

MINUTES

OF THE

MEETING OF THE

BOARD OF REGENTS

OF

THE TEXAS A&M UNIVERSITY SYSTEM

HELD IN

STEPHENVILLE, TEXAS

December 1-2, 2005

(Approved January 26-27, 2006)

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December 1-2, 2005**

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**MINUTES OF THE
MEETING OF THE BOARD OF REGENTS
December 1-2, 2005**

CONVENE – THURSDAY, DECEMBER 1

Mr. John White, Chairman, convened a regular meeting of the Board of Regents of The Texas A&M University System (TAMUS) at 2:05 pm, on Thursday, December 1, 2005, in the Executive Board Room of the Thompson Student Center (TSC) on the campus of Tarleton State University (TSU), Stephenville, Texas. The following members of the Board were present:

Mr. John White, Chairman
Mr. Bill Jones, Vice Chairman
Mr. Phil Adams
Dr. Wendy Gramm
Mr. Erle Nye
Mr. Gene Stallings
Ms. Ida Clement Steen

The following members of the Board were not present:

Mr. Lupe Fraga
Mr. Lowry Mays

(Secretary's Note: Ms. Ida Clement Steen of San Antonio, Texas, was appointed by Governor Rick Perry on October 28, 2005, to fill the position held by Mr. R.H. "Steve" Stevens.)

Dr. Dennis McCabe, President of TSU, welcomed the members of the Board to the Tarleton campus. Mr. White thanked Dr. McCabe and announced that a quorum of the Board was present and that the Board would immediately recess to executive session.

RECESS TO EXECUTIVE SESSION

At 2:15 pm, Mr. White announced that the Board would convene in executive session to consider matters as provided in Chapter 551 of the Texas Government Code: 551.071, for consultation with System attorneys regarding legal matters or pending and/or contemplated litigation or settlement offers; 551.072, for deliberations regarding the purchase, exchange, lease or value of real property; 551.073, for deliberations regarding negotiated contracts for prospective gifts or donations; 551.074, for deliberations regarding personnel matters relating to appointment, employment, evaluation, reassignment, duties, discipline, or dismissal or to hear complaints or charges against an officer or employee; 551.087, for deliberations regarding economic development negotiations.

Mr. White said that in accordance with the law, no final action, decision, or vote with regard to any matter considered in the executive session would be made or taken.

(Secretary's Note: The Board adjourned its executive session at 4:12 pm, the same day.)

RECONVENE IN OPEN SESSION – FRIDAY, DECEMBER 2

Mr. White reconvened the meeting on Friday, December 2, 2005, at 9:15 am, in Ballroom A of the TSC. The following members of the Board were present:

Mr. John White, Chairman
Mr. Bill Jones, Vice Chairman
Mr. Phil Adams
Dr. Wendy Gramm
Mr. Erle Nye
Mr. Gene Stallings
Ms. Ida Clement Steen

The following members of the Board were not present:

Mr. Lupe Fraga
Mr. Lowry Mays

Mr. White announced that the Board met in executive session on Thursday, December 1, from 2:15 pm until 4:12 pm. He said that in executive session the Board considered Items 7 through 10, 12, 28, 31, 34 and 35. Mr. White said that they would vote on these items at the end of the meeting during the reports from the standing committees. He said that they had also conferred with the Chancellor, several System administrators, and attorneys on personnel, land and legal matters.

INVOCATION

Mr. White called on Mr. Christopher Farmer, a freshman student at TSU, majoring in biology, who presented the invocation.

CHAIRMAN'S REMARKS

Mr. White thanked Dr. McCabe, his staff and students for a delightful evening on Thursday. He said that one of the things that struck him was the community's involvement. Mr. White said that the members of the community were very supportive of Dr. McCabe. He said that as he travels to the universities within the System, the community involvement is striking. Mr. White commended each of the System presidents and agency directors.

Mr. White introduced and welcomed Regent Ida Clement Steen, who was attending her first meeting as a member of the Board of Regents. He said that Ms. Steen, a former teacher and school administrator, is a director of Frost National Bank, as well as its parent company, Cullen/Frost Bankers, Inc. He said she serves as a trustee of the

Santa Rosa Children’s Hospital Foundation Endowment Fund and is a sponsor of the Charity Ball Association. Mr. White said that she is an advisory council member and past chairman of the board of the San Antonio Academy. She has served as a trustee of both the Ecumenical Center for Religion and Health and of the Southwest Texas Methodist Hospital Foundation. Mr. White said that Ms. Steen, a native of Kingsville, received her bachelor’s degree from Trinity University. He said her husband, John Steen, practices law in San Antonio and they have three children. Mr. White said that Ms. Steen is very “tuned in” to what is going on and has already visited several campuses. He said that she brings grace and intelligence that is always welcome on the Board.

Ms. Steen thanked Mr. White for his kind words and said that she is excited to be part of this family. She said that she is anxious to learn about the System and to visit all of the campuses.

CHANCELLOR’S REMARKS

Dr. Bob McTeer, Chancellor, thanked the regents for attending the appreciation event honoring Senator Judith Zaffrini on November 14. He said that the event was hosted by the Chancellor’s Century Council (CCC) and The Association of Former Students (AFS).

Dr. McTeer announced that Dr. Flavius Killebrew, President of Texas A&M University-Corpus Christi (TAMU-CC), was recently elected Vice President of the Association of Texas Colleges and Universities.

Dr. McTeer said that the search for a new president for West Texas A&M University (WTAMU) is going very well. He said that the field has been narrowed down to four candidates. He said that three of the four have already spent two days visiting the campus and the fourth will visit the campus soon. Dr. McTeer said that they will be able to bring some candidates to the Board for consideration soon and that he appreciated the participation of Dr. Gramm.

Dr. McTeer said that at the last meeting they had a resolution to support the President of Texas A&M University-Kingsville (TAMU-K) in dealing with a problem. He reported that Dr. Rinaldo Juarez, President of TAMU-K, is well on the way and that the committee he appointed has come up with its first draft of the new constitution. Dr. McTeer said that he feels things are going well despite continued resistance by a few people.

Dr. McTeer reported that the System’s Historically Underutilized Businesses (HUB) performance has improved. He said that recent statistics show that the System purchased 22.7 percent of its goods and services from HUB vendors for FY 2005, which exceeds the state average of 13.8 percent and the higher education average of 17 percent. Dr. McTeer thanked Mr. Jim Fletcher, Vice Chancellor for Administration, for leading this effort. He said that virtually all system institutions have contributed to this effort with Texas A&M International University (TAMIU) being ranked number 1.

Mr. Nye commented that this is a very significant and notable change. He said that he would like to see all the categories compared against prior years by ethnicity and gender. He asked if this could be presented at the next meeting. Mr. Nye said that while these numbers are good, they can be better. Mr. White responded that he felt this was a good idea and that they should include what they have done to make this change. Mr. Nye said that he is sure that the numbers do not reflect just one contract or transaction, but a wide range of activities across the System.

UPDATE ON TARLETON STATE UNIVERSITY

Dr. McCabe welcomed the Board to the campus. He said that he was pleased to have the opportunity to showcase TSU and what its students, faculty and staff do for the State of Texas. Dr. McCabe recognized members of the TSU staff who helped to prepare the campus for the meeting.

Dr. McCabe said that Dr. Jeanelle Barrett, President-Elect of the TSU Faculty Senate, and Mr. Casey Hogan, TSU Student Body President, would also make presentations to the Board.

(Secretary's Note: A copy of Dr. McCabe's report is on file in the Office of the Board of Regents.)

Dr. McCabe reported that TSU is 106 years old. It was established in 1899 as a private institution. He said that in 1917, the campus was having trouble staying afloat and became part of the A&M System. Dr. McCabe said that at that time they were a two-year institution. In 1949, the name was changed to John Tarleton College and they were given authority by the state in 1961 to have a four-year program. He said that the first baccalaureate conferral was held in 1963 and in 1969 they were given the authority for the master's program. In 1973 they achieved university status and the name changed to Tarleton State University. Dr. McCabe said that all the campus academic departments share a belief of a mission that they are in the business of creating a culture of excellence for their students.

Dr. McCabe reported that TSU has 1,082 employees (534 faculty, 548 staff); 91 degree programs (2 associates, 68 bachelors, 20 masters, 1 doctoral) and they have 1,757 beds for campus housing. He said that recently a private sector built an apartment complex for student-style living across the street from the campus that added an additional 330 beds. Dr. McCabe said that the core of TSU is the undergraduate program.

Dr. McCabe reported that their budget for FY 2006 is \$97.7 million. He said that they have six additional campus sites: the agricultural research farm, the Hunewell Ranch (site of the new observatory and telescope), the Langdon Center, Tarleton-Central Texas, the Terrell Medical Center and the W.K. Gordon Center for Industrial History of Texas. Mr. Nye asked about the site for the Central Texas campus. Dr. McCabe said that they are currently leasing a site from the community college. He said that the school district and Fort Hood provide them with teaching space and other educational activities

free of charge. Mr. Nye inquired about the location that they had previously identified for the campus. Dr. McCabe responded that the military has been very open to providing land for a future construction site and federal legislation in the fall of 2004 put the wheels in motion. He said that at this point, the land does not belong to the state, the A&M System or Tarleton.

Dr. McCabe reported that their current student enrollment is 9,144, which is a 23 percent increase in the last six years. He said that the Central Texas campus became a part of TSU in 1999. Dr. McCabe said that they serve students from across the state. Mr. Nye asked how many students are majoring in agricultural economics. Dr. McCabe responded that there are 1,500 students enrolled in undergraduate agriculture and a good number of those are in teacher education. Mr. Jones asked if Dr. McCabe had a goal for achieving a certain number of students. Dr. McCabe responded that of the 9,144 students, 7,600 are located on the Stephenville campus. He said that as a state regional institution, they do not put limits on enrollment and they try to keep their doors open to increase the available educational opportunities.

Mr. Stallings asked what percent of first-year freshmen they lose. Dr. McCabe responded that their retention rate is 65 percent (or they lose 35 percent). Mr. Stallings asked if this was average. Dr. McCabe responded that they are somewhere in the middle of the pack. Mr. Stallings commented that retention is a problem that most universities experience. Dr. McCabe said that he agrees that a 35 percent dropout rate is reason for concern. He said that some of the students transfer to other schools, return home to enroll in a community college or have personal issues. He said that they have followed up with these students and their major issues are finances and family situations. Dr. McCabe said that while students may be academically prepared, they are not socially prepared for college.

Dr. McCabe said that they also track scholarships that relate to teaching, service and research. He said that regional institutions such as TSU are increasingly active in getting research funds. During the last year, TSU spent approximately \$7 million for research. Dr. McCabe said that for every dollar they receive of general revenue from the state, TSU turns it into \$5. Dr. Gramm asked what percentage of this is federal money. Dr. McCabe responded nearly all of it. Mr. Stallings asked what percentage of students graduate in four years. Dr. McCabe responded 16 to 17 percent (41 percent at the University of Texas (UT), 6 percent at UT-San Antonio, 6 percent and 4 percent at UT-El Paso). Mr. Stallings said that he feels the students should also take responsibility. Mr. Nye asked how many students have a full-time job. Dr. McCabe said that he did not have that information.

Dr. McCabe said that TSU provides five master's degrees on-line. He said that since 1999, they have added six degree programs to their curriculum. Dr. McCabe said that also in 1999, 11 new degree programs were authorized with the opening of Tarleton-Central Texas.

Dr. McCabe said that they have several new or renovated facilities. Mr. Nye asked if the movement of troops has affected the location of the Central Texas campus. Dr. McCabe responded in the affirmative.

Mr. Nye said that enrollment at the Central Texas campus looks as if it has drifted slightly downward. Dr. McCabe responded that enrollment during the last 12 months did in fact move downward. He said that they are looking very closely at the causes. Mr. Nye asked if there have been any recruitment efforts for Central Texas. Dr. McCabe responded in the affirmative and said that Dr. John Idoux, Executive Director, has people in place working with the media, Temple College and Central Texas College. He said that recently, additional funds were approved for scholarships for the spring.

Dr. McCabe then introduced Dr. Barrett and Mr. Hogan.

Dr. Barrett said that the faculty senate has been working on a number of projects and is looking forward to a productive and fruitful spring. She thanked Dr. McCabe and Dr. Gary Peer, Provost and Vice President for Academic Affairs, for their open and supportive communication with the faculty senate. She said that the faculty senate and current administration have worked together to make significant progress in improvements for the faculty, students and staff of TSU. She said that as their student numbers continue to grow, they hope to be able to depend on the support of the regents to allow them to facilitate their students and growing faculty. Dr. Barrett said that they have added new members to their ranks of faculty and many are from more diverse fields and areas of the world than ever before.

Dr. Barrett said that the faculty senate recently initiated an environmental resolution that will allow campus improvements to include an awareness of, and protection for, the environment as they expand the campus to meet student needs. She said that as a major contributor to the community, they recognize the importance of protecting the community and being responsible neighbors.

Dr. Barrett said that in meeting student needs they are very proud of their technology initiative that the faculty senate sanctioned last year for the enhancement of teaching across campus. She said that they are aware of the needs of the students and faculty in the area of technology. She said that the faculty is working to meet community needs by revamping current courses and their descriptions, as well as expanding those programs.

Dr. Barrett said that their most recent discourse in the faculty senate has been to consider proposed changes to tenure and promotion procedures and requirements in the faculty handbook. She said that as their campus grows, the faculty needs to re-evaluate the roles of teaching, service and research. She said that while teaching is one of the primary tasks for faculty, the importance of research and its benefits for scholars and students becomes more important. Dr. Barrett said that they look forward to a productive spring semester and would like to solicit the Board's continued support in their ongoing efforts to grow and improve TSU.

Mr. Hogan spoke on behalf of the approximate 9,000 students at TSU. He thanked Dr. McCabe and Dr. Wanda Mercer, Vice President for Student Life, for their leadership and what they do for the students. He spoke about the spirit and traditions of TSU and what it means to him as a student.

RECESS

Mr. White recessed the meeting at 10:04 am.

(Secretary's Note: The Committee on Finance convened at 10:05 am and adjourned at 10:12 am. The Committee on Buildings and Physical Plant (meeting as a Committee of the Whole) convened at 10:13 am and adjourned at 10:24 am. The Committee on Academic and Student Affairs convened at 10:25 am and adjourned at 11:23 am.)

RECONVENE

Mr. White reconvened the meeting at 11:24 am. He said that no requests had been received in the Board Office to provide public testimony at this Board meeting.

Mr. White called on Mr. Adams to present the report from the Committee on Finance.

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**REPORT FROM THE COMMITTEE ON FINANCE**

Mr. Adams, Chairman of the Committee on Finance, reported that the Committee met earlier the same day and considered and approved Items 1 through 4. The Board took action as set forth below:

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MINUTE ORDER 220-2005 (AGENDA ITEM 1)

**AUTHORIZATION TO EXECUTE A CONTRACT
WITH BARNES & NOBLE BOOKSTORES, INC.,
TEXAS A&M UNIVERSITY**

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

The Board of Regents of The Texas A&M University System, upon review and approval for legal sufficiency by the Office of General Counsel, hereby grants authority to the President of Texas A&M University, or his designee, to execute a contract with Barnes & Noble Bookstores, Inc.

MINUTE ORDER 221-2005 (AGENDA ITEM 2)

**AUTHORIZATION TO ESTABLISH A QUASI-ENDOWMENT NAMED
“THEODORE E. ZILLER ENDOWED SCHOLARSHIP IN
CIVIL ENGINEERING QUASI-ENDOWMENT,”
TEXAS A&M UNIVERSITY**

On motion of Mr. Nye, seconded by Dr. Gramm 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 to be called the “Theodore E. Ziller Endowed Scholarship in Civil Engineering Quasi-Endowment.” The account will be created with proceeds received from the Estate of Theodore Edward Ziller. Endowment earnings from the quasi-endowment will be used to support scholarships for civil engineering students based on merit and financial need.

MINUTE ORDER 222-2005 (AGENDA ITEM 3)

**ACCEPTANCE OF GIFTS, DONATIONS, GRANTS AND ENDOWMENTS,
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 adopted:

The Board of Regents 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. 06-02, a copy of which is attached to the official minutes as **Exhibit A**.

MINUTE ORDER 223-2005 (AGENDA ITEM 4)

**APPROVAL OF THE DISTRIBUTION OF INCOME FROM THE
DURY LANE HELM AND ARDELLA R. HELM CHARITABLE TRUST,
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 adopted:

Distribution of the available income for the eight months ended August 31, 2005, from the Dury Lane Helm and Ardella R. Helm Charitable Trust to Texas A&M University (\$21,128.53), Abilene Christian University (\$10,564.27), and Texas Woman's University (\$10,564.27) is approved. Distribution of 50 percent of the available Trust principal as of August 31, 2005, from The Dury Lane Helm Charitable and Ardella R. Helm Charitable Trust to Abilene Christian University (\$264,138.41), and Texas Woman's University (\$264,138.41) is approved. Authority for future distributions of income and principal from the Trust is delegated to the Chancellor of The Texas A&M University System.

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

Mr. White said that the Committee on Buildings and Physical Plant met as a "Committee of the Whole" and considered and approved Items 5 through 10, 12 and 29 (*Item 11 was withdrawn prior to the meeting and Items 7 through 10 and 12 were considered in executive session*). Mr. White said that since they had met as a Committee of the Whole, the items were approved by the Board and the record of the vote is shown as follows:

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MINUTE ORDER 224-2005 (AGENDA ITEM 5)

**APPROVAL OF PROGRAM OF REQUIREMENTS AND
PROJECT BUDGET, AND APPROPRIATION FOR DESIGN FOR THE
EASTERWOOD RUNWAY 16/34 PAVEMENT REHABILITATION,
TEXAS A&M UNIVERSITY**

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

The program of requirements for the Easterwood Runway 16/34 Pavement Rehabilitation at Texas A&M University is approved.

The project budget of \$3,080,000 for the Easterwood Runway 16/34 Pavement Rehabilitation at Texas A&M University is approved.

Supplementing a previous appropriation of \$20,000, the amount of \$214,000 is appropriated from Account No. 030002 Airport Operations for design of the Easterwood Runway 16/34 Pavement Rehabilitation at Texas A&M University.

MINUTE ORDER 225-2005 (AGENDA ITEM 6)

**NAMING OF THE
“ROBIN ’76 AND BOB STARNES ’72
TEAM LEARNING CLASSROOM,”
TEXAS A&M UNIVERSITY**

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

Classroom 282D in the Jerry and Kay Cox Hall of the E.L. “Pete” Wehner Building on the campus of Texas A&M University is hereby named the “Robin ’76 and Bob Starnes ’72 Team Learning Classroom.”

MINUTE ORDER 226-2005 (AGENDA ITEM 6)

**NAMING OF
“THE GEORGE P. AND CYNTHIA WOODS MITCHELL
INSTITUTE FOR FUNDAMENTAL PHYSICS AND ASTRONOMY,”
TEXAS A&M UNIVERSITY**

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

The George P. and Cynthia W. Mitchell Institute for Fundamental Physics on the campus of Texas A&M University is hereby renamed “The George P. and Cynthia Woods Mitchell Institute for Fundamental Physics and Astronomy.”

MINUTE ORDER 227-2005 (AGENDA ITEM 6)

**NAMING OF THE
“HOWARD HESBY STUDENT ATRIUM,”
TEXAS A&M UNIVERSITY**

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

The Atrium of the Kleberg Animal and Food Science Center on the campus of Texas A&M University is hereby named the “Howard Hesby Student Atrium.”

MINUTE ORDER 228-2005 (AGENDA ITEM 7)

**AUTHORIZATION TO GRANT A UTILITY EASEMENT TO
CITGO PRODUCTS PIPELINE COMPANY ON PROPERTY ASSIGNED TO
TEXAS A&M UNIVERSITY, BRAZOS COUNTY, TEXAS,
THE TEXAS A&M UNIVERSITY SYSTEM**

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

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to execute a utility easement situated in Section 1 of the J.E. Scott Survey, Abstract No. 50, College Station, Brazos County, Texas, to CITGO Products Pipeline Company. The dimensions of the utility easement are twenty feet in width and 9,147.76 feet (554.41 rods) in length. This easement will be for a ten-year term with total consideration being \$55,441.

MINUTE ORDER 229-2005 (AGENDA ITEM 8)

**AUTHORIZATION TO GRANT A CONDITIONAL ROAD RIGHT-OF-WAY
EASEMENT TO THE COUNTY OF BRAZOS ON PROPERTY ASSIGNED TO
TEXAS A&M UNIVERSITY, BRAZOS COUNTY, TEXAS,
THE TEXAS A&M UNIVERSITY SYSTEM**

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

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to execute all documents necessary to grant a conditional road right-of-way easement to the County of Brazos, across a portion of property owned by The Texas A&M University System in the J.H. Jones Survey, Abstract No. 144 and J. Herrald Survey, Abstract No. 139, Brazos County, Texas. This conditional road right-of-way easement will be a variable width easement and is proposed to be approximately 2,345.4 feet in length and containing 0.66 acres, more or less. The conditional road right-of-way easement will remain in force for as long as the property is used by the County of Brazos as a road right-of-way.

MINUTE ORDER 230-2005 (AGENDA ITEM 9)

**AUTHORIZATION TO GRANT A CONDITIONAL ROAD RIGHT-OF-WAY
EASEMENT TO THE COUNTY OF BURLESON ON PROPERTY ASSIGNED
TO TEXAS A&M UNIVERSITY, BURLESON COUNTY, TEXAS,
THE TEXAS A&M UNIVERSITY SYSTEM**

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

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to execute all documents necessary to grant a conditional road right-of-way easement to the County of Burleson, across a portion of property owned by The Texas A&M University System in the J.P. Cole Survey, Abstract No. 12, Burleson County, Texas. This conditional road right-of-way easement is proposed to be approximately 60 feet in width by 580 feet in length, containing 1.164 acres, more or less. The conditional road right-of-way easement will remain in force for as long as the property is used by the County of Burleson as a road right-of-way.

MINUTE ORDER 231-2005 (AGENDA ITEM 10)

**AUTHORIZATION TO EXECUTE
A GROUND LEASE IN BRAZOS COUNTY, TEXAS,
THE TEXAS A&M UNIVERSITY SYSTEM**

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

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to negotiate and execute a ground lease with the City of College Station for the construction and operation of an electrical substation site on 1.40 acres, more or less, located on Finfeather Road and being out of the J.E. Scott League, Abstract No. 50, College Station, Brazos County, Texas. The term of the ground lease will be 50 years with the annual rental consideration being \$1.00.

MINUTE ORDER 232-2005 (AGENDA ITEM 12)

**AUTHORIZATION TO AMEND AND EXTEND AN
EXISTING COMMERCIAL LEASE, DALLAS, TEXAS,
THE TEXAS A&M UNIVERSITY SYSTEM**

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

The Chancellor of The Texas A&M University System, or his designee, following approval for legal sufficiency by the Office of General Counsel, is authorized to take all steps necessary to lease an additional 1,104 square feet of space in the NorthCreek Place 1 Building located at 9441 LBJ Freeway, Dallas, Texas, for the benefit of the Texas Transportation Institute, beginning February 1, 2006, at a rate of \$21.24 per square foot, and to extend the lease, as amended, for a five-year term commencing May 1, 2006, and expiring on April 30, 2011, with the total estimated rental for the amended area and extension being approximately \$375,231.

MINUTE ORDER 233-2005 (AGENDA ITEM 29)

APPROVAL OF THE PROGRAM OF REQUIREMENTS AND PROJECT BUDGET, APPROPRIATION FOR DESIGN DEVELOPMENT AND AUTHORIZE THE CHANCELLOR TO SELECT THE ARCHITECT/ENGINEER DESIGN FIRM AND THE CONSTRUCTION MANAGER AT RISK CONTRACTOR FOR THE IBT ANIMAL FACILITY RENOVATIONS AT THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER, ALKEK IBT BUILDING, HOUSTON, TEXAS, THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER

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

The program of requirements for the IBT Animal Facility Renovations at The Texas A&M University System Health Science Center, Houston, Texas, is approved.

The project budget of \$5,160,000 for the IBT Animal Facility Renovations at The Texas A&M University System Health Science Center, Alkek IBT Building, Houston, Texas, is approved.

Supplementing a previous appropriation of \$25,000, the amount of \$341,000 is appropriated from Account No. 084240 Permanent University Fund Debt Proceeds for design development of the IBT Animal Facility Renovations at The Texas A&M University System Health Science Center, Alkek IBT Building, Houston, Texas.

Authorization is granted to the Chancellor to select the architect/engineer design firm and the construction manager at risk for the IBT Animal Facility Renovations at The Texas A&M University System Health Science Center, Alkek IBT Building, Houston, Texas.

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

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

Dr. Gramm, Chairman of the Committee on Academic and Student Affairs, said that the Committee met earlier the same day and considered and approved Items 13 through 22 and 30. The Board took action as set forth below:

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MINUTE ORDER 234-2005 (AGENDA ITEM 13)

**APPROVAL OF NEW MASTER OF SCIENCE IN NURSING DEGREE
WITH A MAJOR IN NURSING ADMINISTRATION,
AND AUTHORIZATION TO REQUEST APPROVAL FROM
THE TEXAS HIGHER EDUCATION COORDINATING BOARD,
PRAIRIE VIEW A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye 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 new program at Prairie View A&M University leading to a Master of Science in Nursing degree with a major in Nursing Administration.

The Board also authorizes the President of Prairie View A&M University to submit this new degree program request to the Texas Higher Education Coordinating Board for approval and hereby certifies that all applicable criteria of the Coordinating Board have been met.

MINUTE ORDER 235-2005 (AGENDA ITEM 14)

**APPROVAL OF NEW MASTER OF SCIENCE IN NURSING DEGREE
WITH A MAJOR IN NURSE EDUCATION,
AND AUTHORIZATION TO REQUEST APPROVAL FROM
THE TEXAS HIGHER EDUCATION COORDINATING BOARD,
PRAIRIE VIEW A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye 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 new program at Prairie View A&M University leading to a Master of Science in Nursing degree with a major in Nurse Education.

The Board also authorizes the President of Prairie View A&M University to submit this new program request to the Texas Higher Education Coordinating Board for approval and hereby certifies that all applicable criteria of the Coordinating Board have been met.

MINUTE ORDER 236-2005 (AGENDA ITEM 15)

**APPROVAL OF A NEW MASTER OF SCIENCE IN
MATHEMATICS DEGREE PROGRAM AND
AUTHORIZATION TO REQUEST APPROVAL FROM
THE TEXAS HIGHER EDUCATION COORDINATING BOARD,
TEXAS A&M INTERNATIONAL UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye 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 new degree program at Texas A&M International University leading to a Master of Science in Mathematics.

The Board also authorizes the President of Texas A&M International University to submit this new degree program request to the Texas Higher Education Coordinating Board for approval and hereby certifies that all applicable criteria of the Coordinating Board have been met.

MINUTE ORDER 237-2005 (AGENDA ITEM 16)

**APPROVAL OF THE NAME CHANGE FOR THE
“COLLEGE OF AGRICULTURE AND HUMAN SCIENCES”
TO THE “COLLEGE OF AGRICULTURE, NATURAL RESOURCES
AND HUMAN SCIENCE” AND
AUTHORIZATION TO REQUEST APPROVAL FROM
THE TEXAS HIGHER EDUCATION COORDINATING BOARD,
TEXAS A&M UNIVERSITY-KINGSVILLE**

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

The Board of Regents of The Texas A&M University System approves changing the name of the College of Agriculture and Human Sciences at Texas A&M University-Kingsville to the College of Agriculture, Natural Resources and Human Sciences, effective January 2006.

The Board also authorizes the President of Texas A&M University-Kingsville to submit this name change to the Texas Higher Education Coordinating Board for approval and hereby certifies that all applicable criteria of the Coordinating Board have been met.

MINUTE ORDER 238-2005 (AGENDA ITEM 17)

**APPROVAL OF REORGANIZATION OF THE
ACADEMIC ADMINISTRATIVE STRUCTURE OF
WEST TEXAS A&M UNIVERSITY,
AND AUTHORIZATION TO REQUEST APPROVAL FROM
THE TEXAS HIGHER EDUCATION COORDINATING BOARD,
WEST TEXAS A&M UNIVERSITY**

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

The Board of Regents of The Texas A&M University System approves the reorganization of the academic administrative structure for West Texas A&M University into five colleges as shown in **Exhibit B**, effective September 1, 2006. The Board also approves the reorganization of some of the academic departments within the colleges as shown in the Exhibit over a five-year period.

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 and hereby certifies that all applicable criteria for approval have been met.

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Mr. Nye asked whether they should postpone this item since they are interviewing candidates for the position of president. Dr. Gramm responded that she raised the same question with the deans at WTAMU and there was not a concern.

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MINUTE ORDER 239-2005 (AGENDA ITEM 18)

**APPROVAL OF AMENDED MISSION STATEMENT AND
AUTHORIZATION TO REQUEST APPROVAL FROM
THE TEXAS HIGHER EDUCATION COORDINATING BOARD,
THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER**

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

The Board of Regents of The Texas A&M University System approves the amended Mission Statement for The Texas A&M University System Health Science Center as shown in **Exhibit C**.

The Board also authorizes the President of The Texas A&M University System Health Science Center to submit this amended Mission Statement to the Texas Higher Education Coordinating Board for approval.

MINUTE ORDER 240-2005 (AGENDA ITEM 19)

**AUTHORIZATION TO ESTABLISH THE
CENTER FOR HERITAGE CONSERVATION,
TEXAS A&M UNIVERSITY**

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

The Center for Heritage Conservation is hereby established as an organizational unit of Texas A&M University in the College of Architecture.

MINUTE ORDER 241-2005 (AGENDA ITEM 20)

**APPROVAL OF THE CHANGE IN FUNDING SOURCE OF THE
CRISMAN INSTITUTE FOR PETROLEUM RESERVOIR MANAGEMENT,
NAME CHANGE TO THE CRISMAN INSTITUTE FOR PETROLEUM
RESEARCH, AND CHANGE FROM A TEXAS A&M UNIVERSITY INSTITUTE
TO A JOINT TEXAS A&M UNIVERSITY AND TEXAS ENGINEERING
EXPERIMENT STATION INSTITUTE,
TEXAS A&M UNIVERSITY AND
TEXAS ENGINEERING EXPERIMENT STATION**

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

The change in the funding source of the Crisman Institute for Petroleum Reservoir Management, name change to the Crisman Institute for Petroleum Research, and change from a TAMU Institute to a joint TAMU and TEES Institute, as shown in **Exhibit D**, are hereby approved.

MINUTE ORDER 242-2005 (AGENDA ITEM 21)

APPROVAL OF CONCEPT PAPER TO ESTABLISH THE CENTER FOR UNCONVENTIONAL RESOURCES, THE CENTER FOR WELL CONSTRUCTION AND PRODUCTION, THE CENTER FOR RESERVOIR DESCRIPTION AND DYNAMICS AND THE CENTER FOR ENERGY, ENVIRONMENT, AND TRANSPORTATION INNOVATION, TEXAS A&M UNIVERSITY AND TEXAS ENGINEERING EXPERIMENT STATION

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the concept paper to establish the Center for Unconventional Resources, the Center for Well Construction and Production, the Center for Reservoir Description and Dynamics and the Center for Energy, Environment, and Transportation Innovation within Texas A&M University and the Texas Engineering Experiment Station was approved, a copy of which is attached to the official minutes as **Exhibit E**.

MINUTE ORDER 243-2005 (AGENDA ITEM 22)

AUTHORIZATION TO EXECUTE A MEMORANDUM OF AGREEMENT TO ESTABLISH A REGIONAL DIVISION OF THE TEXAS TRANSPORTATION INSTITUTE AT THE UNIVERSITY OF TEXAS AT EL PASO, TEXAS TRANSPORTATION INSTITUTE

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

The Chairman of the Board of Regents, the Chancellor of The Texas A&M University System and the Director of the Texas Transportation Institute are hereby authorized to execute the attached Memorandum of Agreement, a copy of which is attached to the official minutes as **Exhibit F**, between the Texas Transportation Institute (TTI) and The University of Texas System to become effective upon the granting of similar authorization by the Chairman of the Board of Regents and the Chancellor of The University of Texas System.

MINUTE ORDER 244-2005 (AGENDA ITEM 30)

**APPROVAL OF CONCEPT PAPER TO ESTABLISH THE
NUCLEAR SECURITY SCIENCE AND POLICY INSTITUTE,
TEXAS ENGINEERING EXPERIMENT STATION AND
TEXAS A&M UNIVERSITY**

On motion of Dr. Gramm, seconded by Mr. Nye and by a unanimous vote, the concept paper to establish the Nuclear Security Science and Policy Institute within the Texas Engineering Experiment Station and Texas A&M University was approved, a copy of which is attached to the official minutes as **Exhibit G**.

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**OTHER ITEMS**

Mr. White called on Dr. McTeer who presented Items 23 through 25. The Board took action as set forth below:

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MINUTE ORDER 245-2005 (AGENDA ITEM 23)

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

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

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

MINUTE ORDER 246-2005 (AGENDA ITEM 24)

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

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

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 in **Exhibit I**, a copy of which is attached to the official minutes, Emeritus Title List No. 06-02, and grants all rights and privileges of this title.

MINUTE ORDER 247-2005 (AGENDA ITEM 25)

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

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

The Board of Regents of The Texas A&M University System, in accordance with System Policy 12.01 (*Academic Freedom, Responsibility and Tenure*), hereby authorizes the granting of tenure to the following faculty members as set forth in **Exhibit J**, a copy of which is attached to the official minutes, Tenure List No. 06-02.

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Mr. Stallings questioned whether or not the tenure requests had already been approved and the Board was just seconding or if they were just being submitted for Board approval. He said that he noticed some of the requests had already been done. Dr. McTeer said that they are not official until the Board approves them.

Mr. Nye said that they should make it clear that the Board does not want any requests approved before the Board has approved them. Dr. McTeer said that he thinks that it may have something to do with the fact that some are people who are coming up through the System, rather than people coming in from the faculty reinvestment program who already had tenure somewhere else.

Mr. White said that his understanding was that these are people who are already tenured and part of their employment agreement is that they will be granted tenure in the A&M System, subject to Board approval.

Dr. Gramm said that she looked through the resumes and it seemed like in the ones with a very impressive resume, the effective date and tenure had not been prejudged.

Mr. Nye said that they could certainly approve a date prior to the date they act from a contractual standpoint, if they wish, but he did not feel they could delegate their responsibility to finally approve tenure. He said that as long as people are willing to sign a contract on the hope and assumption that the Board will approve tenure with the understanding that they may not approve it, is okay.



Dr. Perry said that they carefully construct the offer letters to individuals and it is made clear that it is subject to the Board's approval. Mr. Nye clarified that his comments have nothing to do with qualifications of candidates.

Mr. Stallings asked what authority a university president has over a tenured professor. Dr. Perry responded that with the concept of tenure and academic freedom also comes the concept of academic responsibility that is spelled out in system and university policy. He said that there is also a policy on post-tenure review that is administered by the university and the president is responsible for all administrative operations of the university. Dr. Perry said that most faculty have a strong sense of academic responsibility along with the academic freedom that goes along with tenure and in cases where performance lags, post-tenure review is a way to review this. Mr. Stallings said that before he came on the Board, he read what happened at the University of Colorado where a professor made inappropriate remarks about the president. He said that to him it seemed that the university president could not do anything about it. He said that he wondered if the president has the authority to do anything when someone who is tenured is completely out of line. Dr. Perry responded that the president has to be careful that the policies of the university are observed and is in the position at the end of a process to make a judgment.

Mr. Scott Kelly, Deputy General Counsel, commented that the incident at the University of Colorado had less to do with academic tenure or freedom and more to do with a constitutional question of the First Amendment and whether a state entity can take action against an individual because they speak out on a matter of public concern.

Dr. George Wright, President of Prairie View A&M University (PVAMU), commented that as a president he sincerely appreciated the comments that Mr. Stallings had made. He said that personally he has gone through the tenure ranks and was very pleased when he was promoted from assistant professor to associate professor, then from associate professor to full professor and finally to an endowed professor. He said that at the beginning of the school year he announced that no faculty member would be late for class or would hold students over to the point where they would be late to their next class. He said that faculty members are held just as accountable as students. Dr. Wright said that he and the provost have met individually with a number of faculty members who have been late or have not been following their course outline. He said that they stay away from some of the philosophical issues. He said that when he was a provost they made sure that the faculty members who were up for post-tenure review did not automatically pass. Dr. Wright said that they made sure that there were people who were allowed to step down if they chose to, went into remedial programs, etc. Dr. Wright said that Mr. Stallings' comments were at the heart of what they do at PVAMU.

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MINUTE ORDER 248-2005 (AGENDA ITEM 26)

**GRANTING OF FACULTY DEVELOPMENT LEAVE
FOR FISCAL YEAR 2006,
THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER**

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

The Board of Regents of The Texas A&M University System, in accordance with System Policy 31.03 and System Regulation 12.99.01, authorizes faculty development leave to the faculty member as shown in **Exhibit K**, a copy of which is attached to the official minutes as, Faculty Development Leave List FY 2006, The Texas A&M University System Health Science Center.

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Dr. McCabe introduced Dr. Ronald D. Bradberry and his wife Annette. He said that Dr. Bradberry was Dean Emeritus of the College of Graduate Studies at TSU. Dr. Bradberry expressed his appreciation to Dr. McCabe and the Board.

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

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MINUTE ORDER 249-2005 (AGENDA ITEM 27)

**APPROVAL OF MINUTES OF THE
AUGUST 24, 2005, SPECIAL TELEPHONIC MEETING;
SEPTEMBER 13, 2005, SPECIAL TELEPHONIC MEETING;
SEPTEMBER 29, 2005, SPECIAL TELEPHONIC MEETING; AND THE
OCTOBER 27-28, 2005 REGULAR BOARD MEETING,
BOARD OF REGENTS, THE TEXAS A&M UNIVERSITY SYSTEM**

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

The Minutes of the August 24, 2005, Special Telephonic Meeting; September 13, 2005, Special Telephonic Meeting; September 29, 2005, Special Telephonic Meeting; and the October 27-28, 2005 Regular Board Meeting held in College Station, Texas, are approved.

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Mr. White called on Dr. McTeer to present Items 28, 31, 34 and 35 (*Items 32 and 33 were withdrawn prior to the meeting*).

*(Secretary's Note: Mr. Nye requested that Items 28 and 31 be considered separately as he wanted further discussion on Items 34 and 35.)*

The Board took action as set forth below:

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MINUTE ORDER 250-2005 (AGENDA ITEM 28)

**APPOINTMENT OF
DR. LINDA WILLIAMS-WILLIS
AS DEAN OF THE COLLEGE OF AGRICULTURE AND HUMAN SCIENCES,
PRAIRIE VIEW A&M UNIVERSITY**

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

Effective December 1, 2005, Dr. Linda Williams-Willis is hereby appointed Dean, College of Agriculture and Human Sciences at Prairie View A&M University, at an initial salary of \$133,000.

MINUTE ORDER 251-2005 (AGENDA ITEM 31)

**APPOINTMENT OF
DR. FRANK PEZOLD
AS DEAN OF THE COLLEGE OF SCIENCE AND TECHNOLOGY,
TEXAS A&M UNIVERSITY-CORPUS CHRISTI**

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

Effective January 2, 2006, Dr. Frank Pezold is hereby appointed Dean of the College of Science and Technology at Texas A&M University-Corpus Christi, at an initial salary of \$134,000.

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Mr. White recognized Dr. Linda Williams-Willis.

Mr. Nye said that he was favorably disposed towards both Items 34 and 35. He said that he would move approval of Item 34 without qualification. Regarding Item 35, he said he would move approval with comment. He said that to the extent that Item 35 suggests a major change in the nature of the Research Foundation is required or needed, he would suggest that was not his view. He said that he was more than pleased for Dr. McTeer to work with the Texas A&M Research Foundation to provide some nominal participation by members of either Texas A&M or one of the agencies or the Health Science Center (HSC), but not to be in a majority. He said that to the extent that there is

any suggestion that we would change the reporting relationship of the foundation, he expressed his personal view that this is not a good idea and he encouraged the Chancellor not to go there. Mr. Nye said that they had a long discussion about this matter in executive session and he would not repeat all the arguments that had been put forward. He said that he does want it on the record that he made the point that he feels that it would be a miscalculation on our part to push for a major change in the direction of the Research Foundation, which by all accounts has done a pretty good job. He said that he was pleased to go forward with this resolution as it is set with the understanding that the Chancellor would report back to the Board periodically about his discussions with the Foundation. Mr. Nye also asked that the Chancellor or someone in the legal department find out if they are correct in their belief that a member of the faculty, administration at Texas A&M, the HSC, Texas Transportation Institute (TTI) or any of the other agencies could serve in a voting position on the foundation board. He said that given the nature of 501(c)3 authorizations and the delicate nature of preserving the tax-exempt relationship, it would be helpful if the Board received a legal opinion to that effect. Mr. Nye said that he would like the item to be foot-noted with the understanding that it precede after the Board receives a legal opinion to that effect. Dr. Gramm seconded the motion.

Mr. Jones commented that as the Board's liaison to the Foundation, that what they are doing is giving the Chancellor the ability to negotiate, but it may be that the end result may be that we maintain the status quo. He said that they are by no means, by this vote, determining one way or the other any change or the extent of any change if one is suggested. Mr. Jones said that they are simply giving the Chancellor the opportunity to engage in negotiations and communications with the foundation to accomplish what is best for the System.

Mr. Nye said that he feels that for the most part he and Mr. Jones are together and he did not think they had a material difference in their view. He said that he does not want the passage of this resolution to be misunderstood by people who look to this Board for guidance and counsel. Mr. Nye said that he thinks a lot of the folks that have supported the Research Foundation over the years will be curious about this and will wonder what it means. He said that he felt this discussion being held in open session was helpful to let them know that they are not talking about some major revolutionary kind of usurpation of their authority or to move the Research Foundation in an entirely different fashion simply to make some nominal adjustments which will improve the relationship between the agencies that utilize the foundation and the foundation itself. He said that it is clear that there have been other more elaborate thoughts put forward at one point or another. Mr. Nye said that as a member of the Board he does not want to appear to support those thoughts because he does not believe the Board supports those thoughts. He said that he does not feel that the idea of the Chancellor having discussions with the foundation about some nominal participation by the players is worthy and he does not want anyone to misunderstand what is being done.

Dr. Gramm commented that the minute order they are voting on says, "to address changes to the Foundation's current governance in order to provide increased representation and participation by TAMUS and A&M System members who utilize the

services of the Foundation.” She said she thinks that what they are suggesting is that this is pretty open-ended and it could say that you could have takeover and she would have questions about governance that would be a real conflict if you have the “administered” administering the program. That is a conflict.

Mr. Jones said that they were not passing anything today and there would be no change today. He said that they were simply giving the Chancellor the opportunity to have discussions. He said that if there was a recommendation for a change, the Board would reconvene and vote on it at that time. Mr. Jones said that nothing had changed as of today’s vote.

Mr. White asked if there were any more comments or clarifications. There were none. He said that they had a motion and a second with the comments on the record.

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MINUTE ORDER 252-2005 (AGENDA ITEM 34)

**ACTION TO CHANGE THE ADMINISTRATIVE REPORTING
STRUCTURE OF THE TECHNOLOGY LICENSING OFFICE AND THE
TECHNOLOGY COMMERCIALIZATION CENTER TO REPORT TO THE
SYSTEM OFFICES AND TO CREATE AND APPOINT
MR. GUY K. DIEDRICH AS VICE CHANCELLOR FOR TECHNOLOGY
COMMERCIALIZATION TO OVERSEE AREAS OF TECHNOLOGY
DEVELOPMENT AND COMMERCIALIZATION,
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 adopted:

The Texas A&M University System Office of Technology Commercialization is hereby created and designated as a center for technology transfer and commercialization, as provided in Chapter 153, Texas Education Code.

The administration, duties and operations of the existing Technology Commercialization Center (TCC), Texas A&M University, are hereby transferred from the Office of the Vice President for Research, Texas A&M University, to the Office of Technology Commercialization, The Texas A&M University System, effective December 5, 2005.

This transfer includes the administration, duties and operations of the Technology Licensing Office (TLO) which is currently under the direction of the TCC. This transfer does not include the administration, duties and operations of the Research Park, which will remain under the Office of the Vice President for Research, Texas A&M University.

The Chancellor is authorized to create the position of Vice Chancellor for Technology Commercialization to administer and perform activities related to commercialization of technology and technology transfer for The Texas A&M University System.

Mr. Guy K. Diedrich is hereby appointed Vice Chancellor for Technology Commercialization at an initial salary of \$250,000.

MINUTE ORDER 253-2005* (AGENDA ITEM 35)

**AUTHORIZATION FOR THE CHANCELLOR TO
NEGOTIATE MODIFICATIONS TO THE ORGANIZATION
AND STRUCTURE OF THE TEXAS A&M RESEARCH FOUNDATION,
THE TEXAS A&M UNIVERSITY SYSTEM**

On motion of Mr. Nye with the inclusion of his comments as reported on pages 23 and 24 on record, seconded by Dr. Gramm and by a unanimous vote, the following minute order was adopted:

(Secretary's Note: Chairman White noted that this item was adopted with the comments shown on pages 23 through 25 on record.)

The Board of Regents of The Texas A&M University System authorizes the Chancellor to enter into negotiations with the governing board and officers of the Texas A&M Research Foundation to address changes to the Foundation's current governance in order to provide increased representation and participation by The Texas A&M University System and A&M System members who utilize the services of the Foundation.

***Footnote to Minute Order 253-2005: The administration was instructed that this item was not to proceed until the Board received a legal opinion from the General Counsel's Office regarding the question of whether a member of the faculty, administration at Texas A&M, the Health Science Center, Texas Transportation Institute or any of the other agencies could serve in a voting position on the foundation board.**

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**REPORT FROM THE SYSTEM ATHLETIC LIAISON**

Mr. Jones, the System Athletic Liaison, reported that the TAMU Aggie football team was 5-6 for the season, the Prairie View A&M University (PVAMU) Panthers were 5-6, the Texas A&M University-Commerce (TAMU-C) Lions were 5-5, the TAMU-K Javelinas were 6-4. He said that 13 Javelinas earned the All Lone Star Conference (LSC) honors including their senior linebacker DeAndre Fillmore who was voted linebacker of the year for a second straight season. He said that the TSU Texans' record was 7-3 and

the WTAMU Buffalos had a record of 10-2. Mr. Jones said WTAMU had four football players acknowledged in the first team, all Southwest Region honors including Pat McCoy who for the second year in a row received first team recognition.

Mr. Jones said that at the beginning of the year there would be a NCAA meeting. He said that Mr. Bill Byrne, Athletic Director for TAMU, has been instrumental and cooperative and helpful in coming up with ideas to raise additional funds.

### OTHER BUSINESS

Mr. Nye reported that the TAMU women's soccer team won the Big XII and the tournament, but were eliminated in the quarterfinals and did not make the Women's Cup. He said that Mr. Keith Spisak, the father of Ms. Katie Jo Spisak, had contracted Lou Gehrig's disease. Mr. Nye said that a fundraiser would be held in College Station so that the Spisak's home could be modified for wheelchair accessibility.

Mr. Nye asked that Mr. Bob Boldt, from UTIMCO, be allowed to attend the January or March meeting to bring a 30-minute progress report. He said that he would be happy to contact Mr. Boldt. Mr. Nye also asked for reports about the proposed development of university land at the northeast portion of campus, near the graduate student apartments, and the study of modified uses of the Memorial Student Center (MSC).

Dr. Bill Perry, Vice Provost at TAMU, said that during executive session of the previous meeting they had promised that they would put together a group, in consultation with the Board, to look at the process and decide on a request for proposal (RFP). He said that they did not want to move forward without meeting their obligations to work together with the Board. Mr. White asked the projection as far as timing of some development actually occurring. Dr. Perry responded that he thought that once the committee meets and makes a decision about the RFP, responses would be received within three to four months. He said that the project itself would take a couple of years. Mr. Nye asked if we have invited proposals. Dr. Perry said that they have put out a request for qualifications and several firms have passed that muster. Mr. White asked if he was correct that they not only requested qualifications but also invitations for concepts. Mr. Nye said that he felt that they could use the RFP process used by Mr. Tim Donathan, Executive Director for Facilities Planning and Construction, which has proven effective.

Mr. Jones asked Ms. Sue Redman, Executive Vice President for Finance at TAMU, to comment on the MSC issues. Mr. Nye said that he had heard that there was a study about modified uses of the MSC Hotel. (*Some of Ms. Redman's comments were not audible as she was not using the microphone.*) Ms. Redman said that they were looking at all phases and would make a presentation if the Board would like it. Mr. White said that they might put it on the January agenda. Mr. Jones commented that the main thing is to make sure that they are not doing anything before that time. He said that word on the street has it that the hotel is going to close some time in December and that the university should hold off until there has been more briefing and understanding.

He said that he has been involved with getting information to look at alternatives and to propose some ideas. Mr. Jones said that he wants to make sure that to the extent that there is anything floating out there indicating a closing, that it be withdrawn until they (the Board) has a chance to be fully briefed on the issues. Dr. Perry responded that there had been no proposal to the Council on the Built Environment (CBE) to make a change in the hotel operations. He said that there have been informal discussions on the campus and said they would bring a presentation at the January meeting and no action would be taken until the Board has received a presentation.

Mr. Adams asked if a letter had been sent to the effect that the MSC Hotel would be closed. Dr. Perry responded that he did not know and asked Ms. Redman to comment. Mr. Adams said that he received a call from someone in Dallas who said that he had received a letter. Ms. Redman said that correspondence had been sent to those individuals who were booking rooms for the next year and they have put that process on hold until they could determine whether they would continue to operate the hotel. She said that they have not been taking reservations, but a few that had were sent letters saying that we have suspended those reservations. Mr. Adams asked for a copy of the letter. Ms. Redman responded that she would send him the letter.

Mr. White asked if there were any additional comments. Mr. Nye thanked Dr. McCabe and his staff for their hospitality. Mr. White announced that the next regular meeting of the Board would be held on January 26-27, 2006, on the campus of TAMU, in College Station, Texas.

### **ADJOURNMENT**

There being no further business, Mr. White asked for a motion to adjourn. On motion of Mr. Jones, seconded by Dr. Gramm and by a unanimous vote, the meeting was adjourned at 12:30 pm.

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

VBS:jb