

TEXAS TECH UNIVERSITY SYSTEM
Lubbock, Texas

Minutes

Board of Regents
February 27, 2004

Friday, February 27, 2004.—The members of the Board of Regents of the Texas Tech University System convened at 10:00 a.m. on Friday, February 27, 2004, 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; F. Scott Dueser; L. Frederick “Rick” Francis; J. Frank Miller, III; Windy Sitton; and Bob L. Stafford.

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; Mr. Charlie Wall, Assistant Vice Chancellor for Investments, 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; Mr. Lance Anderson, Managing Director, Office of Technology Transfer, TTU; Mr. Jeremy Brown, President, Student Government Association, TTU; Mrs. Elizabeth Preston, President, Student Government Association, TTUHSC; 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. F. Scott Dueser of Abilene, Mrs. Windy Sitton of Lubbock, and Dr. Bob L. Stafford of Amarillo, and introduced the Honorable Mackey Hancock, Judge of the 99th District Court of Lubbock County, who administered the oath of office to Regents Dueser, Sitton and Stafford.

Chairman Black extended the board's appreciation to Judge Hancock for his service to our country during his recent tour of duty in Afghanistan.

- II. INTRODUCTIONS AND RECOGNITIONS.—Chairman Black called on Dr. Wilson for the introductions and recognitions. Dr. Wilson introduced the following officers of the Student Government Association for the Health Sciences Center: Elizabeth Preston, president, a third-year graduate student in the Doctor of Audiology program in the School of Allied Health Sciences; Alissa Lucas, the vice president of finance, a senior in the speech language and hearing sciences program in the School of Allied Health Sciences; Dr. Wilson noted that Kendra Pearson, vice president for communications, was unable to attend the board meeting today. Dr. Wilson then congratulated Dr. Richard Homan, dean of the School of Medicine, upon his appointment as the vice president for clinical affairs.

Dr. Whitmore introduced Dr. Kishor Mehta, Horn Professor of Civil Engineering and director of Wind Engineering Research Center, who was recently elected to the National Academy of Engineering. Dr. Mehta is the first faculty member at Texas Tech to have that honor. Dr. Mehta was recognized for his systematic studies of structural damage caused by wind storms and leadership in the development of structural design standards for wind loads. Dr. Whitmore also introduced representatives of the TTU-Prairie View-ING Initiative including Gary Hughes, Bill Gustafson, Gordon Hampton and Vickie Hampton. Mr. Hughes introduced Dr. Art Copeland and Mike Higgins, who are his associates at Texas Tech. Dr. Whitmore introduced the Student Government Association officers including Jeremy Brown, president; Jackie Steinmetz, internal vice president; Colton Bachelor, external vice president; and Alisa Abuzeineh, vice president for graduate affairs.

- III. EXECUTIVE SESSION.—At approximately 10:20 a.m., the board recessed and convened into Executive Session as authorized by Chapter 551 of the *Texas Government Code*.
- IV. OPEN SESSION.—At approximately 11:55 a.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 board and in the Committee of the Whole.

IV.A. APPROVAL OF MINUTES.—Regent Brooks moved that the minutes of the board meeting held on December 19, 2003 be approved. Regent Miller seconded the motion, and the motion passed unanimously.

IV.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.

IV.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:

IV.B.1.a. TTU: Approve emeritus appointments.—The board approved the granting of emeritus status to the individuals listed below, as approved administratively by the president and the chancellor.

John Abernathy	Professor of Plant and Soil Science and Dean, College of Agricultural Sciences and Natural Resources (6 years)
Bonnie Allen	Rockwell Professor of Plant and Soil Science (35 years)
Joyce Arterburn	Assistant Professor of Health, Exercise, and Sport Sciences (43 years)
Keith Bearden	Professor of Music (23 years)
William Bennett	Professor of Agronomy and Associate Dean, College of Agricultural Sciences and Natural Resources (25 years)
Roberto Bravo	Associate Professor of Classical and Modern Languages and Literatures (29 years)
Sherry Ceniza	Associate Professor of English (13 years)

William Gustafson	Professor of Mathematics and Statistics (27 years)
Patricia Horridge	Professor of Interior Design (27 years)
Marilyn Houck	Associate Professor of Biological Sciences (12 years)
Clyde Jones	Horn Professor of Biological Sciences and Museum Science and Curator of Mammals (21 years)
Charles Kellogg	Associate Professor of Mathematics and Statistics (33 years)
James Lawrence	Professor of Mechanical Engineering (42 years)
George Lowe	Professor of Sociology (26 years)
Kary Mathis	Thompson Professor and Chair of Agricultural and Applied Economics and Director of ICASALS (19 years)
Frank Skillern	George W. McCleskey Professor of Water Law (32 years)
Carl Stem	Professor and Dean, College of Business Administration (30 years)
John Stinespring	Associate Professor of Art (14 years)
Briggs Twyman	Associate Professor of History (26 years)
Lloyd Urban	Professor of Civil Engineering (33 years)

- IV.B.1.b. TTU: Approve exception to Section 03.01.8, *Regents' Rules*.—The board approved an exception to Section 03.01.8, Nepotism, *Regents' Rules*, to allow Marsha Gustafson Pfluger, recently married to Jim Pfluger, Executive Director, National Ranching Heritage Center, continued employment as Unit Associate Director, National Ranching Heritage Center. Ms. Pfluger will be supervised by Dr. James Brink, Vice Provost for Academic Affairs, with final approval for personnel and compensation matters under the responsibility of Dr. William Marcy, Provost. The request was approved administratively by the president and the chancellor.

IV.B.1.c. TTUHSC: Approve faculty development leave.—The board approved the faculty development leave, as approved administratively by the president and the chancellor, for James Slauterbeck, M.D., associate professor, Orthopaedic Surgery, School of Medicine, to participate in the care of the Norwegian Olympic Athletes by invitation from Lars Engebretson, M.D., head of the Department of Orthopaedic Surgery at the Oslo Sports Trauma Research Center. This leave will be taken from July 2004 through January 2005 in Oslo, Norway.

IV.B.1.d. TTUHSC: Approve a four-year physician employment agreement.—The board approved a four-year physician employment agreement for Alexander Rosenstein M.D., a newly recruited orthopaedic hand and joint surgeon for the Department of Orthopaedic Surgery, School of Medicine, as approved administratively by the president and the chancellor.

Dr. Alexander Rosenstein has recently been recruited to serve as an Associate Professor in the Department of Orthopaedic Surgery. He is specialized in hand and joint surgery. The four-year employment agreement correlates to an agreement with the University Medical Center which will sponsor the start-up and operating expenses for Dr. Rosenstein for two years; however, the overall commitment for Dr. Rosenstein is four years under this agreement.

IV.B.1.e. TTUHSC: Approve exception to Section 03.01.8, *Regents' Rules*.—The board approved an exception to Section 03.01.8.c., *Regents' Rules*, for James Van Hook, M.D., and Yi-Qing Chen, M.D., as approved administratively by the president and the chancellor.

James Van Hook, M.D. was recently selected as the Regional Chair of the Department of Obstetrics and Gynecology on the TTUHSC Amarillo campus. His wife, Catherine Lynn Van Hook, M.D. (Assistant Professor of Obstetrics and Gynecology) has also been recruited with her initial appointment in the same department as her spouse. Dr. Catherine Lynn Van Hook will be supervised by Dr. William Davis, Regional Chair of the Department of Internal Medicine, with final approval authority for personnel and compensation matters under the responsibility of Dr. Steven Berk, Regional Dean of the School of Medicine.

Dr. Yi-Qing Chen, M.D., was recently hired as a biomedical researcher in the Department of Pharmaceutical Sciences on the TTUHSC Amarillo campus. Her husband, Ming-Hai Wang, M.D., Ph.D., is the new Amarillo Community Endowed Chair in Pharmaceutical Sciences. Dr. Quentin Smith, the Chair of the

Department of Pharmaceutical Sciences and Dr. Wang's direct supervisor, will serve as supervisor for Dr. Chen.

- IV.B.1.f. TTU: Approve budget adjustments for the period November 1, 2003 through December 31, 2003.—The board approved budget adjustments for the period November 1, 2003 through December 31, 2003, included herewith as Attachment No. 1, as approved administratively by the president and the chancellor.
- IV.B.1.g. TTUHSC: Approve budget adjustments for the period November 1, 2003 through December 31, 2003.—The board approved budget adjustments for the period November 1, 2003 through December 31, 2003, included herewith as Attachment No. 2, as approved administratively by the president and the chancellor.
- IV.B.1.h. TTUSA: Approve FY 2005 holiday schedule.—The board approved the FY 2005 holiday schedule for the Texas Tech University System Administration, as approved administratively by the chancellor, and included herewith as Attachment No. 3.
- IV.B.1.i. TTU: Approve FY 2005 holiday schedule.—The board approved the FY 2005 holiday schedule for Texas Tech University, as approved administratively by the president and the chancellor, and included herewith as Attachment No. 4.
- IV.B.1.j. TTUHSC: Approve FY 2005 holiday schedule.—The board approved the FY 2005 holiday schedule for the Texas Tech University Health Sciences Center, as approved administratively by the president and the chancellor, and included herewith as Attachment No. 5.
- IV.B.1.k. TTUS: Approve commissioning of police officers.—The board approved the commissioning of the following individuals as police officers, effective on the dates indicated below, as approved administratively by the president and the chancellor.
 - Jimmy L. Tillinghast, effective December 1, 2003;
 - Elbert Keith Sumner, effective January 1, 2004; and
 - Richard Keith Foster, effective January 5, 2004.
- IV.B.1.l. TTUS: Approve revisions to Section 03.01.8, *Regents' Rules*.—The board approved the amendments to Section 03.01.8, *Regents' Rules*, (Nepotism), as approved administratively by the president and the chancellor, and included herewith as Attachment No. 6.

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 2004, 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 November 30, 2003 for fiscal year 2004; and
 - (b) TTUHSC: Report dated November 30, 2003 for fiscal year 2004.

- (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) Correctional Managed Health Care Advisory Committee; TDCJ Master Contract; 9/1/03-8/31/05; \$73,775,875;
 - (b) Cogdell Memorial Hospital; On-site TDCJ health care services for Daniel Unit; 9/1/01-8/31/04; \$1,131,660;
 - (c) Dallam-Hartley Counties Hospital District; On-site TDCJ health care services for Dalhart Unit; 9/1/01-8/31/04; \$1,000,533;
 - (d) Hendrick Medical Center; Off-site TDCJ health care services; 9/1/01-8/31/04; \$1,941,000;
 - (e) Hendrick Medical Center; On-site TDCJ health care services for Middleton Unit; 9/1/01-8/31/04; \$2,200,000;
 - (f) Hendrick Medical Center; On-site TDCJ health care services for Robertson Unit; 9/1/01-8/31/04; \$3,056,832;
 - (g) Medical Arts Hospital; On-site TDCJ health care services for Smith Unit & High Security Unit; 9/1/01-8/31/04; \$1,131,660;
 - (h) Mitchell County Hospital; On-site TDCJ health care services for Wallace Unit & San Angelo, Big Spring & Sweetwater Work Camps; 9/1/01-8/31/04; \$1,355,969;
 - (i) Northwest Texas Healthcare System; Off-site TDCJ/TYC health care services; 6/1/02-8/31/04; \$2,600,000;
 - (j) Pecos County Memorial Hospital; On-site TDCJ health care services for Lynaugh Unit; 9/1/01-8/31/04; \$1,237,819;
 - (k) Pecos County Memorial Hospital; On-site TDCJ health care services for Ft. Stockton Transfer Unit; 9/1/01-8/31/04; \$1,408,952;
 - (l) Childress Regional Medical Center; On-site TDCJ health care services for Roach Unit & Boot Camp; 9/1/01-8/31/04; \$1,210,189;
 - (m) Texas Higher Education Coordinating Board; Family Practice Residency Program Operational Grant Agreement; 9/1/03-8/31/04; \$1,136,530;
 - (n) Medical Center Hospital; Resident Support; 10/1/03-8/31/04; \$6,000,000; and
 - (o) Midland Memorial Hospital; Resident Training Support; 10/1/03-9/30/04; \$1,427,281.

- (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."
- (b) Crocker, Patty J., M.D., Assistant Professor/NTT; Emergency Medicine, El Paso; 4/1/04-8/31/05; \$150,000;
 - (c) Green, Michael R., M.D., Associate Professor/NTT; Pediatrics, Amarillo; 11/1/03-8/31/05; \$140,000
 - (d) Hendrickson, Daniel, M.D., Associate Professor/NTT; Internal Medicine, Odessa; 1/21/04-1/21/05; \$210,000;
 - (e) Kalra, Dinesh, M.D., Assistant Professor/NTT; Internal Medicine, Odessa; 11/1/03-8/31/05; \$200,000;
 - (f) Phy, Michael P., D.O., Assistant Professor/NTT; Internal Medicine, Lubbock; 8/1/04-7/31-05; \$120,000;
 - (g) Reddi-Dickason, Renuka, M.D., Clinical Assistant Professor; Ob/Gyn, El Paso; 11/1/2003; \$100,200 (part-time);
 - (h) Van Hook, James W., M.D., Professor & Reg. Chair/TT; Ob/Gyn, Amarillo; 3/15/04-8/31/05; \$270,000; and
 - (i) Welt, Selman, M.D., Professor/NTT; Ob/Gyn, Lubbock; 12/8/03-12/7/05; \$225,000.

The motion was seconded and passed unanimously.

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

- V. 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. Chairman Black announced the following Standing Committee appointments: Members of the Academic, Clinical and Student Affairs Committee are Regents Brian Newby, Chair, Windy Sitton, and Bob Stafford; members of the Finance and Administration Committee are Regents Carin Barth, Chair, Scott Dueser, and Rick Francis; and members of the Facilities Committee are Regents Dick Brooks, Chair, Bob Black, and Frank Miller.
- VI. MEETINGS AND REPORTS OF STANDING COMMITTEES.—At approximately 11:57 a.m., at the direction of Chairman Black, the board recessed into meetings of its Standing Committees, which were conducted sequentially in open session. Chairman Black also stated that committee reports to the full board for its consideration would be presented at the conclusion of the respective committee meeting.

The Academic, Clinical and Student Affairs Committee met from approximately 11:57 a.m. until approximately 12:18 p.m. in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas; the Finance and Administration Committee met from approximately 12:18 p.m. until approximately 1:19 p.m. in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas; and the Facilities Committee met from approximately 1:48 p.m. until approximately 1:58 p.m. in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas.

VI.A. REPORT OF THE ACADEMIC, CLINICAL AND STUDENT AFFAIRS COMMITTEE

The Academic, Clinical and Student Affairs Committee met from approximately 11:57 a.m. until approximately 12:18 p.m., in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas. At the conclusion of the committee meeting, Chairman Black called on Regent Newby, Chair of the committee, to give the committee's report.

Committee Chairman Newby reported that the Academic, Clinical and Student Affairs Committee met in open session to consider those matters on its agenda and to formulate recommendations to the Board of Regents of the Texas Tech University System. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended by the Academic, Clinical and Student Affairs Committee and approved in open session and without objection by the Board of Regents of the Texas Tech University System.

- VI.A.1. TTU: Approve granting of academic tenure.—The board approved granting of academic tenure to the following faculty of Texas Tech University, effective this date:

Stephan Maas, professor, Department of Plant and Soil Science,
College of Agricultural Sciences and Natural Resources;

Donald Jones, associate professor, Department of ISQS, Rawls
College of Business Administration;

Brent Cejda, associate professor, Department of Educational
Psychology and Leadership, College of Education;

Simon Hsiang, associate professor, Department of Industrial
Engineering, College of Engineering;

John Kobza, associate professor, Department of Industrial
Engineering, College of Engineering; and

Kathy McNeil, associate professor, School of Music, College of Visual and Performing Arts.

VI.A.2. TTU: Approve changes in academic rank and granting of tenure.—The board approved changes in academic rank, effective September 1, 2004, and the granting of tenure, effective this date, for the following faculty of Texas Tech University:

Ben Shacklette, from assistant professor to associate professor, College of Architecture;

Samarendu Mohanty, from assistant professor to associate professor, Department of Agricultural and Applied Economics, College of Agricultural Sciences and Natural Resources;

Mindy Brashears, from assistant professor to associate professor, Department of Animal Sciences, College of Agricultural Sciences and Natural Resources;

Safei-Eldin Hamed, from assistant professor to associate professor, Department of Landscape Architecture, College of Agricultural Sciences and Natural Resources;

Cynthia McKenney, from assistant professor to associate professor, Department of Plant and Soil Science, College of Agricultural Sciences and Natural Resources;

Kevin Pope, from assistant professor to associate professor, Department of Range, Wildlife and Fisheries Management, College of Agricultural Sciences and Natural Resources;

Moira Ridley, from assistant professor to associate professor, Department of Geosciences, College of Arts and Sciences;

Randy McBee, from assistant professor to associate professor, Department of History, College of Arts and Sciences;

Jeffrey Mosher, from assistant professor to associate professor, Department of History, College of Arts and Sciences;

David Snead, from assistant professor to associate professor, Department of History, College of Arts and Sciences;

Beth Thacker, from assistant professor to associate professor, Department of Physics, College of Arts and Sciences;

John Masselli, from assistant professor to associate professor, Area of Accounting, Rawls College of Business Administration;

John Durrett, from assistant professor to associate professor, Area of ISQS, Rawls College of Business Administration;

Holly Johnson, from assistant professor to associate professor, Department of Curriculum and Instruction, College of Education;

Steven Crooks, from assistant professor to associate professor, Department of Educational Psychology and Leadership, College of Education;

Carol Layton, from assistant professor to associate professor, Department of Educational Psychology and Leadership, College of Education;

Aretha Marbley, from assistant professor to associate professor, Department of Educational Psychology and Leadership, College of Education;

Nancy Maushak, from assistant professor to associate professor, Department of Educational Psychology and Leadership, College of Education;

Andrew Jackson, from assistant professor to associate professor, Department of Civil Engineering, College of Engineering;

Stephen Ekwaro-Osire, from assistant professor to associate professor, Department of Mechanical Engineering, College of Engineering;

Charles Adams, assistant professor to associate professor, Department of Education, Nutrition and Restaurant Hotel Management, College of Human Sciences;

Shane Blum, assistant professor to associate professor, Department of Education, Nutrition and Restaurant Hotel Management, College of Human Sciences;

Miriam Mulsow, assistant professor to associate professor, Department of Human Development and Family Studies, College of Human Sciences;

Bryan Camp, associate professor to professor, School of Law;

Vaughn James, associate professor to professor, School of Law;
Jorge Ramirez, associate professor to professor, School of Law;
Nancy Soonpaa, associate professor to professor, School of Law;
Larry Spain, associate professor to professor, School of Law; and
David Dees, assistant professor to associate professor, School of Music, College of Visual and Performing Arts.

VI.A.3. TTU: Approve changes in academic rank.—The board approved changes in academic rank for the following faculty of Texas Tech University, effective September 1, 2004:

Elizabeth Loudon, from associate professor to professor, College of Architecture;

Steven Frazee, from associate professor to professor, Department of Agricultural Education and Communication, College of Agricultural Sciences and Natural Resources;

Peter Dotray, from associate professor to professor, Department of Plant and Soil Science, College of Agricultural Sciences and Natural Resources;

Scott Holaday, from associate professor to professor, Department of Biological Sciences, College of Arts and Sciences;

Michael San Francisco, from associate professor to professor, Department of Biological Sciences, College of Arts and Sciences;

Robert Shaw, from assistant professor to associate professor, Department of Chemistry and Biochemistry, College of Arts and Sciences;

Alberto Perez, from associate professor to professor, Department of Classical and Modern Languages and Literatures, College of Arts and Sciences;

David Williams, from associate professor to professor, Department of Communication Studies, College of Arts and Sciences;

George Cobb, from associate professor to professor, Department of Environmental Toxicology, College of Arts and Sciences;

Jacalyn McComb, from associate professor to professor, Department of Health, Exercise and Sport Sciences, College of Arts and Sciences;

John Miller, from assistant professor to associate professor, Department of Health, Exercise and Sport Sciences, College of Arts and Sciences;

James Williams, from assistant professor to associate professor, Department of Health, Exercise and Sport Sciences, College of Arts and Sciences;

Xiaochang Wang, from associate professor to professor, Department of Mathematics and Statistics, College of Arts and Sciences;

Patricia DeLucia, from associate professor to professor, Department of Psychology, College of Arts and Sciences;

Lee Duemer, from assistant professor to associate professor, Department of Educational Psychology and Leadership, College of Education;

William Lan, from associate professor to professor, Department of Educational Psychology and Leadership, College of Education;

John Murray, from associate professor to professor, Department of Educational Psychology and Leadership, College of Education;

Karlene Hoo, from associate professor to professor, Department of Chemical Engineering, College of Engineering;

Sindee Simon, from associate professor to professor, Department of Chemical Engineering, College of Engineering;

Javad Hashemi, from associate professor to professor, Department of Mechanical Engineering, College of Engineering;

Timothy Maxwell, from associate professor to professor, Department of Mechanical Engineering, College of Engineering; and

Sivapathasund Parameswaran, from associate professor to professor, Department of Mechanical Engineering, College of Engineering.

VI.A.4. TTU: Approve continuing appointment and granting of promotion to librarians and archivists.—The board approved that David Marshall be

granted continuing appointment, effective this date, and promoted from assistant archivist to associate archivist, effective September 1, 2004.

VI.A.5. TTU: Approve designation of Horn Professorships.—The board approved the designation of Abdelhafid Gafaiti, Ph.D., Department of Classical and Modern Languages and Literature, College of Arts and Sciences, as Horn Professor, effective February 27, 2004.

VI.A.6. TTU: Approve addition of delivery at a distance for one degree program in the College of Arts and Sciences.—The board (i) approved the delivery of the following doctoral degree program, previously approved and currently being offered in a traditional format, to be offered through distance delivery modes, and (ii) authorized the chancellor to cause a proposal to be submitted to the Texas Higher Education Coordinating Board seeking approval for delivery of such program at a distance:

Doctor of Philosophy in Technical Communication and Rhetoric –
College of Arts and Sciences.

VI.A.7. TTUHSC: Approve granting of tenure.—The board approved the granting of academic tenure to the following faculty of Texas Tech University Health Sciences Center, effective this date:

Carol Boswell, R.N., Ed.D., associate professor, School of Nursing;

Seah H. Lim, M.D., Ph.D., professor, Internal Medicine, School of
Medicine;

Afzal A. Siddiqui, Ph.D., associate professor, Internal Medicine, School
of Medicine; and

Margaret T. Weis, Ph.D., associate professor, Pharmaceutical
Sciences, School of Pharmacy.

VI.A.8. TTUHSC: Approve changes in academic rank and granting of tenure.—The board approved changes in academic rank effective September 1, 2004, and the granting of tenure, effective this date, to the following faculty of Texas Tech University Health Sciences Center:

Donald Loveman, M.D., associate professor to professor, Internal
Medicine, School of Medicine; and

James Stoll, Ph.D., assistant professor to associate professor,
Pharmaceutical Sciences, School of Pharmacy.

VI.A.9. TTUHSC: Approve changes in academic rank.—The board approved the changes in academic rank, effective September 1, 2004, for the following faculty of Texas Tech University Health Sciences Center:

Tenured Faculty:

Ulrich Bickel, M.D., associate professor to professor, Pharmaceutical Sciences, School of Pharmacy;

Phool Chandra, M.D., associate professor to professor, Anesthesiology, School of Medicine;

David L. Morgan, M.D., associate professor to professor, Pathology, School of Medicine;

Peter Syapin, Ph.D., associate professor to professor, Pharmacology, School of Medicine;

Tenure Track Faculty:

Miles Day, M.D., assistant professor to associate professor, Anesthesiology, School of Medicine;

Non-Tenure Track Faculty:

Koko Aung, M.D., assistant professor to associate professor, Internal Medicine, School of Medicine;

Robert A. Christenson, M.D., assistant professor to associate professor, Pediatrics, School of Medicine;

Ron Cook, D.O., assistant professor to associate professor, Family and Community Medicine, School of Medicine;

Kellie Flood-Shaffer, M.D., assistant professor to associate professor, Obstetrics and Gynecology, School of Medicine;

Allan T. Hanretta, M.D., Ph.D., assistant professor to associate professor, Neuropsychiatry, School of Medicine;

Bharat Khandheria, M.D., assistant professor to associate professor, Internal Medicine, School of Medicine;

Eric J. MacLaughlin, Pharm.D., BCPS, assistant professor to associate professor, Pharmacy Practice, School of Pharmacy;

Oscar Noriega, M.D., assistant professor to associate professor, Family and Community Medicine, School of Medicine;

Patti Patterson, M.D., associate professor to professor, Pediatrics, School of Medicine;

Pratibha Shirsat, M.D., assistant professor to associate professor, Pediatrics, School of Medicine;

Kathleen A. Snella, Pharm.D., BCPS, assistant professor to associate professor, Pharmacy Practices, School of Pharmacy;

Cloyce Stetson, M.D., assistant professor to associate professor, Dermatology, School of Medicine; and

David Waagner, M.D., associate professor to professor, Pediatrics, School of Medicine.

VI.A.10. TTUHSC: Approve designation of Grover E. Murray Professorship.—The board approved the designation of Neil Kurtzman, M.D., as Murray Professor, effective this date.

VI.A.11. TTUHSC: Authorize agreement to engage consultant.—The board approved the authorization to enter into a contract with a consultant, Medical Group Management Association, to develop and conduct a review of the School of Medicine Central Business Office (“CBO”).

Total cost of the consulting agreement is not to exceed \$75,000 for the design and review of the engagement. TTUHSC will reimburse the consultant’s actual travel, lodging and out-of-pocket expenses related to the engagement, estimated at \$15,000.

The review will include, at a minimum, the CBO organization, operation of functional areas, billing and insurance claims processing, fee schedule review, and management of accounts receivable.

VI.A.12. TTUHSC: Accept donation of a medical practice to the Health Sciences Center in Odessa.—The board accepted the following gift-in-kind for the benefit of the Health Sciences Center in Odessa: Cepero Pediatrics, P.A., from the family of Daniel Cepero, M.D., of Odessa, Texas.

Dr. Daniel Cepero, who died on November 25, 2003, was a medical doctor who practiced in the field of pediatrics in Odessa. Following Dr. Cepero’s death, the family decided to donate the practice to Texas Tech as a way of thanking Texas Tech for help during Dr. Cepero’s illness.

Texas Tech will assume no financial obligations in accepting the medical practice.

- VI.A.13. TTU: Approve Admissions Policy.—The board approved the Texas Tech University undergraduate admissions policy, included herewith as Attachment No. 7.
- VI.A.14. TTUHSC: Approve Admissions Policies.—The board approved the admissions policies of the Schools of Allied Health Sciences, Medicine, Nursing, and Pharmacy, included herewith as Attachment No. 8, for inclusion in Health Sciences Center’s operating manuals.

VI.B. REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

The Finance and Administration Committee met from approximately 12:18 p.m. until approximately 1:19 p.m., in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas. At the conclusion of the committee meeting, Chairman Black called on Regent Barth, Chair of the committee, to give the committee’s report.

Committee Chair Barth reported that the Finance and Administration Committee met in open session to consider those matters on its agenda and to formulate recommendations to the Board of Regents of the Texas Tech University System. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended by the Finance and Administration Committee and approved in open session and without objection by the Board of Regents of the Texas Tech University System.

- VI.B.1. TTU: Approve tuition increase and fee assessment schedule effective Fall semester, 2004—The board approved the global fee document for Texas Tech University, included herewith as Attachment No. 9, which includes a \$20 per semester credit hour increase in designated tuition effective with the Fall semester, 2004, and establishes fees to be assessed and charged to regularly enrolled and prospective students beginning with the Fall semester, 2004.
- VI.B.2. TTU: Approve revisions to Traffic and Parking Regulations and increase in vehicle registration fees.—The board approved an increase in vehicle registration fees and revisions to the Traffic and Parking Regulations for Texas Tech University, included herewith as Attachment No. 10.
- VI.B.3. TTUHSC: Approve fee assessment schedule effective Fall semester, 2004, and the establishment of the Student Union Fee effective Summer, 2004.—The board approved and adopted the global fee document for Texas Tech University Health Sciences Center, included herewith as Attachment No. 11, establishing fees to be assessed and collected from regularly enrolled and

prospective students effective with the Fall semester, 2004, and the establishment of the Student Union Fee effective Summer, 2004.

- VI.B.4. TTUHSC: Approve revisions to Traffic and Parking Regulations, including vehicle registration fees.—The board approved revisions to the Traffic and Parking Regulations for Texas Tech University Health Sciences Center, included herewith as Attachment No. 12.

RECESS FOR LUNCH.—The board recessed for lunch at approximately 1:19 p.m.

RECONVENING OF THE BOARD TO OPEN SESSION.—At approximately 1:48 p.m., the board reconvened in open session in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, for the purpose of continuing the meetings of its Standing Committees.

VI.C. REPORT OF THE FACILITIES COMMITTEE

The Facilities Committee met from approximately 1:48 p.m. until approximately 1:58 p.m. in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas. At the conclusion of the committee meeting, Chairman Black called on Regent Brooks, Chair of the committee, to give the committee's report.

Committee Chairman Brooks reported that the Facilities Committee met in open session to consider those matters on its agenda and to formulate recommendations to the Board of Regents of the Texas Tech University System. Unless otherwise indicated, the actions set forth in the Minute Orders that follow were recommended by the Facilities Committee and approved in open session and without objection by the Board of Regents of the Texas Tech University System.

- VI.C.1. TTU: Approve an increase to the Administration Building Stone Restoration project budget.—The board authorized the Office of Facilities Planning and Construction (i) to increase the project budget from \$1,800,000 to \$3,100,000 to fund the repairs of the structural deterioration found in the administration building bell towers during stone restoration work, and (ii) to obtain re-approval from the Texas Higher Education Coordinating Board. The increase will be funded with Higher Education Assistance Funds ("HEAF").
- VI.C.2. TTUHSC: Approve purchase of land.—The board authorized the Texas Tech University Health Sciences Center (i) to conclude negotiations and enter into an agreement for the purchase of a 0.160 acre parcel of land

described as Lot 12, Block 13, Scharbauer Place Addition, City of Odessa, Ector County, Texas, and (ii) to prepare documents for submittal to the Texas Higher Education Coordinating Board for approval; and upon approval, to proceed with the purchase of the property. The property will be held for future campus expansion.

- VI.C.3. TTUHSC: Approve naming the School of Nursing East Side Wellness Center.—The board approved naming the School of Nursing East Side Wellness Center in Lubbock “The Larry Combest Community Health and Wellness Center” in recognition of The Honorable Larry Combest’s significant contributions to Texas Tech and West Texas.

Former United States Representative Larry Combest served the people of the 19th district of Texas as a member of Congress for eighteen and one-half years (1985-2003). During his tenure, Congressman Combest was instrumental in assisting Texas Tech University Health Sciences Center and the School of Nursing in obtaining major funding support to address the nursing shortage in West Texas and throughout the country.

Congressman Combest consistently provided support to improve the quality of health care in West Texas. Federal funds for the clinic’s construction are a testament to Congressman Combest’s dedication to the medically-underserved population of East Lubbock and to the access of primary health care services for all.

- VI.C.4. TTUS: Report on Office of Facilities Planning and Construction projects.—The board accepted the report on the Office of Facilities Planning and Construction, a summary of which is included herewith as Attachment No. 13.

- VII. OPEN SESSION.—At approximately 1:58 p.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.

VII.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.

- VII.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. F. Scott Dueser	Mr. Brian C. Newby
Mr. C. Robert Black	Mr. L. Frederick Francis	Mrs. Windy Sitton
Mr. Dick Brooks	Mr. J. Frank Miller, III	Dr. Bob L. Stafford

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.

VII.A.2. TTUS: Report of Investment Advisory Committee, approve engagement of GMO, and ratify engagement of Oaktree Capital Management as investment managers.—Mr. Brunjes reported that members of the Investment Advisory Committee met on February 12, 2004 and recommended the following for consideration by the Board of Regents:

1. Oaktree Principal Opportunities Fund III, L.P., be hired as a private equity investment manager.

Subsequently, in accordance with Board of Regents Policy, the Chair of the Board of Regents, the Chair of the Finance and Administration Committee, and the Chair of the Investment Advisory Committee approved the engagement of Oaktree Principal Opportunities Fund III, L.P., as a private equity investment manager.

It was recommended that the Board of Regents ratify the following:

Oaktree Principal Opportunities Fund III, L.P., be hired as a private equity investment manager to comply with the asset allocation plan of the Long Term Investment Fund as set forth by the Board of Regents.

2. The committee also interviewed portfolio managers in the alternative asset class. The recommendation of the full Investment Advisory Committee was narrowed to GMO. Given the performance and credentials of the firm, it was recommended that they be considered as an alternative asset class manager.

Further, the committee recommends \$15,000,000 be invested in GMO Absolute Value Fund and \$10,000,000 be invested in GMO Mean Reversion.

Accordingly, it was recommended that the Board of Regents approve the following recommendation of the Investment Advisory Committee:

GMO Mean Reversion and GMO Absolute Value be hired as alternative asset hedge fund investment managers to comply with the asset allocation plan of the Long-Term Investment Fund as set forth by the Board of Regents.

Chairman Black noted that the Investment Advisory Committee consists of Regent Barth, chair; Regent Brooks and Regent Dueser.

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.

VII.A.3. TTUS: Approve amendment to Chapter 07, Regents' Rules (Fiscal Management).—Mr. Brunjes presented the item to approve the following amendment to Chapter 07, *Regents' Rules*, to clarify the application of debt coverage ratios in debt service payments for the Revenue Financing System:

Amend Section 07.05.02, RFS debt management policy, paragraph b, by adding a new subparagraph (5), as follows:

a. The TTU system will use the following guidelines for the RFS.

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(2) Debt service will be collected from departments at the component institutions in the amount of the 1.15 ratio listed in (4) until the reserve accumulated is equal to a department's maximum annual debt service for remaining debt outstanding. After that time, debt service will be collected in the amount of a 1.00 ratio.

(~~5~~ 6) The board will approve designated debt financing resources when a project is initiated. Reimbursement clauses, revenue stream certification, non-default certification, and all requirements of the RFS Master Resolution will be included in agenda items submitted to the board.

Opportunity for discussion followed the presentation. Regent Newby moved that the board approve the amendments to Chapter 07, *Regents' Rules*. The motion was seconded and passed unanimously.

VII.A.4. TTUS: Approve revision to Chapter 10, Regents' Rules (Intellectual Property Rights).—Mr. Anderson presented the item to approve the following revision to Chapter 10, *Regents' Rules* (Intellectual Property Rights). Specifically, the revision provides additional language to address sublicense income sharing in situations that involve research and development funding and/or collaboration.

Amend Chapter 10, *Regents' Rules*, Paragraph 7, Subparagraph (9), to read as follows:

“An entity that grants a license or sublicense to some other entity for property or technology that is in whole or in part derived from or based on that which is licensed to the entity by TTUS, should be required to share with TTUS: at least 40% of any royalty received by the entity and at least 40% of any equity position to which the entity may be entitled. An entity that participates in additional

research and development of property or technology that is licensed may be entitled a reduction from the above restriction per recommendation by the Director of the Office of Technology Transfer and Intellectual Property and approval of the president of the respective institution. Such participation means specifically: sponsored research into TTUS, bundling TTUS intellectual property with the entity's existing intellectual property to form joint intellectual property, and/or a specified product development period of over one year with mutually agreed upon milestones."

The intent of Paragraph 7(9) is to prevent what is known as "flipping". Often, third parties come into a license arrangement with the sole intent to broker the technology to a sublicensee. In order to preserve the interests of TTUS as it applies to such situations where substantial benefit might be realized by such a flipping event, the 40 percent floor on all sublicense monies is in place. However, with certain relationships, the business model relies heavily on partnering (sublicensing) at a point where significant value is added by the licensee.

Mr. Anderson noted that the revisions to Paragraph 7(9) of Chapter 10 of the *Regents' Rules* are being recommended to allow for a removal of the sublicense sharing percentage for situations that involve additional research and development on behalf of the licensee where significant value is added by the licensee in the form of research funding or bundling its own intellectual assets with TTUS intellectual property.

Regent Newby added the caveat that there be an opportunity to look at other options.

Opportunity for discussion followed the presentation. Regent Newby moved that the board approve the revisions to Chapter 10, *Regents' Rules*, as presented, with the added caveat of having an opportunity to look at other options mentioned in the presentation. The motion was seconded and passed unanimously.

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

VII.B. REPORT ON PROCESS FOR REVIEW OF INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER POLICIES.—The report on process for review of intellectual property and technology transfer policies was deferred to a later meeting. Chairman Black requested that Regent Newby work with Mr. Anderson in preparation of a report and review process. Regent Newby and Mr. Anderson

will also review other options available relating to Paragraph 7(9) of Chapter 10, *Regents' Rules*.

VII.C. REPORT ON AUDIT COMMITTEE STUDY.—The report on the Audit Committee study was deferred to the April board meeting. Chairman Black then appointed an Ad Hoc Audit Committee consisting of Regent Brooks, chair; Regent Barth; Regent Sitton; Regent Newby and Chairman Black.

VII.D. REPORT ON RACIAL PROFILING. – Mr. Jim Brunjes presented a report on racial profiling, included herewith as Attachment No. 14.

VII.E. REPORT ON HISTORICALLY UNDERUTILIZED BUSINESSES.—Chairman Black noted that the quarterly report on historically underutilized businesses, included herewith as Attachment No. 15, had been provided to the board prior to the board meeting. Opportunity for discussion followed.

VII.F. SCHEDULE FOR BOARD MEETINGS.—Mr. Ben Lock presented the following schedule for future board meetings: April 5, 2004 (Workshop/Retreat) (Location to be determined); May 13-14, 2004, Lubbock; August 5-6, 2004, Lubbock; October 21-22, 2004, Lubbock; and December 16-17, 2004, Lubbock.

Mr. Lock further noted that it is anticipated that scheduling of future board meetings will be discussed by the board at the April 5 Workshop/Retreat.

VII.G. THE PRESIDENT'S REPORT, TTU.—Chairman Black called on President Whitmore, who presented the President's Report, included herewith as Attachment No. 16.

VII.G.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 spring semester.

VII.H. THE PRESIDENT'S REPORT, TTUHSC.—Chairman Black called on President Wilson, who presented the President's Report, included herewith as Attachment No.17.

VII.H.1. REPORT BY STUDENT GOVERNMENT ASSOCIATION, TTUHSC.— Chairman Black called on Elizabeth Preston, president, Student

Government Association, TTUHSC, who presented a report on the student government activities for the spring semester.

- VII.I. CHANCELLOR'S REPORT.—Chairman Black called on Chancellor Smith, who presented the Chancellor's Report, included herewith as Attachment No. 18.

- VIII. EXECUTIVE SESSION.—At approximately 2:41 p.m., the board recessed and convened into Executive Session as authorized by Chapter 551 of the *Texas Government Code*.

- IX. RECONVENING OF THE BOARD TO OPEN SESSION.—At approximately 4:30 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.

- IX.A. REPORT OF EXECUTIVE SESSION.—Regent Newby reported there were no actions to consider from Executive Session.

- IX.B. CHAIRMAN'S ANNOUNCEMENTS.—There were no announcements.

- X. ADJOURNMENT.—Regent Brooks moved that the meeting be adjourned. The motion was seconded and passed unanimously. Chairman Black adjourned the meeting at approximately 4:30 p.m.

INDEX OF ATTACHMENTS

Attachment 1	TTU Budget Adjustments for the period November 1, 2003 through December 31, 2003
Attachment 2	TTUHSC Budget Adjustments for the period November 1, 2003 through December 31, 2003
Attachment 3	TTUSA FY 2005 Holiday Schedule
Attachment 4	TTU FY 2005 Holiday Schedule
Attachment 5	TTUHSC FY 2005 Holiday Schedule
Attachment 6	Revisions to Section 03.01.8, <i>Regents' Rules</i>
Attachment 7	TTU Admissions Policy
Attachment 8	TTUHSC Admissions Policies
Attachment 9	TTU Tuition Increase and Fee Assessment Schedule
Attachment 10	TTU Traffic and Parking Regulations
Attachment 11	TTUHSC Fee Assessment Schedule
Attachment 12	TTUHSC Traffic and Parking Regulations
Attachment 13	TTUS Report on the Office of Facilities Planning and Construction projects
Attachment 14	TTUS Report on Racial Profiling
Attachment 15	TTUS Report on Historically Underutilized Businesses
Attachment 16	TTU President's Report
Attachment 17	TTUHSC President's Report
Attachment 18	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 February 27, 2004.

Ben Lock
Secretary

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