

MINUTES

OF THE

SPECIAL TELEPHONIC MEETING OF THE

BOARD OF REGENTS

OF

THE TEXAS A&M UNIVERSITY SYSTEM

HELD IN

COLLEGE STATION, TEXAS

September 29, 2005

(Approved December 1-2, 2005)

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**MINUTES OF THE
SPECIAL TELEPHONIC MEETING
OF THE BOARD OF REGENTS
September 29, 2005**

Mr. John White, Chairman of the Board, convened a special telephonic meeting of the Board of Regents of The Texas A&M University System, at 4:03 pm, on Thursday, September 29, 2005, in the Board of Regents Meeting Room, Memorial Student Center, on the campus of Texas A&M University (TAMU), College Station, Texas.

The following members of the Board were present by telephone:

Mr. John White, Chairman
Mr. Bill Jones, Vice Chairman
Mr. Phil Adams (*joined the meeting at 4:12 pm*)
Mr. Lupe Fraga
Dr. Wendy Gramm
Mr. Lowry Mays
Mr. Erle Nye (*joined the meeting at 4:10 pm*)
Mr. Gene Stallings

The following member of the Board was not present:

Mr. R.H. "Steve" Stevens

Mr. White said that in accordance with the Texas Government Code, that allows governing boards to meet by telephone, each party to the conference call must clearly identify himself/herself prior to speaking. Mr. White called the roll and said a quorum was present. He explained that the Board would meet as a Committee of the Whole. He said he believed that postponing the September 22-23, 2005, meeting of the Board was the correct thing to do considering the weather reports due to Hurricane Rita. However, there were a few items that could not wait until the rescheduled Board meeting in October.

Mr. White said that the purpose of this special telephonic meeting was to consider the following items which had been posted for the September 22-23, 2005, Board Meeting: Item 1 (previously shown as Item 48) – Revision to System Policy 02.01 (Public Testimony); Item 2 (previously shown as Item 8) – Approval of Program of Requirements and Project Budget, Appropriation for Design and Selection of the Architect/Engineer Design Firm for the Interdisciplinary Life Sciences Building, TAMU; Item 3 (previously shown as Item 15) – Approval of Project Scope and Project Budget and Appropriation for Design for the John B. Coleman Library Exterior Repairs, Prairie View A&M University (PVAMU); Item 4 (previously shown as Item 20) – Approval of Admission Requirements, TAMUS; Item 5 (previously shown as Item 21) – Approval of the Revised 43-Semester Credit Hour Core Curriculum and Authorization to Submit to the Texas Higher Education Coordinating Board (CB), Texas A&M University-

Commerce (TAMU-C); and Item 6 (previously shown as Item 48) – Authorization for the Chancellor to Take Actions He Deems Appropriate in Support of the President of Texas A&M University-Kingsville to Resolve Outstanding Issues Relating to Shared Governance at the Institution. Mr. White said that they would also be going into executive session to consider a personnel matter.

Mr. White asked Dr. McTeer to present Items 1 through 6. Dr. McTeer explained that Item 1 was a proposal to revise System Policy 02.01. He said that the revision was required by law and should be implemented prior to October 1, 2005. Dr. McTeer explained that the revision would permit public testimony on any topic listed as an agenda item on the agenda of the Board of Regents of TAMUS and required the Board to take such testimony into consideration before it reaches a decision or takes action. He said that those persons wishing to testify should give notice to the Executive Secretary to the Board at least 24 hours in advance by mail, fax or hand delivery and provide a copy of their written testimony or the substance of their oral testimony. Dr. McTeer explained that email notification would not be accepted and the Chairman of the Board may impose reasonable time limits on the testimony.

Mr. White asked Mr. Stallings, Chair of the Ad Hoc Policy Review Committee, if he had any comments. Mr. Stallings did not and there were no questions.

Dr. McTeer presented Item 2 and explained that it dealt with the proposed Interdisciplinary Life Sciences Building on the campus of Texas A&M University (TAMU). He said they were asking Board approval of the program of requirements and the overall project budget number of \$95 million, an appropriation for the preliminary design and the selection of an architect/engineering firm, and the appropriation for the preliminary design would be \$3,457,000. Dr. McTeer said that the funds for the project would come from the Permanent University Fund (PUF) debt and would be serviced by Available University Funds (AUF) at approximately \$8 million per year. He said that the firm that was being recommended for the project was Perkins and Will of Houston, Texas.

Mr. Mays asked the estimate of the AUF for this year. Dr. McTeer said although he did not have an answer to that question, they had been planning to get the number down because of the admonitions of Senator Steve Ogden. Mr. Mays asked if there was anyone present in the room who knew the amount. Dr. McTeer answered in the negative. Mr. Mays said that \$8 million out of the AUF per year would take a lot of excellence away from TAMU. He said if he had to guess, he thought the amount of the AUF would be about \$100 million per year. Dr. McTeer agreed. Dr. Bob Gates, President of TAMU, said that his understanding was that it would not come out of the allocation of the AUF to TAMU and one of the things that the Chancellor and Mr. James Hooton, Executive Vice Chancellor for Finance, had worked out was that it would be covered with PUF bonding. He said that he was not sure how it worked out relating to the Excellence Fund, but he believed it was not coming out of the allocation to TAMU. Mr. Mays said that the AUF had always been used for excellence for TAMU and Prairie View A&M University (PVAMU). Mr. White asked Dr. McTeer to get the information regarding the funding within the next day or two.

Dr. Gates said that he would be giving the full Board a briefing at the October Board meeting. He said that architecture and design of the Interdisciplinary Sciences Building was very important because it would set the standard for all of the new construction on campus and it was the first building to be constructed under the new campus master plan. Dr. Gates said that he also wanted to point out that the schedule that was included in the item briefing did not reflect the conversations that he has had with the Chancellor, Mr. Hooton, and Mr. Tim Donathen, Executive Director of Facilities Planning and Construction. He said that under the authorities granted by new legislation, they were hoping that the building would be constructed within a period of about 30 months. There were no further comments or questions.

Mr. White asked if there were any comments/questions regarding Item 2. There were none.

(Secretary's Note: Mr. Adams joined the meeting during discussion of Item 3 at 4:12 pm.)

Dr. McTeer presented Item 3 and said that it requested approval to finance a project for major repairs on the exterior wall of the John B. Coleman Library at PVAMU. He said that the project was approved in 2002 and PVAMU was requesting an additional appropriation in order to complete the project. Dr. McTeer said that the project would be financed primarily out of Tuition Revenue Bonds (TRBs), but it was being supplemented with some designated tuition money.

Mr. Jones asked if the Coleman Library was a relatively new building. Dr. McTeer answered in the affirmative and said he thought it was built in the middle 1980s. Mr. Mays said it was built in the late 1980s. Mr. Jones said the reason he asked was that it looked like the repair was somewhat systemic of an original building problem. Dr. McTeer agreed and said that Mr. Donathen attributed the problem to two or three different things, which included the quality of the materials that were used. He said maintenance has not been terrific and some of the workmanship left a little to be desired. He said this is basically to fix a problem. Mr. Jones asked Dr. McTeer to find out which contractor completed the building because he wanted to make sure that they knew which contractor it was prior to approving any additional work for that particular contractor. Mr. Donathen said that he could confirm that particular contractor was no longer in business and his office would continue to be careful with the type of companies that came forward to make the repairs. There were no further comments or questions.

Dr. McTeer presented Item 4 and said it was a request for the approval of a series of admission requirement changes at several universities within the System. He said that they have all been reviewed by Dr. Leo Sayavedra, Vice Chancellor for Academic and Student Affairs. There were no comments or questions.

Dr. McTeer presented Item 5 and said that it was a proposal from Texas A&M University-Commerce (TAMU-C) for a slight modification in their core curriculum and approval to send it to the CB for approval. There were no comments or questions.

Dr. Gramm, Chairman of the Committee on Academic and Student Affairs, said she had reviewed both items and had no comments.

Dr. McTeer presented Item 6 and explained that for several years, the faculty senate at Texas A&M University-Kingsville (TAMU-K) had assumed for itself a very dominant role in shared governance and had adopted a fairly confrontational attitude toward the president and administration of the university. He said that its membership appears not to be representative of the faculty at large. Dr. McTeer explained that System policy supports the role of the faculty in shared governance, but it makes it clear that the role of the faculty senate is advisory in nature and the decision-making authority of the university rests first and primarily with the president of the university and ultimately with the Chancellor and the Board of Regents. He said that in October of 2004, the president of TAMU-K asked Chancellor Cocanougher (Dr. McTeer's predecessor) to form a review committee to review governance at TAMU-K and to make recommendations. Dr. McTeer said that such a committee was formed on November 29, 2004, and consisted of three faculty members from three different System universities (TAMU, West Texas A&M, and A&M-Commerce) with significant faculty senate experience. He said the committee was chaired by Dr. Bob Strawser of TAMU. He said that the committee studied documents provided by TAMU-K administration and the faculty senate and they visited the campus and met with many members of the faculty and the administration. Dr. McTeer said that the report was finalized and had been provided to the full Board prior to this meeting. Dr. McTeer said Dr. Strawser was available in the meeting room for questions. Dr. McTeer said he supported the minute order.

Dr. Gramm asked Dr. Strawser to address some of the issues that were raised by the faculty from TAMU-K as a rebuttal to the report that they had received. Dr. Strawser said that in the second paragraph it referred to the executive committee of the senate, the senate itself and the fact that it was elected in an open election by the TAMU-K faculty. He said that unlike the other System universities, 15 of the 31 members are elected by college, one by the library, and 15 members are elected at large. Dr. Strawser said that what they found was the domination of the faculty senate by a small group of individuals that continues over the years. He said that many of the faculty that they had spoken to felt that the faculty senate was not representative of them or their interests. He said he thinks that is a basic problem. Dr. Strawser said that it had been alleged that we (the committee) gave little consideration to the substantial amount of documented evidence presented by the senate. He said that is not true and everything was reviewed, discussed, and considered by the committee. He said that one comment, for example, that was made by one of his colleagues was that in his detailed reading of the document, which was five inches thick, he was dismayed that it made little if any mention of the word "students," who the committee feels are an important and integral part of the university. Dr. Strawser said that the documentation that the committee was provided with dealt mainly with faculty and faculty perceptions and perceived wrong-doing by the administration. He said that they make the point that they have never demanded a role which was greater than advisory and based on the committee's review, it was simply not what the committee found and the committee disagreed with that. Dr. Strawser said that the faculty senate also made a point that the committee had misrepresented the circumstances leading to the vote of no confidence and did not give an accurate account

of the process. Dr. Strawser explained that the account that the committee gave was an account that was provided to them by the faculty at TAMU-K and specifically, the faculty senate that they met with at Kingsville. He said the fact that it was validated by a vote of the general faculty is questionable given the fact that many of the general faculty ignored it, although they objected to it according to what they told the committee. Dr. Strawser said that they were also claiming that the committee used verbal remarks and emails of a handful of faculty and students in the preparation of its report. He explained that they did what they could and asked the faculty senate to provide email addresses of all three committee members to those that wanted to meet with them and it was widely publicized. Dr. Strawser said that the faculty senate refused to allow the committee to meet with students during its formal visit, therefore one of the committee members stayed longer and met with as many students as he possibly could, specifically student leaders. Dr. Strawser said in order to give an idea of the situation there was extreme disagreement as to the committee's agenda, between the president and the faculty senate. The faculty senate did not want the committee to meet with any staff or students and when the president of TAMU-K offered to pick up two of the committee members from the airport in Corpus Christi, the faculty senate objected and insisted that the committee members rent cars so that they would not be influenced by the president from the trip from the airport to the TAMU-K campus. Dr. Strawser said that the basic problem is that there is a lack of communication and a lack of respect between the president's office, the administration and the faculty senate. He said that it appeared that most of the faculty supports the president, with a smaller group of faculty supporting the faculty senate and there appears to be no compromise between the two. Dr. Strawser said that essentially what has happened is the president of TAMU-K has shut down his informal communications with the faculty senate due to the distrust of each other. He said they had a vote of no-confidence in the administration. Dr. Strawser said he is certain that if the administration voted, they would have no confidence in the faculty senate, as the faculty would have no confidence in the senate. He added that was just the opinion of the committee, which was really unanimous, given its visit, given their discussions that they have had with the people, including lengthy discussions with the officers of the faculty senate and the faculty senate itself.

Mr. Mays said this is nothing new. This has been going on at TAMU-K for quite some time and dates back to former President Marc Cisneros and his problems there. He asked Dr. Strawser for his recommendations. Dr. Strawser said that he recommended that a committee be formed of the faculty at TAMU-K to study what they want in a faculty senate. He said he would recommend that anyone who is currently serving in the faculty senate or has served for some reasonable period of time, i.e., within the last five years, not be included in the committee. Dr. Strawser said he thought it was important that the faculty senate understand its role as an advisor to the administration. He said he had served as the speaker of the faculty senate at TAMU. He said he had provided the presidents with advice, the presidents considered it, and then they did what they thought was important and right. He said he felt that it was the task of a faculty member to provide input to argue to the best of their ability, the merits of that input, and then step back and let administrators make a decision, and once that decision is made, whatever it is, to support that decision and support its implementation. He said that faculty should not be in a decision-making role and if they wished to be in a decision-making role, they should seek to become administrators. Mr. Mays said that it was very important that

something be done about the situation. Dr. Strawser agreed. He said the present situation is intolerable to the faculty as a whole, to the administration and most important, it interferes with the mission of the university and it interferes with the education of a group of students who deserve better. He referred to the comments of one of the department heads who said “here is our mission statement, it tells us that we are going to prepare our students for decision-making in the global authority, yet we as a university can’t even decide who should pick up this committee at the airport.” He said you need to sort of wipe the slate clean, and start all over. He said he thinks that there should be a faculty senate, there should be faculty governance, but it should be in an advisory role. He said faculty have experience, they have ability, they have knowledge that is useful to administrators but that is what they should be, advisors. Dr. Strawser said in their report they said that the U.S. Senate advises and consents, faculty senates advise but do not consent. Mr. Mays said that this is not specific to this administration, it happened in the last one. Dr. McTeer said that the intent of the minute order was that the Board of Regents would be throwing their full support behind the president in his efforts to reconstitute the faculty senate with the advice of faculty members and get a faculty senate that would be more representative of the faculty at large.

Mr. Stallings said that he had spent some time with the president of TAMU-K and he thought that this situation was really bothering him and affecting his ability to be productive. He said one of the things that brought about the “no confidence vote” was that Dr. Juárez wanted to upgrade everything about the institution. There were some people that the faculty senate recommended for tenure and Dr. Juárez did not think they were good enough and he refused and that really upset them. Mr. Stallings said after that the faculty senate voted the “no confidence vote.” He said because of the situation affecting the administration at TAMU-K, something needed to be done. Dr. Strawser agreed.

Mr. White thanked Dr. Strawser for all he had done. Mr. Adams said he wanted to second that and he was very thankful to have him on the faculty at TAMU and he thought they all appreciated his time and continued leadership. There were no further comments or questions.

Mr. White presented Items 1 through 6 and the Board took action as set forth below:

(Secretary’s Note: Mr. Nye was not present when the vote was taken on these items.)

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**MINUTE ORDER 170-2005 (AGENDA ITEM 01)**

**REVISION TO SYSTEM POLICY 02.01 (PUBLIC TESTIMONY),  
THE TEXAS A&M UNIVERSITY SYSTEM**

Mr. Mays moved adoption of the minute order. Dr. Gramm seconded the motion. Mr. White said he would call each regent's name so that their vote could be properly recorded. The regents voted as follows: Jones – yes, Adams – yes, Fraga – yes, Gramm – yes, Mays – yes, and Stallings – yes. Mr. White said that he voted "yes." The following minute order was adopted:

Requests to revise and change System Policy 02.01, as listed in the Briefing and as shown in **Exhibit A**, are approved, effective immediately.

**MINUTE ORDER 171-2005 (AGENDA ITEM 02)**

**APPROVAL OF THE PROGRAM OF REQUIREMENTS  
AND PROJECT BUDGET, APPROPRIATION FOR PRELIMINARY DESIGN  
AND SELECTION OF THE ARCHITECT/ENGINEER DESIGN FIRM  
FOR THE INTERDISCIPLINARY LIFE SCIENCES BUILDING,  
TEXAS A&M UNIVERSITY**

Mr. Mays said he moved adoption of the minute order. Dr. Gramm seconded the motion. Mr. White said he would call each regent's name so that their vote could be properly recorded. The regents voted as follows: Jones – yes, Adams – yes, Fraga – yes, Gramm – yes, Mays – yes, and Stallings – yes. Mr. White said that he voted "yes." The following minute order was adopted:

The program of requirements for the Interdisciplinary Life Sciences Building at Texas A&M University is approved.

The project budget of \$95,000,000 for the Interdisciplinary Life Sciences Building at Texas A&M University is approved.

Supplementing a previous appropriation of \$25,000, the amount of \$3,457,000 is appropriated from Account No. 01-084240 Permanent University Fund Debt Proceeds for preliminary design of the Interdisciplinary Life Sciences Building at Texas A&M University.

The firm of Perkins + Will of Houston, Texas, is selected as the firm ranked first to head the architect/engineer design team for the Interdisciplinary Life Sciences Building 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 B**, until an agreement for a design contract is reached.

The Board of Regents of The Texas A&M University System (Board) 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 amounts previously appropriated and/or expended from such account(s).

**MINUTE ORDER 172-2005 (AGENDA ITEM 03)**

**APPROVAL OF THE PROJECT SCOPE  
AND PROJECT BUDGET AND APPROPRIATION FOR DESIGN  
FOR THE JOHN B. COLEMAN LIBRARY EXTERIOR REPAIRS,  
PRAIRIE VIEW A&M UNIVERSITY**

Mr. Mays said he moved adoption of the minute order. Dr. Gramm seconded the motion. Mr. White said he would call each regent's name so that their vote could be properly recorded. The regents voted as follows: Jones – yes, Adams – yes, Fraga – yes, Gramm – yes, Mays – yes, and Stallings – yes. Mr. White said that he voted “yes.” The following minute order was adopted:

The project scope for the John B. Coleman Library Exterior Repairs at Prairie View A&M University is approved.

The project budget of \$3,181,000 for the John B. Coleman Library Exterior Repairs at Prairie View A&M University is approved.

The amount of \$261,000 is appropriated from Account No. 020100 Designated Tuition for design of the John B. Coleman Library Exterior Repairs at Prairie View A&M University.

Authorization for the continuation of VLK Architects of Houston, Texas, as the project architect/engineer for the John B. Coleman Library Exterior Repairs at Prairie View A&M University as originally selected under Project No. 5-2912 is approved.

The Board of Regents of The Texas A&M University System (Board) 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 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 debt is issued, possess the financial capacity to satisfy their Direct Obligations.

**MINUTE ORDER 173-2005 (AGENDA ITEM 04)**

**APPROVAL OF ADMISSION REQUIREMENTS,  
THE TEXAS A&M UNIVERSITY SYSTEM**

Mr. Mays said he moved adoption of the minute order. Dr. Gramm seconded the motion. Mr. White said he would call each regent's name so that their vote could be properly recorded. The regents voted as follows: Jones – yes, Adams – yes, Fraga – yes, Gramm – yes, Mays – yes, and Stallings – yes. Mr. White said that he voted "yes." The following minute order was adopted:

The Board of Regents of The Texas A&M University System hereby approves the 2006-07 admission requirements of the System component universities and the Health Science Center, on terms and conditions substantially the same as those shown in **Exhibits C, D, and E**, copies of which are attached to the official minutes.

**MINUTE ORDER 174-2005 (AGENDA ITEM 05)**

**APPROVAL OF THE REVISED 43-SEMESTER CREDIT HOUR  
CORE CURRICULUM AND AUTHORIZATION TO SUBMIT TO  
THE TEXAS HIGHER EDUCATION COORDINATING BOARD,  
TEXAS A&M UNIVERSITY-COMMERCE**

Mr. Mays said he moved adoption of the minute order. Dr. Gramm seconded the motion. Mr. White said he would call each regent's name so that their vote could be properly recorded. The regents voted as follows: Jones – yes, Adams – yes, Fraga – yes, Gramm – yes, Mays – yes, and Stallings – yes. Mr. White said that he voted "yes." The following minute order was adopted:

The Board of Regents of The Texas A&M University System approves the revised 43-semester credit hour core curriculum of Texas A&M University-Commerce, and authorizes the President to submit the revised core curriculum to the Texas Higher Education Coordinating Board. The revised 43-hour core curriculum, as shown in **Exhibit F**, becomes effective in Fall 2006.

**MINUTE ORDER 175-2005 (AGENDA ITEM 06)**

**AUTHORIZATION FOR THE CHANCELLOR TO TAKE ACTIONS  
HE DEEMS APPROPRIATE IN SUPPORT OF THE PRESIDENT OF  
TEXAS A&M UNIVERSITY-KINGSVILLE TO RESOLVE OUTSTANDING  
ISSUES RELATED TO SHARED GOVERNANCE AT THE INSTITUTION,  
THE TEXAS A&M UNIVERSITY SYSTEM**

Mr. Mays said he moved adoption of the minute order. Dr. Gramm seconded the motion. Mr. White said he would call each regent's name so that their vote could be properly recorded. The regents voted as follows: Jones – yes, Adams – yes, Fraga – yes, Gramm – yes, Mays – yes, and Stallings – yes. Mr. White said that he voted “yes.” The following minute order was adopted:

The Chancellor of The Texas A&M University System is authorized to provide any support necessary to the President of Texas A&M University-Kingsville in reconstituting the Faculty Senate in order to enhance communication and to broaden representation so as to properly encourage the faculty in its advisory capacity to the president, as set out in the policy of The Texas A&M University System.

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Mr. White said that having convened in open session; the Board would enter into an executive session to consider matters as permitted by Chapter 551, Section 74, of the Texas Government Code for discussion of matters involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal, of an officer or employee, or to hear complaints or charges against an officer or employee. He 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. Mr. White said that Dr. McTeer, Mr. Scott Kelly, and Ms. Vickie Spillers should stay for the executive session. Mr. White said that all other persons should leave the meeting room until the meeting was reconvened in open session.

(Secretary's Note: The Board met in executive session from 4:36 pm until 4:45 pm.)

Mr. White reconvened the meeting in open session at 4:45 pm.

There being no further business, Mr. Jones made a motion to adjourn, seconded by Mr. Fraga, and by a unanimous vote, the special telephonic meeting was adjourned at 4:46 pm, the same day.

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

*(These minutes were transcribed by Adrienne Watson, Administrative Secretary,
Office of the Board of Regents.)*