

**MINUTES**

**OF THE**

**MEETING OF THE**

**BOARD OF REGENTS**

**OF**

**THE TEXAS A&M UNIVERSITY SYSTEM**

**HELD IN**

**COLLEGE STATION, TEXAS**

**September 26, 2003**

*(Approved December 4-5, 2003, Minute Order 300-2003)*

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September 26, 2003**

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**MINUTES OF THE  
MEETING OF THE BOARD OF REGENTS  
September 26, 2003**

**CONVENE BOARD MEETING**

Mr. Lowry Mays, Chairman of the Board of Regents, convened a regular meeting of the Board of Regents of The Texas A&M University System (TAMUS) at 9:05 a.m., on Friday, September 26, 2003, in Room 292 of the Memorial Student Center (MSC), on the campus of Texas A&M University (TAMU), College Station, Texas. The following members of the Board were present:

Mr. Lowry Mays, Chairman  
Mr. Erle Nye, Vice Chairman  
Mr. Phil Adams  
Mrs. Anne Armstrong  
Dr. Wendy Gramm  
Mr. Lionel Sosa  
Mr. R.H. (Steve) Stevens, Jr.  
Mr. John D. White  
Dr. Susan Rudd Wynn

**INVOCATION**

Mr. Mays called on Ms. Linda Sousse, a senior biology major at Texas A&M University-Corpus Christi (TAMU-CC), past president of the Student Government Association, the current Vice President of Student Government, and a member of the Chancellor's Student Advisory Board (CSAB), who presented the invocation.

**CHAIRMAN'S REMARKS**

Mr. Mays expressed the sympathy of the Board to the family of Mr. Howard D. Graves, Chancellor Emeritus, who passed away on September 13, 2003. He called on Dr. A. Benton Cocanougher, Interim Chancellor of TAMUS, to bring remarks.

**CHANCELLOR'S REMARKS**

Dr. Cocanougher expressed his sympathy at the passing of Mr. Graves. He said that the System is in a period of transition in leadership and location. He said that with these transitions there have been challenges, but thanks to the efforts of the staff business is proceeding as usual.

Dr. Cocanougher said on the academic side, there have been some exciting developments since the last meeting. A new grant from the Texas Education Agency

(TEA) in the amount of \$5 million has been received in support of math and science teaching programs. He said details of additional grants that have been received will be reported in the future. Dr. Cocanougher said that exciting opportunities are developing on the research side. Meetings have been held with potential corporate partners in regards to the management of the Los Alamos Lab and a new facility in Idaho. In addition, they have had discussions with a number of visitors including the Assistant Director of Homeland Security and Congressman John Carter regarding the System's participation in a number of Homeland Security initiatives. Dr. Cocanougher said that the System is increasingly being viewed as a major resource in the nation in terms of being able to address high priority national issues.

Mr. Mays called on Dr. Leo Sayavedra, Vice Chancellor for Academic and Student Affairs, to introduce the members of the CSAB.

### **REPORT FROM THE CHANCELLOR'S STUDENT ADVISORY BOARD**

Dr. Sayavedra introduced Ms. Jackie Ruess, a political science major and president of the CSAB from Tarleton State University (TSU). Ms. Ruess thanked the Board for the opportunity to represent the individual institutions. She introduced Vice Chair of Administrative Affairs, Ms. Ashley Irwin, from West Texas A&M University (WTAMU), and Vice Chair of Research and Assessment, Mr. Jason Etheredge, from the TAMUS Health Science Center (HSC).

Ms. Ruess briefly described their objectives and goals for the year. She said that there are a number of student issues that they have voted on and decided to pursue. She said that every System institution will hold a blood drive and also a "Rock the Vote" campaign to encourage students to become more involved in the voting process. Ms. Ruess said that they have also developed initiatives to research, evaluate and prepare positions under the direction of the Chancellor to educate them on national policies and ideas pertaining to the System institutions, in particular financial aid and student health insurance. She said that they are looking forward to their biennial trip to Washington, D.C. Ms. Ruess said that they are also looking forward to establishing a relationship with Interim Chancellor Cocanougher.

The following members of the CSAB presented remarks specific to their respective universities: Mr. Cason White, TSU; Mr. Carlos Ramos, Texas A&M International University (TAMIU); Mr. Matt Josefy, TAMU; Ms. Sarah Atkins, Texas A&M University-Commerce (TAMU-C); Mr. Ed Gorecki, TAMU-CC; Mr. Colin Crawford, Texas A&M University Galveston (TAMUG); Mr. Gabriel Alvarado, Texas A&M University-Kingsville (TAMU-K); Mr. Brian Adams, Texas A&M University-Texarkana (TAMU-T); Mr. Ryan Franklin, WTAMU; Mr. Hendrik Maison, Prairie View A&M University (PVAMU); and, Ms. Linda Holifield, TAMUS HSC.

Mr. Mays stated that if the members of the CSAB are a cross section of the student body of the System institutions, Texas has a great future.

**RECESS**

Mr. Mays recessed the meeting at 10:00 a.m.

*(Secretary's Note: The Committee on Academic and Student Affairs met from 10:01 a.m. until 11:12 a.m. The Special Committee on Campus Art and Aesthetic Improvement met from 11:13 a.m. until 11:24 a.m. The Committee on Finance met from 11:25 a.m. until 11:45 a.m. The Committee on Buildings and Physical Plant met from 1:40 p.m. until 2:04 p.m.)*

**RECONVENE**

Mr. Mays reconvened the meeting of the Board at 2:05 p.m. He called on Mr. Adams to present the report from the Committee on Finance.

**REPORT FROM THE COMMITTEE ON FINANCE**

Mr. Adams, Chairman of the Committee on Finance, reported that the Committee had met earlier the same day, and considered and recommended approval of Items 1 through 7, and 29. The Board took action as set forth below:

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**MINUTE ORDER 159-2003 (AGENDA ITEM 01)**

**ESTABLISHMENT OF A QUASI-ENDOWMENT ENTITLED  
"SCIEX ENDOWED PROFESSORSHIP IN  
MASS SPECTROMETRY QUASI-ENDOWMENT,"  
TEXAS A&M UNIVERSITY**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

Authority is hereby granted to the President of Texas A&M University to establish a quasi-endowment account to be called the "Sciex Endowed Professorship in Mass Spectrometry Quasi-Endowment." Interest earnings from the quasi-endowment will be used to support the research, teaching, service and professional development activities of the professorship holder.

**MINUTE ORDER 160-2003 (AGENDA ITEM 02)**

**APPROPRIATION OF FUNDS FOR  
DEFERRED MAINTENANCE PROJECTS FISCAL YEAR 2004,  
TEXAS A&M UNIVERSITY**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

An amount of \$3,000,000 in Revenue Financing System Debt Proceeds (Designated Tuition) is hereby appropriated for Texas A&M University Deferred Maintenance Projects – FY 2004.

The Board of Regents of The Texas A&M University System reasonably expects to incur debt in one or more obligations for these projects, and all, or a portion of the proceeds received from the sale of such obligations is reasonably expected to be used to reimburse the account(s) for the amounts previously appropriated and/or expended from such account(s).

As required by Section 5(a) of the Master Resolution of the Revenue Financing System, the Board hereby determines that it will have sufficient funds to meet the financial obligations of The Texas A&M University System, including sufficient Pledged Revenues to satisfy the Annual Debt Service

Requirements of the Revenue Financing System and to meet all financial obligations of the Board relating to the Revenue Financing System and that the Participants, on whose behalf the Bonds are to be issued, possess the financial capacity to satisfy their Direct Obligations.

**MINUTE ORDER 161-2003 (AGENDA ITEM 03)**

**APPROPRIATION OF FUNDS FOR  
FIRE AND LIFE SAFETY FACILITY IMPROVEMENT PROGRAM  
FOR FISCAL YEAR 2004,  
TEXAS A&M UNIVERSITY**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

An amount of \$3,000,000 in Revenue Financing System Debt Proceeds (Designated Tuition) is hereby appropriated for Texas A&M University Fire & Life Safety Facility Improvement Program – FY 2004.

The Board of Regents of The Texas A&M University System reasonably expects to incur debt in one or more obligations for this project, and all, or a portion of the proceeds received from the sale of such obligations is reasonably expected to be used to reimburse the account(s) for the amounts previously appropriated and/or expended from such account(s).

As required by Section 5(a) of the Master Resolution of the Revenue Financing System, the Board hereby determines that it will have sufficient funds to meet the financial obligations of The Texas A&M University System, including sufficient Pledged Revenues to satisfy the Annual Debt Service



Requirements of the Revenue Financing System and to meet all financial obligations of the Board relating to the Revenue Financing System and that the Participants, on whose behalf the Bonds are to be issued, possess the financial capacity to satisfy their Direct Obligations.

**MINUTE ORDER 162-2003 (AGENDA ITEM 04)**

**AUTHORIZATION FOR THE PRESIDENT TO ENTER INTO A  
THREE-YEAR CONTRACT WITH VERIZON FOR  
TELECOMMUNICATION SERVICES,  
TEXAS A&M UNIVERSITY**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

The President of Texas A&M University is hereby authorized to enter into a three-year, \$13,487,370 contract with Verizon for Telecommunications services with two, one-year options to extend. The contract is to commence on October 1, 2003. Funding for the proposed contract is from the departments that use these services.

**MINUTE ORDER 163-2003 (AGENDA ITEM 05)**

**DELEGATION OF INVESTMENT AUTHORITY,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

Under general direction of the Vice Chancellor for Business Services, the following authorities in connection with implementation of the System Investment Policy and in accordance with the provisions of said policy are delegated to the following positions:

To the Associate Vice Chancellor and Treasurer:

- 1) The purchase, sale, assignment, transfer, and management of all investments of any kind or character of the System or any component thereof. Such authority includes the execution of any and all documents required to accomplish these actions and the deposit, withdrawal, or transfer of assets on behalf of the System or any component thereof; and,

- 2) Coordinating and directing of banking relationships, to include investments, deposits, custody, and other services with banking and similar financial institutions for the System and its components. Such authority includes the execution of any and all documents in conjunction with depository accounts with any financial institution doing business with the System or any component of the System including funds transfer agreements and all corresponding exhibits, and authority to designate authorized signers on any accounts; and,
- 3) Operation of the Cash Concentration Pool and the System Endowment Fund; and
- 4) Discretion over the execution of stock rights and proxies.

To the Director of Financial Planning and the Senior Treasury Analyst, under the supervision of the Associate Vice Chancellor and Treasurer:

The purchase, sale, transfer, assignment, and management of all investments of any kind or character of the System or any component thereof. Such authority includes the execution of any and all documents required to accomplish these actions and the deposit, withdrawal, or transfer of assets on behalf of the System or any component thereof.

To the Treasury Analyst and Staff Assistant, under the supervision of the Associate Vice Chancellor and Treasurer:

The deposit, withdrawal, or transfer of assets on behalf of the System or any component thereof.

This delegation supersedes any and all previous delegations of authority related to the management of System investments, and is effective beginning September 26, 2003, and until modified or rescinded.

**MINUTE ORDER 164-2003 (AGENDA ITEM 06)**

**APPROVAL OF EXCEPTIONS TO LIMITATIONS ON  
STATE EMPLOYMENT LEVELS,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

The Board of Regents of The Texas A&M University System hereby approves the request by the components listed in **Exhibit A**, attached to the official minutes, for an exception to the limitations on state employment levels specified in House Bill 1, 78<sup>th</sup> Legislature.

**MINUTE ORDER 165-2003 (AGENDA ITEM 07)**

**ACCEPTANCE OF GIFTS, DONATIONS, GRANTS AND ENDOWMENTS,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

The Board of Regents of The Texas A&M University System hereby accepts the gifts, donations, grants, and endowments made to the components of The Texas A&M University System concerned as shown on Gifts, Donations, Grants, and Endowments List No. 02-03-06, attached to the official minutes as **Exhibit B**.

**MINUTE ORDER 166-2003 (AGENDA ITEM 29)**

**ESTABLISHMENT OF A DIRECTORS AND OFFICERS  
LIABILITY SELF INSURANCE PLAN,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Adams, seconded by Mr. Sosa and by a unanimous vote, the following minute order was adopted:

The Board of Regents of The Texas A&M University System approves the establishment of a Directors and Officers Liability Self Insurance Plan.

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Mr. Mays called on Mr. Nye to present the report from the Committee on Buildings and Physical Plant.

**REPORT FROM THE COMMITTEE ON BUILDINGS AND PHYSICAL PLANT**

Mr. Nye, Chairman of the Committee on Buildings and Physical Plant, said the Committee met earlier the same day, and considered and recommended approval of Items 8 and 9, pertaining to System design and construction projects, and Item 30, pertaining to the naming of facilities. The Board took action as set forth below:

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**MINUTE ORDER 167-2003 (AGENDA ITEM 8)**

**APPROVAL OF THE STATEMENT OF WORK AND SELECTION OF THE  
ARCHITECT/ENGINEER DESIGN TEAM FOR THE KYLE STADIUM  
CODE IMPROVEMENTS AND WEST SIDE RENOVATIONS,  
TEXAS A&M UNIVERSITY**

On motion of Mr. Nye, seconded by Mr. White and by a unanimous vote, the following minute order was approved:

The statement of work for the Kyle Stadium Code Improvements and West Side Renovations at Texas A&M University is approved.

The firm of O’Connell Robertson & Associates, Inc. of Austin, Texas, is selected as the firm ranked first to head the architect/engineer design team for the Kyle Stadium Code Improvements West Side Renovations at Texas A&M University.

Authorization is granted to begin negotiations with this firm. If negotiations are unsuccessful with this firm, authorization is granted to terminate those negotiations and begin negotiations with the firm next in order of ranking as listed on the Recommendation of Ranked Order, attached to the official minutes as **Exhibit C**, until an agreement for a design contract is reached.

**MINUTE ORDER 168-2003 (AGENDA ITEM 9)**

**APPROVAL OF THE SELECTION OF THE  
ARCHITECT/ENGINEER DESIGN TEAM FOR THE  
MULTI-YEAR ARCHITECT/ENGINEER CONTRACT FOR  
EASTERWOOD AIRPORT FOR FISCAL YEAR 2003-2008,  
TEXAS A&M UNIVERSITY**

On motion of Mr. Nye, seconded by Mr. White and by a unanimous vote, the following minute order was approved:

The firm of Freese & Nichols, Inc. of Fort Worth, Texas, is selected as the firm ranked first to head the architect/engineer design team for the Multi-Year A/E Contract for Easterwood Airport (FY 2003 – FY 2008).

Authorization is granted to begin negotiations with this firm. If negotiations are unsuccessful with this firm, authorization is granted to terminate those negotiations and begin negotiations with the firm next in order of ranking as listed on the Recommendation of Ranked Order, a copy of which is attached to the official minutes as **Exhibit D**, until an agreement for a design contract is reached.

**MINUTE ORDER 169-2003 (AGENDA ITEM 30)**

**NAMING OF  
"LAMAR BRUNI VERGARA SCIENCE CENTER AND PLANETARIUM,"  
TEXAS A&M INTERNATIONAL UNIVERSITY**

On motion of Mr. Nye, seconded by Mr. White and by a unanimous vote, the following minute order was approved:

The new Science Center and Planetarium currently under construction on the campus of Texas A&M International University is hereby named the "Lamar Bruni Vergara Science Center and Planetarium."

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Mr. Mays called on Dr. Gramm to present the report from the Special Committee on Campus Art and Aesthetic Improvement.

**REPORT FROM THE SPECIAL COMMITTEE ON CAMPUS ART  
AND AESTHETIC IMPROVEMENT**

Dr. Gramm, Chairman of the Special Committee on Campus Art and Aesthetic Improvement, reported that the Committee met earlier the same day and considered and recommended approval of Item 10. The Board took action as set forth below:

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**MINUTE ORDER 170-2003 (AGENDA ITEM 10)**

**AUTHORIZATION FOR ACCEPTANCE AND INSTALLATION  
OF THE GENESIS SCULPTURE AT THE EASTERWOOD AIRPORT,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Sosa and by a unanimous vote, the following minute order was approved:

The President of Texas A&M University is hereby authorized to enter into an agreement for the permanent loan of the sculpture "Genesis" from the Arts Council of the Brazos Valley subject to the review of the Office of General Counsel for legal sufficiency and to approve its installation on the boulevard at Easterwood Airport, as shown on **Exhibit E**, a copy of which is attached to the official minutes. The Arts Council of the Brazos Valley will fund the entire project.

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Mr. Mays called on Dr. Gramm to present the report from the Committee on Academic and Student Affairs.

**REPORT FROM COMMITTEE ON ACADEMIC AND STUDENT AFFAIRS**

Dr. Gramm, Chairman of the Committee on Academic and Student Affairs, reported that the Committee met earlier the same day and received reports from Mr. Jim Hull, Director of the Texas Forest Service (TFS), regarding the role of the TFS with the Space Shuttle Columbia recovery mission; and Dr. Leo Sayavedra, Vice Chancellor for Academic and Student Affairs, regarding the Preliminary 12<sup>th</sup> Day Class Report. She said the Committee also considered and recommended approval of Items 11 through 18. The Board took action as set forth below:

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**MINUTE ORDER 171-2003 (AGENDA ITEM 11)**

**APPROVAL OF THE ADMISSION REQUIREMENTS FOR  
SYSTEM ACADEMIC COMPONENTS AND HEALTH SCIENCE CENTER  
FOR THE 2004-2005 ACADEMIC YEAR,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

The Board of Regents of The Texas A&M University System hereby approves the 2004-05 Admission Requirements of the System Academic and Health Science Center Components, on terms and conditions substantially the same as those in **Exhibits F, G and H**, copies of which are attached to the official minutes.

**MINUTE ORDER 172-2003 (AGENDA ITEM 12)**

**APPROVAL OF A NEW DOCTOR OF PHILOSOPHY DEGREE IN  
CLINICAL JUVENILE FORENSIC PSYCHOLOGY AND  
AUTHORIZATION TO REQUEST APPROVAL FROM THE  
TEXAS HIGHER EDUCATION COORDINATING BOARD,  
PRAIRIE VIEW A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

The Board of Regents of The Texas A&M University System, approves establishment of a new graduate degree program at Prairie View A&M University leading to a Doctor of Philosophy in Clinical Juvenile Forensic Psychology. A copy of the program review outline is attached to the official minutes as **Exhibit I**.

The Board also authorizes the President to submit this new degree program to the Texas Higher Education Coordinating Board for approval.

**MINUTE ORDER 173-2003 (AGENDA ITEM 13)**

**APPROVAL TO  
AWARD HONORARY DOCTOR OF LETTERS DEGREE  
TO DONALD ZALE,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

Texas A&M University is authorized to award an honorary Doctor of Letters degree to Donald Zale.

**MINUTE ORDER 174-2003 (REVISED-AGENDA ITEM 14)**

**APPROVAL OF THE HOLIDAY SCHEDULE  
FOR THE QATAR CAMPUS,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

The holiday schedule for the members of the faculty and staff of Texas A&M University at Qatar for fiscal year ending August 31, 2004, shall be as follows:

| <u>Holiday</u>        | <u>Number of Days</u> | <u>Days</u>                                       |
|-----------------------|-----------------------|---------------------------------------------------|
| Faculty/Staff Holiday | 3                     | November 23 – 25<br>(Sunday – Tuesday)            |
| Faculty/Staff Holiday | 2                     | December 24 – 25<br>(Wednesday & Thursday)        |
| Faculty/Staff Holiday | 2                     | December 31 – January 1<br>(Wednesday & Thursday) |
| Faculty/Staff Holiday | 1                     | January 19 (Monday)                               |
| Faculty/Staff Holiday | 3                     | February 1 – 3<br>(Sunday – Tuesday)              |
| Faculty/Staff Holiday | 2                     | April 14 – 15<br>(Wednesday & Thursday)           |
| Faculty/Staff Holiday | 1                     | July 4 (Sunday)                                   |

In addition, the Chancellor is hereby authorized to modify the holiday schedule when such a change is deemed to be in the public interest.

**MINUTE ORDER 175-2003 (AGENDA ITEM 15)**

**DISSOLUTION OF THE  
CENTER FOR BUSINESS AND ECONOMICS ANALYSIS  
IN THE MAYS BUSINESS SCHOOL,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

The Center for Business and Economics Analysis in the Mays Business School, established by Minute Order 27-90, is hereby dissolved as of September 25, 2003.

**MINUTE ORDER 176-2003 (AGENDA ITEM 16)**

**APPROVAL OF A NEW DOCTOR OF PHILOSOPHY DEGREE IN  
COASTAL AND MARINE SYSTEMS SCIENCE  
AND AUTHORIZATION TO REQUEST APPROVAL FROM THE  
TEXAS HIGHER EDUCATION COORDINATING BOARD,  
TEXAS A&M UNIVERSITY-CORPUS CHRISTI**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

The Board of Regents of The Texas A&M University System approves the establishment of a new degree program at Texas A&M University-Corpus Christi leading to a Doctor of Philosophy in Coastal and Marine Systems Science. A copy of the program review outline is attached to the official minutes as **Exhibit J**.

The Board also authorizes the President to submit this new degree program to the Texas Higher Education Coordinating Board for approval.

**MINUTE ORDER 177-2003 (AGENDA ITEM 17)**

**APPROVAL TO CHANGE THE NAME OF THE  
COLLEGE OF AGRICULTURE, NURSING AND NATURAL SCIENCES TO THE  
COLLEGE OF AGRICULTURE, NURSING SCIENCE AND ENGINEERING,  
WEST TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:



The Board of Regents of The Texas A&M University System approves the administrative change request to change the name of the College of Agriculture, Nursing and Natural Sciences to the College of Agriculture, Nursing, Science and Engineering at West Texas A&M University.

The Board also authorizes the President of West Texas A&M University to submit this request to the Texas Higher Education Coordinating Board for approval.

**MINUTE ORDER 178-2003 (AGENDA ITEM 18)**

**APPROVAL TO OFFER THE BACHELOR OF APPLIED ARTS  
AND SCIENCES DEGREE VIA DISTANCE EDUCATION AND  
AUTHORIZATION TO REQUEST APPROVAL FROM THE  
TEXAS HIGHER EDUCATION COORDINATING BOARD,  
WEST TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

Having complied with all of the requirements of the Texas Higher Education Coordinating Board, West Texas A&M University is hereby authorized to offer the Bachelor of Applied Arts and Sciences degree program by distance education via the Internet. A copy of the request is attached to the official minutes as **Exhibit K**.

The Board of Regents finds that the program offering authorized by this minute order is within the role and scope and capacity of the institution and will benefit students.

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Mr. Mays called on Mr. Stevens to present the report of the Committee on Audit.

**REPORT FROM THE COMMITTEE ON AUDIT**

Mr. Stevens, Chairman of the Committee on Audit, reported that the Committee met on Thursday and received a report on Sarbanes-Oxley Federal Legislation and the Fourth Quarter Audit Report. He said that they also discussed plans for the next quarter and received information on outstanding reports.

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Mr. Mays called on Mr. White to present the report on the Ad Hoc Policy Review Committee.

**REPORT FROM THE AD HOC POLICY REVIEW COMMITTEE**

Mr. White, Chairman of the Ad Hoc Policy Review Committee, reported that the Committee had met jointly on Thursday with the Committee on Audit and considered the review and revisions of policies. He said that there was nothing to be brought before the Board for action.

Mr. Mays called on Dr. Wynn to present the report on the Special Committee on Health Affairs

**REPORT FROM THE SPECIAL COMMITTEE ON HEALTH AFFAIRS**

Dr. Wynn, Chairman of the Special Committee on Health Affairs, reported that the Committee met on Thursday and received a report from Dr. Nancy Dickey, Vice Chancellor and President of TAMUSHSC, regarding progress in the recruitment and training of additional nurses for the State of Texas. She said that the Committee also received a report from Dr. George C. Wright, President of PVAMU, regarding the progress of the undergraduate medical academy.

**OTHER ITEMS**

Mr. Mays called on Dr. Robert Furgason, President of TAMU-CC, to present Item 19. The Board took action as set forth below:

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**MINUTE ORDER 179-2003 (AGENDA ITEM 19)**

**ADOPTION OF A RESOLUTION EXPRESSING APPRECIATION TO THE  
TEXAS A&M UNIVERSITY-CORPUS CHRISTI  
FIRST YEAR LEARNING COMMUNITIES PROGRAM,  
TEXAS A&M UNIVERSITY-CORPUS CHRISTI**

On motion of Mr. Stevens, seconded by Dr. Gramm and by a unanimous vote, the following minute order was approved:

Whereas, the Texas A&M University-Corpus Christi First Year Learning Communities Program has excelled in improving student learning; and

Whereas, the Texas A&M University-Corpus Christi First Year Learning Communities Program was honored by Governor Rick Perry as a Texas Star Award recipient for its exceptional contributions to the State’s “Closing the Gaps” higher education plan; and

Whereas, Texas A&M University-Corpus Christi was recognized and commended as one of thirteen Institutions of Excellence in the First College Year for exemplary commitment to learning and success of first-year students as determined by a

national review process sponsored by the Policy Center on the First Year of College funded by The Pew Charitable Trusts and The Atlantic Philanthropies; and

Whereas, Texas A&M University-Corpus Christi has been selected as one of twelve American Association of State Colleges and Universities Founding Institutions in the national project, Foundations of Excellence in the First Year of College; now, therefore, be it

Resolved, that we, the members of the Board of Regents of The Texas A&M University System, express our heartfelt congratulations to the Texas A&M University-Corpus Christi First Year Learning Communities Program faculty and staff for their contributions to Texas A&M University-Corpus Christi; and, be it, further

Resolved, that this resolution be spread upon the minutes, and copies thereof, signed by the Chairman of the Board of Regents, be presented to the directors of the program and placed in the Archives of Texas A&M University-Corpus Christi as a permanent mark of the Board’s appreciation and gratitude to all these individuals for a job well done.

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Mr. Mays presented Item 21 and said that the resolution will be presented to Mrs. Graves and the family of Mr. Graves at a later date. The Board took action as set forth below:

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**MINUTE ORDER 180-2003 (AGENDA ITEM 21)**

**ADOPTION OF A RESOLUTION  
HONORING THE MEMORY OF MR. HOWARD D. GRAVES  
AND POSTHUMOUSLY BESTOWING THE TITLE OF  
CHANCELLOR EMERITUS,  
BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye seconded by Dr. Gramm and by a unanimous vote, the following minute order was approved:

Whereas, Mr. Howard D. Graves retired as Chancellor of The Texas A&M University System effective August 31, 2003, after four years of dedicated service; and

Whereas, he succumbed to cancer on September 13, 2003, after a valiant two-and-a-half-year battle; and

Whereas, Mr. Graves graduated from the United States Military Academy at West Point in 1961 and then went to Oxford University, where he earned a bachelor of arts degree as a Rhodes Scholar in 1964, master of arts and master of letters degrees in

1968 and 1971, followed by extensive coursework in the Army Professional Schools for Executive Development; and

Whereas, in 1993 he received an honorary doctor of human letters degree from the University of North Alabama and in 2001 he was named a Distinguished Graduate of West Point; and

Whereas, during his military career, Chancellor Graves held numerous high-level leadership positions, including Assistant to the Chairman of the Joint Chiefs of Staff, Commandant of the United States Army War College, Deputy Director for Strategy, Plans and Policy for the United States Army, and Military Assistant to the Secretary of Defense; and

Whereas, he also held several academic positions, including Assistant Professor and Associate Professor for International Relations and Comparative Foreign Governments at West Point; and as the Visiting Tom Slick Professor of World Peace at the University of Texas at Austin's Lyndon B. Johnson School of Public Affairs; and

Whereas, he also dedicated his time to serving others as Director of the Harry Frank Guggenheim Foundation and as a Senior Associate at the Center for Strategic and International Studies in Washington, D.C.; and

Whereas, his commitment to excellence was recognized by numerous organizations, including the Public Relations Society of America, which awarded him the Silver Anvil Award and the Big Apple Award; and

Whereas, he became Chancellor of The Texas A&M University System on August 1, 1999; and

Whereas, under his leadership as Chancellor, the A&M System experienced tremendous growth, with nine universities, eight state agencies and a health science center that annually serve more than 98,000 students and reach more than four million others through continuing education and extension programs in every county in the State of Texas; and

Whereas, under Chancellor Graves, the A&M System devised The Integrative Plan, a roadmap for higher education excellence for the A&M System that has become a model for other universities in the State of Texas; and

Whereas, Chancellor Graves strengthened the A&M System’s land-grant mission to increase access to educational opportunities for all Texans through his support of the Regents’ Initiative for Excellence in Education, which focuses on improving and expanding teacher preparation programs, school-university partnerships and curriculum alignment by the universities in the A&M System; and

Whereas, the A&M System’s success in this area has been recognized by the Texas Higher Education Coordinating Board; and

Whereas, Chancellor Graves oversaw the creation of two new Texas A&M System academic centers in Central Texas and San Antonio, as well as the legislation that will allow Texas A&M University-Textarkana to become a four-year university; and

Whereas, Chancellor Graves was known as a relationship builder who brought the 18 members of the A&M System closer together to form a more unified, cohesive, and collaborative organization; and

Whereas, his reputation for innovation, honesty and integrity placed him in high esteem by the State’s legislators, higher education officials, business leaders and others; and

Whereas, Chancellor Graves was an inspiration to people across the A&M System and the State of Texas during his battle with cancer, throughout which he demonstrated his deep Christian faith and an unfailingly positive attitude; and

Whereas, The Texas A&M University System and the State of Texas acknowledge Chancellor Graves’ contributions to Texas higher education, The Texas A&M University System, and recognize that he touched the lives of many Texans; and

Whereas, the Board of Regents hereby confers the posthumous title of Chancellor Emeritus to Mr. Graves effective on this 26th day of September 2003; now, therefore, be it

Resolved, that we, the members of the Board of Regents of The Texas A&M University System express our deepest gratitude, respect and appreciation to the family of Mr. Howard D. Graves for the excellent service and leadership that he provided as Chancellor of The Texas A&M University System and as an advocate for higher education in the State of Texas; and, be it, further

Resolved, that this resolution be spread upon the minutes and copies thereof be signed by the Chairman of the Board of Regents, and be presented to Mrs. Howard D. Graves and to the Archives of The Texas A&M University System, as a permanent mark of the high esteem in which his memory is held by the Board of Regents of The Texas A&M University System.

~~~~~

Mr. Nye said that Mr. Ron Silva, Mayor of the City of College Station, had extended his sympathy and condolences on the passing of Mr. Graves. He also said that Mayor Silva said that at some point the community would like to name something in honor of Mr. Graves.

Mr. Mays called on Dr. David Prior, Executive Vice President and Provost of TAMU, to present Item 22. The Board took action as set forth below:

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**MINUTE ORDER 181-2003 (AGENDA ITEM 22-A)**

**APPOINTMENT OF  
MR. BILL E. CARTER  
TO THE BOARD OF DIRECTORS OF  
THE PRIVATE ENTERPRISE RESEARCH CENTER,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was approved:

Mr. Bill E. Carter, Class of 1969, is hereby appointed to the Board of Directors of the Texas A&M University Private Enterprise Research Center, effective September 26, 2003.

**MINUTE ORDER 182-2003 (AGENDA ITEM 22-B)**

**APPOINTMENT OF  
MR. DAVE ELMENDORF  
TO THE BOARD OF DIRECTORS OF  
THE PRIVATE ENTERPRISE RESEARCH CENTER,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was approved:

Mr. Dave Elmendorf, Class of 1971, is hereby appointed to the Board of Directors of the Texas A&M University Private Enterprise Research Center, effective September 26, 2003.

**MINUTE ORDER 183-2003 (AGENDA ITEM 22-C)**

**APPOINTMENT OF  
MR. A. DWAIN MAYFIELD  
TO THE BOARD OF DIRECTORS OF  
THE PRIVATE ENTERPRISE RESEARCH CENTER,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was approved:

Mr. A. Dwain Mayfield, Class of 1959, is hereby appointed to the Board of Directors of the Texas A&M University Private Enterprise Research Center, effective September 26, 2003.

**MINUTE ORDER 184-2003 (AGENDA ITEM 22-D)**

**REAPPOINTMENT OF  
MR. FRANK M. MULLER, JR.  
TO THE BOARD OF DIRECTORS OF  
THE PRIVATE ENTERPRISE RESEARCH CENTER,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was approved:

Mr. Frank M. Muller, Jr., Class of 1965, is hereby reappointed to the Board of Directors of the Texas A&M University Private Enterprise Research Center, retroactive to July 31, 2003.

**MINUTE ORDER 185-2003 (AGENDA ITEM 22-E)**

**REAPPOINTMENT OF  
MR. GEORGE PETERKIN, JR.  
TO THE BOARD OF DIRECTORS OF  
THE PRIVATE ENTERPRISE RESEARCH CENTER,  
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the following minute order was approved:

Mr. George Peterkin, Jr. is hereby reappointed to the Board of Directors of the Texas A&M University Private Enterprise Research Center, retroactive to July 31, 2003.

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Mr. Mays called on Dr. Cocanougher to present Items 20, 23 and 25. Dr. Cocanougher asked Dr. Sayavedra to present Item 20. The Board took action as set forth below:

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**MINUTE ORDER 186-2003 (AGENDA ITEM 20)**

**ADOPTION OF A RESOLUTION HONORING  
MR. WILLIE A TEMPTON  
FOR HIS SERVICE AS INTERIM PRESIDENT  
OF PRAIRIE VIEW A&M UNIVERSITY,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

Whereas, Mr. Tempton attended Prairie View A&M University, graduating with a bachelor of science degree in biology in 1961; and

Whereas, Mr. Tempton served in the U.S. Army for more than 30 years, managing organizations of up to 1,700 people and performing mayoral duties for a community of nearly 4,000 residents before retiring at the rank of Colonel; and

Whereas, he has served in leadership roles at Prairie View A&M University since February 1, 1993; and

Whereas, since that time he has served as Assistant to the Vice President for Finance and Administration, Assistant Vice President for Physical Plant and Public Safety and Vice President for Finance and Administration; and

Whereas, he has served as Acting President and then Interim President from May 21, 2002, through August 14, 2003; and

Whereas, during his tenure as Interim President, the University's undergraduate and graduate enrollment grew to a record high of 7,255; and

Whereas, under his leadership, the University received approval for Ph.D. programs in Electrical Engineering and Educational Leadership and Counseling and for new Master of Science programs in Accounting and Juvenile Justice by distance education; and

Whereas, under his leadership, the infrastructure at Prairie View A&M University has been improved, including a significant expansion of student housing and the completion of the Memorial Student Center; and



Whereas, Mr. Tempton increased salaries for both faculty and staff, and formally initiated the University's \$30 million capital campaign; and

Whereas, during his fourteen months as Interim President, Mr. Tempton met with twenty-two of the twenty-eight chapters of the University's Alumni Association across the country; and

Whereas, Mr. Tempton represented the University before the 78th Legislature, resulting in the establishment of a Prairie View Undergraduate Medical Academy; the continuation of state funding for the Office of Civil Rights enhancement program; funding for Agricultural Research and Extension programs; and the authorization for a student athletic fee intended to strengthen the University's athletic programs; and

Whereas, Mr. Tempton has been persuaded by President George C. Wright to continue his service to the University as Senior Vice President for External Affairs and Development; now, therefore, be it

Resolved, that the Board of Regents of The Texas A&M University System expresses its appreciation to Willie A. Tempton for his dedicated service to Prairie View A&M University; and, be it, further

Resolved, that this resolution be spread upon the minutes, with official copies thereof, signed by the Chairman of the Board of Regents, and be presented to Willie A. Tempton as an expression of appreciation for his leadership and dedication as Interim President of Prairie View A&M University.

**MINUTE ORDER 187-2003 (AGENDA ITEM 23)**

**APPOINTMENT AND COMMISSIONING OF PEACE OFFICERS,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

In accordance with System Policy 34.06 (*Appointment, Commissioning and Authority of Peace Officers*), the Board of Regents of The Texas A&M University System hereby confirms the appointment and commissioning of peace officers by the Presidents of the respective components of The Texas A&M University System, as reflected in **Exhibit L**, attached to the official minutes.

**MINUTE ORDER 188-2003 (AGENDA ITEM 24)**

**APPROVAL OF ACADEMIC TENURE,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Dr. Gramm and by a unanimous vote, the following minute order was approved:

The Board of Regents of The Texas A&M University System, in accordance with System Policy 12.01 on academic freedom, responsibility and tenure, hereby authorizes the granting of tenure to the following faculty members as set forth on Tenure List No. 02-03-07, a copy of which is attached to the official minutes as **Exhibit M**.

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Mr. Nye commented on the importance of tenure. He said the Board grants it carefully and under the conditions that it truly deserves. He encouraged System officials to encourage the presidents of the academic institutions to make sure that post-tenure review is really taken seriously. Dr. Gramm said that she always asks for the resumes of those who are receiving tenure and promoted. She said she would like to see the resumes of those who have post-tenure review, indicate what they have done in the period from their last post-tenure review. Dr. Cocanougher said that he thinks that is very reasonable and appropriate. Mr. Nye asked that a report be made each year by each institution on tenure recommendations.

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**MINUTE ORDER 189-2003 (AGENDA ITEM 25)**

**GRANTING OF THE TITLE OF EMERITUS/EMERITA,  
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye, seconded by Dr. Gramm and by a unanimous vote, the following minute order was approved:

In recognition of long and distinguished service to The Texas A&M University System, the Board of Regents hereby confirms the recommendation of the Chancellor, and confers the title of “Emeritus/Emerita” upon individuals as shown on Emeritus title List No. 02-03-07, a copy of which is attached to the official minutes as **Exhibit N**, and grants all rights and privileges of this title.

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Mr. Mays presented Item 27. The Board took action as set forth below:

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**MINUTE ORDER 190-2003 (AGENDA ITEM 27)**

**APPROVAL OF MINUTES OF THE  
JULY 24-25, 2003, REGULAR MEETING,  
BOARD OF REGENTS OF THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Dr. Gramm seconded by Dr. Wynn and by a unanimous vote, the following minute order was approved:

The Minutes of the Regular Meeting of the Board of Regents of The Texas A&M University System held on July 24-25, 2003, in Commerce, Texas, are hereby approved.

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**OTHER BUSINESS**

Mr. Mays said that the next regular meeting of the Board of Regents was scheduled for December 4-5, 2003, on the campus of Texas A&M University.

**RECESS AND CONVENE IN CLOSED SESSION**

Mr. Mays recessed the meeting at 2:20 p.m. and announced that the Board would convene in closed session, to consider matters as permitted by Chapter 551 of the Texas Government Code: 551.071 for consultation with System attorneys on pending and proposed litigation and matters recognized as attorney/client confidential and privileged; 551.072, for discussion regarding the acquisition, lease, exchange, disposition and value of real estate; 551.073, for discussion of negotiated contracts for prospective gifts or donations; and 551.074; for discussion of matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal or to hear complaints or charges against an officer or employee including evaluations of Chief Executive Officers, including Items 26 and 28.

Mr. Mays said in accordance with the law, no final action, decision or vote with regard to any matter considered in the closed meeting would be made or taken.

*(Secretary's Note: The closed session meeting was held in the Board meeting room.)*

*(Secretary's Note: The Board met in closed session from 2:28 p.m. until 2:44 p.m.)*

**RECONVENE IN OPEN SESSION**

Mr. Mays reconvened the Board meeting at 2:45 p.m. Mr. Mays called on Mr. Nye to present Item 26. The Board took action on Mr. Nye's motion as set forth below:

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**MINUTE ORDER 191-2003 (AGENDA ITEM 26)**

**ACTION TO DETERMINE THE PROBATIVE VALUE OF THE  
REBUTTAL SUBMITTED BY DR. JOSEPH O. KUTI,  
A TEXAS A&M UNIVERSITY-KINGSVILLE FACULTY MEMBER,  
AND TO LIMIT REVIEW OF THE RECOMMENDATION OF DISMISSAL  
OF DR. KUTI TO A REVIEW OF THE RECORD OF THE HEARING COMMITTEE,  
THE TEXAS A&M UNIVERSITY SYSTEM**

Mr. Nye said this Board places great importance on academic freedom and on the sanctity of employment regarding faculty members; but understanding that the Interim Provost of Texas A&M University-Kingsville, Dr. Robert Diersing, did review this matter and recommend the termination of Dr. Joseph O. Kuti's tenured appointment; and, that further a Formal Hearing Committee (FHC) was appointed in accordance with the TAMU-K faculty handbook and they concurred with the conclusion that Dr. Kuti should be discharged; and, further that the matter went to President Juarez who further concurred in that recommendation of the FHC; and, that the matter then was forwarded to Interim Chancellor Cocanougher who has now noted his agreement and that he concurs in the counsel of President Juarez and the FHC; now, the Board of Regents shall proceed to determine this matter based upon the documentation provided to the FHC that all the Board members received and that the Board make its determination based upon that material. Mr. Nye said he put that in the form of a motion. Mr. Adams seconded the motion, and by a unanimous vote, the motion was approved.

*(Secretary's Note: This motion was amended as referenced in Minute Order 192-03, to state that the material delivered to the Board Office on September 24, 2003, by Dr. Robert Jackson, on behalf of Dr. Kuti, does not in the Board's view, contain any additional evidence which is probative of the decision.)*

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**RECONVENE IN CLOSED SESSION**

At 2:47 p.m., Mr. Mays announced that the Board would reconvene in closed session to continue with its agenda.

**RECONVENE IN OPEN SESSION**

At 4:55 p.m., Mr. Mays reconvened the meeting in open session. Mr. Mays asked Mr. Nye to present Item 28. The Board took action on Mr. Nye's motion as set forth below:

**MINUTE ORDER 192-2003 (AGENDA ITEM 28)**

**ACTION TO SUSTAIN THE DECISION OF THE  
PRESIDENT OF TEXAS A&M UNIVERSITY KINGSVILLE  
REGARDING THE DISMISSAL OF  
DR. JOSEPH O. KUTI, TEXAS A&M UNIVERSITY-KINGSVILLE  
FACULTY MEMBER, FOR CAUSE,  
THE TEXAS A&M UNIVERSITY SYSTEM**

Mr. Nye said in the matter of the possible dismissal of Dr. Joseph O. Kuti, TAMU-K, the Board previously found that Dr. Kuti's rebuttal to the formal hearing findings and recommendations dated July 16, 2002, did not contain any additional evidence which is probative of the decision made and for and further that the Board also found that the updated brief filed by legal assistant, Dr. Robert Jackson, on behalf of Dr. Robert Kuti and received by the Board Office on September 24, 2003, does not contain any additional evidence which is probative of the decision to be made and the Board has previously limited its review to a review of the full report of the hearing committee, the record of the hearing, the CEO's recommendation and any other documents which were available to both Dr. Kuti and Texas A&M University-Kingsville at the time of the Formal Hearing and recognizing the importance of tenure to the proper functioning of an academic community and recognizing and understanding the gravity of terminating the employment of any faculty member, Mr. Nye proposed that the Board of Regents sustain the decision of the President of Texas A&M University-Kingsville and that Dr. Joseph O. Kuti be dismissed for cause, such termination to be effective September 30, 2003. Mr. Nye said that he put that in the form of a motion. Mr. Adams seconded the motion, and by a unanimous vote, it was approved.

Mr. Nye added that in the event that the Board failed to make it clear in its previous finding that the material that was delivered to the Regents Office on September 24, 2003, does not in the Board's view, and did not at that time of that motion, contain any additional evidence which is probative of the decision. Mr. Nye asked that that part of the resolution be amended to correctly reflect the Board's current view, and that is part of the motion as well.

Mr. Mays asked if anyone had a problem with the restated amendment and if there was any opposition to the motion that was seconded, and voted on affirmatively. No opposition was noted and the motion was adopted unanimously.

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**ADJOURN**

There being no further business, Mr. Mays adjourned the regular meeting at 4:54 p.m., Friday, September 26, 2003.

Vickie Burt Spillers  
Executive Secretary to the Board  
The Texas A&M University System

VBS:jb