

TEXAS TECH UNIVERSITY SYSTEM  
Lubbock, Texas

Minutes

Board of Regents  
December 13, 2002

Friday, December 13, 2002.—The members of the Board of Regents of the Texas Tech University System convened at 9:00 a.m. on Friday, December 13, 2002, 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 J. Robert Brown, Chairman; Nancy E. Jones, Vice Chair; Carin Barth; C. Robert Black; E. R. “Dick” Brooks; John W. Jones; David R. Lopez; Brian C. Newby; and J. Michael Weiss.

Also participating at the opening of the meeting were Dr. David R. Smith, Chancellor, TTU System; Dr. David Schmidly, President, Texas Tech University; Mr. Elmo Cavin, Acting 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; Dr. John Opperman, Vice Chancellor for Policy and Planning, TTUS; Mr. Mike Sanders, Vice Chancellor for Governmental Relations, TTUS; Mr. Mark Lindemood, Vice Chancellor for Institutional Advancement, TTUS; Mr. Mike Ellicott, Vice Chancellor for Facilities Planning and Construction, TTUS; Dr. William Marcy, Provost, TTU; Dr. Lynda Gilbert, Vice President for Fiscal Affairs, TTU; and Lucy Lanotte, Executive Secretary to the Board of Regents.

- I. CALL TO ORDER.—Chairman Brown announced a quorum present and called the meeting to order.
- II. INTRODUCTIONS AND RECOGNITIONS.—Chairman Brown called on Dr. Smith and Dr. Schmidly for the introductions and recognitions. Dr. Schmidly recognized Dr. Linda Hoover on her appointment as dean of the College of Human Sciences.

Dr. Smith recognized Dr. Donald Haragan, on his selection as interim president of Texas Tech University. Dr. Smith noted that Dr. Haragan had served as president of Texas Tech University from 1996 to 2000, before retiring to return to

a teaching position in the Honors College. Dr. Smith expressed appreciation to Dr. Haragan for his dedication and loyalty to Texas Tech in accepting the interim position following Dr. Schmidly's resignation.

- III. EXECUTIVE SESSION.—At approximately 9:10 a.m., the board recessed and convened into Executive Session as authorized by Chapter 551 of the *Texas Government Code*.
  
- IV. RECONVENING OF THE BOARD TO OPEN SESSION.—At approximately 1:35 p.m. on Friday, December 13, 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 Weiss moved that the minutes of the board meeting held on November 14-15, 2002 be approved. Regent Barth seconded the motion, and the motion passed unanimously.

#### IV.B. COMMITTEE OF THE WHOLE

Chairman Brown announced that for the purpose of facilitating action on the items to be considered, Vice Chair Nancy Jones would preside over the Committee of the Whole.

- IV.B.1. Regent Nancy Jones presented the item regarding approval of the Consent Agenda and acknowledgment of review of the Information Agenda. Regent Nancy Jones noted that Item "I" of the Consent Agenda had been withdrawn and moved that the Consent Agenda be approved as modified. The motion was seconded and passed unanimously. The following are the Minute Orders approved by this motion:

- IV.B.1.a. TTU: Approve leaves of absence.—The board approved the following faculty development leaves, as approved administratively by the president and the chancellor.

Annually \$198,000 is allocated to accommodate thirty-six (36) development leaves. The home departments of these thirty-six faculty members are given \$5,500 to compensate hiring a lecturer or teaching assistant to replace each faculty member on leave. During fiscal year 2004 thirty-one faculty members can be awarded one semester leaves while five faculty members can be awarded yearlong leaves. Accordingly, these five faculty

members will receive half their annual salary, which will cause recovered salaries in the amount of \$147,899.

Faculty development leave with salary for Dr. James E. Barrick, professor, Department of Geosciences, from January 15, 2004 to May 31, 2004, to conduct research with P. H. Heckel on Upper Pennsylvanian conodonts. This leave will be conducted at the University of Iowa.

Faculty development leave with salary for Dr. Glenn J. Browne, associate professor, Area of ISQS, from January 15, 2004 to May 31, 2004, to observe and collect data at companies that engage in the development and use of information technology for strategic competitive advantage. This leave will be conducted from various companies around the country.

Faculty development leave with salary for Dr. Hendrika Buelinckx, associate professor, College of Architecture, from September 1, 2003 to May 31, 2004, to publish and exchange current research and pedagogical findings on the computational foundations of architectural design and to develop a new set of research directions for future collaborations with the Ecole d'Architecture de Luminy, Marseille, France. This leave will be taken in Marseille, France.

Faculty development leave with salary for Dr. Paul Carlson, professor, Department of History, from September 1, 2003 to December 31, 2003, to complete the research and writing of a book manuscript on the economic and ecological history of the Texas sheep and goat industry in the 20th century. This leave will be taken in Austin, Texas.

Faculty development leave with salary for Dr. Sankar Chatterjee, Horn professor, Department of Geosciences, from January 15, 2004 to May 31, 2004, to complete the writing of the proposed book, *The River of Life: Four Billion Years of Evolution*, and to collaborate with German colleagues at the University of Tübingen, Germany, on a research project entitled *The Evolution of the Archosaur Brain*. This leave will be taken at the University of Tübingen, Germany.

Faculty development leave with salary for Dr. Ed Check, associate professor, School of Art, from January 15, 2004 to May 31, 2004, to research the Wojnarowicz Papers/Archives at the Fales Library and Special Collections at New York University. This leave will be taken at New York University.

Faculty development leave with salary for Dr. Stephen W. Cook, associate professor, Department of Psychology, from September 1, 2003 to December 31, 2003, to acquire expertise in the area of cardiac psychology by extensive reading of relevant literature and initial writing toward the goal of obtaining grant funding to facilitate research in this area. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Sandi Cooper, associate professor, Area of Curriculum and Instruction, from September 1, 2003 to December 31, 2003, to have the time to focus on his scholarship to complete a number of manuscripts and to begin a new book. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Nelson Dometrius, professor, Department of Political Science, from September 1, 2003 to May 31, 2004, to enhance a research program on interactions among state governing institutions. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Du Feng, associate professor, Department of Human Development and Family Studies, from September 1, 2003 to December 31, 2003, to conduct a longitudinal study to examine the role of family relations in memory decline and risk of Alzheimer's disease among the elderly, and to work with Dr. Vern Bengtson and Dr. Roseann Giarrusso at the University of Southern California on a series of articles using the data collected from the Longitudinal Study of Generations. This leave will be taken at the University of Southern California.

Faculty development leave with salary for Dr. Jacki Fitzpatrick, associate professor, Department of Human Development and Family Studies, from January 15, 2004 to May 31, 2004, for scholarly activity in the area of technology mediated romantic relationships (TMRs). This leave will be

taken at various conferences and traveling to confer with colleagues.

Faculty development leave with salary for Dr. Shubhra Gangopodyay, professor, Department of Physics, from September 1, 2003 to May 31, 2004, to conduct research on Supercritical CO2 processes for microelectronics applications. This leave will be taken at Arizona and Austin.

Faculty development leave with salary for Dr. Robin Dru Germany, associate professor, School of Art, from September 1, 2003 to May 31, 2004, to expand his body of work, explore new integrations of traditional and digital technologies, and develop new strategies for art making and exhibiting. This leave will be taken at one of the major sites for electronic book art experimentation (Los Angeles, CA; Syracuse NY; or Boston, MA).

Faculty development leave with salary for Dr. Nora Griffin-Shirley, assistant professor, Area of Educational Psychology, from September 1, 2003 to December 31, 2003, to replicate the funded study: A Study to Determine Barriers to Ophthalmic Care in Hispanic Diabetics. This leave will be taken at the Virginia Murray Sowell Center for Research and Education at Texas Tech University and at Ohio State University, College of Optometry, Vision Rehabilitation Program.

Faculty development leave with salary for Dr. Sybil Hart, associate professor, Department of Human Development and Family Studies, from September 1, 2003 to December 31, 2003, to work on writing an academic book on the topic of infant jealousy. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Jorge Iber, associate professor, Department of History, from September 1, 2003 to December 31, 2003, to complete a manuscript and continuing with the research on another. This leave will be taken at Texas Tech University and the Valley.

Faculty development leave with salary for Dr. Aman Khan, associate professor, Department of Political Science, from September 1, 2003 to December 31, 2003, to pursue

research in the area of regional economic development. This leave will be taken in Lubbock and Austin, Texas.

Faculty development leave with salary for Prof. Bruce M. Kramer, Maddox Professor of Law, School of Law, from September 1, 2003 to December 31, 2003, to further his research, understanding and publications in the field of oil and gas law. This leave will be taken at the University of Dundee, Scotland, U.K. and the University of Calgary School of Law.

Faculty development leave with salary for Dr. Linda A. Krefling, associate professor, Area of Management, from January 15, 2004 to May 31, 2004, for intensive study of discourse analysis as a research methodology. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Thomas Lehman, professor, Department of Geosciences, from September 1, 2003 to December 31, 2003, for extended field work in Big Bend National Park, Texas. This leave will be taken in Lubbock, Texas and Big Bend National Park.

Faculty development leave with salary for Dr. Andrew W. Martin, associate professor, School of Art, from January 15, 2004 to May 31, 2004, to further develop his creative activity and artistic reputation through new research in drawing, painting, and constructed mixed media. This leave will be taken at the Texas Tech University Libraries and Southwest Collection and museums such as the Ranching Heritage Center and the American Wind Power Center.

Faculty development leave with salary for Dr. M. Catherine Miller, associate professor, Department of History, from September 1, 2003 to May 31, 2004, to complete research toward a book and other publications on radical lawyering and the role of the jury challenge. This leave will be taken in California, New York, and Washington, D.C.

Faculty development leave with salary for Dr. Gregory H. Mumma, associate professor, Department of Psychology, from January 15, 2004 to May 31, 2004, to further develop skills in the following areas: multivariate time series models including confirmatory dynamic factor analysis, econometric times series models (e.g., state-space models), and

hierarchical linear models applied to intraindividual repeated measures data and to study naturalistic and simulated event sampling methods, methods for the psychometric validation of individualized (idiographic) clinical case formulations, and use of idiographic methods to increase the sensitivity of process and outcome measures in clinical trials research. This leave will be taken at Texas Tech University, in Hawaii, and in the Tampa Bay Area.

Faculty development leave with salary for Dr. John P. Murray, professor, College of Education, from January 15, 2004 to May 31, 2004, to develop an Academic Administrators' Academy for the National Council of Academic Administrators, which is a council of the American Association of Community Colleges, as well as continue research on community college leadership. This leave will be taken in Lubbock and Houston, Texas.

Faculty development leave with salary for Dr. Arturo Olivarez, Jr., associate professor, Department of Education Psychology and Leadership Division, from September 1, 2003 to December 31, 2003, to conduct research using a path analytical methodology to determine the mediating effects of motivation between personality and mathematics achievement as well as ability and mathematics achievement in a population of Mexican American college students. This leave will be taken at Texas Tech University and University of Texas Pan American and El Paso.

Faculty development leave with salary for Dr. James R. Reckner, associate professor, Department of History, from January 15, 2004 to May 31, 2004, to complete a book writing project. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. Edward I. Steinhart, associate professor, Department of History, from September 1, 2003 to December 31, 2003, to research the question of slavery in the pastoral kingdom of Ankole or Nkore in western Uganda, and to begin to write up the findings for publication. This leave will be taken in western Uganda.

Faculty development leave with salary for Dr. Shan Sun, associate professor, Department of Mathematics and Statistics, from September 1, 2003 to December 31, 2003, to

collaborate with professors Bai and Reynolds to quantify the hazards in highway work zones and recommend design or operational changes to reduce risk to both the traveling public and highway workers. This leave will be taken at Texas Tech University.

Faculty development leave with salary for Dr. Roman Taraban, associate professor, Department of Psychology, from January 15, 2004 to May 31, 2004, to create a context for an intense period of reflection across several related topics of completed research in the area of text comprehension, for the integration of previous research findings into an overarching model of text comprehension, for travel, and for collaborations—including re-connecting with former students and providing intellectual support for research—that normally would not be possible as a full-time faculty member. This leave will be taken at Texas Tech University.

Faculty development leave with salary for Dr. Julie Thomas, associate professor, Area of Curriculum and Instruction, from January 1, 2004 to May 31, 2004, to allow focused work on scholarship—singular attention to writing and publication. This leave will be taken in Lubbock, Texas.

Faculty development leave with salary for Dr. David Tissue, associate professor, Department of Biological Sciences, from January 15, 2004 to May 31, 2004, to conduct research on the role of woody shrubland vegetation and forest trees in the uptake and storage of carbon in New Zealand. This leave will be taken at the Okarito Forest in South Westland, New Zealand.

Faculty development leave with salary for Dr. Karen S. Wampler, professor, Department of Human Development and Family Studies, from January 15, 2004 to May 31, 2004, to interact with scholars at the University of Minnesota who are conducting a major, longitudinal study on the development of attachment relationships across the lifespan in a high risk population. This leave will be taken at the University of Minnesota.

Faculty development leave with salary for Dr. David Weinberg, associate professor, Department of Mathematics

and Statistics, from January 15, 2004 to May 31, 2004, to participate in the Program on Topological Aspects of Real Algebraic Geometry at the Mathematical Sciences Research Institute. This leave will be taken in Berkeley, California.

Faculty development leave with salary for Dr. William Wenthe, associate professor, Department of English, from January 15, 2004 to May 31, 2004, for the purpose of writing and revising poems, with the goal of completing a third book of poetry. This leave will be taken in Georgia, Canada, and Lubbock, Texas.

Faculty development leave with salary for Dr. Gene R. Wilde, associate professor, Department of Range and Wildlife Fisheries, from September 1, 2003 to December 31, 2003, to take an extended visit to Australia to work with Infofish—which manages a large national catch and release data base—to further develop our collaboration relationship and to consult with Australian Fishery biologist on catch and release fishing, and allow time to work on a book on catch and release fishing. This leave will be taken in Canberra, Australia and Lubbock, Texas.

Faculty development leave with salary for Dr. Hong C. Zhang, professor, Department of Industrial Engineering, from September 1, 2003 to May 31, 2004, to develop a collaborative research for end-of-life electronic products disassembly and recycling and to further develop curriculum of the newly established graduate program of Master of Science in Manufacturing Systems and Engineering. This leave will be taken in San Antonio, Texas and Lubbock, Texas.

- IV.B.1.b. TTU: Approve conferral of degrees for the December 14, 2002 commencement.—The board approved the conferral of degrees for the December 14, 2002 commencement upon all candidates who have completed requirements for degrees since the last official commencement and who are certified by the appropriate faculties, deans, and registrar of Texas Tech University as having met all degree requirements of the degree as indicated by the official printed commencement program of December 14, 2002, as approved administratively by the president and the chancellor.

- IV.B.1.c. TTU: Approve addition of delivery at a distance of two graduate degree programs in Computer Science.—The board approved the delivery of the following master and doctoral degree programs, previously approved and currently being offered in a traditional format, to be offered through distance delivery modes, as approved administratively by the president and chancellor, and authorized the chancellor to cause a proposal to be submitted to the Texas Higher Education Coordinating Board seeking approval for delivery of such programs at a distance:

Master of Science in Computer Science – College of Engineering  
Doctor of Philosophy in Computer Science – College of Engineering

- IV.B.1.d. TTUHSC: Approve emeritus appointments.—The board approved granting the title of “professor emeritus” to the individuals listed below, as approved administratively by the president and the chancellor:

D. Eric Blackwell, M.D., professor and former chief, Division of Diagnostic Ultrasound in the Department of Radiology, School of Medicine. Dr. Blackwell retired on August 31, 2002, after more than 25 years of service to the School of Medicine; and

Vymutt J. Gururaj, M.D., professor and former director, Undergraduate Medical Education and Primary Care Residency Programs. Dr. Gururaj retired on August 31, 1997, after more than 20 years of service and has continued serving TTUHSC as a volunteer clinical faculty member with the Department of Pediatrics since his retirement.

- IV.B.1.e. TTUHSC: Approve electronic delivery of the Master of Science in Nursing Program.—The board approved the electronic delivery of the Master of Science in Nursing Program (on existing program inventory) to the TTUHSC El Paso, Amarillo, and Dallas campuses, as approved administratively by the president and the chancellor.

- IV.B.1.f. TTUHSC: Approve change in school name from School of Allied Health to School of Allied Health Sciences.—The board approved addition of the word “Sciences” to the name of the TTUHSC School of Allied Health, thereby renaming it the TTUHSC School of Allied Health Sciences, as approved administratively by the president and the chancellor.

Approval of this change brings the School's name into alignment with all other similar schools in Texas and reflects more accurately the increased diversity and scope of academic degree programs offered.

- IV.B.1.g. TTUHSC: Approve changes in names of Department of Communication Disorders and Department of Diagnostic and Primary Care, School of Allied Health.—The board approved changing the names of two departments within the TTUHSC School of Allied Health, as approved administratively by the president and chancellor, as follows: Department of Communication Disorders to be changed to Department of Speech, Language and Hearing Sciences; and Department of Diagnostic and Primary Care to be changed to Department of Laboratory Science and Primary Care.

Approval of these requested changes brings both departments' names into alignment with other similar departments nationwide and reflects more accurately each department's mission focus on teaching and research.

- IV.B.1.h. TTU: Approve revisions to Traffic and Parking Regulations.—The board approved the following revisions to the Traffic and Parking Regulations, as approved administratively by the president and the chancellor:

Amend the Regulations applicable to Texas Tech University to read as follows:

Paragraph I

“These regulations are established by Texas Tech University ~~and Texas Tech University Health Sciences Center campuses~~ in order to facilitate the safe and orderly conduct of business and to provide registered vehicles parking space as conveniently as possible within the limits of space available. Operating a motor vehicle on campus is a privilege and is conditioned, in part, on complying with these rules and regulations.”

Paragraph IV

“The following are the regulations that apply to the University, including fee and refund schedules, and are effective ~~May 14, 2004, May 19, 2003,~~ through the end of the week following Graduation in the following Spring Semester.”

Paragraph V.B

“Due to the diverse nature of operations between the University and the Health Sciences Center campuses, it is necessary to have certain regulations that pertain to the specific institution; these are ~~included as Appendix A for the University and Appendix B for the Health Sciences Center campuses.~~ submitted separately by each institution. Following are the regulations that apply to Texas Tech as defined in C.1 below.”

Paragraph V.C.1

“1. The campus is defined as all lands owned, managed, or otherwise controlled by the University ~~and the various Health Sciences Center campuses,~~ herein called “Texas Tech”.”

Paragraph V.C.4

“4. A valid parking space is defined as an area designated on three sides by lines and/or posts, curbs, or other types of barriers for the explicit purpose of parking a motor vehicle.”

Paragraph V.N

“N. The parking wheel stops and curbs located all over campus are six inches tall. Many newer and some older model vehicles have special ground effects attachments, air dams, fog/driving lights, or other attachments that reduce ground clearance under the vehicle. Driving such vehicles over the parking wheel stop or curb may cause damage to these vehicles. Drivers are urged to use caution when parking vehicles to avoid damage. Texas Tech assumes no responsibility in such cases.”

Paragraph VII.C.21

“21. Failure to pay Pay Station 20.00”

Paragraph VII.F

“F. All motorcycle registration permits are issued for the academic year. They may be purchased at any time during the year at a rate that is prorated monthly. ~~(See schedule in Appendix A or B)~~”

Paragraph VII.G

- "G. Bicycles should be parked in racks whenever available. Use of shrubs, trees, or any architectural structures to secure bicycles is prohibited. Bicycles are not permitted in Texas Tech academic or administrative buildings. Any bicycle found in violation of this subsection may be impounded. The normal impoundment fee is \$40.00. THE IMPOUNDMENT FEE DOES NOT INCLUDE THE COST OF THE CITATION OR ANY APPLICABLE STORAGE FEES. (See Section VIII IX.A. 1 and 2)"

Paragraph VII.J

- "J. Any bicycle or locking device not removed from campus at the end of the Spring Semester may will be considered abandoned and may will be properly disposed of through Property Inventory."

Paragraph VII.K.2

- ~~"2. All violations as set forth in ordinances enacted by the City of Lubbock, Texas, may be adjudicated in Municipal Court, 10th Street and Avenue J, Lubbock, Texas."~~

Paragraph VIII.B

- "B. Appeal the citation in writing, within ten (10) calendar days of the alleged violation, through the individual designated as the supervisor of parking appeals for University violations ~~or the Traffic and Parking Office at the Health Sciences Center for violations that occur there.~~"

Paragraph IX.B

- "B. If the owner or driver of a motor vehicle to be impounded arrives before impoundment has begun, the vehicle will not be impounded. If the owner or driver arrives after impoundment has begun, the vehicle will not be impounded if the driver opts to pay the tow truck driver ~~or Texas Tech parking enforcement personnel~~ a fee of \$25.00 (payable in a manner acceptable to ~~either the towing company or Texas Tech~~) in lieu of impoundment."

Paragraph IX.D

- "D. No personal property or vehicles (including boats, trailers, motor homes, etc.) shall be permitted to be

stored or parked on the campus without permission from the appropriate Traffic and Parking Office.”

#### Paragraph X.C

~~“C. The University provides a shuttle bus service to assist persons with their on-campus transportation needs. The shuttle bus service is operated between the hours of 5:00 P.M. and 4:00 A.M. during the fall and spring semesters (when school is in session). One of the buses is lift-equipped to accommodate persons with disabilities. Shuttle bus schedules are available at various locations campus including the residence halls, the Texas Tech Police Department, and the Dean of Students’ Office.”~~

#### Paragraph XI.B

“B. Area reserved parking spaces are available to qualified faculty and staff (See XI.A) in certain designated parking lots. Transferable permits ~~may~~ will be issued for all area reserved lots. However, a non-transferable permit may be issued at the registrant’s request. In either case, only one area reserved permit will be issued per registrant. Motorcycle areas will not be provided in all area reserved lots; however, motorcycles will be allowed to park in these lots with the proper permit. Area reserved permit holders should overflow to designated overflow lots if all available area reserved spaces in the lot are taken.”

#### Paragraph XI.C

“C. Renewal notices for persons assigned reserved and area reserved spaces are sent out prior to the end of the Spring Semester. Employees who wish to retain a permit for their assigned lot space for the next year must renew their registration by the date stated in the renewal notice. Most major credit cards (Visa, Mastercard, and Discover) may be used to make this payment, as well as cash, personal checks, and payroll deductions. (Payroll deductions are not available to Research Assistants/Teaching Assistants due to the way in which they are appointed/semester to semester.)”

#### Paragraph XI.D

“D. Spaces are provided in the Flint Ave. Parking Facility for faculty, staff and students. Both reserved and area reserved permits are provided for faculty and staff on a

limited basis. A limited number of student permits are available on a first-come first-served basis.”

Paragraph XI.F.6

- “6. On days of home football games, parking lots in the vicinity of Jones SBC Stadium are reserved for game day football parking permit holders. **VEHICLES PARKED IN THESE LOTS NOT DISPLAYING A VALID GAMEDAY FOOTBALL PARKING PERMIT MAY BE TOWED BY THE ATHLETICS DEPARTMENT THROUGH AN INDEPENDENT TOWING SERVICE AT THE VIOLATOR’S EXPENSE.”**

Paragraph XI.G

- “G. Off-campus students who cannot be accommodated in the commuter parking lots will be assigned to the Park and Ride lot southwest of the Health Sciences Center until the commuter lots have available space. Park and Ride permits will be honored in the commuter lots after 3:00 P.M. Bus service will be available from the Park and Ride lot to the main campus.”

Paragraph XI.M

- “M. The University provides a bus service to assist persons with their on-campus transportation needs. Bus service is provided Monday through Friday between the hours of 7:10 A.M. and 3:00 A.M. during the fall and spring semesters (when school is in session). Limited service is available on the weekends. One of the buses is lift-equipped to accommodate persons with disabilities. Additional information is available in the Student Government Association office.”

Paragraph XI.N

- “N. Certain lots are controlled by permit until 8:00 P.M.; for those who don’t already have a permit, an hourly pass is available at an adjacent pay station. Texas Tech permits and/or dash passes are not honored in these areas prior to 5:30 P.M.”

Paragraph XV.A

- “A. University Service Vehicle Parking  
Faculty, staff, and students who operate Texas Tech University service vehicles on campus should become

familiar with the contents of Operating Policy/Procedure 61.24. Small utility vehicles operated on campus must be comply with University OP 80.07 "Vehicle Fleet Management Program". University service vehicles may be parked only in the following areas, which are listed in priority order:

1. Service area or service drive must be used if the building has one.
2. Time limit space
3. Visitor space
4. Area Reserved
5. On-street parking"

IV.B.1.i. TTU: Approve modification of loan fund for the College of Architecture.—The board approved modifying the Marshall Pennington Loan Fund and renaming it the Marshall L. and Mary V. Pennington Scholarship Endowment, as approved administratively by the president and the chancellor. The Endowment shall be used to provide scholarships for students in the College of Architecture with a curriculum plan incorporating a strong emphasis of studies within the business discipline.

IV.B.1.j. TTU: Approve delegation of signature authority.—The board approved the delegation of signature authority, which request had been approved administratively by the president and the chancellor.

- (1) To sign checks drawn on the revolving fund and all other checking accounts of the university in any depository bank, except the University's Cashier's Account, effective December 12, 2002 and to continue until August 31, 2003, or until such time as they are separated from the university or assigned other responsibilities, and further provided that any mechanically signed check of \$25,000 or more shall be reviewed and manually signed by one of the employees listed who may sign:

David R. Smith, M.D., Chancellor  
Jim Brunjes, Chief Financial Officer  
David J. Schmidly, President  
William M. Marcy, Provost  
Lynda Gilbert, Vice President for Fiscal Affairs  
Charlie L. Stallings, Associate Vice President for Fiscal Affairs

Nancy Whittaker, Assistant Vice President for Fiscal  
Affairs and Comptroller  
Gloria J. Hale, Assistant Vice President for Human  
Resources  
Ted W. Johnston, Director of Grants and Accounting  
**Rebecca Perez, Interim Director of Grants and  
Contracts Accounting**

- (2) To sign and/or countersign cashier's checks drawn on the university's Cashier's Account, effective December 12, 2002, and to continue until August 31, 2003 or until such time as they are separated from the university or assigned other responsibilities, whichever comes first, and further provided that any mechanically signed check of \$25,000 or more be reviewed and manually signed by one of the employees listed who may sign or countersign:

Employees who may sign or countersign:

David R. Smith, M.D., Chancellor  
Jim Brunjes, Chief Financial Officer  
David J. Schmidly, President  
Lynda Gilbert, Vice President for Fiscal Affairs  
Charlie L. Stallings, Assistant Vice President for Fiscal  
Affairs  
Gloria J. Hale, Assistant Vice President for Human  
Resources  
Ted W. Johnston, Director of Grants and Contracts  
Accounting  
**Rebecca Perez, Interim Director of Grants and  
Contracts Accounting**

Employees who may countersign only:

Becky Hyde, Director of Student and University Financial  
Services

- IV.B.1.k. TTU: Approve budget adjustments for the period July 1, 2002 through October 31, 2002.—The board approved budget adjustments for the period July 1, 2002 through October 31, 2002, included herewith as Attachment No. 1, as approved administratively by the president and the chancellor.
- IV.B.1.l. TTUS: Approve finding of fact necessary for dual employment.—This item was withdrawn.

- IV.B.1.m. TTUS: Authorize continuance of the employer portion of group health plan for “retiring” Regents.—The board authorized that employer’s required premium payments for a Regent participating in group health coverage plan be continued after the Regent’s term provided that no lapse in coverage occurs, as recommended by the chancellor. The payment for these required premium payments will be made from Texas Tech University System Administration designated (“local”) funds.

Regent Nancy Jones 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 2002 per Section 01.01.8.c(3)(f), *Regents’ Rules*: All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
  - (a) TTU: Report dated August 31, 2002 for fiscal year 2002; and
  - (b) TTUHSC: Report dated August 31, 2002 for fiscal year 2002.
  
- (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) R.E. Thomason General Hospital; renewal of Residents Agreement; 7/1/02-6/30/03; \$7,220,448; and
  - (b) R.E. Thomason General Hospital; renewal of Emergency Medicine Physician Services Agreement; 10/1/02-9/30/03; \$3,809,842.
  
- (3) TTUHSC: School of Medicine Faculty Employment Contracts per Section 07.12.4.c, *Regents’ Rules*: Approval of the president is required for faculty employment contracts greater than \$100,000 per annum. A list of all faculty employment contracts greater than \$100,000 per annum will be provided to the board as an information item at the next board meeting.
  - (a) Allen, Mariano, M.D., Assistant Professor/NTT; Pathology, El Paso; 9/12/02-8/31/03; \$153,000;
  - (b) Days, Alision, M.D., Instructor/NTT; Pediatrics, El Paso; 12/1/02-8/31/03; \$100,000;

- (c) D’Cunha, Nicholas C., M.D., Assistant Professor/NTT; Internal Medicine, Lubbock; 1/6/03-1/8/04; \$140,000;
- (d) Gonzalez, Jose L., M.D., Associate Professor/NTT; Ob/Gyn, El Paso; 11/1/02-8/31/03; \$230,000;
- (e) Irons, Barry, L., M.D., Assistant Professor/NTT; Neuropsychiatry, El Paso; 11/1/02-8/31/03; \$130,000;
- (f) Khalaf, Majid, M.D., Instructor/NTT; Anesthesiology, Lubbock; 11/1/02-8/31/03; \$150,000;
- (g) McGunegle, Daniel, M.D., Clinical Professor/NTT; Ob/Gyn, Lubbock; 9/9/02-8/31/03; \$102,900; and
- (h) Miller, Daniel James, M.D., Associate Professor/NTT; Surgery, El Paso; 11/1/02-8/31/06; \$400,000.

(4) **TTU, TTUHSC and TTUS: Informational Reports:**  
Reports on annual research activities and Facilities Planning and Construction projects are provided to the Board of Regents as information.

- (a) TTU: Annual report on research activities at Texas Tech University;
- (b) TTUHSC: Annual report on research activities at Texas Tech University Health Sciences Center; and
- (c) TTUS: Report on Office of Facilities Planning and Construction projects.

The motion was seconded and passed unanimously.

Vice Chair Nancy Jones stated that consideration of items by the Committee of the Whole was concluded.

V. **OPEN SESSION.** – The board continued in Open Session to meet concurrently with its Standing Committees.

VI. **MEETINGS AND REPORTS OF STANDING COMMITTEES.**—At approximately 1:39 p.m., at the direction of Chairman Brown, the board recessed into meetings of its Standing Committees, which were conducted sequentially in open session. Chairman Brown 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 1:39 p.m. until approximately 1:55 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 1:55 p.m. until approximately 2:05 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 2:05 p.m. until approximately 2:06 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 1:39 p.m. until approximately 1:55 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 Brown 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. TTUHSC: Approve change in academic rank and granting of tenure.—The board approved the change in academic rank from Assistant Professor to Associate Professor, and the granting of tenure to R. Michael Ragain, M.D., contemporaneously with his appointment as newly selected Chair of the Department of Family and Community Medicine in the School of Medicine at Lubbock. Dr. Ragain has served as the Interim Chair of the department for the past twelve months.

VI.A.2. TTUHSC: Approve appointments with tenure.—The board approved granting of tenure to the following faculty of Texas Tech University Health Sciences Center contemporaneously with their appointments:

Arthur T. Evans, M.D., new professor and newly selected Chair of the Department of Obstetrics and Gynecology in the School of Medicine at Lubbock. Dr. Evans was previously tenured as a professor at the University of Kentucky at Lexington; and

Bahij Nuwayhid, M.D., new professor and newly selected regional Chair of the Department of Obstetrics and Gynecology in the School of Medicine at El Paso. Dr. Nuwayhid previously was tenured as a professor at the University of Illinois at Chicago.

VI.A.3. TTUHSC: Approve agreement with consultant to design and develop a physician disproportionate share program for Medicaid.—The board authorized the president to negotiate and enter into an agreement to engage a consultant to design and develop a physician disproportionate share program for Medicaid. This program would involve possible intergovernmental transfers from the School of Medicine to the Texas Department of Health in Austin with a resulting drawdown of federal Medicaid funding that would be returned to the School of Medicine. Total cost of the consulting agreement is not to exceed \$25,000 plus expenses for the design and development phase of the program. In addition, if successful in increasing Medicaid reimbursement to the university-related physicians, a one-time fee will be charged equal to a percentage of net new revenues. The term of the agreement will be January 2003 through July 2005.

VI.A.4. TTUHSC: Approve amendment to the University Medical Center Endowment Trust Agreement for recruitment of TTUHSC faculty members.—The board approved amending the current University Medical Center (“UMC”) Endowment Trust Agreement to permit an exception to provide monies for expenses related to the recruitment of TTUHSC full-time physician faculty members in the School of Medicine.

The Trust Agreement was started December 1996 by the University Medical Center, and held in corporate trust by Plains National Bank, to support the recruitment and retention of full-time faculty with the School of Medicine. Contemporaneous to action by the Board of Regents, the Trust Agreement has been recently amended by the University Medical Center Board of Managers as follows:

“Paragraph 3.10(d). The Trust Administrators together may give written direction to the Corporate Trustee to make payments and distributions from net income to pay reasonable expenses related to the recruitment of full-time physician faculty members to the School of Medicine. Disbursements shall be made only from net income that may remain after annual funding of the Endowed Chairs.”

Dr. Arthur Evans has been selected to fill the vacant chair position with the Department of Obstetrics and Gynecology on the Lubbock campus effective February 1, 2003. To recruit Dr. Evans, a one-time bonus of \$100,000 paid in twelve equal monthly payments has been offered. The School of Medicine proposes that the use of net income from the UMC Endowment Trust fund cover this expense. The interest income identified for this purpose shall be made only from net income that may remain after annual funding of the Endowed Chairs/Professorships.

- VI.A.5. TTU: Report on 2002-2006 Enrollment Management Plan.—The report was accepted as mailed.
- VI.A.6. TTU: Report on the collaboration with the Lower Colorado River Authority to design and develop a program for an environmental and aquatic research center on the Junction campus.—The board accepted a report by Mr. Robert Hickerson, dean of the Junction campus, on the collaboration with the Lower Colorado River Authority to design and develop a program for an environmental and aquatic research center on the Junction campus, included herewith as Attachment No. 2.
- VI.A.7. TTUHSC: Report on the PeopleFirst Task Force.—The report on the PeopleFirst Task Force was deferred to a later meeting.
- VI.A.8. TTUS: Report on the StudentFirst Task Force.—The report on the StudentFirst Task Force was deferred to a later meeting.
- VI.A.9. TTU and TTUHSC: Scheduled reports on the status of academic units.
  - a. TTU: Report on the College of Engineering.—The board accepted a report by Dr. William Marcy on the activities and plans for the College of Engineering, included herewith as Attachment No. 3.
  - b. TTUHSC: Report on the School of Allied Health.—The report on the School of Allied Health was deferred to a later meeting.

## VI.B. REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

The Finance and Administration Committee met from approximately 1:55 p.m. until approximately 2:05 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 Brown called on Regent Brooks, Chair of the committee, to give the committee's report.

Committee Chairman Brooks 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. TTUHSC: Approve return of \$5,000,000 quasi-endowment to the Medical Professional Self-Insurance Plan.—The board approved the disestablishment of the \$5,000,000 quasi-endowment for professorships established in 1998 and the return of the funds to the Medical Professional Self-Insurance Plan (the “Plan”) to fund premiums to the Plan.
- VI.B.2. TTUS: Authorize consulting agreement to evaluate the System’s readiness for its next campaign.—The board authorized the chancellor to negotiate and enter into an agreement to engage a consultant to perform an analysis of the System’s readiness for its next fund-raising campaign. The anticipated cost is approximately \$75,000 plus expenses.
- VI.B.3. TTU: Report on use of Kenneth Keith Endowment funds.—The board accepted a report by Dr. William Marcy on the use of Kenneth Keith Endowment funds, included herewith as Attachment No. 4.

#### VI.C. REPORT OF THE FACILITIES COMMITTEE

The Facilities Committee met from approximately 2:05 p.m. until approximately 2:06 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 Brown called on Regent John Jones, Chair of the committee, to give the committee’s report.

Committee Chairman John Jones 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: Report on Retirement Village.—The report on the retirement village was deferred to a later meeting.

VII. RECONVENING OF THE BOARD TO OPEN SESSION.—At approximately 2:06 p.m. on Friday, December 13, the board reconvened in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, to consider items as the Committee of the Whole and Meeting of the Board of Regents.

## VII.A. COMMITTEE OF THE WHOLE

Chairman Brown announced that for the purpose of facilitating action on the items to be considered, Vice Chair Nancy Jones would preside over the Committee of the Whole.

- VII.A.1. TTUS: Approve amendment to Section 01.01.8.e., *Regents' Rules*, regarding Investment Advisory Committee.—Regent Nancy Jones called on Mr. Brunjes, who presented the item to approve amending the Bylaws of *The Rules and Regulations of the Board of Regents of the Texas Tech University System*, Section 01.01.8.e., Investment Advisory Committee, as follows:

“e. Investment Advisory Committee. The Investment Advisory Committee, a special committee of indefinite duration, shall meet quarterly with investment counsel, investment managers, and the appropriate officers and staff of the TTU system administration for the purpose of reviewing and consulting with these parties and, from time to time, advising the board on asset allocation policies and investment results. The Investment Advisory Committee shall be composed of three ~~two~~ regents designated by the chair and five persons appointed by the chancellor after consultation with the board. Such chancellor’s appointees shall:

- (1) have no financial interest in any organization providing investment services to the TTU system; and
- (2) serve three-year staggered terms beginning on February 1.”

Mr. Brunjes noted that current provisions of the *Regents' Rules* specify that the Chairman of the Board of Regents shall designate two regents for membership on the Investment Advisory Committee. This amendment would increase to three the number of regents designated by the chair to serve on the Investment Advisory Committee.

Regent Nancy Jones moved that the board approve the amendment to Section 01.01.8.e. of the *Regents' Rules*, as presented. The motion was seconded, and passed unanimously.

- VII.A.2. TTUS: Approve amendment to Section 09.02.10, *Regents' Rules*, regarding Investments, Endowments and Income Producing Lands.—Mr. Brunjes presented the item to approve amendments to Section 09.02.10, *Regents' Rules* (Chapter 09, Investments, Endowments, and Income Producing Lands) to reflect changes in the statute governing the Long Term Investment Fund, Property

Ch. 163, "Management, Investment, and Expenditure of Institutional Funds," as follows:

Amend Section 09.02.10, Spending policy, paragraphs "b" and "e," as follows:

"b. The following definitions are used:

- (1) total return is defined as the sum of total interest and dividends and realized and unrealized gains and losses, less all investment management costs;
- (2) net current yield is defined as the sum of total interest and dividends earned, less all investment management costs; and
- (3) spendable earnings is defined as that portion of total return (~~less the net unrealized appreciation~~) allocated for spending as discussed below."

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"e. ~~If in any given fiscal year the total return, excluding net unrealized appreciation, shall be less than the target annual distribution~~ total return since inception of the LTIF, measured at the end of the quarter, does not exceed spendable distributions since inception plus the target distribution for that quarter, the actual distribution shall be limited to the net current yield, not to exceed 4.5%. To minimize the potential effect of year-to-year fluctuations of annual distribution rates, the use of a revenue stabilization reserve may be utilized."

Following discussion, Regent Nancy Jones moved that the board approve the amendments, as presented. The motion was seconded, and passed unanimously.

VII.A.3. TTUS: Approve System strategic plan.—Dr. Smith and Mr. Opperman presented the item to approve the strategic plan for the Texas Tech University System, included herewith as Attachment No. 5.

Following discussion, Regent Nancy Jones moved that the board approve the strategic plan for the Texas Tech University System, as presented. The motion was seconded, and passed unanimously.

Vice Chair Nancy Jones stated that consideration of items by the Committee of the Whole was concluded.

#### VII.B. REPORT OF EXECUTIVE SESSION

Chairman Brown called on Vice Chair Nancy Jones to present motions regarding items discussed in Executive Session.

Regent Nancy Jones moved that the board authorize the general counsel to resolve the litigation reviewed in the Executive Session within the parameters approved by the board. The motion was seconded, and passed unanimously.

VII.C. REPORT ON DIVERSITY STRATEGIC PLAN.—The report on the diversity strategic plan was deferred to a later meeting.

VII.D. DISCUSSION OF CONTRACTING PROCESS.—The discussion of the contracting process was deferred to a later meeting.

VII.E. REPORT OF NOMINATING COMMITTEE AND ELECTION OF CHAIR AND VICE CHAIR OF THE BOARD OF REGENTS—Regent Weiss presented the report of the committee, composed of Regents Weiss, Nancy Jones, and John Jones, to nominate the chair and vice chair of the Board of Regents. The board unanimously approved the committee's recommendation to elect Regent Bob Black as chair and Regent Brian Newby as vice chair of the Board of Regents, each to serve from January 1, 2003 through December 31, 2004.

VII.F. SCHEDULE FOR BOARD MEETINGS.—Mr. Ben Lock presented the proposed schedule for future board meetings and asked for comments. The schedule was adopted as follows: February 27-28, 2003, Junction; May 15-16, 2003, Lubbock; August 7-8, 2003, Lubbock (at TTUHSC); October 2 (workshop/retreat)-3, 2003, Lubbock; December 18-19, 2003, Lubbock; and February 19-20, 2004, Amarillo.

VII.G. THE PRESIDENT'S REPORT, TTU.—Chairman Brown called on President Schmidly who presented the President's Report, included herewith as Attachment No. 6.

Chairman Brown expressed appreciation to Dr. Schmidly for all he has done for Texas Tech. Chairman Brown noted that it has been an honor to work with Dr. Schmidly and he congratulated Dr. Schmidly on his new challenge and opportunity at Oklahoma State University.

- VII.H. THE PRESIDENT'S REPORT, TTUHSC.—Chairman Brown called on Acting President Cavin who presented the President's Report, included herewith as Attachment No. 7.
- VII.I. CHANCELLOR'S REPORT.—Chairman Brown called on Chancellor Smith who presented the Chancellor's Report, included herewith as Attachment No. 8.
- VII.J. CHAIRMAN'S ANNOUNCEMENTS.—Chairman Brown had no announcements.
- VII.K. ADJOURNMENT.—Regent Lopez moved that the meeting be adjourned. The motion was seconded and passed unanimously. Chairman Brown adjourned the meeting at approximately 2:35 p.m.

## INDEX OF ATTACHMENTS

Attachment 1	TTU Budget adjustments for the period July 1, 2002 through October 31, 2002
Attachment 2	TTU Report on collaboration with Lower Colorado River Authority
Attachment 3	TTU Report on the College of Engineering
Attachment 4	TTU Report on use of Kenneth Keith Endowment Funds
Attachment 5	TTUS System strategic plan
Attachment 6	TTU President's Report
Attachment 7	TTUHSC President's Report
Attachment 8	TTUS Chancellor's Report

I, Ben Lock, the duly appointed and qualified Secretary of the Board of Regents, hereby certify that the above and foregoing is a true and correct copy of the Minutes of the Texas Tech University System Board of Regents meeting on December 13, 2002.

Ben Lock  
Secretary

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