

**TEXAS TECH UNIVERSITY SYSTEM  
LUBBOCK, TEXAS**

**MINUTES OF THE BOARD OF REGENTS  
OF  
TEXAS TECH UNIVERSITY**

**SEPTEMBER 1, 2000 THROUGH AUGUST 31, 2001**

**VOLUME III**

**TEXAS TECH UNIVERSITY SYSTEM**

**MINUTES OF THE BOARD OF REGENTS  
OF  
TEXAS TECH UNIVERSITY**

**MAY 11, 2001**



TEXAS TECH UNIVERSITY SYSTEM  
Lubbock, Texas

Minutes

Board of Regents  
May 11, 2001

Friday, May 11, 2001.—The members of the Board of Regents of the Texas Tech University System convened at 9:00 a.m. on Friday, May 11, 2001, in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, with the following in attendance:

ATTENDANCE.—

Regents present were J. Robert Brown, Chairman; Nancy E. Jones, Vice Chairman; Carin Barth; C. Robert Black; E. R. "Dick" Brooks; John W. Jones; David R. Lopez; Brian C. Newby and J. Michael Weiss.

Also participating at the opening of the meeting were John T. Montford, Chancellor; James L. Crowson, Deputy Chancellor for Administration; Elizabeth Haley, Interim Deputy Chancellor for Operations; David Schmidly, President, Texas Tech University; David R. Smith, President, Texas Tech University Health Sciences Center; Pat Campbell, Vice Chancellor and General Counsel; Jim Brunjes, Chief Financial Officer; and Lucy Lanotte, Executive Secretary to the Board of Regents.

- I. CALL TO ORDER.—Chairman Brown announced a quorum present, called the meeting to order and welcomed the two new regents, C. Robert Black and David R. Lopez.
- II. INTRODUCTIONS AND RECOGNITIONS.—Chairman Brown called on Chancellor Montford for the introductions and recognitions. Chancellor Montford introduced Katie Carruth, the Masked Rider for 2001-2002 and daughter of Johnny Bob Carruth, who served as masked Rider from 1968 to 1970. Chancellor Montford also welcomed the new Student Government Association officers for Texas Tech University, including John Steinmetz, president; Kelli Stumbo, internal vice president; and Channon Cain, external vice president. Chancellor Montford recognized members of the Texas Tech Meat Judging Team for garnering first place awards in reason and beef judging at the International competition and finishing their year of competition as the 2000 Reserve National Champions; team members recognized included Kristina Harris, Keith Underwood, Kamy Williams, Joseph Tunis, Zac Vineyard, Otto Lehmberg, and Larenda Murdock. Chancellor Montford then recognized Janah

Crawford, a Texas Tech second-year law student, upon winning the national championship trophy at the Sojourner Truth Moot Court Competition; new Horn Professor Frits Ruymgaart, professor and statistician in the department of mathematics and statistics; Jimmy Smith, professor of civil engineering and director of the Murdough Center for Engineering Professionalism, upon being named to the Texas Engineering Dream Team by the Texas Society of Professional Engineers; and Owen Hardwick and Lorenzo "Bubba" Sedeno, for their special work in property management at Texas Tech to reduce the amount of missing property. Chancellor Montford then introduced Ronald Streibich, new vice president for institutional advancement, TTU; Lynda Gilbert, new vice president for fiscal affairs, TTU; and Brad Butler, who was acknowledged for his work in conjunction with the Ad Hoc Committee on Revisions to the Board of Regents Policy Manual. Chancellor Montford then introduced the new student government officers at the Health Sciences Center including Cortney Youens, president and a first year medical student; Elizabeth Hamilton, vice president and a senior communication disorders major; Erin Patterson, secretary and a first year medical student; Michael Laudadio, treasurer and a first year physical therapy major and Farshid Ighani, parliamentarian and a first year medical student; and recognized the following Health Sciences Center faculty members: James McGrath, professor of physiology, recipient of his second Silver Star award from the Environmental Protection Agency for his work in creating a scientific database for the effects of diesel on humans; and Rudy Arredondo, professor of neuropsychiatry, reappointed by Governor Perry to the Board of the Texas Department of Mental Health and Mental Retardation.

- III. RECESS TO EXECUTIVE SESSION.—At approximately 9:12 a.m., at the direction of Chairman Brown, the Board recessed and convened in Executive Session as authorized by Chapter 551 of the *Texas Government Code*.
- IV. RECONVENING OF THE BOARD TO OPEN SESSION.—At approximately 10:35 a.m., the Board reconvened in open session in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, for the purpose of recessing into Standing Committee Meetings.
- V. RECESS TO STANDING COMMITTEES.—At approximately 10:35 a.m., at the direction of Chairman Brown, the Board recessed into meetings of its standing committees, which were conducted sequentially in open session. The Finance and Administration Committee met from approximately 10:35 a.m. until approximately 10:45 a.m. in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas; the Facilities Committee met from approximately 10:45 a.m. until approximately 11:13 a.m. in the Board Room, Second Floor, Room 201, Administration

Building, Akron and Broadway Avenues, Lubbock, Texas; and the Academic, Clinical and Student Affairs Committee met from approximately 11:13 a.m. until approximately 12:06 p.m. in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas.

VI. RECONVENING OF THE BOARD TO OPEN SESSION.—At approximately 12:06 p.m. on Friday, May 11, the Board reconvened in open session in the Board Room, Second Floor, Room 201, Administration Building, Akron and Broadway Avenues, Lubbock, Texas, to consider items as a Board and in the Committee of the Whole.

VI.A. APPROVAL OF MINUTES.—Regent Barth moved that the minutes of the Board meeting held on February 8, 2001 and April 17, 2001 be approved. Regent John Jones seconded the motion, and the motion passed unanimously.

VI.B. COMMITTEE OF THE WHOLE

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

1. Regent Nancy Jones called on Deputy Chancellor Crowson who presented the item regarding approval of the Consent Agenda and acknowledgment of review of the Information Agenda. Regent Nancy Jones moved that the Consent Agenda be approved. The motion was seconded and passed unanimously. The following are the Minute Orders approved by this motion:

- a. TTU: Approve emeritus appointment.—The Board approved granting the title of Vice President for Student Affairs emeritus to Robert H. Ewalt, former Vice President for Student Affairs, the action having been approved administratively by the Office of the President and the Office of the Chancellor.
- b. TTU: Ratify the establishment of the Institute for Pulsed Power and Power Electronics.—The Board approved the establishment of the Institute for Pulsed Power and Power Electronics as approved administratively by the Office of the President and the Office of the Chancellor.

Research in many areas of pulsed power and power electronics ("PPPE") is needed by national laboratories and industry (e.g., the all-electric car and fly-by-wire airplanes, novel utility power,

energy conservation by adjustable speed drives, power quality). The newly formed institute will be the focus for PPPE research and development and for collaborations established between the Institute and national laboratories and federal agencies.

- c. TTU: Approve conferral of degrees for the May 12, 2001 commencement.—The Board approved the conferral of degrees for the May 12, 2001 commencement upon all candidates who had completed requirements for degrees since the last official commencement and who were 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 May 12, 2001, as approved administratively by the Office of the President and the Office of the Chancellor.
- d. TTUHSC: Approve employee reappointment to non-elective position.—The Board approved the reappointment of Rodolfo Arredondo, Ed.D., professor in the Department of Neuropsychiatry, to the Board of the Texas Department of Mental Health and Mental Retardation by the Honorable Rick Perry, for a term to expire on January 31, 2007, as approved administratively by the Office of the President and the Office of the Chancellor.

In connection with the approval of the reappointment, the Board also found that (i) Dr. Arredondo's service will be of benefit to the state of Texas and Texas Tech University Health Sciences Center; and (ii) his service will not conflict with his position of employment at Texas Tech University Health Sciences Center.

- e. TTUHSC: Approve conferral of degrees for the May 18, 19 and 20, 2001 commencements.—The Board approved the conferral of degrees for the May 18, 19 and 20, 2001 commencements upon all candidates who had completed requirements for degrees since the last official commencement and who were certified by the appropriate faculties, deans and registrar of Texas Tech University Health Sciences Center as having met all requirements of the degree as indicated by the official printed commencement program of May 18, 19 and 20, 2001, as approved administratively by the Office of the President and the Office of the Chancellor.
- f. TTU: Approve naming the bank building located at 1901 University Avenue.—The Board approved naming the bank

building located at 1901 University Avenue "Texas Tech Plaza" as approved administratively by the Office of the President and the Office of the Chancellor.

- g. TTU: Ratify budget and salary adjustments for the period January 1, 2001 through March 31, 2001.—The Board ratified budget and salary adjustments for the period January 1, 2001 through March 31, 2001, included herewith as Attachment No. 1, as approved administratively by the Office of the President and the Office of the Chancellor.
- h. TTU: Approve FY2002 holiday schedule.—The Board approved the holiday schedule for FY2002 for Texas Tech University, included herewith as Attachment No. 2, as approved administratively by the Office of the President and the Office of the Chancellor.
- i. TTUHSC: Approve FY2002 holiday schedule.—The Board approved the holiday schedule for FY2002 for Texas Tech University Health Sciences Center, included herewith as Attachment No. 3, as approved administratively by the Office of the President and the Office of the Chancellor.
- j. TTUS: Approve FY2002 holiday schedule.—The Board approved the holiday schedule as the Texas Tech University System holiday schedule for FY2002, included herewith as Attachment No. 4, as approved administratively by the Office of the President and the Office of the Chancellor.
- k. TTU: Approve renewal of contract with the City of Lubbock to provide campus bus service.—The Board approved the renewal of a contract with the City of Lubbock to provide campus bus service for the three-year period September 1, 2001 through August 31, 2004, as approved administratively by the Office of the President and the Office of the Chancellor.
- l. TTU: Approve an amendment to a contract between Texas Tech University and Cassidy and Associates to perform communications and public relations services for federal research and development funding.—The Board approved amending a contract with Cassidy and Associates (Washington, D.C.), as approved administratively by the Office of the Chancellor. The contract began December 16, 2000 and will end December 15, 2001. The purpose of the



contract is to perform communications and public relations services for federal research and development funding through Cassidy and Associates' subsidiary Powell Tate.

- m. TTUHSC: Approve an amendment to a contract with Cassidy and Associates to remove the Texas Tech University Health Sciences Center.—The Board approved amending a contract with Cassidy and Associates (Washington, D.C.) to remove the Texas Tech University Health Sciences Center from the contract, as approved administratively by the Office of the Chancellor. The contract began October 21, 1999 and will end October 20, 2002.
- n. TTUHSC: Approve extension of current agreement with William Rosser, D.V.M.—The Board approved the extension of the current agreement with William Rosser, D.V.M. (Lubbock), as approved administratively by the Office of the Chancellor. The current agreement with Dr. Rosser will expire May 31, 2001, and provides payment of \$500 per month plus approved expenses. The renewal agreement will begin June 1, 2001 and end May 31, 2002, and will increase the scope of Dr. Rosser's work and will provide compensation in the amount of \$1,000 per month plus approved expenses.
- o. TTUHSC: Approve renewal of agreement with R. E. Thomason General Hospital for medical and administrative services.—The Board approved the renewal of the agreement with R. E. Thomason General Hospital ("Thomason") for medical and administrative services as approved administratively by the Office of the President and the Office of the Chancellor.

The term of the existing agreement is July 1, 2000 through June 30, 2001. Compensation for this agreement is in the amount of \$3,667,484. The renewal agreement will begin July 1, 2001 and end June 30, 2002. Negotiations have not been completed on the renewal agreement, but it is anticipated that compensation will increase by more than 10%, thereby requiring approval by the Board of Regents. The increase in the amount of the contract reflects the fair market value of the services being provided by TTUHSC to Thomason, and a slight increase in the amount of services provided.

- p. TTUHSC: Approve renewal of agreement with R. E. Thomason General Hospital for emergency medicine physician services.—The Board approved the renewal of the agreement with R. E. Thomason General Hospital (“Thomason”) for emergency medicine physician services, as approved administratively by the Office of the President and the Office of the Chancellor.

The existing agreement was from November 11, 1996 to June 30, 2000, and has continued on a month-to-month basis as provided in the contract. The existing agreement was in the amount of \$2,567,996 for the year ended June 30, 2000. The new agreement is for six months and two weeks beginning March 19, 2001 and ending September 30, 2001, in the amount of \$1,833,997.

- q. TTU: Accept major gift-in-kind to the College of Engineering.—The Board accepted a gift-in-kind of the following research equipment valued at \$250,000 from Design Leasing of Midland, Texas, for the benefit of the Wind Science and Engineering Research Center in the College of Engineering, as approved administratively by the Office of the President and the Office of the Chancellor: (i) a NEXRAD WSR-88D Principal User Processor and equipment; (ii) a lightning detection system with equipment; (iii) ten hotwire anemometer systems with displays and equipment; (iv) a temperature/dew point system with equipment; (v) multiple comet modules; (vi) two 10-foot meteorological towers; (vii) an ethernet hub ten-base T; (viii) an equipment rack; (ix) four external modems; (x) two 24-inch form feed printers; (xi) two aviation transceivers and equipment; (xii) twenty military grade aviation radio antennas; and (xiii) lot assorted cables for connectivity of described equipment.
- r. TTU: Accept major gift-in-kind to the College of Engineering.—The Board accepted a gift-in-kind of a three-year right to use software licenses and software maintenance valued at \$120,000 from Schlumberger GeoQuest of Houston, Texas, for the benefit of the Petroleum Engineering Department of the College of Engineering, as approved administratively by the Office of the President and the Office of the Chancellor.
- s. TTUS: Approve commissioning of police officers.—The Board approved commissioning of Christopher W. Patterson

and Christopher M. Hixson as police officers, effective January 8, 2001, as approved administratively by the Office of the Chancellor.

Regent Nancy Jones then moved that the Board acknowledge its review of the Information Agenda as follows:

### Information Agenda

Information is provided as required by *Board of Regents Policy 01.01.10.c*.

- (1) TTU and TTUHSC: Summary of Revenues and Expenditures by Budget Category, FY 2001, per *Board of Regents Policy 01.01.8.c(3)(f)*: All actual expenditures will be reviewed by the Finance and Administration Committee annually and provided as information.
  - (a) TTU: Report dated February 28, 2001 for fiscal year 2001
  - (b) TTUHSC: Report dated February 28, 2001 for fiscal year 2001
- (2) TTU: Budget Adjustments per *Board of Regents Policy 04.04.4.c(3)* for the period January 1, 2001 through March 31, 2001: For research contracts, grants, and sponsored projects, any budget adjustments exceeding \$100,000 and supplemental awards and renewal proposals greater than \$250,000 will be reported to the board for information.
  - (a) Sensitivity Limits of Solr blind GIGAN P-I-N Photodetectors; \$170,000; USAF/F 19628-99-C-0013;
  - (b) Compact Pulsed Power & High Power Microwave Devices; \$158,826; AFOSR;
  - (c) MURI 2-Explosive-Driven Power Generation for Directed-Energy Munitions; \$818,906; AFOSR/CFDA 12.630;
  - (d) New Proton-Ionizable, Calixarene-Based Ligands for Selective Metal Ion Separations; \$100,863; Dept of Energy/CFDA #81.049;
  - (e) Environmental Effects on the Dimensional Stability of Polymeric Glasses; \$105,000; NSF/DMR-0070552;
  - (f) Physical Organic Chemistry of Sm(II) Reagents; \$295,000; NSF/CFDA #47,049;
  - (g) Northwest Texas SBDC (NWT SBDC); \$608,707; US Small Business Administration/1-7620-0048-15;
  - (h) Low Income Tax Clinic; \$100,000; IRS/CFDA #21.008;
  - (i) Fatherhood Demonstration Project; \$124,784; Dept of Health and Human Services/Award No. 90WF0008/01;
  - (j) GRI-TMAC; \$168,556; Sales & Services;
  - (k) Triggered Vacuum Gap; \$101,110; Dept of Army/UTA 98-0430;
  - (l) Texas Telecommunications Engineering Consortium; \$200,000; Private Gifts;
  - (m) Promotion of Transition Metal Bioavailability; \$139,474; DuCoa;
  - (n) Upgrade of Junction Campus; \$139,200; Junction Texas Economic Development Corp;
  - (o) Northwest Texas Small Business Development Center; \$222,770; Market Lubbock, Inc.; and
  - (p) Process-Based Scholarship and Retention Program; \$260,000; National Science Foundation.



- (3) TTUHSC: Budget Adjustments per *Board of Regents Policy 04.05.4.a* for the period January 1, 2001 through March 31, 2001: All contract renewals or amendments greater than \$1,000,000 per annum which have changed by no more than 10% from the previous agreement will be reported to the board for information.
- (a) Medical Center Hospital; contract number AOMM92056/9; \$6,105,544; TTUHSC Odessa; previous contract \$6,481,369; and
  - (b) Texas Higher Education Coordinating Board; contract number ALMM92260/9; \$1,231,480; Department of Family Medicine; previous contract \$1,181,925.
- (4) TTUHSC: School of Medicine Faculty Employment Contracts per *Board of Regents Policy 04.05.4.b*: "All faculty employment contracts greater than \$100,000 per annum shall be approved by the president. 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) Fernandez, Christopher, M.D., Instructor/NTT; Anesthesiology, Lubbock; 7/1/01-8/31/01; \$150,000;
  - (b) Frausto, Marcella, M.D., Instructor/NTT; Pediatrics, El Paso; 2/1/01-8/31/01; \$100,000;
  - (c) McHattie, Thomas J., M.D., Associate Professor & Regional Chair/NTT; Ob/Gyn, Odessa; 3/19/01-8/31/02; \$240,000;
  - (d) Mohapatra, Sachi, M.D., Assistant Professor/NTT; Internal Medicine, Odessa; 1/1/01-8/31/01; \$160,000;
  - (e) Nunn, Jr., Howard, M.D., Assistant Professor; Radiology, Lubbock; 5/1/01-1/31/03; \$300,000;
  - (f) Pirela-Cruz, Miguel Angel, M.D., Associate Professor/NTT; Orthopedics, El Paso; 1/1/01-8/31/01; \$265,200;
  - (g) Porat, Shimson, M.D., Assistant Professor/NTT; Pediatrics, Odessa; 1/29/01-8/31/01; \$120,000;
  - (h) Reid, Karlene, M.D., Assistant Professor/NTT; Internal Medicine, Odessa; 1/1/01-8/31/01; \$120,000;
  - (i) Shome, Goutam, M.D., Assistant Professor/NTT; Internal Medicine(Allergy), Lubbock; 7/1/01-8/31/01; \$140,000;
  - (j) Sobel, Barry J., M.D., Associate Professor/NTT; Internal Medicine, Odessa; 1/1/01-8/31/01; \$175,000;
  - (k) Thomas, John P., M.D., Assistant Professor/TT; Surgery, Lubbock; 7/1/01-8/31/01; \$167,000; and
  - (l) Wells, Michael, M.D., Instructor/NTT; Dermatology, Lubbock; 7/1/01-8/31/02; \$180,000.
- (5) TTU: Small Class Report, Spring 2001, per *Board of Regents Policy 06.07.2*: Provided in compliance with state requirements.
- TTU: Report dated Spring 2001

The motion was seconded and passed unanimously.

2. TTUS: Affirm managerial group and exclude members of the Board of Regents from access to classified information.—Regent Nancy Jones called on Deputy Chancellor Crowson who presented the item regarding

approval of 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") and Texas Tech University Health Sciences Center ("TTUHSC") be known as the Managerial Group of the respective institution, 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, Graduate Studies, and Technology Transfer, TTU  
Assistant Vice President and Director of Research Services, TTU  
President, TTUHSC  
Associate Vice President for Research, TTUHSC  
Director of Sponsored Programs, TTUHSC

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 and TTUHSC;

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 TTUHSC, and do not occupy positions that would enable them to affect adversely the policies and practices of TTU and TTUHSC in the performance of any classified contracts for the Department of Defense or User Agencies of its Industrial Security Program awarded to TTU and TTUHSC, and need not be processed for personnel security clearance:

#### BOARD OF REGENTS

Ms. Carin Barth	Mr. J. Robert Brown	Mr. David R. Lopez
Mr. C. Robert Black	Mr. John W. Jones	Mr. Brian C. Newby
Mr. Dick Brooks	Dr. Nancy E. Jones	Mr. J. Michael Weiss

Regent Nancy Jones moved that the above resolutions be approved. The motion was seconded, and passed unanimously.

3. TTUS: Report on progress of revision of Five-Year Capital Projects Plan.—Regent Nancy Jones called on Deputy Chancellor Crowson and Vice Chancellor Ellicott who presented the report on the progress of updating the Capital Projects Plan and the MP1 documents for the Texas Higher Education Coordinating Board. Mr. Crowson noted that the revised Capital Projects Plan will be presented at the August meeting of the Board of Regents.
4. TTUS: Report of the Ad Hoc Committee on Revision of the Board of Regents' Policy Manual; approve *The Rules and Regulations of the Board of Regents of the Texas Tech University System*.—Regent Nancy Jones called on Deputy Chancellor Crowson who presented the report of the Ad Hoc Committee on Revision of the Board of Regents' Policy Manual and the item to approve *The Rules and Regulations of the Board of Regents of the Texas Tech University System*, included herewith as Attachment No. 5.

Regent Nancy Jones moved that the board accept the report of the Ad Hoc Committee on Revision of the Board of Regents' Policy Manual and approve *The Rules and Regulations of the Board of Regents of the Texas Tech University System*. The motion was seconded, and passed unanimously.

#### VI.C. REPORT OF EXECUTIVE SESSION

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

Vice Chairman Jones moved that the Office of the Chancellor or its designee be authorized to proceed with all action necessary to purchase real property located in Odessa, Ector County, Texas, within the parameters specifically authorized in Executive Session. The motion was seconded, and passed unanimously.

Vice Chairman Jones moved that the Office of the General Counsel be authorized to take the action necessary to settle Case Number D-107-805 within the parameters specifically authorized in Executive Session. The motion was seconded, and passed unanimously.

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

Chairman Brown called on Regent Brooks, Chair, to give the report of the Finance and Administration Committee.

Regent Brooks reported that the Finance and Administration Committee met in open session to consider those matters on its agenda and to formulate recommendations to the Board of Regents of Texas Tech University System. Unless otherwise indicated,

the actions set forth in the Minute Orders which follow were recommended by the Finance and Administration Committee and approved in open session and without objection by the Board of Regents of Texas Tech University System.

1. TTU: Approve the establishment of a quasi-endowment in the College of Engineering.—The Board approved the transfer of Horn Professorship funds from the Department of Electrical Engineering to establish a quasi-endowment for support of scholarships to be awarded to engineering students. The source of funds for this quasi-endowment will be derived from the balance of the Marion O. Hagler Horn Professorship in Electrical Engineering. Dr. Hagler has left the university and has requested that the balance of his professorship totaling \$33,979 (FUND 0863) be transferred to establish the Horn Professor Endowed Scholarship in Engineering.
2. TTU: Approve the request to disestablish a quasi-endowment.—The Board approved the return of unrestricted funds to the Athletic Department by disestablishing a quasi-endowment for Athletic Facilities Improvement.
3. TTU: Approve budget adjustments for the period January 1, 2001 through March 31, 2001.—The Board approved budget adjustments for the period January 1, 2001 through March 31, 2001, included herewith as Attachment No. 6.

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

Chairman Brown called on Regent John Jones, Chair, to give the report of the Facilities Committee.

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

1. TTU: Authorize increases to the project budgets for Jones SBC Stadium Renovation Stage I, Jones SBC Stadium Renovation Stage II, and the University Center Renovation and Expansion.—The Board authorized the Office of the Chancellor to (i) increase the Jones SBC Stadium Stage I project budget from \$20,000,000 to \$22,000,000; (ii) increase the Stage II project budget from \$55,000,000 to \$58,000,000, both the Stage I and Stage II increases to be funded through the Revenue Financing System which is to be repaid with revenues from private donations, suite

and seat sale revenues, and institutional funds; and (iii) increase the University Center Renovation and Expansion project budget from \$35,000,000 to \$38,000,000 to be funded through the Revenue Financing System to be repaid with revenues derived from the University Center Fees and proceeds from the Bookstore.

Mr. Weiss asked to be recorded as voting "no."

2. TTU: Authorize TxDOT Transportation Enhancement Act for the Twenty-First Century (TEA-21) grant matching funds for enhancements to the 19th Street median and University Avenue.—The Board authorized the Office of the Chancellor to provide matching funds in the amount of \$600,000 upon approval of a TxDOT Transportation Enhancement Act for the Twenty-First Century (TEA-21) Grant application request to:
  1. Enhance 19th Street from University Avenue across Indiana Avenue and to enhance the intersection at Broadway and University Avenue.
  2. Enhance University Avenue from 4th Street north to the Clovis Highway

The Board also authorized the use of the Revenue Financing System to provide for the availability of the funds when needed, with the Revenue Financing System to be repaid by allocations of institutional funds.

Additionally, the Board authorized the Office of the Chancellor to enter into any and all necessary or appropriate agreements with the City of Lubbock and TxDOT to accomplish the work if the grant applications are approved.

3. TTU: Approve planning for an Advanced Research Facility.—The Board authorized the Office of the Chancellor to accept the feasibility study and proceed with the planning, programming, design development, budget development, and engage a construction manager-at-risk for pre-construction services for an Advanced Research Facility containing high containment research laboratories and test facilities at the Institute for Environmental and Human Health at Reese Technology Center with a planning and design budget of \$4,000,000 to be funded by external sources.
4. TTU: Accept major gift-in-kind for Dan Law Field.—The Board approved gift-in-kind improvements to Dan Law Field, valued at \$1,309,800, from Mr. Jim Sowell of Dallas, Texas, for the benefit of the Department of Athletics.



5. TTU: Authorize use of the Revenue Financing System for renovations to Dan Law Field and R. P. Fuller Track.—The Board approved the use of the Revenue Finance System for a \$904,150 project for renovations and improvements to Dan Law Field and R. P. Fuller Track. The project will be funded by donations already received and the Revenue Financing System, which is to be repaid by future donations, advertising sign revenues, and institutional funds.

Mr. Weiss asked to be recorded as voting “no.”

6. TTUHSC: Acceptance of gift for construction of and naming of the student center.—The Board authorized the Office of the Chancellor to design and construct a project for a Student Center in existing shell space on the second floor of Wing “C” in the Health Science Center building with a project budget of \$2,100,000. The Board also authorized the Office of the Chancellor to accept a gift in the amount of \$1,500,000 to fund a portion of the project and to fund the remaining \$600,000 from institutional funds, and to obtain approval from the Texas Higher Education Coordinating Board and to select a construction manager or contractor and award a construction contract.

The Board authorized the Office of the Chancellor to name the Student Center the “F. Marie Hall Synergistic Center” in accordance with the donor’s request.

7. TTU and TTUHSC: Report on Office of Facilities Planning and Construction projects.—The Board accepted a report by Mr. Ellicott on the facilities planning and construction projects, included herewith as Attachment No. 7.

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

Chairman Brown called on Regent Newby, Chair, to give the report of the Academic, Clinical and Student Affairs Committee.

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

1. TTU: Approve exception to Board of Regents Policy 04.23.—The Board approved an exception to *Board of Regents Policy 04.23*, Nepotism, to allow Pat Knight, son of Robert Knight, coach of the Texas Tech University men's basketball team, to be employed as an assistant basketball coach in the Department of Athletics. All personnel actions, compensation decisions, performance evaluations, merit increases and all other administrative decisions will fall under the direct purview of the Texas Tech University Athletic Director.
2. TTU: Approve revisions to Part IX, Code of Student Conduct of the Student Affairs Handbook, to be effective August 1, 2001.—The Board approved the revisions to Part IX, Code of Student Conduct of the *Student Affairs Handbook* as amended and noted in Attachment No. 8, to be effective August 1, 2001.
3. TTU: Approve concept for the establishment of a multi-institution teaching center to serve the Hill Country region.—The Board approved the submission of a concept plan to the Texas Higher Education Coordinating Board ("THECB") to establish Texas Tech University as the lead institution in developing a multi-institution teaching center ("MITC") to serve the Hill Country region.

Under the concept developed, Texas Tech would join with three senior institutions (Angelo State University, Sul Ross State University and Schreiner University) and three community colleges (Austin Community College, Howard College and Texas State Technical College) to establish the teaching center and deliver courses, degrees and programs beginning in June 2002.

This concept plan is currently being submitted to the governing boards of all participating institutions. If approved by the Board of Regents, the plan will be submitted in June 2001 for consideration at the July 2001 meeting of THECB. If approved and funded, the MITC would operate in accordance with a Memorandum of Understanding ("MOU") to be executed by all partners. The MOU would require approval by the Board of Regents at a later meeting and would govern operations and administration of the MITC, including provision of shared staff, fiscal operations, student services, maintenance of quality, dispute resolution, procedures for admitting and releasing partner institutions and methods of articulating degrees and programs among partner institutions.

4. TTU: Approve changing the name of the Department of Health, Physical Education and Recreation.—The Board approved changing the name of the Department of Health, Physical

Education and Recreation to the "Department of Health, Exercise and Sport Sciences."

The change will be in name only. No budget or curriculum will be affected. The name change will better reflect the academic programs offered within the department. The undergraduate program in Recreation and Leisure Studies will be discontinued, effective December 2001. The term physical education does not capture the diverse disciplines that focus on the study of human performance and the contributions of physical activity to fitness and wellness.

5. TTUHSC: Approve change of rank in the School of Medicine.—The Board approved a change in academic rank for Steven M. Mathews, O.D., Ph.D. from assistant professor to associate professor in the Department of Ophthalmology and Visual Sciences, School of Medicine, effective May 11, 2001. Dr. Mathews will also be promoted to Director of Optometric Services within the Department of Ophthalmology and Visual Sciences.

- 5a. TTUHSC: Approve conferral of an Honorary Degree.—The Board approved (i) waiving the requirement that the Office of the President inform the Board of nominations at least one month prior to the Board meeting when candidates for honorary degrees are scheduled to be considered for approval; and (ii) conferring an honorary degree, Doctor of Humane Letters, upon Mr. Shirley L. Garrison at the School of Nursing's commencement ceremony on May 19, 2001.

This honorary degree recognizes the many notable contributions of Mr. Garrison to the people of West Texas and to Texas Tech and pays tribute to his lifetime of service and concern for others.

6. TTUHSC: Approve changing the name of the Anatomy Graduate Program.—The Board approved (i) changing the graduate program name from "Anatomy Graduate Program" to "Cell and Molecular Biology" in the Department of Cell Biology and Biochemistry; and (ii) authorized the Office of the Chancellor to cause a proposal to be submitted to the Texas Higher Education Coordinating Board seeking approval for such a name change.
7. TTUHSC: Approve revisions to the bylaws of the Pharmacy Income Plan.—The Board approved revisions of the Texas Tech University Health Sciences Center School of Pharmacy, Pharmacy Income Plan Bylaws, included herewith as Attachment No. 9.



8. TTUHSC: Approve agreement for consulting services concerning establishing the fair market value for medical services rendered to R. E. Thomason General Hospital.—The Board approved an agreement with ECG Management Consultants, Inc. ("ECG") to provide consulting services to establish the fair market value for medical services rendered by the TTUHSC Department of Internal Medicine to R. E. Thomason General Hospital. The term of the contract will be May 15, 2001 through June 30, 2001. The total compensation for the contract will be in the amount of \$27,000 including expenses.
  9. TTUHSC: Report on the School of Medicine 2001 match results of medical students securing residency positions.—The Board accepted a report by Dr. Joel Kupersmith, vice president for clinical affairs, and dean, School of Medicine and Graduate School of Biomedical Sciences, on the 2001 match results of medical students securing residency positions, included herewith as Attachment No. 10.
  10. TTU: Scheduled reports on the status of academic units.
    - a. TTU: Report on the School of Law.—The Board accepted a report by Dr. Frank Newton, dean, on the activities and plans for the School of Law, included herewith as Attachment No. 11.
    - b. TTU: Report on the Museum of Texas Tech University.—The Board accepted a report by Dr. Gary Edson, director, on the activities and plans for the Museum of Texas Tech University, included herewith as Attachment No. 12.
- VI.G. REPORT OF THE INVESTMENT ADVISORY COMMITTEE.—Chairman Brown called on Regent Barth who presented the Investment Advisory Committee report, included herewith as Attachment No. 13.
- VI.H. REPORT OF SPECIAL COMMITTEE TO STUDY ENROLLMENT MANAGEMENT.—Regent Newby's report on the Special Committee to Study Enrollment Management was postponed until the August Board meeting.
- VI.I. REPORT OF THE CAMPUS CAREGIVERS COMMITTEE.—Chairman Brown called on Mrs. Debbie Montford who presented a report on the activities of the Campus Caregivers Committee, included herewith as Attachment No. 14.

VI.J. **SCHEDULE FOR BOARD MEETINGS.**—Mr. Crowson presented the proposed schedule for future Board meetings and asked for comments. The established schedule is as follows: August 9-10, 2001, Lubbock (at TTUHSC); November 1 (workshop/retreat)-2, 2001, Lubbock; December 13-14, 2001, Odessa; March 7-8, 2002, Austin; May 9-10, 2002, Lubbock; August 8-9, 2002, Lubbock (at TTUHSC); November 14 (workshop/retreat)-15, 2002, Lubbock; December 19-20, 2002, Junction; February 6-7, 2003, Fort Worth/Arlington; May 15-16, 2003, Lubbock.

Mr. Crowson stated that due to the regents' desire to attend December commencements in Lubbock, the location of the December board meeting is being reviewed in an attempt to alleviate potential travel complications associated with an out-of-town board meeting preceding commencement in Lubbock.

VI.K. **THE PRESIDENT'S REPORT, TTU.**—Chairman Brown called on President Schmidly who presented the President's Report, included herewith as Attachment No. 15.

VI.L. **THE PRESIDENT'S REPORT, TTUHSC.**—Chairman Brown called on President Smith who presented the President's Report, included herewith as Attachment No. 16.

VI.M. **CHANCELLOR'S REPORT.**—Chairman Brown called on Chancellor Montford who presented the Chancellor's Report, included herewith as Attachment No. 17.

VI.N. **ADJOURNMENT.**—Chairman Brown adjourned the meeting at approximately 12:43 p.m.

#### INDEX OF ATTACHMENTS

Attachment 1	TTU Budget and Salary Adjustments, January 1, 2001 to March 31, 2001
Attachment 2	TTU Holiday Schedule for FY2002
Attachment 3	TTUHSC Holiday Schedule for FY2002
Attachment 4	TTUS Holiday Schedule for FY2002
Attachment 5	TTUS <i>The Rules and Regulations of the Board of Regents of the Texas Tech University System</i>
Attachment 6	TTU Budget Adjustments, January 1, 2001 through March 31, 2001

Attachment 7	TTU and TTUHSC Report on Office of Facilities Planning and Construction Projects
Attachment 8	TTU Revisions to Part IX. Code of Student Conduct of the <i>Student Affairs Handbook</i>
Attachment 9	TTUHSC Revisions to the bylaws of the Pharmacy Income Plan
Attachment 10	TTUHSC School of Medicine 2001 Match Results
Attachment 11	TTU Report on the School of Law
Attachment 12	TTU Report on the Museum of Texas Tech University
Attachment 13	TTU Report of the Investment Advisory Committee
Attachment 14	TTU Campus Caregivers Committee Report
Attachment 15	TTU President's Report
Attachment 16	TTUHSC President's Report
Attachment 17	TTUS Chancellor's Report

I, James L. Crowson, the duly appointed and qualified Assistant 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 Board of Regents meeting on May 11, 2001.



James L. Crowson  
Assistant Secretary

Seal

TEXAS TECH UNIVERSITY – BOARD RATIFICATION ITEMS  
(January 1, 2001 - March 31, 2001)

NO.	ACTIVITY	SOURCE OF FUNDS		EXPENSE	REMARKS
		OTHER	INCOME		
<b>BOARD RATIFICATION:</b>					
RR06438	Custodial Services Support	\$193,830		\$193,830	Transfer funding from the fund balance of 0114. This funding source will be reimbursed from billing customer accounts.
VO04738	Vehicle Fuel Sales		\$105,495	105,495	Budget revenue consistent with sales and service levels.
VO04596	Comparative Literature Study Abroad		135,000	135,000	Establish an account for students to study literature in various European countries: Paris, France; Florence & Rome, Italy; and Madrid & Salamanca, Spain.
VO05072	Student Publications	100,000		100,000	Transfer \$50,000 each from the fund balances of La Ventana and University Daily. These funds will be used to purchase replacement vehicles and furniture.
VO07810	Europe 2001		144,000	144,000	Establish an account for students to do architectural studies in Italy, Germany and other European cities for 10 to 12 weeks.
YQ00944	Petroleum Engineering Faculty Assistance Fund	170,000		170,000	Transfer of funds from Petroleum Engineering Equipment Fund in order to cover a shortfall in the Petroleum Engineering Faculty Assistance Fund.

TEXAS TECH UNIVERSITY – BOARD RATIFICATION ITEMS  
(January 1, 2001 - March 31, 2001)

NO.	ACTIVITY	SOURCE OF FUNDS		EXPENSE	REMARKS
		OTHER	INCOME		
<b><u>Salary Increases of 10% or more:</u></b>					
	Per Annum	<b>CURRENT SALARY</b>	<b>NEW SALARY</b>	<b>% INCREASE</b>	
	Evans, Mary	\$18,096	\$20,196	12%	Salary exception
	Jacobsen, Karen	35,328	41,000	16%	Salary exception
	McArthur, Everett Edward	37,429	42,692	14%	Salary exception
	Wilson, Michael	77,763	85,539	10%	Salary exception

Texas Tech University

Holiday Schedule for 2001-2002

<u>2001</u>	<u>Day of Week</u>	<u>Holiday</u>
September 3	Monday	Labor Day
November 22	Thursday	Thanksgiving Day
November 23	Friday	Thanksgiving Holiday
December 24	Monday	Christmas Holiday
December 25	Tuesday	Christmas Day
December 26	Wednesday	Christmas Holiday
December 27	Thursday	Christmas Holiday
December 28	Friday	Christmas Holiday
December 31	Monday	Christmas Holiday
<u>2002</u>		
January 1	Tuesday	New Year's Day
January 21	Monday	Martin Luther King, Jr. Day
May 27	Monday	Memorial Day
July 4	Thursday	Independence Day
Total Allowable Holidays 13		

# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

## Holiday Schedule for FY 2001-2002\*

<u>2001</u>	<u>Day of Week</u>	<u>Holiday</u>
September 3	Monday	Labor Day
November 22	Thursday	Thanksgiving Day
November 23	Friday	Thanksgiving Holiday
December 24	Monday	Christmas Eve
December 25	Tuesday	Christmas Day
December 31	Monday	New Year's Eve
<u>2002</u>		
January 1	Tuesday	New Year's Day
January 21	Monday	Martin Luther King, Jr. Birthday
May 27	Monday	Memorial Day
July 4	Thursday	Independence Day

**Note:** State law provides for 17 state holidays. During FY 2002, four of the dates fall on weekends. The appropriations bill disallows state holidays occurring on weekends. There are 13 observable days in FY 2002. TTUHSC will observe 10 holidays.

An additional three days of holiday entitlement will be accrued to employees' vacation leave balances at the rate of two hours per month. Prior to August 31, 2002, employees must take additional accrued holiday entitlement.

State employees are entitled to observe the holidays of Rosh Hashanah, Yom Kippur, Good Friday and Cesar Chavez Day in lieu of any holiday(s) on which the institution is required to be open and staffed to conduct business.

\* Subject to change by the 77<sup>th</sup> Regular Legislative Session.

Texas Tech University System

Holiday Schedule for 2001-2002

<u>2001</u>	<u>Day of Week</u>	<u>Holiday</u>
September 3	Monday	Labor Day
November 22	Thursday	Thanksgiving Day
November 23	Friday	Thanksgiving Holiday
December 24	Monday	Christmas Holiday
December 25	Tuesday	Christmas Day
December 26	Wednesday	Christmas Holiday
December 27	Thursday	Christmas Holiday
December 28	Friday	Christmas Holiday
December 31	Monday	Christmas Holiday
<u>2002</u>		
January 1	Tuesday	New Year's Day
January 21	Monday	Martin Luther King, Jr. Day
May 27	Monday	Memorial Day
July 4	Thursday	Independence Day
Total Allowable Holidays 13		



## **Report of the Ad Hoc Committee on Revision of the Board of Regents' Policy Manual concerning the approval of *The Rules and Regulations of the Board of Regents of the Texas Tech University System***

The Ad Hoc Committee\* on Revision of the Board of Regents' Policy Manual recommends that the Board of Regents approve and adopt *The Rules and Regulations of the Board of Regents of the Texas Tech University System* (the "Regents' Rules") as forwarded to the members of the board by letter dated April 20, 2001, such *Regents' Rules*, upon adoption, to replace the *Texas Tech University System Board of Regents' Policy Manual*.

As a part of the on-going review the *Regents' Rules* will always receive, the Office of the Chancellor recommends that the Board of Regents approve primarily editorial revisions as set out on page CW-12.

The Ad Hoc Committee also recommends that the content of the following board policies not be included in the *Regents' Rules* but be incorporated in the appropriate operating manuals (as the term is defined in the *Regents' Rules*) of the component institutions and further that all such policies remain operational as board policies until they are incorporated into such operating manuals:

- 02.04 The Museum of Texas Tech University;
- 02.05 Educational Television;
- 03.04 Use of Loudspeaker Equipment;
- 03.09 Military Recruitment and Activity;
- 03.10 Authority to Control Traffic;
- 03.11 Traffic and Parking Regulations;
- 04.09 Expenditures of Local Funds for Food and Refreshments;
- 04.14 Retirement of Texas Tech Employees;
- 04.15 Authority to Approve Travel;
- 04.18 Travel of Faculty and Staff;
- 04.19 Travel Expenses Paid from Gift and Grant Funds;
- 04.20 Travel for the Athletic Department;
- 04.21 Geophysical Surveys;
- 04.24 Computer Security and Privacy;
- 04.26 Sale of Educational Materials;
- 04.28 Lease of Space;
- 04.29 Education-Related Business Activities;
- 04.30 Sick Leave Pool;
- 06.08 Faculty Sick Leave;
- 08.01 Admission;
- 08.03 Suspension and Retention;
- 08.04 Undergraduate Credit by Examination;

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\*Regents: N. Jones (Chair), Weiss, and White; Staff: Jim Crowson, Jim Brunjes, Brad Butler, Pat Campbell, Elmo Cavin, Suzy Henson, Lucy Lanotte, Elizabeth McClendon, and Carol Phillips

- 08.05 Housing of Students and Staff - Texas Tech University;
- 08.06 Residence Halls Visitation Hours - Texas Tech University;
- 08.07 Residence Hall Collections and Advance Payments - Texas Tech University;
- 08.08 Social Fraternities and Sororities;
- 08.09 Official Student Publications - Texas Tech University;
- 09.01 Texas Public Educational Grants;
- 09.02 Annual Approval of Student Fees;
- 09.03 Compulsory Student Services Fee;
- 09.04 Institutional Tuition Fee;
- 09.05 University Center Fee;
- 09.06 Medical Services Fee;
- 09.07 Fees to be Charged for Certain Individual Courses;
- 09.08 Tuition and Fees Installment Payment Options; and
- 09.09 Distance Learning or Off-Campus Courses.

The Ad Hoc Committee further recommends that the Office of the Chancellor be authorized and instructed to take any transitional actions deemed appropriate pursuant to Sections 02.04.2.i and 05.01.3 of the newly-adopted *Regents' Rules*.

The Office of the Chancellor concurs with the recommendation of the Offices of the Presidents that the board approve the Intellectual Property text set out on pages CW-13 through CW-30 as a substitute for the Intellectual Property text that was included in the material mailed to the board on behalf of the Ad Hoc Committee on April 20, 2001.

It is the intent of the Office of the Chancellor that the Office of the General Counsel and other appropriate administrative staff cause the above-listed policies to be incorporated in the components' operating manuals by October 1, 2001 and that the Office of the Chancellor report on the status of the transition of the above-listed policies into operating manuals at the November 1-2, 2001 board meeting.

## Addendum

### Revisions to *Regents' Rules*:

1. Add "and maintaining" to Section 00.02.2 (pg. 00-2) to read: "The Office of General Counsel shall take the lead in developing and maintaining a consistent style...."
2. Replace "and" with "or" in Section 01.01.6.b(3) (pg. 01-4): "Deferrals. Except when emergency proposals (as defined by the chair of the board or ~~and~~ the secretary of the board)...."
3. Add sentence at end of Section 02.03.2 (pg. 02-3): "The provisions of this subsection shall apply to all interim appointments."
4. Add "for" to Section 02.04.f. (pg. 02-5) "nominate all members of the faculty and staff, make recommendations for the award of tenure for ~~to~~ faculty members" and delete the next phrase "~~through the Office of the Chancellor...~~"
5. Delete the following from Section 02.04.j. (pg. 02-5) "assume initiative in developing long-range and strategic plans for the program of the component institution, ~~and, in the case of TTU, develop a plan to cause TTU to be numbered among the top 75 public research institutions in the country.~~"
6. Strike out "bidding" and replace with "procurement" in Section 08.01.5 (pg. 08-3) caption. Results in Table of Contents change as well.

## **10 -- Intellectual Property Rights**

Revised 4-17-2001

### **Statement of Basic Philosophy and Objectives**

It is recognized that research and scholarship on the part of members of the faculty, staff, and students of the Texas Tech University System<sup>1</sup> (hereinafter referred to as TTUS) will result in inventions, biological materials and other proprietary materials, plants, manuscripts, patentable and non-patentable, computer software, and trade secrets or other products, medical treatments and devices that are potentially marketable.

It is the policy of the Board of Regents to encourage scholarly activity without regard to potential gains from royalties and other forms of income. In all cases, however, the affected individuals are subject to their obligations and those of TTUS under grants, contracts, or research agreements with governmental agencies and sponsors. All TTUS policies governing patentable or copyrightable inventions, publications, or other marketable products will provide adequate recognition and incentives to sponsors, inventor's assignees, and authors and at the same time assure that TTUS's duty to serve the public interest will be served.

#### **1. General Policy**

This Intellectual Property Policy as adopted, shall apply prospectively to all persons employed by the component faculties of TTUS, to all students of TTUS, and to anyone using TTUS facilities or under the supervision of TTUS personnel. Every employee, faculty, staff, or student is expected to be aware of the TTUS policies regarding such developments or discoveries protectable by copyright, patent, or contract and agrees to accept and abide by them as a condition of employment or enrollment. All Intellectual Property disclosures made prior to the date of this policy shall be governed by the prior established policy.

It is the intent of this policy to foster the traditional freedoms of the TTUS faculty, staff, and students in matters of publication and invention, through a fair and reasonable balance of the equities among authors, inventors, sponsors, and TTUS. The purpose of the policy is to outline the respective rights that members of the faculty, staff, and students have in intellectual materials created while they are affiliated with TTUS.

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<sup>1</sup> TTU and all of its subordinate units, for example, but not limited to, Texas Tech University Center at Junction, TTU Farm at PanTex, TTU Farm at New Deal, International Textile Center, Reese Center; and TTUHSC and all of its subordinate units, for example, but not limited to, Texas Tech Medical Center at Amarillo, Texas Tech Medical Center at El Paso, Texas Tech Medical Center at Odessa, School of Pharmacy in Amarillo, School of Allied Health in Midland.

As a public institution, TTUS is entrusted with the responsibility to facilitate application of scientific, technical, artistic, and intellectual endeavors of its faculty and staff for public use and to provide for an equitable disposition of interests among the authors and inventors, TTUS, and, where applicable, the sponsoring or contracting funding source.

**2. Ownership of Discoveries**

In general, inventions, innovations, discoveries and improvements, biological materials and other proprietary materials and plants (i.e. Intellectual Property, see Section 11), made with the use of TTUS facilities or during the course of regularly assigned duties of the faculty and staff shall become the property of TTUS. Employees and others who are subject to this policy by virtue of their use of TTUS services or facilities shall, upon request, assign all applicable Intellectual Property to TTUS, except those which might be owned by third parties pursuant to sponsored research agreements and those resulting from independent work or approved consulting activities not utilizing TTUS facilities.

**3. Research Involving Third Party**

In research sponsored by or involving third parties, provisions for the control of and compensation for patents should normally be consistent with the general policy stated herein. However, nothing in this policy shall be interpreted as precluding the acceptance of a contract, grant or agreement which provides for ownership of Intellectual Property by the sponsor with appropriate compensation.

**4. Disclosure of Intellectual Property**

All Intellectual Property shall be promptly disclosed to the Office of Technology Transfer and Intellectual Property. At least once a year, coincidental with a regular Board Meeting, the Director of the Office of Technology Transfer and Intellectual Property shall prepare for the Chancellor and the Board a report listing the titles and a brief description of each disclosure received since the last report.

**5. Intellectual Property Administration**

When TTUS elects to protect Intellectual Property in its name, it shall award to the inventor or creator a reasonable share (as defined hereinafter) of net proceeds from royalties or other income or value after deduction of the directly assignable costs of patenting, marketing, licensing and protection of Intellectual Property rights.

**6. Determinations by the Office of Technology**

**Transfer and Intellectual Property**

The Office of Technology Transfer and Intellectual Property for the TTUS shall make determinations as to:

- (1) the potential value of the Intellectual Property to TTUS;
- (2) the rights and equities of the inventor or creator, TTUS and any third parties; and
- (3) the required actions to maximize the benefits of any Intellectual Property to the public, TTUS, and the inventor or creator.

**7. Implementation**

The following guidelines shall be applicable to license agreements with private entities including those formed primarily for the purpose of developing and/or commercializing Intellectual Property created at TTUS subject to the terms of sponsored research agreements which may have led to the creation of such Intellectual Property:

- (1) No entity shall be granted the exclusive rights to the development and/or commercialization of all intellectual property created at TTUS. Agreements should grant rights only on a specific project basis.
- (2) If an entity is granted the exclusive rights with respect to a particular invention, product, process or other item of intellectual property, the agreement should provide that such rights will revert to TTUS in the event the entity fails to diligently develop and commercialize the property within a specified period of time that is appropriate to the particular circumstances.
- (3) An entity that is granted exclusive rights to develop or commercialize intellectual property that is patentable should be required to reimburse TTUS for all expenses incurred by TTUS in obtaining a patent or, if a patent has not been obtained, should be required to prosecute and bear the expense of obtaining patent protection for the benefit of TTUS and, in either event, the entity should be required to take all actions necessary, including litigation, to protect and preserve such patented rights from infringement.
- (4) TTUS and its officers and employees should be protected and indemnified from all liability arising from the development, marketing, or use of the particular intellectual property.
- (5) Restrictions on use by the component institution for research and teaching purposes and the publication rights of researchers should be minimized.



- (6) If the entity fails to develop and commercialize the property, any and all rights the entity has been granted in TTUS's property shall be returned and granted back to TTUS so that another entity may be offered the right to develop and commercialize the technology.
  - (7) The entity should be required to comply with all applicable federal, state, and local laws and regulations, particularly those concerning use of animals, biological materials and necessary testing, human subject protection and approval by the Federal Drug Administration or other relevant Federal or State agency.
  - (8) The entity should be required to maintain confidentiality with regard to any unpatented technology or know-how.
  - (9) An entity that grants a license or sublicense to some other entity for property or technology that is in whole or in part derived from or based on that which is licensed to the entity by TTUS, should be required to share with TTUS: at least 40% of any royalty received by the entity and at least 40% of any equity position to which the entity may be entitled.
  - (10) License agreements should contain such other provisions as may be determined by the Office of Technology Transfer and Intellectual Property and the Office of General Counsel to be in the best interest of TTUS.
  - (11) The Director of the Office of Technology Transfer and Intellectual Property is authorized to negotiate and execute license agreements.
8. The Chancellor shall report annually to the Board of Regents concerning the status of license agreements, including the distribution of revenues earned from such agreements. The Chancellor will inform the Board at the first meeting following the end of each calendar quarter of any license agreements entered into by the TTUS Office of Technology Transfer and Intellectual Property and not previously reported.
9. In compliance with Section 51.912 of the *Texas Education Code*, the Board of Regents must file a report identifying all employees who have an equity interest in or serve as employees, officers, or members of the Board of Directors of business entities that have agreements with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest. The report will be filed in accordance with the requirements of Section 51.005 of the *Texas Education Code*. The Office of Technology Transfer and Intellectual Property will submit the report through the Chancellor or his/her designee to the Office of the Board of Regents. The Board office will obtain the signature of the Chairman of the Board and will transmit the report to the Governor's office and other required entities.

10. Any request by a TTUS employee to participate as an employee, officer or member of the Board of Directors of a business entity that has agreements with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest must be submitted to the Board of Regents for approval.

11. **Definitions**

For the purposes of this regulation, the following terms are defined as follows:

- (1) **Invention:** A process, method, discovery, device, plant, composition of matter, or other invention that reasonably appears to qualify for protection under the United States patent law, Chip Design Protection law or plant protection schemes (utility patent, plant patent, design patent, certificate of Plant Variety Protection, etc.), whether or not actually patentable. An Invention may be the product of a single inventor or a group of inventors who have collaborated on a project.
- (2) **Copyrightable Work:** An original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, such as books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works, etc. A Copyrightable Work may be the product of a single author or a group of authors who have collaborated on a project.
- (3) **Trademark (including Service Mark):** A distinctive word, design, or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs.
- (4) **Tangible Research Property:** Tangible items produced in the course of research including such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. Individual items of Tangible Research Property may be associated with one or more intangible properties, such as Inventions, Copyrightable Works and Trademarks. An item of Tangible Research Property may be the product of a single creator or a group of individuals who have collaborated on a project.
- (5) **Intellectual Property:** Collectively, all forms of intellectual property including but not limited to Inventions, Copyrightable Works, Trademarks, and Tangible Research Property.
- (6) **Intellectual Property Committee:** A standing committee, the majority of whom are faculty members, appointed by the Chancellor based on rec-



ommendations of the Vice Presidents for Research at Texas Tech University and the Texas Tech University Health Sciences Center, representing the various components of TTUS, whose purpose is to provide a forum for discussion of policies and procedures affecting Intellectual Property and to advise the Chancellor and the Office of Technology Transfer and Intellectual Property regarding Intellectual Property matters when called upon, including comment on disputes that may arise regarding the handling of intellectual property and technology transfer and suggestions for policy or procedure changes with respect to this Policy. The Committee will meet at least twice each year, or more often as called by the Chancellor or the Director of OTTIP.

- (7) The Office of Technology Transfer and Intellectual Property: The TTUS (OTTIP) administrative office whose mission is to promote the transfer of TTUS technologies for society's use and benefit while generating unrestricted income to support research and education. The OTTIP is responsible for administration and implementation of TTUS's Intellectual Property program, and for assisting and advising TTUS's faculty and staff.

## **12. Ownership Further Defined**

- (1) An Invention or Tangible Research Property resulting from activities related to an individual's employment responsibilities and/or with support from TTUS funds, facilities or personnel shall be owned by TTUS.
- (2) An Invention or Tangible Research Property unrelated to an individual's employment responsibilities that is developed on his or her own time without TTUS support or use of TTUS's facilities is not owned by TTUS.
- (3) Ownership of an Invention or Tangible Research Property developed in the course of or resulting from research supported by a grant or contract with the federal government (or an agency thereof) or a nonprofit or for-profit nongovernmental entity, shall be determined in accordance with the terms of the sponsored grant or contract, or in the absence of such terms, shall be owned by TTUS.
- (4) Present and prospective employees of TTUS shall, upon request by the Chancellor, or by the Office of Technology Transfer and Intellectual Property, to perfect intellectual property rights, execute an invention assignment agreement in a form prescribed by and available from the OTTIP to set forth effectively the ownership and rights to inventions. Executed invention assignments shall be maintained in an office location designated by the Chancellor.

## **13. Disclosure, Assignment and Protection**

- (1) All persons subject to these regulations shall promptly disclose to the OTTIP any Invention or economically significant Tangible Research Property

covered by this regulation, including those made under sponsored research or cooperative arrangements. Disclosure shall be made on a disclosure form prescribed by and available from the OTTIP. Such persons shall cooperate with TTUS and the OTTIP in protecting intellectual property rights in the invention, to the best of their ability. If TTUS decides to patent or seek other available protection for the invention, it shall proceed through the OTTIP.

- (2) All inventors shall execute appropriate assignment and/or other documents required to set forth effectively the ownership and rights to Inventions and Tangible Research Property.
- (3) The OTTIP will determine whether TTUS desires to commit funding to obtain protection for the Invention, and shall so notify the inventor of the decision. In many cases, the OTTIP will identify one or more licensees who will bear the cost of obtaining patent protection before making a final decision.
- (4) In those instances where the inventor perceives that delay would jeopardize obtaining the appropriate protection for the Invention, the inventor may request that TTUS expedite its decision as to whether or not it shall proceed to file a patent application or take other steps to obtain available protection. If TTUS has not acted within six months after a request to expedite, and the inventor or creator has cooperated in good faith, TTUS will release its rights and Section 22 shall apply.

#### **14. Obligations to Sponsors**

The OTTIP, in cooperation with the respective Office of Research Services or Office of Sponsored Programs, shall coordinate reporting requirements and other obligations to research sponsors regarding Inventions or economically significant Tangible Research Property developed under a research contract or grant, including but not limited to obligations to the U.S. Government under 37CFR Part 401.

#### **15. Management of Copyrightable Works**

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.

TTUS encourages the preparation and publication of Copyrightable Works that result from teaching, research, scholarly and artistic endeavors by members of the faculty, staff and student body of TTUS. Authors shall be permitted maximum freedom with respect to their Copyrightable Works, consistent with the obligations to TTUS. Copyrightable works may be created under a variety of circum-

stances and conditions which impact the ownership and subsequent management thereof, as follows.

#### Ownership of Copyrightable Works

(1) Books, Articles and Similar Works

In keeping with academic tradition, and except to the extent required by the terms of any funding agreement, TTUS does not claim ownership to pedagogical, scholarly or artistic works, regardless of their form of expression. Such works include but are not limited to faculty-prepared works such as textbooks, course materials and refereed literature. Such works include those of students created in the course of their education, such as dissertations, papers and journal articles. Furthermore, TTUS claims no ownership in popular nonfiction, novels, poems, musical compositions or other works of artistic imagination that are not works for hire (see 2 below). If title to copyright in works defined within this section vests in TTUS by law, TTUS will, upon request and to the extent consistent with its legal obligations, convey copyright to the authors of such Copyrightable Works.

(2) Institutional Works or "Works for Hire"

TTUS shall retain ownership of Copyrightable Works created as institutional rather than personal efforts, that is, created for institutional purposes in the course of the creator's employment, including but not limited to simultaneous or sequential contributions over time by numerous faculty, staff or students. For instance, work assigned to programmers is Institutional Work or "work for hire" as defined by law, as is software developed for TTUS purposes by staff working collaboratively. Brochures, training programs, CD-ROMs, videos, and manuals for which staff members are hired to develop are other examples of Institutional Works, or work for hire. TTUS owns all right, title and interest in such Institutional Works.

(3) Works Developed with Significant Use of Resources

Copyrightable Works that are not works for hire (see 2 above) but are works that are developed with integral and significant use of funds, space, hardware, or facilities administered by TTUS, where use was essential and substantial rather than incidental, shall be owned by TTUS. Furthermore, Copyrightable Works that are not works for hire (see 2 above) but are works that are developed in the course of or resulting from research supported by a grant or contract with the federal government (or an agency thereof) or a nonprofit or for-profit nongovernmental entity, or by a private gift or grant to TTUS, shall be determined in accordance with the terms of the sponsored grant or contract, or in the absence of such terms and to the extent consistent with copyright law, shall be owned by TTUS. TTUS recognizes and affirms the traditional academic freedom of its faculty and staff to publish pedagogical, scholarly or artistic works without restriction. In keeping with this philosophy, TTUS will not construe the

provision of offices or library facilities as constituting significant use of TTUS resources, except for those instances where the resources were furnished specifically to support the development of such Copyrightable Works. Nothing in this section is intended to change the traditional manner in which TTUS faculty, staff and employees assign the copyright ownership of works intended for publication in scholarly journals.

(4) **Hybrid Works**

Changing technology can give rise to creative efforts that fall into more than one category, for example, a book (traditionally owned by the author) coupled with an interactive CD ROM (perhaps software in which TTUS may have rights to under this policy). Such hybrid works should be brought to the attention of the OTTIP which shall negotiate a reasonable sharing arrangement or issued release as may be appropriate. Should the OTTIP and the inventor or creator be unable to agree, the matter shall be finally resolved by the Chancellor or his or her designee.

(5) **Present and prospective employees of TTUS shall, upon request by the Chancellor or by the OTTIP to perfect intellectual property rights, execute an assignment agreement in a form prescribed by and available from the OTTIP to set forth effectively the ownership and rights to Copyrightable Works. Executed copyright assignment agreements shall be maintained in the respective Department Head's office, in the OTTIP, or in a similar office as determined by the Chancellor.**

**16. Disclosure, Assignment and Protection**

- (1) **Authors of Copyrightable Works that are not owned by TTUS own the copyrights in their works and are free to publish them, register the copyright, and to receive any revenues which may result therefrom.**
- (2) **Authors of Copyrightable Works that are not works for hire (see 15.2 above) but are works that are owned by TTUS under paragraph 15.3 shall promptly disclose to the OTTIP any work of authorship covered by this regulation (including those made under sponsored research or cooperative arrangements). Disclosure shall be made on a disclosure form prescribed by and available from the OTTIP and a copy shall be filed with that office. Such persons shall cooperate with TTUS and the OTTIP to the best of their ability in protecting intellectual property rights in the work of authorship. Furthermore, upon request by the OTTIP to perfect intellectual property rights, such persons shall warrant that, to the best of his/her knowledge, the work does not infringe upon any existing copyright or other legal rights, that work not identified as quotations is the expression or creation of the author, and that necessary permission for quotation and the use of third party works has been obtained.**

- (3) **Negotiation and Execution of Agreements for Copyrightable Works.** Agreements permitting a party to use, develop, or otherwise commercialize Copyrightable Works owned by TTUS are encouraged. The OTTIP has primary responsibility for negotiating with third parties having an interest in using, developing or otherwise commercializing Copyrightable Works.
- (4) **Software as Patentable Subject Matter.** In recent years, the U.S. Patent and Trademark Office has determined that software which meets certain technical and legal criteria may be patentable. In the case that software originally disclosed as a Copyrightable Work subsequently is determined to be patentable subject matter, and TTUS chooses to seek patent protection for the software, then such software shall be managed under this regulation as an Invention.

## 17. **Distribution of Income from Commercialization and Licensing**

- (1) Where TTUS has an ownership interest in the intellectual property pursuant to this policy, the following provisions will govern the distribution of royalties and other income after TTUS has recouped all direct costs associated with the processing of the patent or copyright application and marketing and licensing the technology:

<u>Net Royalty</u>	<u>Individual</u>	<u>TTUS</u>	<u>Department<sup>2</sup></u>	<u>Unit<sup>3</sup></u>
\$0-\$100,000	50%	30%	10%	10%
\$100,001	\$50,000	30%	15%	15%
\$500,000	plus 40% of amount over \$100,000	30%	15%	15%
\$500,000 -up	\$210,000 plus \$30% of amount over \$500,000	30%	As set by Board of Regents	

Net royalties are to be paid according to the above schedule as the net royalties are earned; that is, the individual will receive 50 percent of the first \$100,000, and 30 percent of all net royalties over \$100,000. Funds received by the department and college will be placed in unrestricted accounts under their control. Such funds will not be used to substitute for funds budgeted for expenditure in the routine annual operating budget which is approved by the Board of Regents.

<sup>2</sup> Department, Center or Institute

<sup>3</sup> College or School



- (2) This OP recognizes that in addition to the traditional academic units such as departments and colleges, research, and specifically interdisciplinary research, can be sponsored by other academic units, such as centers and institutes. Because of the many different combinations that may occur, this OP cannot specify how the royalties are to be allocated. It is, however, the general policy of the Intellectual Property OP to allocate royalties to the units which have provided the substantial level of indirect support that triggers TTUS's ownership of the intellectual property. The policy encourages voluntary agreements between such units prior to the development of intellectual property (to allocate the percentage of royalty share that is appropriate for each unit). In the event that no agreement can be reached prior to the generation of royalties, the President or his or her designee will resolve the allocation question.

The division of net royalties and other income from patents and copyrights managed by a patent or copyright agent will be controlled by TTUS agreement with such agent, as approved by the TTUS Board of Regents. Any deviation from this rule requires the prior approval of the TTUS Board of Regents.

#### **18. Distribution of Income from Copyrightable Works**

All monetary proceeds from commercialization of Copyrightable Works, including royalties, equity interests, and dividends, are the property of TTUS component from which the work emerged. Income received from commercialization of Copyrightable Works will be distributed as follows:

- (1) Institutional Works (see 15.2): TTUS shall be entitled to all income from distribution or commercialization of Institutional Works.
- (2) Works Developed with Significant Use of Resources (see 15.3) and commercialized by the OTTIP on behalf of TTUS: In cases where the OTTIP conducts the commercialization or distribution of the Copyrightable Work on behalf of TTUS, the distribution of income shall be made in accordance with steps outlined in paragraph (1) above.
- (3) Works Developed with Significant Use of Resources (see 15.3) and distributed by TTUS: In cases where TTUS conducts the commercialization or distribution of the Copyrightable Work, the distribution of net income after expenses of creation and distribution shall be as follows: fifty percent (50%) to TTUS and fifty percent (50%) to the author.

In the event of multiple authors, the authors will agree among themselves as to the distribution of the income accruing to the authors; distribution of the authors' share shall be made only upon receipt of a signed agreement between the authors. In the event that an author is a joint employee of two or more components, or in the event that authors represent two or more components, the components will



agree as to the distribution of the income accruing to the components, considering such factors as annualized FTE by component and relative contributions of the authors to the work.

## **19. Equity and Other Nonmonetary Returns**

TTUS may negotiate, but shall not be obligated to negotiate, for equity interests in lieu of or in addition to royalty and/or monetary consideration as a part of an agreement relating to Inventions or Copyrightable Works.

- (1) Inventors and authors may receive up to fifty percent (50%) of any equity or other nonmonetary consideration (or, in TTUS's discretion, its monetary equivalent) received by TTUS or its components under this section. However, TTUS may choose to receive the consideration under terms that restrict its ability to sell, distribute or otherwise deal with the equity interests. In such cases, any restrictions on TTUS's interest shall be equally applicable to the interest of the inventor or author, unless waived or varied in writing and signed by the Director of the OTTIP and the inventor (for inventions), or the authors (for Copyrightable Works).
- (2) TTUS does not act as a fiduciary for any person concerning equity or other consideration received under the terms of this regulation.
- (3) The division of net royalties and other income from patents and copyrights and marketing and licensing the technology managed by a patent or copyright agent will be controlled by TTUS agreement with such agent, as approved by the TTUS Board of Regents. Any deviation from this rule requires the prior approval of the TTUS Board of Regents.

## **20. Equity Ownership**

This policy allows equity ownership and business participation by TTUS faculty, staff, and students consistent with state law as presently stated in *Texas Education Code* 51.912 or any other future statutory provision relating to the subject matter of this Intellectual Property Policy.

## **21. Trademarks**

In most situations, a Trademark identifies an item of intellectual property, such as a computer program or a plant variety. In other situations, a Trademark identifies an educational, service, public relations, research or training program of TTUS or its components. TTUS, or the applicable TTUS component, owns all right, title and interest in Trademarks related to an item of Intellectual Property owned by TTUS or its components, or to a program of education, service, public relations, research or training program of TTUS or its components. All income from the licensing of a Trademark shall belong to TTUS, or the TTUS component, as applicable.

**22. Tangible Research Property**

- (1) TTUS owns all right, title and interest in Tangible Research Property related to an individual's employment responsibilities and/or developed with support from TTUS-administered funds, facilities, equipment or personnel.
- (2) For purposes of management of the asset, Tangible Research Property shall be managed as an Invention under paragraphs 11, 12, and 13, with distribution of income from the distribution or commercialization of such Tangible Research Property made in accordance with paragraph 17.

**23. Provisions for Release of Rights to Inventors and Authors**

Absent a contractual obligation to a research sponsor, TTUS may release to the inventor(s) its rights to an invention, and TTUS may release its rights to a Copyrightable Work, with the following provisions.

- (1) TTUS shall retain for TTUS and all components thereof a perpetual, royalty-free license to use the Invention or Copyrightable Work, and any corresponding patents or copyrights, for research, education and service purposes.
- (2) TTUS shall receive a share of all proceeds generated from commercialization of the Invention or Copyrightable Work after the inventor or author has recovered documented out-of-pocket costs for obtaining legal protection for the Invention or Copyrightable Work, the amount of such share to be negotiated at the time of the release. Should the OTTIP and the inventor or creator be unable to agree, the matter shall be finally resolved by the Chancellor, or his or her designee.
- (3) In the case of release of rights to the inventor or author, the inventor or author shall not be entitled to a share of proceeds received by TTUS under (2).

**24. Offers of Intellectual Property**

- (1) If an individual chooses to offer to TTUS certain intellectual property in which TTUS has no claim, TTUS may accept ownership of the intellectual property provided that:
  - (a) the individual makes the offer to TTUS as if the intellectual property had been created within TTUS;
  - (b) the individual agrees to all provisions (including distribution of income provisions) of this policy;

- (c) The individual warrants that he or she owns all right, title and interest to the intellectual property, and that to the best of his or her knowledge, the intellectual property does not infringe upon any existing copyright or other legal rights.
- (2) The Office of Technology Transfer and Intellectual Property will decide whether to accept or reject such offers.
- (3) Should TTUS agree to accept the offer of intellectual property, the individual will execute an assignment agreement transferring all right, title, and interest in the intellectual property to TTUS, and acknowledging that the individual agrees to all provisions of this policy, such agreement available from the OTTIP. In cases in which the individual has already expended funds toward obtaining patent or other legal protection for the invention, the individual and TTUS may negotiate terms to allow recovery of legal and/or patent expenses from license fees and/or royalty income. Such an agreement would modify normal royalty sharing provisions until such expenses are recovered by the party entitled to recovery of the expenses.
- (4) TTUS may accept charitable donations of intellectual property from governmental or private organizations. Upon the transfer of title in the intellectual property to TTUS, the intellectual property will be managed in accordance with this regulation.

## **25. Grievance Procedure**

### **a. Foreword**

The University operates under a philosophy that emphasizes the importance of ensuring the rights of its faculty. Both personnel and operating policies are formulated in order to assist administrators and faculty in working harmoniously toward the collective goals and objectives set forth by the Board of Regents. When a situation arises that results in a grievance by an individual faculty member, 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 of Technology Transfer and Intellectual Property ("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 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 or those who were employees 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 ad-

ministrator 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 President. 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 the grievant's representative(s) or counsel will present the grievant's case. 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 25.c.3., 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**

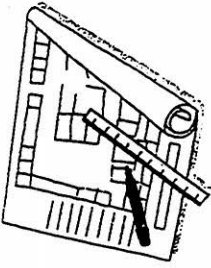
The Chancellor will send a written decision, with copies to the Grievance Committee and parties to the grievance, within 15 calendar days of receipt of the Grievance Committee's recommendations. The Chancellor's decision is the final decision on the grievance. No further appeal is allowed.

f. **Resolution by the Parties**

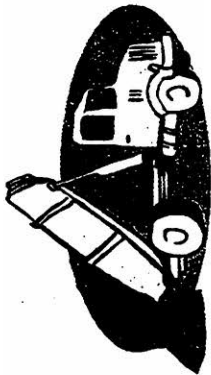
The parties may agree to a resolution of the grievance at any time from initiation of the grievance procedures until the Chancellor's final decision.

TEXAS TECH UNIVERSITY – BOARD APPROVAL ITEMS  
(January 1, 2001 – March 31, 2001)

NO.	ACTIVITY	SOURCE OF FUNDS		EXPENSE	REMARKS
OTHER	INCOME				
BOARD APPROVAL:					
TP00730	Texas Tech University Acct: 1037-42-0026	\$1,000,000		\$1,000,000	Transfer funds to assist with operating expenses.
TP00727	PSL-United Spirit Arena	\$850,000		\$850,000	Transfer funds to assist with basketball transition costs and other operating expenses.



# **Dirt and Dust Report Projects in Development May 2001**



## **Project**

## **Cost**

## **Completion Date**

TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD

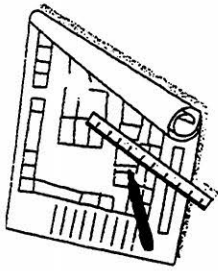
\$40,000,000  
\$40,000,000  
\$25,000,000  
\$98,500,000  
\$31,825,000  
\$40,000,000  
TBD  
TBD  
\$ 4,000,000  
\$ 3,600,000  
\$ 5,000,000

**\$287,925,000**

**Project**

College of Visual & Performing Arts  
Performing Arts Center  
Business Administration  
Advanced Research (BSL4) Facility  
HSC Academic Clinic & Research Bldg  
El Paso Basic Science Building  
Art Building Renovation  
Marsha Sharp Athletic Academic Center  
Health, PE, & Recreation Building  
19th Street Median Improvements  
Ranching Heritage Center Expansion

**TOTAL**

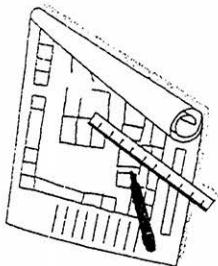


Dirt and Dust Report  
Projects Under Construction  
May 2001



Project	Cost	Completion Date
Jones Stadium Stage I	\$22,000,000	Aug 2001
Jones Stadium Stage II	\$58,000,000	Aug 2002
English-Philosophy & Education	\$45,049,000	Jun 2002
University Center Renov/Expansion	\$38,000,000	Nov 2002/Sep 2004
Parking Garage @ 18 <sup>th</sup> & Flint	\$11,500,000	Aug 2001/Aug 2002
Tennis Softball Complex	\$ 4,059,784	June 2001/July 2001
Amarillo Academic/Clinic Facility	\$23,167,533	Feb 2002
Broadway Entry	\$ 816,375	June 2001
HSC Administration	\$ 1,633,900	Mar 2001
Library Renovation	\$17,500,000	Sept 2001
Marquee	\$ 326,000	Aug 2001
Midland Physician Asst. Building	\$ 6,000,000	Jul 2001
Museum Auditorium	\$ 6,900,000	May 2001
Student Rec Center Expansion	\$12,000,000	Nov 2001
Visitor Center/West Hall	\$ 6,000,000	Aug 2001
Reese Fiber Optic Cable	\$ 1,667,000	Dec 2001
Stangel/Murdough Fire Suppression	\$ 2,100,000	Aug 2001
Memorial Circle Fountain	\$ 840,000	Nov 2001
<b>TOTAL</b>	<b>\$257,559,592</b>	

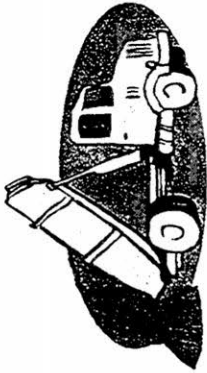
Revised 05/09/01



## Dirt and Dust Report

Projects in Design

May 2001



Project	Cost	Completion Date
Jones Stadium Stage III	\$10,000,000	April 2003
Experimental Science Phase I	\$40,000,000	Nov 2003
Experimental Science Phase II	\$40,000,000	TBD
Food Technology Building	\$15,000,000	TBD
HSC Classroom/Auditorium Bldg.	\$15,006,072	Dec 2002
HSC Student Center	\$ 2,100,000	TBD
HSC Ophthalmology	\$ 3,000,000	July 2002
HSC El Paso Third Floor Addition	\$ 8,900,000	May 2003
Bonfire – Phase II	\$ 300,000	Oct 2001
Sundial	\$ 75,000	TBD
Golf Course	TBD	TBD
Hotel/Conference Center	TBD	TBD
Marsha Sharp Freeway	TBD	Jul 2006
Texas Tech Parkway	\$ 9,000,000	May 2003
<b>TOTAL</b>	<b>\$143,381,072</b>	

## **EXECUTIVE SUMMARY**

Proposed revisions to Part IX, Code of Student Conduct of the *Student Affairs Handbook* are noted in the attached document. The recommended revisions include primarily editorial changes and clarification of disciplinary procedures. The most pertinent recommended revisions are summarized as follows:

### **Part IX. Code of Student Conduct**

**Part IX:** Editorial changes in the statement regarding Dean of Students and/or Dean's Representatives and editorial changes to delete the words "and/or Dean's Representatives" in reference to the Office of the Dean of Students throughout the document. In the definition section of the *Student Affairs Handbook*, the term Dean of Students refers to his/her representative.

Omit the phrase "conduct on University premises or at University-sponsored events is subject to University disciplinary jurisdiction" and replace it with "conduct on or off University premises is subject to University disciplinary jurisdiction".

Editorial changes with "Housing and Dining Services" and replace it with "the Department of Housing and Residence Life" throughout the document.

**Section A:** Editorial changes to 2nd paragraph: removing "conduct on University premises or at University sponsored events is subject to University disciplinary jurisdiction" and replacing it with "conduct on or off University premises is subject to University disciplinary jurisdiction."

**Section B:** Editorial changes to "Misconduct" include:

- 3.a. any
- 7. Add "Consent and/" to "or acquiescence"
- 10.a. Remove "of University facilities" and replace with "of University premises"
- 10.b. Remove "any University facility" and replace with "University premises"
- 10.d. Remove "sponsorship by the University" and replace with "sponsorship and/or recognition by the University."
- 18. Add "scooters"

**Section C:** Disciplinary Procedures  
No Changes

**Section D:** Editorial changes to "Disciplinary Sanctions, Conditions, and/or Restrictions" include:

- D. Remove "deliver" and replace with "impose"
- 1. Remove "the terms of which will be furnished in writing. Conditions and/or restrictions include, but are not limited to" and replace with "but not limited to the following"
- 1.b. Remove "Residence hall relocation to another residence hall or a recommendation to the Director of Housing and Dining Services or Director's representative for eviction from the residence and dining halls for a designated period of time, or permanent eviction from the residence and dining halls;" and replace with "Residence hall relocation or cancellation of residence hall contract."
- 1.g. Remove "work assignments" and replace with "and/or"



- 1.i. Remove "or denial of specified privileges for a designated period of time."
2. Remove "may be cause for imposing" and replace with "may result in"
3. Remove "Disciplinary suspension may be one of three types: deferred, time limited, or expulsion:" and replace with "Types of Disciplinary Suspension:"
- 3.a. Remove "with or without Conditions and/or Restrictions."  
Remove "with the conditions and/or restrictions imposed by the Dean of Students and/or Dean's representative may result in immediate time limited disciplinary suspension" and replace with "may result in additional sanctions, conditions, and/or restrictions"
- 3.b. Remove "with or without Conditions and/or Restrictions"
- 3.c. Remove "with or without Conditions and/or Restrictions"

Section E:       Disciplinary Appeal Procedures  
                  No Changes

Section F:       Emotionally Disturbed Students  
                  No Changes

Section G:       Code Committee  
                  No Changes

## Part IX

### Code of Student Conduct

The Code of Student Conduct at Texas Tech University is administered through the Dean of Students Office and is based on promoting education and a tradition of excellence regarding student behavior. A goal of the Code of Student Conduct is that acceptable standards of behavior are communicated to, understood, and upheld by the students of Texas Tech University.

The Dean of Students ~~or Dean's representative~~ encourages and facilitates a university environment where students and student organizations take responsibility for their actions. Through a well-defined student discipline process and the Code of Student Conduct, the Dean of Students ~~or Dean's representative~~ educates students about their rights and responsibilities as members of the Texas Tech University community. In addition, the Dean of Students ~~or Dean's representative~~ promotes the importance of intellectual development, self-worth, mutual respect, and how we, as members of the University community, interact with each other on a daily basis.

Questions of interpretation regarding the Code of Student Conduct are referred to the Dean of Students ~~or Dean's representative~~. The Code of Student Conduct is reviewed every year by the Code of Student Conduct Committee in conjunction with the Dean of Students ~~or Dean's representative~~ and the Vice President for Student Affairs. The Code of Student Conduct and/or *Student Affairs Handbook* may be amended, at any time, at the sole discretion of the University. Definitions for terms used throughout the Code of Student Conduct are outlined on pages 4 and 5 of the *Student Affairs Handbook*.

#### A. General Policy

Freedom of discussion, inquiry, and expression is fostered by an environment in which the privileges of citizenship are protected and the obligations of citizenship are understood. Accordingly, the University community has developed standards of behavior pertaining to students and to student organizations. Students and student organizations are subject to disciplinary action according to the provisions of the Code of Student Conduct and/or *Student Affairs Handbook*.

~~Student and student organization conduct on University premises or at University-sponsored events is subject to University disciplinary jurisdiction~~ conduct on or off University premises is subject to University disciplinary jurisdiction. The University may enforce its own disciplinary policies and procedures when a student's or a student organization's conduct directly, seriously, or adversely impairs, interferes with, or disrupts the overall mission, programs, or other functions of the University.

University disciplinary proceedings may be instituted against a student or student organization alleged to have violated the Code of Student Conduct and/or *Student Affairs Handbook*. Proceedings under the Code of Student Conduct may be carried out prior to, concurrent with, or following civil or criminal proceedings. The proceedings are conducted in a manner, which ensures that substantial justice is done and are not restricted by the rules of evidence governing criminal and civil proceedings.

The Office of the Vice President for Student Affairs in conjunction with the Office of the Dean of Students and the Department of ~~Housing and Dining Services~~ Housing and Residence Life respects the rights and responsibilities of students and shall consider each violation of the University's substance abuse policy and each violation of federal, state, and/or local law on a "case-by-case" situation and shall further attempt to initially use educational options and subsequently intervention and/or prevention options to assist students. Violations of the substance abuse policy shall result in appropriate disciplinary action through the Office of the Dean of Students and/or Department of ~~Housing and Dining Services~~ Housing and Residence

Life which may include required attendance and active participation in substance abuse education and/or intervention programs and may result in notification to the parents/guardians of dependent students under twenty-one (21) years of age.

**B. Misconduct**

Any student or student organization found to have committed the following misconduct is subject to disciplinary sanction(s), condition(s), and/or restriction(s). For definitions, please refer to *Student Affairs Handbook* Part IX, Section D, Disciplinary Sanctions, Conditions and/or Restrictions. Misconduct or prohibited behavior includes, but is not limited to:

1. **Alcoholic Beverages**
  - a. Use, possession, sale, delivery, or distribution of alcoholic beverages, except as expressly permitted by University policy;
  - b. Being under the influence of alcohol and/or intoxication.
2. **Narcotics or Drugs**
  - a. Use, possession, sale, delivery, or distribution of any narcotic, drug, medicine prescribed to someone else, chemical compound or other controlled substance or drug-related paraphernalia, except as expressly permitted by law.
  - b. Being under the influence of narcotics or drugs, except as permitted by law.
3. **Firearms, Weapons, and Explosives**
  - a. Use or possession of any weapons, including handguns, firearms, ammunition, fireworks, explosives, noxious materials, incendiary devices, or other dangerous substances on University premises;
  - b. Attempting to ignite and/or the action of igniting University and/or personal property on fire either by intent or as a result of reckless behavior which results in damage on University premises.

***NOTE: Possession of weapons by licensed holders of concealed handguns is prohibited on University premises. The Texas Tech Police Department provides storage for weapons and firearms.***

4. **Theft, Damage, or Unauthorized Use**
  - a. Attempted or actual theft of property of the University, of other University students, of other members of the University community, or of campus visitors;
  - b. Possession of property known to be stolen or belonging to another person without the owner's permission is considered as theft;
  - c. Attempted or actual damage to property of the University, of other University students, of other members of the University community, or of campus visitors;
  - d. Attempted or actual unauthorized use of a credit card, debit card, automated teller machine card, telephone card, and/or personal check;
  - e. Alteration, forgery, or misrepresentation of any form of identification.
5. **Actions Against Members of the University Community**
  - a. Physical harm or threat of harm to any person;
  - b. Intentional or reckless conduct which endangers the health or safety of any person;
  - c. Disruptive behavior;
  - d. Harassment, including sexual harassment, acts, or communications that are intended to intimidate or humiliate any person;
  - e. Sexual misconduct or unwanted sexual behavior, including but not limited to any attempted or actual physical contact of a sexual nature, regardless of gender;
  - f. Excessive pressure, threats, or any form of conduct, coercive tactics or mind control techniques used to retain or recruit a student for membership in an organization;

- g. Participation in a campus demonstration which disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular.
- 6. Gambling, Wagering, or Bookmaking  
Gambling, wagering, or bookmaking on University premises.
- 7. Hazing  
Hazing, which is defined as any intentional, knowing, or reckless act directed against a student, occurring on or off the campus, by one person alone or acting with others, directed against a student, that endangers the mental or physical health, or safety of a student for the purpose of pledging or associating, being initiated into, affiliating with, holding office in, seeking, and/or maintaining membership in any organization whose members are/or include students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. The term includes but is not limited to:
  - a. Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
  - b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student;
  - c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects a student to an unreasonable risk or harm, or which adversely affects the mental, physical health, or safety of a student;
  - d. Any activity that intimidates or threatens a student with ostracism, that subjects a student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of a student, or that discourages a student from entering or remaining registered at this educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above;
  - e. Any activity in which a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing; intentionally, knowingly, or recklessly permits hazing to occur; has firsthand knowledge of the planning of a specific hazing incident which has occurred, and knowingly fails to report the incident in writing to the Dean of Students or ~~Dean's representative~~;
  - f. Any activity in which hazing is either condoned or encouraged or actions of any officer or combination of members, pledges, associates, or alumni of the organization in committing or assisting in the commission of hazing.

**NOTE:** Texas Education Code, Sections 37.151-37.157 and Section 51.936

- 8. False Alarms or Terroristic Threats  
Intentional sounding of a false fire alarm, making a false emergency call or terroristic threat, issuing a bomb threat, constructing mock explosive devices, improperly possessing, tampering with, or destroying fire equipment or emergency signs on University premises.
- 9. Financial Irresponsibility  
Failure to meet financial obligations owed to the University, including, but not limited to, the writing of checks on accounts with insufficient funds.
- 10. Unauthorized Entry, Possession or Use
  - a. Unauthorized entry into or use of University facilities of University premises;

- b. Unauthorized possession or duplication, processing, production, or manufacture of any key or unlocking device or access code for use in ~~any University facility~~ University premises
- c. Unauthorized use of the University name, logotype, or symbols of the University;
- d. Use of the University's name to advertise or promote events or activities in a manner which suggests ~~sponsorship by the University~~ sponsorship and/or recognition by the University.

**NOTE:** Registered student organizations are permitted to use the word "Tech" as a part of their organizational names or to use the complete statement "a student organization at Texas Tech University".

- 11. Traffic and Parking
  - a. Violation of University Traffic and Parking regulations;
  - b. Obstruction of the free flow of pedestrian traffic on University premises.
- 12. ~~Department of Housing and Residence Life~~ Housing and Dining Services Regulations  
Violation of rules which govern behavior in the campus residence and/or dining halls as stated in the Residence Hall Handbook and/or other notifications or publications provided by the ~~Department of Housing and Dining Services~~ Department of Housing and Residence Life.
- 13. Student Recreation and Aquatic Center Regulations  
Violation of rules which govern behavior in the Student Recreation Center and Aquatic Center.
- 14. Failure to Comply with Reasonable Directions or Requests of University Officials  
Failure to comply with the reasonable directions or requests of a University official acting in the performance of his or her duties.
- 15. Failure to Present Student Identification  
Failure to present student identification on request to any University official and identify himself/herself to any University official acting in the performance of his/her duties.
- 16. Abuse, Misuse, or Theft of University Computer Data, Programs, Time, Computer or Network Equipment
  - a. Unauthorized use of computing and/or networking resources;
  - b. Use of computing and/or networking resources for unauthorized or nonacademic purposes;
  - c. Unauthorized accessing or copying of programs, records, or data belonging to the University or another user, or copyrighted software, without permission;
  - d. Attempted or actual breach of the security of another user's account and/or computing system, depriving another user of access to University computing and/or networking resources, compromising the privacy of another user, or disrupting the intended use of computing or network resources;
  - e. Attempted or actual use of the University's computing and/or networking resources for personal or financial gain;
  - f. Attempted or actual transport of copies of University programs, records, or data to another person or computer without written authorization;
  - g. Attempted or actual destruction or modification of programs, records, or data belonging to the University or another user or destruction of the integrity of computer-based information;
  - h. Attempted or actual use of the computing and/or networking facilities to interfere with the normal operation of the University's computing and/or networking systems; or through such actions, causing a waste of such resources (people, capacity, computer);



- i. Allowing another person, either through one's personal computer account, or by other means, to accomplish any of the above;
  - j. "Spamming" defined as the sending of unsolicited e-mails to parties with whom you have no existing business, professional, or personal acquaintance.
17. Providing False Information or Misuse of Records  
Knowingly furnishing false information to the University, or to a University official in the performance of his/her duties, either verbally, or through forgery, alteration, or misuse of any University document, record, or instrument of identification.

**NOTE:** The Director of Admissions and School Relations or Director's representative is responsible for resolving issues involving falsification on admission forms.

18. Skateboard, Rollerblades, Scooters or Similar Devices  
Use of skateboards, rollerblades, scooters or other similar devices in University buildings or on University premises in such a manner as to constitute a safety hazard or cause damage to University or personal property.

**NOTE:** Also refer to Board of Regents Policy 03.11 "Traffic and Parking".

19. Academic Dishonesty
- a. Cheating, including but not limited to:
    - 1) Use of any unauthorized aid, sources, and/or assistance or assisting others in taking a course, quiz, test, or examination, writing papers, preparing reports, solving problems, or carrying out assignments;
    - 2) The acquisition, without permission, of tests or other academic material belonging to a member of the University community;
    - 3) Alteration of grade records;
    - 4) Bribing or attempting to bribe a member of the University community or any other individual to alter a grade.
  - b. Plagiarism, including but not limited to:
    - 1) The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment;
    - 2) The unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

**NOTE:** Refer to Student Affairs Handbook, Part II, B and Part V, A4, as well as University Operating Policy 34.03 and/or 34.12.

20. Violation of published University Policies, Rules, or Regulations  
Violation of any published University policies, rules, or regulations which govern student or student organization behavior.
21. Abuse of the Discipline System
- a. Failure by a student or student organization to respond to a notification to appear before the Dean of Students or ~~Dean's representative~~ and/or an official of the Department of Housing and ~~Dining Services~~ Residence Life during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the Dean of Students or ~~Dean's representative~~ and/or an official of the Department of Housing and ~~Dining Services~~ Residence Life from proceeding with disciplinary action;
  - b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings;
  - c. Disruption or interference with the orderly conduct of a disciplinary proceeding;
  - d. Filing an allegation known to be without merit or cause;



- e. Discouraging or attempting to discourage an individual's proper participation in, or use of, the discipline system;
- f. Influencing or attempting to influence the impartiality of a member of a disciplinary body prior to, and/or during the disciplinary proceeding;
- g. Harm, threat of harm, or intimidation either verbally, physically or written of a member of a disciplinary body prior to, during, and/or after disciplinary proceeding;
- h. Failure to comply with the sanction(s), condition(s), and/or restriction(s) imposed under the Code of Student Conduct;
- i. Influencing or attempting to influence another person to commit an abuse of the discipline system;
- j. Retaliation against any person or group who files grievances or allegations in accordance with the *Student Affairs Handbook*.

C. Disciplinary Procedures

1. To file an allegation, including an incident report from the Department of Housing and ~~Dining Services~~ Residence Life, the Texas Tech University Police Department, or members of the University community, against a student or student organization, individuals may meet with a University official and shall deliver a written allegation describing the action or behavior to the Dean of Students ~~and/or Dean's representative~~. The written allegation should be received by the Dean of Students ~~or Dean's representative~~ within twenty (20) University working days of the alleged incident to initiate disciplinary procedures.
2. General Procedure  
The Dean of Students ~~and/or Dean's representative~~ will inquire, gather, and review information about the reported student or student organization misconduct and will evaluate the accuracy, credibility, and sufficiency of this information. The Dean of Students ~~and/or Dean's representative~~ will ensure that the requirements of due process are fulfilled in accordance with the following procedures:
  - a. When a written allegation is filed, the student or student organization named in the allegation will be notified in writing to appear before the Dean of Students ~~and/or Dean's representative~~ to discuss the alleged violation(s). The student or student organization's student representative will have five (5) University working days from the date of the written notification to respond by contacting the Dean of Students ~~or Dean's representative~~.
  - b. In any disciplinary proceeding, the student or student organization's student representative has the right to:
    - 1) notification of the alleged misconduct;
    - 2) know the source of the allegation(s);
    - 3) know the specific alleged violation(s);
    - 4) know the sanctions, conditions and/or restrictions which may be imposed because of the alleged misconduct;
    - 5) be accompanied by an advisor at any disciplinary hearing (for advisory purposes only, not for representation);
    - 6) refrain from making any statement relevant to the allegation(s);
    - 7) know that any statements made by the student or student organization's student representative can be used during the proceeding.
  - c. After the student or student organization's student representative has been advised of the allegation(s), the student or student organization's student representative may request to have the case resolved either through an administrative or a committee hearing. However, the Dean of Students ~~or Dean's representative~~ reserves the right in all cases to designate a committee hearing of the case.
  - d. After notice has been given to the student or student organization's student representative, the University may proceed to conduct either an administrative or a discipline committee hearing and deliver a decision or recommendation. The

administrative or committee hearing may be held and a decision or recommendation made, regardless of whether the student or registered student organization's student representative responds, fails to respond, attends the hearing, or fails to attend the hearing. In the absence of the student or student organization's student representative the Dean of Students ~~and/or Dean's representative~~ or the University Discipline Committee will consider the information and render an appropriate administrative decision or committee recommendation. Notice is deemed to have been given when written notification is placed in United States Mail, campus mail, or personally delivered. The written notification is given when the notice is addressed to the student's or student organization student representative's last officially known address as provided by the student to the Registrar's Office or student organization to the Campus Activities and Involvement Office.

- e. In addition to other possible sanctions, conditions, and/or restrictions, and in the event that a student or a student organization's student representative fails to respond to written notification, an administrative flag may be placed on the student's or student organization's records to prevent further registration. The administrative flag will remain until such time as the Dean of Students ~~or Dean's representative~~ receives an appropriate response.
- f. All records of disciplinary action taken against a student or student organization will remain on file in the Dean of Students Office for seven (7) years from the date the case is completed through administrative or committee hearing and/or disciplinary appeal procedures.

3. Administrative Hearing

- a. In cases in which the student or student organization's student representative does not dispute the information and findings provided to the Dean of Students ~~or Dean's representative~~ leading to the allegation(s), a committee hearing or further proceeding may not be required.
- b. The administrative hearing process usually is completed within twenty (20) University working days from the time the written allegation is filed.
- c. If the Dean of Students ~~or Dean's representative~~, after conferring with a student or student organization's student representative, or reviewing information pertaining to the case, determines that, time-limited disciplinary suspension or disciplinary expulsion is a possible sanction, the Dean of Students ~~and/or Dean's representative~~ will refer the case directly to the University Discipline Committee for a hearing and recommendations, if any.
- d. After making a determination, the Dean of Students ~~and/or Dean's representative~~ will provide written notification to the student or student organization's representative of the decision and, if any, the sanction(s), condition(s), and/or restriction(s) to be imposed.
- e. The student or student organization's student representative may appeal based upon the disciplinary appeal process.

4. Committee Hearing

If the student or student organization's student representative disputes the information and findings that a violation has been committed, or rejects an administrative hearing, the case may be resolved through committee hearing procedures as follows:

- a. A "Notification of Violation and Pending Disciplinary Hearing" will be delivered in person, or sent to the student's or student organization student representative's last known official, local address as provided by the student or student organization to the Registrar's Office or the Campus Activities and Involvement Office, respectively. If mailed, notification is to be mailed by return receipt requested. Failure of a student or student organization's student representative to receive certified mail does not prevent the University Discipline Committee from proceeding.
- b. The Dean of Students ~~and/or Dean's representative~~ and the student or student organization's student representative will inform each other of documents to be

introduced, witnesses to be examined, and the anticipated testimony of the witnesses. This exchange must be completed within five (5) University working days prior to the scheduled committee hearing. Information and/or supporting materials will ~~may~~ not be considered unless the student or student organization's student representative and the University's representative have been advised of the source and content at least five (5) University working days in advance of the committee hearing.

- c. The student or student organization's student representative has a maximum of five (5) University working days from the date of notification of alleged violation(s) to prepare a response prior to this exchange of information and/or supporting materials and scheduled committee hearing. The case will then be heard by the University Discipline Committee.
  - d. The University Discipline Committee, Dean of Students ~~or Dean's representative~~, and the student or student organization's student representative will have reasonable opportunity to question witnesses. Hearing proceedings, excluding the deliberations of the University Discipline Committee, will be tape recorded. The confidential hearing will be closed unless the student or student organization's student representative requests to the Dean of Students ~~or Dean's representative~~, in writing within five (5) University working days from the date of the "Notification of Violation and Pending Disciplinary Hearing" that the hearing be open to the public. The University Discipline Committee chair is responsible for conducting an orderly hearing and will determine the procedure to be used for both open and closed hearings. Prospective witnesses will be excluded from the hearing room until they are given the opportunity to present their information, knowledge and/or perception of the alleged incident. The chair may deny admission into or remove from the hearing anyone due to space limitations or disruptive behavior. The student or student organization's student representative may have an advisor present during the committee hearing process; however, this advisor cannot also serve as a witness.
  - e. Following the hearing, the University Discipline Committee in writing, by consensus, will recommend to the Dean of Students ~~or Dean's representative~~ whether or not the violation(s), as alleged, has occurred.
    - 1) If the finding is that the alleged violation(s) has not occurred, the Dean of Students ~~and/or Dean's representative~~ will be notified in writing of the recommendation by the University Discipline Committee chair. The Dean of Students ~~and/or Dean's representative~~ will review the recommendation and then determine the sanction(s), condition(s), and/or restriction(s), if any, to be imposed then notify the student or student organization's student representative in writing of the Dean of Students' final disciplinary decision within five (5) university working days.
    - 2) If the finding is that the alleged violation(s) has occurred, the University Discipline Committee will recommend disciplinary sanction(s), condition(s), and/or restriction(s) and the University Discipline Committee chair will notify the Dean of Students ~~and/or Dean's representative~~ in writing. The Dean of Students ~~and/or Dean's representative~~, will review the recommendation and then determine the sanction(s), condition(s), and/or restriction(s), if any, to be imposed and notify the student or student organization's student representative in writing of the Dean of Students' final disciplinary decision within five (5) university working days.
  - f. The student or student organization's student representative may appeal based upon the disciplinary appeal process.
5. If in the judgment of the Vice President for Student Affairs or the Vice President's representative, or on recommendation of the Dean of Students or other University officials, the physical or emotional well-being of a student, or other students, or members of the University community could be endangered, or if the presence of the student or student organization would seriously disrupt the University, a student or student organization may be temporarily suspended pending completion of disciplinary

procedures. The Vice President for Student Affairs or Vice President's representative will notify the Dean of Students to initiate appropriate disciplinary procedures within five (5) University working days from the date of temporary suspension.

D. Disciplinary Sanctions, Conditions, and/or Restrictions

The Dean of Students ~~and/or Dean's representative~~ may ~~deliver~~ impose sanctions, conditions, and/or restrictions including disciplinary reprimands to deferred disciplinary suspension as a result of an administrative hearing. If, as a result of an administrative hearing, a student or student organization is placed on deferred disciplinary suspension and is subsequently alleged to have violated the Code of Student Conduct during this period, the student or student organization may be referred directly to the University Discipline Committee for a hearing and recommendation. For cases involving possible, time-limited disciplinary suspension or disciplinary expulsion, the Dean of Students ~~and/or Dean's representative~~ will refer cases to the University Discipline Committee for recommendations.

Through the administrative hearing or committee hearing, the following educational sanction(s), condition(s) and/or restriction(s) may be assessed when a student or student organization is found to have committed misconduct.

1. Disciplinary Reprimand, with or without Conditions or Restrictions

A disciplinary reprimand is an official written notification to the student or registered student organization that the action in question was misconduct. In the case of a student organization, a copy of the notification may be sent to the organization's advisor(s) and international or national organization headquarters.

A disciplinary reprimand may include but not limited to the following conditions and/or restrictions: ~~the terms of which will be furnished in writing. Conditions and/or restrictions include, but are not limited to:~~

- a. Restitution or compensation for loss, damage, or injury, which may take the form of appropriate service and/or monetary or material replacement;
- b. ~~Residence hall relocation to another residence hall or a recommendation to the Director of Housing and Dining Services or Director's representative for eviction from the residence and dining halls for a designated period of time, or permanent eviction from the residence and dining halls;~~ Residence hall relocation or cancellation of residence hall contract and/or use of dining facilities.
- c. Personal and/or academic counseling;
- d. Revocation of parking and/or building-use privileges;
- e. Denial of eligibility for holding office in registered student organizations;
- f. Denial of participation in extracurricular activities;
- g. Discretionary educational sanctions and/or work assignments service to the University and/or community;
- h. Prohibited access to University facilities and/or prohibited direct or indirect contact with members of the University community;
- i. Loss of privileges on a temporary or permanent basis. ~~or denial of specified privileges for a designated period of time;~~
- j. Monetary assessments owed to the university.

2. Disciplinary Probation with or without Conditions or Restrictions

Disciplinary probation is a designated period of time during which a student's or student organization's conduct will be observed and reviewed. The student or student organization must demonstrate the ability to comply with University policies, rules and/or standards and any other requirements stipulated for the probationary period. Further instances of misconduct under the Code of Student Conduct and/or *Student Affairs Handbook* during this period ~~may be cause for imposing~~ may result in additional sanctions, conditions, and/or restrictions.



3. **Disciplinary Suspension/Expulsion with or without Conditions or Restrictions**  
Disciplinary suspension is a period of time in which a student may not attend classes or participate in any University related activity. The status of disciplinary suspension will be shown on the student's academic record, including the transcript or student organization's registration, during the period of disciplinary suspension. During disciplinary suspension of a student organization, the registration and privileges of the organization are suspended. Upon the written request by the student to the University Registrar or by the student organization's student representative to the Campus Activities and Involvement Office, the notation of disciplinary suspension will be removed from the transcript or registration upon readmission or the completion of the disciplinary suspension period. Notification of disciplinary suspension of a student or student organization will indicate the date on which the disciplinary suspension begins, the earliest date, if any, upon which application for student readmission or student organization re-registration will be considered. Questions related to academic course work, tuition, or fees during the period of disciplinary suspension/expulsion should be directed to the Dean of Students or Dean's representative.

~~Disciplinary suspension may be one of three types: deferred, time-limited, or expulsion:~~

Types of Disciplinary Suspension :

- a. ~~Deferred Disciplinary Suspension: with or without Conditions and/or Restrictions~~  
The disciplinary suspension may be deferred for a period of observation and review, but in no case will the deferred suspension be less than the remainder of the semester. Additional misconduct or a failure to comply may result in additional sanctions, conditions, and/or restrictions. ~~with the conditions and/or restrictions imposed by the Dean of Students and/or Dean's representative may result in immediate time-limited disciplinary suspension.~~
- b. ~~Time-Limited Disciplinary Suspension: with or without Conditions and/or Restrictions:~~  
Under the time-limited disciplinary suspension, the student or student organization is withdrawn and separated from the University for a designated length of time, but in no case less than the remainder of the semester. When the designated length of time has been completed, the student can apply for readmission through the regular admission procedures of the University. Similarly a student organization's student representative can apply to be re-registered through the regular student organization registration process of the University.
- c. ~~Disciplinary Expulsion: with or without Conditions and/or Restrictions:~~  
Disciplinary Expulsion is when the student or student organization is permanently withdrawn and separated from the University.

The Dean of Students ~~and/or Dean's representative~~ may deny a student's or student organization's request for readmission or registration, respectively, if the student's or student organization's misconduct during a period of disciplinary suspension would have warranted additional disciplinary action. Similarly, if the student or student organization has failed to satisfy any sanctions, conditions, and/or restrictions that have been imposed prior to application for readmission or registration, the Dean of Students ~~and/or Dean's representative~~ may deny readmission to a student or registration to a student organization. On denial of a student's or student organization's application for readmission or registration, the Vice President for Student Affairs will set a date when another application for readmission or registration may again be made. A student or student organization may appeal denial of readmission or registration based upon the disciplinary appeal process.

Implementation of the disciplinary sanctions, conditions, and/or restrictions will not begin until either the time for a disciplinary appeal has expired without receiving a disciplinary appeal, or until the disciplinary appeal process is exhausted. Exceptions are made only in cases for which, in the judgment of the Vice President for Student Affairs, the physical or emotional well being of the student, the student organization, other students, or other members of the University community may be endangered.

E. Disciplinary Appeal Procedures

1. Right to Appeal

Any student or student organization's student representative has the right to appeal the final disciplinary decision assessed by the Dean of Students ~~or Dean's representative~~. Students or student organization's student representative may also appeal a decision denying readmission to the University or re-registration of a student organization. Failure to file a written request for an appeal within the allotted time will render the original decision final and conclusive.

2. Grounds for Appeal

a. Appeals must be based on:

- 1) Issues of substantive or procedural errors which were prejudicial and which were committed during the disciplinary process;
- 2) Relevant information which was not available at the hearing.

b. The specific questions to be addressed on appeal are:

- 1) Were the procedures of the Code of Student Conduct followed?
- 2) If a procedural error was committed, were the rights of the student or student organization materially violated so as to effectively deny the student or student organization a fair hearing?
- 3) Was the hearing conducted in a way that permitted the student or student organization's student representative adequate notice and the opportunity to present information?
- 4) Was the information presented at the hearing sufficient to justify the decision reached?

3. Notification of Appeal

Appeals must be made in writing in sufficient detail to inform the Dean of Students ~~and/or Dean's representative~~ or the University Discipline Appeals Committee of the grounds for appeal. The appeal is not intended to afford a full rehearing of the case but to serve as a method of reviewing the written content and validity of the appeal submitted by the student or student organization's student representative and the record of the case and the procedures followed in decision making. Therefore, the student or student organization's student representative will not be given the opportunity to appear before the Dean of Students ~~and/or Dean's representative~~ or the University Discipline Appeals Committee for an oral hearing.

a. Administrative Hearing

The student or student organization's student representative desiring to appeal an administrative disposition has five (5) University working days from the date of the disposition letter to prepare and submit the written appeal to the Dean of Students. The Dean of Students will review materials relevant to the case in the written appeal of an administrative hearing of the student or student organization's student representative. The disciplinary decision of the Dean of Students is final. The Dean of Students may:

- 1) Find that no substantive and/or procedural error has occurred and that the decision be affirmed.
- 2) Find that the written appeal submitted is not sufficient to establish the grounds for appeal and that the decision be affirmed.
- 3) Find that the information presented was sufficient to justify the decision rendered and that the decision be affirmed.
- 4) Find that the relevant materials and written appeal submitted were not sufficient to establish that the alleged misconduct had occurred; in this event, the decision may be amended by the Dean of Students or the Dean of Students may refer the matter for a new hearing.



- 5) Find substantive and/or procedural errors that effectively denied the student or student organization due process; in this event, the decision may be amended by the Dean of Students or the Dean of Students will refer the matter for a new hearing.
- b. Committee Hearing  
The student or student organization's student representative desiring to appeal a University Discipline Committee hearing will notify the Dean of Students in writing of intent to appeal within three (3) University working days from the date of the disposition letter. The student or student organization's student representative will have five (5) University working days from the date of the written notice of intent to appeal to prepare and submit the written appeal to the Dean of Students. The Dean of Students ~~or Dean's representative~~ will forward to the University Discipline Appeals Committee the materials relevant to the case and the written appeal of the student or student organization's student representative. On written request, and facilitated by the Dean of Students ~~and/or Dean's representative~~, the student or student organization's student representative will be given an opportunity to review the tape recorded proceedings of the hearing and to review other relevant information. The University Discipline Appeals Committee will make recommendations to the Dean of Students.

The committee may:

- 1) Find that no substantive and/or procedural error has occurred and recommend the decision be affirmed.
- 2) Find that the written appeal submitted was not sufficient to establish the grounds for appeal and recommend that the decision be affirmed;
- 3) Find that the information presented at the hearing was sufficient to justify the decision rendered and recommend that the decision be affirmed.
- 4) Find that the relevant materials submitted at the hearing and written appeal were not sufficient to establish that the alleged misconduct had occurred; in this event, the decision may be amended by the Dean of Students or the Dean of Students may refer the matter for a new hearing.
- 5) Find substantive and/or procedural errors that effectively denied the student or student organization due process; in this event, the decision may be amended by the Dean of Students or the Dean of Students may refer the matter for a new hearing.
- 6) In cases where a student is seeking re-admittance or a student organization is seeking re-registration, the University Discipline Appeals Committee may affirm the decision or recommend that the student be readmitted or the organization be re-registered.

#### 4. Final Decision

The Dean of Students will provide written notification of the final disciplinary decision to the student or student organization's student representative of the administrative-or committee hearing appeal. If referred to the University Discipline Appeals Committee the chair will communicate in writing the committee's recommendation to the Dean of Students. After review of the recommendations, the Dean of Students will determine the final disciplinary decision within five (5) University working days.

#### F. Emotionally Disturbed Students

Texas Tech University provides evaluation, referral and limited treatment (within the parameters of available University resources) for a student displaying emotional problems, but a student's treatment needs may be beyond the scope of these services.

1. Definitions

- a. "Abnormal behavior" means overt actions, omissions of actions, or verbal or written statements which are inconsistent with the actions or statements of a reasonable, prudent person under similar circumstances.
- b. "Emotional problems" include, but are not limited to, behaviors resulting from possible physical, drug related, or psychological disorders which may pose potential harm to the physical well-being of the student or members of the University Community, or cause significant disruption to the normal functions of the University.
- c. "An emotionally disturbed student" includes, but is not limited to, a student exhibiting any of the behaviors described above.

2. Temporary Suspension

- a. If in the judgment of the Dean of Students, it is determined that:
  - 1) A student's behavior is disruptive to University functions or;
  - 2) Presents a threat of harm or bodily injury to himself/herself or members of the University community.

The Dean of Students may recommend to the Vice President for Student Affairs that the student be temporarily suspended from the University.

- b. If the Vice President for Student Affairs concurs with the Dean of Students recommendation, the student will be temporarily suspended until a hearing can be held.

3. Registration Flag Following Temporary Suspension

When a student is suspended or withdrawn under this section, a registration flag will be placed on the student's readmission to the University. This registration flag will remain in the student's records until the student is readmitted.

4. Readmission Procedures and Appeals

- a. A student who has had a registration flag placed on his or her records under this section must request readmission from the Dean of Students at least three (3) weeks prior to the first day of classes of the semester or summer session in which the student wishes to re-enroll. The student may be required by the Dean of Students to submit evidence in writing supportive of his or her present ability to function properly and effectively in the University community. The University will evaluate the student's request and supporting evidence with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal. If approval is granted by the Dean of Students for the removal of the registration flag, the student must then complete the regular University readmission procedures.
- b. If approval for readmission is denied by the Dean of Students, the student may appeal that decision to the Vice President for Student Affairs. The appeal to the Vice President for Student Affairs must be made, in writing, within five (5) University working days from the date the student is notified in writing by the Dean of Students that the student's request has been denied.
- c. The Vice President for Student Affairs, upon receiving an appeal request, must inform the student, in writing, that he or she is entitled to a hearing. This hearing should be held within five (5) University working days from the date that the Vice President for Student Affairs informs the student of the hearing. The hearing will be conducted by the Vice President for Student Affairs or the Vice President's representative. Following the hearing, the Vice President for Student Affairs will either sustain the decision of the Dean of Students or reverse the decision and allow the student to re-enroll in the University. The Vice President for Student Affairs will notify all parties of this decision, in writing, within three (3) University working days following the completion of the hearing.

G. Code Committees

1. University Discipline Committee

a. Committee Composition

The University Discipline Committee will conduct disciplinary hearings in referred cases. The Committee will be composed of five (5) full-time faculty members, five (5) full-time undergraduate students, and five (5) full-time staff members. Each member will be appointed for a single one-year term by the Vice President for Student Affairs. Committee members may be re-appointed for consecutive one-year terms.

b. Committee Appointments

University Discipline Committee appointments will be made as follows:

- 1) The chair will be appointed by the Vice President for Student Affairs and will be a member of the faculty or staff. If the chair is absent, an acting chair may be named by the Dean of Students ~~and/or Dean's representative~~.
- 2) Five (5) full-time undergraduate student members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Student Government Association, with the advice of the Student Senate.
- 3) Five (5) full-time faculty members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Faculty Senate, with the advice of the Faculty Senate.
- 4) Five (5) full-time staff members will be appointed by the Vice President for Student Affairs who will invite a recommendation by the President of the Staff Senate, with the advice of the Staff Senate.

c. Committee Recorder

The Dean of Students ~~and/or Dean's representative~~ will serve as a non-voting resource persons for the committee.

d. Committee Meetings

The committee will establish regular meeting dates and times during which cases will be heard and will also provide for scheduling special meetings as needed. Committee hearings will be conducted by a sub-group of the minimum fifteen (15) committee members.

e. Committee Quorum

A quorum for the committee is four (4) members, so long as at least one (1) member is present from each of the three (3) representative categories.

f. Committee Deliberation

When deliberating a case, the committee will meet in closed session with only voting members and the resource persons present.

g. Committee Removals

The Vice President for Student Affairs may remove a member from this committee when, in his or her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

h. Additional Committee Sections and/or Members

The Vice President for Student Affairs may appoint additional sections and/or members of the University Discipline Committee to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the University. The additional sections and/or members of the University Discipline Committee will have the same composition of membership, the same duties and the same authority as original University Discipline Committee, and additional sections will be alphabetically designated. Each section will function as a separate and independent unit in helping dispose of the caseload in the University disciplinary process. Cases will be assigned by the Dean of Students ~~and/or Dean's representative~~.

i. Committee Orientation

Members of the University Discipline Committee shall be required to participate in an orientation facilitated by the Dean of Students ~~and/or Dean's representative~~ prior to serving as a member of any committee hearing.

2. University Discipline Appeals Committee
  - a. Committee Referrals  
The University Discipline Appeals Committee will review cases appealed from the University Discipline Committee.
  - b. Committee Composition  
The Committee will be comprised of three (3) full-time faculty members, three (3) full-time staff members, and three (3) full-time undergraduate students. All members will be appointed for a single one-year term by the Vice President for Student Affairs. Committee members may be reappointed to consecutive one-year terms. The Vice President for Student Affairs will invite recommendations from the President of the Student Government Association, the President of the Faculty Senate and the President of the Staff Senate for members of the student body, faculty and staff, respectively, to serve as committee members. Recommendations come from the advice of the respective senates. The chair will be appointed by the Vice President for Student Affairs and will be a member of the faculty or staff. If the chair is absent, an acting chair may be named by the Dean of Students ~~and/or Dean's representative~~.
  - c. Committee Recorder  
The Dean of Students ~~and/or Dean's representative~~ will serve as a non-voting resource persons for the committee.
  - d. Committee Deliberation  
When deliberating a case, the committee will meet in closed session with only voting members and the resource persons present.
  - e. Committee Removals  
The Vice President for Student Affairs may remove a member from this committee when, in his or her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.
  - f. Committee Meetings  
The committee will establish regular meeting dates and times during which cases will be reviewed and will provide for scheduling special meetings as needed. Appeals hearings will be conducted by a sub-group of the minimum nine (9) members from the committee.
  - g. Committee Quorum  
A quorum for the committee is four (4) members, so long as at least one (1) member is present from each of the three (3) representative categories.
  - h. Additional Committee Sections and/or Members  
The Vice President for Student Affairs may appoint additional sections and/or members of the University Discipline Appeals Committee to expedite the orderly disposition of cases and/or to aid in the administration of disciplinary action within the University. The additional sections and/or members of the University Discipline Appeals Committee will have the same composition of membership, the same duties and the same authority as the original University Discipline Appeals Committee, and the additional sections will be alphabetically designated. Each section will function as a separate and independent unit in helping dispose of the appeal case load in the University disciplinary process. Cases will be assigned by the Dean of Students ~~and/or Dean's representative~~.
  - i. Committee Orientation  
Members of the University Discipline Appeals Committee will be required to participate in an orientation facilitated by the Dean of Students ~~and/or Dean's representative~~ prior to serving as a member of any disciplinary appeal hearing.
3. Code of Student Conduct Committee
  - a. Code of Student Conduct Review  
The Code of Student Conduct Committee will conduct an annual review of the Code of Student Conduct and make recommendations to the Vice President for Student

Affairs regarding omissions, clarifications, constructive changes, and other matters relevant to the proper interpretation and operation of the Code of Student Conduct.

b. Committee Composition

- 1) The chair will be appointed by the Vice President for Student Affairs and will be a full-time member of the faculty or staff.
- 2) The Code of Student Conduct Committee will consist of three (3) full-time faculty members, two (2) full-time staff members, two (2) full-time undergraduate students and one (1) full-time graduate student.
- 3) Faculty and staff will be appointed for one three (3) year term, and undergraduate/graduate student(s) will be appointed for a single one-year term.
- 4) Committee appointments will be made by the Vice President for Student Affairs after inviting recommendations by the President of the Student Government Association, the President of the Faculty Senate and the President of the Staff Senate with the advice of the Student Senate for undergraduate/graduate student members, the Faculty Senate for faculty members and Staff Senate for staff members.

c. Committee Recorder

The Dean of Students ~~and/or Dean's representative~~ will serve as a resource persons for the committee.

d. Committee Removals

The Vice President for Student Affairs may remove a member from this committee when, in his or her judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

e. Code of Student Conduct Committee Orientation

Members of the Code of Student Conduct Committee will be required to participate in an orientation facilitated by the Dean of Students ~~and/or Dean's representative~~ prior to review of the Code of Student Conduct.

**SCHOOL OF PHARMACY**  
**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER**

**PHARMACY INCOME PLAN**  
**BYLAWS**



## GLOSSARY

<b>PIP</b>	Pharmacy Income Plan ("Plan").
<b>Augmentation</b>	Compensation in addition to base salary.
<b>Base Salary</b>	The Base salary specified in an annual contract with Texas Tech University Health Sciences Center
<b>Business Operations Trust Fund</b>	The Business Operations Trust Fund will be the initial depository account for the receipt and disbursement of all professional fee income.
<b>Clinical Specialist Faculty</b>	School of Pharmacy Faculty primarily engaged in clinical practice; faculty whose primary purpose is for clinical practice.
<b>Dean</b>	Dean of the School of Pharmacy of Texas Tech University Health Sciences Center
<b>Full-time Faculty</b>	School of Pharmacy faculty fully engaged in teaching; faculty whose instructional loads are balanced to allow reduced loads for research or other non-administrative assignments.
<b>Institutional Program Fund</b>	Will be utilized to support the programs of the Center.
<b>Professional Income</b>	Income earned by patient-care related, consultative and direct care services, etc., by the faculty member who participates in the Plan.
<b>Manager of Plan</b>	The fiscal manager of PIP
<b>Net Plan Income</b>	The sum remaining from gross income after deductions for payments to the Business Operations Trust Fund and the Institutional Program Fund ("IPF").
<b>President</b>	President of the Texas Tech University Health Sciences Center, or his designee
<b>TTUHSC</b>	TTUHSC at Amarillo, El Paso, Lubbock or the DFW Metroplex
<b>School</b>	School of Pharmacy of Texas Tech University Health Sciences Center.
<b>Course and Scope of Employment of TTUHSC</b>	All activities commensurate with one's designated position; assigned activities are based on the percent time of employment, are determined by the needs of each department, and may vary from semester to semester.

**SCHOOL OF PHARMACY**  
**TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER**  
**PHARMACY INCOME PLAN**

**BYLAWS**

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The Bylaws, and all amendments thereto, of the Texas Tech University Health Sciences Center School of Pharmacy Income Plan ("PIP", the "Plan") are hereby superseded by the amended Bylaws as follows:

## ARTICLE I

### PURPOSE

The Texas Tech University Health Sciences Center School of Pharmacy (the School) has created a separate fiscal plan for the purpose of managing the professional income of its members. This plan shall be named the Pharmacy Income Plan ("PIP", or the "Plan") and administered pursuant to the Bylaws set forth in this document.

## ARTICLE II

### 2.0 DEFINITIONS

#### 2.1. REGIONAL CAMPUS

- 2.1.1. For the purpose of these Bylaws, each of the four sites (Amarillo, El Paso, Lubbock, DFW Metroplex) of the Texas Tech University Health Sciences Center School of Pharmacy shall be referred to by the term *Center*.

#### 2.2. PLAN COMPOSITION:

The Pharmacy Income Plan shall consist of:

- 2.2.1 Business Operations Trust Fund for the Center, which will be the initial depository account for the receipt and disbursement of all professional fee income.
- 2.2.2 An Institutional Program Fund, which will be utilized to support the programs of the Center.
- 2.2.3 A School Development Fund, which will be utilized to support the developmental programs of the School.
- 2.2.4 A School Program Fund, which will be utilized to support the programs of the School.
- 2.2.5 A Member Account, which will be expended at the discretion of the individual faculty member according to the rules of the PIP.

#### 2.3 TOTAL COMPENSATION:

Total Compensation shall be comprised of the following:

- 2.3.1 State-appropriated education and general budget funds, contract and grant funds, gift funds, PIP Member Account, or other funds designated for salaries by the Board of Regents, as paid to faculty members by the School and reported to the Internal Revenue Service.
- 2.3.2 Augmentation
  - 2.3.2.1 Augmentation shall be defined as that part of Total Compensation, paid from PIP funds or from other sources authorized by the Board of Regents, which is paid to a member pursuant to the Plan.

- 2.3.2.2 Member's Augmentation shall be expended at the member's discretion from available member funds in the member's account and with appropriate University approvals.
- 2.3.2.3 Incentive Compensation is discretionary and may only be paid upon the recommendation of the departmental Chair and the Dean and with the approval of President.

### **ARTICLE III**

#### **3.0 ORGANIZATION OF THE MEMBERSHIP**

##### **3.1. MEMBERSHIP**

- 3.1.1. Membership in the Plan shall be required of each faculty member whose appointment at the Health Sciences Center and affiliate institution(s) totals fifty percent (50%) time or greater and who, as a licensed pharmacist, generates income related to patient care. Exceptions to the above may be made only upon written recommendation to the PIP Policy Committee, and the subsequent approval of the Dean and President.
- 3.1.2. Members of the Plan shall be eligible to participate in its deliberations and to vote upon matters of business and shall be eligible for election to offices and for appointment to committees.
- 3.1.3. A member leaving the faculty terminates membership in the Plan without further rights, privileges, entitlements, or recourse.

##### **3.2. MEETINGS OF THE GENERAL MEMBERSHIP**

- 3.2.1 The membership shall meet in general session at an annual meeting in the third quarter of the fiscal year at a location designated by the PIP President. Notice of the annual meeting, an agenda, and an annual report developed by the PIP President, upon consultation with the Dean shall be made available, upon written request, to each member at least three weeks before the meeting. The annual meeting shall be held simultaneously at all the centers by means of interactive telecommunications.
- 3.2.2 Procedures of the annual meeting:
  - 3.2.2.1 Appropriate communications will be provided so that each member is afforded an opportunity to speak and to hear the conduct of the business.
  - 3.2.2.2 The conduct of business shall be limited to that of the published agenda. Other business may be added to the agenda upon majority vote of the membership present at the meeting.
  - 3.2.2.3 The total of all votes from the Centers shall constitute the basis for decisions.
  - 3.2.2.4 Special meetings may be called by the Dean, the PIP President, or upon written petition by twenty-five percent (25%) of the members. Special meetings shall require the same notice as the annual meeting.

- 3.2.2.5 The PIP President shall preside at all meetings of the general membership. In the absence of the PIP President, the PIP President-elect shall preside. A secretary will be elected by the policy committee.
- 3.2.2.6 Minutes of each meeting shall be circulated to each member within thirty (30) days following the meeting.
- 3.2.2.7 The presence of at least thirty-five percent (35%) of the members shall constitute a quorum.
- 3.2.2.8 Each member shall have one (1) vote and must be present to vote.
- 3.2.2.9 Except where otherwise specified within these Bylaws, a simple majority vote of the members present shall prevail.
- 3.2.2.10 Meetings of the membership shall be conducted according to *Robert's Rules of Order*. If *Robert's Rules of Order* are silent to an issue, then the order of precedence will be the governing documents of the PIP and then the policies and procedures of TTUHSC.

### 3.3. POLICY COMMITTEE

- 3.3.1. There shall be a Policy Committee.
- 3.3.2. The Policy Committee shall consist of voting and non-voting members.
  - 3.3.2.1. Voting members shall be:
    - 3.3.2.1.1. Each full-time departmental Chair, if the Chair is a member, or in his or her absence, the designee of the departmental Chair.
    - 3.3.2.1.2. Two members elected from the membership at large who shall serve for two years, and whose terms shall be staggered so that one member is elected each year.
    - 3.3.2.1.3. Non-voting member shall be the Dean.
- 3.3.3. Election of officers
  - 3.3.3.1. The officers of the Policy Committee shall be the:
    - 3.3.3.1.1. PIP President, who will preside;
    - 3.3.3.1.2. PIP President-elect, who will succeed the PIP President or preside in the PIP President's absence and shall otherwise perform the duties prescribed by these Bylaws.
  - 3.3.3.2. Officers shall be elected annually by the committee members from among the voting members to serve a term of one year from September through August to coincide with the academic year.
  - 3.3.3.3. No elected officer shall serve more than two full consecutive terms in the same office.
  - 3.3.3.4. In the event of a vacancy:
    - 3.3.3.4.1. During the term of the PIP President, the PIP President-elect shall fill the remainder of the PIP President's term, as well as the ensuing term;
    - 3.3.3.4.2. During the term of the PIP President-elect, a new PIP President-elect shall be elected at the next regular meeting following the occurrence of the vacancy, and shall fill the remainder of the PIP President-elect's term as well as the ensuing term.

3.3.4. Meetings

3.3.4.1. The Policy Committee shall meet at the call of the Chair but not less frequently than every quarter, or on the written petition of one half (1/2) of the members of the committee.

3.3.4.2. The presence of majority of the voting members shall constitute a quorum.

3.3.4.3. Each voting member or his or her designee shall have one (1) vote. A simple majority vote of the voting members present shall prevail.

3.3.4.4. Meetings shall be conducted according to *Robert's Rules of Order* (See 3.2.2.10).

3.3.5. The Policy Committee shall consider PIP business and recommend policy issues and changes to the Dean.

3.3.5.1. The PIP President will communicate recommendations of the Committee to the Dean.

3.3.5.2. The PIP Manager will staff the Policy Committee, will maintain minutes, and will be accountable to the Dean who is accountable for the operational and fiscal status of the PIP.

3.3.6. The PIP President may attend the meeting of the School of Pharmacy's Executive Committee (SPEC) when PIP items are to be addressed.

3.3.6.1. The Dean shall be responsible for informing the PIP President when an item pertinent to PIP is on the SPEC agenda.

3.3.6.2. The PIP President may submit agenda items to the SPEC for policy review and consideration.

3.3.7. The Policy Committee may appoint subcommittees as necessary.

3.3.8. The Dean and/or PIP President may appoint ad hoc committees to review specific matters when necessary.

3.3.9. The Dean shall be accountable to the President for the sound management of the PIP. Final authority on all matters relating to PIP shall reside with the President.

**3.4. BUSINESS OPERATIONS**

3.4.1. The Policy Committee, with the advice and consent of the Dean, shall recommend the appointment of a PIP Manager to serve as the general administrator and fiscal officer of the Plan. The salary of the PIP Manager shall derive from PIP funds, in relation to the percentage of time spent on duties and responsibilities related to PIP activities.

3.4.2. A PIP Business Office, under the direction of the PIP Manager, shall be maintained by the Plan for the administration of PIP affairs.

3.4.3. Administrative personnel and consultants may be employed or retained as recommended by the Policy Committee or by the Dean, in accordance with Center Policies and Procedures and applicable state and federal laws.

3.4.4. Annual operating and capital expense budgets for the Plan shall be prepared and approved in accordance with the Policies and Procedures of the Board of Regents. A summary revenue and expense budget for the coming year shall be submitted in the last quarter of the current fiscal year to



the Policy Committee and to the Dean for approval and recommendation. Any changes in the final budget must be reviewed by the Policy Committee and approved by the Dean.

- 3.4.5. Financial Reports shall be prepared by the PIP Business office, under the direction of the PIP Manager and submitted monthly to the Policy Committee, and to the Dean. These reports shall include summary financial data stating monthly and year-to-date billings, income, expenses, and net income to the Program Fund.
- 3.4.6. Collections under the Plan will be recorded for each member and reported to the Dean. An annual statement of funds deposited in the PIP during the fiscal year will be submitted to the appropriate department Chair and the Dean no later than each October 1. These reports will be prepared and submitted by the PIP Business office.
- 3.4.7. Professional fees shall be centrally billed. Collections shall be made by the PIP Business Office in accordance with approved procedures. All collections shall be deposited to the PIP Business Operations Trust Fund. Any exceptions to the billing and collection policy shall be reviewed by the Policy Committee and approved in writing by the Dean.
- 3.4.8. The TTU/TTUHSC Office of Internal audit may, at its discretion, audit the operations of PIP.

#### **ARTICLE IV**

##### **4.0 PIP BUSINESS OPERATIONS TRUST FUND**

###### **4.1. COMPOSITION**

- 4.1.1. A PIP Business Operations Trust Fund shall be established for the receipt and disbursement of all professional income under the provisions of the Plan (see Article 4.5).
- 4.1.2. The PIP Business Operations Trust Fund shall make disbursements to the following funds as hereinafter provided:
  - 4.1.2.1. Institutional Program Fund (see Article 4.6);
  - 4.1.2.2. School Program Fund (see Article 4.7);
  - 4.1.2.3. School Development Fund (see Article 4.8);
  - 4.1.2.4. Member's Account (see Article 4.9).

###### **4.2. SOURCES OF INCOME**

- 4.2.1. Pursuant to the member's contract with the Plan, each member shall assign all professional revenue to the PIP Business Operations Trust Fund (see Article 4.3).
- 4.2.2. Income from the professional services collected by PIP for services rendered at the campus by part-time clinical or volunteer faculty and assigned to the department shall accrue to the PIP Business Operations Trust Fund, unless exempted by recommendation of the departmental Chair, approved by the Policy Committee, and subsequently approved by the Dean.

- 4.2.3. Income earned from any unexpended balances of the Business Operation Trust Fund, Institutional Program Fund, or School Program Fund shall accrue to the respective fund that generated it.

#### **4.3. ITEMS INCLUDED IN PROFESSIONAL INCOME**

- 4.3.1. Professional fees generated from patient care services within the campus-affiliated program, including third-party payments, patient care consultations, services, and contracts.
- 4.3.2. Sales revenue for medications sold in the School's Pharmaceutical Care Centers.
- 4.3.3. Management consulting contracts which would involve patient care (i.e., contracts set up for management of rural hospitals).
- 4.3.4. All other professional income with the exception of the following;
  - 4.3.4.1. Honoraria and non-professional retainers;
  - 4.3.4.2. Patent income and royalties as shall be established by the TTU/TTUHSC Intellectual Property Policy;
  - 4.3.4.3. Fees for court appearances, depositions, record reviews, other than those given by the member in an official capacity, as approved by the departmental Chair.
  - 4.3.4.4. Payment for editing scientific publications;
  - 4.3.4.5. Non-patient consultation fees earned as a regional or national consultant with nonaffiliated institutions, with approval of the departmental Chair.
  - 4.3.4.6. Honoraria for continuing education.
  - 4.3.4.7. Exceptions to the above must be approved in writing by the PIP Policy Committee and the Dean.

#### **4.4. DETERMINATION OF PROFESSIONAL FEES**

- 4.4.1. The PIP Manager shall prepare at least annually a schedule of fees to be used for customary billing, which will be approved by the Dean.

#### **4.5. BUSINESS OPERATIONS TRUST FUND**

- 4.5.1. The Business Operation Trust Fund shall be maintained for the purpose of paying the expenses of the general administrative and business operations of the Plan.

#### **4.6. INSTITUTIONAL PROGRAM FUND**

- 4.6.1. An Institutional Program Fund (IPF) shall be established for the President of the Health Sciences Center and the Chancellor. Expenditures from this Institutional Program Fund (IPF) shall be at the discretion of the President and the Chancellor.
- 4.6.2. A Facility Use Fee shall be established annually to be funded by PIP and paid monthly. The amount shall be set in accordance with general business practices and approved by the PIP Policy Committee in conjunction with the Dean or designee.

#### **4.7. SCHOOL PROGRAM FUND**

- 4.7.1. A School Program Fund shall be established.
- 4.7.2. The School Program Fund shall consist of the balance of professional income account maintained by the PIP Business Operations Trust Fund after all payments required by the Plan.
- 4.7.3. The School Program Fund shall be expended in support of faculty compensation and benefits, professional liability insurance coverage, direct School business, and functions related to teaching, research, and patient care activities.
- 4.7.4. Expenditures from the School Program Fund shall be under the direction of the Dean in accordance with those items allowable in Exhibit D.

#### **4.8. SCHOOL DEVELOPMENT FUND**

- 4.8.1. A School Development Fund shall be established for the School to enhance and support development of the School. The PIP Policy Committee, in conjunction with the Dean, shall approve the budget and method of funding the School Development Fund. Expenditures from the School Development Fund shall be at the discretion of the Dean.

#### **4.9. MEMBER'S ACCOUNT**

- 4.9.1. A Member's Account shall be established for each member of the Plan.
- 4.9.2. The Member's Account shall consist of the member's percentage of PIP payments.
- 4.9.3. The Member's Accounts shall be maintained by the PIP Manager for expenditure at the discretion of the member. Expenditures from the Member's Account shall be under the direction of the member in accordance with those items allowable in Exhibit C.

### **ARTICLE V**

#### **5.0 GENERAL PROVISIONS**

##### **5.1. EXCEPTIONS**

- 5.1.1. All exceptions granted under provisions of the Plan shall be reviewed and approved by the Dean annually and with the consultation and advice of the PIP Policy committee.
- 5.1.2. This Plan is created for management purposes only, and nothing in this Plan shall be construed to create a partnership, trust, association, or any other entity.

##### **5.2. ETHICS**

- 5.2.1. The Code of Ethics of the American Pharmaceutical Association is accepted as the governing code of ethics for the Plan (Exhibit A).

### **5.3. CONTRACTS**

- 5.3.1. Appropriate contracts shall be executed between each member and the Plan. These contracts shall be in the form and content similar to the one appended as (Exhibit B).

### **5.4. BENEFITS COMMITTEE**

- 5.4.1. The PIP President shall designate one member of the Policy Committee to serve on a standing, Benefits Committee, which shall review and make recommendations regarding member benefits to the Policy Committee.

### **5.5. GRIEVANCE COMMITTEE**

- 5.5.1. The PIP President shall name an ad hoc Grievance Committee to review and make recommendations regarding any grievance related to compliance with these Bylaws and submitted to the Regional Policy Committee by the member of the Plan. Unresolved grievances will be referred to the Dean for final resolution.

### **5.6. AMENDMENT OF BYLAWS**

- 5.6.1. These Bylaws may be amended by a two-thirds (2/3) vote of the members present or by a two-thirds (2/3) vote of those responding by written ballot, providing that the amendment shall have been offered at a previous meeting or by written notice not fewer than thirty (30) days prior to the meeting of the membership.
- 5.6.2. These Bylaws or any amendments thereto shall be effective upon approval by the Board of Regents of the Texas Tech University Health Sciences Center.

### **5.7. DISSOLUTION OF PLAN**

- 5.7.1. The Plan may be dissolved by the Dean upon recommendation of the Center designees and approval by a two-thirds (2/3) majority of the membership, the President, and the Board of Regents.
- 5.7.2. Upon voluntary dissolution of the Plan in order to establish a new organizational structure, all the assets of the former Plan shall be transferred to the new Plan.
- 5.7.3. Upon ultimate dissolution of the Plan, all monies remaining in the PIP Business Operations Trust Fund shall be utilized to discharge obligations of the Plan, with the balance to be distributed by the Dean with the approval of the President. Accounts receivable remaining outstanding after a one-year period shall be assigned by the PIP Business Operations Trust Fund to the Texas Tech Pharmacy School Foundation (the Foundation), and all collections of such accounts shall inure solely to the benefit of the Foundation.

**EXHIBIT A**  
**PIP CODE OF ETHICS**  
**AMERICAN PHARMACEUTICAL ASSOCIATION\***

**Preamble**

Pharmacists are health professionals who assist individuals in making the best use of medications. This Code, prepared and supported by pharmacists, is intended to state publicly the principles that form the fundamental basis of the roles and responsibilities of pharmacists. These principles, based on moral obligations and virtues, are established to guide pharmacists in relationships with patients, health professionals, and society.

- I. A pharmacist respects the covenantal relationship between the patient and pharmacist.

Considering the patient-pharmacist relationship as a covenant means that a pharmacist has moral obligations in response to the gift of trust received from society. In return for this gift, a pharmacist promises to help individuals achieve optimum benefit from their medications, to be committed to their welfare, and to maintain their trust.

- II. A pharmacist promotes the good of every patient in a caring, compassionate, and confidential manner.

A pharmacist places concern for the well-being of the patient at the center of professional practice. In doing so, a pharmacist considers needs stated by the patient as well as those defined by health science. A pharmacist is dedicated to protecting the dignity of the patient. With a caring attitude and a compassionate spirit, a pharmacist focuses on serving the patient in a private and confidential manner.

- III. A pharmacist respects the autonomy and dignity of each patient.

A pharmacist promotes the right of self-determination and recognizes individual self-worth by encouraging patients to participate in decisions about their health. A pharmacist communicates with patients in terms that are understandable. In all cases, a pharmacist respects personal and cultural differences among patients.

- IV. A pharmacist acts with honesty and integrity in professional relationships.

A pharmacist has a duty to tell the truth and to act with conviction of conscience. A pharmacist avoids discriminatory practices, behavior or work conditions that impair professional judgment, and actions that compromise dedication to the best interest of patients.

- V. A pharmacist maintains professional competence.

A pharmacist has a duty to maintain knowledge and abilities as new medications, devices, and technologies become available and as health information advances.

- VI. A Pharmacist respects the values and abilities of colleagues and other health professionals.

When appropriate, a pharmacist asks for the consultation of colleagues or other health professionals or refers to the patient. A pharmacist acknowledges that colleagues and other health professionals may differ in the beliefs and values they apply to the care of the patient.

- VII. A pharmacist serves individual, community, and societal needs.

The primary obligation of a pharmacist is to individual patients. However, the obligations of a pharmacist may at times extend beyond the individual to the community and society. In these situations, the pharmacist recognizes the responsibilities that accompany these obligations and acts accordingly.

VIII. A pharmacist seeks justice in the distribution of health resources.

When health resources are allocated, a pharmacist is fair and equitable, balancing the needs of patients and society.

\*Adopted by the membership of the American Pharmaceutical Association October 27, 1994.



**EXHIBIT B**  
**ASSIGNMENT AND PLAN AGREEMENT**

As a condition of my employment as a member of the faculty of the Texas Tech University Health Sciences Center School of Pharmacy (TTUHSC), I hereby assign to the Pharmacy Income Plan (the Plan) Business Operations Trust Fund all fees charged by me for professional activities, pharmaceutical care and wages paid by Texas Tech University Health Sciences Center Affiliated Clinical facilities, except those exempted by the Plan. The assignment shall be absolute, subject only to the conditions that TTUHSC shall not alter the fees charged by me, except as provided in the Bylaws of the Plan, and that such fees as are collected shall be used for purposes consistent with the Bylaws of the Plan, or amendments thereto.

I further agree that all monies received by me for such fees and wages will be promptly turned over to the Business Office of the Plan and that all checks made payable to me for such fees and wages will be promptly endorsed and turned over to the Business Office. It is clearly understood that this assignment does not apply to salary received from TTUHSC or to reimbursement of actual expenses incurred under the Plan.

Further, I agree to comply with the Bylaws of the Plan.

This agreement shall terminate when my membership in the Plan ends.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Member

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Spouse

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representative for the Plan

\_\_\_\_\_  
Date

**EXHIBIT C**  
**EXPENSES ALLOWABLE FROM THE MEMBERS ACCOUNT**

This appendix has been developed to provide guidelines for expenditure of PIP funds. It is in compliance with the rider in the 1990-91 Appropriation Bill (Senate Bill 222) and recent IRS guidelines for business expenses. The PIP may have an annual audit of its collections and expenditures, which will be provided to the Texas Tech University Health Sciences Center Board of Regents within 90 days of the end of the fiscal year. The following expenditures are permitted from PIP, subject to availability of funds and the written approval of the Dean.

- A. Augmentation of members' salaries.
- B. Salary or partial salary for faculty and/or staff (within accepted salary ranges and classification including required school benefits) with written approval of the Dean.
- C. General maintenance, operation, and purchase and/or replacement of equipment used in education, research, and patient care.
- D. Ordinary and necessary business expenses incurred by a member in generating professional income, in accordance with IRS guidelines for business expenses.
- E. Travel and other expenses, including registration fees and tuition, incidental to attendance at professional meetings, as well as the support of education, research, and patient care.
- F. Professional society memberships.
- G. Group medical, life, disability, supplemental retirement, dental, and vision benefit insurance, and any other insurance benefit deemed appropriate. The departmental Chair, with the approval of the Dean, may individually establish these benefits.
- H. Texas State Board of Pharmacy annual license fee.
- I. Related educational aids such as books, journals, slides, audio and videotapes.

Procedures

- All requests for reimbursement must contain adequate documentation and must be signed by the person seeking reimbursement.
- All expenditures are subject to the Policies and Procedures of the Board of Regents of Texas Tech University Health Sciences Center and applicable institutional regulations and procedures.
- This list of authorized expenditures may be periodically amended by action of the office of the President, upon recommendation of the Dean.

**EXHIBIT D**  
**EXPENSES ALLOWABLE FROM THE SCHOOL PROGRAM FUND**

This appendix has been developed to provide guidelines for expenditure of PIP funds. It is in compliance with the rider in the 1990-91 Appropriation Bill (Senate Bill 222) and recent IRS guidelines for business expenses. The PIP may have an annual audit of its collections and expenditures which will be provided to the Texas Tech University Health Sciences Center Board of Regents within 90 days of the end of the fiscal year. The following expenditures are permitted from PIP, subject to availability of funds and the written approval of the Dean.

- A. Augmentation of members' salaries.
- B. Salary or partial salary for faculty and/or staff (within accepted salary ranges and classification including required school benefits) with written approval of the Dean.
- C. General maintenance, operation, and purchase and/or replacement of equipment used in education, research, and patient care.
- D. Ordinary and necessary business expenses incurred by a member in generating professional income, in accordance with IRS guidelines for business expenses.
- E. Travel and other expenses, including registration fees and tuition, incidental to attendance at professional meetings, as well as the support of education, research, and patient care.
- F. Professional society memberships.
- G. Expenses and consultant fees for guest speakers including official entertainment.
- H. Group medical, life, disability, supplemental retirement, dental, and vision benefit insurance, and any other insurance benefit not paid for by the state of Texas, deemed appropriate. The departmental Chair with the approval of the Dean may individually establish these benefits.
- I. Medical and professional liability premiums and reserves.
- J. Texas State Board of Pharmacy annual license fee.
- K. Related educational aids such as books, journals, slides, audio and videotapes.
- L. Official institutional functions and official entertainment for business-related events or for a documented benefit to Texas Tech University Health Sciences Center.

**Procedures**

- All requests for reimbursement must contain adequate documentation and must be signed by the person seeking reimbursement.
- All expenditures are subject to the Policies and Procedures of the Board of Regents of Texas Tech University Health Sciences Center and applicable institutional regulations and procedures.
- This list of authorized expenditures may be periodically amended by action of the office of the President, upon recommendation of the Dean.

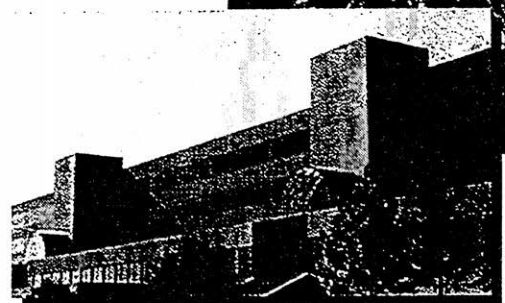
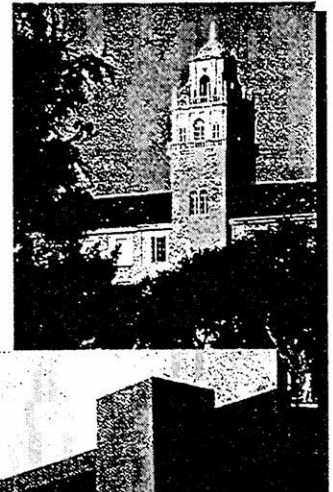


## Texas Tech University Health Sciences Center School of Medicine

# Match Day

Each year, Texas Tech senior medical students participate in the *National Resident Matching Program (NRMP)*. This program matches graduating medical students to available residency positions across the nation through a competitive process:

- ✦ Texas Tech students did **exceptionally well** in the Match
- ✦ 66% matched their 1<sup>st</sup> choice - 81% matched one of their top 3 choices
- ✦ 54% of the students selected in a Texas program
  - ✦ 35% other Texas program
  - ✦ 19% TTUHSC
- ✦ 46% of the class were chosen by another U.S. medical center, including many of the nation's *most competitive programs*:
  - ✦ Columbia College of Physicians and Surgeons – *Internal Medicine*
  - ✦ Duke University Medical Center – *Urology*
  - ✦ Emory University – *Family Medicine, Internal Medicine*
  - ✦ Georgetown University Hospital – *Psychiatry*
  - ✦ Harvard Medical School, Cambridge Hospital – *Primary Medicine*
  - ✦ Indiana Univ. School of Medicine – *Internal Medicine*
  - ✦ Lenox Hill Hospital – *Internal Medicine*
  - ✦ Mayo Graduate School of Medicine – *Dermatology*
  - ✦ MCP Hahnemann Univ. Hospitals – *Emergency Medicine*
  - ✦ Medical College of Virginia – *Preliminary Medicine, Internal Medicine*
  - ✦ Oregon Health Sciences University – *Primary Medicine*
  - ✦ Tulane University School of Medicine – *Internal Medicine*
  - ✦ Univ. of Buffalo Graduate Medical School – *Emergency Medicine*
  - ✦ Univ. of Connecticut – *Surgery*
  - ✦ Univ. of Kentucky Medical Center – *Pediatrics*
  - ✦ Univ. of Vermont/Fletcher Allen Health Care – *Internal Medicine*
  - ✦ University Health Center, Pittsburgh, PA – *Plastic Surgery*
  - ✦ University of Florida/Shands Hospital – *Pediatrics*
  - ✦ Wake Forest/Bowman Gray School of Medicine – *Neurology*
  - ✦ Washington Univ., St. Louis, MO – *Neurosurgery/Radiology*
  - ✦ Western Reserve, Youngstown, OH – *Surgery*
- ✦ 50% chose Primary Care (Family Medicine, Internal Medicine, OB/GYN or Pediatrics)



## Evaluation of Texas Tech Graduates as Residents

The Texas Tech University School of Medicine surveyed Residency Program Directors, asking them to evaluate the performance of Texas Tech's Class of 2000 graduates as Marginal, Average, or Superior.

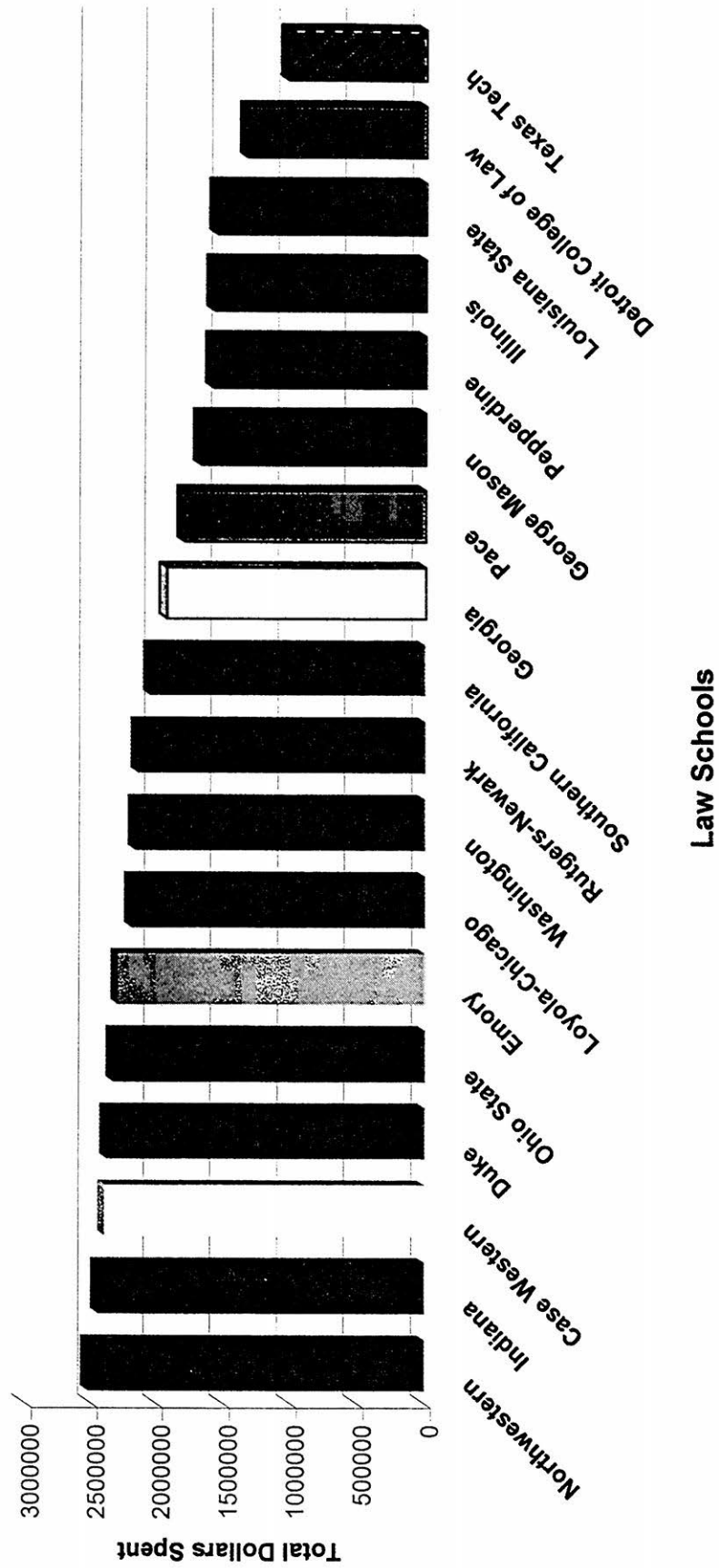
This is one of the better methods of evaluating the quality of our graduates and training program.

- ✦ Texas Tech had an average rating of Superior:
- ✦ Some feedback:
  - ✦ "well-trained and has a good knowledge base" – TTUHSC-Amarillo
  - ✦ "one of our outstanding residents – well trained" – TTUHSC-Lubbock
  - ✦ "very strong, well prepared for residency" – TTUHSC-Lubbock
  - ✦ "outstanding!" – Texas A&M – Scott and White Hospital
  - ✦ "beyond excellent" – TTUHSC-Lubbock
  - ✦ "superior in all regards" – UTMB
  - ✦ "one of our better interns" – LeBonheur Children's Medical Center
  - ✦ "We have been very happy with the Texas Tech products over the past 15 years. They are the best students in the state!" – Texas A&M – Scott and White Hospital
  - ✦ "excellent resident" – UT Southwestern
  - ✦ "an excellent resident" – Eastern Virginia Medical Center
  - ✦ "outstanding in all respects" – Mayo Graduate School of Medicine
  - ✦ "excellent house officer – performs consistently at very high level" – Lenox Hill Hospital
  - ✦ "a star...very bright, fantastic doc" – University of New Mexico
  - ✦ "we'll take one like (this student) from your institution every year" – Texas A&M – Scott and White Hospital



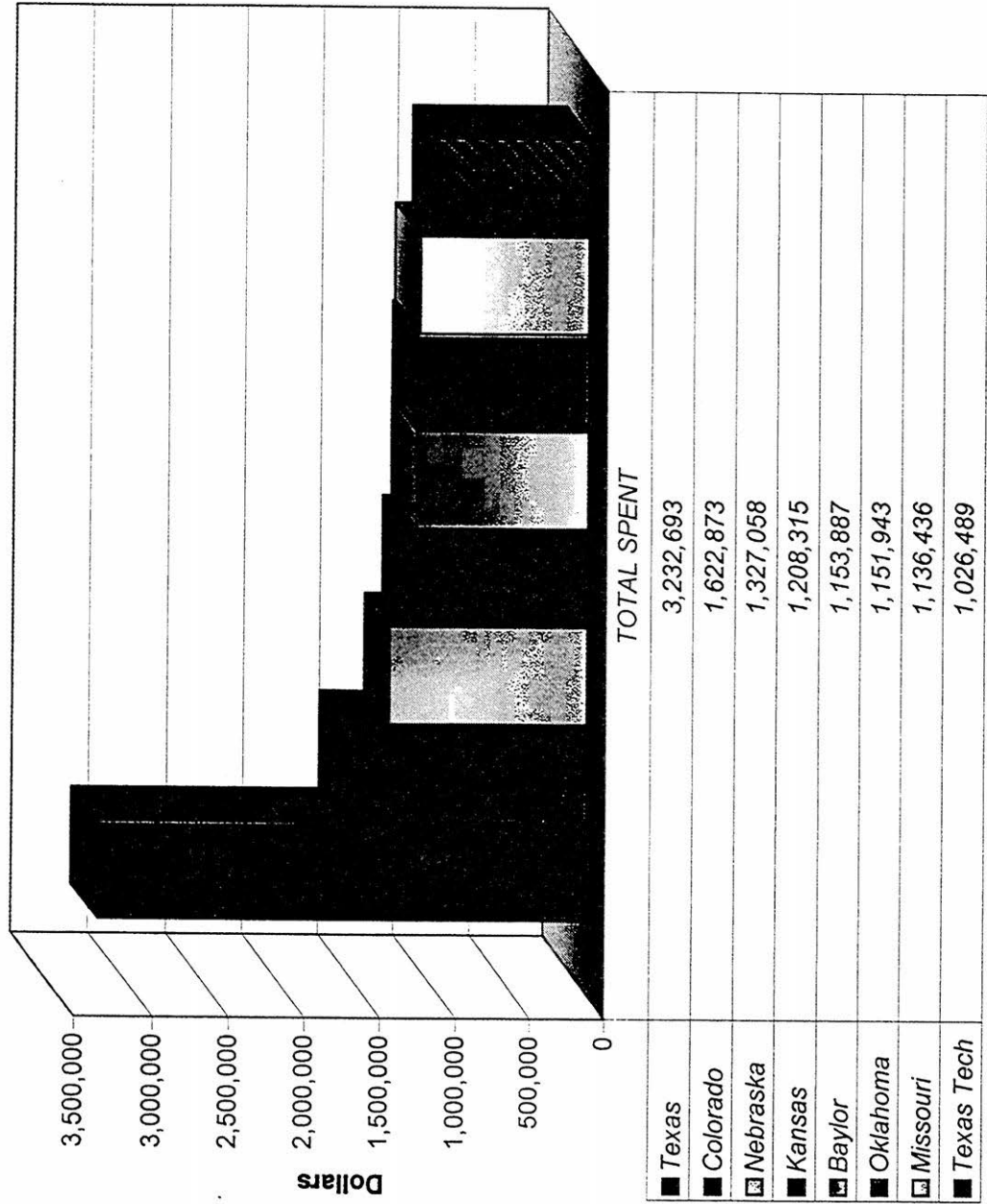
*Match Day*

National Law Schools with  
FTE JD Student Enrollment of 600-650  
Fall 1999 Official ABA Data

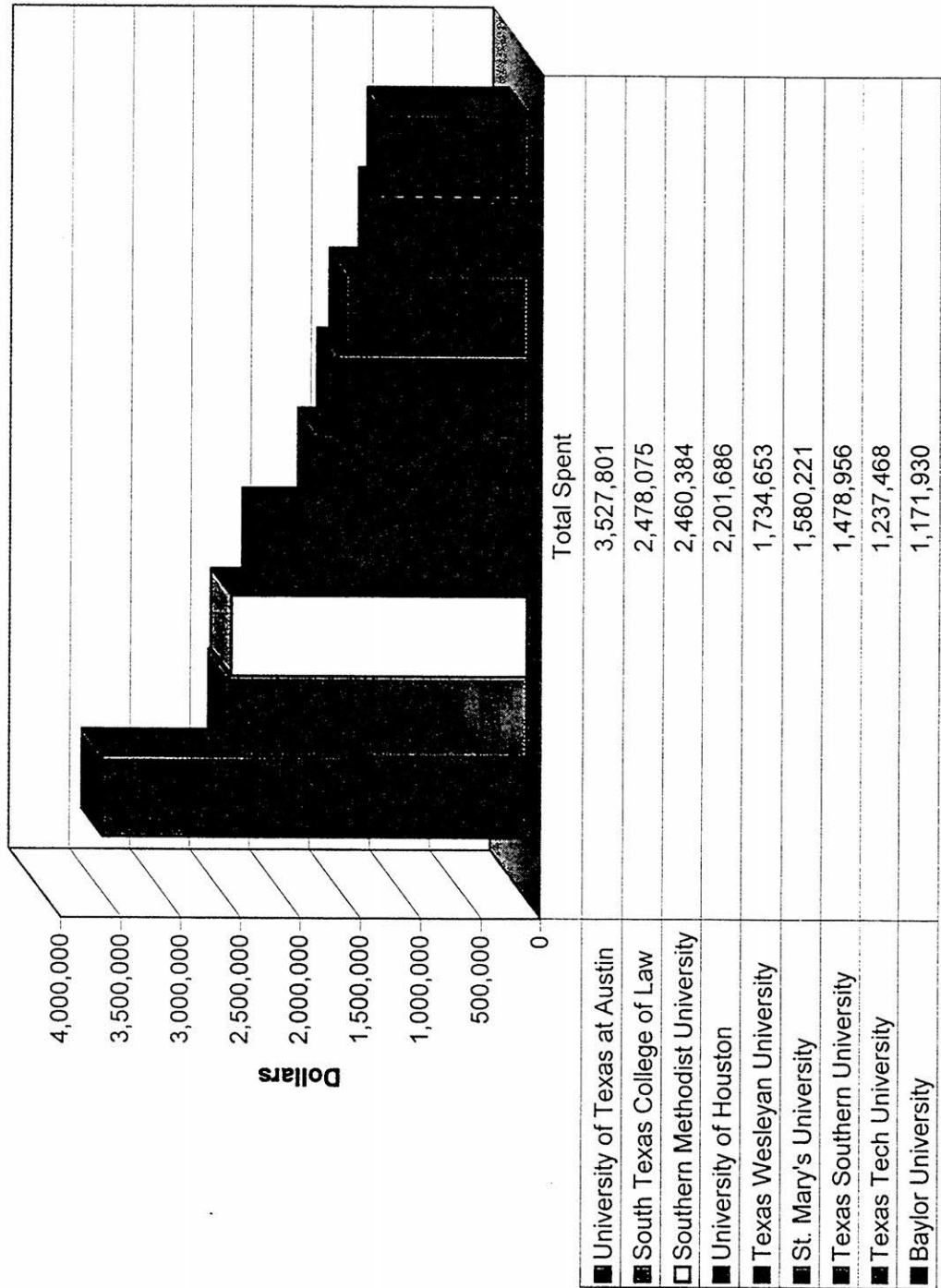




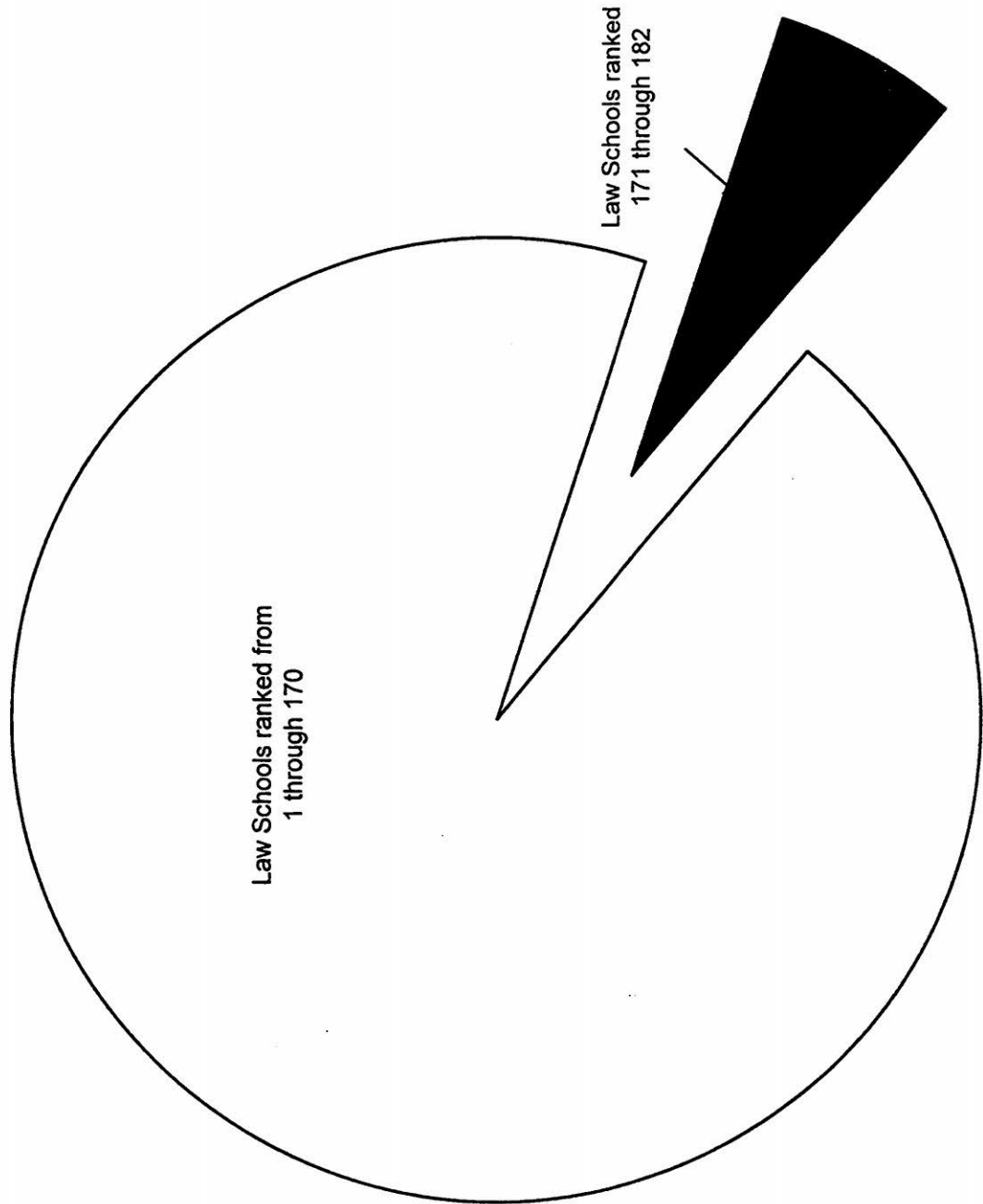
**Big 12 Schools  
Total Spent  
Fall 1999 Official ABA Data**



**Texas Law Schools  
Total Spent  
Fall 2000 Unreleased ABA Data**

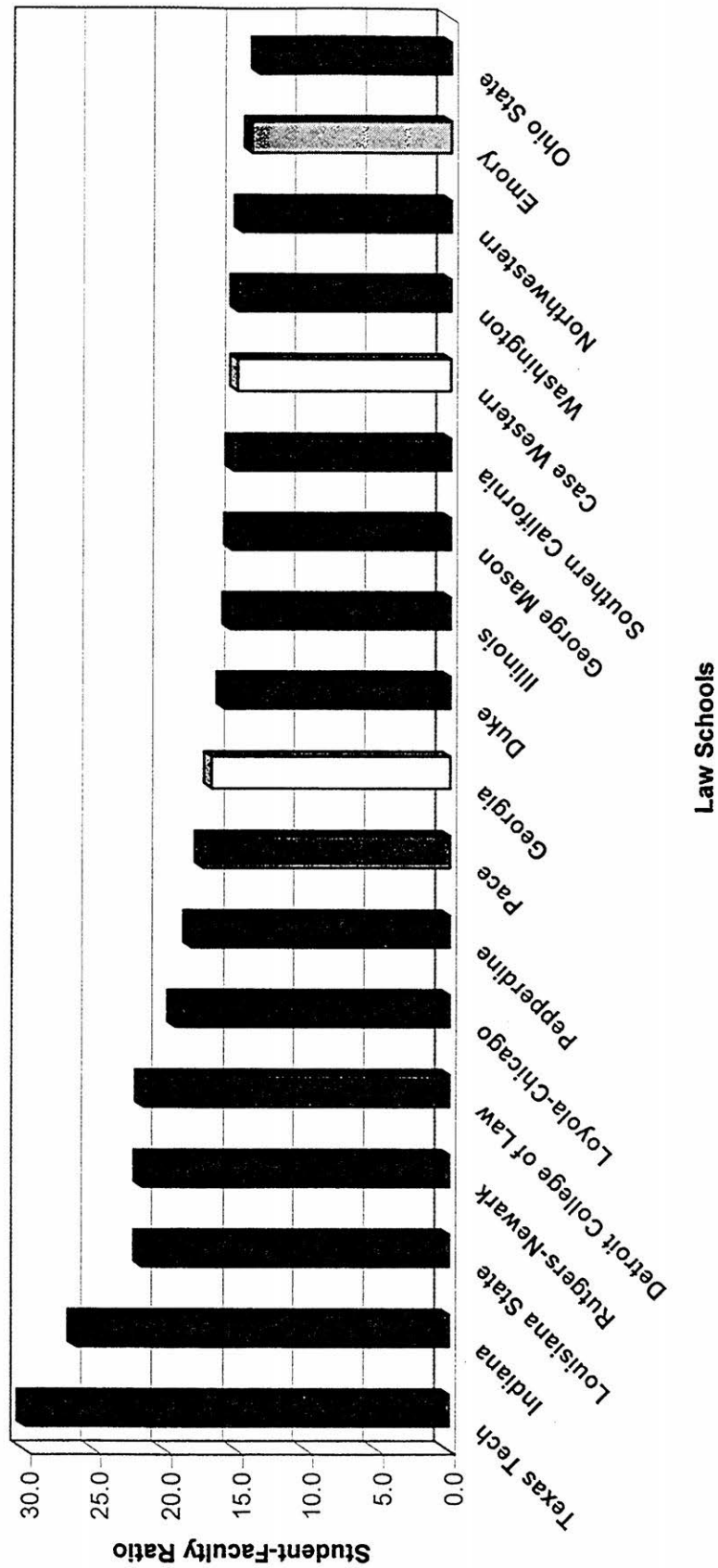


**National Ranking  
Total Spent  
Fall 1999 Official ABA Data**

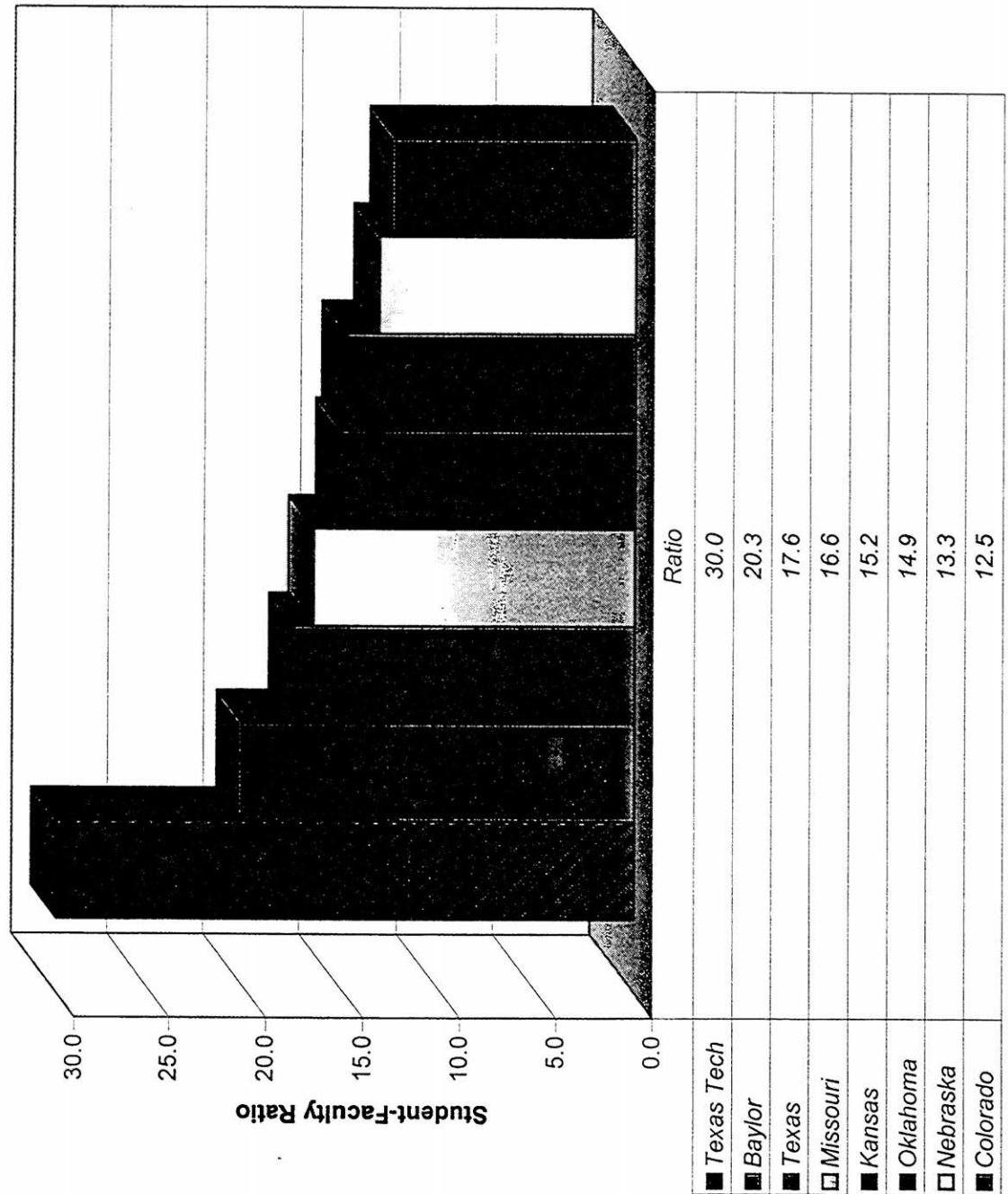


Texas Tech ranks 171 out of 182 ABA Law Schools on total spent - falling within the bottom 6% of the nation.

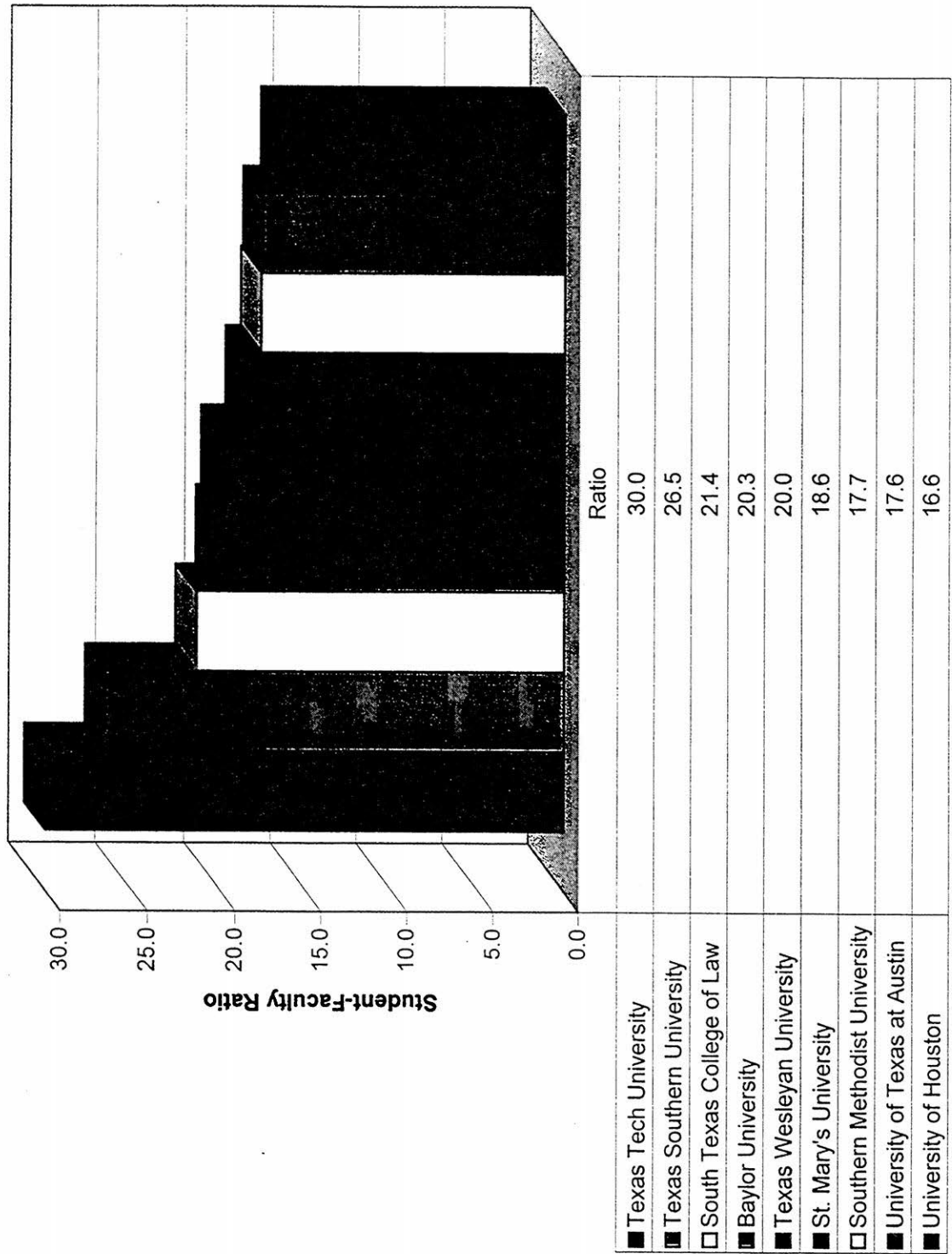
**National Law Schools with  
FTE JD Student Enrollment of 600-650  
2000-2001 Student-Faculty Ratio  
U.S. News & World Report April 2001**



**Big 12 Schools  
2000-2001 Student Faculty Ratio  
U.S. News & World Report April 2001**

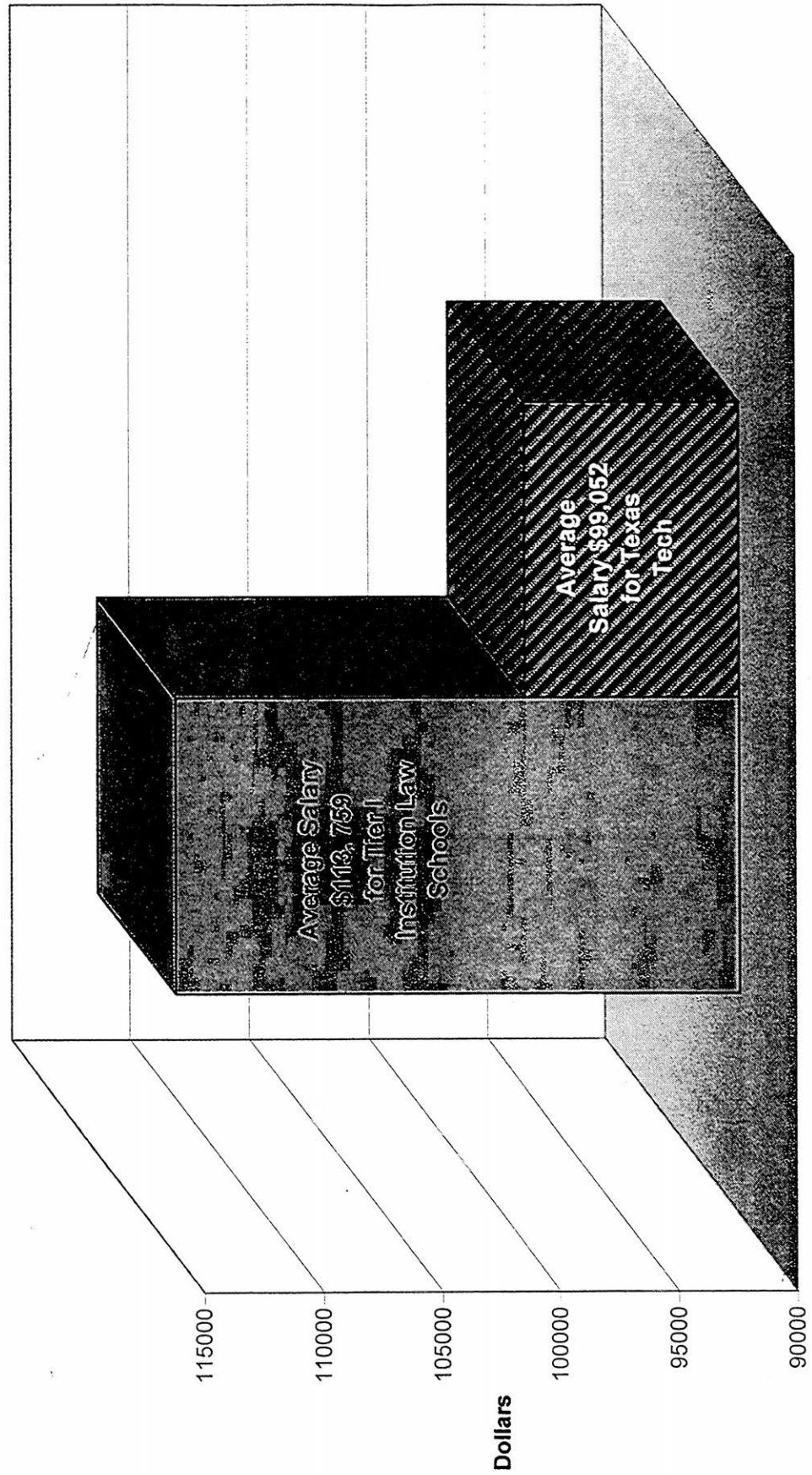


**Texas Law Schools  
2000-2001 Student-Faculty Ratio  
U.S. News & World Report April 2001**





**Average Faculty Salaries 2000-2001  
2000-2001 Faculty Salary Survey  
by Discipline, Oklahoma State University**





The Museum has been an integral part of the academic mission of the University since 1929, when it was located in Holden Hall. The Museum fostered the development of

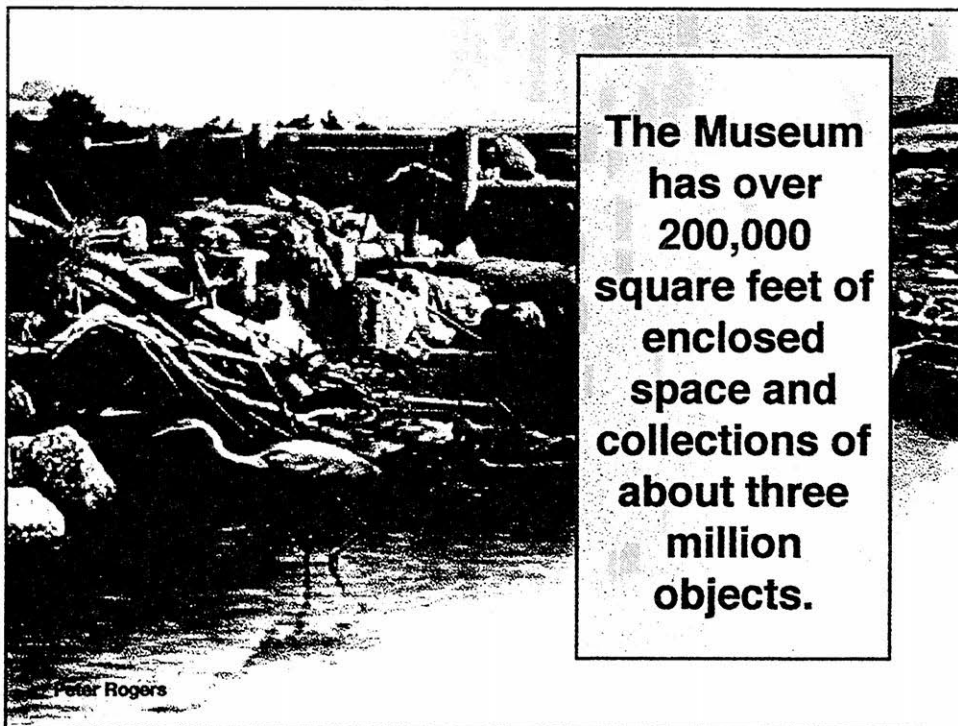
the History Department, and was the impetus for the Anthropology Department, Southwest Collection, and Ranching Heritage Center.

**The Museum moved to its current location in 1970. It includes the main building, Moody Planetarium, Natural Science Research Laboratory, Lubbock Lake Landmark, Rattlesnake Canyon, and two academic programs—Museum Science and Heritage Management.**



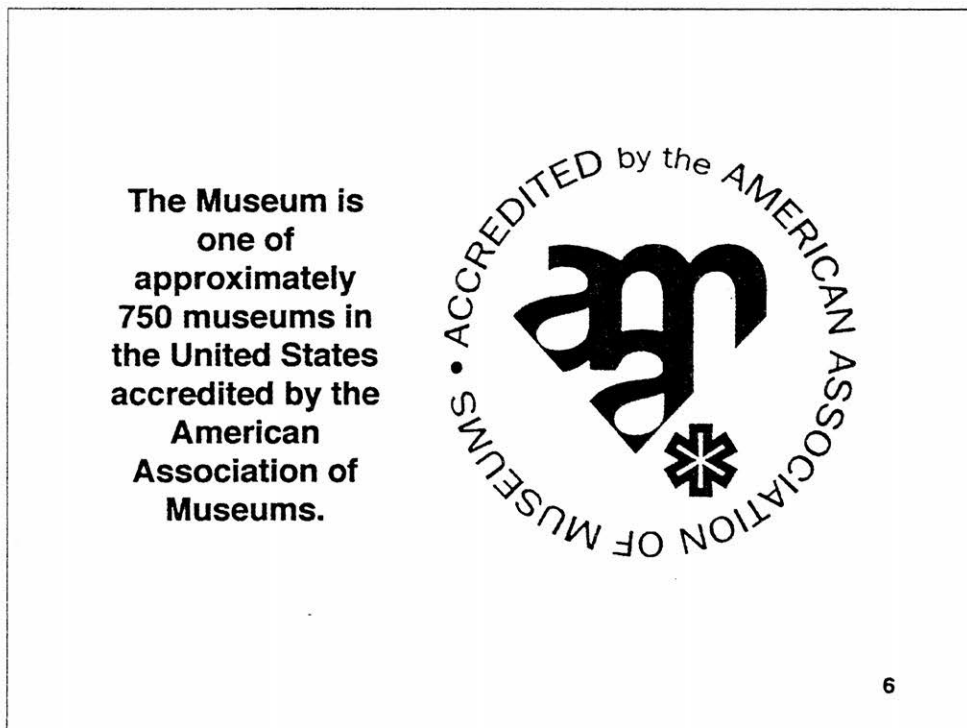
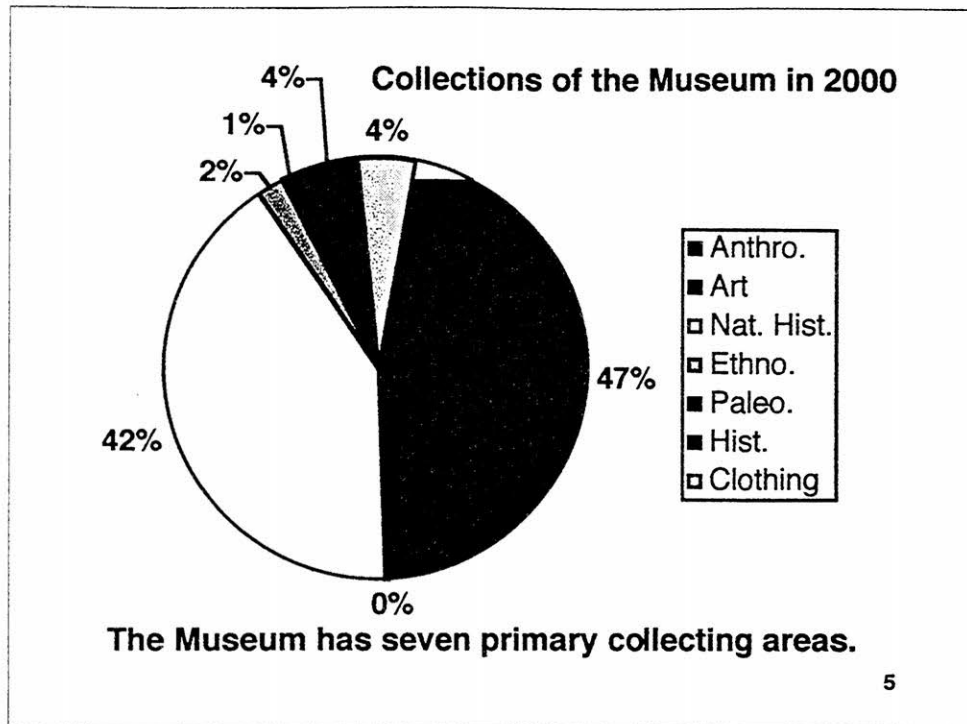
Henriette Wyeth Hurd  
"Boy with a Feather"

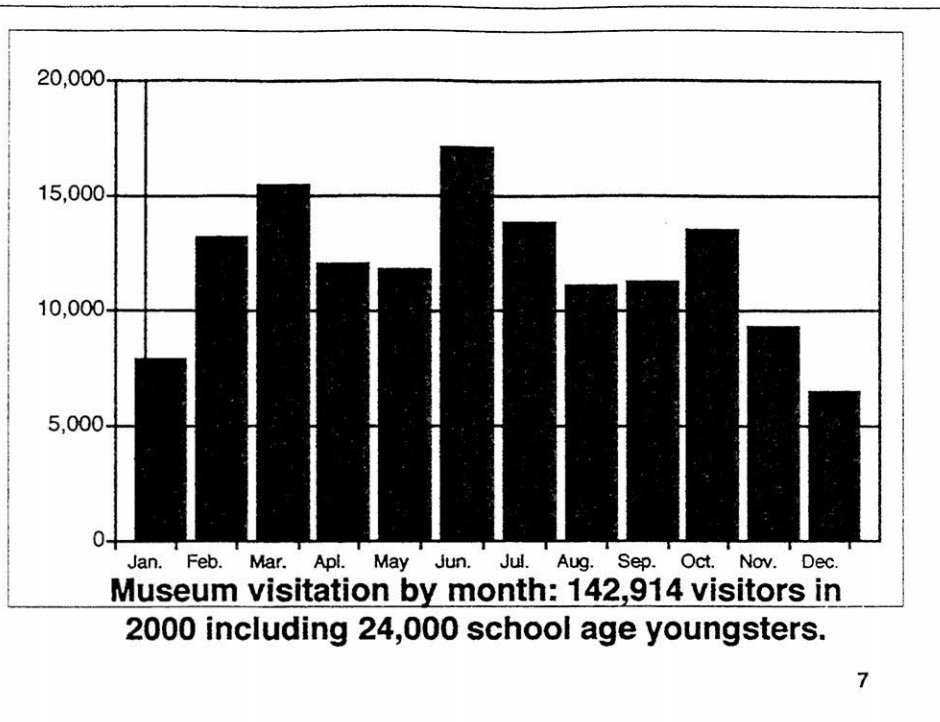
3



**The Museum has over 200,000 square feet of enclosed space and collections of about three million objects.**

Peter Rogers



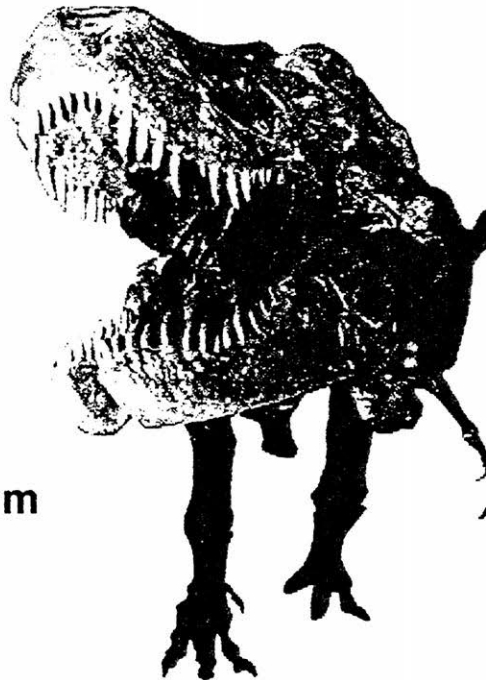


The Museum provides access to the collections in different ways. . .

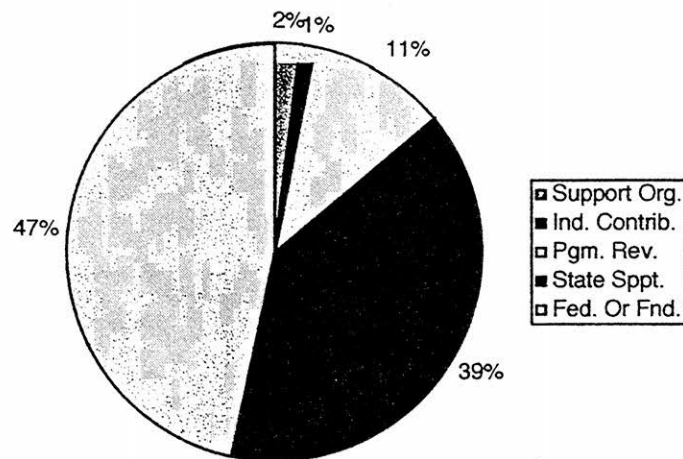
- ✓ Exhibitions
- ✓ Loans
- ✓ Programming
- ✓ On-line
- ✓ Publication
- ✓ Traveling Trunks
- ✓ Lectures
- ✓ Academic Instruction
- ✓ Practica



**Funding for the Museum comes from a number of sources including legislative appropriation, earned income, donations, gifts, grants, and Museum Association support.**



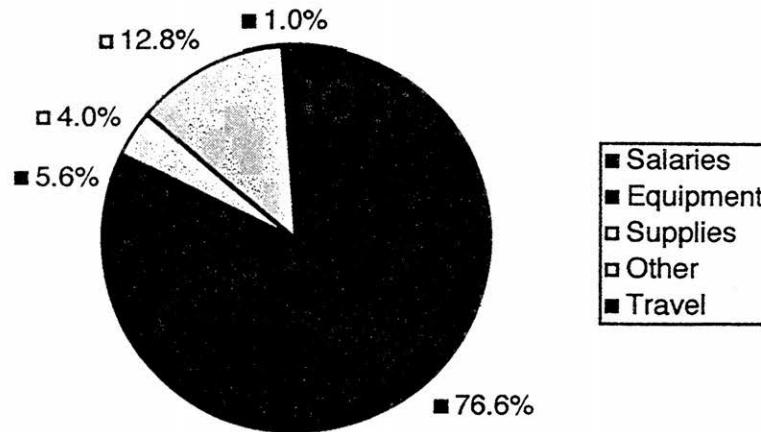
**Museum revenue for FY2000**



**The Museum received 46.9% of its FY2000 funding from Federal and Foundation Grants.**



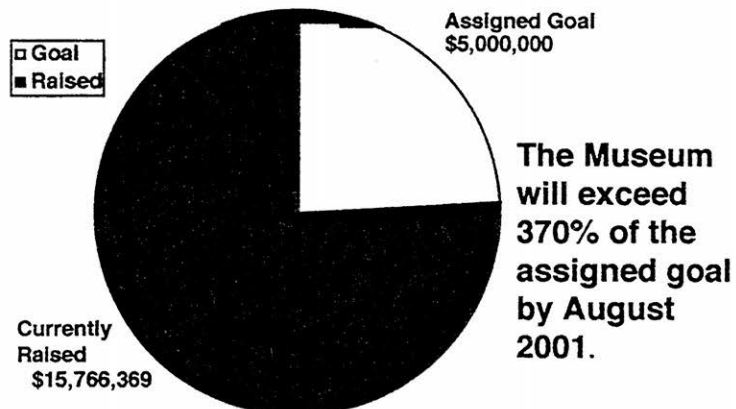
### Museum Expenses for FY 2000:



The majority (76.6%) of the funding received by the Museum in FY2000 went for salaries.

11

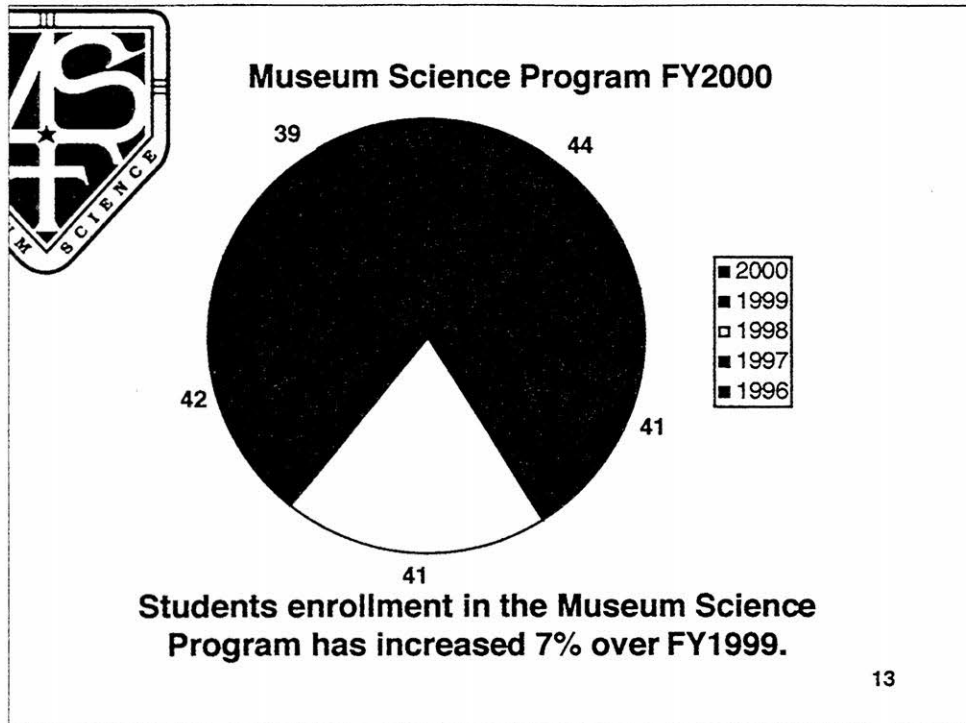
### Funds raised for the Horizon Campaign:



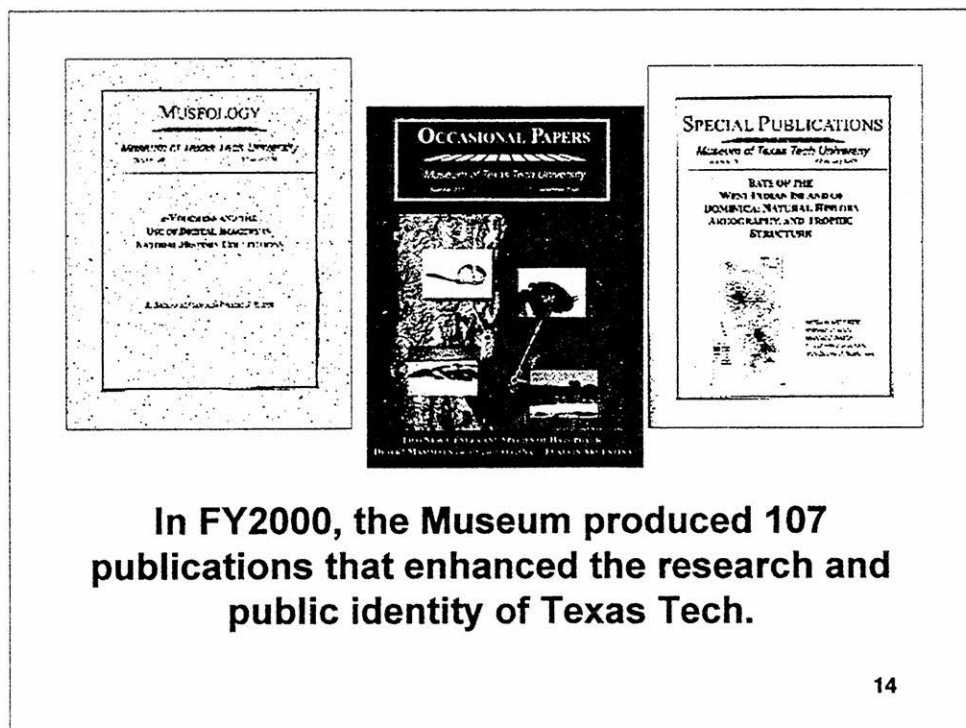
The Museum will exceed 370% of the assigned goal by August 2001.

The Museum was assigned a Horizon Campaign goal of \$5 million. The Museum has raised more than \$15.7 million or 315% of the assigned goal.

12



13



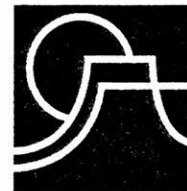
14

**The Museum is a shining star in the regalia of Texas Tech. It is . . .**



- ✓ **a primary cultural asset**
- ✓ **a principal link with the community**
- ✓ **a vital academic unit**
- ✓ **a proven research element**
- ✓ **a place of multi-disciplinary interaction**
- ✓ **a leader in the museum community**
- ✓ **an internationally recognized center for museological excellence**
- ✓ **a hallmark of quality**

15



**MUSEUM**  
OF TEXAS TECH  
UNIVERSITY

Gary Edson  
Executive Director

16

Investment Advisory Committee Report  
Board of Regents Meeting  
May 11, 2001

Board Minutes  
May 11, 2001  
Attachment 13, page 1

Mr. Chairman, the Investment Advisory Committee met on April 27, 2001. I want to go through the numbers on the Long Term Investment Fund as of March 31, 2001. There are a lot of negative numbers here, but we need to listen relative to the indexes.

For the calendar quarter ending March 31, 2001, the Long Term Investment Fund declined 5.4%, outperforming the Balanced Index which returned a -6.9%. For the fiscal year-to-date and trailing 12-month period, the Long Term Investment Fund, while declining in absolute terms, significantly outperformed the Balanced Index (-7.2% vs. -12.3% and -5.1% vs. -10.8% respectively). The outperformance can be attributed to the value managers of the portfolio.

We will be very active over the next four or five months as we reevaluate the asset allocation of the fund and look at additional fund managers as well as the conditions of the market. Thanks to Chancellor Montford, the presidents and the development group they have actively managed to get us more funds. So, we will be looking at another category called alternative investments. Once an endowment reaches a certain level, it is time to start looking outside of what you consider the traditional investments; i.e., growth value, real estate, and bond portfolios.

I do want to compliment Mr. Brunjes and his staff for working very hard to put together the reports and I know he will be working very hard in the next few months as we take on these new challenges.

## PHOTOGRAPHIC GALLERY

### APPROVED ART OR EXAMPLES OF ARTIST'S WORK AS EXPECTED IN COMMISSIONING

Includes artists' resume, education and training, solo and group exhibitions, collections (museum, corporate, and private), commissions, awards, and bibliography.

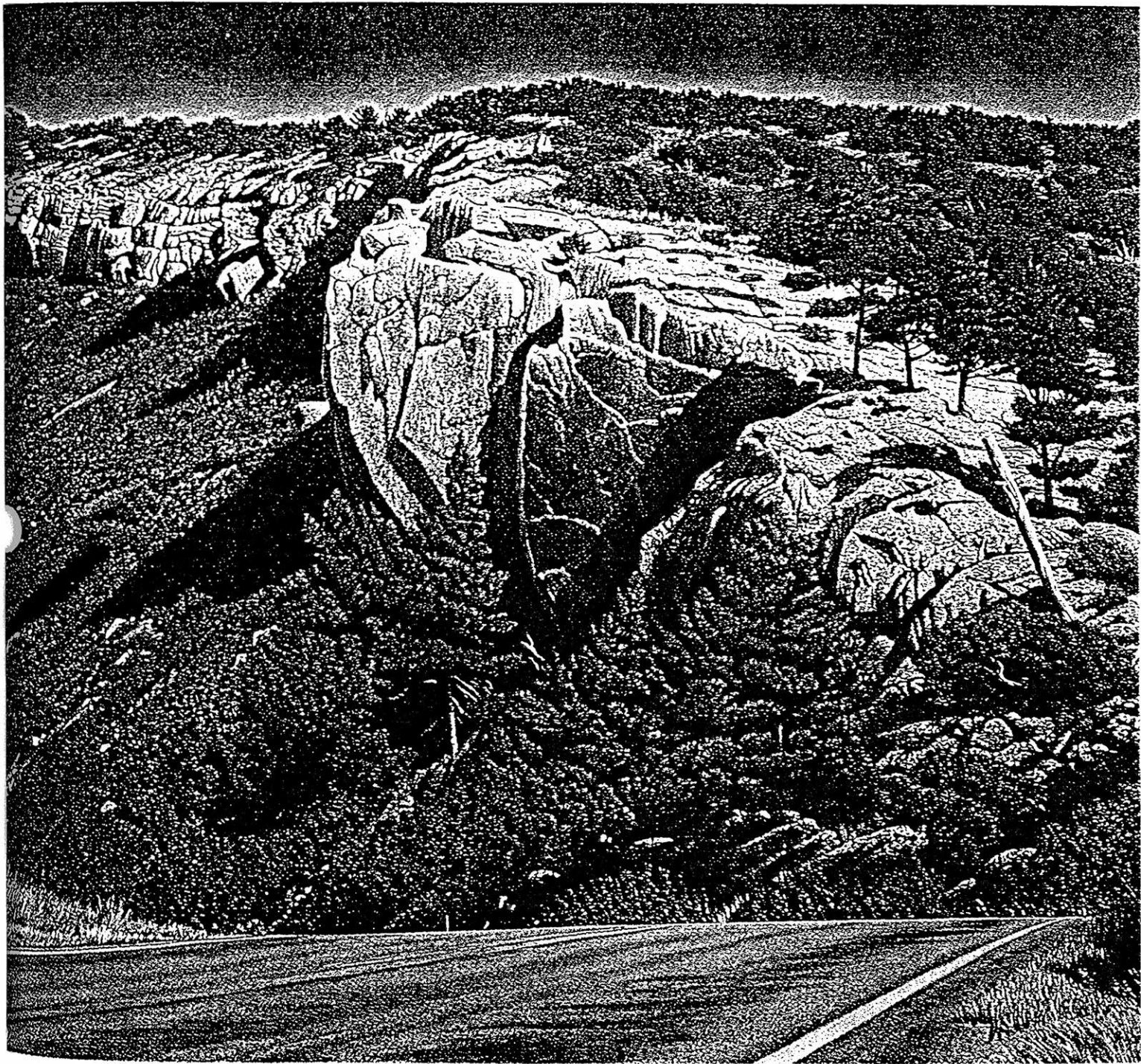
1. WOODY GWYN  
A native of Midland, Texas. Nationally known for his ultra-realistic landscapes, Studied under Carolyn Wyeth.
2. BARRY DEAN HARVEY  
A resident of Amarillo, Texas. His sculptures are recognized by their clean, flowing lines. Not as "established" as the other artists in this nomination, but dedicated and striving.
3. TRUDY KRAFT  
Formerly a native of Amarillo now residing in Pennsylvania. Has reached the plateau of a unique style associated with her work - that of employing the batik method in watercolor.
4. EDWARD POVEY  
A native of Gwynedd, Wales. His paintings are in museums internationally, including the Laguna Gloria Museum, Austin. Sculpture has also become his medium, bringing the facial features associated with his paintings to 3-dimensional forms. Prefers smooth and highly polished surfaces.

### GIFTS TO THE TTU ART COLLECTION;

1. Sculpture by GLENNA GOODACRE. Pioneer woman holding a sick baby which she has brought for a doctor's help. Gift of the Jack Miller family, Amarillo.
2. Sculpture, untitled, by BARRY DEAN HARVEY. Approximately 4½'h x 4'w. including base. Gift of the artist.



WOODY GWYN; 5636 Highway 41, Galisteo, New Mexico 87540  
tel: 505-466-2664 e-mail: dgwyn@earthlink.net

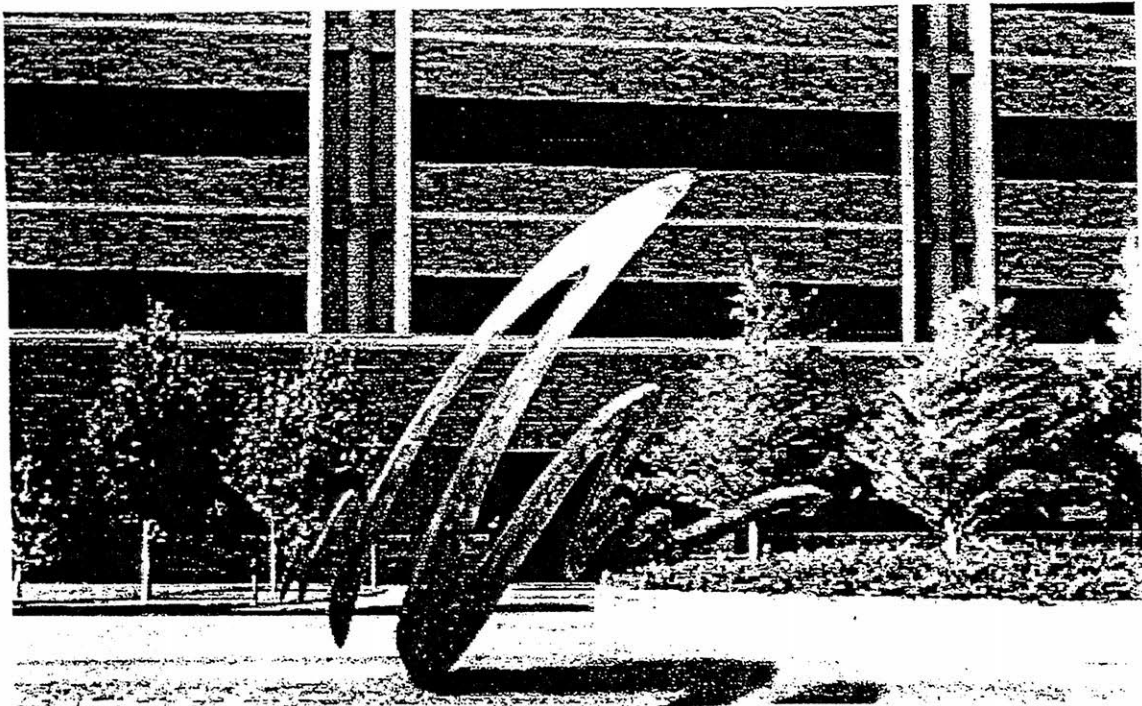


Woody Gwyn: "CAPITAN" oil on linen, 84" x 96", 1988





## PROPOSAL



BARRY  
DEAN HARVEY



TRUDY KRAFT

EDWARD POVEY Studio: Meirion Road, Bangor, Gwynedd, UK. LL57 2BY  
Telephone/Fax 011 44 1248 371 372  
Email: edwardpoveystudio@compuserve.com



Bronze Sculpture, "Man Giving Birds to the Sky", 7'9" high

## *Glenna Goodacre*

---

April 16, 2001

John S. Miller  
3601 West 28<sup>th</sup> Avenue  
Amarillo, TX 79109

Dear Jack,

It was great to see you here at the studio and I enjoyed our discussion about the piece for your family to gift to the Tech Medical School in Amarillo. Thanks for the card and note, and for sharing your family's history.

After the Irish Memorial committee visits the studio the middle of June, and I get a breather, we can nail down the details for our project. I am not going to use the large mother and child figure you saw here in clay in the Irish Memorial, so reconfiguring her a bit to create a prairie pioneer mother is perfect!!

I will get in touch with you, or the gallery will send a note with the details, how much, how long, when to come back to Santa Fe for a look at the original, etc., in June or July.

I'm looking forward to working with you and the Miller family on this project.

Best regards,



CC: Laura Smith  
Nedra Matteucci







ALLOCATED BUDGET

TEXAS TECH UNIVERSITY HEALTH SCIENCE CENTER

AMARILLO

Allocation . . . . .	\$167,000
Gift, Amarillo Realtors Association . . . . .	5,000
Total . . . . .	\$172,000

Proposed Expenditures:

Commissions: one-half to be remitted upon agreement

EDWARD POVEY, bronze, 7'9" high \$35,000  
(includes shipping)  
"Man Giving Birds to the Sky"

WOODY GWYN, two acrylic paintings \$50,000 (for 2)  
framed, 2'h x 10'w  
Subject: Panhandle ranch land  
one Spring scene, one Fall scene

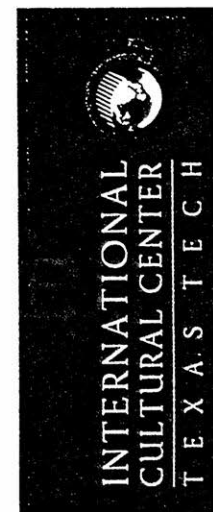
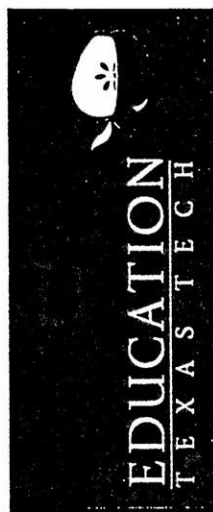
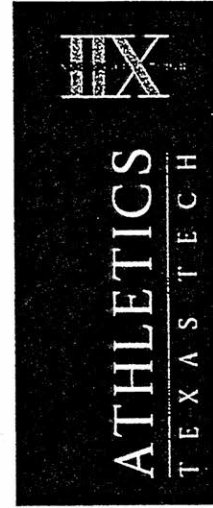
BARRY DEAN HARVEY, steel sculpture \$15,000  
installed, untitled, 12'h x 15'l x 1'd  
natural rust patina

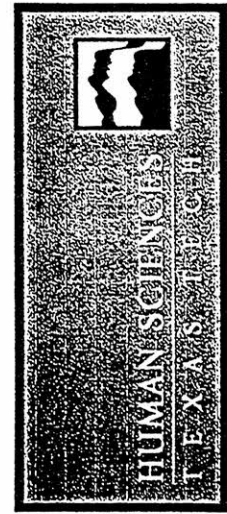
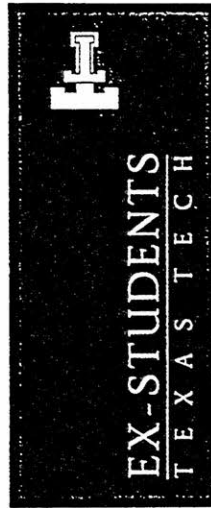
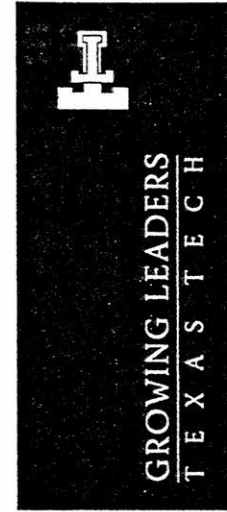
Non-commissioned:

TRUDY KRAFT, 3 watercolors \$ 6,500  
"Mendel's Garden" 60"x70" framed  
"Match 1" 32"x 36" framed  
"Sky Over Oracle" 32" x 36" framed

TOTAL proposed expenditure	\$106,500
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BALANCE IN RESERVE	\$ 65,500
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## TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Regional Dean, School of Medicine

1400 Wallace Boulevard  
Amarillo, Texas 79106  
(806) 354-5401  
FAX (806) 354-5596

May 8, 2001

Mrs. Debbie Montford, Chair  
Texas Tech University Arts Committee  
MS/Box 42013  
Lubbock, TX 79409

Dear Mrs. Montford and TT Arts Committee:

The Texas Tech Medical Center at Amarillo greatly appreciates the wonderful work done by the Amarillo Arts Subcommittee for the enhancement of our new campus.

We have not seen each item that is being recommended but we understand the proposed art includes the following:

- 1) A 12' x 14' steel sculpture by Barry Dean Harvey which will be placed at the Coulter Street entrance to the campus.
- 2) A 7'9" sculpture entitled "Man giving birds to the sky" by Edward Povey for placement in the atrium foyer and at the entrance to the new School of Medicine building.
- 3) Two oil paintings of Panhandle panoramas done by Woody Gwyn to be placed in the second floor waiting room.
- 4) Three oil paintings by Trudy Kraft to be placed in the first floor pediatric waiting room.

These selections would seem to be appropriate and we are pleased to endorse these recommendations of the Amarillo Arts Subcommittee. We wish to thank the committee for its diligent work on our behalf.

Sincerely,

A black rectangular redaction box covering the signature of Steven L. Berk.

Steven L. Berk, M.D.  
Regional Dean and Professor of Medicine

SLB/ps

President's Report  
Texas Tech University  
Board of Regents Meeting  
May 11, 2001

Dr. Schmidly: A brief update. We are about to conclude one dean's search. It is in the College of Business Administration. We brought four finalists onto the campus to interview them: three have been deemed highly viable; two of these are non-traditional candidates, meaning they have come out of fields other than traditional academic areas; and one is a traditional candidate. We are receiving faculty input. The Provost is in the process of doing that. I look for the Provost to give me a recommendation on Monday and I hope we are able to proceed with recruiting that dean next week.

We talked yesterday about the importance of student quality and faculty productivity in improving Texas Tech. I want to tell you a few things today – some major achievements on the part of our students and our faculty. We just learned that we have received the first Truman Scholar in the history of Texas Tech University and it is Miss Joy McGlaun. She is a senior political science major from Abilene and she was one of 75 students selected nationwide to receive the Truman Scholar and it is a \$30,000 award. I think Joy is here.

One of the ways that universities are ranked now, nationally, is on the basis of faculty awards that are received. Currently, Texas Tech ranks 65<sup>th</sup>. We are tied with about 30 universities in terms of significant faculty awards. But I think we may be jumping up that ladder as a result of several recent awards that have been received by our faculty. I

want to recognize those in my report. First, is Dr. Stefan Estreicher. He is a Horn Professor of physics. He was one of five scientists worldwide selected to receive the first Friedrich Wilhelm Bessel Research Award for his work in solid state physics. This award carries a prize of \$50,000 and it is administered by the Alexander von Humboldt Foundation. Stephen is here also. I'd like for you to stand if you would, Stephen. Stephen is a magnificent cook and a connoisseur of wines. I have told him that he needs to spend a little of that money on treating us all to one of his special meals.

Dr. Kishor Mehta is Horn Professor of Civil Engineering and director of our nationally-acclaimed wind engineering program. Kishor has been named an honorary member of the American Society of Civil Engineers. That is the highest honor bestowed upon any civil engineer. To give you an example, there are 120,000 members of that organization. 486 of them has received this honor since 1853. Kishor is the first Texas Tech professor to receive this award and he is one of only six engineers in Texas that have ever received it. So, Kishor, we are really proud of you.

Daisy Floyd, is an associate dean and professor at the law school. She is one of 30 faculty from throughout the nation selected to be a Carnegie Scholar by the Carnegie Foundation for the Scholarship Teaching and Learning. So, Daisy, we are proud of you, as well.

Dr. Dominick Casadonte, is an associate professor of chemistry. He was recently one of ten professors in Texas selected to receive the Piper Professor Award from the



Minnie Stevens Piper Foundation for outstanding teaching, academic and scientific achievement. So, Dominique, we are proud of you, as well.

And finally, just one note of accolade about our staff that we are really proud of here.

We just learned a few days ago that Texas Tech, our physical plant, is going to be awarded the award for excellence for facilities management at the 88<sup>th</sup> annual meeting in Montreal, Canada in mid-July. We will be one of three universities in various categories to receive this award. In my opinion, this is a real tribute to the leadership of Gene West and everyone associated with the physical plant. They are outstanding. Gene is going to be retiring at the end of August and I think it is so fitting that he would receive, or the physical plant would receive, this award at the time of his retirement. So, Gene, stand up on behalf of all of the physical plant.

I'll stop there. I'll delay the next one until later. Thank you.

President's Report  
Texas Tech University Health Sciences Center  
Board of Regents Meeting  
May 11, 2001

Dr. Smith: Mr. Chairman. Very briefly. One is, the Health Sciences Center wants to welcome both Regents Lopez and Black to the family at Texas Tech. I am going to yield the rest of my time back to the board because many of you have spent three days with us and I'm beginning to hear some physiologic sounds that would indicate to me that we need to head elsewhere.

Chancellor's Report  
Texas Tech University System  
Board of Regents Meeting  
May 11, 2001

Chancellor Montford: Thank you, Mr. Chairman and members. Thanks again for your support. I think often times, sitting over here, I am continuously impressed by how you support us in what we do. It was no small measure or step forward that you approved the genesis of the BSL-4 Lab. That was not an easy call. After the huge responsibilities attendant to these types of academic admissions, we feel that in everything that we do the safety not only of our faculty and students is paramount. We take this responsibility seriously as we move forward. I think what has to be recognized today is the mission of the university and the Health Sciences Center. We do have to take some bold steps forward to respond to some bold challenges in the current society. I think that was quite a responsible move because if there is one area of research that is desperately needed in this country, then our role in converting and harnessing that intellectual capital into things like saving lives is certainly a noble attribute. I don't want you to think we ever take you for granted. That was a bold move and we will not take that responsibility lightly as we map out future research challenges that will have world-wide implications. Thank you for your support and welcome aboard to the two of you. We won't always take three days to meet. In fact, I've noticed already that the meetings are dramatically shorter with the new chair. Thank you for your support and as we move now to end an academic year, I'm very excited about the team we have in place. Tomorrow really sums it up. The best part of this job is that as students come in, you watch them grow and watch them mature in that four, five or six year cycle. But, tomorrow really sums it up about what this service is all about. Thank you.

TEXAS TECH UNIVERSITY SYSTEM  
Lubbock, Texas

FOR BOARD INFORMATION

TEXAS TECH UNIVERSITY AND TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

1. Summary of Revenues and Expenditures by Budget Category, FY 2001, per *Board of Regents Policy 01.01.8.c(3)(f)*

TEXAS TECH UNIVERSITY

1. Budget Adjustments per *Board of Regents Policy 04.04.4.c(3)* for the period January 1, 2001 through March 31, 2001
2. Small Class Report, Spring 2001, per *Board of Regents Policy 06.07.2*

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

1. Budget Adjustments per *Board of Regents Policy 04.05.4.a* for the period January 1, 2001 through March 31, 2001:
2. School of Medicine Faculty Employment Contracts per *Board of Regents Policy 04.05.4.b*

[The above referenced information items are on file in the Board of Regents office.]