

TEXAS TECH UNIVERSITY SYSTEM
Lubbock, Texas

Minutes

Board of Regents
October 23, 2009

Friday, October 23, 2009.—The members of the Board of Regents of the Texas Tech University System convened at 8:31 am on Friday, October 23, 2009, in the Matador Room (Room 227), Second Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas, with the following in attendance:

ATTENDANCE.—

Regents present were Larry K. Anders, Chairman; L. Frederick “Rick” Francis; John Huffaker; Mickey L. Long; Kyle Miller, Student Regent; Nancy R. Neal; John Field Scovell; Daniel T. Serna; and Jerry Turner, Vice Chairman.

Also participating at the opening of the meeting were Mr. Kent Hance, Chancellor, TTUS; Dr. Guy Bailey, President, TTU; Mr. Elmo Cavin, Interim President and Executive Vice President for Finance and Administration, TTUHSC; Dr. Joseph Rallo, President, ASU; Mr. Ben Lock, Executive Assistant to the Chancellor and Secretary of the Board of Regents, TTUS; Mr. Pat Campbell, Vice Chancellor and General Counsel, TTUS; Mr. Jim Brunjes, Vice Chancellor and Chief Financial Officer, TTUS; Ms. Sharon Meyer, Vice President for Finance and Administration, ASU; Dr. Kelly Overley, Vice Chancellor for Institutional Advancement, TTUS; Dr. Michael Shonrock, Vice President for Student Affairs, TTU; Mr. Jodey Arrington, Chief of Staff, Chancellor’s Office, TTUS; Mr. Jeff Harris, President, SGA, ASU; Ms. Suzanne Williams, President, SGA, TTU; and Mrs. Christina Martinez, Assistant Secretary to the Board of Regents, TTUS.

- II. CALL TO ORDER; CONVENE INTO OPEN SESSION OF THE BOARD.—
Chairman Anders announced a quorum present and called the meeting to order.
- III. INTRODUCTIONS AND RECOGNITIONS.—Chairman Anders called on Mr. Hance, Dr. Bailey and Dr. Rallo to announce their introductions and recognitions.

Mr. Hance stated that he had no introductions.

Dr. Bailey stated he had a special introduction. “Every summer we have opportunities for our students to do some unique thing to further their education. I am pleased to introduce a group of students and their professor who spent the summer researching, preparing and presenting proposals to a major retail entity,

Wal-Mart, on redesigning the hardware sections of two regional Wal-Mart Stores. All of these students are graduate students who will receive their master's degree in the RHIM program either in December 2009 or May 2010. Each of these students is asked to stand then Jill Godfrey will speak briefly about the program.

"Megan Smith from Houston; Jill Godfrey is from Washington, D.C.; Christina Kayfus is from Dallas; Michael Gonzales is also from Dallas; Ladda Charoensukvipad is from Clovis, NM; Shatina Chen from Taiwan; Amanda Kidwell Wilson from Woodbridge, VA; and their advisor, Dr. Deborah Fowler who is an associate professor in the Department of Nutrition, Hospitality and Retailing."

Dr. Bailey asked for Jill Godfrey to come forward to explain the project.

Ms. Godfrey stated that one other team member was also present. "Christina Green is from Dallas. Wal-Mart asked us to standardized their hardware and paint department for two different Wal-Mart's in Texas: Pampa and Dumas. They asked us to help them increase productivity, eliminate vendors, reallocate space more efficiently and to merchandise their products more efficiently. We received all of the data for the second summer term, July 1 and we presented to them on August 10 in Bentonville at their corporate office. We presented to about 50 to 60 corporate executives. Some of them were Texas Tech graduates. We did very well and it was a good experience."

Regent Huffaker asked if Wal-Mart was are doing better in Dumas and Pampa.

Ms. Godfrey replied, "They will if implement what we suggested and recommend."

Dr. Bailey continued, "Thank you, Jill. The important thing here is that as a result of these proposals, Wal-Mart executives have adopted the program to implement the major overhaul of the hardware sections of the two regional stores. This is the first time that Wal-Mart has ever entered into a partnership like this with a university. We believe this is a real break through because we have a partnership program with Wal-Mart. It also provides these students with opportunities to meet Wal-Mart executives. In fact, two of these students will go to work with the corporate office at Wal-Mart immediately upon graduation. Those are Jill and Christina. We are very proud of these students. This is a unique opportunity for us; it's a unique partnership. It also reflects on the kind of excellence we have across the board on our campus. We often focus on Engineering or Agriculture or Business, but we really have pockets of extraordinary excellence across the campus and these students and their professor represent that. Thank you very much."

Mr. Cavin began the Health Sciences Center introductions: “Thank you Mr. Chairman and members of the Board. It is truly an honor for me to introduce four of our outstanding faculty members at the HSC.

“I will begin with Dr. Roger Smalligan. Dr. Smalligan joined the HSC faculty as regional chair of the Internal Medicine Department in the School of Medicine at the Amarillo campus just last month. Dr. Smalligan graduated from John Hopkins University School of Medicine. He then completed internal medicine and pediatric residencies at Vanderbilt University. He returned to John Hopkins to pursue a Masters in Public Health degree and later served nine years in Ecuador as the medical director of a jungle-based mission teaching hospital prior to returning to academic medicine at East Tennessee State University. There he rose to division chief of the General Internal Medicine Department. Dr. Smalligan is a Fellow of the American College of Physicians and the American Academy of Pediatrics. Welcome to Texas Tech, Dr. Smalligan.

“Next is Dr. Roger James. Dr. James is a program director of our new Ph.D. in Rehabilitation Sciences program, within the School of Allied Health Sciences. By way of background, the Board may recall that you approved this new degree program back in August of 2007. The Coordinating Board approved it in April of 2009 and our first students enrolled this fall. Dr. James earned his BS in Education degree from Missouri State University; his MS and Ph.D. degrees in Exercise and Movement Sciences from the University of Oregon. In 1995, he joined the TTU Department of Health, Exercise, and Sport Sciences and, in 2004, he came to the HSC as an associate professor in the School of Allied Health Sciences Department of Rehabilitation Sciences. His research focuses on the prevention of muscle, bone, and joint disorders that occur as a consequence of mechanical loading during daily activities and exercise. Thank you, Dr. James, for your leadership of this new program.

“Next is Dr. Carol Boswell. Dr. Boswell is a professor in the Anita Thigpen Perry School of Nursing in the Permian Basin. She joined the HSC in 1999 and has actively worked to advance the stature and the mission of our School of Nursing in that region. She was instrumental in establishing the Center of Excellence in Evidence-based Practice with Medical Center Hospital in Odessa. Since 2001, she has served as an elected director for the Permian Regional Medical Center in Andrews, Texas. In September 2007, Dr. Boswell was inducted as a Fellow of the Academy of Nurse Educators by the National League for Nursing. Recently, she was elected as a governor-at-large to the National League for the Nursing Board of Governors. Dr. Boswell maintains an active teaching role within the RN BSN and traditional BSN programs. She also serves as grant reviewer for several agencies including the Health Resources and Services Administration of the Department of Health and Human Services. She consistently presents at international, national, and local venues on health literacy, evidence-based practice, and nursing education issues. Dr. Boswell, we appreciate your contributions to nursing on the local and national levels. Thank you.

“Next is Dr. Linda McMurry. Linda is the executive director of the Larry Combest Community Health and Wellness Center in Lubbock. Linda earned her BSN from West Texas State University in Canyon and her masters of science in nursing from TTUHSC. She is currently enrolled in our inaugural Doctorate of Nursing Practice program in the executive leadership track and will graduate with her Ph.D. in May 2010. The Combest Center is located in east Lubbock. It is an area with more than its share of the unemployed and underemployed, the uninsured and underinsured and the medically underserved residents. In March 2009, under Linda’s leadership, the Combest Center was conferred Federally Qualified Health Center status making it eligible for additional federal reimbursements. Just in the past year, the Center received almost \$5 million of funding from federal, state and private sources. Linda, thank you for your dedication and service to the residents of Lubbock.

Dr. Rallo did not have any introductions.

IV. CALL TO ORDER.— At approximately 8:40 am on Friday, October 23, the Board continued meeting in open session in the Matador Room (Room 227), Second Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas, to consider items as a Board and in the Committee of the Whole.

IV.A. APPROVAL OF MINUTES.— Chairman Anders asked for approval of the minutes of the board meetings held on August 7, 2009. Regent Turner moved for their approval. Regent Long seconded the motion, and the motion passed unanimously.

IV.B. COMMITTEE OF THE WHOLE.—Chairman Anders announced that for the purpose of facilitating action on the items to be considered, Regent Tuner would preside over the Committee of the Whole.

IV.B.1. Regent Turner presented the item regarding approval of the Consent Agenda and acknowledgment of review of the Information Agenda. Regent Turner 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. ASU: Approve renaming the Department of Government as the Department of Political Science and Criminal Justice.—The Board approved the renaming of the Department of Government as the Department of Political Science and Criminal Justice and authorized the Office of the Provost and Vice President for

Academic and Student Affairs to seek approval from the Texas Higher Education Coordinating Board, effective fall 2010. This request was approved administratively by the president and the chancellor.

IV.B.1.b. ASU: Approve renaming the Department of Communication, Drama and Journalism as the Department of Communication, Mass Media and Theatre.—The Board approved the renaming of the Department of Communication, Drama and Journalism as the Department of Communication, Mass Media and Theatre and authorized the Office of the Provost and Vice President for Academic and Student Affairs to seek approval from the Texas Higher Education Coordinating Board to be effective the fall 2010. This request was approved administratively by the president and the chancellor.

IV.B.1.c. TTU: Approve leaves of absence.—The Board approved the following leaves of absence. This request was approved administratively by the president and the chancellor.

Leave without pay for Eric Sinzinger, associate professor, Department of Computer Science, College of Engineering, for the period September 1, 2009 through May 31, 2010. The purpose of this leave is to increase knowledge of video surveillance in both industry and military. This leave will be taken in Washington, DC and Lubbock, TX;

Leave without pay for Bharti Temkin, associate professor, Department of Computer Science, College of Engineering, for the period September 1, 2009 through May 31, 2010. This is an extension of last year's leave, approved by the Board of Regents at its August 8, 2008 meeting. This leave is personal and will extend Bharti's absence for another year and guarantee a subsequent term appointment for up to two years in return for her planned retirement at the end of that term. Bharti Temkin's husband, Horn Professor Henryk Temkin passed away earlier this

year. This leave will be taken in Arlington, VA;
and

Leave without pay for Hae-Kyung Yang, assistant professor, Department of Political Science, College of Arts and Sciences, for the period January 1, 2010 through May 31, 2010. The purpose of this leave is to conduct research in collaboration with colleagues in the Department of Political Science at Duke-National University of Singapore, Singapore.

- IV.B.1.d. ASU: Approve commissioning of police officer.—The Board approved to commission the following individual as a police officer, effective with the date indicated below. This request was approved administratively by the president and the chancellor.

Lea A. Roach, effective September 8, 2009

- IV.B.1.e. TTU: Acceptance of a gift-in-kind in excess of \$250,000.—The Board approved to accept the following gift-in-kind for the benefit of Texas Tech University:

- 1) 120 Intactix software licenses worth \$14,000 each
- 2) 1 Intactix Knowledge Base and Category Advisor server worth \$160,000

This gift-in-kind contribution, made by JDA Software, Inc., totals \$1.84 million and benefits the retailing department in the College of Human Sciences.

This request was approved administratively by the president and the chancellor.

- IV.B.1.f. TTU: Approve the modification of the Burkhart Center for Autism Education and Research Operating Endowment, the Jere Lynn Burkhart Regents Professorship in Autism Endowment and the Jere Lynn Burkhart Regents Professorship in Autism Quasi Endowment.—The Board approved that:

- a. All monies associated with the Jere Lynn Burkhart Regents Professorship in Autism Endowment and the Burkhart Center for Autism Education and Research Operating Endowment be combined to establish the Jere Lynn Burkhart Chair in Autism Research Endowment
- b. The Jere Lynn Burkhart Regents Professorship in Autism Quasi Endowment will be renamed to the Jere Lynn Burkhart Regents Chair in Autism Quasi Endowment and all funds associated with the endowment be designated to benefit the purpose of the new chair.

Both requests were approved administratively by the president and the chancellor. The requests are in concurrence with the request of the donor.

Information Agenda

Information is provided as required by Section 01.02.6.b(2)(c), *Regents' Rules*

- (1) TTUHSC: Contract Renewals per Section 07.12.4.b., *Regents' Rules*: "Approval of the president is required for all component institution contract renewals or amendments. A list of those renewal contracts in excess of \$500,000 per annum, including the amount of the contract, will be provided to the Board as an information item at the next board meeting."
 - (a) Correctional Managed Health Care Committee; amendment to CMHCC Master Contract FY2008-2009 to add Supplemental Appropriations Request to increase total amount from \$182,891,471 to \$184,467,128.
 - (b) Correctional Managed Health Care Committee; amendment to CMHCC Master Contract FY2008-2009 to extend term 14 days.
 - (c) El Paso County Clinical Services, Inc; "Medical Services Agreement"; amendment to increase the amount from \$11,876,857 to \$13,438,680 per annum.
 - (d) Mary Crowley Cancer Research Centers, dba for Mary Crowley Medical Research Center; amendment to extend term two additional years at \$1,200,000 per annum.
 - (e) UMC, dba for Lubbock County Hospital District; renewal of "Master Coordinating Agreement" for 2009-2010; \$28,956,010 per annum.
 - (f) Texas State Office of Risk Management (SORM); renewal of workers compensation coverage for TTUHSC employees; \$736,113.

- (2) TTUS: Selection of Investment Managers per Section 09.02.14.b, *Regents' Rules*: "The selection of investment managers shall be approved by the Board. When necessary and appropriate during the interim between board meetings, the selection of investment managers may be approved as follows: (1) The IAC may recommend to the Board that an investment manager be hired on an immediate basis; (2) Upon such a recommendation by the IAC, the Board delegates its approval authority for the hiring of the recommended manager to the chair, the chair of the Finance and Administration Committee, the chair of the IAC, subject to the provisions of Subdivisions (3) and (4), herein; (3) In the exercise of this delegation of approval authority, standard actions regarding legal and due diligence review shall be conducted; and (4) Investment managers hired under this delegation of authority will be reported as an Information Item at the next board meeting."

- (a.) TTUS: Report on the Engagement of Westwood Holdings Group and Westwood Global Investments as Investment Managers and Investment in iShares MSCI EAFE ETF.

The Investment Advisory Committee ("IAC") met on September 10, 2009, and recommended the following investment funds for consideration by the Board of Regents:

1. Westwood Holdings Group – As a firm, Westwood manages over \$7 billion. This investment is in the "SMid" product, which invests in small and mid cap domestic equities. It has \$1.4 billion in the product, and generally holds between 45-60 securities. The strategy has been used since 1999, with it becoming widely available in 2005.
2. Westwood Global Investments – Not affiliated with Westwood Holding Group. This Westwood manages about \$1.4 billion in global equities. The investment under consideration is its Emerging Markets Fund, which holds about \$700 million in 25-35 names. The firm was founded in January 2003.
3. iShares MSCI EAFE ETF – This investment is in shares of an index fund that mimics the holdings of the MSCI EAFE index, a leading international equity index. The index is published by Morgan Stanley Capital International, and tracks securities in Europe, Asia, Australia, and the Far East. The investment is to gain more international equity exposure.

Upon the recommendation of the Investment Advisory Committee, 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 these managers on an immediate basis, as follows:

1. Westwood Holdings Group hired as a Domestic Equity manager with an allocation of \$10 million.
2. Westwood Global Investments hired as an International Equity – Emerging Markets manager with an allocation of \$15 million.

3. iShares MSCI EAFE ETF purchased with an allocation of \$10 million.

The motion was seconded and passed unanimously.

- IV.B.2. TTUS: Approve an amendment to Chapter 01, *Regents' Rules*, regarding conflicts of interest.—The Board approved that a clean-up amendment be adopted by the full Board with respect to the new conflict of interest policy applicable to Board members.

The new Board conflict of interest policy was added as Section 03.03 during the August 2009 meeting of the Board. At that time, it was noted that the *Regents' Rules* would need to be reviewed to see if conforming changes were needed in chapters other than Chapter 03. Only one such conforming amendment – in Chapter 01 (Bylaws) – was identified.

Note: A special rule applies to proposed amendments to Chapter 01. All Board members must be given notice of proposed changes to Chapter 01 at least 30 days in advance of the Board meeting at which the Chapter 01 amendment(s) will be considered. This requirement was satisfied when notice of the amendment proposed herein was sent to all regents by email on September 23, 2009.

The amendment recommended by the Rules Committee is as follows:

- 01.03 **Board conduct.** Each member of the board shall perform his or her activities on behalf of the TTU system in conformity with:
- a. [the ethics policy set out in Section 03.01, *Regents' Rules*, \[\]](#)
 - b. [the conflict of interest policy for board members in Section 03.03, *Regents' Rules*](#)
 - c. [the provisions of Chapter 09, *Regents' Rules*, relating to conflicts of interest and investments;](#) and
 - d. applicable state laws related to standards of conduct and conflicts of interest.

- IV.B.3. TTUS: Authorize an exception to the Regents' Rules to allow regents to serve as voting members of the TTUHSC Presidential Search Committee.—The Board approved that Board members who serve on either the TTUHSC Presidential Search Committee or the Advisory Committee to the Search Committee may do so as voting members of those search committees, an exception to a provision in Chapter 01 (Bylaws) of the *Regents' Rules* that must be granted.

Under Sec. 01.05, *Regents' Rules*, a member of the Board of Regents may only serve as a non-voting participant of an internal support or advisory group unless the Board specifically authorizes the regent to serve as a voting member.

The rationale is to avoid situations where a regent may have to vote as a member of the internal advisory group and then vote on the same matter again as a Board member when it comes before the Board of Regents for approval.

Given the October 2007 change in the *Regents' Rules* relating to the selection of a new President, a vote of the Board now is required to approve the Chancellor's selected candidate. Thus, regents who serve on presidential search and advisory committees may not serve in a voting capacity unless the Board grants an exception to the non-voting status requirement in Sec. 01.05.

- IV.B.4. TTUS: Approve appointment of a member to the Board of Directors of Texas Tech Foundation Inc.—The Board approved the appointment of Mike McVean of Dallas, Texas to the Board of Directors of Texas Tech Foundation, Inc.

Regent Turner stated that consideration of items by the Committee of the Whole was concluded.

- V. REPORTS OF STANDING COMMITTEES.—At approximately 8:46 am, at the direction of Chairman Anders, Standing Committee reports were presented sequentially to the Committee of the Whole.

- V.1. REPORT OF THE ACADEMIC, CLINICAL AND STUDENT AFFAIRS COMMITTEE

Committee Chairman Anders reported that the Academic, Clinical and Student Affairs Committee met in open session on October 22, 2009 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.

- V.A.1. ASU: Approve appointment with tenure.—The Board approved the granting of tenure to the following faculty of Angelo State University (“ASU”) contemporaneously with his appointment.

Detelin S. Elenkov, Ph.D., new professor of Management and the Norris Family Chair in International Business. Dr. Elenkov is currently serving as a tenured professor in the Department of Management at the University of Tennessee

- V.A.2. ASU: Approve the Tenure and Promotion Policy.—The Board approved changes in the Tenure and Promotion Regulations and Guidelines, as included herewith as Attachment No. 1, effective October 23, 2009, for Angelo State University (“ASU”).

- V.A.3. ASU: Approve the bachelor degree in Cultural Competence in the College of Liberal and Fine Arts.—The Board approved the new degree program for the Bachelor of Cultural Competence in the Department of Modern Languages within the College of Liberal and Fine Arts and authorized submission by the Office of the Provost and Vice President for Academic and Student Affairs to the Texas Higher Education Coordinating Board seeking its approval for such a program.

Implementation of this new program will not require additional space or facilities. The cost of the program for these new curricula, which will not exceed \$2 million, will be covered initially by a grant from the Department of Defense during the first five years of the program. The program will be administered through the Department of Modern Languages within the College of Liberal and Fine Arts.

- V.A.4. Approve revisions to the Admission to the Graduate Studies Requirements at Angelo State University, effective fall 2010.—The Board approved the revisions to the Admission to the Graduate Studies Requirements at Angelo State University, included herewith as Attachment No. 2, effective spring 2010.

- V.A.5. TTU: Approve appointment with tenure.—The Board approved the granting of tenure to the following faculty of Texas Tech University contemporaneously with his appointment:

Kevin Stoker, Ph.D., new associate professor in the College of Mass Communications. Dr. Stoker was previously a tenured associate professor in the Department of Communication at Brigham Young University, Provo, Utah.

- V.A.6. TTU: Approve name change from the College of Outreach and Distance Education to the University College.—The Board approved a change in the name of the college currently known as Outreach and Distance Education to University College and authorized submission by the Office of the Provost and Senior Vice President to the Texas Higher Education Coordinating Board (“THECB”) seeking its approval for such change.

The name change to University College will better represent the mission of the college, which has broadened to include degree-granting authority and on-campus instruction in addition to distributed learning programs. The name “University College” does not suggest a defined set of disciplines but is often used in other institutions for one or more of several purposes including, for example, distance and off-campus programs, interdisciplinary and general studies programs, and programs for adult and non-traditional students. Some institutions that have University Colleges include Arizona State University, the University of Arizona, the University of Maine System, the University of Maryland University College, the University of New Mexico, and the University of Oklahoma, to name only a few.

The change is in name only; there are no curriculum changes. No additional expenses will be incurred by this change other than those associated with changes to marketing materials, business cards, and letterhead.

- V.A.7. TTUHSC: Approve exceptions to Section 03.01.8, *Regents’ Rules* (nepotism).—This item was pulled from consideration.

- V.A.8. TTUHSC: Authorize a consulting agreement to provide services in the search for a president of Texas Tech University Health Sciences Center.—The Board authorized the chancellor, or his designee, to enter into a consulting agreement to provide assistance in the search for the Texas

Tech University Health Sciences Center (“TTUHSC”) president.

Academic Search Consultants, Inc. – with Dr. Robert Lawless as the firm’s principal search consultant – has been identified as best suited to assist in this search. Within the past 2 years, Dr. Lawless was the chief consultant on successful searches for a TTU President (Dr. Guy Bailey hired), a TTU Provost (Dr. Bob Smith hired), and a TTU Vice President for Research (Dr. Taylor Eighmy hired). Dr. Lawless was selected via an RFP Process for the Presidential Search and Provost Search.

The anticipated cost for this service is \$80,000, with the search firm’s administrative expenses included. The firm will bill direct, reimbursable expenses that include travel costs, advertising placements and candidate background checks incurred.

- V.A.9. ASU, TTU and TTUHSC: Report on enrollment.—The Board accepted a report on the enrollment of Angelo State University, Texas Tech University and Texas Tech University Health Sciences Center, included herewith as Attachment No. 3, Attachment No. 4, Attachment No. 5 and Attachment No. 6.

V.B. REPORT OF THE FACILITIES COMMITTEE

Committee Chairman Francis reported that the Facilities Committee met in open session on October 22, 2009 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.

- V.B.1. ASU: Approve a construction project to develop the Center for Security Studies.—The Board authorized Angelo State University (i) to proceed with a construction project to develop the Center for Security Studies with a project budget of \$2,400,000 (ii) to complete the design, and (iii) to award contracts to install the technology and the furniture/fixtures as required for the project. The project will be funded from proceeds by a Department of Defense Grant in the amount of \$2,400,000.

The Board also authorized the president to negotiate and execute any and all agreements with city, state, and county

agencies, utility companies and other entities required to successfully complete the project.

The ASU Approve a Construction Project to Develop the Center for Security Studies PowerPoint is included herewith as Attachment No. 7.

- V.B.2. TTU: Approve use of the Revenue Finance System for Phase III of the Chemistry Building Fire Suppression Project.—The Board authorized Texas Tech University to finance Phase III of the Chemistry Building Fire Suppression Project through the Revenue Finance System repaid with Higher Education Assistance Funds at a total amount, not-to-exceed, \$1,500,000.

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, declare 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 a new project an aggregate maximum principal amount expected to be \$1,500,000.

The Board authorized the president to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

The TTU Approve use of the Revenue Finance System for Phase III of the Chemistry Building Fire Suppression Project PowerPoint is included herewith as Attachment No. 8.

- V.B.3. TTU: Approve a construction project to abate and demolish Weeks Hall and the Doak Conference Center and to renovate the Wiggins Dining Center for the new Hospitality Services offices.—The Board deferred this item for consideration and approval until a later meeting date .
- V.B.4. TTU: Approve Stage I design budget to plan a new Residential Honors College Community.—The Board deferred

this item for consideration and approval until a later meeting date.

- V.B.5. TTU: Re-approve the construction project to expand the East Side of Jones AT&T Stadium.—The Board authorized the Office of Facilities Planning and Construction (i) to obtain re-approval from the Texas Higher Education Coordinating Board (“THECB”) for the Jones AT&T Stadium East Side Expansion project due to an increase in the budget; and (ii) to increase the budget from \$25,000,000 to \$32,630,000. The project will be funded through cash (\$18.83 M) and the Revenue Finance System (“RFS”) (\$13.8 M) to be repaid with athletics’ revenues and donations.

The Board 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, declare 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 a new project an aggregate maximum principal amount expected to be \$13,800,000.

The Texas Tech University System will issue tax-exempt debt to fund this project to the extent possible, as determined with our bond counsel. Should bond counsel recommend the issuance of taxable bonds for a portion of the debt, TTUSA will issue such through its revenue financing system.

The Board authorized the president to negotiate and execute any and all agreements with city, state, and county agencies, utility companies and other entities required to successfully complete the project.

The TTU Re-approve a Construction Project to Expand the East Side of Jones AT&T Stadium PowerPoint is included herewith as Attachment No. 9.

- V.B.6. TTUS: Report on Facilities Planning and Construction projects.—The Board accepted a report on the Facilities Planning and Construction managed projects, included

herewith as Attachment No. 10 and on the Facilities Planning and Construction Task Force.

V.C. REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

Committee Chairman Scovell reported that the Finance and Administration Committee met in open session on October 22, 2009 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 action set forth in the Minute Order that follows was 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.

V.C.1. ASU: Authorize a consulting agreement to provide service for a marketing study.—The Board authorized the president or his designee to enter into an agreement to engage a consultant to provide a marketing study to support Angelo State University's ("ASU") strategic goals and to help maximize the effective use of the university's marketing budget.

After evaluation of proposals received via an RFP process and interviews with selected firms, Cohn & Wolfe of Austin was chosen to assist in the study in line with ASU strategic goals.

The anticipated cost for this service is \$180,000 plus expenses.

V.C.1A. ASU: Authorize consulting agreement to provide for Title V, Hispanic Serving Institution ("HSI") federal grant program.—The Board authorized a consulting agreement between Angelo State University ("ASU") and Dowden Associates, Inc. ("Dowden").

On the 20th class day of the fall 2009 semester, the official Hispanic student enrollment equaled 25.07 percent of the full-time equivalent total student population at Angelo State University.

As a result, Angelo State University becomes eligible to submit an application for Title V, HSI ("Hispanic Serving Institution") funding, either as an individual institutional application and/or in partnership as appropriate and allowable with other institutions of higher education.

Dowden's provision of services that will assist in the development of such grant applications will continue for three annual grant application cycles. Should one or more proposals be successful as a result of the joint efforts of Dowden and Angelo State University, the University shall pay Dowden a fee of \$25,000 in each annual period during the term of the grant. The consultant's fee will be paid from Designated Tuition. None of the funds paid to the consultant shall be from the grant.

The range of the Title V, Hispanic Serving Institution federal grant amounts are between \$2.5 million and \$3 million over a five-year period, which would average to approximately \$500,000 per academic year.

If ASU does not receive funding or if applications are not accepted by the Federal government, no fee will be paid to the consultant, and Angelo State University's maximum expenditure will be the reimbursable travel costs paid to Dowden.

During the application development period only, the University will reimburse Dowden for travel costs. Per trip travel costs incurred during the 2010 competition round shall not exceed \$1,500, unless the University requires Dowden experts to remain on site for longer than three days, in which actual lodging and meal costs may exceed the \$1,500 limit.

In the event that the joint efforts of the University and Dowden are unsuccessful after three annual competition cycles on the application(s) covered by this Memorandum, both are released from further obligations of one to the other regarding said grant application.

The agreement with Dowden will be effective upon the approval of the Texas Tech University System Board of Regents.

V.C.2. TTU: Acceptance of a gift-in-kind in excess of \$250,000.—
The Board approved that the following gift-in-kind be accepted for the benefit of Texas Tech University ("TTU"):

- 1) 4,200 three-year software licenses (42 x 100 modules) of Mercury/3D Master Suite G-Core Software worth a total of \$35.42 million

- 2) Three-year Mercury/3D Master Suite G-Core Software maintenance worth \$7.09 million

This gift-in-kind contribution, given by Schlumberger Technology Corporation, totals \$42.51 million.

- V.D.3. TTU: Approve budget adjustments for the period September 1, 2009 through October 23, 2009.—The Board approved budget adjustments for the period September 1, 2009 through October 23, 2009.

TEXAS TECH UNIVERSITY – BOARD APPROVAL ITEM
(September 1, 2009 – October 23, 2009)

Activity	Source of Funds		Expense
	Other	Income	
Board Approval			
Law School Scholarships	646,867		646,867
This adjustment is to fund the Law School Scholarships account, which estimates awards of 135 scholarships for eligible recipients in FY2010. Source of Funds: Law School Deregulated Tuition Revenue			
Higher Education Incentive Funding	2,129,277		2,129,277
American Recovery and Reinvestment Act (ARRA) Government Services Fund (GSF) awarded to the state and appropriated by the Texas Legislature in Art. XII of SB1, the GAA for the 2010-2011 biennium, as managed by the Texas Higher Education Coordinating Board (THECB). Expenditures will comply with the guidelines as set forth by THECB and ARRA. This funding is for fiscal year 2010.			
Total	2,776,144		2,776,144

- V.C.4. TTUHSC: Authorization to engage a consultant.—The Board authorized the president to negotiate and approve an agreement between Texas Tech University Health Sciences Center (“TTUHSC”) and DJW Associates LLC (“DJW”) to advise and assist TTUHSC in preparing for the Liaison Committee on Medical Education (“LCME”) site visit to TTUHSC El Paso campus.
- V.C.5. ASU, TTU and TTUHSC: Authorize the submission of an application for funding through the Texas Higher Education Coordinating Board for American Recovery and Reinvestment Act Funds.—This item was pulled from consideration.
- V.C.6. TTUS: Authorize an amendment to a consulting agreement to provide support for federal relations.—The Board authorized the chancellor to amend the agreement with RH Strategies

that provides support services with regards to federal relations.

The Texas Tech University System ("TTUS") needs to enhance its ability to secure federal funding for research. Thus, the existing agreement with RH Strategies would be amended by adjusting the amount paid so that RH Strategies may in turn secure the needed assistance from Entrecorp of Austin, TX.

As a subcontractor under the current contract with RH Strategies, or its successor, Entrecorp would be paid at a rate of \$10,000 per month for one year, commencing on November 1, 2009.

V.D. REPORT OF THE AUDIT COMMITTEE

Committee Chairman Serna reported that the Audit Committee met in open session on October 22, 2009 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 action set forth in the Minute Order that follows was recommended by the Audit Committee and approved in open session and without objection by the Board of Regents of the Texas Tech University System.

V.D.1. TTUS: Report on audits.—The Board accepted a report on the System's audit projects, included herewith as Attachment No. 11.

VI OPEN SESSION.—At approximately 8:51 a.m. the Board continued in open session in the Matador Room (Room 227), Second Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas, to consider items as the Committee of the Whole and Meeting of the Board.

VI.A. SCHEDULE FOR BOARD MEETINGS.—Mr. Lock presented the following schedule for future board meetings: December 17-18, 2009; February 25-26, 2010 (Amarillo); May 13-14, 2010; August 5-6, 2010; October 15, 2010; and December 16-17, 2010.

VI.B. CHANCELLOR'S REPORT.—Chairman Anders called on Chancellor Hance, who presented the Chancellor's Report, included herewith as Attachment No. 12.

VI.C. THE PRESIDENT'S REPORT, TTU.—Chairman Anders called on President Bailey, who presented the President's Report, included herewith as Attachment No 13.

- X.C.1 REPORT BY STUDENT GOVERNMENT ASSOCIATION, TTU.—Chairman Anders called on Ms. Suzanne Williams, president, Student Government Association, TTU, who presented a report from the Student Government Association, included herewith as Attachment No. 14.

- X.D. THE PRESIDENT’S REPORT, TTUHSC.—Chairman Anders called on Interim President Cavin, who presented the President’s Report, included herewith as Attachment No. 15.

- X.E. THE PRESIDENT’S REPORT, ASU.—Chairman Anders called on President Rallo, who presented the President’s Report, included herewith as Attachment No. 16.

- VI.F.1 REPORT BY STUDENT GOVERNMENT ASSOCIATION, ASU—Chairman Anders called on Mr. Jeff Harris, president, Student Government Association, ASU, who presented a report from the Student Government Association, included herewith as Attachment No. 17.

- VII. EXECUTIVE SESSION.—At approximately 9:59 am, the Board recessed and convened into Executive Session as authorized by Chapter 551 of the *Texas Government Code*.

- VIII. OPEN SESSION.—At approximately 12:30 pm, the Board continued in open session in the Matador Room (Room 227), Second Floor, Student Union Building, 15th Street and Akron Avenue, Lubbock, Texas, to consider items as a Committee of the Whole and Meeting of the Board.

- VIII.A. REPORT OF EXECUTIVE SESSION.—Chairman Anders called on Vice Chair Turner to present motions regarding items discussed in Executive Session.

- Vice Chairman Turner announced there were two motions resulting from Executive Session.

- VIII.A.1 Upon the recommendation of President Bailey and concurrence by Chancellor Hance, Vice Chairman Turner moved that President Bailey be authorized to negotiate and enter into a license or lease agreement with Raider Park, L.P. and the Texas Tech University Alumni Association within the specific parameters set forth in Executive Session and subject to Board approval.

VIII.A.2 Vice Chairman Turner moved that the Board of Regents formally approve and concur with the appointment of Elmo Cavin as Interim President of the Texas Tech University Health Sciences Center, and that the Board of Regents express its appreciation to Mr. Cavin for his willingness to serve in this capacity

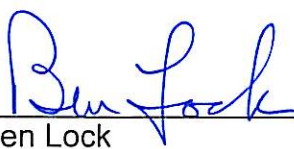
VIII.B. CHAIRMAN'S ANNOUNCEMENTS.—There were no announcements.

X. ADJOURNMENT.—Chairman Anders adjourned the meeting at approximately 12:32 pm.

INDEX OF ATTACHMENTS

Attachment 1	ASU Tenure and Promotion Regulations (Executive Summary of Changes included)
Attachment 2	ASU Admission to the Graduate Studies Requirements
Attachment 3	ASU Enrollment Presentation
Attachment 4	TTU President's Report on Enrollment PowerPoint
Attachment 5	TTU Fall 2009 Enrollment Report
Attachment 6	TTUHSC Enrollment PowerPoint
Attachment 7	ASU Approve a Construction Project to Develop the Center for Security Studies PowerPoint
Attachment 8	TTU Approve Use of the Revenue Finance System for Phase III of the Chemistry Building Fire Suppression Project PowerPoint
Attachment 9	TTU Re-approve the Construction Project to Expand the East Side of Jones AT&T Stadium PowerPoint
Attachment 10	TTUS Bricks and Mortar Report
Attachment 11	TTUS Prioritized Audit Plan 2010
Attachment 12	Chancellor's Report
Attachment 13	TTU President's Report
Attachment 14	TTU SGA President's Report
Attachment 15	TTUHSC President's Report
Attachment 16	ASU President's Report
Attachment 17	ASU SGA President'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 October 23, 2009.



Ben Lock
Secretary

SEAL