

TEXAS TECH UNIVERSITY SYSTEM

MINUTES OF THE BOARD OF REGENTS  
OF  
TEXAS TECH UNIVERSITY

DECEMBER 19, 2003

TEXAS TECH UNIVERSITY SYSTEM  
Lubbock, Texas

Minutes

Board of Regents  
December 19, 2003

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

ATTENDANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

#### Information Agenda

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

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



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

- (a) Cogdell Memorial Hospital; On-site TDCJ health care services for Daniel Unit; 9/1/01-11/30/03; \$1,131,660;
- (b) Correctional Managed Health Care Advisory Committee; TDCJ Master Contract; 9/1/01-8/31/03; \$73,963,210;
- (c) Dallam-Hartley Counties Hospital District; On-site TDCJ health care services for Dalhart Unit; 9/1/01-11/30/03; \$1,000,533;
- (d) Hendrick Medical Center; On-site TDCJ health care services; 9/1/01-11/30/03; \$1,941,000;
- (e) Hendrick Medical Center; On-site TDCJ health care services for Middleton Unit; 9/1/01-11/30/03; \$2,160,835;
- (f) Hendrick Medical Center; On-site TDCJ health care services for Robertson Unit; 9/1/01-11/30/03; \$3,056,832;
- (g) Medical Arts Hospital; On-site TDCJ health care services for Smith Unit & Admin. Seg Unit; 9/1/01-11/30/03; \$1,131,660;
- (h) Mitchell County Hospital; On-site TDCJ health care services for Wallace Unit & San Angelo, Big Spring & Sweetwater Work Camps; 9/1/01-11/30/03; \$1,355,969;
- (i) Northwest Texas Healthcare System; "Physician in Training" Support Agreement; 7/1/03-6/30/04; \$2,672,000;
- (j) Pecos County Memorial Hospital; On-site TDCJ health care services for Lynaugh Unit; 9/1/01-11/30/03; \$1,237,819;
- (k) Pecos County Memorial Hospital; On-site TDCJ health care services for Ft. Stockton Transfer Unit; 9/1/01-11/30/03; \$1,408,952;
- (l) Texas Department of Health; BNS/WIC-Card agreement; 10/1/03-9/30/04; \$1,991,400;
- (m) Texas State Office of Risk Management (SORM); Workers Compensation coverage expense for HSC Employees; 9/1/03-8/31/04; \$1,351,889;
- (n) Texas Youth Commission; Interagency Cooperation agreement for health care; 9/1/03-8/31/05; \$2,503,440;
- (o) R.E. Thomason General Hospital; Residents Agreement; 7/1/03-6/30/04; \$7,808,075;
- (p) R.E. Thomason General Hospital; Emergency Medicine physician services; 10/1/03-9/30/04; \$3,700,742;
- (q) TTUHSC-Amarillo; On-site TDCJ health care services for Clements Unit & Admin. Seg Unit; 9/1/01-11/30/03; \$3,855,062; and
- (r) UTMB-Correctional Managed Care; Pharmaceutical services for TDCJ/TYC facilities; 9/1/03-8/31/05; \$6,250,000.

- (3) TTUHSC: School of Medicine Faculty Employment Contracts per Section 07.12.4.c., *Regents' Rules*: "Approval of the president is required for faculty employment contracts greater than \$100,000 per annum. A list of all faculty employment contracts greater than \$100,000 per annum will be provided to the board as an information item at the next board meeting."

- (a) Ayass, Mohamad-Ammar F., M.D., Assistant Professor/NTT; Internal Medicine, Amarillo; 10/1/03-8/31/05; \$200,000;
- (b) Al-Tamimi, Hamed A. Shabaneh, M.D., Assistant Professor/NTT; Internal Medicine, Lubbock; 10/1/03-9/30/04; \$160,000;
- (c) Pierce, J. Rush, M.D., Associate Professor/NTT; Internal Medicine, Amarillo; 10/13/03-8/31/05; \$168,000; and

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

The motion was seconded and passed unanimously.

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

#### IV. MEETINGS OF STANDING COMMITTEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- IV.B.1. TTU: Approve a Doctor of Philosophy in Counselor Education in the College of Education.—Following presentation by Dr. Marcy, and upon a motion by Regent Newby, duly seconded, the board approved redesignating the existing Doctor of Education in Counselor Education to a Doctor of Philosophy in Counselor Education, College of Education, and authorized submission by the Office of the Provost to the Texas Higher Education Coordinating Board seeking its approval for such a degree change.
- IV.B.2. TTU: Approve a Doctor of Philosophy in Mass Communications in the College of Arts and Sciences.—Following presentation by Dr. Marcy, and upon a motion by Regent Miller, duly seconded, the board approved the new degree program for a Doctor of Philosophy in Mass Communications, College of Arts and Sciences, and authorized submission by the Office of the Provost to the Texas Higher Education Coordinating Board seeking its approval for such a program.

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

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



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

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

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

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

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

IV.B. ADDENDUM.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### BOARD OF REGENTS

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

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

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



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

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

Acadian be hired as an international small cap equity manager.

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

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

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

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

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

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

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

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

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

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

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

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

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

- V.B. REPORT BY INSTITUTIONAL ADVANCEMENT ON MARKETING AND FUNDRAISING.—A report on marketing and fundraising was presented by Mr. Mark Lindemood, vice chancellor for institutional advancement.
- V.C. REPORT ON HISTORICALLY UNDERUTILIZED BUSINESSES.—Chairman Black called on Mr. Brunjes, who presented the report on historically underutilized businesses, included herewith as Attachment No. 5.
- V.D. SCHEDULE FOR BOARD MEETINGS.—Mr. Ben Lock presented the following schedule for future board meetings: February 26 (workshop/retreat) -27, 2004, Lubbock; May 13-14, 2004, Lubbock; August 5-6, 2004, Lubbock; October 21-22, 2004, Lubbock; and December 16-17, 2004, Lubbock.

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

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

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

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

## INDEX OF ATTACHMENTS

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

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




Ben Lock  
Secretary

Seal

TEXAS TECH UNIVERSITY  
BUDGET ADJUSTMENTS FOR THE PERIOD  
SEPTEMBER 1, 2003 through OCTOBER 31, 2003

TEXAS TECH UNIVERSITY – BOARD APPROVAL ITEMS  
(September 1, 2003 – October 31, 2003)

NO.	ACTIVITY	SOURCE OF FUNDS		EXPENSE	REMARKS
		OTHER	INCOME		
BOARD APPROVAL:					
HC04002	Law Graduate Tuition	\$436,995		\$436,995	Carried forward FY 2003 fund balance
HC04007	Engineering Graduate Tuition	334,481		334,481	Carried forward FY 2003 fund balance
LS00113	Administration Graduate Tuition	390,275		390,275	Carried forward FY 2003 fund balance
SH00949	President's Scholarship Fund	369,442		369,442	Carried forward from the FY 2003 fund balance of Texas Tech Assistance Program
SH00872	Worker's Compensation Reimbursement	754,819		754,819	Carried forward \$255,219 from its FY 2003 fund balance as well as \$499,600 from the fund balance of Institutional Tuition E&G to pay for SORM SCI assessment
HC03649	Robert A. Welch Chair	254,147	93,909	348,056	Carried forward FY 2003 fund balance of \$254,147 and budgeted \$93,909 from current year's funds




# TEXAS TECH<sup>TM</sup>


## Facilities Committee


---


### Reports

### FP&C Construction Projects




<div style="display: flex; justify-content: space-between; align-items: center;">  <div> <b>Bricks &amp; Mortar Report</b>  <b>Projects Under Construction</b>  <b>December 2003</b> </div> </div>			
	Project	Cost	Completion Date
<b>TTU</b>	Jones SBC Stadium Stage IIA	\$52,240,000	December 2003
	Football Training Facility	\$11,000,000	December 2003
	Student Union Bldg. Expansion/Renov.	\$38,000,000	October 2003/December 2004
	Experimental Sciences Building	\$36,997,000	January 2005
	Admin Building Stone Repair	\$674,884	TBD
	Admin Building Roof Repairs	\$1,125,116	November 2003
	Marsha Sharp Center for Student Athletes	\$3,650,266	January 2004
	Animal and Food Sciences Facility	\$17,000,000	November 2004
	<b>TOTAL</b>	<b>\$160,687,266</b>	
<b>HSC</b>	HSC El Paso Clinic Expansion/Renov	\$9,700,000	December 2004
	HSC El Paso Hydronic Pipe Replacement	\$1,700,000	December 2004
	HSC Campus Infrastructure Improvement	\$5,000,000	April 2004
	HSC El Paso Research Facility I	\$38,500,000	August 2005
	<b>TOTAL</b>	<b>\$54,900,000</b>	
	<b>GRAND TOTAL</b>	<b>\$215,587,266</b>	



 <b>Bricks &amp; Mortar Report</b> <b>Projects In Design</b> <b>December 2003</b>			
	Project	Cost	Completion Date
<b>TTU</b>	Hulen Clement Fire Protection	\$4,200,000	August 2004
	Art 3-D Annex	\$6,000,000	October 2004
	Museum NSRL Addition	\$4,100,000	February 2005
	English-Philosophy Demo	\$1,050,000	October 2004
	Honors College Academic Building	\$25,000,000	TBD
	New Residence Hall Complex	\$24,000,000	August 2005
	Student Union Building Phase II B	\$6,000,000	TBD
	Student Wellness Center	\$8,500,000	TBD
	The Rawls Course Clubhouse Complex	\$6,600,000	TBD
	College of Business Administration	\$30,000,000	TBD
	Vietnam Center	\$35,000,000	TBD
	Retirement Village	TBD	TBD
	Marsha Sharp Freeway [TxDOT Project]	TBD	2009+
	<b>TOTAL</b>	<b>\$150,450,000</b>	
<b>HSC</b>	HSC Clinical Tower Research Center	\$33,747,550	December 2005
	Amarillo Library Renovation	\$2,900,000	TBD
	El Paso Medical Education Facility	\$45,000,000	August 2007
	Texas Tech Parkway	\$9,227,265	April 2005
	International Pain Institute	\$3,500,000	July 2005
	<b>TOTAL</b>	<b>\$94,374,815</b>	
	<b>GRAND TOTAL</b>	<b>\$244,824,815</b>	



 <b>Bricks &amp; Mortar Report</b> <b>Future Projects</b> <b>December 2003</b>			
	Project	Cost	Completion Date
<b>TTS</b>	System Office Relocation	\$3,000,000	TBD
	Engineering Expansion/Renovation	\$10,000,000	TBD
<b>TTU</b>	Law School Courtroom	\$6,000,000	TBD
	Wall/Gates Life Safty Upgrade	\$4,200,000	TBD
	Bio Safety Level 3 Laboratory	\$4,000,000	TBD
	Child Development & Research Center	\$7,000,000	TBD
	Jones SBC Stadium Stage IIB	\$10,000,000	TBD
	Graduate Library	TBD	TBD
	Student Recreation Center New Pool	\$3,800,000	TBD
	Child Care Center	\$2,000,000	TBD
	Dairy Barn Renovation	\$2,000,000	TBD
	<b>TOTAL</b>	<b>\$49,000,000</b>	
<b>HSC</b>	HSC Roof Replacement	\$2,000,000	TBD
	HSC Research Renovation	\$5,000,000	TBD
	Eastside Wellness Clinic	\$1,135,210	TBD
	<b>TOTAL</b>	<b>\$8,135,210</b>	
	<b>GRAND TOTAL</b>	<b>\$60,135,210</b>	





## PROPOSED AMENDMENTS TO CHAPTER 09, *Regents' Rules*

Amend Section 09.02.14, Investment Managers, to add a new paragraph c; add a new Section 09.02.15, Standards of conduct for investment managers and advisors; and change the current Section 09.02.15, Communications and reporting, to Section 09.02.16, as follows:

### 09.02.14 Investment managers

c. Investment managers and advisors will disclose any relationship that might diminish the advisors' or managers' independence of judgment in their performance of the responsibilities to the university, utilizing the following Codes of Standards:

(1) Disclosure of conflicts. Managers, advisors and candidates must make full and fair disclosure of all matters that could reasonably be expected to impair their independence and objectivity or interfere with their respective duties to the Texas Tech University System;

(2) Managers, advisors and candidates must, on an annual basis, ensure that such disclosures are prominent, are delivered in plain language, and communicate the relevant information effectively using the Texas State Auditor's Office Uniform Disclosure Form; and

(3) Managers, advisors and candidates will abide by the standards of conduct listed in Section 09.02.15, *Regents' Rules*.

### 09.02.15 Standards of conduct for investment managers and advisors

a. Code of Ethics. Investment managers and advisors employed by the Texas Tech University System shall:

(1) Act with integrity, competence, diligence, respect, and in an ethical manner with the public, clients, prospective clients, employers, employees, and colleagues in the investment profession and other participants in the global capital markets;

(2) Place the interest of clients, the interest of their employer, and the integrity of the investment profession above their own personal interest;

- (3) Use reasonable care and exercise independent professional judgment when conducting investment analysis, making investment recommendations, taking investment actions, or engaging in other professional activities;
- (4) Practice, and encourage others to practice, in a professional and ethical manner that will reflect credit on themselves and the profession;
- (5) Promote the integrity of and uphold the rules governing global capital markets; and
- (6) Maintain and improve their professional competence and strive to maintain and improve the competence of other investment professionals.

b. Standards of professional conduct

- (1) Knowledge of the law. Investment managers and advisors must understand and comply with all applicable laws, rules, and regulations of any government agency, regulatory organization, licensing agency, or professional association governing their professional activities. Investment managers and advisors must not knowingly participate or assist in, and must dissociate themselves from, any violation of such laws, rules, or regulations;
- (2) Independence and objectivity. Investment managers and advisors must use reasonable care and judgment to achieve and maintain independence and objectivity in their professional activities. Investment managers and advisors must not offer, solicit, or accept any gift, benefit, compensation, or consideration that could be reasonably expected to compromise their own or another's independence and objectivity;
- (3) Misrepresentation. Investment managers and advisors must not knowingly make any statement that misrepresents facts relating to investment analysis, recommendations, actions, or other professional activities; and
- (4) Misconduct. Investment managers and advisors must not engage in any conduct involving dishonesty, fraud, deceit, or commit any act that reflects adversely on their integrity, trustworthiness, or professional competence.

c. Investment analysis and recommendation. Investment managers and advisors shall:

- (1) Exercise diligence, independence, and thoroughness in conducting investment analysis, making investment recommendations, and taking investment actions; and
- (2) Have a reasonable and adequate basis, supported by appropriate research and investigation, for any investment analysis, recommendation, and action.

d. Disclosure and conflicts of interest

- (1) Managers, advisors and candidates must make full and fair disclosure of all matters that could reasonably be expected to impair their independence and objectivity or interfere with their respective duties to the Texas Tech University System;
- (2) Managers, advisors and candidates will recognize that they are investing public funds, and therefore are subject to the Texas Open Records Act; and
- (3) Investment managers and advisors must, on an annual basis, ensure that such disclosures are prominent, are delivered in plain language, and communicate the relevant information effectively using the Texas State Auditor's Office Uniform Disclosure Form.

e. The above standards of conduct are derived from the Association for Investment Management and Research code of ethics and standards of professional conduct. These are recognized through the investment community.

09.02.16 09.02.15 Communications and reporting.

## **Proposed Texas Tech University System Distance Learning Course Materials Policy**

### **Creation, Use, Ownership, Royalties, Revision and Distribution of Distance Learning Course Materials**

#### **I. Introduction**

This policy addresses the usage of and rights associated with distance learning course materials developed in the Texas Tech University System (TTUS). Distance learning course materials are materials used to teach students at sites either distant from or on the faculty member's University campus. The purpose of this document is to protect the rights of both the faculty member and the TTUS and to encourage the offering of quality distance learning course materials. It should be noted at the outset that in all cases except work made for hire, the faculty member retains the ownership and copyright of the work as well as the ability to market the work commercially. Licensure, which is the right to market the distance learning course materials, is addressed under the ownership and compensation heading in each of the four (4) categories specified in Section V. Distance learning course materials have been a part of the curriculum in the TTUS, but for a variety of reasons, there are still many questions about the rights and responsibilities of TTUS and its faculty members with respect to these materials. Since the demand for distance learning course materials appears to be increasing and the continuing development of these course materials in various media seems likely, it is important to address the issues raised by the creation, use and distribution of various forms of these course materials and clarify the rights and responsibilities of each of the parties involved. This policy is a supplement to the TTUS Intellectual Properties Policy and addresses only electronic course materials. To the extent this policy conflicts with the TTUS Intellectual Properties Policy, on issues involving distance learning course materials, this policy prevails.

#### **II. Issues Addressed**

- Who owns copyright in distance learning course materials and how should such rights be protected?
- What are the rights of authors, others, and TTUS with regard to the continuing use of distance learning course materials?
- Who may receive royalties from the sale or licensing of distance learning course materials?

#### **III. Definitions**

**A. Distance Learning** – Instruction in which the majority of the instruction occurs when the student and instructor are not in the same physical setting. A class is considered a distance education class if students receive more than one-half of the instruction at a distance. Distance education can be delivered synchronously or asynchronously to any single or multiple location(s): (a) Other than the "main campus" of a senior institution (or "on campus"), where the primary office of the chief executive officer of the campus is located; and (b) via instructional telecommunications to any other distance location, including electronic delivery of all types. (Texas Administrative Code Title 19 Part 1 Chapter 4 Subchapter E Rule 4.103)

**B. Significant Resources** – Resources provided to authors by TTUS above and beyond those that are normally provided within the author's academic department or TTUS unit. Examples include: student assistants, work load release time, graduate assistants, equipment, TTUS facilities, and staff time beyond those that are normally available to an author.

**C. Outside Employment/Consulting** – Defined by TTU OP 32.07

**D. Course Materials** – All copyrightable materials developed for the purposes of distance learning including printed materials, CD-ROMs, videos, movies, and web sites.

**E. Authors** – 1. one that originates or creates, 2. the writer of a literary work (Merriman – Webster) that is currently employed or was employed by TTUS at the time of origination or creation.

**F. Educational License** – License granted to produce, sell, or distribute the work for education purposes only.

**G. Commercial License** – License granted to produce, sell, or distribute the work for commercial purposes.

**H. Non-Exclusive License** – Authors have the right to create multiple licenses.

**I. TTUS Intellectual Properties Policy** – TTHS Regents' Rules, Chapter 10 – Intellectual Property Rights. Also Texas Tech University OP74.04.

**J. TTUS** – Texas Tech University System as defined by its Board of Regents.

**K. Director** – Director of Technology Transfer and Intellectual Policy.

#### **IV. General Guidelines**

**A. Copyright Ownership**. The TTUS Intellectual Property Rights Policy recognizes that in most instances authors own copyright in scholarly works created by them. Authors thus normally own copyrights in electronically published materials they create on their own initiative. This policy also recognizes ownership of copyright in works created under contract or as works for hire as residing with the University.

Distance learning course materials created by authors for which the TTUS provides significant resources will be jointly owned by the authors and the TTUS. Any owner of copyright in electronically published course materials may secure copyright registration. Joint owners may, but do not have to, agree to bear responsibility for enforcement of the copyright. Authors should note that ownership of works of students is controlled by Copyright Law and the TTUS Intellectual Property Policy under which students own copyright in their works and authors must obtain permission to incorporate student work in their work. Specific examples of ownership rights are presented in Section V below.

Ownership of distance learning course materials developed in the course of or resulting from a grant or contract with governments or their agencies, or other entity shall be determined in accordance with the terms of the grant or contract. In the absence of such grant or contract terms ownership shall reside with the authors.



**B. Revision Rights.** Authors should normally retain the right to update, edit or otherwise revise electronically developed course materials that become out of date, or, in certain circumstances, should place a time limit upon the use of electronically developed course materials that are particularly time sensitive, regardless of who owns the copyright in the distance learning course materials. These rights and limitations should be negotiated in advance of the creation of the distance learning course materials and should be reduced to writing. Absent a written agreement, authors will have the right and professional obligation to review and revise work as necessary in order to maintain academic standards. If an author does choose to revise the work and such revision is done in a satisfactory manner, the author retains the rights to full royalties as discussed below. If the TTUS believes a revision is necessary and no timely revision is made or if the revision made, in the TTUS's opinion, does not maintain academic standards, the TTUS may refuse to market the product. The TTUS may also then employ another person to update the work and charge the cost of updating the author's portion of the work against any royalties paid to the author.

**C. Royalties.** In accordance with the TTUS Intellectual Property Policy, authors shall receive all royalties that may accrue from the commercialization of electronically published course materials they create on their own initiative. On the other hand, the TTUS retains all royalties that may accrue from the commercialization of electronically published course materials created by authors pursuant to contract or as a work for hire. Other circumstances require review on a case-by-case basis (such as the creation of distance learning course materials initiated by an author, but using significant TTUS resources and works in progress upon employment termination of one or more of the participants). Absent a contract specifying to the contrary, specific division of royalties between the owners shall follow the examples in Section V below. In instances of joint authorship, where the TTUS also retains rights to royalties, the authors shall determine by written document the division of the authors' share of the royalties. Absent a written document of authors' division of royalties, the authors shall divide their share pro rata. In those situations where the TTUS contracts with the author(s) for royalties, those royalties are to be paid to the author(s) semi-annually. When one or more of the joint authors are employed by another university or entity, appropriate contracts will need to be negotiated between the TTUS, other entity, and the authors.

**D. Contributed Materials.** Liabilities may be incurred with respect to the inclusion of materials in electronically published course materials other than materials created by the author of the distance learning course materials and inclusion of voices or images of persons in the electronically developed course materials, including audience members and guest lecturers. It is the policy of the TTUS, that all faculty and staff comply with the law, including copyright and privacy laws; therefore, it is the responsibility of the creator of distance learning course materials (normally the author) to obtain all permissions and releases necessary to avoid infringing copyright or invading the personal rights of others. Guidelines for the use of student works are available in the TTUS Intellectual Properties Policy.

**E. Use of University's and Author's Name.** Authors must observe the same requirements that apply in other contexts with respect to the use of Texas Tech University's name. These requirements are presented in TTU OP 01.01.06. Use of the author's name in ways outside customary practice shall be negotiated with the author.

**F. Copyright Registration.** The TTUS will determine whether to register the copyright and will be responsible for enforcement of works they wholly own as in Category V.D below. Authors will make such decisions and take such steps to protect works they wholly own as in Category V.A

below. Any one of the authors, including TTUS as a corporate author, of a joint work may register and enforce the copyright in the names of all owners, with accounting.

**G. Retention of Nonexclusive License by TTUS.** Except in Category V.A below, the TTUS shall retain a non-exclusive educational license to reproduce and use the electronically developed course materials in teaching TTUS classes on or off campus. Compensation to the faculty member for use of the course shall be as specified below.

**H. Retention of Nonexclusive License by Author(s).** In Category V.D below, an author(s) shall retain a royalty-free non-exclusive educational license to reproduce and use the electronically developed course materials in teaching classes on or off campus at another institution and to develop course materials in teaching classes on or off campus at another institution and to develop derivative materials following termination of employment with Texas Tech University or Texas Tech University Health Sciences Center. This license shall extend for ten years from the date of termination of employment.

**I. Administration.** The Director of Technology Transfer and Intellectual Property, together with other TTUS personnel designated to manage this policy, shall be responsible for the administration of this policy and applying the policy equitably across the campus. Authors should first meet with their department chair, dean, and other supervisors to determine which category the electronically published materials will be assigned and the ownership, institutional resource commitment, and the royalties. A copy of the agreement will be forwarded to the Office of Technology Transfer & Intellectual Property for review and assurance that the policy is being applied in an equitable manner. The Director of Technology Transfer and Intellectual Property shall inform the dean, department chair and other supervisors of any inequitable applications of the policy and it shall be the responsibility of the dean, department chair and other supervisors to resolve the issue with the faculty member.

**J. Grievance Procedures**

**a. Foreword** The University and the Health Sciences Center operate under a philosophy that emphasizes the importance of ensuring the rights of its faculty, staff, and students. Both personnel and operating policies are formulated in order to assist administrators in working harmoniously with faculty, staff, and students toward the collective goals and objectives set forth by the Board of Regents. When a situation arises that results in a grievance by a faculty or staff member or a student, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly.

The purpose of these procedures is to address grievances of faculty members related to the actions or decisions of the Director and to provide a mechanism for resolving them.

Whenever possible, problems should be solved at the administrative level at which they arise. However, each member of the Texas Tech University faculty and the Texas Tech University Health Sciences Center faculty shall have the right to a hearing and an appeal for redress of grievance through established channels. Access to these channels is restricted to University employees and students or those who were employees or students when the action or inaction leading to the grievance occurred.



In conformance with Article 5154C, Sec. 6, Vernon's Annotated Civil Statutes, a faculty member has the right to present grievances individually or through a representative who does not claim the right to strike.

A faculty member holding an administrative position will have access to these procedures with regard to faculty duties, but will not have access to the procedures with regard to administrative duties.

After the grievance is presented, the time periods for action prescribed in these procedures should be followed unless reasonable extension is required by unusual circumstances or because a deadline occurs between semesters or in summer, when relevant persons are away for extended periods. In the absence of the foregoing conditions, times for action should be extended only for University holidays or by mutual agreement of the parties and, in an appeal, with concurrence of the Grievance Committee.

**b. Grievance Initiation and Hearing**

1. The grievant will present a written description of the grievance and proposed resolution to the Director. The grievance will be presented within 21 calendar days after the grievant becomes aware of the action constituting the grievance. The grievant and Director will meet within 21 calendar days of receipt by the Director, and the Director's written decision on the grievance will be provided to the grievant within 10 calendar days after the meeting is concluded. If the decision is not acceptable, or if the Director does not render a written decision within 10 calendar days, the grievant may appeal following the procedures below.

2. The grievant or the Director may request mediation of the grievance within 10 calendar days of receipt by the Director. If both parties agree, a person acceptable to both parties will mediate the grievance. If the parties are unable to agree upon a mediator within 10 calendar days of the agreement to mediate, the Chancellor or his delegate will select a mediator qualified under Section 154.052 of the Texas Civil Practice and Remedies Code. The grievance will be presented for mediation within 21 calendar days after the mediator has been selected.

If mediation fails to resolve the grievance, the administrator will provide a written decision to the grievant within 10 calendar days after the mediation is concluded. If the decision is not acceptable to the grievant, the grievant may appeal as set out below.

**c. Appeal to the Chancellor**

1. The appeal procedure is initiated by the grievant providing a written request to the Chancellor asking that the decision of the administrator be reviewed. The grievant will provide copies of the original grievance, written decisions and a proposed resolution to the Chancellor. The appeal will be filed within 15 calendar days of the grievant's receipt, or lack thereof, of the written administrative decision to which the grievant objects.

2. The Chancellor will solicit a recommendation which will resolve the grievance from a Grievance Committee composed of five persons, which will be chosen within 15 calendar days of receipt of the appeal by the Chancellor.

If the grievant is a member of the faculty of Texas Tech University, the Texas Tech University Faculty Senate shall select twelve members of the faculty whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the President of Texas Tech University or his representative.

If the grievant is a member of the faculty of a school of the Texas Tech University Health Sciences Center, the faculty of each school of the Health Sciences Center shall select three members whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the President of the Texas Tech University Health Sciences Center or his representative.

If the grievant is a member of the Texas Tech University staff, the Texas Tech University Staff Senate shall select twelve members of the staff whose names shall form the pool from which the Grievance Committee is formed. Members will be chosen by lot from the pool by the President of Texas Tech University or his representative.

If the grievant is employed by or affiliated with Texas Tech University in a capacity other than as a staff member or faculty member, the Grievance Committee membership shall be selected according to the process for selection in the case of a faculty member of Texas Tech University.

If the grievant is employed by or affiliated with the Texas Tech University Health Sciences Center in a capacity other than as a faculty member, the Grievance Committee membership shall be selected according to the process for selection in the case of a faculty member of the Texas Tech University Health Sciences Center.

Persons drawn for service on the committee will be allowed to present reasons to the Chancellor why a recusal should be granted. After these determinations are made, the names of the remaining individuals will be presented to the parties. Each party to the dispute may challenge not more than two persons selected for the Committee. After challenges by all parties, the first five names will comprise the Grievance Committee.

The Chancellor or his representative will then convene the committee, give the committee its charge, assist the committee in identifying the parties to be involved in the process, provide it with guidelines to afford the parties due process, and a copy of the grievance and all supporting documentation to each committee member.

3. At the request of the Grievance Committee, the Chancellor may appoint a faculty member with expertise in intellectual property to serve as a non-voting facilitator to provide the Grievance Committee with background information only.

**d. Grievance Committee Hearing**

1. Upon receipt of a request from the Chancellor, the Grievance Committee will schedule a hearing. This hearing must be held within 21 calendar days after receipt of the request from the Chancellor. The Grievance Committee will elect its own chairperson. The chairperson's notice, scheduling a time and place for the hearing, must be delivered to the parties involved seven calendar days prior to the hearing. These time limits are guidelines and may be changed for University holidays and by mutual written agreement of the Grievance Committee and the parties to the grievance.

2. The formal hearing will be conducted in accordance with procedures established by the Grievance Committee. The grievant or their representative(s) or counsel will present the case of the grievant. The grievant has the right to present information, written or oral, considered relevant or material to the grievance, including the calling of witnesses. This information may be presented in written or oral form.

After the presentation by the grievant, the Director's case will be presented under the same rules as those that were applied for the grievant. The Director may be represented in the process as well. The Grievance Committee may call witnesses, as it considers appropriate. The grievant and the Director may question all witnesses.

3. Evidence considered in the hearing must relate to the grievance. After all evidence is received, the Grievance Committee will meet and consider the case. The opinion held by the majority of the members will constitute the committee's recommendations. The committee must provide its recommendations in writing to the Chancellor, with copies to the parties to the grievance, within 15 calendar days after the hearing is concluded. Minority opinions of the committee may also be submitted to the Chancellor. Recommendations to the Chancellor are advisory in nature.

4. If the Grievance Committee has requested and the Chancellor has appointed a non-voting faculty member facilitator as permitted by subsection c.3. above, the faculty member facilitator may attend the hearing at the request of the committee. The faculty member facilitator shall not be permitted to be present during the committee's deliberations.

e. **Chancellor's Decision** The Chancellor will send a written decision, with copies to the Grievance Committee and parties to the grievance, within 15 calendar days of receipt of the Grievance Committee's recommendations. The Chancellor's decision is the final decision on the grievance. No further appeal is allowed.

f. **Resolution by the Parties** The parties may agree to a resolution of the grievance at any time from initiation of the grievance procedures until the Chancellor's final decision.

## **V. Specific Categories Assigning Ownership and Royalties**

Note: Authors should meet with their Department Chair, Dean, or Supervisor prior to creating electronically developed course materials for distance learning in order to reach an agreement as to the appropriate category classification. It is understood that in some circumstances this category classification may change based on a modification in TTUS's support for the project. Any such modifications should be negotiated between the Director and the author, and reduced to writing.

### **Category A – Totally Author Generated**

Description of Individual and TTUS Contribution:

The work resulted from an individual's efforts on his own personal time without any direct support from or through the TTUS and without the use of any TTUS resources beyond those normally provided through the author's department or unit.

### **Examples:**

1. A faculty member works with a publishing company to create a Web-based course. The publishing company provides 700 hours of instructional design and production support and the course is mounted on the company's server. All of the work is done on the faculty member's own time, but some of the development is done on weekends using the faculty

member's office computer. TTUS's licensed development software that is available throughout the department is also used. The course is mounted on a commercial server.

2. Two professors are approached by the publishing arm of a learned society to create a CD containing 2,000 images that they have photographed in preparing for classes over the years. The professors took the photographs on weekends using their own camera and film, but on the department's copy stand. The learned society creates and markets the CD.

#### Ownership and Compensation

The individual authors own all intellectual property, may receive compensation for their work, and retain all distribution rights.

#### **Category B- Minimal University Resources**

##### Description of Individual and TTUS Contribution:

The work resulted from the individual's efforts with minimal resources above and beyond those normally provided within the individual's unit or department.

#### **Examples:**

1. An author works with Digital Inc., a Web course publishing company, to put a course totally on the Web. The TTUS provides funds to purchase time from a TTUS unit to videotape two hours of lecture to be streamed as part of the course. In addition, the TTUS provides the author one of two digital recording workstations for a period of two weeks. Digital Inc. spends over 300 hours recording materials provided by the author and creating the Web course, and mounts the course on their server. The author works on the project almost exclusively on their own time.

The author uses the work that he/she created as part of teaching at TTUS. The TTUS would pay the previously negotiated fee to Digital, Inc. for access to the course materials, but this payment would not include compensation to the author beyond the standard course compensation.

2. An adjunct faculty member who teaches for the TTUS volunteers to put half of his/her course on the Web. The TTUS provides 30 hours of training on WebCT, the Web platform utilized. The TTUS also provides twenty hours of assistance in creating a Power Point Presentation to be used as part of this course. The adjunct faculty member spends 200 hours creating this course on their own time. The course is mounted on a TTUS server.

#### Ownership and Compensation:

The individual owns the intellectual property and has the right to distribute the work. The individual may receive compensation for any distribution outside of TTUS's course delivery. The TTUS has a non-exclusive educational license to use the work as part of TTUS's course delivery. In such case, the author will be compensated per student enrolled in a TTUS's course at a negotiated rate or as otherwise agreed to by the TTUS and the individual when faculty, other than the Author, use these materials to teach the course.

### **Category C– Substantial University Resources Are Provided**

Description of Individual and TTUS Contribution:

The work resulted from the individual's efforts with substantial TTUS resources above and beyond those normally provided.

#### **Examples:**

1. A faculty member volunteers to make one of their department's courses totally available on the Web. The faculty member is released from one course in the Spring Semester and paid for a course in the Summer to develop the product, but also contributes some of her own time. The TTUS provides a substantial grant to purchase a digital camera to use in the project or a 0.5 FTE Web developer for a semester to work with the faculty member. Personnel from a TTUS unit record speakers for the class, and digitize the recorded audio and video. This unit's work consists of over 300 clock hours of production and support services. The course is mounted on a TTUS server.
2. A TTUS graduate program decides to offer a degree by taping courses and allowing employees of two corporations to download the courses to view on their own schedules. Three faculty from this program will rotate grading and answering questions for each course. One of these faculty members volunteers to offer the first course. During the next year, this faculty member is given release from one course each semester and paid for two courses in the Summer. The TTUS funds production time for the production of the tapes. The TTUS also contributes significant hours in digitizing the tapes. The faculty member spends 60 hours over the year of their own time designing the course for television delivery. The TTUS mounts the course on its servers.

The author is using this work as part of teaching at TTUS. In this case, the author might teach the course to students in the program. There would be no compensation to the author beyond the standard compensation for teaching the course. If the TTUS used the materials with another faculty member, the author who designed the materials would be compensated on a per student basis as negotiated with the TTUS.

#### **Ownership and Compensation:**

The individual owns the intellectual property and has the right to distribute it and receive compensation for any distribution outside of TTUS's course delivery. The TTUS has a non-exclusive educational license to use the work as part of its course delivery. In such case, the faculty member will be compensated per student enrolled in a TTUS course at a negotiated rate. The TTUS also has a non-exclusive commercial license to market the course outside of the TTUS. If licensed for commercial purposes either by the TTUS or the author, the TTUS and the author will each receive a percentage of the royalty as negotiated. In case of multiple authors, the authors will share the royalty pro rata or as negotiated.

### **Category D– Work Made For Hire – TTUS Assigns Duty to an Author to Develop a Work**

Description of Individual and TTUS Contribution:



A TTUS employee was contracted to develop a specific product. The TTUS provided all resources for the work. The work was carried out totally as a part of the employee's assigned time.

Example:

The Chair of a Department assigns a faculty member to a course that will be videotaped and broadcasted the next year to sites in five school districts as part of a new Master's Program offered by the department. A faculty member is given course releases for the Fall and Spring Semester and is given extra compensation during the Fall and Spring in addition to a work-for-hire payment during the summer. All of the design and production work is done during working hours. The faculty member is assigned a 0.5 FTE research assistant for the academic year to support the development of the course. The TTUS contributes 250 hours in the design and production of the videotapes.


#### Ownership and Compensation

The Texas Tech University System owns all intellectual property, has exclusive educational and commercial ownership, and has exclusive license authority. The faculty or staff member is not entitled to payment of royalty.

#### **VI. Author's Affiliation with TTUS is Terminated**

Ownership and royalties will continue as determined by this policy at the time of the termination. The TTUS will be granted a non-exclusive educational license and will continue to use the materials for educational purposes as it sees fit (see IV.g above). Access to TTUS servers and resources will be denied to the author upon termination and the author will be provided an electronic copy of the distance learning materials.





# TEXAS TECH UNIVERSITY SYSTEM

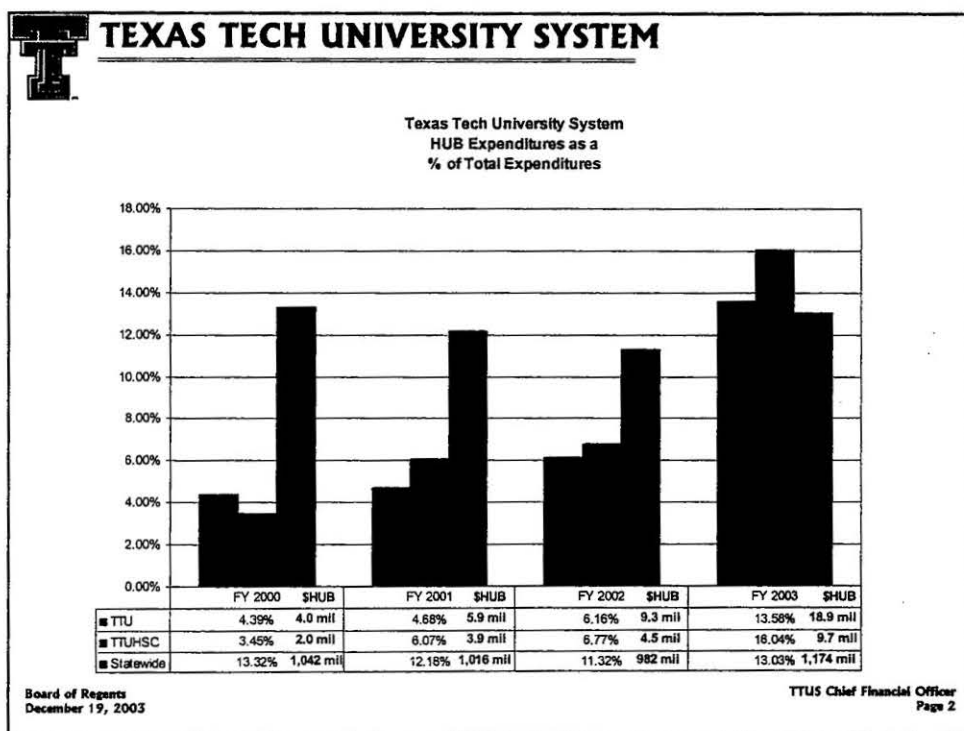
## Texas Tech University System

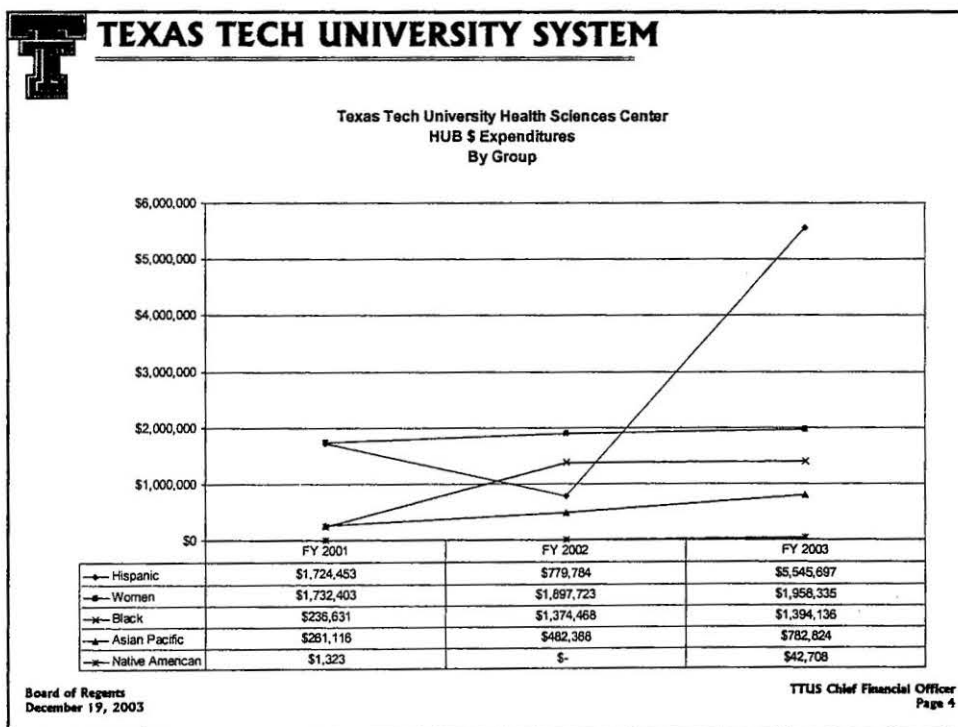
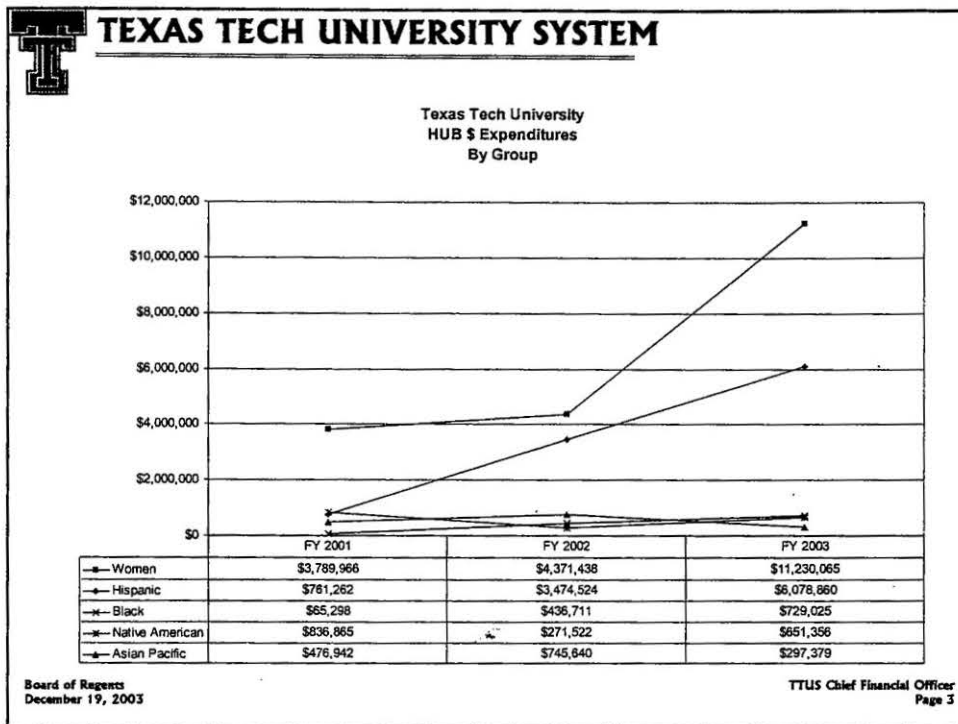
### HUB Report FY 2003

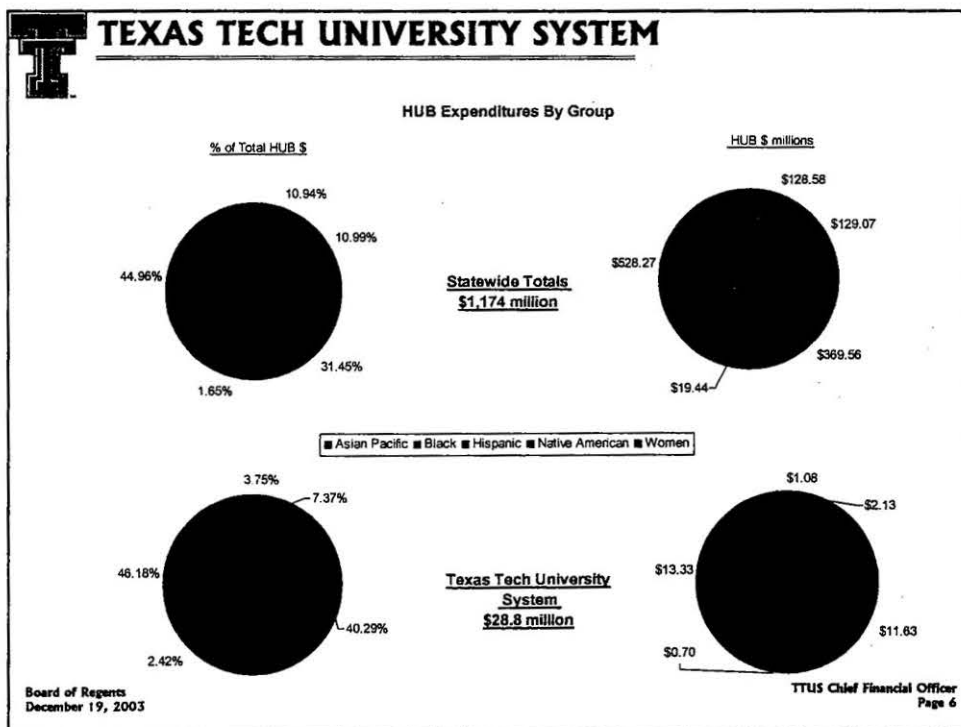
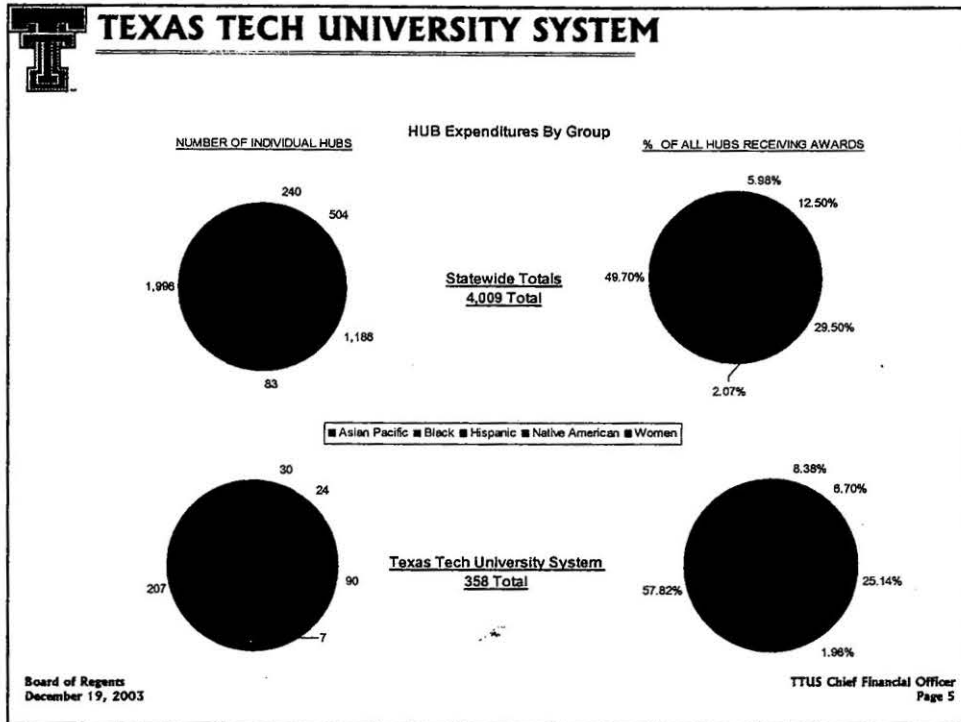
*Office of the Senior Vice Chancellor  
and Chief Financial Officer*

Board of Regents  
December 19, 2003

TTUS Chief Financial Officer  
Page 1







President's Report  
Texas Tech University  
Board of Regents Meeting  
December 19, 2003

Dr. Whitmore reported that he has four items he wants to mention to the board. First, he has created a Budget Advisory Committee to the President. This is a new entity at Texas Tech University and basically, it is a group of faculty, staff and students and a couple of deans who are brought together to (1) understand more about the budget of the university, which is always a mystery because it is quite complicated; and (2) to advise the president on how we ought to use our budget to the advantage of faculty, staff and students. And finally, and probably most importantly, to continue to look at the tuition issue, to see where we as an institution need to be going now that you have the responsibility of setting the local tuitions for the institution. So, that committee is hard at work. Our student body president is a member of it. Our provost chairs the committee. We have the president of the faculty senate involved and the president of the staff senate. Dr. Whitmore thinks this will be a very useful tool to himself and they will be the committee charged with the responsibility of making recommendations to him about where we go with tuition for the fall semester and beyond.

The second thing is that we have put a search committee together for searching for the vice president for finance position. There will be an ad out in the *Chronicle of Higher Education* and other sources about this job opening in early January. The committee will proceed to solicit applications for that position. The dean of the College of Arts and Sciences is going to chair that group and the committee will be faculty, staff, students, a citizen from the community, and we have every intention of proceeding. The goal will be to have a new person chosen and in place by the end of the summer at the beginning of the new fiscal year, if not sooner.

The other thing we are doing, as you know, a couple of years ago we spun out the College of Visual and Performing Arts from Arts and Sciences. We created our own college. There has been a long-standing discussion about the need for facilities for the performing arts on the campus and we are hiring a consultant to come in and look at the facilities on campus for housing performing arts on campus.

Finally, we will be putting a committee together to study the possibility of a new building, which he has talked to Regent Black about at one point. One of our biggest problems is space as we have grown this huge and rapid increase in students. So, we are going to study the feasibility on a fast-track of building a major, new central classroom building that would be primarily to house student learning, some larger classrooms, some medium-sized classrooms and some smaller classrooms. The idea behind this building is that it would allow us to have the space to teach the additional classes that are needed for this rapidly growing cohort of students. The other problem that we face is, as was announced to the department chairs when they met a few weeks ago, we are going to hire 100 new faculty. Some of them raised their hands and said, "Excuse me, I

don't have any offices to put them in although we need the new faculty." So, one of our strategies is that if we can build this central classroom building with many new teaching spaces and these would be high-tech teaching spaces that would bring the new technology of quality teaching into this facility. We would then be able to take in some of our departments that need to hire new faculty but don't have any faculty office space, some old classrooms that aren't very good and would cost a fortune to upgrade to high-technology classrooms and take some of those classrooms off line as the new classrooms came on line and be able to convert some of those former classrooms into some office space for the additional faculty that are needed so they could continue to be housed in the long run contiguously in a building for architecture, or a building for the theater department, or a building for the finance department although with a new building that might be less of a problem than it was before. So, this new building – Regent Black recently visited a building like this at another institution and saw that it had done well by that institution. Also, UTEP has a building that is a central classroom building that he has not seen yet, but the board has probably seen it or heard about it. We want to go visit that, as well. We are fast-tracking an analysis of the value of this kind of building so that we could have it ready to go for the next legislative session as a major revenue bond issue that we might, if the feasibility pans out, make a major initiative during that session.

This concludes my report.

Chairman Black commented that he had the opportunity to visit the University of Georgia campus and they have just put into service this September a new building that is called their Student Learning Center. It is a combination of multi-purpose classrooms, classrooms that are auditorium style, regular level floor style with desks, but they are all high-tech. But what you can do is you can be teaching math next to English next to Science. They do not have the laboratories there, but any class that needs to be taught can be taught in those facilities. Plus the fact they have these huge areas for student learning which is very similar to a library environment except it is all high-tech. They are all wired for computers. They have banks of computers in individual stalls that the students can come in and use. Plus around the periphery of these big rooms, they have small cubicles of tables for four, six or eight people where they can have group study and they can schedule them and sign up for their use. The facility has been tremendously received by the students at the University of Georgia. They have somewhat the similar problem we have – they are spread out and they built this more in a central location so that you don't have to traverse all the way to one end of the campus to take a math class and then back to the other end of the campus to take an English class. Chairman Black mentioned this to Dr. Whitmore and he has surely picked up on it. It can meet our needs here over the next few years.

Dr. Whitmore invited the board to attend an all-university holiday celebration hosted by he and his wife from 3:30 this afternoon until 5:00 in the new Student Union Building. If you have not seen the facility, it would be an opportunity to see that center. If you are here, we would love to have you. Faculty and staff – there aren't many students around, but there will be a few at the celebration as most of them are gone as you saw



by the quiet campus this morning, but you would certainly be welcome to come to that and then tomorrow, of course, we have our wonderful commencement. We will be graduating around 1,000 students. This will be his first commencement here. He loves commencements. They are a celebration of the accomplishments of our faculty and the students hard work over their period of time at the institution. So, he is looking forward to that.

Thank you.

President's Report  
Texas Tech Health Sciences Center  
Board of Regents Meeting  
December 19, 2003

Dr. Wilson stated there are a number of awards and other significant achievements that he wanted to appraise the board of. The first is that our regional dean of El Paso, Manny de la Rosa, was just named by President George Bush as a member of the United States Mexico Border Health Commission. This bi-national commission develops and coordinates actions to improve the health and quality of life along the United States and Mexico border. It has 26 members – the chief health officers of the four U.S. and six Mexican border states and prominent community border health professionals from two nations. It is a very prestigious commission to be named on.

The American Society of Health System Pharmacists at their annual meeting recognized two of our pharmacy researchers: Dr. Abond and Cynthia Rail. They were recognized for their paper entitled, "Clinical Pharmacy Services Hospital Pharmacy Staffing and Medication Errors in United States Hospitals." Abond is the primary author and Rail is co-author along with another co-author from UCLA. This is the first major paper that has documented the value of pharmacists in the clinical response that goes to the undertaking when it comes to reducing medication errors. As you know, medication errors is one of the real hot topics right now. This is actually the fifth time that this team has received this award since 1991. This is quite an achievement.

Also, the South Plains Nursing Coalition of which our School of Nursing is a part of, was named as a recipient of the Texas Higher Education Star Award at a ceremony in Austin on December 10. The other members of this coalition consist of the School of Nursing at Covenant Health System, the Covenant School of Nursing, South Plains College School of Nursing at the University Medical Center, Lubbock Christian University School of Nursing, American State Bank. But our nursing school is the largest in the consortium and the only one that offers advanced degrees.

The appointment of Dr. Rod Nairn was already mentioned as the executive vice president for academic affairs. This is an extremely important appointment and this will put us well on the way to realigning some of our priorities and really emphasizing academics.

The board may have seen the new classroom building that is not under construction any more. It is actually completed and we actually had an official ribbon cutting on November 10. The students love it. It is a state-of-the-art facility. The bottom line is that we are here for our students as has been mentioned a number of times today and this facility will provide the best education atmosphere for them.

We also had a groundbreaking in El Paso on December 9 for the new research facility at the Texas Tech Health Sciences Center. This building will become a part of the four-

year medical school. In addition to the groundbreaking, most of you know that the Texas Legislature also approved \$45 million in tuition revenue bonds to build the academic building and that is currently now under plans. We are now at a very active planning stage for opening of the four-year medical school.

In conclusion, about a week or so after the last board meeting the SACS accreditation site visit did occur. We did receive our report from them a couple of weeks ago. The report was very positive and there are a number of recommendations and suggestions that we are replying to at this point. The actual meeting to consider our request for accreditation will take place in June. Dr. Wilson wanted to let the board know, and this was mentioned many times, that to get a commendation is a big deal. They don't give our commendations very lightly. We received four commendations and they said that was very, very rare. So, it was a very good report and we are very optimistic about our prospects at the meeting in June.

Chairman Black noted that the opportunity he had to visit with the chairman of that group was an outstanding interview. Chairman Black thought he would have a lot of questions and really, basically, it was all commendations and congratulations on what we were doing at the Health Sciences Center. It was very, very positive. Congratulations.

Chancellor's Report  
Texas Tech University System  
Board of Regents Meeting  
December 19, 2003

Chancellor Smith stated that first of all, he wanted to thank the board for last evening. We had a great celebration of Preston Smith and his life. The chairman did a great job of emceeing that and Dolph Briscoe delivered a dynamic commendation for Preston's life and what he accomplished in the state of Texas and more importantly, for this region and Texas Tech. So, he appreciates the board. The award is something that we have the opportunity to recognize these kinds of individuals on an annual basis, which is important as this being the highest award given by this system. He appreciates the board members for doing that. He knows that the family feels the same way. They were very moved by the event.

Chairman Black commented that viewing the short, five-minute, tribute video certainly helped you to understand why Preston Smith was the first recipient of the Endless Horizon Award. It was very well done.

Chancellor Smith noted that they were most appreciative that they were able to even though we were sorry that he wasn't there last night he was recognized by the board and he was aware of the award and he was awfully excited. So, that was probably the best that we could hope for.

Chancellor Smith commended the two presidents and their transition. This has been a hectic time in higher education. It has been a great semester. We have the brightest students we have ever had at Texas Tech. But you have come in on the backs of what is going on at the federal and the state levels and the two presidents have not lost a step. In fact, you are already hearing which I think is rather amazing having gone through this myself is the amount of strategic thinking that is going on. It is not just reacting but the strategic thought processes that are occurring to the two presidents and their offices. So, I want to commend them.

Just a comment about Litman-Hearn quickly is what Mark didn't say is that when they arrived at this campus and the Health Sciences Center, and this, I think, tells us why we need to do this, their initial reaction was, "Gosh, we had no idea you had this here" – let alone in the discussions about the regional campuses. This is a group coming in from Chicago so if there was any statement that I took home from their analysis coming in from Chicago was they were overwhelmed with both the people, the sense of branding that we already have, the mission, the excellence and what could be done so I thought, again, this was sort of their first, as we say, gut response.

Chancellor Smith mentioned also this year we had a fairly good year at the federal awards – a little over \$12 million – for both the university and the Health Sciences Center in directed appropriations. Those are above and beyond what we do in research and he certainly wants to thank the team of the university, the president's office at the

Health Sciences Center and the university for their work on that – and the faculty who put together the red book which were already in the process of developing and we have a debt of gratitude to a lot of individuals in Congress. Those senators, Kay Bailey, carried a lot of our water. John Cornyn got off and running. He got several major appropriations – one new one was working with Randy Neugebauer with the Center for Addiction, the study of addiction, at Texas Tech which we are really pleased to see this time around. Continued support for agricultural programs, the Institute of Environmental and Human Health, engineering, as well as, of course, the health sciences and a new study that we are going to be able to undertake in this area of health diversities, particularly in the area of stroke, that Dr. Wilson worked on on his trips to Washington, as well. He is really pleased with that continued effort.

The mundane things that might be mentioned that we often forget but these two presidents huddled up together on a joint faculty hire. You may think that is relatively simple to do, but when you are dealing with multiple departments, multiple schools and multiple universities, it isn't always so easy unless they get involved. This was a dynamic couple that we were able to bring in – one for a Welch Chair at the university and a spouse equally accomplished in the area of psychiatry and psychology. We were able to recruit this dynamic group in who brought several million dollars worth of research to this university and academic credibility at the national and international level. He commended the two presidents for pulling together that effort because it took some to recruit that couple.

Also, there are some things happening at the staff level that people don't always recognize. Our ongoing battles with LP&L and what we are trying to do to ensure that we have both the availability of power and steam. I think we are working well with that team. The relationship with the city is superb in this area. It just has to do with some issues of, as Dick Brooks has in fact been a confidant during this process and he thanked Regent Brooks for his availability to Richard and everyone. There are just some realities of this business right now. But, the relationship has been maintained on a very positive level with the city and the new management of LP&L, but we are trying to make sure that we get the best bang for our buck because we do have some contractual arrangements that we need to insure are in place.

The final thing besides the fact that legal has been involved in the courtroom in a few things throughout the last few weeks. You have read about those and Pat's folks have been very busy along with audit. Finally, the investment world again Carin Barth's work in this and the Investment Advisory Board but it has been a tough couple of years, but this upturn from a \$317 million a little over a year ago to \$358 and we are up again this year. As many of you know, we moved from about 137<sup>th</sup> to 125<sup>th</sup>. The news we have now is we have moved up to 124<sup>th</sup> nationally this year in '04 which hasn't quite been published yet and we went from 10<sup>th</sup> to 9<sup>th</sup> in the Big XII in endowments. Congratulations to all those folks.

Thank you.



