Texas State University System  
Office of General Counsel

Purpose

The Texas State University System's Office of the Vice Chancellor and General Counsel (OGC) provides legal counsel to the Board of Regents, chancellor, universities and colleges that comprise the System, striving to offer timely and responsible advice about the broad array of legal issues that face modern, public, complex institutions of higher education. The OGC handles existing and potential legal matters in order to help those institutions achieve their missions and, where appropriate, provides strong, vigorous, and reasoned legal representation and advocacy. The System also offers proactive legal training, including state-required ethics training.

Practice Areas

OGC is comprised of three practice areas—general law, business law, and governance. Below is a summary of each of these areas of responsibility:

- **General Law Section**

  This section handles matters from all System campuses involving employees and students, providing counsel and advice in the human resources and student affairs areas. Such matters include:

  - Employment and civil rights complaints
  - Tort/personal injury matters
  - Student discipline, grievances, and claims
  - Litigation and contact with the attorney general's office
  - Review of personnel and student policies and handbooks
  - Administrative and due process hearings
  - Mediations and other dispute resolution matters

- **Business Law Section**

  This Section supports the commercial and business activities of all campuses, except for human resources. Such matters include:

  - Commercial and business transactions
  - State purchasing guidelines and requirements
- **Contract and other document review and drafting**
- **Review of business affairs policies and handbooks**
- **Environmental, health and safety issues**
- **Real estate leases, sales, purchases and easements**
- **Affiliation agreements, grants, and sponsored programs**

- **Governance Law Section**

  This section handles matters involving governance and System level legal policy and executive initiatives, including the following:

  - Support of regents, chancellor, system, and campus executives
  - Interpretation and revision System *Rules and Regulations*
  - Issuance of legal opinions
  - Provides legislative review, analysis, and research (as requested)
  - Oversight of Office of General Counsel
  - Advising on the Open Meetings Act, postings, and notices
  - Authorizing and overseeing the work of outside legal counsel;
  - Working with System Public Information Act Coordinator
  - Service as System ethics officer
  - Special projects for Board and chancellor as requested

**Authority**

The authority granted to the Office of the Vice Chancellor and General Counsel appears in The Texas State University System Rules and Regulations, Chapter II, Paragraph 3.2 (Vice Chancellor and General Counsel Position Description) and Chapter III, Paragraph 2 (Legal Affairs).
CHAPTER II. SYSTEM ADMINISTRATION

3. OFFICERS OF THE SYSTEM ADMINISTRATION.

3.2 Vice Chancellor and General Counsel. The Vice Chancellor and General Counsel is the Chief Legal Affairs Officer for The Texas State University System who performs duties under the authority delegated by the Board of Regents through the Chancellor. The Vice Chancellor and General Counsel shall be a member of the State Bar of Texas and is responsible for assisting, monitoring and carrying out all legal activities of the System including, but not limited to, litigation, policies, System procedures, handbooks, manuals, legal opinions, hearings, appeals and Governmental Relations activities. In addition to legal responsibilities, the Vice Chancellor and General Counsel shall be the System’s Compliance Officer for affirmative action, equal employment, accessibility for the physically impaired, ethics and other governmentally imposed requirements. The Vice Chancellor shall assist the Chancellor, Component Presidents, Director of Governmental Relations and others in the area of Legislative activities.
CHAPTER III. SYSTEM - COMPONENT OPERATIONS

3. LEGAL AFFAIRS.

The Office of the General Counsel is designed to provide positive support to the Board, System and Component administrations in the effective discharge of their respective responsibilities. The Vice Chancellor and General Counsel shall have responsibility for all System and Component legal affairs, including, but not limited to, hiring and termination of attorneys, setting of salaries, and otherwise establishing terms and conditions of employment. He or she will be responsible for establishing the annual budgets and staffing levels for the Office of General Counsel subject to approval of the Chancellor.

The following items shall be reviewed, approved, and/or monitored by the Vice Chancellor and General Counsel or his or her designee prior to execution or implementation:

3.1 All Component contracts and agreements (as defined in Chapter III, Paragraphs 1.11 and 1.12) shall be reviewed prior to their submission to the Board of Regents. Other contracts and agreements involving the Components may be reviewed at the discretion of the Component or as requested by the Vice Chancellor and General Counsel.

3.2 All legal opinions, in whatever form, submitted to the Board of Regents or to be issued for the review of or for reliance upon by parties outside the System or its Components.

3.3 All lawsuits brought against or for the System or a Component, together with the resolution or settlement thereof, shall be monitored and/or approved by the System Office or Vice Chancellor and General Counsel.

3.4 Modifications of the student and employee handbooks and other policy-setting documents of the Component.

3.5 Special personnel contracts.

3.6 Major disciplinary proceedings initiated against faculty, staff, or students which involve hearings or appeals shall be transmitted as soon as practicable. If an emergency situation exists, the Component shall inform the System Office or Vice Chancellor and General Counsel of any action taken as soon as possible. Occurrence reports on any employee of a Component against whom disciplinary action is contemplated, exclusive of disciplinary warnings, shall be provided to such office as soon as possible.

3.7 Retention, supervision and monitoring of outside legal counsel.

3.8 Communications and interactions with the Attorney General's Office or other legal, contractual, or regulatory dealings with state, federal or private organizations, including but not necessarily limited to the NCAA, athletic conferences, and similar agencies.
CHAPTER III. SYSTEM - COMPONENT OPERATIONS

1. ITEMS REQUIRING BOARD APPROVAL.

The following items shall be submitted to the Board of Regents for approval at either a regular Board meeting or a special called Board meeting. Each item shall be presented in the form of a motion to the Board for consideration. Inconclusive, open-ended, or multifarious motions shall not be submitted to the Board.

1.1 Contracts.

1.11 Contracts, purchases, and agreements (not involving planning, design, renovation, or construction of buildings and other physical facilities) in the amount of $1 million or more (contracts, purchases, and agreements between $500,000 and $1 million require approval by the Chancellor), whether said amount is income or expenditure, with the exception of:

(1) Private, governmental, and foundation grants or agreements in which the donor or agency stipulates the purpose for which the funds are to be expended.

(2) Materials purchased for resale in auxiliary operations and in central supply.

(3) Materials purchased for normal inventory stock for the physical plant operation.

(4) Maintenance service contracts on elevators, computers, office equipment, chillers and water treatment services.

(5) Library subscription services.

(6) Recurring printing orders.

(7) Contracts with outside organizations for continuing education or professional programs that use campus facilities.

(8) Diesel fuel purchased for the operation of a co-generation plant.

(9) Purchased utilities, including water and waste hauling, but excluding electricity and natural gas, which are subject to approval by the Chancellor.

1.12 Financial institution depository contracts, which shall be out for bid, in accordance with state law, no less frequently than every three (3) years, through the Office of the Vice Chancellor for Finance.

1.13 Food services contracts.

1.14 Vending machine contracts over $1 million.

1.15 Contracts and agreements with support or development foundations.
1.16 Contracts for operation of bookstores on campus.

1.17 Contracts for lease of Component golf course and related services.

1.18 Leases of personal property, including equipment, for one year or more, involving expected aggregate payments exceeding $1 million. Payments between $500,000 and $1 million must be approved by the Chancellor.

1.19 Indefinite quantity services contracts—including but not limited to job order construction contracts, contracts for architectural and/or engineering services, and consulting contracts—with the exception of contracts which terminate not later than the end of the then current fiscal biennium and expressly provide for a maximum total compensation not exceeding $500,000. The Chancellor is delegated authority to approve indefinite quantity services contracts that exceed $500,000 but are not greater than $1 million; provided, the contract term does not extend beyond the then current biennium. For job order construction contracts, the limits of authority delegated in this sub-paragraph shall be $1 million to the presidents and $2 million to the Chancellor.