

TEXAS TECH UNIVERSITY SYSTEM  
Lubbock, Texas

Minutes

Board of Regents  
December 19, 2003

Friday, December 19, 2003.—The members of the Board of Regents of the Texas Tech University System convened at 9:00 a.m. on Friday, December 19, 2003, in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, with the following in attendance:

ATTENDANCE.—

Regents present were C. Robert Black, Chairman; Brian C. Newby, Vice Chair; Carin Barth; E. R. “Dick” Brooks; L. Frederick “Rick” Francis; J. Frank Miller, III, and J. Michael Weiss. Regent Nancy E. Jones was unable to attend.

Also participating at the opening of the meeting were Dr. David R. Smith, Chancellor, TTU System; Dr. Jon Whitmore, President, Texas Tech University; Dr. M. Roy Wilson, President, Texas Tech University Health Sciences Center; Mr. Jim Brunjes, Chief Financial Officer, TTUS; Mr. Richard Butler, Senior Vice Chancellor, TTUS; Mr. Ben Lock, Senior Vice Chancellor, TTUS; Mr. Pat Campbell, Vice Chancellor and General Counsel, TTUS; Mr. Mike Ellicott, Vice Chancellor for Facilities Planning and Construction, TTUS; Mr. Mike Sanders, Vice Chancellor for Governmental Relations, TTUS; Dr. John Opperman, Vice Chancellor for Policy and Planning, TTUS; Mr. Mark Lindemood, Vice Chancellor for Institutional Advancement, TTUS; Ms. Cathy Allen, Vice Chancellor for Community and Multicultural Affairs, TTUS; Dr. William Marcy, Provost, TTU; Mr. Mike Wilson, Interim Vice President for Fiscal Affairs, TTU; Dr. Michael Shonrock, Vice President for Student Affairs, TTU; Dr. Robert Sweazy, Vice President for Research, Technology Transfer and Economic Development, TTU; Mr. Max Hinojosa, Vice President for Operations, TTU; Mr. Elmo Cavin, Executive Vice President, TTUHSC; Dr. Alexia Green, Dean, School of Nursing, TTUHSC; Mr. Jeremy Brown, President, Student Government Association, TTU; and Ms. Lucy Lanotte, Executive Secretary to the Board of Regents.

- I. CALL TO ORDER.—Chairman Black announced a quorum present and called the meeting to order.
  - I.A. ADMINISTER OATH OF OFFICE TO NEW REGENTS.—Chairman Black welcomed newly appointed regents Mr. L. Frederick “Rick” Francis of El Paso and Mr. J. Frank Miller, III, of Dallas, and introduced the Honorable Sam

Medina, Judge of the 237th District Court of Lubbock County, who administered the oath of office to Messrs. Francis and Miller.

- II. INTRODUCTIONS AND RECOGNITIONS.—Chairman Black called on Dr. Smith for the introductions and recognitions. Dr. Smith recognized Dr. M. Roy Wilson, president of the Texas Tech Health Sciences Center, who has been selected to serve as a member of the Institute of Medicine of the National Academy of Sciences.

Dr. Whitmore introduced the Moot Court Team from the Texas Tech School of Law who recently won the John Marshall National Moot Court competition in Chicago. Members of the Moot Court Team include Chad Edgington, Steve Anderson, Shannon Goss and Don Hunt, coach. Dr. Whitmore introduced members of the 2003 Meat Judging Team who were recently named 2003 National Champion at the International Contest. Members of the 2003 Meat Judging Team include Dr. Mark Miller, faculty advisor; Michelle Gorhum; Deidrea Harris; Lauren Grimes; Stacy Stockard; Cara Armstrong; Holly Branecky; John Isenberg and Craig Bosworth. Dr. Whitmore also introduced Dylan Bemberg, senior in Architecture, who is the winner of Busan International Architectural Competition in Busan, South Korea.

Dr. Whitmore acknowledged the appointment of Dr. Robert Sweazy, vice president for research, to the Texas Yes! Advisory Board in conjunction with the Texas Department of Agriculture. Dr. Whitmore introduced Professor Grant Hall, archaeology professor, who has recently been elected as a fellow of the Texas Archaeological Society.

- III. OPEN SESSION.—The board continued in open session in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, to consider items as a board and in the Committee of the Whole.
- III.A. APPROVAL OF MINUTES.—Regent Newby moved that the minutes of the board meeting held on October 3, 2003 be approved. Regent Brooks seconded the motion, and the motion passed unanimously.
- III.B. COMMITTEE OF THE WHOLE

Chairman Black announced that for the purpose of facilitating action on the items to be considered, Vice Chairman Newby would preside over the Committee of the Whole.

III.B.1. Regent Newby presented the item regarding approval of the Consent Agenda and acknowledgment of review of the Information Agenda. Regent Newby moved that the Consent Agenda be approved. The motion was seconded and passed unanimously. The following are the Minute Orders approved by this motion:

III.B.1.a. TTU: Approve conferral of degrees for December 20, 2003 commencement.—The board approved the conferral of degrees for the December 20, 2003 commencement upon all candidates who have completed requirements for degrees since the last official commencement and who are certified by the appropriate faculties, deans, and registrar of Texas Tech University as having met all requirements of the degree as indicated by the official printed commencement program of December 20, 2003, as approved administratively by the president and the chancellor.

III.B.1.b. TTU: Approve leaves of absence.—The board approved the following leaves of absence, as approved administratively by the president and the chancellor.

Annually, developmental leaves carry \$5,500 to compensate the home departments of the recipients in order to hire a lecturer or teaching assistant to replace part of the teaching obligations for each faculty member on leave. During fiscal year 2005 twenty-one faculty members can be awarded one semester leaves while two faculty members can be awarded yearlong leaves. Accordingly, these two faculty members will receive half their annual salary, which will cause recovered salaries in the amount of \$43,358.

Faculty development leave with salary for Dr. Edward J. Allen, professor, Department of Mathematics and Statistics, College of Arts and Sciences, from January 12, 2005 to May 31, 2005, to complete the final draft of a monograph in numerical analysis. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Mary C. Baker, associate professor, Department of Electrical Engineering, College of Engineering, from September 1, 2004 to December 31, 2004, to further joint research efforts between Dr. Baker and her colleagues at the Department of Neuropsychiatry at the TTU Health Sciences Center. The research will include analysis of magnetic resonance and electroencephalographic data obtained from patients in the Memory Disorders Clinic. The goal will be to publish the results of the analysis and to prepare a follow-on proposal. This leave will be conducted in Lubbock, Texas.

Faculty development leave with salary for Dr. Laura J. Beard, associate professor, Department of Classical and Modern Languages and Literatures, College of Arts and Sciences, from September 1, 2004 to May 31, 2005, to spend the academic year at the University of Alberta, in Canada, doing research and writing a book manuscript, currently in the preliminary stages, on narratives about the Indian boarding school/residential school experience in the United States and Canada. As a work that looks at the boarding/residential school experiences on both sides of the border, exploring narratives from both the United States and Canada, her book project makes an important contribution to a growing discussion of the residential/boarding school experience. The resultant manuscript will be an important contribution not only to native studies but also to the fields of Women's Studies and Comparative Literature as it places these narratives into the ongoing discussion of women's autobiographical traditions. This leave will be taken at the University of Alberta in Canada and will be part of a Fulbright grant.

Faculty development leave with salary for Dr. Susan H. Brumfield, associate professor, School of Music, College of Visual and Performing Arts, from January 12, 2005 to May 31, 2005, to conduct research for a multi-volume publication of music education materials (scholarly anthologies and recordings) based on field and archival recordings and primary print sources held at the Pitt Rivers Museum, Oxford; Ampleforth Abbey, York; Cecil Sharp House, London; and the School of Scottish Studies, Edinburgh. Additionally, she is working with UK and US music teachers in the area of Kodaly pedagogy and folk music performance and study. This leave will allow time for extended research and work in the libraries and archives, as well as for continued field work, collecting and teaching, in the UK schools with which she has on-going associations. This leave will be taken in the United Kingdom.

Faculty development leave with salary for Professor James T. Davis, associate professor, College of Architecture, from September 1, 2004 to December 31, 2004, to work on a book focusing on the use of architectural entourage, the trees, sidewalks, etc., that accompany a building. This leave is necessary in order to provide time for additional research and development of the manuscript prior to submittal for publication. This leave will be taken in Mississippi and Lubbock, Texas.

Faculty development leave with salary for Professor Rick Dingus, professor, Department of Art, College of Visual and Performing Arts, from January 12, 2005 to May 31, 2005, to spend the spring of

2005 traveling through the American Plains photographing and lecturing. This will extend the kinds of work he has done in west Texas for the Millennial Collection. His lectures will promote awareness of the Millennial Collection and invite participation by appropriate candidates across the Plains. This will facilitate interactive opportunities for Texas Tech with others, aid our recruitment of graduate students, further his reputation, and provide insights for new research strategies, teaching and curriculum development. The resulting photographs will be exhibited both within and outside this region. This leave will be taken in Texas, New Mexico, Oklahoma, Kansas, Nebraska, and Colorado.

Faculty development leave with salary for Professor Daisy H. Floyd, professor, School of Law, from January 12, 2005 to May 31, 2005, to write a book tentatively entitled *The Lawyers We Need*. The book will explore the relationships between legal education and the development of professional identity in American law students. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Stephanie L. Harter, associate professor, Department of Psychology, College of Arts and Sciences, from January 12, 2005 to May 31, 2005, to extend her research, theoretical, and clinical practice skills through consultation and collaboration with colleagues at the University of Barcelona and other colleagues participating in an international, multi-center assessment and treatment-outcome research network that includes participants from Spain, Portugal, Argentina, Mexico, Italy, and Great Britain. This leave will allow her to extend skills in personal construct psychology and recent work integrating personal construct theory with social constructionist and narrative approaches. In particular, she hopes to better articulate the role of family, social, and cultural contexts in the construction of the self, to learn and develop new methodologies for assessing narrative (e.g., autobiographical texts) and Role Construct Repertory Grid data for self constructions, and to learn and develop new intervention approaches for facilitating changes in self construction. This leave will be taken in Barcelona, Spain.

Faculty development leave with salary for Dr. Fred Hartmeister, professor, Area of Educational Psychology and Leadership, College of Education, from January 12, 2005 to May 31, 2005, to complete the research for and writing of three scholarly research projects. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Holly Johnson, assistant professor, Area of Curriculum and Instruction, College of

Education, from September 1, 2004 to December 31, 2004, to accomplish three objectives: (1) Complete a book manuscript addressing issues of social justice and critical literacy through the use of adolescent literature, (2) revise and resubmit a U.S. Department of Education grant, and (3) attend an intensive Spanish language program in Mexico. This leave will be taken in Cuernavaca, Mexico.

Faculty development leave with salary for Dr. Susan Lang, associate professor, Department of English, College of Arts and Sciences, from January 12, 2005 to May 31, 2005, to conduct a study which evaluates the effectiveness of Interactive Composition Online (ICON) in ENGL 1301/1302. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Valery I. Levitas, professor, Department of Mechanical Engineering, College of Engineering, from September 1, 2004 to December 31, 2004, to conduct research on the Development Project "Multidisciplinary study of stress- and strain-induced phase transformations and chemical reactions in engineering materials" at Los Alamos National Laboratories. This leave will be taken in Los Alamos, New Mexico.

Faculty development leave with salary for Dr. Randy D. McBee, assistant professor, Department of History, College of Arts and Sciences, from September 1, 2004 to December 31, 2004, to finish the research and writing of his current book project entitled *Born to be Wild: Race, Class and the Making of the American Biker*. During the leave he plans to spend some time at the University of Missouri where he will make use of the archives which contain thousands of documents on motorcycle culture and the 1960s and 1970s when the number of motorcycles reached its peak. This leave will be taken at the University of Missouri, Columbia, Missouri.

Faculty development leave with salary for Dr. Barbara Morgan-Fleming, associate professor, Area of Curriculum and Instruction, College of Education, from January 12, 2005 to May 31, 2005, to write a book currently entitled *A Field Based Guide to Teaching*. One of the most difficult things for pre-service teachers to master is the relationship between educational theory and the real world of educational practice. This difficulty is increased if subjects like Social and Cultural Foundations of Teaching are offered as lecture classes separate from the field experiences in which the pre-service teacher is engaged. With this text she will show the

connection between theories of knowledge and elementary school teaching by providing readings in educational foundations accompanied by activities and assignments that will help students see how the issues raised in foundations are embodied in the day-to-day lives of elementary students and teachers. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Professor Alison G. Myhra, professor, School of Law, from September 1, 2004 to December 31, 2004, to examine legal, historical, and religious sources from the Viking Age (800-1100) in Scandinavia in order to assess the impact of Viking Age democratic and legal institutions on English and American law. This leave will be taken at the University of North Dakota, Luther College in Iowa, other libraries around the country, and Lubbock, Texas.

Faculty development leave with salary for Dr. Marjean Purinton, professor, Department of English, College of Arts and Sciences, from January 12, 2005 to May 31, 2005, to conclude a substantial amount of scholarship for which she has contractual commitments but has become delayed from timely completion because her time and energies have been consumed by administrative and service responsibilities. She also plans to use her leave time to commence her next book project and an editorial project. This leave will be taken in Lubbock and Galveston, Texas.

Faculty development leave with salary for Dr. Rebecca Rickly, associate professor, Department of English, College of Arts and Sciences from January 12, 2005 to May 31, 2005, to examine how our program, after three years of implementation: (1) prepares graduate part-time teaching instructors to be effective instructors through comparing the assessment of their online commentary by peers, students, and faculty, and (2) prepares students to be successful in college writing by assessing revision quality/quantity of papers and running their final drafts through a statistical program that measures readability level. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Christine Robitschek, associate professor, Department of Psychology, College of Arts and Sciences, from January 12, 2005 to May 31, 2005, to conduct interviews and draft the body of a book about personal growth initiative in the lives of interviewees. The target audience for this book will be psychologists, other mental health professionals, and their clients. Through writing this book, she expects to deepen her and other's understanding of PGI in people's lives and generate

additional questions for research. The leave will benefit the visibility of Texas Tech through publication and circulation of the book, will benefit our students by enhancing her teaching about PGI, and will benefit our program and department by increasing our visibility and thereby attracting more applicants to our graduate programs. This leave will be taken by traveling within the United States.

Faculty development leave with salary for Dr. Andreas Schneider, associate professor, Department of Sociology, Anthropology and Social Work, College of Arts and Sciences, from September 1, 2004 to May 31, 2005, to synthesize his research on sexuality identity and cross-cultural comparison into a publishable book. The book is based on a social psychological approach containing the psychological and sociological perspective into an identity theory approach which is currently very well received in the field. Implementing ideal types, this perspective lends itself to an engaging illumination of contemporary sexual male identity for a wide, although predominantly academic, audience. This leave will be taken in Germany.

Faculty development leave with salary for Dr. David Snead, assistant professor, Department of History, College of Arts and Sciences, from January 12, 2005 to May 31, 2005, to write a history of John F. Kennedy and his presidency. He will use this leave to complete the research for the project and write the book. The project is scheduled to be completed by summer 2005. This leave will be taken at the National Archives of the United States in Maryland, the John F. Kennedy Library, and the Museum in Boston, Massachusetts.

Faculty development leave with salary for Dr. Michael C. Stoune, professor, School of Music, College of Visual and Performing Arts, from September 1, 2004 to December 31, 2004, to follow a flute band in its preparation and presentation of a program for the Band Championship of Ireland in October 2004. He will video interviews, rehearsals, and performances to provide a documentary of this group. He will also visit other bands in the country to enrich his understanding of this rich social/cultural phenomenon. This leave will be taken in Northern Ireland.

Faculty development leave with salary for Dr. Victoria Sutton, professor, School of Law, from September 1, 2004 to December 31, 2004, to develop one to three works for publication as books in her areas of research. Toward that goal, she has a book contract with publisher, Rowman & Littlefield, to complete a book intended for classroom use in law schools and graduate

schools entitled *Bioterrorism: A Citizen's Guide to Rights and Responsibilities*. She expects to be in the final rounds of the editing process in the fall 2004. She also has a second book contract with publisher, Carolina Academic Press, for a book entitled *Law and Biotechnology*, which is scheduled for completion in the fall 2004. She is also co-author for a textbook in the final proposal stage with publisher Prentice Hall, intended for undergraduate use, which is the first textbook on American Indian History for undergraduates from a Native American perspective; and depending upon timing, some work on a chapter for this book may be necessary in fall 2004. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Richard S. Wampler, professor, Department of Human Development and Family Studies, College of Human Sciences, from January 15, 2005 to May 31, 2005, to continue analyzing and publishing the results of his research, to increase statistical skills in the area of the analysis of complex family data, to investigate potential coding systems to evaluate family functioning and prepare himself to use one of these systems and to evaluate the research literature in the area of transferring prevention/intervention programs from Anglo to minority communities as part of the preparation for the grant proposal. He will use part of the leave time to consult directly with program officers who oversee federal grant programs. He also plans to consult with colleagues at the University of Minnesota who have expertise in family coding systems, culturally-competent research in minority communities, and longitudinal data collection and analysis. This leave will be taken in Minneapolis, Washington D. C., and Lubbock, Texas.

- III.B.1.c. TTU: Approve employee appointment to non-elective position.—The board approved the appointment of Robert Sweazy, Ph.D., vice president for research, graduate studies, technology transfer and economic development, to the Texas Yes! Advisory Board by Governor Rick Perry, as approved administratively by the president and the chancellor as required by board policy.

The board also found with respect to the appointee that his service on the Texas Yes! Advisory Board is of benefit to the State of Texas and Texas Tech University and that his service does not conflict with his position of employment at Texas Tech University.

- III.B.1.d. TTUHSC: Approve employee appointment to non-elective position.—The board approved the appointment of Jose Manuel de la Rosa, M.D., professor and regional dean for the School of Medicine, El Paso campus, to the United States-Mexico Border Health Commission by

President George W. Bush, as approved administratively by the president and the chancellor as required by board policy.

The board also found with respect to the appointee that his service on the United States-Mexico Border Health Commission is of benefit to the State of Texas and Texas Tech University Health Sciences Center and that his service does not conflict with his position of employment at Texas Tech University Health Sciences Center.

- III.B.1.e. TTUHSC: Approve change in degree title in the School of Allied Health Sciences.—The board approved the change in degree title of the existing Bachelor of Science in Clinical Support Services Management (B.S., CSSM) to that of Bachelor of Science in Clinical Services Management (B.S., CSM) in the School of Allied Health Sciences, and authorized the chancellor to cause a proposal to be submitted to the Texas Higher Education Coordinating Board seeking approval for reorganization of this program, as approved administratively by the president and the chancellor as required by board policy.
- III.B.1.f. TTU: Approve budget adjustments for the period September 1, 2003 through October 31, 2003.—The board approved budget adjustments for the period September 1, 2003 through October 31, 2003, included herewith as Attachment No. 1, as approved administratively by the president and the chancellor.

Regent Newby then moved that the board acknowledge its review of the Information Agenda as follows:

#### Information Agenda

Information is provided as required by Section 01.01.6.b(2)(c),  
*Regents' Rules*

- (1) TTU and TTUHSC: Summary of Revenues and Expenditures by Budget Category, FY 2003, per Section 01.01.8.c(3)(f),  
*Regents' Rules: All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.*
  - (a) TTU: Report dated August 31, 2003 for fiscal year 2003; and
  - (b) TTUHSC: Report dated August 31, 2003 for fiscal year 2003.
- (2) TTUHSC: Contract Renewals per Section 07.12.4.b., *Regents' Rules: Approval of the president is required for all contract renewals. A list of those renewal contracts greater than \$1,000,000 per annum, including*

the amount of the contract, will be provided to the board as an information item at the next regular board meeting.”

- (a) Cogdell Memorial Hospital; On-site TDCJ health care services for Daniel Unit; 9/1/01-11/30/03; \$1,131,660;
  - (b) Correctional Managed Health Care Advisory Committee; TDCJ Master Contract; 9/1/01-8/31/03; \$73,963,210;
  - (c) Dallam-Hartley Counties Hospital District; On-site TDCJ health care services for Dalhart Unit; 9/1/01-11/30/03; \$1,000,533;
  - (d) Hendrick Medical Center; On-site TDCJ health care services; 9/1/01-11/30/03; \$1,941,000;
  - (e) Hendrick Medical Center; On-site TDCJ health care services for Middleton Unit; 9/1/01-11/30/03; \$2,160,835;
  - (f) Hendrick Medical Center; On-site TDCJ health care services for Robertson Unit; 9/1/01-11/30/03; \$3,056,832;
  - (g) Medical Arts Hospital; On-site TDCJ health care services for Smith Unit & Admin. Seg Unit; 9/1/01-11/30/03; \$1,131,660;
  - (h) Mitchell County Hospital; On-site TDCJ health care services for Wallace Unit & San Angelo, Big Spring & Sweetwater Work Camps; 9/1/01-11/30/03; \$1,355,969;
  - (i) Northwest Texas Healthcare System; “Physician in Training” Support Agreement; 7/1/03-6/30/04; \$2,672,000;
  - (j) Pecos County Memorial Hospital; On-site TDCJ health care services for Lynaugh Unit; 9/1/01-11/30/03; \$1,237,819;
  - (k) Pecos County Memorial Hospital; On-site TDCJ health care services for Ft. Stockton Transfer Unit; 9/1/01-11/30/03; \$1,408,952;
  - (l) Texas Department of Health; BNS/WIC-Card agreement; 10/1/03-9/30/04; \$1,991,400;
  - (m) Texas State Office of Risk Management (SORM); Workers Compensation coverage expense for HSC Employees; 9/1/03-8/31/04; \$1,351,889;
  - (n) Texas Youth Commission; Interagency Cooperation agreement for health care; 9/1/03-8/31/05; \$2,503,440;
  - (o) R.E. Thomason General Hospital; Residents Agreement; 7/1/03-6/30/04; \$7,808,075;
  - (p) R.E. Thomason General Hospital; Emergency Medicine physician services; 10/1/03-9/30/04; \$3,700,742;
  - (q) TTUHSC-Amarillo; On-site TDCJ health care services for Clements Unit & Admin. Seg Unit; 9/1/01-11/30/03; \$3,855,062; and
  - (r) UTMB-Correctional Managed Care; Pharmaceutical services for TDCJ/TYC facilities; 9/1/03-8/31/05; \$6,250,000.
- (3) TTUHSC: School of Medicine Faculty Employment Contracts per Section 07.12.4.c., *Regents' Rules*: “Approval of the president is required for faculty employment contracts greater than \$100,000 per annum. A list of all faculty employment contracts greater than \$100,000 per annum will be provided to the board as an information item at the next board meeting.”
- (a) Ayass, Mohamad-Ammar F., M.D., Assistant Professor/NTT; Internal Medicine, Amarillo; 10/1/03-8/31/05; \$200,000;
  - (b) Al-Tamimi, Hamed A. Shabaneh, M.D., Assistant Professor/NTT; Internal Medicine, Lubbock; 10/1/03-9/30/04; \$160,000;
  - (c) Pierce, J. Rush, M.D., Associate Professor/NTT; Internal Medicine, Amarillo; 10/13/03-8/31/05; \$168,000; and

(d) Sabar, Raj, M.D., Instructor/NTT; Anesthesiology, Lubbock; 9/1/04-8/31/05; \$150,000.

The motion was seconded and passed unanimously.

Vice Chairman Newby stated that consideration of items by the Committee of the Whole was concluded.

#### IV. MEETINGS OF STANDING COMMITTEES.

Chairman Black stated that due to the recent appointments of new regents and the current uncertain nature of the composition of the Board's Standing Committees, the matters of the Standing Committees would be considered by the board as a Committee of the Whole. Chairman Black stated further that for the purpose of facilitating action on these items, the Board Chair would preside over the presentation of the Standing Committee items.

At approximately 9:17 a.m., at the direction of Chairman Black, the board continued meeting as a Committee of the Whole in the Board Room, Second Floor, Room 201, Administration Building, to consider and act on the matters of its Standing Committees.

#### IV.A. ITEMS RELATED TO THE FACILITIES COMMITTEE

The board met in open session as a Committee of the Whole from approximately 9:17 a.m. until approximately 9:53 a.m. in the Board Room, Second Floor, Room 201, Administration Building, to consider and act on the matters related to the Facilities Committee. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were approved in open session and without objection by the Board of Regents of the Texas Tech University System.

- IV.A.1. TTU: Approve a project to continue renovation of the Student Union Building.—Following presentation by Mr. Ellicott, and upon a motion by Regent Newby, duly seconded, the board authorized the Office of Facilities Planning and Construction (i) to proceed with a project to continue renovation of the Student Union Building with a project budget of \$6,000,000; and (ii) to complete the design, obtain project approval from the Texas Higher Education Coordinating Board and award a construction contract. The project will be funded through the Revenue Financing System to be repaid with revenues derived from the Student Union Building Fees and revenues.

The board further acknowledged that it expects to pay expenditures in connection with the construction of the project prior to the issuance of obligations to finance the project and, in that respect, the board found that

the reimbursement for the payments of such expenditures will be appropriate and consistent with the lawful objectives of the Texas Tech University System, and, as such, declared its intention, in accordance with the provisions of *Treasury Regulations*, Section 1.150-2, to reimburse itself for original expenditures, advanced in connection with the design, planning and construction of the project an aggregate maximum principal amount expected to be \$6,000,000.

- IV.A.2. TTU: Approve a planning budget for The Rawls Course Club House Complex.—Following presentation by Mr. Ellicott, and upon a motion by Regent Barth, duly seconded, the board authorized the Office of Facilities Planning and Construction to establish a planning budget of \$270,000, funded with \$100,000 in funds donated for the Rawls Course and \$170,000 in Rawls Course project savings funded through the Revenue Finance System and repaid with Rawls Course Operating Revenues, to plan, program and design The Rawls Course Club House Complex, and to prepare an estimate of the probable cost.

The board further acknowledged that it expects to pay expenditures in connection with the construction of the project prior to the issuance of obligations to finance the project and, in that respect, the board found that the reimbursement for the payments of such expenditures will be appropriate and consistent with the lawful objectives of the Texas Tech University System, and, as such, declared its intention, in accordance with the provisions of *Treasury Regulations*, Section 1.150-2, to reimburse itself for original expenditures, advanced in connection with the design, planning and construction of the project an aggregate maximum principal amount expected to be \$170,000.

- IV.A.3. TTUHSC: Approve construction of the School of Nursing Wellness Center.—Following presentation by Mr. Ellicott, and upon a motion by Regent Newby, duly seconded, the board authorized the Office of Facilities Planning and Construction (i) to proceed with a project to construct the School of Nursing Wellness Center with a project budget of \$1,135,210; and (ii) to complete the design, obtain project approval from the Texas Higher Education Coordinating Board and award a construction contract. The project will be funded through City of Lubbock Community Development Block Grant for \$250,000 and a federal grant from Health and Human Sciences for \$885,210. The facility will be constructed on land leased from the Lubbock Independent School District.

The board further acknowledged that the Health Sciences Center be authorized to file a Notice of Federal Interest with the local land records office, execute the required agreements with the City of Lubbock and Lubbock Independent School District, and execute, file and submit any and all documents required to comply with the terms of the two grants.

- IV.A.4. TTUS: Report on Office of Facilities Planning and Construction projects.—Following presentation by Mr. Ellicott, and upon a motion by Regent Newby, duly seconded, the board accepted the report on the Office of Facilities Planning and Construction, a summary of which is included herewith as Attachment No. 2.

#### IV.B. ITEMS RELATED TO THE ACADEMIC, CLINICAL AND STUDENT AFFAIRS COMMITTEE

From approximately 9:53 a.m. until approximately 10:27 a.m., the board continued meeting in open session as a Committee of the Whole in the Board Room, Second Floor, Room 201, Administration Building, to consider and act on the matters related to the Academic, Clinical and Student Affairs Committee. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were approved in open session and without objection by the Board of Regents of the Texas Tech University System.

- IV.B.1. TTU: Approve a Doctor of Philosophy in Counselor Education in the College of Education.—Following presentation by Dr. Marcy, and upon a motion by Regent Newby, duly seconded, the board approved redesignating the existing Doctor of Education in Counselor Education to a Doctor of Philosophy in Counselor Education, College of Education, and authorized submission by the Office of the Provost to the Texas Higher Education Coordinating Board seeking its approval for such a degree change.

- IV.B.2. TTU: Approve a Doctor of Philosophy in Mass Communications in the College of Arts and Sciences.—Following presentation by Dr. Marcy, and upon a motion by Regent Miller, duly seconded, the board approved the new degree program for a Doctor of Philosophy in Mass Communications, College of Arts and Sciences, and authorized submission by the Office of the Provost to the Texas Higher Education Coordinating Board seeking its approval for such a program.

Implementation of this new program will require reallocation of \$753,016 in existing resources (adding a ½ secretary position with salary and fringe benefits and the salaries for three Ph.D. teaching assistants the first two years). The School plans to employ five Ph.D. candidates as teaching assistants the first year, seven the second year, eight the third year and nine the fifth year. Projected enrollment is 14 students through year 3, 17 students in year 4, and 19 students in year 5.

- IV.B.3. TTU: Approve a Master of Science in Human Development and Family Studies with a Specialization in Gerontology and a post-baccalaureate certificate program in Gerontology in the College of Human Sciences.—Following presentation by Dr. Marcy, and upon a motion by Regent

Newby, duly seconded, the board approved the new degree program for a Master of Science in Human Development and Family Studies with a Specialization in Gerontology and a Post-Baccalaureate Certificate in Gerontology and authorized submission by the Office of the Provost to the Texas Higher Education Coordinating Board seeking its approval for such a program.

- IV.B.4. TTUHSC: Approve appointments with tenure.—Following presentation by Dr. Wilson, and upon a motion by Regent Francis, duly seconded, the board approved the granting of tenure to the following faculty of Texas Tech University Health Sciences Center contemporaneously with their appointments as professors at the Health Sciences Center:

Roderick Nairn, Ph.D., is the newly appointed Executive Vice President for Academic Affairs, Dean of the Graduate School of Biomedical Sciences and professor in the Department of Microbiology and Immunology in the School of Medicine. Dr. Nairn comes to TTUHSC from Creighton University where he was a tenured professor and served as Chair of the Department of Medical Microbiology and Immunology and Senior Associate Dean for Academic Affairs; and

James W. Van Hook, M.D., is the newly selected regional chair and professor in the Department of Obstetrics and Gynecology with the School of Medicine in Amarillo. Dr. Van Hook has been a tenured associate professor at UTMB Galveston in the Division of Maternal Fetal Medicine and Director of Critical Care Medicine Research, Director of Obstetric Ultrasound and the Director of the department's HIV in Pregnancy Program.

- IV.B.5. TTU and TTUHSC: Report on admission policies.—Upon motion by Regent Miller, duly seconded, the board accepted a report by Dr. Jon Whitmore, president, TTU, and Dr. M. Roy Wilson, president, TTUHSC, on the review of admission policies being conducted at each institution.

- IV.B. ADDENDUM.—

Chairman Black asked if there was other business of this committee to come before the board. Chancellor Smith reported that he had one piece of information to present to the board before proceeding to the next matter. He informed the board that there was a non-substantive revision to the preamble of the Health Sciences Center Mission Statement, made at the recommendation of the Texas Higher Education Coordinating Board ("THECB"). Chancellor Smith distributed copies of the revision and stated that the text of the actual Mission Statement had not changed, but only the preamble, and it concerned language related to the El Paso Medical School. Chancellor Smith noted that we were already celebrating having

the school and the THECB recommended that the language be revised to state that the school is under development. Chancellor Smith noted that he and President Wilson were in agreement with the suggested revisions.

Chairman Black thanked Chancellor Smith for informing the board of the change, and the change was accepted by the board by general consensus.

#### IV.C. ITEMS RELATED TO THE FINANCE AND ADMINISTRATION COMMITTEE

From approximately 10:27 a.m. until approximately 10:45 a.m., the board continued meeting in open session as a Committee of the Whole in the Board Room, Second Floor, Room 201, Administration Building, to consider and act on the matters related to the Finance and Administration Committee. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were approved in open session and without objection by the Board of Regents of the Texas Tech University System.

- IV.C.1. TTUSA, TTU and TTUHSC: Report by the presidents and System chief financial officer on salary actions to be effective Spring 2004.—Upon a motion by Regent Brooks, duly seconded, the board accepted a report by Mr. Jim Brunjes, chief financial officer, TTUS; Dr. Jon Whitmore, president, TTU; and Dr. M. Roy Wilson, president, TTUHSC, on the salary actions to be effective Spring 2004.

- V. OPEN SESSION.—At approximately 10:45 a.m., the board continued meeting in open session in the Board Room, Second Floor, Room, 201, Administration Building, to consider further items as the Committee of the Whole and Meeting of the Board of Regents.

#### V.A. COMMITTEE OF THE WHOLE

Chairman Black announced that for the purpose of facilitating action on the items to be considered, Vice Chairman Newby would preside over this session of the Committee of the Whole.

- V.A.1. TTU: Affirm managerial group and exclude members of the Board of Regents from access to classified information.—Dr. Sweazy presented the item to approve the following resolutions affirming the classified material managerial group and excluding members of the Board of Regents from access to classified information, as provided for in Department of Defense 5220.22-M, *National Industrial Security Program Operating Manual*, 2-104 and 2-106.

RESOLVED, that those persons occupying the following positions at Texas Tech University ("TTU") be known as the Managerial Group, having the authority and responsibility for the negotiation, execution and administration of User Agency contracts, as described in Department of Defense 5220.22-M, *National Industrial Security Program Operating Manual*:

President, TTU  
Vice President for Research, Technology Transfer,  
and Economic Development, TTU  
Associate Vice President for Research (Facility Security  
Officer), TTU

RESOLVED, that the Managerial Group is hereby delegated all of the board's duties and responsibilities pertaining to the protection of classified information under classified contracts of the Department of Defense or User Agencies of the Industrial Security Program awarded to TTU;

RESOLVED, that the following named officers and members of the Board of Regents shall not require, shall not have, and can be effectively excluded from, access to all classified information in the possession of TTU, and do not occupy positions that would enable them to affect adversely the policies and practices of TTU in the performance of any classified contracts for the Department of Defense or User Agencies of its Industrial Security Program awarded to TTU, and need not be processed for personnel security clearance:

#### BOARD OF REGENTS

Ms. Carin Barth	Mr. L. Frederick Francis	Mr. Brian C. Newby
Mr. C. Robert Black	Dr. Nancy E. Jones	Mr. J. Michael Weiss
Mr. Dick Brooks	Mr. J. Frank Miller, III	

Opportunity for discussion followed the presentation. Regent Newby moved that the board approve the resolutions affirming the classified material managerial group and excluding members of the Board of Regents from access to classified information, as provided for in Department of Defense 5220.22-M, *National Industrial Security Program Operating Manual*, 2-104 and 2-106. The motion was seconded and passed unanimously.

- V.A.2. TTUS: Report of Investment Advisory Committee; approve the engagement of GMO, Julius Bar, Acadian, K.G. Redding, and CDK as investment managers.—Regent Barth and Mr. Brunjes reported that the Investment Advisory Committee met in November 2003 and recommended the following for consideration by the Board of Regents:

GMO be hired as both international large and small cap equity manager.

Julius Bar be hired as an international large cap equity manager.

Acadian be hired as an international small cap equity manager.

Cooley Donahue Kroener (CDK) be hired as an alternative asset manager in real estate.

K.G. Redding be hired as an REIT equity manager.

Mr. Brunjes noted that all hires are in accordance with the asset allocation plan of the Long-Term Investment Fund as approved by the Board of Regents.

Opportunity for discussion followed the presentation. Regent Newby moved that the board accept the report of the Investment Advisory Committee and approve the engagement of the investment managers, as presented. The motion was seconded and passed unanimously.

- V.A.3. TTUS: Approve amendments to Chapter 09, *Regents' Rules* (Investments, Endowments, and Income Producing Lands).—Mr. Brunjes presented the item to approve amendments to Chapter 09, *Regents' Rules*, to include a section for the disclosure statement and Code of Standards for Investment Managers and Advisors, included herewith as Attachment No. 3.

Opportunity for discussion followed the presentation. Regent Newby moved that the board approve the amendments to Chapter 09, *Regents' Rules*. The motion was seconded and passed unanimously.

- V.A.4. TTUS: Approve a distance learning course materials policy and revisions to Chapter 10, *Regents' Rules* (Intellectual Property Rights).—Dr. Marcy presented the item to approve (i) a proposal regarding creation, use, ownership, royalties, revision and distribution of distance learning course materials, included herewith as Attachment No. 4, and (ii) the following revisions to Chapter 10, *Regents' Rules* (Intellectual Property Rights), relating to the proposed distance learning course materials policy:

**Amend Chapter 10, Section 15, Management of Copyrightable Works, first paragraph, to read as follows:**

This intellectual property rights policy does not address the rights in material specifically prepared for distance learning. Those rights are addressed in the "Distance Learning Course Materials Policy," which policy shall be approved by the Board of Regents. It is specifically noted that this intellectual property rights policy does not address rights in material specifically

~~prepared for distance learning. To the extent that a future policy specifically directed to distance learning is approved, where that future policy and this policy are in conflict, the specific policy directed to distance learning shall prevail.~~

The proposed Distance Learning Course Materials Policy addresses the usage of and rights associated with distance learning course materials developed in the Texas Tech University System.

Opportunity for discussion followed the presentation. Regent Newby moved that the board approve the proposed Distance Learning Course Materials Policy and the amendments to Chapter 10, *Regents' Rules*. The motion was seconded and passed unanimously.

Vice Chairman Newby stated that consideration of items by the Committee of the Whole was concluded.

V.B. REPORT BY INSTITUTIONAL ADVANCEMENT ON MARKETING AND FUNDRAISING.—A report on marketing and fundraising was presented by Mr. Mark Lindemood, vice chancellor for institutional advancement.

V.C. REPORT ON HISTORICALLY UNDERUTILIZED BUSINESSES.—Chairman Black called on Mr. Brunjes, who presented the report on historically underutilized businesses, included herewith as Attachment No. 5.

V.D. SCHEDULE FOR BOARD MEETINGS.—Mr. Ben Lock presented the following schedule for future board meetings: February 26 (workshop/retreat) -27, 2004, Lubbock; May 13-14, 2004, Lubbock; August 5-6, 2004, Lubbock; October 21-22, 2004, Lubbock; and December 16-17, 2004, Lubbock.

The board suggested that, due to previous commitments by some board members, the meeting proposed for February 26-27, 2004 be rescheduled.

Chairman Black suggested that all regular board meetings continue to be held in Lubbock, with the board also considering “day trips” to other Texas Tech campuses during the year, which would include a briefing on that campus’ activities.

V.E. THE PRESIDENT’S REPORT, TTU.—Chairman Black called on President Whitmore, who presented the President’s Report, included herewith as Attachment No. 6.

- V.E.1. REPORT BY STUDENT GOVERNMENT ASSOCIATION, TTU.—  
Chairman Black called on Jeremy Brown, president, Student Government Association, TTU, who presented a report on the student government activities for the fall semester.
- V.F. THE PRESIDENT'S REPORT, TTUHSC.—Chairman Black called on President Wilson, who presented the President's Report, included herewith as Attachment No.7.
- V.G. CHANCELLOR'S REPORT.—Chairman Black called on Chancellor Smith, who presented the Chancellor's Report, included herewith as Attachment No. 8.
- VI. EXECUTIVE SESSION.—At approximately 12:29 p.m., the board recessed and convened into Executive Session as authorized by Chapter 551 of the *Texas Government Code*.
- VII. RECONVENING OF THE BOARD TO OPEN SESSION.—At approximately 2:40 p.m., the board reconvened in open session in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, to consider items as a Committee of the Whole and Meeting of the Board.
- VII.A. REPORT OF EXECUTIVE SESSION.—Chairman Black called on Vice Chairman Newby to present motions regarding items discussed in Executive Session.
- Regent Newby moved that the board authorize the general counsel to resolve the litigation discussed within the parameters set forth in the Executive Session. The motion was seconded, and passed unanimously.
- VII.B. CHAIRMAN'S ANNOUNCEMENTS.—There were no announcements.
- VIII. ADJOURNMENT.—Regent Brown moved that the meeting be adjourned. The motion was seconded and passed unanimously. Chairman Black adjourned the meeting at approximately 2:40 p.m.

## INDEX OF ATTACHMENTS

Attachment 1	TTU Budget Adjustments for the period September 1, 2003 through October 31,2003
Attachment 2	TTUS Report on the Office of Facilities Planning and Construction projects
Attachment 3	Amendments to Chapter 9, <i>Regents' Rules</i> (Investment, Endowments and Income Producing Lands)
Attachment 4	TTU Distance Learning Course Materials Policy
Attachment 5	TTUS Report on Historically Underutilized Businesses
Attachment 6	TTU President's Report
Attachment 7	TTUHSC President's Report
Attachment 8	TTUS Chancellor's Report

I, Ben Lock, the duly appointed and qualified Secretary of the Board of Regents, hereby certify that the above and foregoing is a true and correct copy of the Minutes of the Texas Tech University System Board of Regents meeting on December 19, 2003.

Ben Lock  
Secretary

Seal