00	32.00	<b>718.09</b>	0.00
2	100.00	219.36	330.10		75.00	100.00	150.00	64.00	<b>1,038.46</b>	0.00
3	150.00	329.04	458.79		75.00	100.00	150.00	96.00	<b>1,358.83</b>	0.00
4	200.00	438.72	587.48		75.00	100.00	150.00	128.00	<b>1,679.20</b>	0.00
5	250.00	548.40	716.17		75.00	100.00	150.00	160.00	<b>1,999.57</b>	0.00
6	300.00	658.08	847.01		75.00	100.00	150.00	192.00	<b>2,322.09</b>	0.00
7	350.00	767.76	975.70		75.00	100.00	150.00	224.00	<b>2,642.46</b>	0.00
8	400.00	877.44	1,104.39		75.00	100.00	150.00	256.00	<b>2,962.83</b>	0.00
9	450.00	987.12	1,233.08		75.00	100.00	150.00	288.00	<b>3,283.20</b>	0.00
10	500.00	1,096.80	1,361.77		75.00	100.00	150.00	320.00	<b>3,603.57</b>	0.00
11	550.00	1,206.48	1,486.73		75.00	100.00	150.00	352.00	<b>3,920.21</b>	0.00
12	600.00	1,316.16	1,586.76		75.00	100.00	150.00	384.00	<b>4,211.92</b>	0.00
13	650.00	1,425.84	1,686.79		75.00	100.00	150.00	416.00	<b>4,503.63</b>	0.00
14	700.00	1,535.52	1,781.83		75.00	100.00	150.00	416.00	<b>4,758.35</b>	0.00
15	750.00	1,645.20	1,876.87		75.00	100.00	150.00	416.00	<b>5,013.07</b>	0.00
16	800.00	1,754.88	1,971.90		75.00	100.00	150.00	416.00	<b>5,267.78</b>	0.00
17	850.00	1,864.56	2,066.94		75.00	100.00	150.00	416.00	<b>5,522.50</b>	0.00
18	900.00	1,974.24	2,161.97		75.00	100.00	150.00	416.00	<b>5,777.21</b>	0.00
19	950.00	2,083.92	2,257.01		75.00	100.00	150.00	416.00	<b>6,031.93</b>	0.00
20	1,000.00	2,193.60	2,352.04		75.00	100.00	150.00	416.00	<b>6,286.64</b>	0.00
21	1,050.00	2,303.28	2,447.08		75.00	100.00	150.00	416.00	<b>6,541.36</b>	0.00
22	1,100.00	2,412.96	2,514.08		75.00	100.00	150.00	416.00	<b>6,768.04</b>	0.00

TEXAS RESIDENT - UNDERGRADUATE - 2024-25 Cohort* 4 YEAR FIXED RATE - LONG SESSION									
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL
1	50.00	109.68	214.31	23.00	75.00	100.00	150.00	32.00	<b>753.99</b>
2	100.00	219.36	336.02	46.00	75.00	100.00	150.00	64.00	<b>1,090.38</b>
3	150.00	329.04	457.73	69.00	75.00	100.00	150.00	96.00	<b>1,426.77</b>
4	200.00	438.72	579.44	92.00	75.00	100.00	150.00	128.00	<b>1,763.16</b>
5	250.00	548.40	701.15	115.00	75.00	100.00	150.00	160.00	<b>2,099.55</b>
6	300.00	658.08	825.12	138.00	75.00	100.00	150.00	192.00	<b>2,438.20</b>
7	350.00	767.76	946.83	161.00	75.00	100.00	150.00	224.00	<b>2,774.59</b>
8	400.00	877.44	1,068.53	184.00	75.00	100.00	150.00	256.00	<b>3,110.97</b>
9	450.00	987.12	1,190.24	207.00	75.00	100.00	150.00	288.00	<b>3,447.36</b>
10	500.00	1,096.80	1,311.95	230.00	75.00	100.00	150.00	320.00	<b>3,783.75</b>
11	550.00	1,206.48	1,432.74	250.00	75.00	100.00	150.00	352.00	<b>4,116.22</b>
12	600.00	1,316.16	1,547.66	250.00	75.00	100.00	150.00	384.00	<b>4,422.82</b>
13	650.00	1,425.84	1,661.98	250.00	75.00	100.00	150.00	416.00	<b>4,728.82</b>
14	700.00	1,535.52	1,769.75	250.00	75.00	100.00	150.00	416.00	<b>4,996.27</b>
15	750.00	1,645.20	1,877.52	250.00	75.00	100.00	150.00	416.00	<b>5,263.72</b>
16	800.00	1,754.88	1,985.29	250.00	75.00	100.00	150.00	416.00	<b>5,531.17</b>
17	850.00	1,864.56	2,093.06	250.00	75.00	100.00	150.00	416.00	<b>5,798.62</b>
18	900.00	1,974.24	2,200.83	250.00	75.00	100.00	150.00	416.00	<b>6,066.07</b>
19	950.00	2,083.92	2,308.60	250.00	75.00	100.00	150.00	416.00	<b>6,333.52</b>
20	1,000.00	2,193.60	2,416.38	250.00	75.00	100.00	150.00	416.00	<b>6,600.98</b>
21	1,050.00	2,303.28	2,524.15	250.00	75.00	100.00	150.00	416.00	<b>6,868.43</b>
22	1,100.00	2,412.96	2,631.92	250.00	75.00	100.00	150.00	416.00	<b>7,135.88</b>

TEXAS RESIDENT - UNDERGRADUATE - 2024-25 Cohort* 4 YEAR FIXED RATE - LONG SESSION										Verification Formula
HOURS	STATUTORY TUITION	DESIGNATED TUITION	UNIV. SERVICES FEE	STUDENT SERVICES FEE	HEALTH FEE	STUDENT CENTER FEE	REC SPORTS FEE	ATHLETIC FEE	TOTAL	
1	50.00	109.68	237.31		75.00	100.00	150.00	32.00	<b>753.99</b>	0.00
2	100.00	219.36	382.02		75.00	100.00	150.00	64.00	<b>1,090.38</b>	0.00
3	150.00	329.04	526.73		75.00	100.00	150.00	96.00	<b>1,426.77</b>	0.00
4	200.00	438.72	671.44		75.00	100.00	150.00	128.00	<b>1,763.16</b>	0.00
5	250.00	548.40	816.15		75.00	100.00	150.00	160.00	<b>2,099.55</b>	0.00
6	300.00	658.08	963.12		75.00	100.00	150.00	192.00	<b>2,438.20</b>	0.00
7	350.00	767.76	1,107.83		75.00	100.00	150.00	224.00	<b>2,774.59</b>	0.00
8	400.00	877.44	1,252.53		75.00	100.00	150.00	256.00	<b>3,110.97</b>	0.00
9	450.00	987.12	1,397.24		75.00	100.00	150.00	288.00	<b>3,447.36</b>	0.00
10	500.00	1,096.80	1,541.95		75.00	100.00	150.00	320.00	<b>3,783.75</b>	0.00
11	550.00	1,206.48	1,682.74		75.00	100.00	150.00	352.00	<b>4,116.22</b>	0.00
12	600.00	1,316.16	1,797.66		75.00	100.00	150.00	384.00	<b>4,422.82</b>	0.00
13	650.00	1,425.84	1,911.98		75.00	100.00	150.00	416.00	<b>4,728.82</b>	0.00
14	700.00	1,535.52	2,019.75		75.00	100.00	150.00	416.00	<b>4,996.27</b>	0.00
15	750.00	1,645.20	2,127.52		75.00	100.00	150.00	416.00	<b>5,263.72</b>	0.00
16	800.00	1,754.88	2,235.29		75.00	100.00	150.00	416.00	<b>5,531.17</b>	0.00
17	850.00	1,864.56	2,343.06		75.00	100.00	150.00	416.00	<b>5,798.62</b>	0.00
18	900.00	1,974.24	2,450.83		75.00	100.00	150.00	416.00	<b>6,066.07</b>	0.00
19	950.00	2,083.92	2,558.60		75.00	100.00	150.00	416.00	<b>6,333.52</b>	0.00
20	1,000.00	2,193.60	2,666.38		75.00	100.00	150.00	416.00	<b>6,600.98</b>	0.00
21	1,050.00	2,303.28	2,774.15		75.00	100.00	150.00	416.00	<b>6,868.43</b>	0.00
22	1,100.00	2,412.96	2,881.92		75.00	100.00	150.00	416.00	<b>7,135.88</b>	0.00

NOTE: UGRAD RESIDENT TUITION \$50.00/SCH.  
STUDENT SERVICE FEE \$23/SCH, \$250.00 MAXIMUM/LONG SESSION; \$125 MAXIMUM/SUMMER TERM.  
STUDENT HEALTH FEE \$75.00/SEMESTER; \$25.00/SUMMER TERM.  
STUDENT CENTER FEE \$100.00 LONG SESSION; \$50/SUMMER TERM.  
RECREATIONAL SPORTS FEE \$150 LONG TERM; \$75/SUMMER TERM.  
ATHLETIC SPORTS FEE \$32/SCH, \$416 MAXIMUM.

NOTE: UGRAD RESIDENT TUITION \$50.00/SCH.  
STUDENT HEALTH FEE \$75.00/SEMESTER; \$25.00/SUMMER TERM.  
STUDENT CENTER FEE \$100.00 LONG SESSION; \$50/SUMMER TERM.  
RECREATIONAL SPORTS FEE \$150 LONG TERM; \$75/SUMMER TERM.  
ATHLETIC SPORTS FEE \$32/SCH, \$416 MAXIMUM.

Agenda Item No. 2.1

**THE BOARD OF REGENTS  
THE TEXAS A&M UNIVERSITY SYSTEM**  
July 10, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of System Internal Audit Plan for Fiscal Year 2025

The Committee on Audit recommends adoption of the following minute order:

**“The Board of Regents of The Texas A&M University System hereby approves the System Internal Audit Plan for Fiscal Year 2025, a copy of which is attached to the official minutes.”**

Respectfully submitted,

Mike Hernandez  
Chairman, Committee on Audit

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel



# THE TEXAS A&M UNIVERSITY SYSTEM

## **System Internal Audit Department**

### **Fiscal Year 2025 Audit Plan**

(Includes potential audits for FY 2026 and FY 2027)



**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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The following are planned audits for the fiscal year 2025 audit plan. The list also includes potential audits for fiscal years 2026 and 2027 that will be formally approved in subsequent years' audit plans.

**A&M SYSTEM OFFICES**

**FY 2025**

Private Developments

**FY 2026 (Potential Audits)**

Available University Fund Reporting

Aviation

Cash and Investments

Environment Safety and Security

High Risk Global Engagements and International Collaborations Compliance

Title IX

**FY 2027 (Potential Audits)**

Information Technology

Research Compliance

Texas A&M Innovation

**TEXAS A&M UNIVERSITY**

**FY 2025**

Animal Care and Use

Anatomical Gift Program – School of Dentistry

Centers and Institutes

College of Arts & Sciences – Information Technology

Corps of Cadets

Information Technology Governance Practices

Student Organizations and Activities

Texas A&M University at Galveston – Information Technology

Veterinary Medical Teaching Hospital

**FY 2026 (Potential Audits)**

Accounts Receivable

Contract Administration

Human Research Protection Program

Mays Business School – Information Technology

Memorial Student Center and University Center

School of Engineering Medicine – Information Technology

School of Performance, Visualization, and Fine Arts – Information Technology



**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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**FY 2027 (Potential Audits)**

- Athletics
- College of Agriculture and Life Sciences – Information Technology
- College of Engineering – Information Technology
- Division of Marketing and Communication – Information Technology
- School of Veterinary Medicine and Biomedical Sciences – Information Technology
- Service Department Rates
- Student Receivables

**PRAIRIE VIEW A&M UNIVERSITY**

**FY 2025**

- Research Administration

**FY 2026 (Potential Audits)**

- Contract Administration
- Financial Management Services
- Housing
- Programs for Minors

**FY 2027 (Potential Audits)**

- Health and Safety
- NCAA Compliance
- Student Information System

**TARLETON STATE UNIVERSITY**

**FY 2025**

- Financial Management Services
- Information Technology

**FY 2026 (Potential Audits)**

- Housing
- Research Administration

**FY 2027 (Potential Audits)**

- Athletics
- Contract Administration

**TEXAS A&M INTERNATIONAL UNIVERSITY**

**FY 2025**

- Programs for Minors



**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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FY 2026 (Potential Audits)

- Athletics
- Facilities Development Reporting to the Texas Higher Education Coordinating Board \*
- Financial Management Services
- Health and Safety

FY 2027 (Potential Audits)

- Contract Administration
- Housing
- Student Information System

**TEXAS A&M UNIVERSITY-CENTRAL TEXAS**

FY 2025

- No planned audits

FY 2026 (Potential Audit)

- Tuition and Fees

FY 2027 (Potential Audits)

- Facilities Development Reporting to the Texas Higher Education Coordinating Board \*
- Student Information System

**TEXAS A&M UNIVERSITY-COMMERCE**

FY 2025

- Facilities Development Reporting to the Texas Higher Education Coordinating Board \*
- Health & Safety

FY 2026 (Potential Audits)

- Housing
- Information Technology

FY 2027 (Potential Audits)

- Athletics
- NCAA Compliance

**TEXAS A&M UNIVERSITY-CORPUS CHRISTI**

FY 2025

- Athletics
- Facilities Development Reporting to the Texas Higher Education Coordinating Board \*





**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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FY 2026 (Potential Audits)  
Health and Safety  
Housing  
Research Administration

FY 2027 (Potential Audits)  
Contract Administration  
Financial Management Services  
NCAA Compliance

**TEXAS A&M UNIVERSITY–KINGSVILLE**

FY 2025  
Information Technology

FY 2026 (Potential Audits)  
Athletics  
Facilities Development Reporting to the Texas Higher Education Coordinating Board \*  
Health and Safety

FY 2027 (Potential Audit)  
NCAA Compliance

**TEXAS A&M UNIVERSITY–SAN ANTONIO**

FY 2025  
Financial Management Services

FY 2026 (Potential Audits)  
Contract Administration  
Facilities Development Reporting to the Texas Higher Education Coordinating Board \*  
Housing

FY 2027 (Potential Audits)  
Athletics  
Student Information System

**TEXAS A&M UNIVERSITY–TEXARKANA**

FY 2025  
Auxiliary Services  
Facilities Development Reporting to the Texas Higher Education Coordinating Board \*

FY 2026 (Potential Audit)  
Contract Administration



**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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FY 2027 (Potential Audit)  
Programs for Minors

**WEST TEXAS A&M UNIVERSITY**

FY 2025  
Auxiliary Services  
Facilities Development Reporting to the Texas Higher Education Coordinating Board \*

FY 2026 (Potential Audits)  
Information Technology  
Payroll

FY 2027 (Potential Audit)  
Tuition and Fees

**TEXAS A&M AGRILIFE RESEARCH**

FY 2025  
Contract Administration

FY 2026 (Potential Audits)  
Payroll  
Transportation and Fleet

FY 2027 (Potential Audits)  
Animal Care and Use – Outside of Brazos County  
Health and Safety

**TEXAS A&M AGRILIFE EXTENSION**

FY 2025  
Contract Administration

FY 2026 (Potential Audits)  
Payroll  
Transportation and Fleet

FY 2027 (Potential Audit)  
Health and Safety

**TEXAS A&M ENGINEERING EXPERIMENT STATION**

FY 2025  
Centers and Institutes  
Financial Management Services



**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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FY 2026 (Potential Audit)  
Information Technology

FY 2027 (Potential Audit)  
Export Controls

**TEXAS A&M ENGINEERING EXTENSION SERVICE**

FY 2025  
Export Controls

FY 2026 (Potential Audits)  
Contract Administration  
Health and Safety  
Learning Management and Student System  
Training and Training Support

FY 2027 (Potential Audits)  
Financial Management Services  
Sponsored Programs

**TEXAS A&M FOREST SERVICE**

FY 2025  
Contract Administration

FY 2026 (Potential Audits)  
Payroll  
Sponsored Programs

FY 2027 (Potential Audit)  
Transportation and Fleet

**TEXAS A&M TRANSPORTATION INSTITUTE**

FY 2025  
Information Technology

FY 2026 (Potential Audits)  
Export Controls  
Financial Management Services

FY 2027 (Potential Audit)  
Health and Safety



**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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**TEXAS A&M VETERINARY MEDICAL DIAGNOSTIC LABORATORY**

FY 2025

Contract Administration

FY 2026 (Potential Audit)

Payroll

FY 2027 (Potential Audit)

Health and Safety

**TEXAS DIVISION OF EMERGENCY MANAGEMENT**

FY 2025

No planned audits

FY 2026 (Potential Audits)

Export Controls

Information Technology

FY 2027 (Potential Audits)

Contract Administration

Health and Safety

\* These audits will be performed to fulfill requirements of the Texas Higher Education Coordinating Board's (THECB) Facility Audit Protocol for the members selected by THECB for facilities audits in the respective fiscal years.



**System Internal Audit Department  
Fiscal Year 2025 Audit Plan**  
(Includes potential audits for FY 2026 and FY 2027)

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The purpose of the audit plan is to outline audits and other activities the System Internal Audit Department will conduct during fiscal year 2025. The plan is developed to satisfy responsibilities established by the Board of Regents Bylaws, System Policy 10.01, *Internal Auditing*, Texas Government Code Section 2102.008, and applicable auditing standards. Deliverables for planned audits may include audit reports, technical assistance, data analysis, and other written and oral communications. The chief auditor is authorized to make changes to the plan to address changes in identified risks. The Committee on Audit and the chancellor will be notified of any significant additions, deletions, or other changes to the FY 2025 audits listed in this plan.

As part of the annual audit planning process, the System Internal Audit Department also identified potential audits for FY 2026 and FY 2027 working with A&M System and system member executive management. Changes to the list of potential audits for FY 2026 and FY 2027 will be communicated during the annual audit planning process in subsequent years.

The specific scope of each audit will be determined once the audit team has completed the planning process for the audit. This process includes consideration of the governance, risk management, and control processes that provide reasonable assurance that:

- Risks relating to the achievement of the system's strategic objectives are appropriately identified and managed.
- The actions of the system's officers, directors, employees, and contractors are in compliance with the system's policies, procedures, and applicable laws, regulations, and governance standards.
- The results of operations or programs are consistent with established goals and objectives.
- Operations or programs are being carried out effectively and efficiently.
- Established processes and systems enable compliance with the policies, procedures, laws, and regulations that could significantly impact the system.
- Information and the means used to identify, measure, analyze, classify, and report such information are reliable and have integrity.
- Resources and assets are acquired economically, used efficiently, and protected adequately.

Agenda Item No.

**AGENDA ITEM BRIEFING**

**Submitted by:** Billy Hamilton, Deputy Chancellor and Chief Financial Officer  
The Texas A&M University System

**Subject:** Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the Public Safety Facility Project, West Texas A&M University, Canyon, Texas (Project No. 18-3369)

**Background and Prior Actions:**

The Public Safety Facility Project was included as a proposed project in the FY 2023 – FY 2027 A&M System Capital Plan approved by the Board at the May 2022 meeting. The A&M System Capital Plan was amended to change the fiscal year designation for project initiation from FY 2025 to FY 2024 and \$997,500 was appropriated for preconstruction services at the November 2023 meeting.

**Proposed Board Action:**

- (1) Approve the project scope and budget.
- (2) Appropriate \$8,977,500 for construction services and related project costs. \$997,500 has been previously appropriated to this project.
- (3) Approve construction of the Public Safety Facility Project at West Texas A&M University (WTAMU).

**Funding/Budget Amount:**

<u>Funding Source</u>	<u>Budget Amount</u>	<u>Average Estimated Annual Debt Service</u>	<u>Debt Service Source</u>
Revenue Financing System Debt Proceeds	\$1,975,000	\$249,055	Unallocated Interest Income
Cash (Unallocated Interest Income Reserves)	<u>\$8,000,000</u>	N/A	N/A
Total Project Funds	<u>\$9,975,000</u>		

**Project Justification:**

WTAMU had planned to construct a new facility in FY 2025; however, shelled space in an existing facility, Palo Duro Research Center (PDRC), is available for the departments that currently occupy the Old Student Union Building (SUB): The University Police Department (UPD), Fire and Life Safety, Lock Shop, Texas Division of Emergency Management (TDEM),

Agenda Item No.  
Agenda Item Briefing

Parking and Transportation Services, and the US Department of Education TRIO grant program. The addition of these programs will complete the occupation of the PDRC building. The university plans to demolish the Old SUB after the occupants have vacated, thus saving on ongoing monthly and deferred maintenance costs estimated at \$4.87 million per year.

**Scope:**

The Public Safety Facility Project will provide approximately 17,500 gross square feet primarily made up of a series of office suites with public access for parking services. Office and support space will be provided for police administration, patrol, investigations, dispatch, fire and life safety, lock shop, and TDEM. A multipurpose training space will be provided to allow in-house training and will be shared by UPD and TDEM. The training space can also be used as an ad hoc emergency operations center if necessary. In support of the patrol and investigations departments, a property/evidence area is included for the proper booking, analysis, and storage of evidence collected during an investigation. The dispatch center is the heart of UPD operations and will need to be provided with a space that is protected against weather and other emergency events to maintain continuous operation. Workshop/warehouse space is also provided for bulk storage and operations for the lock shop and fire and life safety. These spaces will require direct access to the exterior for both moving materials in and out of the building and for utility task vehicle and golf cart access.

Construction on this project is scheduled to start in September 2024 with substantial completion scheduled for August 2025. The total project budget is \$9,975,000.

**Other Major Fiscal Impacts:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

The Public Safety Facility supports the Strategic Plan imperatives identified below:

Strategic Imperative No. 1: *All qualified students will find a place in the A&M System and will have an array of pathways to pursue their ambitions and interests. We will develop a coordinated recruitment and admissions strategy for the A&M System and create coherent pathways among institutions.*

Strategic Imperative No. 3: *Our students will leave the A&M System as responsible and engaged citizens prepared for successful careers in an increasingly global economy. Our member institutions will develop the educational experiences, experiential opportunities and service opportunities our students need to succeed post-graduation in a global economy.*

Strategic Imperative No. 5: *The A&M System will provide services that respond to the needs of the people of Texas and contribute to the strength of the state's economy. We will continue to address the needs of Texas and utilize technology to reach citizens in new ways.*

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Strategic Imperative No. 6: *The A&M System, in adhering to the high standard of excellence and growth required in this strategic plan, will display prudent financial stewardship and sustainability as the university will avoid unnecessary deferred maintenance and ongoing maintenance costs.*



Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
**FACILITIES PLANNING AND CONSTRUCTION**  
Office of the Deputy Chancellor and Chief Financial Officer  
July 1, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the Public Safety Facility Project, West Texas A&M University, Canyon, Texas (Project No. 18-3369)

I recommend adoption of the following minute order:

**“The project scope along with a project budget of \$9,975,000 for the Public Safety Facility Project is approved.**

**The amount of \$1,975,000 is appropriated from Account No. 01-083540 Revenue Financing System Debt Proceeds (Unallocated Interest Income), and \$7,002,500 is appropriated from Account No. 18-871424 Public Safety Facility, for construction services and related project costs.**

**The Public Safety Facility Project, West Texas A&M University, Canyon, Texas, is approved for construction.**

**The Board of Regents of The Texas A&M University System (Board) reasonably expects to incur debt in one or more obligations for this project, and all or a portion of the proceeds received from the sale of such obligations is reasonably expected to be used to reimburse the account(s) for amounts previously appropriated and/or expended from such account(s).**

**As required by Section 5(a) of the Master Resolution of the Revenue Financing System, the Board hereby determines that it will have sufficient funds to meet the financial obligations of The Texas A&M University System, including sufficient Pledged Revenues to satisfy the Annual Debt Service Requirements of the Revenue Financing System and to meet all financial obligations of the Board relating to the Revenue Financing System and that**

Agenda Item No.  
July 1, 2024

**the Participants, on whose behalf the debt is issued, possess the financial capacity to satisfy their Direct Obligations.”**

Respectfully submitted,

Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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Ray Bonilla  
General Counsel

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Phillip Ray  
Vice Chancellor for Business Affairs

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Walter V. Wendler, President  
West Texas A&M University

**PUBLIC SAFETY FACILITY  
WEST TEXAS A&M UNIVERSITY  
PROJECT NO. 18-3369**

**PROJECT BUDGET**

1. Construction .....	\$7,610,197
2. Project Contingency .....	490,000
3. Program of Requirements.....	0
4. Pre-Construction Services .....	700,100
5. Commissioning.....	30,240
6. Construction Testing .....	122,897
7. Campus Services & Technology .....	258,000
8. Furnishings .....	292,000
9. Equipment .....	98,000
10. Other Project Costs.....	116,052
11. Project Management & Inspection .....	<u>\$257,514</u>
12. TOTAL ESTIMATED COST OF PROJECT .....	<u>\$9,975,000</u>

**PUBLIC SAFETY FACILITY  
WEST TEXAS A&M UNIVERSITY  
PROJECT NO. 18-3369**

**PROJECT SCHEDULE**

1. Issue A/E RFQ .....November 30, 2023
2. Issue CMAR RFP .....November 30, 2023
3. Receive A/E RFQ Responses..... January 10, 2024
4. Receive CMAR RFP Response ..... January 11, 2024
5. Shortlist A/E Firms ..... January 18, 2024
6. Interview A/E Shortlist ..... January 30, 2024
7. Interview CMAR Firms ..... January 30, 2024
8. A/E Ranked Order Approved by Chancellor ..... February 20, 2024
9. CMAR Ranked Order Approved by Chancellor ..... February 20, 2024
10. Execute A/E Agreement ..... April 17, 2024
11. Execute CMAR Agreement ..... April 17, 2024
12. Complete Schematic Design ..... May 15, 2024
13. Complete Design Development ..... June 19, 2024
14. Receive GMP from CMAR ..... June 26, 2024
15. Submit THECB Application ..... June 26, 2024
16. BOR Approval for Construction ..... August 1, 2024
17. Begin Construction ..... September 2024
18. Complete Construction Documents ..... September 2024
19. Substantial Completion ..... August 2025
20. Owner Occupancy ..... September 2025



## Public Safety Facility

West Texas A&M University

Project No. 18-3369

**WEST TEXAS A&M UNIVERSITY  
REVENUE FINANCING SYSTEM  
#18-3369 Public Safety Facility  
Unallocated Interest Income**

<b>Dates</b>	<b>Outstanding Principal</b>	<b>Principal Amount</b>	<b>Interest Amount</b>	<b>Annual Total</b>	<b>Coverage 1.15x</b>
BONDS	1,995,000.00				
YEAR 1	1,830,000.00	165,000.00	84,787.50	249,787.50	287,255.63
YEAR 2	1,660,000.00	170,000.00	77,775.00	247,775.00	284,941.25
YEAR 3	1,480,000.00	180,000.00	70,550.00	250,550.00	288,132.50
YEAR 4	1,295,000.00	185,000.00	62,900.00	247,900.00	285,085.00
YEAR 5	1,100,000.00	195,000.00	55,037.50	250,037.50	287,543.13
YEAR 6	900,000.00	200,000.00	46,750.00	246,750.00	283,762.50
YEAR 7	690,000.00	210,000.00	38,250.00	248,250.00	285,487.50
YEAR 8	470,000.00	220,000.00	29,325.00	249,325.00	286,723.75
YEAR 9	240,000.00	230,000.00	19,975.00	249,975.00	287,471.25
YEAR 10	-	240,000.00	10,200.00	250,200.00	287,730.00
		<u>\$ 1,995,000.00</u>	<u>\$ 495,550.00</u>	<u>\$ 2,490,550.00</u>	<u>\$ 2,864,132.51</u>

Estimated issuance costs and rounding of \$20,000 is included in this schedule.  
Long-term rates are assumed to be 4.25%. Rates are subject to market change.  
Prepared by the Office of the Treasurer - Treasury Services 06/07/2024

**Rates are subject to market change. Amounts are preliminary estimates that will be revised at the time bonds are issued.**

**Backup source of repayment for Interest Income: Designated Tuition**

Agenda Item No.

**AGENDA ITEM BRIEFING**

**Submitted by:** Billy Hamilton, Deputy Chancellor and Chief Financial Officer  
The Texas A&M University System

**Subject:** Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the School of Dentistry Main Building Renovations Project, Texas A&M University Health Science Center, Dallas, Texas (Project No. 23-3400)

**Background and Prior Actions:**

The School of Dentistry Main Building Renovations Project was approved to be added to the FY 2023 – FY 2027 A&M System Capital Plan for FY 2023 approved by the Board at the May 2022 meeting.

**Proposed Board Action:**

- (1) Approve the project scope and budget.
- (2) Appropriate \$20,160,000 for construction services and related project costs. \$2,240,000 has been previously appropriated to this project.
- (3) Approve construction of the School of Dentistry Main Building Renovations Project at Texas A&M University Health Science Center (TAMHSC).

**Funding/Budget Amount:**

<u>Funding Source</u>	<u>Budget Amount</u>	Average <u>Estimated Annual Debt Service</u>	<u>Debt Service Source</u>
Permanent University Fund Debt Proceeds*	\$7,890,000	\$639,425	Available University Fund
Cash (Designated Tuition)	\$10,240,421	N/A	N/A
Cash (Texas Delivery System Reform Incentive Payments)	\$3,200,000	N/A	N/A
Cash (Gifts)	<u>\$1,069,579</u>	N/A	N/A
Total Project Funds	<u>\$22,400,000</u>		

Agenda Item No.  
Agenda Item Briefing

\*TAMHSC is using \$7,890,000 of its PUF Equipment Allocations to provide funding for this project. These funds have been reverted to The Texas A&M University System (A&M System) so that they can be appropriated for this major project.

**Project Justification:**

With the opening of the new Clinical Education Building in 2020, some space in the existing Dentistry Main Building at 3302 Gaston Ave was vacated by programs and personnel that moved into the Clinical Education Building. In the current project, the School of Dentistry will renovate portions of the vacated space in the Dentistry Main Building to house three primary programs. The inclusion of these programs is based on the following justification by program:

Research Labs - The School of Dentistry supports faculty research in the areas of biomedical, endodontics, general dentistry, orthodontics, periodontics, and public health sciences. Research programs provide the opportunity for students to pursue their interest in research related to dentistry. Due to the sale of the Science Building adjacent to the Dentistry Main Building, it is imperative that the research functions be accommodated in this renovation.

Animal Resource Unit - Support of the research has been given a top priority with the renovation of laboratories and expansion of the Animal Resource Unit. The renovation will meet standards and safety regulations for research laboratories and provide research capabilities that will position the School of Dentistry to increase its research activities.

Simulation (SIM) Clinic and Techniques Laboratory (SIM Clinic) - To give academic programs the ability to renew old and worn equipment and expand, the project will include relocating, reconfiguring and updating the student SIM Clinic. These are critical learning spaces for pre-clinical students to develop dependable hand skills prior to moving to work on live patients in the clinics. The SIM Clinic space is over 15 years old with mannequin heads that are worn and with many parts that are no longer functioning. The renovated space will provide an area to increase student learning stations with new mannequin heads.

**Scope:**

The renovation of the School of Dentistry Main Building involves targeted areas of the existing eight-story building encompassing the renovation and enhancement of the Animal Resource Unit (ARU) on the fourth floor, upgrade and enlargement of instructional space for D1 and D2 students (SIM Clinic) on the third floor, and the establishment of a new BSL-2 Research Lab on the second floor. The renovated spaces total 26,646 gross square feet. The total building area is 113,773 gross square feet.

Construction on this project is scheduled to start in September 2024 with substantial completion scheduled for June 2026. The total project budget is \$22,400,000.

**Other Major Fiscal Impacts:**

None.



**Strategic Plan Imperative(s) this Item Advances:**

A&M System developed a series of Strategic Imperatives as part of the Strategic Plan and this project supports several of these imperatives.

*Strategic Imperative No. 1: All qualified students will find a place in the A&M System and will have an array of pathways to pursue their ambitions and interests. We will develop a coordinated recruitment and admissions strategy for the A&M System and create coherent pathways among institutions.*

This project supports this imperative by providing students with updated SIM classrooms that are especially essential to attracting and retaining students. In addition, the research facilities provide graduate students the opportunity to further their interest in dental research.

*Strategic Imperative No. 2: Our students will leave the A&M System as responsible and engaged citizens prepared for successful careers in an increasingly global economy. Our member institutions will develop the educational experiences, experiential opportunities, and service opportunities our students need to succeed post-graduation in a global economy.*

Like the first imperative, this renovation will provide opportunities for students to reach their full potential by providing renewed hands-on learning environments that prepare them for upper-level classes that involve real-life patient care, provided by dental students in their third and fourth years. The renovation of spaces in the Dentistry Main Building reflects the mission, vision, and core values of the School of Dentistry. The project will meet the mission and vision statements by providing a renovated space in support of training for patient-centered care and clinical research to improve patient care.

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
**FACILITIES PLANNING AND CONSTRUCTION**  
Office of the Deputy Chancellor and Chief Financial Officer  
July 1, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the School of Dentistry Main Building Renovations Project, Texas A&M University Health Science Center, Dallas, Texas (Project No. 23-3400)

I recommend adoption of the following minute order:

**“The project scope along with a project budget of \$22,400,000 for the School of Dentistry Main Building Renovations Project is approved.**

**The amount of \$5,650,000 is appropriated from Account No. 01-084243 Permanent University Fund Debt Proceeds, (AUF), the amount of \$10,240,421 is appropriated from Account No. 23-211150 Designated Tuition-SOD Finance, the amount of \$3,200,000 is appropriated from Account No. 23-205091 SOD DSRIP Incentive Payments, and the amount of \$1,069,579 is appropriated from Account No. 23-530106 Set Aside Dental Clinic, for construction services and related project costs.**

**The School of Dentistry Main Building Renovations Project, Texas A&M University Health Science Center, Dallas, Texas, is approved for construction.**

**The Board of Regents of The Texas A&M University System (Board) reasonably expects to incur debt in one or more obligations for this project, and all or a portion of the proceeds received from the sale of such obligations**

**is reasonably expected to be used to reimburse the account(s) for amounts previously appropriated and/or expended from such account(s).”**

Respectfully submitted,

Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approval Recommended:**

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John Sharp  
Chancellor

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Phillip Ray  
Vice Chancellor for Business Affairs

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Mark A. Welsh III, President  
Texas A&M University

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Dr. Indra K. Reddy, Interim Vice President and  
Chief Operating Officer  
Texas A&M University Health Science Center

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel

**SCHOOL OF DENTISTRY MAIN BUILDING  
RENOVATIONS**
**PROJECT BUDGET**
**TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER  
PROJECT NO. 23-3400**

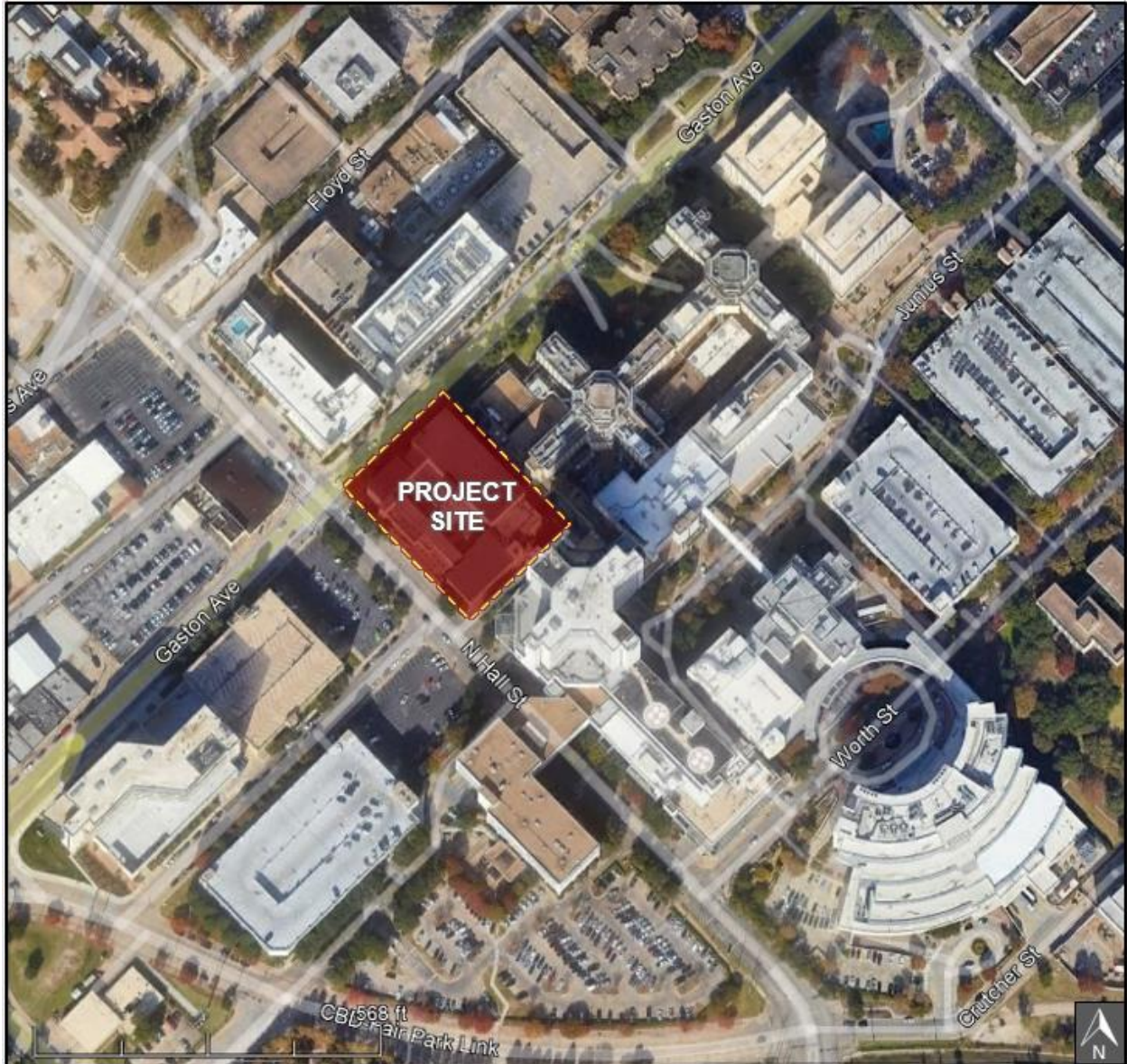
1. Construction .....	\$13,968,661
2. Project Contingency .....	558,000
3. Program of Requirements.....	0
4. Pre-Construction Services .....	1,547,000
5. Commissioning.....	56,000
6. Construction Testing .....	265,000
7. Campus Services & Technology .....	480,000
8. Furnishings .....	653,629
9. Equipment .....	4,118,250
10. Other Project Costs.....	175,184
11. Project Management & Inspection .....	<u>\$578,276</u>
12. TOTAL ESTIMATED COST OF PROJECT .....	<u>\$22,400,000</u>

**SCHOOL OF DENTISTRY MAIN BUILDING  
RENOVATIONS**

**PROJECT SCHEDULE**

**TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER  
PROJECT NO. 23-3400**

1. Issue A/E RFQ ..... March 14, 2023
2. Issue CMAR RFP ..... March 14, 2023
3. Receive A/E RFQ Responses..... April 4, 2023
4. Receive CMAR RFP Response ..... April 6, 2023
5. Shortlist A/E and CMAR Firms..... April 10, 2023
6. Interview A/E Firms ..... April 18, 2023
7. Interview CMAR Firms ..... April 19, 2023
8. A/E Ranked Order Approved by Chancellor ..... July 5, 2023
9. CMAR Ranked Order Approved by Chancellor ..... July 5, 2023
10. Execute A/E Agreement ..... August 9, 2023
11. Execute CMAR Agreement ..... August 28, 2023
12. Complete Schematic Design ..... January 31, 2024
13. Complete Design Development ..... May 22, 2024
14. Submit THECB Application ..... June 1, 2024
15. Receive GMP from CMAR ..... June 26, 2024
16. BOR Approval for Construction ..... August 1, 2024
17. Begin Construction ..... September 2024
18. Complete Construction Documents ..... October 2024
19. Substantial Completion ..... June 2026
20. Owner Occupancy ..... July 2026



## School of Dentistry Main Building Renovations

Texas A&M University Health Science Center

Project No. 23-3400

**TEXAS A&M HEALTH SCIENCE CENTER  
PERMANENT UNIVERSITY FUND  
23-3400 School of Dentistry Main Building Renovations  
Available University Fund**

<b>Dates</b>	<b>Outstanding Principal</b>	<b>Principal Amount</b>	<b>Interest Amount</b>	<b>Annual Total</b>
BONDS	7,970,000.00			
YEAR 1	7,730,000.00	240,000.00	398,500.00	638,500.00
YEAR 2	7,475,000.00	255,000.00	386,500.00	641,500.00
YEAR 3	7,210,000.00	265,000.00	373,750.00	638,750.00
YEAR 4	6,930,000.00	280,000.00	360,500.00	640,500.00
YEAR 5	6,635,000.00	295,000.00	346,500.00	641,500.00
YEAR 6	6,330,000.00	305,000.00	331,750.00	636,750.00
YEAR 7	6,005,000.00	325,000.00	316,500.00	641,500.00
YEAR 8	5,665,000.00	340,000.00	300,250.00	640,250.00
YEAR 9	5,310,000.00	355,000.00	283,250.00	638,250.00
YEAR 10	4,935,000.00	375,000.00	265,500.00	640,500.00
YEAR 11	4,540,000.00	395,000.00	246,750.00	641,750.00
YEAR 12	4,130,000.00	410,000.00	227,000.00	637,000.00
YEAR 13	3,695,000.00	435,000.00	206,500.00	641,500.00
YEAR 14	3,240,000.00	455,000.00	184,750.00	639,750.00
YEAR 15	2,765,000.00	475,000.00	162,000.00	637,000.00
YEAR 16	2,265,000.00	500,000.00	138,250.00	638,250.00
YEAR 17	1,740,000.00	525,000.00	113,250.00	638,250.00
YEAR 18	1,190,000.00	550,000.00	87,000.00	637,000.00
YEAR 19	610,000.00	580,000.00	59,500.00	639,500.00
YEAR 20	-	610,000.00	30,500.00	640,500.00
		<u>\$ 7,970,000.00</u>	<u>\$ 4,818,500.00</u>	<u>\$ 12,788,500.00</u>

Estimated Issuance Costs and Rounding of \$80,000.00 are included in this schedule.

Long-term rates are assumed to be 5.00%. Rates are subject to market change.

Prepared by the Office of the Treasurer - Treasury Services 06/17/2024

**Rates are subject to market change. Amounts are preliminary estimates that will be revised at the time bonds are issued.**

Agenda Item No.

## AGENDA ITEM BRIEFING

**Submitted by:** Billy Hamilton, Deputy Chancellor and Chief Financial Officer  
The Texas A&M University System

**Subject:** Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the Avenue D South Extension & Utility Upgrades Project, Texas A&M-RELLIS, Bryan, Texas (Project No. 26-3351)

### Background and Prior Actions:

The Avenue D South Extension & Utility Upgrades Project was included as a proposed project on the FY 2024 – FY 2028 A&M System Capital Plan for FY 2024 approved by the Board at the August 2023 meeting.

### Proposed Board Action:

- (1) Approve the project scope and budget.
- (2) Appropriate \$12,150,000 for construction services and related project costs. \$1,350,000 has been previously appropriated to this project.
- (3) Approve construction of the Avenue D South Extension & Utility Upgrades Project at Texas A&M-RELLIS (RELLIS).

### Funding/Budget Amount:

<u>Funding Source</u>	<u>Budget Amount</u>	<u>Average Estimated Annual Debt Service</u>	<u>Debt Service Source</u>
Permanent University Fund Debt Proceeds	\$13,000,000	\$1,053,513	Available University Fund
Cash (TEEX E&G Unrestricted Funds)	<u>\$500,000</u>	N/A	N/A
Total Project Funds	<u>\$13,500,000</u>		

### Project Justification:

The Texas A&M University System is continuing the advancement of the redeveloped RELLIS Campus, a high-tech, multi-institutional research, testing, and workforce development campus.



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Agenda Item Briefing

As the campus continues to grow, a need for improvement in the areas of infrastructure and utility distribution continues to grow as well.

Development, upgrades, and improvements of the RELLIS campus infrastructure on the southeast side of campus are required to support the existing facilities and projected projects such as the Secure America Institute, TABC Classrooms, Texas A&M AgriLife Programs and the proposed Construction Field Laboratory among other future development projected for the southeast quadrant of RELLIS Campus.

**Scope:**

This project will extend the campus utility network to support the buildout of the southeastern portion of campus. The location is Avenue D from Bryan Street to Goodson Bend Road, 7<sup>th</sup> Street from Flightline Road to Bryan Road, and Flightline Road from the Innovative Proving Grounds to the Texas A&M Engineering Extension Service Training Props site. The project scope includes new concrete roadways, site drainage, domestic water, natural gas, sanitary sewer, street lighting, electrical, and communications utilities. In addition, a new campus entry will be constructed where Avenue D empties onto Goodson Bend Road, and a new Remote Switching Unit building will be installed near the intersection of Avenue D and 7<sup>th</sup> Street. All improvements are planned in conformance with the RELLIS Master Plan.

Construction on this project is scheduled to start in September 2024 with substantial completion scheduled for September 2025. The total project budget is \$13,500,000.

**Other Major Fiscal Impacts:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

This project supports the following Strategic Plan Imperative:

Strategic Plan Imperative No. 4: *"The A&M System will increase its prominence by building a robust and targeted research portfolio. We will continue to encourage cross-institution and cross-disciplinary collaboration, and we will support our member institutions in their research pursuits, including obtaining emerging research status."*

This project is essential by providing the road improvement and required infrastructure (electric, fiber, domestic water, natural gas, sanitary sewer, storm drainage improvements and the southern communications hub).

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
**FACILITIES PLANNING AND CONSTRUCTION**  
Office of the Deputy Chancellor and Chief Financial Officer  
June 27, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of the Project Scope and Budget, Appropriation for Construction Services, and Approval for Construction for the Avenue D South Extension & Utility Upgrades Project, Texas A&M-RELLIS, Bryan, Texas (Project No. 26-3351)

I recommend adoption of the following minute order:

**“The project scope along with a project budget of \$13,500,000 for the Avenue D South Extension & Utility Upgrades Project is approved.**

**The amount of \$11,650,000 is appropriated from Account No. 01-084243 Permanent University Fund Debt Proceeds, (AUF), and the amount of \$500,000 is appropriated from Account No. 09-020121 Instruction-Designated, for construction services and related project costs.**

**The Avenue D South Extension & Utility Upgrades Project, Texas A&M-RELLIS, Bryan, Texas, is approved for construction.**

**The Board of Regents of The Texas A&M University System (Board) reasonably expects to incur debt in one or more obligations for this project, and all or a portion of the proceeds received from the sale of such obligations is reasonably expected to be used to reimburse the account(s) for amounts previously appropriated and/or expended from such account(s).”**

Respectfully submitted,

Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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Ray Bonilla  
General Counsel

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Phillip Ray  
Vice Chancellor for Business Affairs

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Kelly Templin, Director  
Texas A&M-RELLIS

<b>AVENUE D SOUTH EXTENSION &amp; UTILITY UPGRADES</b> <b>TEXAS A&amp;M-RELLIS</b> <b>PROJECT NO. 26-3351</b>	<b>PROJECT BUDGET</b>
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1. Construction .....	\$9,636,640
2. Project Contingency .....	1,281,400
3. Program of Requirements.....	0
4. Pre-Construction Services .....	695,600
5. Commissioning.....	30,000
6. Construction Testing .....	155,547
7. Campus Services & Technology .....	172,000
8. Furnishings .....	0
9. Equipment .....	600,000
10. Other Project Costs.....	580,299
11. Project Management & Inspection .....	<u>\$348,514</u>
12. TOTAL ESTIMATED COST OF PROJECT .....	<u>\$13,500,000</u>

**AVENUE D SOUTH EXTENSION & UTILITY  
UPGRADES**

**PROJECT SCHEDULE**

**TEXAS A&M-RELLIS  
PROJECT NO. 26-3351**

1. Issue DB RFQ .....October 3, 2023
2. Receive DB RFQ Responses .....October 24, 2023
3. Issue DB RFP .....October 26, 2023
4. Receive DB RFP Response.....November 1, 2023
5. DB Ranked Order Approved by Chancellor .....November 16, 2023
6. Execute DB Agreement ..... January 29, 2024
7. Complete Schematic Design ..... March 22, 2024
8. Complete Design Development ..... May 24, 2024
9. Receive GMP from DB ..... June 26, 2024
10. BOR Approval for Construction ..... August 1, 2024
11. Complete Construction Documents ..... August 2024
12. Begin Construction ..... September 2024
13. Substantial Completion ..... September 2025



## Avenue D South Extension & Utility Upgrades

Texas A&M-RELLIS

Project No. 26-3351

**TEXAS A&M UNIVERSITY SYSTEM  
PERMANENT UNIVERSITY FUND  
26-3351 RELLIS Avenue D South Extension & Utility Upgrades  
Available University Fund**

<b>Dates</b>	<b>Outstanding Principal</b>	<b>Principal Amount</b>	<b>Interest Amount</b>	<b>Annual Total</b>
BONDS	13,130,000.00			
YEAR 1	12,730,000.00	400,000.00	656,500.00	1,056,500.00
YEAR 2	12,315,000.00	415,000.00	636,500.00	1,051,500.00
YEAR 3	11,875,000.00	440,000.00	615,750.00	1,055,750.00
YEAR 4	11,415,000.00	460,000.00	593,750.00	1,053,750.00
YEAR 5	10,930,000.00	485,000.00	570,750.00	1,055,750.00
YEAR 6	10,425,000.00	505,000.00	546,500.00	1,051,500.00
YEAR 7	9,895,000.00	530,000.00	521,250.00	1,051,250.00
YEAR 8	9,335,000.00	560,000.00	494,750.00	1,054,750.00
YEAR 9	8,750,000.00	585,000.00	466,750.00	1,051,750.00
YEAR 10	8,135,000.00	615,000.00	437,500.00	1,052,500.00
YEAR 11	7,490,000.00	645,000.00	406,750.00	1,051,750.00
YEAR 12	6,810,000.00	680,000.00	374,500.00	1,054,500.00
YEAR 13	6,095,000.00	715,000.00	340,500.00	1,055,500.00
YEAR 14	5,345,000.00	750,000.00	304,750.00	1,054,750.00
YEAR 15	4,560,000.00	785,000.00	267,250.00	1,052,250.00
YEAR 16	3,735,000.00	825,000.00	228,000.00	1,053,000.00
YEAR 17	2,870,000.00	865,000.00	186,750.00	1,051,750.00
YEAR 18	1,960,000.00	910,000.00	143,500.00	1,053,500.00
YEAR 19	1,005,000.00	955,000.00	98,000.00	1,053,000.00
YEAR 20	-	1,005,000.00	50,250.00	1,055,250.00
		<u>\$ 13,130,000.00</u>	<u>\$ 7,940,250.00</u>	<u>\$ 21,070,250.00</u>

Estimated Issuance Costs and Rounding of \$130,000.00 are included in this schedule.

Long-term rates are assumed to be 5.00%. Rates are subject to market change.

Prepared by the Office of the Treasurer - Treasury Services 05/31/2024

**Rates are subject to market change. Amounts are preliminary estimates that will be revised at the time bonds are issued.**

Agenda Item No.

**AGENDA ITEM BRIEFING**

**Submitted by:** Mark A. Welsh III, President  
Texas A&M University

**Subject:** Approval of the Project Scope and Increased Budget, Appropriation for Construction Services, and Approval for Construction for the Alkek Building Roof & Exhaust Fan Replacement Project, Texas A&M University Health Science Center, Houston, Texas (SSC Project No. 22-0209)

**Background and Prior Actions:**

The project was included as a proposed project on the FY 2024 – FY 2028 A&M System Capital Plan approved by the Board at the August 2023 meeting with an FY 2025 start date and a total planning amount of \$5,000,000. The Capital Plan was amended to change the fiscal year designation for project initiation from FY 2025 to FY 2024, and \$500,000 was appropriated for pre-construction services and related project costs by the Board at the November 2023 meeting.

**Proposed Board Action:**

- (1) Approve the project scope and increased budget.
- (2) Appropriate \$6,365,000 for construction services and related project costs. \$500,000 has been previously appropriated to this project.
- (3) Approve construction of the Alkek Building Roof & Exhaust Fan Replacement Project at Texas A&M University Health Science Center (TAMHSC).

**Funding/Budget Amount:**

<u>Funding Source</u>	<u>Project Budget</u>	<u>Proposed Adjustment</u>	<u>Proposed Budget</u>	<u>Average Estimated Annual Debt Service</u>	<u>Debt Service Source Available University Fund</u>
Permanent University Fund Debt Proceeds*	<u>\$5,000,000</u>	<u>\$1,865,000</u>	<u>\$6,865,000</u>	\$556,450	
Total Project Funds	<u>\$5,000,000</u>	<u>\$1,865,000</u>	<u>\$6,865,000</u>		

\*TAMHSC is using \$6,865,000 of its PUF Equipment Allocations to provide the funding for this project. These funds have been reverted to The Texas A&M University System so they can be appropriated to this major construction project.

**Change Justification:**

Competitive Sealed Proposals (CSP) were received on April 26, 2024. A value engineering process was conducted to help reduce the total cost to the value shown in the project budget. However, the actual market pricing exceeds the design estimate.

**Project Justification:**

The Alkek Building was constructed in 1988 as the TAMHSC Institute of Biosciences and Technology Building. The roof and exhaust fans serving the building are original to the building.

The roof has far exceeded its useful service life. The roof exhibits many blisters and voids due to system failure. Due to this failure, the building has developed leaks that are visible on the interior ceiling tiles.

The exhaust fans serving the laboratories and general spaces continue to serve the building through continuous maintenance. These fans are now obsolete and not supported by the manufacturer at this time. The control system supporting the exhaust system is pneumatic and needs replacement due to failures within the system. These fans and controls within the exhaust system need to be upgraded for the continued operation of the laboratories, enhanced ability to control space pressurization, and the resultant reduction of deferred maintenance.

**Scope:**

The first objective of this project is to replace the existing exhaust fans serving the building laboratories. An additional item that has plagued the building is the quantity of fans serving the building. There are over thirty fans located on the roof serving the building. This project will combine many of those fans into one system. Combining these fans will allow for the inclusion of redundancies in the fan systems. The ability to include redundancy in the systems increases the reliability and stability of the exhaust systems. The second objective of this project is to replace the existing roof with a new roof that meets the Texas A&M University roof standards.

Construction on this project is scheduled to start in August 2024 with substantial completion scheduled for October 2025. The total project budget is \$6,865,000.

**Other Major Fiscal Impacts:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

The Alkek Exhaust Fan and Roof Replacement project supports the following Strategic Plan Imperative:

Strategic Plan Imperative 6: *“The A&M System, in adhering to the high standard of excellence and growth required in this strategic plan, will display prudent financial stewardship and sustainability.”*

This project supports this strategic plan imperative by prolonging the useful life and infrastructure of this research building.



Agenda Item No.

**TEXAS A&M UNIVERSITY**

Office of the President

July 1, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of the Project Scope and Increased Budget, Appropriation for Construction Services, and Approval for Construction for the Alkek Building Roof & Exhaust Fan Replacement Project, Texas A&M University Health Science Center, Houston, Texas (Project No. SSC Project No. 22-0209)

I recommend adoption of the following minute order:

**“The project scope along with an increased project budget of \$6,865,000 for the Alkek Building Roof & Exhaust Fan Replacement Project is approved.**

**The amount of \$6,365,000 is appropriated from Account No. 01-084243 Permanent University Fund Debt Proceeds (AUF), for construction services and related project costs.**

**The Alkek Building Roof & Exhaust Fan Replacement Project, Texas A&M University Health Science Center, Houston, Texas, is approved for construction.**

**The Board of Regents of The Texas A&M University System reasonably expects to incur debt in one or more obligations for this project, and all or a portion of the proceeds received from the sale of such obligations is reasonably expected to be used to reimburse the account(s) for amounts previously appropriated and/or expended from such account(s).”**

Respectfully submitted,

Mark A. Welsh III  
President

**Submission Recommended:**

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Indra K. Reddy, Ph.D.  
Interim Vice President and Chief Operating Officer  
Texas A&M University Health Science Center

**Approval Recommended:**

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John Sharp  
Chancellor

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel

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Phillip Ray  
Vice Chancellor for Business Affairs

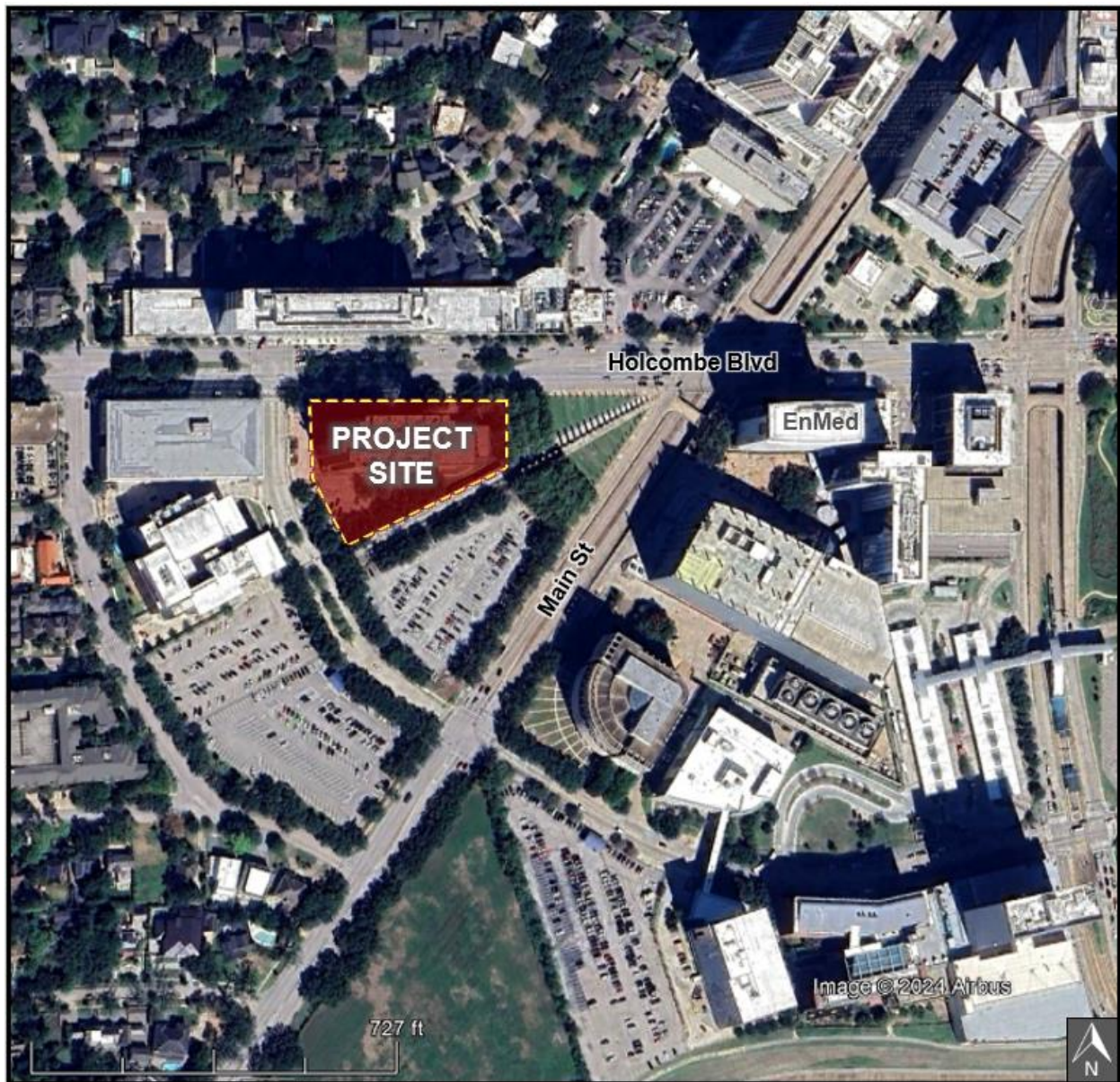
**ALKEK BUILDING ROOF & EXHAUST FAN  
REPLACEMENT**
**PROJECT BUDGET**
**TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER  
SSC PROJECT NO. 22-0209**

1. Construction .....	\$5,599,200
2. Project Contingency .....	559,920
3. Pre-Construction Services .....	408,007
4. Commissioning.....	50,000
5. Hazard Material Abatement .....	49,359
6. Project Management & Inspection .....	<u>\$198,514</u>
7. TOTAL ESTIMATED COST OF PROJECT .....	<u>\$6,865,000</u>

**ALKEK BUILDING ROOF & EXHAUST FAN  
REPLACEMENT  
TEXAS A&M UNIVERSITY HEALTH SCIENCE  
CENTER  
SSC PROJECT NO. 22-0209**

**PROJECT SCHEDULE**

1. Issue A/E RFQ ..... March 3, 2022
2. Receive A/E RFQ Responses..... May 10, 2022
3. Execute A/E Agreement ..... June 29, 2022
4. A/E Design Kick-Off ..... June 2, 2022
5. BOR Approval to Include in Capital Plan ..... August 17, 2023
6. Complete Design Development ..... January 8, 2024
7. Complete Construction Documents ..... February 15, 2024
8. Advertise for CSP ..... February 28, 2024
9. Receive CSPs ..... April 17, 2024
10. CSP Evaluation ..... May 1, 2024
11. BOR Approval for Construction ..... August 1, 2024
12. Begin Construction ..... August 2024
13. Substantial Completion .....October 2025



## Alkek Building Roof & Exhaust Fan Replacement

Texas A&M University Health Science Center

SSC Project No. 22-0209

**TEXAS A&M HEALTH SCIENCE CENTER  
PERMANENT UNIVERSITY FUND  
Alkek Building Roof & Exhaust Fan Replacement  
Available University Fund**

<b>Dates</b>	<b>Outstanding Principal</b>	<b>Principal Amount</b>	<b>Interest Amount</b>	<b>Annual Total</b>
BONDS	6,935,000.00			
YEAR 1	6,725,000.00	210,000.00	346,750.00	556,750.00
YEAR 2	6,505,000.00	220,000.00	336,250.00	556,250.00
YEAR 3	6,275,000.00	230,000.00	325,250.00	555,250.00
YEAR 4	6,030,000.00	245,000.00	313,750.00	558,750.00
YEAR 5	5,775,000.00	255,000.00	301,500.00	556,500.00
YEAR 6	5,505,000.00	270,000.00	288,750.00	558,750.00
YEAR 7	5,225,000.00	280,000.00	275,250.00	555,250.00
YEAR 8	4,930,000.00	295,000.00	261,250.00	556,250.00
YEAR 9	4,620,000.00	310,000.00	246,500.00	556,500.00
YEAR 10	4,295,000.00	325,000.00	231,000.00	556,000.00
YEAR 11	3,955,000.00	340,000.00	214,750.00	554,750.00
YEAR 12	3,595,000.00	360,000.00	197,750.00	557,750.00
YEAR 13	3,220,000.00	375,000.00	179,750.00	554,750.00
YEAR 14	2,825,000.00	395,000.00	161,000.00	556,000.00
YEAR 15	2,410,000.00	415,000.00	141,250.00	556,250.00
YEAR 16	1,975,000.00	435,000.00	120,500.00	555,500.00
YEAR 17	1,515,000.00	460,000.00	98,750.00	558,750.00
YEAR 18	1,035,000.00	480,000.00	75,750.00	555,750.00
YEAR 19	530,000.00	505,000.00	51,750.00	556,750.00
YEAR 20	-	530,000.00	26,500.00	556,500.00
		<u>\$ 6,935,000.00</u>	<u>\$ 4,194,000.00</u>	<u>\$ 11,129,000.00</u>

Estimated issuance costs and rounding of \$70,000 are included in this schedule.  
Long-term rates are assumed to be 5.00%. Rates are subject to market change.  
Prepared by the Office of the Treasurer - Treasury Services 06/10/2024.

**Rates are subject to market change. Amounts are preliminary estimates that will be revised at the time bonds are issued.**

**AGENDA ITEM BRIEFING**

**Submitted by:** Mark A. Welsh III, President  
Texas A&M University

**Subject:** Approval to Amend the FY 2025 – FY 2029 Texas A&M University System Capital Plan to Change the Fiscal Year Designation for Project Initiation and Appropriate Funding for Pre-Construction Services for the Heldenfels 4th Floor Instructional Lab Renovation Project for Texas A&M University (Project No. 02-3432)

**Background and Prior Actions:**

The project was included as a proposed project on the FY 2025 – FY 2029 Texas A&M University System Capital Plan approved by the Board at the May 2024 meeting with an FY 2026 start date and a total planning amount of \$12,000,000.

**Proposed Board Action:**

- (1) Amend the approved FY 2025 – FY 2029 Texas A&M University System Capital Plan to change the fiscal year designation for project initiation for the Heldenfels 4th Floor Instructional Lab Renovation Project from FY 2026 to FY 2025.
- (2) Appropriate \$1,200,000 for pre-construction services and related project costs after August 31, 2024. Funds cannot be appropriated prior to September 1, 2024.

**Funding/Planning Amount:**

<u>Funding Source</u>	<u>Planning Amount</u>	<u>Average Estimated Annual Debt Service</u>	<u>Debt Service Source</u>
Cash (AUF)	<u>\$12,000,000</u>	N/A	N/A
Total Project Cost	<u>\$12,000,000</u>		

**Change Justification:**

The Heldenfels 4<sup>th</sup> Floor Instructional Lab Renovation is projected to be approximately 19,567 gross square feet (GSF) with a budget not to exceed \$12,000,000 and was approved as part of the FY 2025 – FY 2029 Texas A&M University System Capital Plan to begin in FY 2026. Texas A&M University (Texas A&M) is requesting a fiscal year change from FY 2026 to FY 2025 to be able to move into a completed 4<sup>th</sup> floor of Heldenfels Hall (HELD) by summer of 2026. The teaching spaces to be renovated are necessary for the scheduling of courses for the Department of Biology in the College of Arts & Sciences, the Biomedical Sciences Program in the School of

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Agenda Item Briefing

Veterinary Medicine & Biomedical Sciences, and the Nutrition Program in the College of Agriculture & Life Sciences. Current teaching spaces are over capacity for the current demand and renovation of the spaces on the 4<sup>th</sup> floor of HELD with a more efficient layout is imperative to help meet the growing demand.

**Project Justification:**

Teaching laboratory space likely represents the most significant bottleneck for teaching undergraduate life-science majors across the university. The Department of Biology has taken on an expanded role in service teaching, making it one of the largest Biology teaching programs in the nation. The department estimates having a 50% or more increase in student credit hours in the fall of 2024 compared to the fall of 2020. Introductory Biology and Anatomy and Physiology (A&P) courses represent the most significant bottlenecks. These large courses serve students from across the university and are critical for professional school admission. Improved and expanded lab space would serve students across the entire university improving instruction and student outcomes for over 25% of Texas A&M undergraduate students that are educated in Biology teaching laboratories.

The 4<sup>th</sup> floor of HELD originally supported organic chemistry instruction on campus. When the Instructional Laboratory & Innovative Learning Building (ILSQ) was opened on West Campus in January 2023, the entire lower-division chemistry instruction program was relocated into this facility. The currently vacant 4<sup>th</sup> floor of HELD and its 12 decommissioned labs present an opportunity to consolidate biology instruction into one facility and expand capacity to meet the expanded enrollment and increased demand.

The A&P program has seen historic growth since the academic realignment associated with the Path Forward. Consolidating most A&P teaching across the university in the Department of Biology makes Texas A&M home to one of the largest A&P teaching programs in the nation. This academic realignment has filled available laboratory space, with labs running from 8:00am to 9:30pm Monday through Thursday, with Friday as the laboratory change-over day to prepare for the next week's instruction and train Teaching Assistants (TAs) for the week ahead. The additional growth projected for the fall of 2025 will exceed the department's current capacity. The existing space is utilized as efficiently as possible and is currently at capacity given the student enrollment numbers and needs. To meet enrollment demands and train the next generation of students and prepare them for their careers, new space is required. The proposed project will create laboratory space that serves A&P courses in addition to meeting other laboratory needs of Texas A&M as they arise.

Relocating the A&P program from the 2<sup>nd</sup> floor to the 4<sup>th</sup> floor of HELD will allow the department to reallocate space on the 2<sup>nd</sup> floor for introductory courses, resulting in more sections available to meet the increasing demand for these courses, and create additional flexible instructional laboratory space.

Space is the largest factor impacting the ability of the Department of Biology to serve the undergraduate students who need biology courses to begin their degree plan and graduate on time. A thoughtful and carefully considered renovation of the 4<sup>th</sup> floor of HELD will create a range of

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Agenda Item Briefing

instructional laboratory spaces that will extend the Department of Biology's exceptional impact with regard to service teaching, preparing students for professional education and integrating structured educational research experiences at the undergraduate level.

**Scope:**

As currently programmed, the Heldenfels 4<sup>th</sup> Floor Instructional Lab Renovation totals 19,567 GSF for the one floor associated with this project. The renovation will provide the Department of Biology with seven A&P instructional labs, five flexible wet labs for upper-division instruction and support for the Course-based Undergraduate Research Experiences program, and a "help desk" to support student success. The seven A&P instructional labs are planned to be reconfigurable as students learn using a variety of instructional techniques such as models, specimens and 3D anatomy visualization. The "help desk" will provide dedicated space for students to interact, study, collaborate, seek academic assistance, and gather for pre- and post-lab sessions. Limited office space is included for lab coordinators and technicians. The teaching spaces are meant to be utilized across several departments including the Department of Biology in the College of Arts & Sciences, the Biomedical Sciences Program in the School of Veterinary Medicine & Biomedical Sciences, and the Nutrition Program in the College of Agriculture & Life Sciences.

Most of the assignable square feet is dedicated to instructional space. The 4<sup>th</sup> floor of HELD is programmed to provide critical instructional lab space to continue the Department of Biology's service teaching role to complete degree plans in a timely and efficient manner and prepare students across the university for professional school.

**Other Major Fiscal Impacts:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

Approval of this agenda item will support The Texas A&M University System (A&M System) strategic imperatives 1 (*All qualified students will find a place in the A&M System and will have an array of pathways to pursue their ambitions and interests*), 3 (*Our students will leave the A&M System as responsible and engaged citizens prepared for successful careers in an increasingly global economy*) and 5 (*The A&M System will provide services that respond to the needs of the people of Texas and contribute to the strength of the state's economy*).

Renovating the 4<sup>th</sup> floor of HELD will provide much needed instructional lab space for the Biology program, allowing the Department of Biology to continue their expanded role in service teaching of critical pre-requisite coursework for professional school admission and enable students across the university to complete their degree plan. By providing additional A&P and upper-division Biology laboratory space, Texas A&M will continue to provide transformational education that prepares students for the next phase of their education or career.



Agenda Item No.

**TEXAS A&M UNIVERSITY**

Office of the President

July 1, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval to Amend the FY 2025 – FY 2029 Texas A&M University System Capital Plan to Change the Fiscal Year Designation for Project Initiation and Appropriate Funding for Pre-Construction Services for the Heldenfels 4th Floor Instructional Lab Renovation Project for Texas A&M University (Project No. 02-3432)

I recommend adoption of the following minute order:

**“The request to amend the FY 2025 – FY 2029 Texas A&M University System Capital Plan to change the fiscal year designation for project initiation for the Heldenfels 4<sup>th</sup> Floor Instructional Lab Renovation Project for Texas A&M University from FY 2026 to FY 2025 is approved.**

**The amount of \$1,200,000 is appropriated from Account No. 02-806306, Heldenfels, for pre-construction services and related project costs. Funds cannot be appropriated prior to September 1, 2024.”**

Respectfully submitted,

Mark A. Welsh III  
President

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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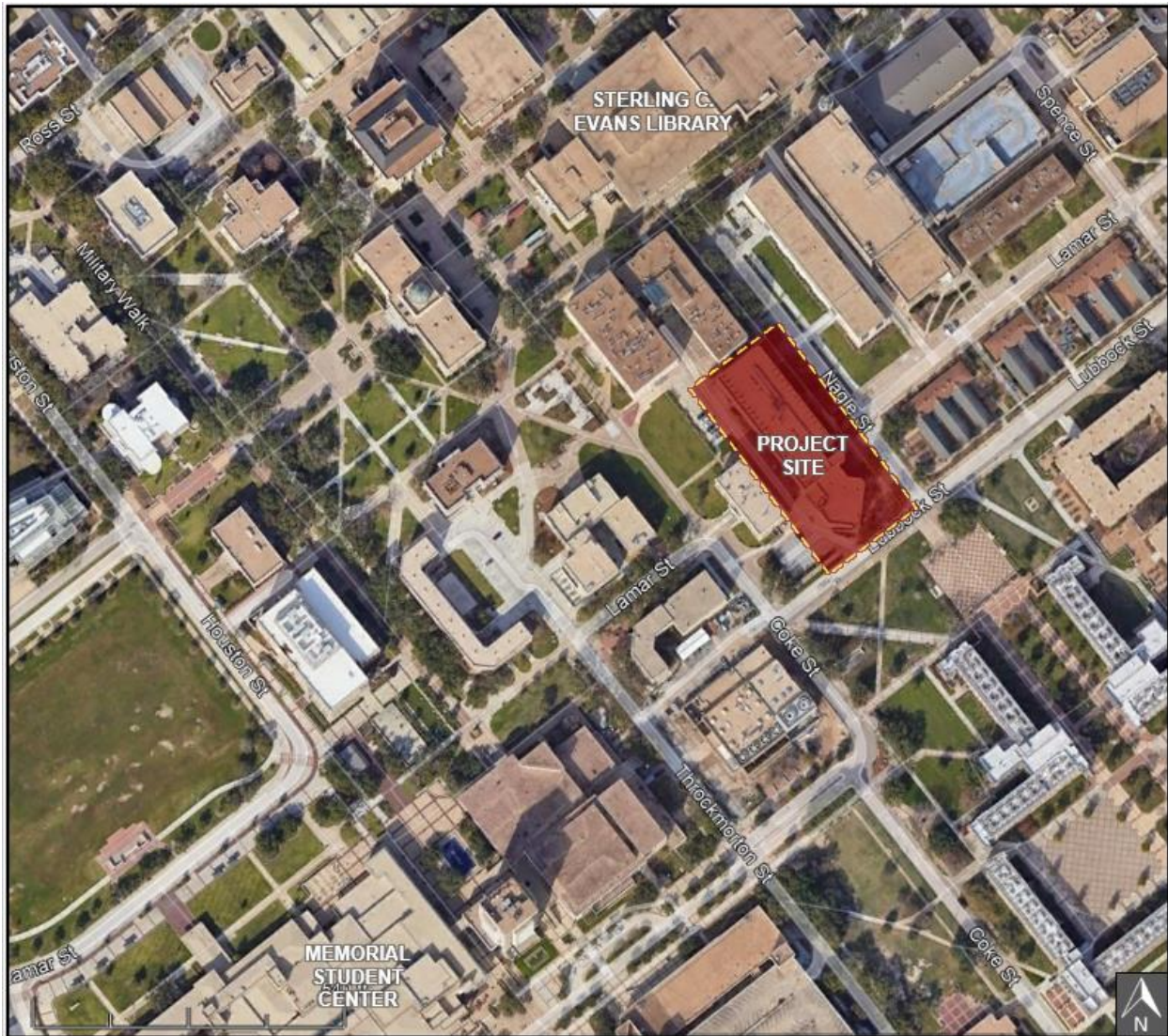
Ray Bonilla  
General Counsel

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

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Phillip Ray  
Vice Chancellor for Business Affairs



## Heldenfels 4th Floor Instructional Lab Renovation

Texas A&M University

Project No. 02-3432

**AGENDA ITEM BRIEFING**

**Submitted by:** David E. Coatney, Agency Director  
Texas A&M Engineering Extension Service

**Subject:** Approval to Amend the FY 2025-FY 2029 A&M System Capital Plan to Add the Corpus Christi Workforce Development Project for Texas A&M Engineering Extension Service, Corpus Christi, Texas (Project No. 09-3436), with an FY 2024 Start Date and Appropriate Funding for Preconstruction Services

**Proposed Board Action:**

- (1) Amend the approved FY 2025-FY 2029 A&M System Capital Plan to add the Corpus Christi Workforce Development Project for Texas A&M Engineering Extension Service (TEEX) with an FY 2024 start date and a total planning amount of \$15,000,000.
- (2) Appropriate \$1,500,000 for pre-construction services and related project costs, contingent upon the completion of a Program of Requirements (POR) scoped to the approved budget and execution of a long-term lease for space in the Chaparral building owned by Texas A&M University-Corpus Christi.

**Funding/Planning Amount:**

<u>Funding Source</u>	<u>Planning Amount</u>	<u>Average Estimated Annual Debt Service</u>	<u>Debt Service Source</u>
Permanent University Fund Debt Proceeds	<u>\$15,000,000</u>	\$1,215,750	Available University Fund
Total Project Cost	<u>\$15,000,000</u>		

**Project Justification:**

This project would allow TEEX to expand the scope of the current Rio Grande Valley Advanced Manufacturing Innovation (RAMI) Hub into Corpus Christi and the Coastal Bend Region. This will better prepare the region for the future by developing a technical workforce for in-demand jobs while stimulating state-of-the-art sustainable practices and advancements in manufacturing through research and innovative initiatives. Expansion of this program into the Corpus Christi region grows the footprint of this impactful program to serve similar needs of a nearby region 160 miles away.

Agenda Item No.  
Agenda Item Briefing

Corpus Christi has a dynamic economy from chemical and petroleum manufacturing, fabrication, maritime shipping, and research with the Port of Corpus Christi (Port) providing access to the Gulf of Mexico and other trade zones. The federal poverty level is 11%, with Corpus Christi at 17.3%. The Corpus Christi region is home to a large, underserved population that could benefit from this training and workforce education.

The Port of Corpus Christi is the third largest U.S. seaport by tonnage and is well positioned to take advantage of increased traffic through the newly expanded Panama Canal and opening of trade opportunities with South America. The Port has continued to grow due to a 50-year ban on crude oil exports being lifted in 2015, emerging as the nation's top crude oil exporter in early 2020. The development of related industrial facilities in the area expanded the region's manufacturing sector and accompanying requirements for a skilled workforce.

**Scope:**

Texas A&M University-Corpus Christi has offered TEEX space downtown in the Chaparral building at 223 N Chaparral St, Corpus Christi, TX 78401. This is a five-floor building with 77,000 gross square feet. This project will renovate the third floor, 15,240 gross square feet, into a flexible workforce training and development space to include reconfigurable training space, offices, restrooms and a break room for students and includes the necessary equipment and furnishings.

**Other Major Fiscal Impacts:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

Strategic Imperative No. 5: *"The A&M System will provide services that respond to the needs of the people of Texas and contribute to the strength of the state's economy."*

The establishment of a workforce development training program within Corpus Christi and the Coastal Bend Region offers the promise of economic transformation, increased job opportunities and readiness, skill development, and poverty alleviation. Workforce readiness helps position the area for sustainable economic growth and success.

Agenda Item No.

**TEXAS A&M ENGINEERING EXTENSION SERVICE**

Office of the Director

June 18, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval to Amend the FY 2025-FY 2029 A&M System Capital Plan to Add the Corpus Christi Workforce Development Project for Texas A&M Engineering Extension Service, Corpus Christi, Texas (Project No. 09-3436), with an FY 2024 Start Date and Appropriate Funding for Preconstruction Services

I recommend adoption of the following minute order:

**“The request to amend the FY 2025-FY 2029 A&M System Capital Plan to add the Corpus Christi Workforce Development Project for Texas A&M Engineering Extension Service with an FY 2024 start date and a total planning amount of \$15,000,000 is approved.**

**Contingent upon the completion of the Program of Requirements and execution of a long-term lease, the amount of \$1,500,000 is appropriated from Account No. 01-084243, Permanent University Fund Debt Proceeds (AUF), for pre-construction services and related project costs.**

**The Board of Regents of The Texas A&M University System (Board) reasonably expects to incur debt in one or more obligations for this project, and all or a portion of the proceeds received from the sale of such obligations is reasonably expected to be used to reimburse the account(s) for amounts previously appropriated and/or expended from such account(s).”**

Respectfully submitted,

David E. Coatney  
Agency Director

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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Ray Bonilla  
General Counsel

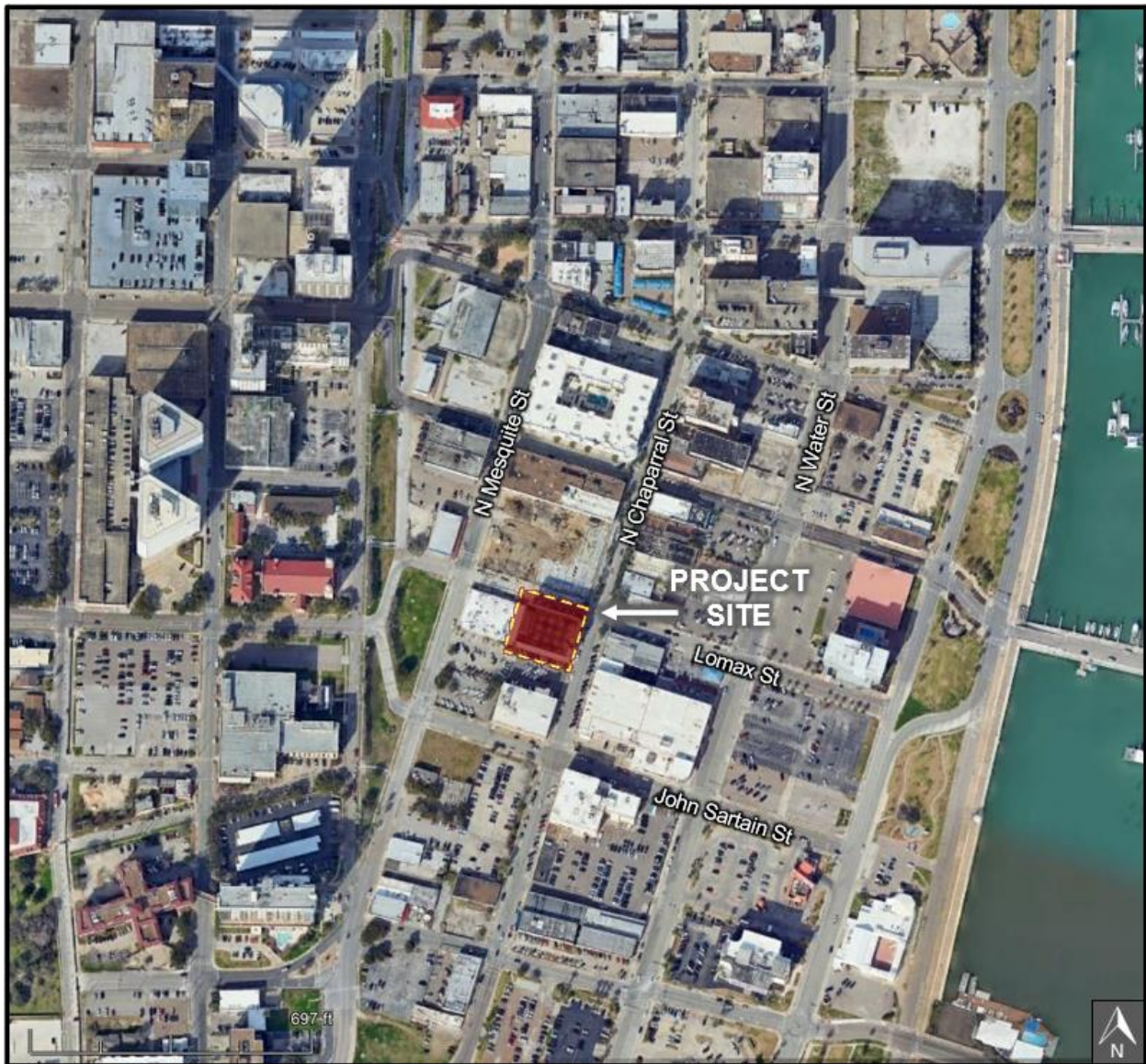
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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

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Phillip Ray  
Vice Chancellor for Business Affairs





## Corpus Christi Workforce Development

Texas A&M Engineering Extension Service

Project No. 09-3436

**TEXAS A&M ENGINEERING EXTENSION SERVICE  
PERMANENT UNIVERSITY FUND  
Corpus Christi Workforce Development  
Available University Fund**

<b>Dates</b>	<b>Outstanding Principal</b>	<b>Principal Amount</b>	<b>Interest Amount</b>	<b>Annual Total</b>
BONDS	15,150,000.00			
YEAR 1	14,690,000.00	460,000.00	757,500.00	1,217,500.00
YEAR 2	14,210,000.00	480,000.00	734,500.00	1,214,500.00
YEAR 3	13,705,000.00	505,000.00	710,500.00	1,215,500.00
YEAR 4	13,175,000.00	530,000.00	685,250.00	1,215,250.00
YEAR 5	12,620,000.00	555,000.00	658,750.00	1,213,750.00
YEAR 6	12,035,000.00	585,000.00	631,000.00	1,216,000.00
YEAR 7	11,420,000.00	615,000.00	601,750.00	1,216,750.00
YEAR 8	10,775,000.00	645,000.00	571,000.00	1,216,000.00
YEAR 9	10,100,000.00	675,000.00	538,750.00	1,213,750.00
YEAR 10	9,390,000.00	710,000.00	505,000.00	1,215,000.00
YEAR 11	8,645,000.00	745,000.00	469,500.00	1,214,500.00
YEAR 12	7,860,000.00	785,000.00	432,250.00	1,217,250.00
YEAR 13	7,035,000.00	825,000.00	393,000.00	1,218,000.00
YEAR 14	6,170,000.00	865,000.00	351,750.00	1,216,750.00
YEAR 15	5,265,000.00	905,000.00	308,500.00	1,213,500.00
YEAR 16	4,315,000.00	950,000.00	263,250.00	1,213,250.00
YEAR 17	3,315,000.00	1,000,000.00	215,750.00	1,215,750.00
YEAR 18	2,265,000.00	1,050,000.00	165,750.00	1,215,750.00
YEAR 19	1,160,000.00	1,105,000.00	113,250.00	1,218,250.00
YEAR 20	-	1,160,000.00	58,000.00	1,218,000.00
		<u>\$ 15,150,000.00</u>	<u>\$ 9,165,000.00</u>	<u>\$ 24,315,000.00</u>

Estimated issuance costs and rounding of \$150,000 are included in this schedule.  
Long-term rates are assumed to be 5.00%. Rates are subject to market change.  
Prepared by the Office of the Treasurer - Treasury Services 06/05/2024

**Rates are subject to market change. Amounts are preliminary estimates that will be revised at the time bonds are issued.**

Agenda Item No.

**AGENDA ITEM BRIEFING**

**Submitted by:** Dr. Cliff Lamb, Director  
Texas A&M AgriLife Research

**Subject:** Approval to Amend the FY 2025-FY 2029 A&M System Capital Plan to Add the CEA Research Greenhouse Project for Texas A&M AgriLife Research with an FY 2025 Start Date and Appropriate Funding for Preconstruction Services (Project No. 24-007)

**Proposed Board Action:**

- (1) Amend the approved FY 2025-FY 2029 A&M System Capital Plan to add the CEA Research Greenhouse Project for Texas A&M AgriLife Research (AgriLife Research) with an FY 2025 start date and a total planning amount of \$7,500,000.
- (2) Appropriate \$750,000 for pre-construction services and related project costs.

**Funding/Planning Amount:**

<u>Funding Source</u>	<u>Planning Amount</u>	<u>Average Estimated Annual Debt Service</u>	<u>Debt Service Source</u>
Cash (Dallas Land Sale Funds)	<u>\$7,500,000</u>	N/A	N/A
Total Project Cost	<u>\$7,500,000</u>		

**Project Justification:**

AgriLife Research is the largest national comprehensive agriculture program and includes the College of Agriculture and Life Sciences and four state agencies with a focus on agriculture and life sciences within The Texas A&M University System. It is from this unique position, and rooted in the land-grant mission of education, research, extension and service, that AgriLife Research enriches Texas with comprehensive agricultural and life sciences knowledge and services to restore connections among people, agriculture, food, science, and the economy. Through the complementary missions of two of the state agencies, AgriLife Research and Texas A&M AgriLife Extension Service, influential, innovative, and science-based solutions are communicated to the greater public.

The Texas A&M AgriLife Research and Extension Center at Dallas (Center), located in the heart of the Dallas–Fort Worth Metroplex, is the sole urban regional center among 13 regional centers managed by AgriLife Research. The Center’s mission is to promote sustainable urban agriculture, water and land resource management, and healthy living through innovative research



and science-based solutions. The Center's strategic priorities align with AgriLife Research and are:

**PRIORITY 1: LEADING-EDGE RESEARCH AND INNOVATIONS**

Discover new innovations, technologies, and science-based solutions to enhance agricultural and ecological systems and the life sciences.

**PRIORITY 2: SUSTAINABLE PRODUCTION SYSTEMS**

Provide the translational research necessary to develop and produce high-quality, safe, and sustainable food and fiber systems with local, national, and global impacts.

**PRIORITY 3: ECONOMIC STRENGTH**

Enhance the efficiency, profitability, and resiliency of agriculture, natural resources, and food systems in the state of Texas and around the world.

**PRIORITY 4: HEALTHY LIVING**

Discover, disseminate, and facilitate the adoption of scientific evidence at the intersection of nutrition, human health, and agriculture.

These priorities interact synergistically to deliver healthy living to Texans; innovative research is at the foundation of this strategy as a nexus between agriculture and environmental and human health.

Supporting these strategic priorities, the Center at Dallas proposes to build a new Controlled Environment Agriculture (CEA) Research Greenhouse facility at their campus. Existing greenhouse space on the campus is very limited and providing additional capacity—outfitted with the modern technology and controls—is critical to advancing applied research for resilient urban agriculture and food systems. The Center is currently in the process of hiring faculty dedicated to CEA breeding, horticultural physiology, microbiome, and entomology and having adequate research space is critical.

Planned to maximize plant growth space, the new CEA Research Greenhouse facility will provide 4,800 square feet of greenhouse space dedicated to advancing and building AgriLife's controlled environment agriculture research capabilities. The proposed location, highly visible from the recent Urban Agriculture and Forestry Building, will demonstrate AgriLife's commitment to research and discovery to local community and industry partners.

**Scope:**

The new CEA Research Greenhouse will be 12,500 GSF of climate-controlled greenhouse and headhouse space. Other spaces included are restrooms, access corridor, mechanical and outdoor prep area.

**Other Major Fiscal Impacts:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

The new CEA Research Greenhouse will support the following Texas A&M University System Strategic Plan Imperatives:

Imperative No. 4: *“The A&M System will increase its prominence by building a robust and targeted research portfolio. We will continue to encourage cross-institution and cross-discipline collaboration, and we will support our member institutions in their research pursuits, including obtaining emerging research status.”*

Imperative No. 5: *“The A&M System will provide services that respond to the needs of the people of Texas and contribute to the strength of the state’s economy. We will continue to address the needs of Texas and use technology to reach citizens in new ways.”*

The new CEA Research Greenhouse spaces will allow AgriLife Research to build their portfolio in CEA. As a burgeoning applied research discipline, the CEA Research Greenhouse is focused on resource-use efficiency, climate-smart food systems, produce quantity, nutritional quality, and training/mentoring.

Agenda Item No.

**TEXAS A&M AGRILIFE RESEARCH**

Office of the Director

June 25, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval to Amend the FY 2025-FY 2029 A&M System Capital Plan to Add the CEA Research Greenhouse Project for Texas A&M AgriLife Research with an FY 2025 Start Date and Appropriate Funding for Preconstruction Services (Project No. 24-007)

I recommend adoption of the following minute order:

**“The request to amend the FY 2025-FY 2029 A&M System Capital Plan to add the CEA Research Greenhouse Project for Texas A&M AgriLife Research with an FY 2025 start date and a total planning amount of \$7,500,000 is approved.**

**The amount of \$750,000 is appropriated from Account No. 06-400205-07033 Dallas Landsale Funds, for pre-construction services and related project costs.”**

Respectfully submitted,

Dr. Cliff Lamb  
Director

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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Ray Bonilla  
General Counsel

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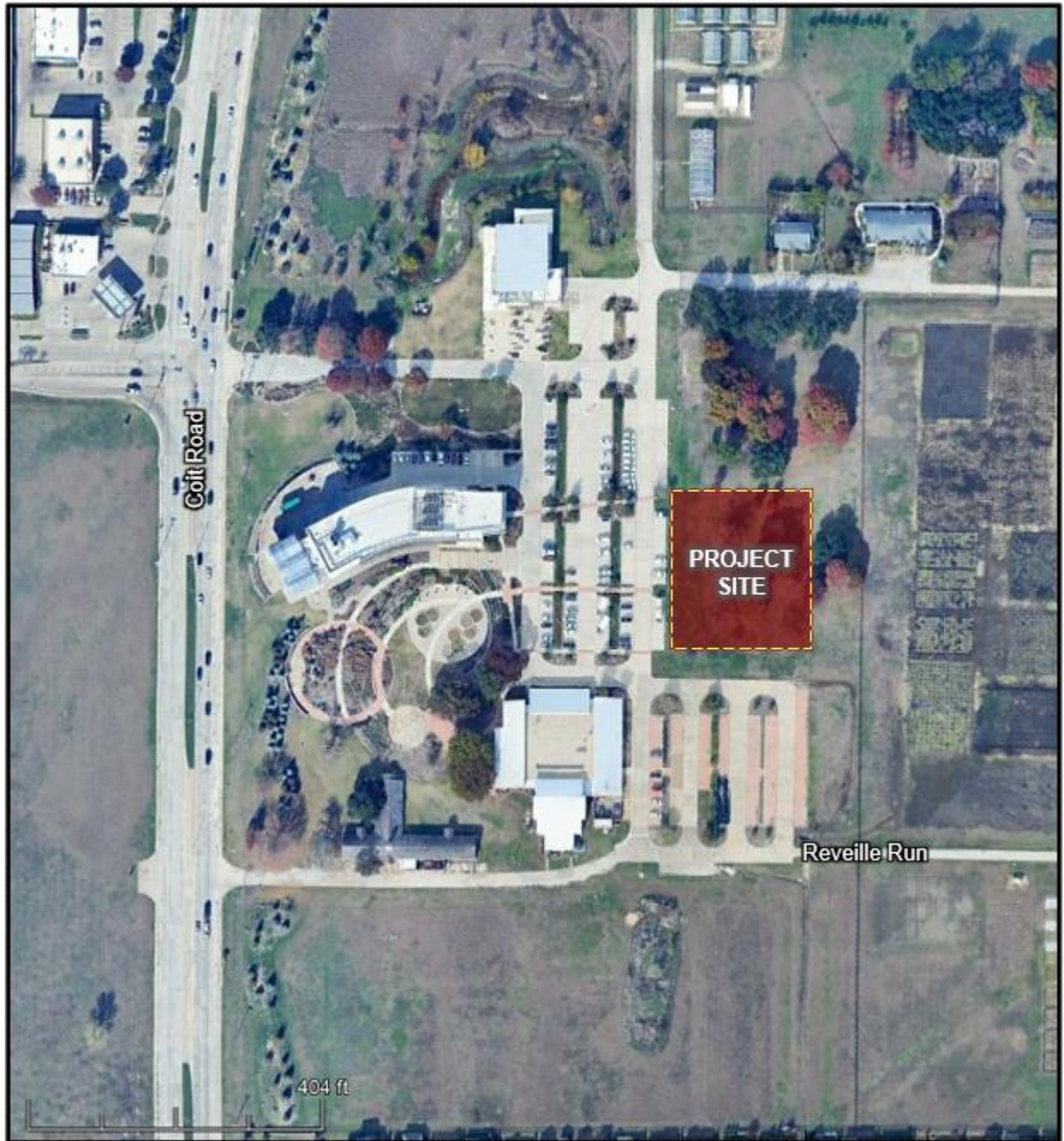
Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

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Jeffrey W. Savell, Ph.D.  
Vice Chancellor and Dean  
Agriculture and Life Sciences

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Phillip Ray  
Vice Chancellor for Business Affairs



## CEA Research Greenhouse

Texas A&M AgriLife Research

Project No. 24-007

Agenda Item No.

**AGENDA ITEM BRIEFING**

**Submitted by:** Billy Hamilton, Deputy Chancellor and Chief Financial Officer  
The Texas A&M University System

**Subject:** Upon approval of a FEMA Project, Approval to Amend the FY 2025 – FY 2029 A&M System Capital Plan to Add Safe Room Projects for System Members with an FY 2025 Start Date

**Proposed Board Action:**

Upon approval of a FEMA project, the Board authorizes these actions:

- (1) Amend the approved FY 2025 – FY 2029 A&M System Capital Plan to add FEMA-approved Safe Room projects for System Members with an FY 2025 start date and a combined total planning amount of up to \$254,536,369.
- (2) Appropriate up to 10% of each Safe Room project's budget for pre-construction services and related project costs, contingent upon the completion of a Program of Requirements (POR) scoped to the approved budget.

**Funding/Planning Amount:**

<u>Funding Source</u>	<u>Planning Amount</u>	<u>Average Estimated Annual Debt Service</u>	<u>Debt Service Source</u>
Federal Funding provided through FEMA and TDEM	\$229,082,732	N/A	N/A
Matching Funds*	<u>\$25,453,637</u>	N/A	N/A
Total Project Cost	<u>\$254,536,369</u>		

\*Matching funds totaling 10% of Safe Room cost will be identified and finalized for each project. These matching funds could include institutional funds, Revenue Financing System debt and/or Permanent University Fund debt.

List of potential projects submitted to FEMA for approval of Hazard Mitigation Assistance (HMA) Grant Funding:

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<b>MEMBER</b>	<b>TYPE</b>	<b>PROJECT NAME</b>	<b>MULTI-PURPOSE USE</b>	<b>TOTAL BUDGET</b>
Texas A&M- Texarkana	Tornado	Storm Shelter/Safe Room	Multi-use facility for volleyball, Cheer/Dance Team, office space community and campus events.	\$16,397,752
AgriLife Research	Hurricane	Hurricane Safe Room at Beeville Station	Open space for AgriLife Extension, community events and offices.	\$10,000,000
Texas A&M- Central Texas	Tornado	Community Safe Room Building	Multi-Purpose building for educational purposes including university physical education courses and indoor recreational activities, student gatherings and socials, professional development and an indoor location for campus gatherings.	\$8,488,920
Texas A&M- McAllen	Hurricane	McAllen Safe Room & Student Rec Building	Student recreation building which will include a gymnasium, multi-purpose activity room and weight room.	\$17,825,220
Texas A&M- Commerce	Tornado	Safe Room/Multi-Purpose Facility	Multi-use facility for additional basketball and pickleball courts; banquet space.	\$20,000,000
Tarleton	Tornado	Tornado Safe Shelter/Agricultural & Environmental Lab	Laboratory for Agricultural and Environmental Research.	\$30,000,000
Texas A&M- Corpus Christi	Hurricane	Multi-Purpose Community Center/Safe Room	4,000 seat facility to host events such as commencement, student convocations, student orientations, guest lectures and larger faculty and staff meetings, as well as serve as a Basketball exhibition location.	\$56,800,000
Texas A&M International	Tornado	Multi-Purpose Safe Room Building	Convocation/multi-use events center.	\$50,750,000
Texas A&M- San Antonio	Hurricane	Hurricane Safe Room Facility	Athletic Center	\$30,274,477
West Texas A&M	Tornado	Multi-Purpose Tornado Safe Building and Shelter	Recreation sports, club sports and athletics facility.	\$14,000,000
			<b>TOTAL:</b>	<b>\$254,536,369</b>

**Project Justification:**

Federal funding is available from the FEMA Hazard Mitigation Assistance Program for construction of Safe Rooms at various A&M System locations. The list above reflects the

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projects developed for funding consideration for hurricane and tornado shelters. If approved, FEMA is expected to cover 90% of the Safe Room costs on a reimbursement basis. These projects will be managed by the System Office of Facilities, Planning and Construction.

The structures will be multi-purpose facilities, as described above, to maximize their use when not needed to provide shelter from storms.

**Scope:**

The projects will be constructed in two phases. Phase 1 is design and engineering; phase 2 is construction. FEMA will review expenses on a quarterly basis. Construction must meet FEMA Hazard Mitigation Grant Assistance Program and Policy Guidance and requires competitive bids.

**Other Major Fiscal Impacts:**

None.

**Strategic Plan Imperative(s) this Item Advances:**

The System Initiative of providing Safe Rooms on campuses throughout the state supports the A&M System Strategic Plan Imperative Number 5:

*"The A&M System will provide services that respond to the needs of the people of Texas and contribute to the strength of the state's economy."*

The new Safe Rooms will provide immediate life-safety protection in a catastrophic weather event such as a hurricane and/or tornado and will also allow each System Member to further benefit from utilizing the structures for alternate daily use.

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**

Deputy Chancellor and Chief Financial Officer

July 1, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Upon Approval of a FEMA Project, Approval to Amend the FY 2025 – FY 2029 A&M System Capital Plan to Add Safe Room Projects for System Members with an FY 2025 Start Date upon FEMA Approval

I recommend adoption of the following minute order:

**“Upon approval of a FEMA project, the request to amend the FY 2025 - FY 2029 A&M System Capital Plan to add FEMA-approved Safe Room projects for System Members with an FY 2025 start date and a combined total planning amount of up to \$254,536,369 is approved.**

**Contingent upon the completion of each Safe Room project’s Program of Requirements, the amount of up to 10% of the project budget is appropriated from various accounts for pre-construction services and related project costs.**

**The Board of Regents of The Texas A&M University System (Board) reasonably expects to incur debt in one or more obligations for this project, and all or a portion of the proceeds received from the sale of such obligations is reasonably expected to be used to reimburse the account(s) for amounts previously appropriated and/or expended from such account(s).**

**As required by Section 5(a) of the Master Resolution of the Revenue Financing System, the Board hereby determines that it will have sufficient funds to meet the financial obligations of The Texas A&M University System, including sufficient Pledged Revenues to satisfy the Annual Debt Service Requirements of the Revenue Financing System and to meet all financial obligations of the Board relating to the Revenue Financing System and that**



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**the Participants, on whose behalf the debt is issued, possess the financial capacity to satisfy their Direct Obligations.”**

Respectfully submitted,

Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approval Recommended:**

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John Sharp  
Chancellor

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel

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Phillip Ray  
Vice Chancellor for Business Affairs

# Facilities Planning & Construction Project Status Report

Effective 07/15/2024

Projects in Planning	14 Projects	\$1,312,166,906
Projects in Design	15 Projects	\$753,887,833
Projects in Construction	35 Projects	\$2,123,763,813
Projects in Private Development	18 Projects	\$998,895,000
<b>Combined Total:</b>	<b>82 Projects</b>	<b>\$5,188,713,552</b>

## Projects in Planning:

### Brownsville, TX

09-3426	South Texas Workforce Development	\$30,000,000 FY2024
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### Bryan, TX

01-3418	Chips Institute/Infrastructure/Equipment	\$157,562,000 FY2024
06-3339	Meat Sciences & Technology Center	\$114,604,906 FY2025

### College Station, TX

02-3403	Olsen Field at Blue Bell Park Renovations	\$80,000,000 FY2026
02-3414	Visualization, Fine and Performing Arts Building	\$295,000,000 FY2026
02-3420	Aplin Center	\$250,000,000 FY2025
02-3422	Entrepreneurship Building	\$65,000,000 FY2027
02-3432	Heldenfels 4th Floor Instructional Lab Renovation	\$12,000,000 FY2026
02-3434	Satellite Utility Plant 1 (SUP1) Expansion	\$30,000,000 FY2026

### Commerce, TX

21-3433	Renovate One-Stop - University Police Dept. Building	\$8,000,000 FY2026
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### Houston, TX

23-3320	Alkek IBT Building Lab Expansion/Renovation & EnMed Build-out*	\$100,000,000 FY2022
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### McAllen, TX

23-3423	Health Education and Research (McAllen)	\$50,000,000 FY2024
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**Stephenville, TX**

<b>04-3415</b>	<b>Lillian Street Dorm</b>	\$120,000,000 FY2024
<b>04-3425</b>	<b>Agricultural Sciences Building</b>	TBD Unfunded

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<b>Total of Projects in Planning</b>	<b>\$1,312,166,906</b>
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### Projects in Design:

**Bryan, TX**

<b>09-3394</b>	<b>TEEX RELLIS Training Props</b>	\$25,300,000
	Kimley-Horn and Associates, Inc.	
<b>26-3351</b>	<b>RELLIS Avenue D South Extension and Utility Upgrades</b>	\$13,500,000
	Kimley-Horn and Associates, Inc.	
<b>28-3419</b>	<b>Hypersonic Wind Tunnel</b>	\$10,000,000
	Arkitex Studio	

**Canyon, TX**

<b>18-3369</b>	<b>Public Safety Facility</b>	\$9,975,000
	Brown Reynolds Watford	

**College Station, TX**

<b>02-3345</b>	<b>CUP Generator Replacement Project</b>	\$26,500,000
	Stanley Consultants, Inc.	
<b>02-3378</b>	<b>Clinical Veterinary Teaching and Research Complex*</b>	\$181,000,000
	Page Southerland Page, Inc.	
<b>02-3404</b>	<b>West Campus Player Development and Ellis Field Renovations</b>	\$28,200,000
	PBK Architects	

**Commerce, TX**

<b>21-3390</b>	<b>New Event Center/Arena</b>	\$70,400,000
	Gensler & Associates	
<b>21-3401</b>	<b>Morris Recreation Center Expansion</b>	\$17,500,000
	SmithGroupJJR	

**Dallas, TX**

<b>23-3400</b>	<b>School of Dentistry Main Building Renovation</b>	\$22,400,000
	Brown Reynolds Watford	

**Galveston, TX**

<b>10-3354</b>	<b>Infrastructure, Dock Improvements, and Ship FF&amp;E - Phil</b>	\$72,500,000
	AtkinsRealis USA, Inc.	

**Houston, TX**

<b>02-3417</b>	<b>Space Collaboration Facility</b>	\$200,000,000
	Energy Architecture	

**Prairie View, TX**

<b>05-3380</b>	<b>Teaching and Academic Student Support Services Facility*</b>	\$44,922,833
	Harrison Kornberg Architects	

**San Antonio, TX**

<b>25-3402 Educare Building</b>	\$21,690,000
Pfluger Architects, Inc.	
<b>25-3421 Multipurpose Field, Competition Track &amp; Softball Field Upgrades</b>	\$10,000,000
Halff Associates, Inc.	

**Total of Projects in Design****\$753,887,833****Projects in Construction:****Austin, TX**

<b>30-3317 TDEM Headquarters and State Emergency Operations Center</b>	\$423,241,463
J. T. Vaughn Construction, LLC	Substantial Completion Date: 08/26/2026
Status: On Schedule	Construction Work Completed: 18%

**Bryan, TX**

<b>01-3372 STEM Education Center at RELLIS*</b>	\$43,425,406
Tellepsen Builders, L.P.	Substantial Completion Date: 09/19/2025
Status: On Schedule	Construction Work Completed: 21%
<b>06-3397 Animal Reproductive Biotechnology Center</b>	\$13,000,000
Joeris General Contractors	Substantial Completion Date: 01/10/2025
Status: On Schedule	Construction Work Completed: 50%
<b>28-3321 Ballistic Aero-Optics and Materials Facility</b>	\$60,088,600
Bartlett Cocke General Contractors	Substantial Completion Date: 10/25/2024
Status: Behind Schedule	Construction Work Completed: 96%

**Canyon, TX**

<b>06-3377 Amarillo Research &amp; Extension Center at Canyon</b>	\$30,580,000
Western Builders	Substantial Completion Date: 07/18/2025
Status: On Schedule	Construction Work Completed: 36%
<b>18-3364 Renovation of an Education Building and Health/Safety Upgrades*</b>	\$44,922,833
Western Builders	Substantial Completion Date: 08/14/2025
Status: On Schedule	Construction Work Completed: 34%

**College Station, TX**

<b>01-0257 MSC Annex Renovation</b>	\$8,870,000
J. T. Vaughn Construction, LLC	Substantial Completion Date: 08/01/2024
Status: On Schedule	Construction Work Completed: 55%
<b>02-3279 Business Education Complex</b>	\$84,197,309
Skanska USA Building, Inc.	Substantial Completion Date: 11/28/2024
Status: On Schedule	Construction Work Completed: 78%
<b>02-3343A The Bright Building Area Development</b>	\$182,735,000
Manhattan Construction Company	Substantial Completion Date: 08/22/2024
Status: On Schedule	Construction Work Completed: 94%
<b>06-3344 Borlaug Southern Crop Improvement Center Renovations</b>	\$56,700,000
Bartlett Cocke General Contractors	Substantial Completion Date: 08/12/2024
Status: On Schedule	Construction Work Completed: 90%

<b>23-3412</b>	<b>Texas A&amp;M Health ESCO 2023</b>		\$14,745,526
Ameresco		Substantial Completion Date:	
Status:	On Schedule	Construction Work Completed:	85%
<b>28-3324</b>	<b>Nuclear Engineering Education Building</b>		\$15,100,000
Bartlett Cocke General Contractors		Substantial Completion Date:	05/24/2024
Status:	Substantially Complete	Construction Work Completed:	100%
<b>Commerce, TX</b>			
<b>21-3337</b>	<b>Student Services Building</b>		\$19,530,500
Satterfield and Pontikes Construction, Inc.		Substantial Completion Date:	08/22/2024
Status:	Behind Schedule	Construction Work Completed:	95%
<b>21-3384</b>	<b>Agricultural Multipurpose Education and Training Center*</b>		\$47,322,833
McGough Construction		Substantial Completion Date:	02/25/2026
Status:	On Schedule	Construction Work Completed:	5%
<b>Corpus Christi, TX</b>			
<b>15-3268</b>	<b>Arts &amp; Media Building*</b>		\$80,922,833
Bartlett Cocke General Contractors		Substantial Completion Date:	01/30/2026
Status:	On Schedule	Construction Work Completed:	7%
<b>Fort Worth, TX (Chisholm Trail)</b>			
<b>04-3281</b>	<b>Interprofessional Education Building</b>		\$66,745,000
Holder Construction Group, LLC		Substantial Completion Date:	03/22/2024
Status:	Behind Schedule	Construction Work Completed:	94%
<b>04-3281A</b>	<b>Interprofessional Education Building (Addition)*</b>		\$9,255,000
Joeris General Contractors		Substantial Completion Date:	08/22/2024
Status:	On Schedule	Construction Work Completed:	50%
<b>Ft. Worth, TX (Downtown)</b>			
<b>01-3359</b>	<b>Ft. Worth Law &amp; Education Building</b>		\$185,000,000
Turner Carcon Source JV		Substantial Completion Date:	10/14/2025
Status:	On Schedule	Construction Work Completed:	20%
<b>Galveston, TX</b>			
<b>10-3353</b>	<b>Infrastructure, Dock Improvements, and Ship FF&amp;E - PhI</b>		\$35,650,000
J. T. Vaughn Construction, LLC		Substantial Completion Date:	04/15/2025
Status:	On Schedule	Construction Work Completed:	55%
<b>10-3381</b>	<b>Engineering Classroom and Research Building*</b>		\$50,992,125
Turner Construction Company		Substantial Completion Date:	11/11/2025
Status:	On Schedule	Construction Work Completed:	7%
<b>Houston, TX</b>			
<b>23-3399</b>	<b>EnMED Discovery Tower Labs &amp; Office Buildout - Phase I</b>		\$15,000,000
J. T. Vaughn Construction, LLC		Substantial Completion Date:	05/19/2025
Status:	On Schedule	Construction Work Completed:	3%
<b>Killeen, TX</b>			
<b>24-3376</b>	<b>Central Operational Reliability and Efficiency Facility (CORE)*</b>		\$49,900,000
HOAR Construction		Substantial Completion Date:	02/04/2026
Status:	On Schedule	Construction Work Completed:	18%

**Kingsville, TX****17-3383 Deferred Maintenance\***

Noble Texas Builders, LLC

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$45,172,833

09/18/2025

29%

**Laredo, TX****16-3382 Health Sciences Education and Research Center & Western Hemispheric Trade Center Expansion\***

Bartlett Cocke General Contractors

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$71,200,000

09/12/2025

12%

**McAllen, TX****23-3374 Nursing Education & Research Center - McAllen\***

J. T. Vaughn Construction, LLC

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$49,948,556

10/01/2025

10 %

**Prairie View, TX****05-3370 Fire Alarm System Replacements PH2**

Britt Rice Construction Company, LP

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$11,302,000

03/03/2025

52%

**San Antonio, TX****25-3305 Recreation Center**

Byrne Construction Services

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$19,200,000

07/17/2024

97%

**25-3309 TAMU-San Antonio Housing Phase II**

Bartlett Cocke General Contractors

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$34,100,000

08/02/2024

93%

**25-3387 Public Health and Education Building\***

Joeris General Contractors

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$54,922,833

01/28/2026

3%

**Stephenville, TX****04-3326 Tarleton State University Parking Garage**

Byrne Construction Services

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$40,000,000

08/21/2024

85%

**04-3360 Health Sciences & Human Services Building - Stephenville\***

J. T. Vaughn Construction, LLC

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$80,000,000

07/09/2025

18%

**04-3361 Dick Smith Library Renovation & Expansion**

The Christman Company

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$9,500,000

08/04/2025

7%

**04-3396 Convocation Center**

J. T. Vaughn Construction, LLC

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$110,000,000

05/10/2025

45%

**Texarkana, TX****22-3385 Business, Engineering, and Technology Building\***

Clark Contractors LLC

Status: On Schedule

Substantial Completion Date:

Construction Work Completed:

\$44,922,833

06/03/2026

1%

**Vernon, TX****06-3407 AgriLife Vernon Campus Storm Repairs**

\$15,570,330

J. T. Vaughn Construction, LLC

Substantial Completion Date:

04/29/2025

Status: On Schedule

Construction Work Completed:

19%

**Total of Projects in Construction****\$2,123,763,813**

\*CCAP projects. Those in planning will not move forward until Legislative requirements are met, POR is complete and funding is finalized.

**Projects in Private Development:****Bryan, TX****01-3285 Data Center** \$150,000,000**01-3431 Project Factory One** TBD**26-3350 RELLIS Substation** \$2,164,000**26-3355 BTU Substation at RELLIS** \$13,000,000**College Station, TX****01-3428 ARFF Station Construction** TBD**02-3165 Century Square** \$355,000,000**02-3289 Intergenerational Living Center** \$35,000,000**02-3406 Union Pacific Bush 4141 Locomotive & Marine One Helicopter Pavilion** \$29,000,000**02-3424 PopStroke** \$3,800,000**Commerce, TX****21-3292 Development Tract (~8 acres at corner of Culver and Hwy 24)** TBD**Dallas, TX****23-3328 Dentistry Development Tract** TBD**Ft. Worth, TX****01-3358 Ft. Worth Research & Innovation Center** TBD**Houston, TX****23-0255 Last Shot Xpresso at EnMed** \$231,000**23-3293 Innovation Plaza** \$401,000,000**Kingsville, TX****17-3430 Ocelot Conservation Facility** TBD**Prairie View, TX****05-3335 50 Acre Development Tract** TBD**Stephenville, TX****04-3327 Hotel & Conference Center** TBD**Texarkana, TX****22-3217 Student Recreation Center at TAMU-T** \$9,700,000**Total of Projects in Private Development****\$998,895,000**

## **AGENDA ITEM BRIEFING**

**Submitted by:** James R. Hallmark, Ph.D., Vice Chancellor for Academic Affairs  
The Texas A&M University System

**Subject:** Approval of Revisions to Policy *12.03, Faculty Academic Workload and Reporting Requirements* and Policy *12.07, Fixed Term Academic Professional Track Faculty*

### **Proposed Board Action:**

Approve revisions to two academic-related system policies.

### **Background Information:**

The purpose of this agenda item is to propose Policy *12.03, Faculty Academic Workload and Reporting Requirements* and Policy *12.07, Fixed Term Academic Professional Track Faculty*. The Office of General Counsel has reviewed all revisions for legal sufficiency.

Listed below are the revisions unique to each of these policies.

#### System Policy *12.03, Faculty Academic Workload and Reporting Requirements*

- This policy is due for its five-year certification and has been updated to align with the current Texas Higher Education Coordinating Board and Texas Education Code guidelines.

#### System Policy *12.07, Fixed Term Academic Professional Track Faculty*

- Fixed-term academic professional track faculty was originally envisioned as a means of recruiting and retaining outstanding faculty who otherwise would not be eligible for tenured or tenure-track faculty positions. These faculty would hold rank among the tenured and tenure-track faculty at a university and, therefore, should be differentiated by title from traditional faculty titles. As branch campuses and remote teaching sites have developed with no tenured or tenure-track faculty the need for this differentiation is diminished. At these campuses, using the more attractive title currently reserved for tenure and tenure-track faculty will aid in recruitment and retention of outstanding faculty.

### **A&M System Funding or Other Financial Implications:**

None.

### **Strategic Plan Imperative(s) this Item Advances:**

The board's adoption, maintenance and revision of system policies advances all eight Strategic Plan Imperatives by providing policy direction to the member institutions and agencies.



Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
Office of the Vice Chancellor for Academic Affairs  
July XX, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of Revisions to Policy *12.03, Faculty Academic Workload and Reporting Requirements* and Policy *12.07, Fixed Term Academic Professional Track Faculty*

I recommend adoption of the following minute order:

**“The revisions to System Policies *12.03, Faculty Academic Workload and Reporting Requirements* and Policy *12.07, Fixed Term Academic Professional Track Faculty*, as shown in the attached exhibits, are approved, effective immediately.”**

Respectfully submitted,

James R. Hallmark, Ph.D.  
Vice Chancellor for Academic Affairs

**Approval Recommended:**

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John Sharp  
Chancellor

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel

## 12.03 Faculty Academic Workload and Reporting Requirements

Revised August 1, 2024 (MO -2024)

Revised August 8, 2019 (MO-154-2019)

Next Scheduled Review: August 8, 20241, 2029

Click to view [Revision History](#).



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### Policy Summary

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This policy ~~is established to~~ provides mandatory specific guidelines directives to the universities (academic institutions) of The Texas A&M University System (system) regarding the minimum academic workload for faculty. It is essential that the public and stakeholders understand the variety and complexity of academic workloads while being assured that such workloads represent a positive value for the state.

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### Policy

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The system Board of Regents (system board) is required by law to adopt rules and regulations concerning faculty academic workloads consistent with general policies developed by the Texas Higher Education Coordinating Board (coordinating board). Each academic institution president is required to develop guidelines specific to that academic institution and designate an officer to monitor workloads and prepare required reports as described in this system policy.

#### 1. FACULTY ACADEMIC WORKLOAD~~TEACHING LOAD~~

- 1.1 Each full-time person employed for instructional purposes by the academic institution is expected to teach classes and assume a reasonable workload of related activities that constitute a full-time instructional load. Persons employed on a part-time basis from instructional funds are expected to assume a workload proportional to the percentage of employment on these funds.
- 1.2 The nature of a full-time faculty academic workload ~~teaching load will vary~~ies from academic institution to academic institution (and between departments within the same academic institution) because of differences in academic institutional missions, the nature of the instructional programs, the stages of development of the academic institutions, the natures of student bodies, and other factors. In all academic institutions, faculty members are expected to engage in ~~those~~ commonly accepted duties which will ~~enhance~~s the teaching/learning process and the quality of the academic institution's programs. Recognized duties include classroom teaching, scholarly study, basic and applied research, professional development, student advising and counseling, course and curriculum development, continuing education, public service, assistance in the administration of the academic program, and similar academic activities as appropriate. These duties are inherent in ~~the life and the~~ work of a faculty member and are considered

~~in faculty taken into account in consideration for~~ promotion, tenure, and ~~compensationsalary.~~

## 2. EVALUATION OF FACULTY ACADEMIC WORKLOAD~~TEACHING LOADS~~

It is the responsibility of each academic institution's president to ensure ~~that~~ administrative practices exist for ~~making maximum for use using of~~ the academic institution's resources in the conduct of instructional duties. Each president, in conjunction with the academic institution's vice presidents, deans, and department ~~\_leads~~heads, should evaluate faculty academic workloads to determine that each person employed for instructional purposes is carrying the minimum full-time equivalent load and that the academic duties within and among departments are assigned equitably.

## 3. MINIMUM-FACULTY ACADEMIC TEACHING WORKLOAD STANDARDS

Although each academic institution may establish standards for teaching workloads to meet the instructional obligations of the academic institution and its students, to operate efficiently within the range of resources available to the academic institution, and to comply with the faculty workload general policies guidelines and standard reports issued by the coordinating board, the following minimum teaching workload standards ~~will~~ apply:

- 3.1 A minimum teaching workload for undergraduate courses ~~is will be~~ nine semester credit hours of ~~normal~~ classroom teaching; a minimum teaching load for graduate courses ~~is will be~~ six semester credit hours of ~~normal~~ classroom teaching. Participation of senior faculty in the teaching ~~of~~ undergraduate students ~~by senior faculty~~ is strongly encouraged.
- 3.2 Workload aAdjustments ~~of these amounts of normal classroom teaching~~ may be made to account for large class sizes; duplicate sections taught; laboratory, seminar, lecture, clinical, or field-type courses; availability of support services; situations where both graduate and undergraduate work are involved; courses which involve individualized instruction; and overload from the previous long semester.
- 3.3 Faculty teaching workload may be reduced for ~~\_duties related to an administrative position, a faculty member serving as departmental chair.~~

## 4. ACADEMIC INSTITUTIONAL WORKLOAD RULE POLICY

- 4.1 Each academic institution's president ~~will~~ prepares, in consultation with the faculty, a faculty workload rule for that academic institution. The rule ~~will~~ establishes the faculty workload standards, provides guidelines for adjustments of workloads reflecting different kinds of instruction, and provides a schedule for awarding equivalent teaching load credit for the assignment of other academic and administrative duties.
- 4.2 The initial faculty workload rule at an academic institution will be forwarded to the chancellor for endorsement and submitted to the system board for approval. ~~Any~~ Revisions to an existing academic institutional \_faculty workload rules must occur in consultation with The Texas A&M University System Office of Academic Affairs and will be maintained by the academic institution. forwarded to the vice chancellor for academic affairs for confirmation. A copy of each academic institution's approved rule will be included in the academic institution's annual operating budget.

## 5. REPORTS REQUIRED

- 5.1 ~~Academic institutions are required to complete and submit the In addition to the coordinating board's~~ Faculty Report (CBM-008) ~~and submit the report to the coordinating board in compliance with based on the current coordinating board guidelines. and submit a copy to the system's Office of Academic Affairs. required by the coordinating board, academic institutions must prepare a Faculty Workload Report for each long semester indicating all appointments held by the faculty member in the employing academic institution, the salary paid to each appointment, the percent of time of each appointment, and the source of funds from which salary payments are made. Justification must be provided for each instance of noncompliance. The report will be submitted to the chancellor and available for review by members of the system board. The chancellor will provides summary reports of academic workload compliance to the system board.~~
- 5.2 ~~A report will be presented to the system board showing courses with drop rates in excess of exceeding 30 percent. The System Office of Academic Affairs prepares a report that presents faculty members' appointments, salaries, percentage time of appointments, and the sources of funds from which salary payments were made. The report is submitted to the chancellor and made available for review by members of the system board.~~

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### Related Statutes, Policies, or Requirements

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[Tex. Educ. Code § 51.402](#)

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### Member Rule Requirements

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A rule is required to supplement this policy. See Sections 4.1 and 4.2.

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### Contact Office

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~~System Office of~~ Academic Affairs  
(979) 458-6072

## 12.07 Fixed Term Academic Professional Track Faculty



Revised August 1, 2024 (MO -2024)  
Revised November 12, 2020 (MO 197-2020)  
Next Scheduled Review: ~~November 12, 2025-~~  
August 1, 2029  
Click to view [Revision History](#).

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### Policy Summary

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This policy is designed to provide a means for the universities (academic institutions) of The Texas A&M University System (system) to recruit and retain faculty whose excellence in teaching, research or service make them beneficial members of the academic institution, while providing them with stable, long-term employment.

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### Policy

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#### 1. FACULTY DIFFERENTIATION

1.1 It is imperative that faculty members at academic institutions are able to meet and sustain the highly competitive requirements necessary to excel in their positions. The granting of tenure is a recognition of excellence in the areas of teaching, research **and** service (See System Policy 12.01, *Academic Freedom, Responsibility and Tenure*). And, while academic institutions are able to recognize the contributions that these individuals make, it is also essential that recognition be given to faculty whose interest, excellence or discipline does not include all three areas required for tenure.

1.2 The creation of the non-tenure track of Assistant Professional Track Faculty, Associate Professional Track Faculty, and Senior Professional Track Faculty provides a means of securing and retaining faculty who bring to the academic institution excellence in teaching, research **or** service. This would include faculty whose position is in applied or clinical settings. These individuals provide a specific, professional skill to the academic institution, faculty, staff and students. In creating these new ranks, the academic institution is acknowledging that its skills are an essential part to the overall success of the academic institution and its mission.

~~1.2~~1.3 Fixed Term Academic Professional Track faculty appointments may be offered to successfully recruit and retain -faculty on campuses wherein a tenure track system does not exist.<sup>22</sup>

#### 2. PROFESSIONAL TRACK FACULTY RANKS

- 2.1 Assistant Professional Track Faculty. This is an entry-level rank. Appointment to this rank generally requires the appropriate terminal degree. Promotion criteria include excellence in teaching for faculty with teaching responsibilities or excellence in research or service, as appropriate for other appointments. Overall superior performance and potential for development are also expected as criteria for promotion.
- 2.2 Associate Professional Track Faculty. Appointment to this rank generally requires the appropriate terminal degree. It also requires significant experience related to the position responsibilities. Procedures for promotion of individuals holding the rank of Assistant Professional Track Faculty to the rank of Associate Professional Track Faculty will follow the member's review and evaluation processes for tenured and tenure track faculty. Members may create separate or additional criteria for eligibility and consideration.
- 2.3 Senior Professional Track Faculty. Appointment to this rank generally requires the appropriate terminal degree and a record of sustained excellent performance in all areas of appointment. Procedures for promotion of individuals holding the rank of Associate Professional Track Faculty to the rank of Senior Professional Track Faculty will follow the member's review and evaluation processes for tenured and tenure-track faculty. Members may create separate or additional criteria for eligibility and consideration.
- 2.4 Academic institutions may adopt titles that vary from those listed above as long as they are differentiated from tenure track faculty titles. On campuses wherein a tenure track system does not exist then the institution may allow the use of tenure track titles to non-tenure track faculty if they are performing in all three academic areas: teaching, research, and service similar to tenure track faculty.

### 3. APPOINTMENT OF PROFESSIONAL TRACK FACULTY

- 3.1 All new Professional Track faculty members will be provided with an appointment letter stating the initial terms and conditions of employment. Any subsequent modifications or special understandings in regard to the appointment, which may be made on an annual basis, will be stated in writing and a copy given to the faculty member. The appointment letter will explicitly indicate the necessary teaching, research and/or service requirements expected of the Professional Track faculty member. Essential job functions for a position may vary depending upon the nature of the department in which the faculty member holds expertise, external funding requirements attached to the position, licensing or accreditation requirements, and other circumstances. It is, therefore, important that essential job functions for each faculty position be listed in the initial appointment letter. For example, all of the following that are applicable will be listed: teaching responsibilities, responsibilities for advising students, independent and/or collaborative research responsibilities, engaging in patient care, committee assignments, conditions imposed by external accrediting agencies, conditions for holding a named professorship or endowed chair, or a position that combines academic and administrative duties, and any other specific essential functions for the position in question. All appointment letters must indicate that the appointment is non-tenure track and will expire upon the completion of the appointment, unless the appointment is extended pursuant to Section 3.2 of this policy or the faculty member is dismissed pursuant to Section 5 of this policy.

- 3.2 Professional Track faculty member appointments may be made for periods not to exceed five years in length. If, during the course of an existing appointment, the academic institution chooses to extend the duration of an existing appointment, the extension may not exceed an additional five years. For beginning Assistant Professional Track Faculty, an appointment of no more than three years may be appropriate.
- 3.3 The academic institution must notify faculty members annually, in writing, of their salary. Any other changes or additions to the appointment also must be included.
- 3.4 Faculty members are expected to fulfill the terms and conditions of employment for the following year unless they resign prior to 30 calendar days after receiving notice of the terms. This provision will be included in all letters of appointment and annual reviews.

#### 4. EVALUATION OF PROFESSIONAL TRACK FACULTY

All Professional Track academic faculty will be reviewed on an annual basis by their department head or supervisor. Such review will include all requirements established in the initial letter of appointment and any additional requirements added during annual reviews.

#### 5. DISMISSAL OF A PROFESSIONAL TRACK FACULTY MEMBER

- 5.1 Professional Track faculty members whose appointment has not expired may be dismissed for cause on the same basis that tenured faculty may be dismissed for cause under System Policy *12.01*.
- 5.2 Academic institutions must follow System Policy *12.01* when dismissing a Professional Track faculty member for cause.
- 5.3 Professional Track faculty members may be placed on administrative leave pending investigation as described in System Policy *12.01*.
- 5.4 Professional Track faculty are subject to the provisions of System Policy *12.01* relating to financial exigency or termination or reduction of existing programs and may be dismissed subject to this policy.

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### **Related Statutes, Policies, or Requirements**

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[System Policy 12.01, Academic Freedom, Responsibility and Tenure](#)

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### **Member Rule Requirements**

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A rule is not required to supplement this policy.

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## Contact Office

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Academic Affairs  
(979) 458-6072



## 12.03 Faculty Academic Workload and Reporting Requirements

Revised [August 1, 2024](#) (MO -2024)  
Next Scheduled Review: August 1, 2029  
Click to view [Revision History](#).



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### Policy Summary

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This policy provides mandatory directives to the universities (academic institutions) of The Texas A&M University System (system) regarding the minimum academic workload for faculty. It is essential that the public and stakeholders understand the variety and complexity of academic workloads while being assured that such workloads represent a positive value for the state.

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### Policy

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The system Board of Regents (system board) is required by law to adopt rules and regulations concerning faculty academic workloads consistent with general policies developed by the Texas Higher Education Coordinating Board (coordinating board). Each academic institution president is required to develop guidelines specific to that academic institution and designate an officer to monitor workloads and prepare required reports as described in this system policy.

#### 1. FACULTY ACADEMIC WORKLOAD

- 1.1 Each full-time person employed for instructional purposes by the academic institution is expected to teach classes and assume a reasonable workload of related activities that constitute a full-time instructional load. Persons employed on a part-time basis from instructional funds are expected to assume a workload proportional to the percentage of employment on these funds.
- 1.2 The nature of a full-time faculty academic workload varies from academic institution to academic institution (and between departments within the same academic institution) because of differences in academic institutional missions, the nature of the instructional programs, the stages of development of the academic institutions, the natures of student bodies, and other factors. In all academic institutions, faculty members are expected to engage in commonly accepted duties which enhances the teaching/learning process and the quality of the academic institution's programs. Recognized duties include classroom teaching (in multiple forms inclusive of face-to-face, distance, online, hybrid, etc.), scholarly study, basic and applied research, professional development, student advising, course and curriculum development, continuing education, public service, assistance in the administration of the academic program, and similar academic activities as appropriate. These duties are inherent in the work of a faculty member and are considered in faculty promotion, tenure, and compensation.

## 2. EVALUATION OF FACULTY ACADEMIC WORKLOAD

It is the responsibility of each academic institution's president to ensure administrative practices exist for using the academic institution's resources in the conduct of instructional duties. Each president, in conjunction with the academic institution's vice presidents, deans, and department leads, should evaluate faculty academic workloads to determine that each person employed for instructional purposes is carrying the minimum full-time equivalent load and that the academic duties within and among departments are assigned equitably.

## 3. MINIMUM FACULTY ACADEMIC TEACHING WORKLOAD STANDARDS

Although each academic institution may establish standards for teaching workloads to meet the instructional obligations of the academic institution and its students, to operate efficiently within the range of resources available to the academic institution, and to comply with the faculty workload general policies and standard reports issued by the coordinating board, the following minimum teaching workload standards apply:

- 3.1 A minimum teaching workload for undergraduate courses is nine semester credit hours of classroom teaching; a minimum teaching load for graduate courses is six semester credit hours of classroom teaching. Members may adopt higher minimum teaching workloads, but may not adopt lower minimum teaching workloads than these prescribed. Participation of senior faculty teaching undergraduate students is strongly encouraged.
- 3.2 Workload adjustments may be made to account for large class sizes; duplicate sections taught; laboratory, seminar, lecture, clinical, or field-type courses; availability of support services; situations where both graduate and undergraduate work are involved; courses which involve individualized instruction; and overload from the previous long semester.
- 3.3 Faculty teaching workload may be reduced for duties related to an administrative position.

## 4. ACADEMIC INSTITUTIONAL WORKLOAD RULE

- 4.1 Each academic institution's president prepares, in consultation with the faculty, a faculty workload rule for that academic institution. The rule establishes the faculty workload standards, provides guidelines for adjustments of workloads reflecting different kinds of instruction, and provides a schedule for awarding equivalent teaching load credit for the assignment of other academic and administrative duties.
- 4.2 The initial faculty workload rule at an academic institution will be forwarded to the chancellor for endorsement and submitted to the system board for approval. Revisions to existing academic institutional workload rules must occur in consultation with The Texas A&M University System Office of Academic Affairs and will be maintained by the academic institution.

## 5. REPORTS REQUIRED

- 5.1 Academic institutions are required to complete and submit the Faculty Report (CBM008) to the coordinating board in compliance with the current coordinating board guidelines.
- 5.2 The System Office of Academic Affairs prepares a report that presents faculty members' appointments, salaries, percentage time of appointments, and the sources of funds from which salary payments were made. The report is submitted to the chancellor and made available for review by members of the system board.

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### **Related Statutes, Policies, or Requirements**

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[Tex. Educ. Code § 51.402](#)

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### **Member Rule Requirements**

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A rule is required to supplement this policy. See Sections 4.1 and 4.2.

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### **Contact Office**

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Academic Affairs  
(979) 458-6072

## 12.07 Fixed Term Academic Professional Track Faculty

Revised August 1, 2024 (MO -2024)  
Next Scheduled Review: August 1, 2029  
Click to view [Revision History](#).



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### Policy Summary

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This policy is designed to provide a means for the universities (academic institutions) of The Texas A&M University System (system) to recruit and retain faculty whose excellence in teaching, research or service make them beneficial members of the academic institution, while providing them with stable, long-term employment.

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### Policy

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#### 1. FACULTY DIFFERENTIATION

- 1.1 It is imperative that faculty members at academic institutions are able to meet and sustain the highly competitive requirements necessary to excel in their positions. The granting of tenure is a recognition of excellence in the areas of teaching, research **and** service (See System Policy 12.01, *Academic Freedom, Responsibility and Tenure*). And, while academic institutions are able to recognize the contributions that these individuals make, it is also essential that recognition be given to faculty whose interest, excellence or discipline does not include all three areas required for tenure.
- 1.2 The creation of the non-tenure track of Assistant Professional Track Faculty, Associate Professional Track Faculty, and Senior Professional Track Faculty provides a means of securing and retaining faculty who bring to the academic institution excellence in teaching, research **or** service. This would include faculty whose position is in applied or clinical settings. These individuals provide a specific, professional skill to the academic institution, faculty, staff and students. In creating these new ranks, the academic institution is acknowledging that its skills are an essential part to the overall success of the academic institution and its mission.
- 1.3 Fixed Term Academic Professional Track faculty appointments may be offered to successfully recruit and retain faculty on campuses wherein a tenure track system does not exist.

#### 2. PROFESSIONAL TRACK FACULTY RANKS

- 2.1 Assistant Professional Track Faculty. This is an entry-level rank. Appointment to this rank generally requires the appropriate terminal degree. Promotion criteria include excellence in teaching for faculty with teaching responsibilities or excellence in research or service, as appropriate for other appointments. Overall superior performance and potential for development are also expected as criteria for promotion.

- 2.2 Associate Professional Track Faculty. Appointment to this rank generally requires the appropriate terminal degree. It also requires significant experience related to the position responsibilities. Procedures for promotion of individuals holding the rank of Assistant Professional Track Faculty to the rank of Associate Professional Track Faculty will follow the member's review and evaluation processes for tenured and tenure track faculty. Members may create separate or additional criteria for eligibility and consideration.
- 2.3 Senior Professional Track Faculty. Appointment to this rank generally requires the appropriate terminal degree and a record of sustained excellent performance in all areas of appointment. Procedures for promotion of individuals holding the rank of Associate Professional Track Faculty to the rank of Senior Professional Track Faculty will follow the member's review and evaluation processes for tenured and tenure-track faculty. Members may create separate or additional criteria for eligibility and consideration.
- 2.4 Academic institutions may adopt titles that vary from those listed above as long as they are differentiated from tenure track faculty titles. On campuses wherein a tenure track system does not exist then the institution may allow the use of tenure track titles to non-tenure track faculty if they are performing in all three academic areas: teaching, research and service similar to tenure track faculty.

### 3. APPOINTMENT OF PROFESSIONAL TRACK FACULTY

- 3.1 All new Professional Track faculty members will be provided with an appointment letter stating the initial terms and conditions of employment. Any subsequent modifications or special understandings in regard to the appointment, which may be made on an annual basis, will be stated in writing and a copy given to the faculty member. The appointment letter will explicitly indicate the necessary teaching, research and/or service requirements expected of the Professional Track faculty member. Essential job functions for a position may vary depending upon the nature of the department in which the faculty member holds expertise, external funding requirements attached to the position, licensing or accreditation requirements, and other circumstances. It is, therefore, important that essential job functions for each faculty position be listed in the initial appointment letter. For example, all of the following that are applicable will be listed: teaching responsibilities, responsibilities for advising students, independent and/or collaborative research responsibilities, engaging in patient care, committee assignments, conditions imposed by external accrediting agencies, conditions for holding a named professorship or endowed chair, or a position that combines academic and administrative duties, and any other specific essential functions for the position in question. All appointment letters must indicate that the appointment is non-tenure track and will expire upon the completion of the appointment, unless the appointment is extended pursuant to Section 3.2 of this policy or the faculty member is dismissed pursuant to Section 5 of this policy.
- 3.2 Professional Track faculty member appointments may be made for periods not to exceed five years in length. If, during the course of an existing appointment, the academic institution chooses to extend the duration of an existing appointment, the extension may not exceed an additional five years. For beginning Assistant Professional Track Faculty, an appointment of no more than three years may be appropriate.

- 3.3 The academic institution must notify faculty members annually, in writing, of their salary. Any other changes or additions to the appointment also must be included.
- 3.4 Faculty members are expected to fulfill the terms and conditions of employment for the following year unless they resign prior to 30 calendar days after receiving notice of the terms. This provision will be included in all letters of appointment and annual reviews.

#### 4. EVALUATION OF PROFESSIONAL TRACK FACULTY

All Professional Track academic faculty will be reviewed on an annual basis by their department head or supervisor. Such review will include all requirements established in the initial letter of appointment and any additional requirements added during annual reviews.

#### 5. DISMISSAL OF A PROFESSIONAL TRACK FACULTY MEMBER

- 5.1 Professional Track faculty members whose appointment has not expired may be dismissed for cause on the same basis that tenured faculty may be dismissed for cause under System Policy *12.01*.
- 5.2 Academic institutions must follow System Policy *12.01* when dismissing a Professional Track faculty member for cause.
- 5.3 Professional Track faculty members may be placed on administrative leave pending investigation as described in System Policy *12.01*.
- 5.4 Professional Track faculty are subject to the provisions of System Policy *12.01* relating to financial exigency or termination or reduction of existing programs and may be dismissed subject to this policy.

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### Related Statutes, Policies, or Requirements

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[System Policy 12.01, Academic Freedom, Responsibility and Tenure](#)

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### Member Rule Requirements

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A rule is not required to supplement this policy.

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### Contact Office

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Academic Affairs  
(979) 458-6072

Agenda Item No.

## **AGENDA ITEM BRIEFING**

**Submitted by:** Joe Elabd, Ph.D., Vice Chancellor for Research  
The Texas A&M University System

**Subject:** Approval of Revisions to System Policy *15.04, Sponsored Research Services*

### **Proposed Board Action:**

Approve revisions to System Policy *15.04, Sponsored Research Services*.

### **Background Information:**

Revisions to this policy are mostly non-substantive including wordsmithing to clarify language throughout. Additional revisions include:

- Section 1.2 – revised to include all nine agencies
- Section 4.3 – deleted as the Texas A&M Stakeholders Operations Committee was dissolved
- Section 6.2 – language was added regarding services offered by SRS

### **A&M System Funding or Other Financial Implications:**

None.

### **Strategic Plan Imperative(s) this Item Advances:**

The board's adoption, maintenance and revision of system policies advances all eight Strategic Plan Imperatives by providing policy direction to the member institutions and agencies.

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**

Office of the Vice Chancellor for Research

July 17, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Approval of Revisions to System Policy *15.04, Sponsored Research Services*

I recommend adoption of the following minute order:

**“The revisions to System Policy *15.04, Sponsored Research Services*, as shown in the attached exhibit, are approved, effective immediately.”**

Respectfully submitted,

Joe Elabd, Ph.D.  
Vice Chancellor for Research

**Approval Recommended:**

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John Sharp  
Chancellor

**Approved for Legal Sufficiency:**

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Ray Bonilla  
General Counsel

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer





## 15.04 Sponsored Research Services

~~Revised August 23, 2017 (MO 130-2017)~~

~~Revised August 1, 2024 (MO -2024)~~

Next Scheduled Review: ~~August 23, 2022~~ August 1, 2029

Click to view [Revision History](#).

### Policy ~~Summary~~ **Statement**

Texas A&M Sponsored Research Services (SRS) ~~provides~~ **manages** pre-award and post-award ~~sponsored research administrative services~~ **functions of sponsored research for to** certain members of The Texas A&M University System (system) ~~headquartered in Brazos County, Texas to assist faculty and researchers in securing funding and ensure compliance with various requirements applicable to sponsored research projects.~~ Such members managing sponsored research agreements within their organization, coded as a National Association of College and University Business Officers (NACUBO) research function, must have requested and received approval from the vice president for research (VPR) at Texas A&M University to manage these research agreements.

### ~~Reason for Policy~~

~~This policy describes the organizational responsibilities and authority of SRS and the benefits of a shared service to certain members of the system in administering sponsored research agreements.~~

### ~~Policy~~ **Procedures and Responsibilities**

1. BENEFITS OF A SHARED SERVICE TO CERTAIN ~~BRAZOS COUNTY~~ MEMBERS AS IT APPLIES TO THIS POLICY
  - 1.1 Members comprising the Texas A&M Research Enterprise (~~Research Enterprise as defined below~~) ~~headquartered within Brazos County~~, due to its land-grant mission, are large and uniquely diverse. Although they are separate state agencies, they **routinely** share ~~a campus and a~~ research **resources and** infrastructure.
  - 1.2 Although separate state agencies for state reporting purposes, Texas A&M University, (including the Texas A&M University Health Science Center), ~~Texas A&M AgriLife Research System Offices, and the system agencies Texas A&M Engineering Experiment Station and Texas A&M Transportation Institute~~ (collectively, the Research Enterprise), report as one entity as Texas A&M University in the National Science Foundation Higher Education Research and Development Survey (~~HERD~~) for the purposes of national rankings and evaluations of universities.

- 1.3 The members comprising the Research Enterprise may share a physical plant and facilities and, thus, a shared facilities and administrative cost rate for sponsored agreements.
- 1.4 The success of the Research Enterprise depends heavily on the ability of the faculty of the various disciplines assigned to the members to work together strategically and collaboratively on multi-disciplinary projects through joint appointments and other collaborative relationships and arrangements.
- 1.5 Pooling human and financial resources into one sponsored research management shared service provides efficient quality services and compliance in support of the multi-disciplinary researchers and the administration of the Research Enterprise.

## 2. GENERAL

- 2.1 SRS serves as the primary provider of sponsored research administration services to the Research Enterprise members that have sponsored research activity, except as listed in Section 5.
- 2.2 “Sponsored research activity,” for purposes of this policy, includes all sponsored research, as defined in System Regulation 15.01.01, Sponsored Agreements – Research and Other, and development activities that ~~are externally sponsored by federal and non-federal agencies and organizations and~~ are coded as a NACUBO research function.
- 2.3 Sponsored research administration services provided by SRS include, but are not limited to, proposal administration, agreement negotiation, post-award administration and reporting, sub-recipient monitoring, sponsor billings, and sponsor and agreement compliance.
- 2.4 SRS responsibilities include the management and oversight of the electronic research information system for sponsored research proposals, agreements and awards.
- 2.5 The executive director of SRS is responsible for the daily administration, management and operation of SRS, including the electronic research information system.

## 3. IMPLEMENTATION

- 3.1 SRS’s authority includes establishing and maintaining procedures consistent with system policies and regulations for the services it provides to ~~Research Enterprise~~ members. These procedures ~~must~~should address the following and affirm SRS’s responsibilities in the following areas:
  - (a) Proposal administration including budget development, proposal routing for approvals and proposal submission;
  - (b) Except as described in Section 5.2, agreement negotiation and acceptance of awards including outgoing sub-award agreements and other agreements that are

directly tied to a sponsored research project;

- (c) Post-award administration including project set-up, project monitoring, employment compensation compliance, sub-award monitoring, financial compliance, sponsor billing, financial reporting, other sponsor-required reporting, and closeout;
- (d) Electronic research information system services and priorities in support of the administration of sponsored research agreements; and
- (e) Collaboration and assistance with ~~Research Enterprise~~ member audits and their respective management practices.

3.2 ~~Research Enterprise~~ Members utilizing SRS services ~~must will~~ establish and maintain procedures consistent with system policies and regulations addressing their responsibilities in the following areas:

- (a) Institutional approval of proposals for the member;
- (b) Management of faculty, faculty equivalents and staff in performing the research within established requirements for compliance and within the appropriate department, college or center;
- (c) Management of facilities and spaces used in performing the research and within established requirements;
- (d) Procurement of goods and services and the accounts payable function relating to sponsored research disbursements;
- (e) Institutional/Member resource allocations (i.e., indirect cost rates, waivers, reductions, cost sharing, sources of funding, interim funding sources and other security risks, etc.);
- (f) Compliance with all regulatory requirements for scientific research including Financial Conflict of Interest, Time and Effort, Export Controls, Environmental Health and Safety, Responsible Conduct in Research, Research Data Stewardship and Management and all research involving animals, biohazards and human subjects;
- (g) Institutional reporting responsibilities with assistance from SRS in providing information to ~~Research Enterprise~~ members for reconciliation and use in institutional reporting (i.e., for the Annual Financial Report, Texas Higher Education Coordinating Board, Legislative Budget Board, National Science Foundation, etc.); and
- (h) Risk assessment and mitigation for non-standard agreement terms.

3.3 ~~Research Enterprise~~ Members utilizing SRS services ~~must shall~~ ensure that appropriate delegations and procedures are in place to align with SRS processes and timelines streamlining interfaces with SRS.

#### 4. OVERSIGHT AND GUIDANCE

4.1 SRS (including the electronic research information system) ~~will reports~~ to ~~the VPR at~~ Texas A&M University.

- 4.2 The Vice President for Research (VPR) ~~will~~ collaborates with the Research Enterprise member chief executive officers (CEO) and/or the chief research officers (CRO) advisory council for the purposes of overseeing the SRS shared services and ensuring that such members' needs are being addressed.

~~4.3 The SRS Texas A&M Stakeholders Operations Committee (TSOC) will provides coordination and operations advice and support for SRS by focusing on the Research Enterprise member interface with the researchers in areas of principal investigator services, accounting interfaces, reporting, and management of the Research Enterprise. TSOC will have representatives from the Research Enterprise members, as well as representatives from the Council of Principal Investigators and the Texas A&M University Faculty Senate in addition to other faculty appointed by the VPR. Faculty and other researchers can bring issues to any of these groups or their representatives on TSOC.~~

## 5. EXCEPTED RESEARCH PROJECTS OR RESEARCH-RELATED ACTIVITIES

- 5.1 Research Enterprise members that have~~The~~ research projects or research-related activities described in this section may, but are not required, to utilize SRS services for such projects or activities~~be administered by SRS.~~

5.1.1 Projects or activities funded directly by specific state or federal appropriations ~~are not considered sponsored research projects or activities for purposes of this policy and are not treated as a restricted external agreement.~~

5.1.2 Gift and donor agreements defined under System Regulation 21.05.01, *Gifts, Donations, Grants and Endowments*, even if coded as a NACUBO research function, ~~are not considered as sponsored research activity~~activities for purposes of this policy.

5.1.32 Agreements for sponsored research activity funded by industry, commodity organizations, or local governmental entities, provided that post-award administration of these agreements is performed by SRS.

~~5.2 Sponsored research agreements funded by industry and/or commodity organizations, or county may be negotiated and executed by members. Post award administration of these agreements is performed by SRS.~~

- 5.3 If A Research Enterprise member, seeking desires to manage a sponsored research agreement~~activity coded as a NACUBO research function~~ as an exception to this policy, must the first member must submit a request to do so signed by the member CEO to the VPR. The decision of the VPR may be appealed by the member CEO ~~through the VPR~~ to the chancellor.

## 6. ~~OTHER SRS SERVICES PROVIDED BY SRS~~TO OTHER MEMBERS

- 6.1 Members ~~outside of Brazos County~~that are not part of the Research Enterprise wishing to utilize the services provided by SRS may do so through an interagency cooperation

~~contract or an~~ intrasystem cooperation contract approved by the member CEO or designee, the executive director of SRS and the VPR at Texas A&M University.

- 6.2 Fee assessments ~~methodology and services offered~~ by SRS ~~will be~~ is the same as for the Research Enterprise members. Services offered by SRS is the same as for the Research Enterprise member unless otherwise approved by the member CEO or designee, the executive director of SRS and the VPR at Texas A&M University.
- 6.3 Such agreements ~~must~~ will address effective dates, implementation and transition of member responsibilities to SRS services by the non-~~Brazos County~~ Research Enterprise members.
- 6.4 Such agreements ~~must~~ will also address the termination of SRS services that ~~will~~ includes a grace period for transitioning ~~of~~ services back to such members and provide sufficient time for SRS to adjust its staffing size and other operations impacted by such termination and transition.

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## Related Statutes, Policies, or Requirements

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[System Policy 15.01, Research Agreements](#)

[System Regulation 15.01.01, Sponsored Agreements – Research and Other](#)

[System Regulation 21.05.01, Gifts, Donations, Grants and Endowments](#)

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## Member Rule Requirements

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A rule is not required to supplement this policy.

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## Contact Office

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~~Office of the Vice Chancellor for~~ Research  
(979) 458-6000 \_\_\_\_\_

## 15.04 Sponsored Research Services

Revised [August 1, 2024](#) (MO -2024)  
Next Scheduled Review: August 1, 2029  
Click to view [Revision History](#).



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### Policy Summary

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Texas A&M Sponsored Research Services (SRS) provides pre-award and post-award sponsored research administrative services to certain members of The Texas A&M University System (system) to assist faculty and researchers in securing funding and ensure compliance with various requirements applicable to sponsored research projects.

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### Policy

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1. BENEFITS OF A SHARED SERVICE TO CERTAIN MEMBERS AS IT APPLIES TO THIS POLICY
  - 1.1 Members comprising the Texas A&M Research Enterprise (as defined below), due to its land-grant mission, are large and uniquely diverse. Although they are separate state agencies, they routinely share research resources and infrastructure.
  - 1.2 Although separate state agencies for state reporting purposes, Texas A&M University (including the Texas A&M University Health Science Center), System Offices, and the system agencies (collectively, the Research Enterprise), report as one entity as Texas A&M University in the National Science Foundation Higher Education Research and Development Survey for the purposes of national rankings and evaluations of universities.
  - 1.3 The members comprising the Research Enterprise may share a physical plant and facilities and, thus, a shared facilities and administrative cost rate for sponsored agreements.
  - 1.4 The success of the Research Enterprise depends heavily on the ability of the faculty of the various disciplines assigned to the members to work together strategically and collaboratively on multi-disciplinary projects through joint appointments and other collaborative relationships and arrangements.
  - 1.5 Pooling human and financial resources into one sponsored research management shared service provides efficient quality services and compliance in support of the multi-disciplinary researchers and the administration of the Research Enterprise.

## 2. GENERAL

- 2.1 SRS serves as the primary provider of sponsored research administration services to the Research Enterprise members that have sponsored research activity, except as listed in Section 5.
- 2.2 “Sponsored research activity,” for purposes of this policy, includes all sponsored research, as defined in System Regulation *15.01.01, Sponsored Agreements – Research and Other*, activities that are coded as a NACUBO research function.
- 2.3 Sponsored research administration services provided by SRS include, but are not limited to, proposal administration, agreement negotiation, post-award administration and reporting, sub-recipient monitoring, sponsor billings, and sponsor and agreement compliance.
- 2.4 SRS responsibilities include the management and oversight of the electronic research information system for sponsored research proposals, agreements and awards.
- 2.5 The executive director of SRS is responsible for the daily administration, management and operation of SRS, including the electronic research information system.

## 3. IMPLEMENTATION

- 3.1 SRS’s authority includes establishing and maintaining procedures consistent with system policies and regulations for the services it provides to members. These procedures must address the following and affirm SRS’s responsibilities in the following areas:
  - (a) Proposal administration including budget development, proposal routing for approvals and proposal submission;
  - (b) Except as described in Section 5.2, agreement negotiation and acceptance of awards including outgoing sub-award agreements and other agreements that are directly tied to a sponsored research project;
  - (c) Post-award administration including project set-up, project monitoring, employment compensation compliance, sub-award monitoring, financial compliance, sponsor billing, financial reporting, other sponsor-required reporting, and closeout;
  - (d) Electronic research information system services and priorities in support of the administration of sponsored research agreements; and
  - (e) Collaboration and assistance with member audits and their respective management practices.
- 3.2 Members utilizing SRS services must establish and maintain procedures consistent with system policies and regulations addressing their responsibilities in the following areas:
  - (a) Institutional approval of proposals for the member;
  - (b) Management of faculty, faculty equivalents and staff in performing the research within established requirements for compliance and within the appropriate department, college or center;

- (c) Management of facilities and spaces used in performing the research and within established requirements;
- (d) Procurement of goods and services and the accounts payable function relating to sponsored research disbursements;
- (e) Institutional/Member resource allocations (i.e., indirect cost rates, waivers, reductions, cost sharing, sources of funding, interim funding sources and other security risks, etc.);
- (f) Compliance with all regulatory requirements for scientific research including Financial Conflict of Interest, Time and Effort, Export Controls, Environmental Health and Safety, Responsible Conduct in Research, Research Data Stewardship and Management and all research involving animals, biohazards and human subjects;
- (g) Institutional reporting responsibilities with assistance from SRS in providing information to members for reconciliation and use in institutional reporting (i.e., for the Annual Financial Report, Texas Higher Education Coordinating Board, Legislative Budget Board, National Science Foundation, etc.); and
- (h) Risk assessment and mitigation for non-standard agreement terms.

3.3 Members utilizing SRS services must ensure that appropriate delegations and procedures are in place to align with SRS processes and timelines

#### 4. OVERSIGHT AND GUIDANCE

- 4.1 SRS (including the electronic research information system) reports to the VPR at Texas A&M University.
- 4.2 The VPR collaborates with the Research Enterprise member chief executive officers (CEO) and/or the chief research officers (CRO) advisory council for the purposes of overseeing the SRS shared services and ensuring that such members' needs are being addressed.

#### 5. EXCEPTED RESEARCH PROJECTS OR RESEARCH-RELATED ACTIVITIES

- 5.1 Research Enterprise members that have research projects or research-related activities described in this section may, but are not required, to utilize SRS services for such projects or activities.
  - 5.1.1 Projects or activities funded directly by specific state or federal appropriations.
  - 5.1.2 Gift and donor agreements defined under System Regulation *21.05.01, Gifts, Donations, Grants and Endowments*, even if coded as a NACUBO research function.
  - 5.1.3 Agreements for sponsored research activity funded by industry, commodity organizations, or local governmental entities, provided that post-award administration of these agreements is performed by SRS.



- 5.3 If a Research Enterprise member desires to manage a sponsored research activity as an exception to this policy, the member must submit a request to do so signed by the member CEO to the VPR. The decision of the VPR may be appealed by the member CEO to the chancellor.

## 6. SRS SERVICES TO OTHER MEMBERS

- 6.1 Members that are not part of the Research Enterprise wishing to utilize the services provided by SRS may do so through an intrasystem cooperation contract approved by the member CEO or designee, the executive director of SRS and the VPR at Texas A&M University.
- 6.2 Fee assessment methodology by SRS is the same as for the Research Enterprise members. Services offered by SRS is the same as for the Research Enterprise member unless otherwise approved by the member CEO or designee, the executive director of SRS and the VPR at Texas A&M University.
- 6.3 Such agreements must address effective dates, implementation and transition of member responsibilities to SRS services by the non-Research Enterprise members.
- 6.4 Such agreements must also address the termination of SRS services that includes a grace period for transitioning services back to such members and provide sufficient time for SRS to adjust its staffing size and other operations impacted by such termination and transition.

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## Related Statutes, Policies, or Requirements

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[System Policy 15.01, Research Agreements](#)

[System Regulation 15.01.01, Sponsored Agreements – Research and Other](#)

[System Regulation 21.05.01, Gifts, Donations, Grants and Endowments](#)

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## Member Rule Requirements

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A rule is not required to supplement this policy.

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## Contact Office

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Research  
(979) 458-6000

## AGENDA ITEM BRIEFING

**Submitted by:** Janet Gordon, System Ethics and Compliance Officer  
The Texas A&M University System

**Subject:** Authorization for the Chairman to Submit a Report to the State Legislature and the Texas Higher Education Coordinating Board (THECB) Certifying the Board of Regents' Compliance with Texas Education Code Sec. 51.3525 for Fiscal Year 2024

### **Proposed Board Action:**

Authorize the Chairman to submit a report to the State Legislature and the THECB certifying The Texas A&M University System (system) Board of Regents' compliance with Texas Education Code Sec. 51.3525 for Fiscal Year 2024.

### **Background Information:**

System Policy *08.01, Civil Rights Protections and Compliance*, (Policy 08.01) requires that the System Office of Ethics and Compliance (SECO) implement monitoring processes to assess each system member's compliance with Texas Education Code sec. 51.3525 each fiscal year beginning with FY 2024. Policy 08.01 also requires SECO to annually provide a report on SECO's compliance review to the system Board of Regents (Board) for the Board's August regular meeting. Under Policy 08.01, the Board may then approve the submission of SECO's report on behalf of the system to the State Legislature and the THECB pursuant to Tex. Educ. Code sec. 51.3525.

SECO completed its compliance review for FY 2024 as required by Policy 08.01. To assist member compliance with Tex. Educ. Code sec. 51.3525 and Policy 08.01, SECO established procedures for member use to evaluate all areas of compliance, track allegations of non-compliance, address matters of concern, and certify the compliance of each division, department or college within their institution or agency. Each member submitted to SECO the member's evaluation and certification of compliance, and SECO conducted an independent review of the member's compliance.

SECO's compliance review was also informed by its consultation with, and assistance from, the System Internal Audit Department (SIAD) as SIAD audited members to determine whether each member has designed and established internal controls to ensure compliance with Tex. Educ. Code sec. 51.3525 and related system policy. The Office of General Counsel also provided guidance to SECO on the compliance review. For FY 2024, SECO's compliance review found that each member has completed the necessary actions to comply with Tex. Educ. Code sec. 51.3525, as implemented by Policy 08.01. SIAD has issued a series of audit reports confirming that each A&M System member has implemented appropriate internal controls.

### **A&M System Funding or Other Financial Implications:**

SECO used existing funds to complete the compliance review.

Agenda Item No.  
Agenda Item Briefing

**Strategic Plan Imperative(s) this Item Advances:**

Strategic Plan Imperative 6: The A&M System, in adhering to the high standard of excellence and growth required in this strategic plan, will display prudent financial stewardship and sustainability. The future success of our System depends on our commitment to managing our resources responsibly and sustainably. We strive to be good stewards of the funds we have been given, and we continue to support and grow our ambitions while maintaining healthy financials and expanding our donor base.

Agenda Item No.

**THE TEXAS A&M UNIVERSITY SYSTEM**

System Ethics and Compliance Office

July 10, 2024

Members, Board of Regents  
The Texas A&M University System

Subject: Authorization for the Chairman to Submit a Report to the State Legislature and the Texas Higher Education Coordinating Board (THECB) Certifying the Board of Regents' Compliance with Texas Education Code Sec. 51.3525 for Fiscal Year 2024

I recommend adoption of the following minute order:

**“The Board of Regents authorizes the Chairman to submit a report to the State Legislature and the Texas Higher Education Coordinating Board certifying the Board of Regents’ compliance with Texas Education Code 51.3525 for Fiscal Year 2024.”**

Respectfully submitted,

Janet Gordon  
System Ethics and Compliance Officer

**Approval Recommended:**

**Approved for Legal Sufficiency:**

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John Sharp  
Chancellor

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Ray Bonilla  
General Counsel

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Billy Hamilton  
Deputy Chancellor and  
Chief Financial Officer



System Ethics & Compliance Office  
**THE TEXAS A&M UNIVERSITY SYSTEM**

**[TEMPLATE – PLACE ON MEMBER CEO LETTERHEAD]**

DEI Law Certification of Compliance

CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: \_\_\_\_\_

Chief Executive Officer: \_\_\_\_\_

I certify, under penalty of perjury and the loss of funding to *[insert institution name here]*, that *[insert institution name here]* has complied with the requirements in Tex. Educ. Code § 51.3525:

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for [*insert fiscal year*] have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☐ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☐ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year [*insert institution name here*] has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

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Signature of Institution President/CEO

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Date

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Signature of Board Chair

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Date

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Date Submitted to the THECB

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Date Submitted to the Legislature



**System Ethics & Compliance Office**  
Annual D.E.I. Compliance  
*ECO Review Checklist*

ITEM  
EXHIBIT

Member Agency/Institution: \_\_\_\_\_  
Ethics & Compliance Officer: \_\_\_\_\_  
Chief Executive Officer: \_\_\_\_\_

FINANCE & BUDGETING	Meets Compliance? Y/N/NA	Employee Responsible <i>(include title and location)</i>	Summary of Action Taken <i>(identify documented evidence used in the process)</i>	Date Verified
<b>Budgets &amp; Accounting:</b> <i>Determine whether the member has complied with the elimination of account and budget codes that fund diversity, equity, and inclusion initiatives in violation of DEI Law as implemented by System Policy 08.01, Civil Rights Compliance and Protections.</i>				
• Identified accounts and/or budget codes that fund DEI initiatives and taken action to ensure compliance.				
• Eliminated accounts and/or budget codes to include titles, locations/departments, sub-accounts/sub-departments, and funding sources that violate DEI Law.				
• Implemented procedures for the systemic review and vetting of current and proposed accounts and budget codes to include titles, locations/departments, sub-accounts/sub-departments, and funding sources to ensure compliance.				
• Implemented a record-retention process for reporting purposes.				



HUMAN RESOURCES	Meets Compliance? Y/N/NA	Employee Responsible <i>(include title and location)</i>	Summary of Action Taken <i>(identify documented evidence used in the process)</i>	Date Verified
<b>DEI Related Offices and Third-Party Contracts:</b> <i>Determine whether the member has complied with the elimination of departments, divisions, and/or offices that violate the DEI Law as implemented by System Policy 08.01, Civil Rights Compliance and Protections.</i>				
<ul style="list-style-type: none"> <li>Identified offices, divisions, or other units that are responsible for diversity, equity, and inclusion initiatives and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Identified third-party vendors performing the duties of a diversity, equity, and inclusion office and took action to ensure compliance.</li> </ul>				
<b>Personnel:</b> <i>Determine whether the member has complied with the restriction on hiring or assigning employees to perform the duties of diversity, equity, and inclusion.</i>				
<ul style="list-style-type: none"> <li>Identified active personnel with responsibilities for performing diversity, equity, and inclusion functions and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Identified unallowable personnel duties within active and inactive job descriptions and working templates for language that violates DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Identified employee funding sources that violate DEI Law and took action to ensure compliance.</li> </ul>				

**Hiring and Employment Practices and Procedures:** *Determine whether member hiring and employment practices and procedures have been updated to exclude requirements for DEI statements and do not provide special benefit or promote preferential treatment on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution relating to this process.*

<ul style="list-style-type: none"> <li>Reviewed hiring and employment documents and materials, to include rubrics and matrices, and identified prohibited language, requirements, practices and/or procedures took action to ensure compliance. (See <i>DEI Law Operations Manual under IV. Monitoring, Section B, Item 2c for a comprehensive list.</i>)</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed performance evaluation tools and metrics, documents and forms for promotions, merit increases, and equity adjustments, and all related procedures; identified prohibited language and/or requirements and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Implemented a system of systemic evaluation and review to vet proposed positions, processes, and materials to ensure they meet compliance prior to publication.</li> </ul>				

**Training Sessions and Materials:** *Determine whether the member has complied with the elimination of required training sessions and materials that violate the DEI Law as implemented by System Policy 08.01, Civil Rights Compliance and Protections.*

<ul style="list-style-type: none"> <li>Reviewed required training sessions for those identified as prohibited by DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all training sessions and materials for language and elements prohibited by DEI Law and took action to ensure compliance.</li> </ul>				

<ul style="list-style-type: none"> <li>Implemented procedures to review proposed training sessions and materials for compliance prior to activation.</li> </ul>				
<b>FACULTY AFFAIRS</b>	<b>Meets Compliance? Y/N/NA</b>	<b>Employee Responsible</b> <i>(include title and location)</i>	<b>Summary of Action Taken</b> <i>(identify documented evidence used in the process)</i>	<b>Date Verified</b>
<b><u>Procedures, Programs and Activities:</u></b> <i>Determine whether the member has discontinued procedures, programs and activities which promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.</i>				
<ul style="list-style-type: none"> <li>Reviewed all faculty hiring and recruiting practices and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all procedures for tenure review, promotions, merit increases, and equity adjustments; identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all faculty organizations supported by the university to evaluate their purpose, structure, and funding. Identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all grant proposals and accreditation certifications and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all accreditation certifications and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				

<ul style="list-style-type: none"> <li>Reviewed the provisions for all academic or professional opportunities extended to students, faculty, and visiting scholars to include institutional conferences and seminars and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all forms, documents, procedures, and practices related to the functions listed in this section and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Implemented procedures for the systemic evaluation and review of all functions listed in this section to include the vetting of proposed processes, practices, organizations, funding proposals, certifications and corresponding materials to ensure compliance.</li> </ul>				
<b>STUDENT AFFAIRS</b>	<b>Meets Compliance? Y/N/NA</b>	<b>Employee Responsible</b> <i>(include title and location)</i>	<b>Summary of Action Taken</b> <i>(identify documented evidence used in the process)</i>	<b>Date Verified</b>
<b><u>Procedures, Programs and Activities:</u></b> <i>Determine whether the member has discontinued procedures, programs and activities which promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.</i>				
<ul style="list-style-type: none"> <li>Reviewed all departmental events including institutional conferences and seminars and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				

<ul style="list-style-type: none"> <li>Reviewed all staff work and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all student and staff training sessions and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all student success and outreach programs and identified those that violate DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Implemented procedures for the systemic evaluation and review of all trainings, programs, events, and activities to ensure compliance.</li> </ul>				
<b>SCHOLARSHIPS &amp; FINANCIAL AID</b>	<b>Meets Compliance? Y/N/NA</b>	<b>Employee Responsible (include title and location)</b>	<b>Summary of Action Taken (identify documented evidence used in the process)</b>	<b>Date Verified</b>
<b><u>Scholarships &amp; Financial Aid:</u> Determine whether the member has discontinued the award of scholarships and financial aid that promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.</b>				
<ul style="list-style-type: none"> <li>Reviewed all awards administered, promoted, and/or facilitated by the member for violation of DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all outlets announcing or promoting scholarships and financial aid, to include websites and social media pages, for violation of DEI Law and took action to ensure compliance.</li> </ul>				

<ul style="list-style-type: none"> <li>Reviewed all materials including but not limited to applications, informational documents, marketing materials, guidelines, and operating documents for violations of DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Implemented procedures for the systemic review of all functions listed above to ensure compliance.</li> </ul>				
<b>ATHLETICS</b>	<b>Meets Compliance? Y/N/NA</b>	<b>Employee Responsible</b> <i>(include title and location)</i>	<b>Summary of Action Taken</b> <i>(identify documented evidence used in the process)</i>	<b>Date Verified</b>
<b><u>Procedures, Programs and Activities:</u></b> <i>Determine whether the member has discontinued procedures, programs and activities which promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.</i>				
<ul style="list-style-type: none"> <li>Reviewed procedures, programs, and activities for violations of DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed required non-athletic training sessions (internal and external) for students and staff for violations of DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed all materials developed, produced, funded, and distributed through the department to include applications, marketing materials, guidelines, operating manuals, and any other publication provided by the department for violations of DEI Law and took action to ensure compliance.</li> </ul>				

<ul style="list-style-type: none"> <li>Reviewed all co-sponsored events with outside entities for violations of DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Implemented procedures for the systemic review of all functions listed above to ensure compliance.</li> </ul>				
<b>WEBSITES &amp; SOCIAL MEDIA</b>	<b>Meets Compliance? Y/N/NA</b>	<b>Employee Responsible</b> <i>(include title and location)</i>	<b>Summary of Action Taken</b> <i>(identify documented evidence used in the process)</i>	<b>Date Verified</b>
<b><u>Website and Social Media Information:</u></b> <i>Determine whether references to unallowable diversity, equity and inclusion activities on member websites and social media platforms have been identified and removed.</i>				
<ul style="list-style-type: none"> <li>Reviewed member websites and social media platforms for content, links, static materials, and downloadable documents for violation of DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Reviewed affiliate websites and social media platforms for content and affiliation language in violation of DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Implemented a systemic process of review of member websites, domains, and social media platforms to include keyword searches to identify references to DEI related terms that violate DEI Law and took action to ensure compliance.</li> </ul>				

<ul style="list-style-type: none"> <li>Implemented a vetting process by which proposed information to be posted to member websites, domains, social media platforms, or any Internet or network outlet will be evaluated to ensure compliance with DEI Law.</li> </ul>				
<b>INTERNAL CONTROLS &amp; MONITORING</b>	<b>Meets Compliance? Y/N/NA</b>	<b>Employee Responsible</b> <i>(include title and location)</i>	<b>Summary of Action Taken</b> <i>(identify documented evidence used in the process)</i>	<b>Date Verified</b>
<b>Internal Controls &amp; Monitoring:</b> <i>Determine whether the member has removed prohibited diversity, equity, and inclusion related rules, developed and implemented operating procedures, and implemented internal controls according to DEI Law and A&amp;M System Policy 08.01.</i>				
<ul style="list-style-type: none"> <li>Reviewed and identified member rules and operating procedures in place that are not compliant with DEI Law and took action to ensure compliance.</li> </ul>				
<ul style="list-style-type: none"> <li>Developed and implemented operating procedures to ensure continued compliance with DEI Law.</li> </ul>				
<ul style="list-style-type: none"> <li>Implemented internal controls including assignment of monitoring responsibilities, procedures for training, and processes for disseminating information to stakeholders to ensure compliance with DEI Law.</li> </ul>				
<ul style="list-style-type: none"> <li>Developed a compliance response and reporting process to address issues of noncompliance with DEI Law.</li> </ul>				



<ul style="list-style-type: none"> <li>Identified procedures for disciplinary action/sanctioning for violations of DEI Law.</li> </ul>				
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**SUMMARY OF FINDINGS:** *(to be completed by SECO/OGC)*

- \_\_\_\_\_

Meets compliance
- \_\_\_\_\_

Meets compliance after implementing recommendations
- \_\_\_\_\_

Factors preventing compliance as agency/institute of higher learning has not implemented recommendations on statutory/regulatory requirements

**SIGNATURES**

\_\_\_\_\_

Compliance Officer

\_\_\_\_\_

Date

Approved by:

\_\_\_\_\_

Chief Executive Officer

\_\_\_\_\_

Date



# PRAIRIE VIEW A&M UNIVERSITY

A Member of the Texas A&M University System

## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Prairie View A&M University

Chief Executive Officer: Tomikia P. LeGrande

I certify, under penalty of perjury and the loss of funding to Prairie View A&M University, that Prairie View A&M University has complied with the requirements in Tex. Educ. Code § 51.3525:

tpl  
[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

tpl  
[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

Office of the President

P.O. Box 519; Mail Stop 1001 Prairie View, TX 77446-0519

Phone (936) 261-2111 Fax (936) 261-2115

Page 2

TPL

[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

TPL

[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

TPL

[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

TPL

[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

TPL

[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for *[insert fiscal year]* have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

TPL

[ ] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

TPL

[ ] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year *[insert institution name here]* has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

6/27/2024 | 7:41 AM CDT

\_\_\_\_\_  
Signature of Institution President/CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature



*Office of the President*  
Tarleton State University

## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Tarleton State University

Chief Executive Officer: Dr. James Hurley

I certify, under penalty of perjury and the loss of funding to Tarleton State University, that Tarleton State University has complied with the requirements in Tex. Educ. Code § 51.3525:

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for *[insert fiscal year]* have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[ X ] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

[ X ] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Tarleton State University has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

<hr/>	05/31/2024
Signature of Institution President/CEO	Date
<hr/>	<hr/>
Signature of Board Chair	Date
<hr/>	<hr/>
Date Submitted to the THECB	Date Submitted to the Legislature



**TEXAS A&M INTERNATIONAL UNIVERSITY**

A Member of The Texas A&M University System

**Office of the President**

**DEI Law Certification of Compliance**

**CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT**

Member Institution/Agency: Texas A&M International University

Chief Executive Officer: Dr. Pablo Arenaz

I certify, under penalty of perjury and the loss of funding to *[insert institution name here]*, that Texas A&M International University has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.



[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for 2024 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[X ] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

[ X ] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M International University has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01.01.L1 Civil Rights Complaint and Appeal Process* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

_____ Signature of Institution President/CEO	3 June 2024 _____ Date
_____ Signature of Board Chair	_____ Date
_____ Date Submitted to the THECB	_____ Date Submitted to the Legislature

Mark A. Welsh III  
President



## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M University

Chief Executive Officer: General (Ret.) Mark A. Welsh III, President

I certify, under penalty of perjury and the loss of funding to Texas A&M University, that Texas A&M University has complied with the requirements in Tex. Educ. Code § 51.3525:

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for Fiscal Year 2025 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[X] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

[X] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M University has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

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Signature of Institution President/CEO

7/12/2024

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Date

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Signature of Board Chair

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Date

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Date Submitted to the THECB

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Date Submitted to the Legislature



## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M University - Central Texas

Chief Executive Officer: Dr. Richard Rhodes

I certify, under penalty of perjury and the loss of funding to Texas A&M University - Central Texas, that Texas A&M University - Central Texas has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).





☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY 2024 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☒ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☒ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.



To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M University - Central Texas has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

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Signature of Institution President/CEO

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Date*May 30, 2024*

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Signature of Board Chair

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Date

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Date Submitted to the THECB

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Date Submitted to the Legislature





## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M University Commerce  
Chief Executive Officer: Dr. Mark Rudin

I certify, under penalty of perjury and the loss of funding to Texas A&M University - Commerce that Texas A&M University - Commerce has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.



☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for FY24 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☒ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.





☒ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M University - Commerce has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

\_\_\_\_\_  
Signature of Institution President/CEO

\_\_\_\_\_  
Date

5/30/24

\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature



ITEM  
EXHIBIT

DIVISION OF INSTITUTIONAL EXCELLENCE

6300 OCEAN DRIVE, UNIT 5761  
CORPUS CHRISTI, TEXAS 78412-5761  
O: 361.825.3168

June 3, 2024

Ms. Janet Gordon  
Ethics & Compliance Officer  
The Texas A&M University System  
Moore/Connally Building  
301 Tarrow Street  
College Station, Texas 77840

Dear Janet,

Attached please find the following signed forms:

1. Chief Executive Officer Acknowledgement and
2. Internal Controls & Monitoring Review Checklist.

Special thanks to Dora Lisa Zavala and the entire SECO team for their assistance throughout this effort. We appreciate the support very much and could not have done it without you all.

Sincerely,

John C.B. LaRue  
Vice President for Institutional Excellence and  
Chief Ethics & Compliance Officer

Attachments

cc: Dr. Kelly Miller  
Ms. Dora Lisa Zavala

## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M University-Corpus Christi

Chief Executive Officer: Dr. Kelly M. Miller

I certify, under penalty of perjury and the loss of funding to Texas A&M University-Corpus Christi, that Texas A&M University-Corpus Christi has complied with the requirements in Tex. Educ. Code § 51.3525:

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).



[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for 2024 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[X] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

[X] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year, Texas A&M University-Corpus Christi has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

\_\_\_\_\_  
Signature of Institution President/CEO

\_\_\_\_\_  
Date

6-3-2024

\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature





## SYSTEM ETHICS & COMPLIANCE OFFICE

### Annual D.E.I. Compliance

#### *Review Checklist: Internal Controls & Monitoring*

Member Agency/Institution: Texas A&M University-Corpus Christi

Ethics & Compliance Officer: Mr. John C.B. LaRue

Review Completed by: Mr. John C.B. LaRue

INTERNAL CONTROLS & MONITORING	Summary of Action Taken (identify documented evidence used in the process)	Date Verified
<b>Internal Controls &amp; Monitoring:</b> Determine whether the member has removed prohibited diversity, equity, and inclusion related rules, developed and implemented operating procedures, and implemented internal controls according to DEI Law and A&M System Policy 08.01.		
<ul style="list-style-type: none"> <li>Reviewed and identified member rules and operating procedures in place that are not compliant with DEI Law and took action to ensure compliance.</li> </ul>	<ul style="list-style-type: none"> <li>All university rules &amp; procedures were reviewed by Academic and Administrative Compliance Manager. They are continuously reviewed moving forward for SB 17 compliance as further updates are made.</li> <li>College handbooks were reviewed for compliance by the dean of each college.</li> <li>The Chief Ethics &amp; Compliance Officer met with President's Cabinet and Dean's Council regarding the importance of compliance with SB 17 in all operations across campus.</li> </ul>	7/23-12/23
<ul style="list-style-type: none"> <li>Developed and implemented operating procedures to ensure continued compliance with DEI Law.</li> </ul>	<ul style="list-style-type: none"> <li>The Chief Ethics &amp; Compliance Officer created &amp; promulgated the university's DEI Compliance Manual. The manual was approved by President's Cabinet and contains detailed information regarding which offices on campus are responsible for continued compliance with SB 17. The university plans to post the manual, along with OGC FAQ's, on a university website for easy reference not later than August 1, 2024.</li> </ul>	4/24
<ul style="list-style-type: none"> <li>Implemented internal controls including assignment of monitoring responsibilities, procedures for training, and processes for disseminating information to stakeholders to ensure compliance with DEI Law.</li> </ul>	<ul style="list-style-type: none"> <li>The university's DEI Compliance Manual contains detailed information on how the university regularly monitors for compliance across campus. These areas include finance &amp; budgeting, human resources, faculty affairs, student affairs, scholarships &amp; financial aid, athletics, the university's website and social media sites, and university policies and procedures. The manual identifies parties responsible for each aspect of monitoring to ensure accountability and continued compliance. The university plans to post the manual, along with OGC FAQ's, on a university website for easy reference not later than August 1, 2024.</li> </ul>	7/23-4/24



<ul style="list-style-type: none"> <li>Developed a compliance response and reporting process to address issues of noncompliance with DEI Law.</li> </ul>	<ul style="list-style-type: none"> <li>The university's response and reporting process for complaints is contained within the DEI Compliance Manual. All reports of a potential violation should be directed to the Risk, Fraud, and Misconduct Hotline, also known as EthicsPoint. The university's Chief Ethics &amp; Compliance Officer is responsible for managing all EthicsPoint complaints.</li> </ul>	4/24
<ul style="list-style-type: none"> <li>Identified procedures for disciplinary action/sanctioning for violations of DEI Law.</li> </ul>	<ul style="list-style-type: none"> <li>Per the DEI Compliance Manual, "in cases where a determination of noncompliance suggests willful violations by an employee, the matter will be referred to the appropriate A&amp;M-CC procedure to process the complaint through the applicable disciplinary or civil rights process, including those outlined in System Regulations: 8.01.01, 16.01.01, 32.01.01, 32.01.02, or 32.02.02. There may be instances where noncompliance also implicates other violations of a community member's civil rights, which will be similarly adjudicated."</li> </ul>	4/24

**SUMMARY OF FINDINGS:** *(to be completed by Member Ethics & Compliance Officer)*

☒ Meets compliance

☐ Meets compliance after implementing recommendations

☐ Factors preventing compliance as agency/institute of higher learning has not implemented recommendations on statutory/regulatory requirements

**SIGNATURES**

\_\_\_\_\_  
John C.B. LaRue  
Employee Completing Checklist

Signature

\_\_\_\_\_  
Vice President for Institutional Excellence  
& Chief Ethics & Compliance Officer  
Title

Date

5/30/24

Approved by: \_\_\_\_\_

\_\_\_\_\_  
Ethics & Compliance Officer

Date

5/30/24



ITEM  
EXHIBIT

## Office of the President

### DEI Law Certification of Compliance

#### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M University-Kingsville  
Chief Executive Officer: Dr. Robert H. Vela Jr.

I certify, under penalty of perjury and the loss of funding to *[insert institution name here]*, that *[insert institution name here]* has complied with the requirements in Tex. Educ. Code § 51.3525:

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for *[insert fiscal year]* have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[✓] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

[✓] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year [*insert institution name here*] has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

_____ Signature of Institution President/CEO	5/31/24 _____ Date
_____ Signature of Board Chair	_____ Date
_____ Date Submitted to the THECB	_____ Date Submitted to the Legislature



ITEM  
EXHIBIT

OFFICE OF THE PRESIDENT  
SALVADOR HECTOR OCHOA, PH.D.

## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M University-San Antonio

Chief Executive Officer: Dr. Salvador Hector Ochoa

I certify, under penalty of perjury and the loss of funding to Texas A&M University-San Antonio, that Texas A&M University-San Antonio has complied with the requirements in Tex. Educ. Code § 51.3525:

[ ☒ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.





OFFICE OF THE PRESIDENT  
SALVADOR HECTOR OCHOA, PH.D.

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[✓] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for Fiscal Year 2025 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[✓] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

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TEXAS A&M UNIVERSITY-SAN ANTONIO  
ONE UNIVERSITY WAY, CENTRAL ACADEMIC BUILDING, SUITE 410, SAN ANTONIO, TX. 78224  
PRESIDENT@TAMUSA.EDU | (210) 784-1600



OFFICE OF THE PRESIDENT  
SALVADOR HECTOR OCHOA, PH.D.

[✓] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year, Texas A&M University-San Antonio has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and the Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

5-31-2024

\_\_\_\_\_  
Signature of Institution President/CEO

\_\_\_\_\_  
Date

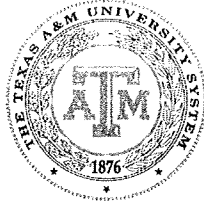
\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature

\_\_\_\_\_  
TEXAS A&M UNIVERSITY-SAN ANTONIO  
ONE UNIVERSITY WAY, CENTRAL ACADEMIC BUILDING, SUITE 410, SAN ANTONIO, TX. 78224  
PRESIDENT@TAMUSA.EDU | (210) 784-1600



Office of the Chancellor  
THE TEXAS A&M UNIVERSITY SYSTEM

DEI Law Certification of Compliance

CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: The Texas A&M University System Offices

Chief Executive Officer: Chancellor John Sharp

I certify, under penalty of perjury and the loss of funding to *[insert institution name here]*, that *[insert institution name here]* has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.



☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for *[insert fiscal year]* have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☒ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☒ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year [*insert institution name here*] has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
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- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

\_\_\_\_\_  
Signature of Institution President/CEO

\_\_\_\_\_  
Date

11 July 24

\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature

OFFICE OF THE PRESIDENT

WWW.TAMUT.EDU



## DEI Law Certification of Compliance

## CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M University - TexarkanaChief Executive Officer: Ross Alexander

I certify, under penalty of perjury and the loss of funding to Texas A&M University - Texarkana, that Texas A&M University - Texarkana has complied with the requirements in Tex. Educ. Code § 51.3525:

<sup>DS</sup>  
[ *RA* ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

<sup>DS</sup>  
[ *RA* ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

DS

RL ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

DS

RL ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

DS

RL ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

DS

RL ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

DS

RL ] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for Fiscal Year 2024 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

DS

RL ] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

DS


RL ] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M University - Texarkana has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

5/30/2024

 Signature of Institution President/CEO

Date

Signature of Board Chair

Date

Date Submitted to the THECB

Date Submitted to the Legislature



## Office of the President

WTAMU Box 60997 • Canyon, Texas 79016-0001 • 806-651-2100 • wtamu.edu • wt125.wtamu.edu • president@wtamu.edu

### DEI Law Certification of Compliance

#### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: West Texas A&M University

Chief Executive Officer: President Walter V. Wendler

I certify, under penalty of perjury and the loss of funding to West Texas A&M University, that West Texas A&M University has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and

inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for 2024 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☒ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☒ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year West Texas A&M University has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.

- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law

\_\_\_\_\_  
Signature of Institution President/CEO

5.28.24  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature



OFFICE OF THE DIRECTOR



## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M AgriLife Extension Services

Chief Executive Officer: Rick Avery, PhD

I certify, under penalty of perjury and the loss of funding to Texas A&M AgriLife Extension Services, that Texas A&M AgriLife Extension Services has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and

Texas A&M AgriLife Extension Service  
600 John Kimbrough Blvd., Ste. 509 | 7101 TAMU | College Station, Texas 77843-7101

Tel. 979.314.8202 | [rick.avery@ag.tamu.edu](mailto:rick.avery@ag.tamu.edu) | [AgriLifeExtension.tamu.edu](http://AgriLifeExtension.tamu.edu)

The members of Texas A&M AgriLife will provide equal opportunities in programs and activities, education, and employment to all persons regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity and will strive to achieve full and equal employment opportunity throughout Texas A&M AgriLife.  
*The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating*

inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for fiscal year 2023-24 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☒ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☒ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M AgriLife Extension Services has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.

- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

<hr/> Signature of Institution President/CEO	<hr/> Jun 3, 2024 Date
<hr/> Signature of Board Chair	<hr/> Date
<hr/> Date Submitted to the THECB	<hr/> Date Submitted to the Legislature

# Update/Resend > > DEI Compliance Certification CEO Acknowledgement | AgriLife Extension


Final Audit Report


2024-06-03


Created:	2024-05-31
By:	Stephanie Payton (stephanie.payton@ag.tamu.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAAYAmCw_Em-OdbGtOcBC8OvIfaZd5xdIzi


## "Update/Resend > > DEI Compliance Certification CEO Acknowledgement | AgriLife Extension" History

 Document created by Stephanie Payton (stephanie.payton@ag.tamu.edu)  
2024-05-31 - 5:50:47 PM GMT - IP address: 128.194.2.172

 Document emailed to Rick Avery (rick.avery@ag.tamu.edu) for signature  
2024-05-31 - 5:50:51 PM GMT

 Email viewed by Rick Avery (rick.avery@ag.tamu.edu)  
2024-06-03 - 1:21:54 PM GMT - IP address: 104.47.58.126

 Document e-signed by Rick Avery (rick.avery@ag.tamu.edu)  
Signature Date: 2024-06-03 - 1:24:34 PM GMT - Time Source: server- IP address: 128.194.2.183

 Agreement completed.  
2024-06-03 - 1:24:34 PM GMT

OFFICE OF THE DIRECTOR



## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M AgriLife Research  
Chief Executive Officer: Cliff Lamb, PhD

I certify, under penalty of perjury and the loss of funding to Texas A&M AgriLife Research, that Texas A&M AgriLife Research has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and



inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for fiscal year 2023-24 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☒ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☒ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M AgriLife Research has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

May 31, 2024

\_\_\_\_\_  
Signature of Institution President/CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature

**Signature:**

**Email:** [researchdirector@ag.tamu.edu](mailto:researchdirector@ag.tamu.edu)



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## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M Engineering Experiment Station (TEES)

Chief Executive Officer: Robert H. Bishop

I certify, under penalty of perjury and the loss of funding to *Texas A&M Engineering Experiment Station (TEES)*, that TEES has complied with the requirements in Tex. Educ. Code § 51.3525:

[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

[ ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).



☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☐ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for 2024 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☐ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☐ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year TEES has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

_____ Signature of Institution President/CEO	5/28/24 _____ Date
_____ Signature of Board Chair	_____ Date
_____ Date Submitted to the THECB	_____ Date Submitted to the Legislature



## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M Forest Service

Chief Executive Officer: Al Davis

I certify, under penalty of perjury and the loss of funding to Texas A&M Forest Service, that Texas A&M Forest Service has complied with the requirements in Tex. Educ. Code § 51.3525:

AD I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

AD I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

BJ certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

BJ certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

BJ certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

BJ certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

BJ certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for *[insert fiscal year]* have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

BJ understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

BJ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M Forest Service has conducted the following:



- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

\_\_\_\_\_  
Signature of Institution President/CEO

\_\_\_\_\_  
Date

5/31/2024

\_\_\_\_\_  
Signature of Board Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Submitted to the THECB

\_\_\_\_\_  
Date Submitted to the Legislature



Texas A&M Transportation Institute  
3135 TAMU  
College Station, TX 77843-3135

979-317-2730  
<http://tti.tamu.edu>

## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M Transportation Institute

Chief Executive Officer: Greg Winfree

I certify, under penalty of perjury and the loss of funding to *[insert institution name here]*, that *[insert institution name here]* has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[X] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for [FY 2024] have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[X] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

[X] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year, Texas A&M Transportation Institute has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.
- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

<div>3E1E92D52A6C4AA1</div> <div>Signature of Institution President/CEO</div>	<div>6/5/2024</div> <div>Date</div>
<div>Signature of Board Chair</div>	<div>Date</div>
<div>Date Submitted to the THECB</div>	<div>Date Submitted to the Legislature</div>



COLLEGE STATION LABORATORY



## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas A&M Veterinary Medical Diagnostic Laboratory  
Chief Executive Officer: Amy Swinford, PhD

I certify, under penalty of perjury and the loss of funding to Texas A&M Veterinary Medical Diagnostic Laboratory, that Texas A&M Veterinary Medical Diagnostic Laboratory has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

PO Drawer 3040  
College Station, TX 77841-3040

483 Agronomy Rd, TAMU 4471  
College Station, TX 77843-4471

Tel. 979.845.3414  
Fax. 979.458.3260  
<http://tvmdl.tamu.edu>

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for fiscal year 2023-24 have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

☒ I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

☒ I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year Texas A&M Veterinary Medical Diagnostic Laboratory has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.

- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

Signature of Institution President/CEO _____	Date <u>MAY 31, 2024</u> _____
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Signature of Board Chair _____	Date _____
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Date Submitted to the THECB _____	Date Submitted to the Legislature _____
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## DEI Law Certification of Compliance

### CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT

Member Institution/Agency: Texas Division of Emergency Management

Chief Executive Officer: Nim Kidd

I certify, under penalty of perjury and the loss of funding to *[insert institution name here]*, that *[insert institution name here]* has complied with the requirements in Tex. Educ. Code § 51.3525:

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(A), this institution does not, except as required by federal law, have any office, division or unit with the established purpose of:

- influencing hiring or employment practices at the institution with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;
- promoting differential treatment of or providing special benefits to individuals on the basis of race, color, or ethnicity;
- promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law; or
- conducting trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, other than trainings, programs, or activities developed by an attorney and approved in writing by this institution's general counsel and the Texas Higher Education Coordinating Board for the sole purpose of ensuring compliance with any applicable court order or state or federal law.

☒ I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(B), this institution has not, except as required by federal law, hired or assigned an employee of the institution, or contracted with a third party to perform the duties of a diversity, equity, and inclusion office as defined in Tex. Educ. Code § 51.3525(a).



[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(C), this institution does not, except as required by federal law, compel, require, induce, or solicit any person to provide a diversity, equity, and inclusion statement or give preferential consideration to any person based on the provision of a diversity, equity, and inclusion statement.

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(D), this institution does not, except as required by federal law, give preference on the basis of race, sex, color, ethnicity, or national origin to an applicant for employment, an employee, or a participant in any function of the institution.

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(1)(E), this institution does not, except as required by federal law, require any person, as a condition of enrolling at the institution or performing any institution function, to participate in diversity, equity, and inclusion training, which includes a training, program, or activity designed or implemented in reference to race, color, ethnicity, gender identity, or sexual orientation, unless the training meets the exception in Tex. Educ. Code § 51.3525(b)(1)(E)(ii).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(b)(2), that this institution has adopted policies and procedures for appropriately disciplining, including by termination, an employee or contractor of the institution who engages in conduct in violation of Tex. Educ. Code § 51.3525(b)(1)(A)-(E).

[ X ] I certify, in accordance with Tex. Educ. Code § 51.3525(e), that no state appropriations to this institution for *[insert fiscal year]* have been spent prior to submission of this certification report to the Legislature and the Texas Higher Education Coordinating Board.

[ X ] I understand the State Auditor's Office will conduct a compliance audit for this institution and if violations of Tex. Educ. Code § 51.3525 are found, this institution must cure the violation within 180 days or become ineligible to receive formula funding increases, institutional enhancements, or exceptional items during the state fiscal biennium immediately following the state fiscal biennium in which the determination is made.

[ X ] I understand all complaints regarding any violations made by this institution will be sent to the State Auditor's Office for review.

To ensure full compliance with Tex. Educ. Code § 51.3525, in the past fiscal year *[insert institution name here]* has conducted the following:

- Conducted a review of all programs and activities, offices, personnel, and training sessions for potential violations of Tex. Educ. Code § 51.3525 and discontinued those found to be in violation.

- Updated *The Texas A&M University System Policy 08.01 Civil Rights Protection and Compliance* to reflect additions to Tex. Educ. Code § 51.3525 which was adopted by the Board of Regents in August 2023.
- Developed and implemented operating procedures in line with the updated System policy and The Texas A&M University System D.E.I. Compliance Operational Manual to facilitate on-going compliance with Tex. Educ. Code § 51.3525. See attached compliance checklist as supporting documentation.
- Participated in an audit review by The Texas A&M University System Department of Internal Audit with the objective of evaluating actions taken by the institution to ensure compliance with Tex. Educ. Code § 51.3525.

Failure to return a certification form to the Texas Higher Education Coordinating Board by September 1, 2024, will be considered an act of non-compliance with the law and can subject the above referenced institution to all penalties allowed by law.

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Signature of Institution President/CEO

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Date

6/13/24

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Signature of Board Chair

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Date

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Date Submitted to the THECB

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Date Submitted to the Legislature

ITEM HAS BEEN  
WITHDRAWN

**\*Certified by the general counsel or other appropriate attorney as confidential or information that may be withheld from public disclosure in accordance with Section 551.1281 and Chapter 552 of the Texas Government Code.**