

C O N T E N T S
MINUTES OF A REGULAR MEETING
THE UNIVERSITY OF OKLAHOMA BOARD OF REGENTS
JUNE 16-17, 1993

Minutes (23382)

CAMERON UNIVERSITY

Report of the President of the University (23382)

II. ACTION ITEMS	<u>Page</u>
Program Statement for Sciences Complex.	23384
Repair of Roof-Top Air Conditioning Units Damaged by Storm on June 20, 1992	23385
Commissioning of Campus Police Officer.	23385
Annual Audit Program for 1993-94	23385
1993-94 Educational and General Budget	23386
 III. FOR INFORMATION	
Quarterly Report of Purchases	23387
 IV. PERSONNEL AND/OR LITIGATION	
Academic Personnel Actions.	23388

THE UNIVERSITY OF OKLAHOMA

Report of the President of the University (23406)

I. REPORTS - PRESENTATIONS FOR DISCUSSION	
Academic Enrichment	23407
OU Patents, Licenses and Related Income	23407
Development of a Neuroscience Interdisciplinary Graduate Program	23408
Elm Avenue Parking Facility and Energy Center Parking Facility.	23409
Oklahoma Memorial Stadium Master Plan	23417
 II. ACTION ITEMS	
Regents' Policy on Gifts to the University	23390
Approval of Gifts.	23391
Initiatives to Improve Effective Use of Funds	23410
Fiscal Year 1993-94 Proposed Operating Budget	23410

II. ACTION ITEMS	<u>Page</u>
Annual Audit Program for 1993-94.	23426
Lease of Space for the Department of Ophthalmology.	23427
Copier Service Contract	23427
Purchase of Subscriptions, Serials and Books	23428
Purchase Advertising in Southwestern Bell Yellow Pages	23429
Trustee Bank for Student Union Revenue Bonds, Series 1993.	23388
Student Union Revenue Bonds, Series 1993	23389
University of Oklahoma Retirement Plan Changes.	23430
Retirement Plan Amendments.	23432
Purchase of Computer Workstations and Peripherals for the School of Computer Science	23433
Contract for Athletic Department and Lloyd Noble Center Concessions and Merchandise Sales.	23433
University Golf Course Lease	23436
Reappointment of Patent Attorney.	23436
Proposals, Contracts, and Grants.	23437
 III. FOR INFORMATION	
Internal Audit Findings	23439
Regents' Fund Investments.	23439
 IV. PERSONNEL AND/OR LITIGATION	
Academic Personnel Actions.	23419
Administrative and Professional Personnel Actions	23427
	and 23423
Dean, College of Architecture	23419
	and 23425
Dean, College of Law.	23419
	and 23425
Dean, College of Public Health	23425
Litigation	23426
Performance Evaluations of Executive Officers	23440

**MINUTES OF A REGULAR MEETING
THE UNIVERSITY OF OKLAHOMA BOARD OF REGENTS
JUNE 16-17, 1993**

A regular meeting of the Board of Regents of The University of Oklahoma was called to order in Lecture Room 299 of the Robert M. Bird Library on the Oklahoma City Campus of the University at 1:00 p.m. on Wednesday, June 16, 1993. Chairman Gullatt recessed the meeting immediately, to be reconvened at 2:30 p.m. The meeting began at 2:37 p.m. in the same location.

The following Regents were present: Regent E. Murray Gullatt, Chairman of the Board, presiding; Regents J. Cooper West (arrived at 2:42 p.m.), C. S. Lewis III, G. T. Blankenship, Stephen F. Bentley, Melvin C. Hall, and Donald B. Halverstadt, M.D. Mr. Bentley was appointed on June 15, 1993 by Governor Walters to the Board of Regents to fill the unexpired term of Mr. Larry Brawner.

Others attending all or a part of the meeting included Dr. Richard L. Van Horn, President of The University of Oklahoma, Provosts James F. Kimpel and Jay H. Stein, Vice Presidents Fred J. Bennett, Jerry B. Farley, Roland M. Smith, and Daniel J. O'Neil, Interim Vice President Mark E. Lemons, Mr. Fred Gipson, Mr. Robert P. White, and Dr. Chris Purcell, Executive Secretary of the Board of Regents.

Those attending the meeting from Cameron University were Dr. Don Davis, President of the University, Vice Presidents Louise Brown, Terral McKellips, and Don Sullivan, and John Sterling, Controller.

Notice of the time, date, and place of this meeting was submitted to the Secretary of State, and the agenda was posted in the Office of the Board of Regents on or before 1:00 p.m. on June 15, 1993, both as required by 25 O.S. 1981, Section 301-314.

Regent Gullatt welcomed Mr. Bentley to the Board of Regents. He said Mr. Bentley is an OU graduate and is publisher of The Lawton Constitution and the Board is delighted to have him as a member.

MINUTES

Regent Halverstadt moved approval of the minutes of the regular meeting held on April 7-8, 1993, the Finance and Audit Committee meeting held on May 11, 1993, the regular meeting held on May 11-12, 1993, and the special meeting held on May 20, 1993. The following voted yes on the motion: Regents Gullatt, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

CAMERON UNIVERSITY

REPORT OF THE PRESIDENT OF THE UNIVERSITY

President Davis gave the following report:

Interaction to Propel "Year of Diversity"

"Festival II: A Celebration of Diversity" in 1993-94 will feature cooperative interaction between the University and the community at its best. All schools in the University, joined by the Lawton Public School system, the Lawton Arts and Humanities Council, the Leslie Powell Gallery, and the International Students Office at Fort Sill, will be actively involved.

The year-long festival will study and celebrate the cultures that enrich America. The celebration will begin officially with Cameron's Academic Convocation on Friday, September 17, 1993, followed by an outdoor Festival Concert and picnic that evening. A call for papers for the Cameron University Academic Conference in April, 1994, is going out this month. The academic conference, the capstone event of the celebration, is entitled "*Diversity: Enrichment or Dilution?*" and will explore diversity in history, in the college classroom, the business environment, the community and the effect of diversity on values.

The keynote lecture will be by Cornel West, the internationally known premier Black American philosopher who was profiled this month in both *Time* and *Newsweek* magazines. The McCasland Foundation/Cache Road Bank is funding a series of lectures, including that of Mr. West. A Unity Garden Foundation has been formed to create two campus unity gardens or mini-parks as permanent and living commemorations celebrating diversity.

The grand finale will be a gospel concert by a 300-person "town and gown" choir composed of individuals from both the campus and the community. Lectures and discussions during Black History Month, the production of four plays and a campus art exhibition showing work by public school students are scheduled.

This is Cameron's second year-long celebration that will draw international scholars. The first was the "*Year of the Renaissance*" in 1991-92. Dr. David Carl, Associate Provost, and Sally Soelle, Assistant Professor of History and Humanities, are coordinators of Festival II, but departments in every school have volunteered involvement.

Citizens Bank Increases Bond Portfolio Loan

Citizens Bank and Cameron University have signed an agreement to increase the Cameron bond portfolio from \$500,000 to \$600,000. The Citizens Investment Portfolio (CCIP), in operation since the fall of 1988, is the nation's fourth largest investment portfolio that is managed by students. The fixed-income securities portfolio is unique not only because students are given the opportunity to invest large sums of real money, but because they operate on borrowed money and pay interest, which is charged on the loan at the 13-week Treasury Bill rate plus two percent. Total earnings for the period from November 15, 1989 to April 30, 1993 were \$65,629.37, after interest payments and other expenses. Dr. Gilbert C. Gibson, Chairman of the Board of BankSouth Corporation, said bank officials made the offer to increase the loan 20 percent because they have developed a high comfort level with the University's supervision of the portfolio class. "Economic

development is so dependent on education that we believe everything possible should be done for Cameron. It is vitally important for Southwest Oklahoma to have a strong educational facility."

Science Academy Selects 24

The fourth annual Summer Science Academy has accepted 24 high school students from 13 Oklahoma communities. Cameron faculty are teaching chemistry, physics, and astronomy, and students will reside in Cameron dormitories on weekdays during the three-week Academy. The Academy, which blends recreation and study, will study amusement park physics during a visit to Frontier City and will measure the cloudiness of water and do other chemical tests during a canoeing trip down the Illinois River.

Fine Arts Day Camp

Approximately 400 children ages 5 to 12 will take part in the Fine Arts Day Camp at the University this summer. The first of four two-week camps began June 1. Each camp will be different with some students being enrolled in all four. The students can study painting, singing, dancing, acting, and computer skills and are taught by faculty members, students and an artist-in-residence. In sync with the University's upcoming "Year of Diversity," the day camp is focusing on the arts of the Orient, Native America, India, Germany, Africa and Mexico.

PROGRAM STATEMENT FOR SCIENCES COMPLEX

Cameron University faculty and staff have worked with representatives of the Urban Design Group (UDG), of Tulsa, and Research Facilities Design (RFD), a San Diego firm which specializes in laboratory design, over the last three months to prepare a program statement to guide the design development for the University's new sciences complex.

The first of three programming meetings occurred in San Diego on March 12, 1993, following a three-day tour of sciences teaching and research facilities in Southern California. The purpose of this meeting was to develop a room list with square foot assignments. The gross square feet (GSF) for the total building, as a result of the San Diego session, was 84,331 GSF (52,285 net square feet). Following the meetings in San Diego, UDG requested that Cameron review the program to reduce the overall area to the 74,000 square feet target established by the construction budget. Cameron returned a revised program to UDG/RFD on March 30, 1993, that revised the overall building area to 74,879 GSF (46,425 NSF).

The second programming meeting was April 13 and 14 at Cameron University. UDG/RFD presented typical lab layouts based on a 10'-6 x 25'-0 module. Programming consisted of a room by room discussion of each lab, lab support room, and classroom. Cameron identified limitations with the 10'-6 x 25'-0 lab module. The proportions of the larger labs were long and narrow. The overall building area based on the 10'-6 x 25'-0 module was 81,275 GSF (50,390 NSF). UDG/RFD agreed to explore alternate modules for Cameron's consideration.

UDG/RFD submitted a Preliminary Program Statement on May 7, 1993. A follow-up meeting to review Cameron's comments occurred May 20 at Cameron University. UDG/RFD reviewed comments on all lab spaces, based on a 10'-0 x 33'-0 module. The total building area based on this module was 77,419 GSF (48,000 NSF).

Charts were included in the agenda which summarized the room components and space allocations within the total building.

President Davis recommended that the Board of Regents approve the program statement for the Cameron University Sciences Complex.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

REPAIR OF ROOFTOP AIR CONDITIONING UNITS DAMAGED BY STORM ON JUNE 20, 1992

Bids were solicited to repair storm-damaged air conditioners located throughout campus. Only one bid was received. Pippin Brothers, Inc., of Lawton, Oklahoma, submitted a bid of \$52,649.00 for the repairs. The funding for these repairs will come from the Office of Risk Management.

President Davis recommended the approval of repairs on the rooftop air conditioning units damaged during the storm on June 20, 1992.

Regent Lewis moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

COMMISSIONING OF CAMPUS POLICE OFFICER

Governing boards of institutions of higher education are authorized to employ and commission campus police officers pursuant to the Oklahoma Campus Security Act, found in 74 Oklahoma Statutes 1991, §360.15, et seq. Officer Misel is certified by the Council on Law Enforcement Education and Training.

President Davis recommended that Deloy J. Misel be employed and commissioned by the Board of Regents.

Regent Blankenship moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

ANNUAL AUDIT PROGRAM FOR 1993-94

The proposed annual audit program for 1993-94 was enclosed with the agenda. It was prepared by Mr. John Eckert, Director of Internal Auditing, based on input from various administrators as well as other selection criteria. Factors included were: (1) the amount of

funds managed or generated by an activity, (2) an activity's materiality in terms of internal control risk factors, and (3) the date the activity was last audited. An audit account inventory listing is included.

A summary of the areas proposed for internal audit during 1993-94 is as follows:

Admissions and Registrar Office
Business Office
Shepler Center Room Rental
Student Phones
Cameron Collegian
NCAA Financial Audit
School of Fine Arts
KCCU-FM Radio Station

In addition, the Internal Auditing Department will perform the post-audit reviews of each audit report.

President Davis recommended the Board of Regents approve the annual audit program for 1993-94.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

1993-94 EDUCATIONAL AND GENERAL BUDGET

Cameron University has prepared a 1993-94 budget based on the State allocation of \$12,881,352 and a revolving fund estimate of \$6,420,063, for a total budget of \$19,918,820. Included in the revolving fund estimate are \$644,050 in fee waiver scholarships (reported in this format at the direction of the State Regents) and an estimated \$125,000 in HB 1706 Funds. Cameron University staff are confident the estimate can be realized based on the increase in general enrollment fees and tuition and continuing indications of enrollment growth.

Schedules summarizing the Educational and General and Auxiliary budgets proposed for Cameron University for the 1993-94 academic year were included in the agenda. The following paragraphs briefly describe the highlights of each budget.

Educational and General

Operating budgets will remain unchanged except for unavoidable increases for such mandatory expenditures as computer maintenance contracts, utilities, teachers' retirement contributions, payroll taxes, insurance and similar outlays.

Guidelines for the hiring and purchasing freeze will remain in place.

Approximately a dozen minor salary adjustments have been made to remedy inequities.

The compensation package for employees contains two elements. First, each person who has been employed at least one year will receive an adjustment to his or her base salary of three percent. There has been no adjustment to base salaries in three years and the three percent adjustment is intended to offset the increased cost of insurance paid by individual employees.

Second, approximately 50 percent of the employees who have been at Cameron for at least one year will be eligible for a one-time stipend based on job performance during the 1992-93 academic year. Among classified employees, 75 stipends of \$500 each will be awarded. For faculty and professional staff, two levels of stipends will be awarded. In the first category, 120 stipends of \$1,500 will be awarded; in the second, there will be 15 awards of \$2,500, each.

Auxiliary (Including Student Activity)

For the first time, students participated meaningfully in the development of the Student Activity Budget. A broad-based committee conducted budget hearings during the winter and spring and presented recommendations to the administration, which developed the budget in general accordance with the suggestions.

No significant projects are included in the Auxiliary Budget. Generally, income from each category is allocated back to the function from which it comes.

President Davis recommended approval of the 1993-94 Educational and General Budget.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

QUARTERLY REPORT OF PURCHASES

Policies of the Board of Regents require that purchases in excess of \$75,000 be referred to the Board of Regents for action, with the exception that the President or his designee may award purchase orders and construction contracts up to, but not exceeding, \$100,000 where (a) competitive bids were solicited, (b) more than one bid was received, and (c) the low responsive bid is selected. Purchases made in these authorized instances are reported quarterly to the Board of Regents.

The following report covers purchases made from January 1, 1993 through March 31, 1993.

<u>Item</u>	<u>Department</u>	<u>Vendor</u>	<u>Amount</u>
Storm Damage - Roof Replacement	Ned Shepler Tower	Ford Roofing & Sheet Metal Company	\$56,700.00

This report was presented for information only. No action was required.

ACADEMIC PERSONNEL ACTIONS

Retirements:

Sue Seymour, Professor of Administrative Sciences, May 8, 1993.

Jon Bruce, Professor of Education and Psychology, May 8, 1993.

President Davis recommended approval of the academic personnel actions shown above

Regent Lewis moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

THE UNIVERSITY OF OKLAHOMA

TRUSTEE BANK FOR STUDENT UNION REVENUE BONDS, SERIES 1993

Representatives of Leo Oppenheim & Co., Inc., the University's bond financial advisors, requested bids from interested banks to serve as Trustee and Paying Agent for the bondholders of the Student Union Revenue Bonds, Series 1993. The request for these bids was reviewed with the State Bond Advisor prior to being released to prospective bidders. Bids were received from four banks and were opened on May 24, 1993. The bids were reviewed by representatives of Leo Oppenheim & Co., Inc., the University's Bond Counsel, the University's Purchasing Director, and the University's Legal Counsel as well as the State Bond Advisor, and are summarized as follows:

Liberty National Bank & Trust Oklahoma City	\$25,407.00
Liberty National Bank & Trust Tulsa	28,130.50
Boatmen's Bank Oklahoma City	31,000.00
Bank of Oklahoma Oklahoma City	36,217.80

A detail schedule of these summarized costs was included in the agenda for information.

Based upon this review, it is recommended that the Board of Regents accept the low bid of Liberty National Bank & Trust, Oklahoma City, and appoint them as the Trustee Bank and Paying Agent for the Student Union Revenue Bonds, Series 1993.

President Van Horn recommended that the Board of Regents appoint Liberty National Bank & Trust as the Trustee Bank and Paying Agent, for the bondholders of Student Union Revenue Bonds, Series 1993, at a total fee of \$25,407 for the 19.5 year term of the issue.

Regent Blankenship moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

STUDENT UNION REVENUE BONDS, SERIES 1993

In the spring of 1992, the University began discussions with the Oklahoma Memorial Union Trustees regarding the feasibility of the University acquiring ownership of the Oklahoma Memorial Union. It was determined that should an agreement be reached between the University and the OMU Trustees whereby the University did acquire the OMU, the University would proceed to issue revenue bonds for the acquisition, improvement and renovation of the Union. At the Regents' May 13-14, 1992 meeting, the administration reported to the Board that it had requested the passage of a Concurrent Resolution by the Oklahoma Legislature enabling the administration to move forward with the actions required for the issuance of these bonds. This Concurrent Resolution No. 81 was adopted by both the Senate and the House of Representatives on May 25 and May 26, 1992.

At the January 26-27, 1993 meeting, the Regents authorized the University administration to begin the process of selecting architectural and engineering consultants to provide professional services for the renovation of the Union and approved the proposed schedule for the transfer of the OMU to the University. This schedule indicated that the University administration was to begin work on this bond issue in February.

At the March 3-4, 1993 meeting, the Regents approved the use of Student Activity Fee revenue for the funding of the debt service for the proposed revenue bonds.

On April 7, 1993, the Regents approved a Resolution authorizing these bonds, approved the Preliminary Official Statement, and authorized the staff to proceed with the sale of these bonds. The Oklahoma State Regents for Higher Education at their April 23, 1993 meeting reviewed the Preliminary Official Statement and certified to the Attorney General that the essential facts were substantially accurate. On May 13, 1993, the Executive and Legislative Bond Oversight Commissions approved the University's applications to issue these revenue bonds.

The Notice of Sale was published on June 3 and 10, 1993, with the bid closing being set for 1:00 p.m., June 16, 1993. The bids were reviewed by the University's bond financial advisor, bond counsel, Purchasing Director, and Controller. It is recommended that the Board of Regents authorize the issuance of the Student Union Revenue Bonds, Series 1993, in the principal amount of \$6,000,000 at an approximate net interest cost of 5.06914%.

The University's bond financial advisers, Mr. Bob Lewis and Mr. John Waldo, and bond counsel, Mr. Scott Brown, were present for this discussion.

President Van Horn recommended the Board of Regents receive bids and adopt the resolutions authorizing the sale and issuance of its Student Union Revenue Bonds, Series 1993, in the principal amount of \$6,000,000 bearing interest at the approximate average rate of 5.06914% and directing the execution of the bonds and correction, execution and delivery of all documents relating to the transaction.

Mr. Brown said after the Attorney General reviews and approves the documents authorizing the bonds there will be a 30-day contestability period. Then the transaction may be closed and the money will be available in early August. He called the Regents' attention to

the President's recommendation encompassing three separate approvals which are: (1) approval of the low bid on the bonds, (2) approval of a general bond resolution which sets up a student union system and contains general governments, legal promises under which additional bonds can be issued in the future, and (3) approval of the specific Series 1993 Supplemental Bond Resolution which authorizes the issuance of \$6 million in bonds.

Regent Halverstadt asked President Van Horn why, at this point in time when the University is honing in on its academic mission and divesting itself of ancillary activities, we are taking on the Student Union as a University activity. Dr. Van Horn responded that the Union is not peripheral but is an activity central to our program. The existing independent corporation has not been able to generate the capital needed for renovations and as a result there have been continuing problems with the Union facilities. Dr. Van Horn said one consideration is whether the University wants to operate the Union or contract it out. The Union has been a successful enterprise over a very long period of time and we do not want to jeopardize that but there are good reasons to go ahead with this transaction.

Regent Lewis moved approval of the recommendation as stated. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

REGENTS' POLICY ON GIFTS TO THE UNIVERSITY

Private gifts to the University are essential to achieving excellence and serving students in a time of limited State resources. Because of the crucial importance of gifts, it is appropriate for the Regents formally to accept and acknowledge the gifts and the donors.

Some gifts require an action or commitment of resources by the University. To assure that the action and commitment are consistent with the mission and Strategic Plan of the University, the Regents will have a policy and process for accepting gifts.

President Van Horn recommended that the Regents adopt the following policy on gifts:

The University of Oklahoma actively encourages and appreciates gifts to the University that benefit students and the mission of the University. The purpose and conditions for gifts are expected to conform with Regents' policy, State Regents' policy and all applicable laws.

All gifts are accepted subject to the approval of the Regents. The Regents quarterly or at other times as appropriate will accept in total all gifts recorded since their last action. Certain gifts will be accepted individually by specific action including (1) all gifts in an amount equal to or greater than \$50,000 that involve a permanent named fund--i.e., named scholarships, chairs, professorships, endowments, etc., or (2) gifts in an amount equal to or greater than \$100,000, or (3) other gifts selected by the Vice President for University Affairs.

The University of Oklahoma Foundation is an independent organization with its own governing board and its own policies on accepting gifts. In certain situations that require action by the University--for example, establishing and filling a chair--the Foundation asks the University to join with it in accepting a gift and the acceptance of such gifts is covered by this policy.

The Regents will look favorably on gifts to the University unless there are clear and compelling reasons to decline. Possible reasons to decline a gift include (a) the funds were obtained from questionable sources or (b) the purpose for or conditions on the gift are illegal or not in accord with the mission and goals of the University or the policies of the Regents. The Regents reserve the right to decline gifts if in their sole judgement not accepting the gift is in the best interest of the University and the State of Oklahoma.

Regent Halverstadt suggested a change to the second sentence of the second paragraph as follows: The Regents quarterly or at other times as appropriate will accept consider in total all gifts recorded since their last action. The Regents generally agreed to this change in wording and Regent Halverstadt moved approval of the recommendation with the change as stated. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

APPROVAL OF GIFTS

Gifts have been received to establish the following endowed faculty positions under the State Regents' Matching Program:

THE SCHUSTERMAN/JOSEY CHAIR IN JUDAIC HISTORY

The field of Judaic Studies is one of the compelling stories of human history, and as such is intrinsically interesting to a wide range of students and scholars, not only those who are Jewish. OU has not had a specialist in this field and welcomes this outstanding addition to its program. The Department of History now will be able to offer instruction and research in this major subject to both undergraduate and graduate students, and offer opportunities to other scholars on our campus to collaborate with an expert in this field.

Charles and Lynn Schusterman have had a longstanding interest in Judaic history, and have made a generous gift for the Schusterman/Josey Chair in Judaic History to honor their parents. Half of their gift, \$375,000 has been placed on deposit in The University of Oklahoma Foundation, Inc., account #40964. The \$375,000 balance on this pledge will be received immediately following the State Regents' approval of the Chair.

State Matching Funds Requested	\$ 750,000
Total Endowment	\$1,500,000

THE FLOYD A. AND IRMA K. CALVERT PROFESSORSHIP OF LAW AND LIBERTY

In each law school it is very important to recognize the diversity of thought which exists in the legal system of this country. Indeed, it would be unfortunate if a law school were to have on its faculty only those who espoused one particular philosophy of the law. The Calvert Professorship will be a vehicle to assist the College of Law in accomplishing its goal to have those on its faculty who approach the law from diverse points of view. The Calvert Professorship will be dedicated to attracting to the faculty or keeping as a member of the faculty a person with a conservative philosophy of the development of the law and the interpretation of the constitution of the United States. The faculty member who will hold this position must be an excellent teacher and have a national reputation as a legal scholar. The Calvert Professor must also be dedicated to service to the legal profession.

Gifts to the Calvert Professorship in the amount of \$361,879 are on deposit in The University of Oklahoma Foundation, Inc., account #40066. Of these funds, \$84,863 were donated after July 1, 1988 and are eligible for matching funds. Mr. Calvert has pledged an additional \$26,629. The remainder of funds required to endow the Professorship will be received within three years of its approval by the State Regents.

State Matching Funds Requested	\$111,492
Total Endowment	\$500,000

THE ANITA FAYE HILL PROFESSORSHIP OF LAW

The Anita Faye Hill Professorship of Law has been established with more than a thousand gifts from donors across the United States and around the world. The Professorship will be dedicated to teaching, research and law reform efforts concerning equity in the workplace.

Funds received in the amount of \$127,825 are on deposit in The University of Oklahoma Foundation, Inc., account #40906. The fund raising will continue. A donor has pledged in writing to provide the balance of required funds if other fund-raising efforts total less than the remaining \$122,175 needed for the University share within three years.

State Matching Funds Requested	\$250,000
Total Endowment	\$500,000

President Van Horn recommended approval of the above gifts in accordance with the Policy on Gifts to the University.

There was a brief discussion by the Regents to the effect that since the Schusterman/ Josey Chair and also the Floyd A. and Irma K. Calvert Professorship matching funds requests had already been forwarded to the State Regents, that those two be reaffirmed by a vote of the Regents and a separate vote would then be taken on approval of the Anita Faye Hill Professorship.

Regent Lewis moved the Regents reaffirm the gifts for The Schusterman/ Josey Chair in Judaic History and The Floyd A. and Irma K. Calvert Professorship of Law and Liberty. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

Regent Gullatt said there are numerous people who would like to speak on the Anita Faye Hill Professorship of Law which the President has recommended be sent to the State Regents requesting matching funds. State Regents' policy requires to be eligible for matching funds, the University must have fifty percent of its share of the endowment in hand and a written commitment for the balance to be paid within 3 years. The Professorship meets those requirements. He said it is included in this agenda for that reason.

Mr. Gullatt said there are those who have very strong feelings on both sides of this issue. Unfortunately, the University finds itself in the middle and in a no win situation in his judgment. Some who oppose this Professorship have indicated they will withhold future support if it is funded. And some who support the Professorship have indicated they will withhold future support if it is not funded. Considering the University's current funding levels and anticipated low levels of State support in the next few years, potential loss of any private sector

support is a serious problem. Strong financial support from the private sector will be critical if the University is to provide quality education for its students. However, he said he has great confidence that this Board will make a decision that is in the long-term best interest of not only the University, but the State as well.

He said the recommendation before this Board does not require any judgement to be made regarding Professor Hill or Justice Thomas. Therefore, he believes it is inappropriate for any of the speakers to address that subject, and he requested that all comments made be limited to those germane to the question before this Board. Some have accused the Board of not providing ample notice that the Hill Endowment would be included on this agenda. The final decision was made last Thursday. The commitment for the balance of the funds from the private sector was not received until late Wednesday afternoon. With the receipt of that commitment, the endowment qualified for matching funds and there was no logical reason not to include it on the agenda for this meeting. He said he hopes that clarifies any confusion surrounding the addition of the item, and he apologizes for any inconvenience it may have created.

Mr. Gullatt said those who wish to speak on the subject have provided their names to the Executive Secretary. Each speaker will have three minutes. The overall time limit for public comment is forty-five minutes.

The following people presented three-minute statements to the Regents against the establishment of the Hill Professorship:

State Representative Leonard Sullivan
State Representative Bill Graves
Mrs. Lavetta Kidd of Anardarko
Mr. Mike Warkentin, Norman Attorney
Mr. Clayton Newman, OU Student
Mr. David Bugg
Mr. E. Z. Million of Norman

Speaking in favor of the establishment of the professorship were:

State Representative Angela Monson
Mr. Leonard Benton, President of the Greater Oklahoma City Urban League
State Representative Linda Larason
Professor Emeritus Junetta Davis
State Representative Jeff Hamilton
Dr. George Henderson, S. N. Goldman Professor of Human Relations
State Senator Bernice Shedrick

Representative Sullivan commented first as follows:

"Thank you, Mr. Chairman, and members of the Board. I appreciate you giving me three minutes to share my some 600 hours of study that I've done on this, and some 5,000 documents I've poured over. I am sure I can condense that into three minutes without any problem. I appreciate what you said that we're not going to debate the Anita Hill character issue again because we don't need to. That's being done hourly and daily on the national TV, the talk shows, and her book which documents her testimony is now the #3 bestseller in the United States according to *The New York Times* bestseller list. But, the first thing I would like to discuss with you today is to dispel the fact that this is an emergency. Dr. Van Horn has tried to create the illusion that this is an emergency that had to be discussed today. I have a letter in my hand right now from the State Board of Regents saying it will not be on next week's

meeting, and the earliest they can discuss it will be on August 13, 1993. You'll meet again on July 28 which is sixteen days prior to that meeting so there will be plenty of time to get this to the State Regents for their approval and perusal at their August meeting. But it will definitely not be on the meeting this coming week so there is no crisis here. It's just something being created to...I think the short notice we got on this thing and what the public is perceiving, whether it's right or wrong, that this was an attempt to rush this by without the public having a chance to have input in this. And I know you're having meltdown on your phone down here which you haven't answered for this week, and about 90% of those people are saying they oppose this Anita Hill chair. The people are writing me, calling me. I can't get anything on my phone out there. They have almost ruined our phone system the last few days on this. So there is no crisis here, and the people understand that. The second thing is that...which is an embarrassment to me and the State of Oklahoma and the taxpayers...that Dr. Van Horn and other people from higher education spent the last several weeks out there saying that we had a crisis in education for funding, and we needed additional monies. I'm proposing to you today that, of that \$25 million in the Rainy Day Fund that we dipped into for this crisis basis, at the last minute we discovered that \$2.5 million of that was for endowed chairs, which I am in favor of when they're legitimate. But, finally, the thing that I'm really opposed to is the fact that 10% of that endowed chair money is being suggested today by Dr. Van Horn to give to Anita Hill. He said earlier funds will not be raised for three years. He wants to put this in an interest-bearing account to accrue to Anita Hill's benefit for the next three years which the interest alone would accrue more money than the contributors are giving. I say this is not a crisis, and we lied to the public, and we lied to the legislators when we said we had a crisis out there when we're going to put money in a checking account to accrue interest for three years. And, furthermore, this endowed chair...and the thing that you're talking about is money...I have a letter right here in my hand...I verified this...and I think you have copies of it...I faxed them to you in the last few days...we have a major alumni, a big contributor in Denver, Colorado, who has cancelled a \$1 million endowment to the University because of the Anita Hill chair. If you would give me more than three minutes, I could share dozens and dozens of these documents with you. I have a file cabinet full of them. Your big contributors are not going to condone this or put up with this kind of a chair."

Representative Monson's comments:

"Good afternoon. I'm Angela Monson, State Representative, House District 99. Also chair person of the Oklahoma Legislative Black Caucus, and it's in that capacity that I speak to you today. Unquestionably, education is one of the most effective means to improve an individual's, as well as a society's, quality of life. It's critical that we place great value and importance on education and its abilities to substantially enlighten and enhance our lives today and in the future. Because of the critical importance of education, your actions today are also of critical importance. The Anita Hill endowed professorship is without a doubt a means to further the academic goals of The University of Oklahoma. The Oklahoma Legislative Black Caucus wholeheartedly supports the establishment of that professorship. The University, its students, and faculty are the direct beneficiaries of the endowed professorship. Similarly, the university, its students, and faculty directly suffer when expanded learning opportunities such as the Anita Hill endowed professorship are denied. It is not in the best interest of the University to suppress ideas or ideologies. The need to research and discuss issues in an unbiased, objective environment which nurtures attitudes of acceptance and respect of diverse views and opinions is pivotal in our society. The university offers such an opportunity. By creating the Anita Hill professorship we foster the opportunity to learn and to grow. If we do not afford the students of The University of Oklahoma this opportunity, then we, in essence, deny them the privilege to expand their knowledge and intellect. Never in the history of this great University has an endowed professorship been denied. Today's decision is of keen interest for it could mean the establishment of the first endowed professorship named for an African

American. This is of great significance for the university in view of the fact that the Big Eight's largest enrollment of African American scholars and National Achievement Scholars is here, at The University of Oklahoma. Let us not find ourselves on the wrong side of the issues again as we did in the Ada Lois Sipuel case. The impact your decision will have on this University, and in particular on minority scholars, students, and faculty, will be resounding. Do not deny this opportunity for advancement as the entire world watches you today. Do not set a precedent that will take our great state back 50 years. The students, faculty, and staff of The University of Oklahoma, as well as everyone who believes in equality, justice, and the pursuit of academic advancement, are depending on you. I encourage you to do the right thing and with enthusiasm accept the Anita Hill endowed professorship. Thank you."

Representative Graves' comments:

"Mr. Chairman and members of this honorable Board, I'm Representative Graves. As an Oklahoma citizen, an OU graduate, and a member of the Oklahoma legislature, I oppose an endowed chair for Anita Hill. An endowed chair is an honor and should be reserved for someone who is deserving of honor of which Anita Hill is lacking. While Professor Hill is widely acclaimed by radical feminists for her unproved charges of sexual harassment against Justice Thomas, she has never distinguished herself by excellence as either a practicing lawyer, teacher, or legal scholar. Indeed, it appears that she has distinguished herself by her mediocrity. After her widely viewed appearance before the Senate Judiciary Committee, two-thirds of the American people believed Justice Thomas and not Professor Hill. Indeed, every person who knew both believed Thomas, not Hill. The Senate obviously believed Justice Thomas as his nomination was confirmed. It is incredible that an endowed chair for Anita Hill is still being considered in view of the evidence against her testimony. David Brock in his book *The Real Anita Hill* showed that Justice Thomas' testimony was valid on every point while Anita Hill's was shot through with false statements. In reviewing this expose, *The New York Times* said Mr. Brock's book is extremely damaging to Anita Hill's case. If Mr. Brock is correct, Professor Hill, instead of being honored by an endowed professorship, should be facing an indictment for lying to Congress. Unfortunately, the attitude of the radical feminists promoting Anita Hill seems to be 'Don't confuse me with facts. Our cause is more important than the truth or someone's reputation.' They are elated over the fact that she has compared the institution of marriage to slavery. Fortunately, this honorable board is responsible for upholding truth. Cardinal John Henry Newman once wrote in defining a university, 'It is a place where inquiry is pushed forward and discoveries verified and perfected and rashness rendered innocuous and error exposed. It is this and a great deal more.' Have we now sunk so low from such lofty ideals that a person of such questionable character would be honored with an endowed chair? The promoters of Hill instead of having error exposed would enshrine it. This would signal to young people that a reward awaits those who lie and slander the reputations of their political opponents. Is it wise for OU to be perceived as believing Anita Hill over a sitting Supreme Court justice? What will history say of this board if it allows itself to be stampeded by the out-of-state apostles of liberalism into exalting such an unworthy person? I believe history, as well as today's Oklahoma citizens, will applaud you if you courageously stand, not for liberal political correctness, but for truth and honor by rejecting the proposed endowed professorship for Professor Hill. Thank you."

Leonard Benton's comments:

"I'm Leonard Benton, President of the Urban League of Greater Oklahoma City. I have a letter that is addressed to the Board of Regents, and I would like to read. *'Dear Sirs and Madam: The Urban League of Greater Oklahoma City wishes to express our support for the establishment of an endowed chair in honor of Anita Faye Hill, OU professor of law. As we've reviewed the prestigious list of 74 endowed positions, it would be a tremendous source of pride for the Urban League,*

and we're sure for The University of Oklahoma, should Professor Hill become the first African American to have a chair endowed in her name.' During the past ten days I've had the good pleasure of being in the company of Professor Hill for two different occasions. The first was in New Orleans at the National Conference on Race and Ethnicity in Higher Education sponsored by your own Southwest Center for Human Relations Studies. I served as a moderator for the session that Professor Hill was a keynote speaker. There was more than 1,200 conferees representing all but one state in the Union. Professor Hill's presentation was brilliant, and, she was warmly and enthusiastically received with a standing ovation. Words cannot adequately describe the pride that I felt in Professor Hill and the University of Oklahoma for the national acclaim that Oklahomans are now receiving...beginning to receive...in higher education. The second occasion I had with Professor Hill was this past weekend at the Urban League 45th annual banquet meeting. Our 800 guests gave Professor Hill a rousing applause when she was recognized for her role and courage in advancing the rights of women in this country. We truly have a heroine in the person of Professor Hill, a native Oklahoman who has achieved educational excellence, stood fast to her convictions, and been a fine role model. She has exhibited those religious and family values that Oklahomans hold high in esteem. The Urban League would expect that the Anita F. Hill endowed chair meet the same criteria, no more or no less, as did the previous 74 chairs. Anything less would seriously question the integrity of the endowed position program. The Urban League calls upon the Board of Regents to establish the Anita F. Hill endowed position and request an additional \$250,000 from the Oklahoma State Regents for Higher Education. Thank you."

Lavetta Kidd's comments:

"Would you like for me to pass out some sheets that I will be discussing? A strong grass roots movement has been formed in the State of Oklahoma protesting the Anita Faye Hill professorship. A protest petition has been widely circulated by many people in various parts of the State. The last sentence of this protest letter reads, 'We don't want our tax dollars spent to honor someone who we believe is an embarrassment to The University of Oklahoma and to the State of Oklahoma.' As a direct result of the protest letters being sent to State Representative Ron Langmacher by his constituents, he sent me a copy of the following letter addressed to President Van Horn dated April 8, 1993: *Dear Dr. Van Horn: I am forwarding to you copies of correspondence from my district in southwestern Oklahoma indicating strong opposition to the Anita Hill professorship. This is a difficult issue to address. I believe you would want to know the sentiments of the people. This represents a unified effort of many of the citizens. I felt obliged to share their position with you. Ron Langmacher, State Representative, District 56.* President Van Horn has deliberately lied to anyone contacting the University concerning the Anita Hill professorship. In his letter dated April 7, 1993, he falsely states that the salary of an endowed position is paid from the investment interest of the endowment. That is a false statement. The basic salary of the person holding the endowed position will be paid for by the taxpayers of Oklahoma. The endowment only pays for the add-ons, salary bonuses, extra travel allowance, special administration assistants, and so forth. Another deception in this letter reads that no plans exist to supplement their effort with other university funds. Today's meeting proves that false. If the University does vote in this Anita Faye Hill professorship, this will be against the wishes of the majority of the citizens of Oklahoma. We believe that our children deserve something better than an education based on feminist lies and political correctness. We demand a quality education for our children, and we demand that sanity, honesty, and integrity be restored to the leadership position at The University of Oklahoma. Thank you."

Representative Larason's comments:

"Thank you, Mr. Chairman. I am Representative Linda Larason, House District 88, Oklahoma City, and I've come today to assure you that my colleagues, Representative Sullivan and Graves, do not speak for all legislators when they state their position on the creation of the Anita Hill endowed chair. Nor do I, of course, speak for the remaining 146 House and Senate members. The fact is that no vote has been cast by us, nor has any poll been conducted among us, and we are probably divided on this issue just as public opinion is divided on who told the truth at the Senate confirmation hearings. The fact is, however, that sexual harassment does exist in the workplace, and it is not confined entirely to women suffering at the hands of men, a fact illustrated by a recent news article reporting that a man has recently won a judgment against his female supervisor. The fact is that Miss Hill's testimony gave many people the courage to report such incidents to the EEOC and motivated many companies to establish policies and training programs to prevent recurrences of sexual harassment. The fact is, that while some people were offended by Miss Hill's testimony, many others, both men and women, consider her courageous and have a great deal of admiration and respect for her. The fact is that the recent book upon which my colleagues rely for proof of their contentions has been discredited by many people, including those who have published their analyses in *The Wall Street Journal*. The money for this endowed chair was raised in good faith and came from contributions throughout the country, as well as from Oklahoma. The University of Oklahoma now has the opportunity to keep the faith with all those contributors and to lead the nation in research and educational programs to combat sexual harassment in the workplace. I encourage you to vote to do so, just as you have kept the faith with other contributors who have helped to establish other endowed chairs."

Mike Warkentin's comments:

"Good afternoon, Mr. Chairman, and this honorable Board. First of all, I would like to clarify. It's a common occurrence, but my name is Mike Warkentin. So it won't count against my time, I won't give you the useful little tool to remember how to pronounce that. Again, I'm Michael Warkentin. I'm a Norman attorney and CPA. Graduate from the Oklahoma University College of Law, Class of 1984. Mr. Chairman, I would first of all like to address the comment you made that there was...the issue was not about who would fill this chair. Maybe you're not aware, but in our Norman *Transcript* it was reported that, when this issue hit a snag that the law school dean rekindled support by sending out a letter reassuring the contributors and stating that it was always his intent that Anita Hill would fill this chair. That's interesting in light of Mr. Ron Burton of the OU Foundation who is also reported in the *Transcript* as saying that, 'Gosh, you know, there's an IRS regulation that would prohibit that sort of pre-arranged deal.' I would also point out there's an IRS form called Form 212 by which somebody could submit a claim to the IRS and turn in, by attaching those newspaper articles, and requesting a commission for any tax that could be assessed, and that is something not to be considered...not to be taken lightly. I would just like to go on to the merits of the Anita Hill chair. Mr. Swank was also reported in the paper as having stated that Anita Hill was eminently qualified for this chair. I obtained a copy under the Oklahoma Open Records Act of the application of Anita Hill for her sabbatical which, contrary to waffling on the issue, was submitted twelve days late but was, nonetheless, granted. There are seven articles listed on her resume for published articles or articles written. Only one of those was on the issue of sexual harassment. Did not state a publication date. Possibly it has been published since that time. The other six articles were on bankruptcy law and international transactions and related matters. We just earlier saw that you approved the Calvert chair, and I saw that this was to get a nationally recognized scholar. The issue about who lied or who told the truth is immaterial. She does not have the qualifications and the track record. She might in twenty years, or thirty years."

Junetta Davis' comments:

"I'm Junetta Davis, Emeritus Professor of Journalism. The proposed endowed chair honoring Anita Hill has been subject to misinformation and misunderstanding. Now it's time for Regents to approve this chair and get on with other University business. Anita Hill is a she-ro to women everywhere who have experienced sexual harassment. When a group of Minnesota women sought to collect funds to establish an endowed chair honoring Anita Hill for her courage before the Senate judiciary committee, they did so in good faith. They contacted University development people who went to Minnesota to talk to them and agreed to let them raise funds in the name of the OU Foundation. One of those development people, I am told, suggested that Anita could be nominated for the first appointment to the chair. The people up there took that to mean that she would get the first appointment. Nobody corrected that misunderstanding for a year. The opposition charges that the University promised fundraisers that Anita Hill would get the first appointment. Not true. It was merely suggested. However, there is precedent at OU to give the first appointment to the person for whom the chair is named. The opposition says that Anita Hill lied to the Senate judiciary committee. I remind you that she passed a lie detector test. The lie theory catapulted with a publication of *The Real Anita Hill* by self-proclaimed, unbiased reporter David Brock. Unbiased? He's a fellow at the right-wing Heritage Foundation. He writes for *The American Spectator*, a mean-spirited magazine, and he received a grant from the Olin Foundation, headed by William Simon, who was finance chair of the Citizens' Committee to Confirm Clarence Thomas. As a journalist for 40 years, I can tell you an unbiased reporter would not have these connections. Brock's book is riddled with factual errors. Example: he claims that Anita Hill was a militant feminist on campus. The fact is that Anita Hill was a virtual unknown on the campus until she testified before the Senate judiciary committee. I don't know that OU has ever had a militant feminist. I believe the opposition to this chair amounts to continual harassment to a woman who simply told the truth. When Anita Hill came to OU, she worked quietly, trying to establish herself in the law school and position herself for tenure. She often worked at night, and occasionally the late Elmer Million, a respected Professor Emeritus of Law, would stop by her office to visit. People who knew Elmer Million say that he would be extremely upset at those, including his son E.Z., for trying to discredit Anita Hill and cause problems for The University of Oklahoma to which he was very loyal."

Clayton Newman's comments:

"Thank you, Regents, for allowing me to come and speak with you this afternoon. My name is Clayton Newman, and I'm a junior at the Business of College (*sic*). I'm majoring in management. I'm going to leave my prepared remarks just for a moment, if I could just tell you something that is important to me. I grew up in the City of Norman and, as a young man, I used to ride my bike across the campus, and I used to sneak into the buildings at night. I was always afraid that someone would catch me, but just the thrill of being in those buildings was just so much for me. It was intense. I grew up listening to the OU Sooners playing on AM radio, and I've loved OU since I was about ten or eleven, twelve years old. I want to speak to you today, not as someone who...I don't even want to concern myself with the issue of Anita Hill *per se*. I want to talk to you about the love that I have for The University of Oklahoma and the grave, grave mistake that is about to take place if we endow a chair in honor of Anita Hill. Regardless of what anyone believes about Anita Hill, I'm telling you that the majority of people in the State of Oklahoma (and you know this as well as I do), believe that she did not tell the truth. And if we endow a chair in honor of her, it is...it will be the opinion of the majority of people in Oklahoma, as well as many of the people nation-wide, that OU is taking a stand that they believe she told the truth. We have a sitting associate justice on the Supreme Court right now, Clarence Thomas, and I will admit to you that I sat and watched those hearings...I watched it all night long. I was up to 1:00, 2:00, 3:00 in the morning listening. I wanted

to hear the truth. And I sat there with my wife and when Clarence Thomas came out and he said, 'This is nothing more than a high tech lynching of an uppity black man,' I had tears in my eyes. I'll be honest with you. I've served four years in the Marine Corps, and I don't want to go into that per se, but tears do not come easily to my eyes. But Clarence Thomas became a hero to me, a mentor, because of his struggle up from poverty the same as I have. And he is someone that I would like to be as like as much as I possibly can. When I saw what happened there that day, I was absolutely horrified. We know for a fact...Anita Hill has testified to this fact under oath...that she did not want to come forward publicly on this issue. That instead, somebody on the Senate...and if you do read this book, they said...he named some people who probably leaked this...somebody forced the issue out and leaked it. What happened was an egregious travesty to both individuals involved. And it was an egregious travesty to Clarence Thomas. And it will be just as much an egregious travesty if OU takes a stand nationwide to say that a sitting associate justice of the Supreme Court was a sexual harasser. Now, I was talking to a young man upstairs just a moment ago, and he said he was neutral about this issue. He said, 'He said. She said. Who knows what they said?' Well, we do know, we do know about the integrity of a man by the name of Clarence Thomas. I'm tell-ing you, you are insulting conservatives. You are hurting me, and my love for The University of Oklahoma because this man has become a hero of mine. Please do not dishonor his name. Thank you very much."

Representative Hamilton's comments:

"Good afternoon. I am Jeff Hamilton. I am serving my fourth term as a member of the Oklahoma House of Representatives from House District 101. As a member of that legislative body, I serve as chair of the health and mental health committee. Furthermore, I'm a member of the House education committee where I also have responsibilities as a member of the higher education sub-committee. My support for education in all of its aspects, including endowed chairs, is a matter of public record. In addition, my favorable support for human rights, women's rights, and minority rights is a matter of public record. Given my basic policy stance, I feel compelled to speak affirmatively for the Anita Faye Hill professor of law. First, I believe that the central issue before us is the purpose of this professorship: namely, to focus instruction on the issues of discrimination and harassment. These two issues have become high profile concerns and will remain so for the foreseeable future. It is appropriate that this endowed chair be designated in the context of such magnitude for law and society. Second, the names of Professor Anita Hill and Supreme Court Justice Clarence Thomas are inextricably linked together as part of the historical discussion of sensitive social and workplace issues. Thus, an Anita Faye Hill endowed chair designated for purposeful education in the volatile issues of discrimination and harassment seems valid. This is simply the reality of history. Third, moderate people of good will wish the best for Professor Hill and Justice Thomas. Both have been subjected to endless stories and public scrutiny, far beyond the endurance of most people. And it seems to me that it is safe to say that the definitive book has yet to be written concerning their experience and testimony before the United States Senate judiciary committee. Finally, the decision you make as a Board of Regents is yours. However, I hope that this decision and this discussion at all levels will go beyond a diatribe against extremist left-wing liberals in support and extremist right-wing conservatives in opposition. Rather, let us rise above such labeling and focus on the benefits that this chair can bring to all people as the issues of discrimination and harassment are openly addressed in the academic community that prepares students to serve the common good. Thank you."

David Bugg:

"Thank you, Mr. Chairman, members of the Board. I am David Bugg. I'm a 1988 graduate from The University of Oklahoma Law School. I know your decision today is whether to endow a chair for a person. I wish we could accept -- and I know you do, too-- that

we could accept these people's money without stipulation and have the money available for education at OU. But we can't. There is baggage attached. The criteria that you should be using to determine whether a chair should be endowed should include that a person be an outstanding attorney and an outstanding professor. Anita Hill is neither of these. My classmates and I were second year law students in the fall of 1986, the year Anita Hill joined the faculty at OU. Fortunately, I did not have to take her for a class; however, several of my friends and classmates took her for a class that I was taking from a professor who was truly qualified and truly outstanding. Those friends and classmates would come out of her class absolutely livid because they were not learning what they were supposed to be learning in that class. I had to sit in the study area at the University of OU (*sic*) and teach these people what they were supposed to be learning, trying to explain what Anita Hill had told them. Most of the time explanation was impossible because many of her comments and teachings were inane, irrelevant, or totally untrue and inaccurate. Many people believe she has made comments of the same quality in another setting outside of the University, but I am not supposed to get into that subject. By November of that year a petition was circulated among the students at The University of Oklahoma Law School. That petition wanted Anita Hill ousted because of her incompetence as a professor. It was presented to the Law School administration, and with 20/20 hindsight I wish I had taken a copy of that petition and kept it. Many of my classmates do, too. In fact, every classmate that I've talked to in the last few days wishes they had a copy. We have not been able to find it. We hope that proper administration of the Law School would demand that the petition be placed in Anita Hill's personnel file and that it would be available for review in assessing her abilities. Miss Hill is very personable. She's a nice person. Her teaching abilities...and I have been told that her teaching abilities are no longer as awful as they once were; however, a chair should not be endowed for a person who does not have the ability and the competence to be an outstanding law professor. Thank you."

Dr. George Henderson's comments:

"Mr. Chairman, members of the Board. I had a strange *deja vu* as I listened. I would imagine that for the first five years that I was here...by the way, I'm Sylvan N. Goldman Professor of Human Relations, David Ross Boyd Professor of Human Relations, and Regents' Professor of Human Relations at The University of Oklahoma. The first five years that I was here I would imagine that similar people would have said George Henderson shouldn't be here either. I have not come to cast a vote for or against a colleague. It is not important whether I agree or disagree with her testimony. Instead I've come to encourage each of you to uphold the integrity of the University of Oklahoma. This issue is much broader than Professor Anita Hill. It further transcends a single endowed professorship. To my knowledge, in the past the major criterion for accepting monies to endow have been the amount of money received. I listened with great enthusiasm as you now have rules that are in place. Why do you establish rules when we become players in the game? It is an honor to be able to address this because you have to understand that if you are going to apply a different litmus test for a chair that has the name of a person of color, then (break in tape) to return endowment funds rescinded because of the donors or the persons that they're named after were too liberal or too conservative, too racist or too sexist. In short, too little or too much of something the antagonists deem important. Relatedly, if you succumb to the pressure to refuse a donation because it will enrage other donors, I can certainly appreciate your dilemma. I hope you also appreciate the untenable position which this rationale, if accepted, will place The University of Oklahoma in the academic marketplace. Talented professors will shun employment here for fear that the University will not support their teaching and research if they fail a citizens' referendum. And perhaps some people will use the rejection of a Hill professorship as a sign that they can systematically get rid of other professors. Why should they be satisfied with (undecipherable) a chair when there are human morsels available? Conceivably I would be their next victim. In summary, I ask you to apply the same standards that you've used in the past and do it in a fair

and equitable manner. This is not much to ask. It is everything for you to refuse. There is something wrong, members of the Board, with the picture we are painting here today. I implore you to quickly resolve this matter so...that we can use our students and faculty to get on with more important issues. Thank you very much."

Mr. E. Z. Million's comments:

"Thank you. I'm E.Z. Million. I would like to thank Junetta Davis for the kind remarks about my father and, indeed, I must affirm that Anita Hill must have had a very low profile on the campus because at the time that my dad died in May, 1990, I had never heard of Anita Hill and certainly my dad never mentioned her. I want to just focus on the procedures, or lack thereof, followed by the University in this particular fundraising effort. Now, I think, symptomatic of the current arrogance at the law school is this catalog which they put out this year: 13,000 copies approved by the dean cost the taxpayers \$23,256. This is to recruit students for an entering class of 300. Very quickly, I don't know how many law professors went with Anita Hill to Washington October 10th and 11th, but obviously Professor Shirley Wiggin did. I don't know who paid their travel expenses or hotel expenses or food expenses or cab expenses. Yes, I was on record the day after the testimony as being in opposition to Professor Hill's testimony. More importantly though, I did send a letter on October 14th (that was the Monday after Texas weekend) to President Van Horn warning against the reprisals that would come down against The University of Oklahoma from the federal government from the career bureaucrats, not the political appointees. And I said the Health Sciences Center, Energy Center, and the College of Engineering will be hardest hit. Already we've lost a \$212 million contract in Bartlesville to run the NIPER center. There was a recent Norman *Transcript* ad that contained the signatures of several hundred University staff people. It took me a while, but I counted them. I found nobody, out of the 200, from the Health Sciences Center. I found four from the College of Engineering. I found four from the Energy Center. I found two from the business school, also a source of donors. This is, in fact, Anita Hill's application for sabbatical dated March 13. This followed a trip to Minnesota by Fred Bennett and Donna Murphy on March 10 and 11. So the whole scenario that this was a spontaneous thing from Minnesota is ridiculous. It was totally orchestrated by The University of Oklahoma. Her sabbatical was a sham, of course, to promote the endowed chair. Here is the document about the priority being given to Anita Hill, and here is...in fact, to this date, I still do not have an answer who was responsible for approving this brochure. On November 30 a quick note to the Regents and legislators: let's wait and see if Anita Hill comes back from the sabbatical. I think that must be done, or else it's going to look like the endowed chair is a payoff to get her back from the sabbatical. A similar article in the *OU Daily*, December 10, 1992, and again, if the donors would allow the funds to go for minority scholarships, then that would be great. But not to enrich Anita Hill. Back to the question of the.....Thank you."

Senator Shedrick's comments:

"Good afternoon, Mr. Chairman, President Van Horn, fellow members, Regent members. This is the first time I have had the opportunity to appear before any board of any regents for any college or any university here in Oklahoma, but I appreciate the opportunity to have some input with you this afternoon as you share in a very major, major, challenging decision for one of our comprehensive universities in this state. As you were reminded earlier here by a former speaker, the issue here today is whether or not you recommend to the State Regents' office the state funding of a professorship, not a chair. There's a big difference. There's about \$250,000 difference. We're not talking about taking, as you all know, the proceeds of \$250,000 and giving to any one professor. That's not the issue. You all know that. I think, though, that a lot of the public in this state has perceived that this is, indeed, what you are doing. And that is simply not the truth. What we all know is that it's the interest earnings

from that professorship (which would be a total of \$500,000) that would be used in an academic arena for a position for whomever might fill that position to be able to discuss very, very important issues, Mr. Blankenship, in this State and that being issues of racism, harassment, and other issues -- discrimination -- for which we all know we still face. You've been reminded that you have never turned this opportunity down. You've been reminded, President Van Horn, we do have a crisis in the funding of education. I know that each of you know and full well realize the responsibility that you have as a leader, as a leader of one of our comprehensive universities in this State. There is no better place, no better place than to discuss the issues that a professorship such as this would provide than in the academic arena. There is no better place to educate our public so that when we have discussions like this in the future, we have informed people on both sides of the issue. Yes, your responsibility is tough here today, but you're tough leaders. Yes, you're going to make some people mad either way you go, but I know, and you know, that when you took this job on, you knew your responsibility was to lead...to let dogmatism here today find a place in your decision? I think you would fail your University. I think you would fail your society, and you would fail Oklahomans. I hope that you will recommend the funding of the professorship that is here before you, and let's move on to some more very, very important issues of educating, in a quality manner, Oklahomans. Thank you for allowing me to visit with you here today."

Following the speakers, Regent Gullatt said he would call on the Regents for comments in order of actual time of service on the Board and the newest Regent, who has been on the Board for about two hours, will go first.

Regent Bentley did not wish to comment.

Regent Halverstadt commented as follows: He said he believes that there are actually two issues involved here. The first issue is the question of the State's Endowed Chairs Program per se. The second issue, in his estimation, is the Hill account. There is approximately \$50 million in endowment in place in the Endowed Chairs Program at this time, of which The University of Oklahoma is perhaps 70 or 80 percent recipient. It has been a hugely successful program and principally successful for The University of Oklahoma because that University has been effective in raising monies on behalf of the Endowed Chairs Program. If that program remains in place for another five years or so, we would be talking about maybe a \$100 million in endowment. And if OU continues to be successful in raising funds, that would mean another 70 or 80 percent of that would come to The University of Oklahoma, which means that our University would, indeed, have an enormous endowment which it otherwise would not have. Clearly, in this program, the State of Oklahoma is a leader in the United States. Looking at public higher education, there are very few institutions with significant endowed chair endowments. There are certainly lots of them in the private sector, but very few in the public sector. This State has moved light years ahead of the rest of the United States in that regard and has received the kind of credit for being forward looking that it certainly deserves. Dr. Halverstadt said it is his opinion that the support for the endowed chair in the Legislature has been very tenuous over the last few years. Obviously, the Legislature eminently decided to continue to fund the program, and he said as a citizen of the State of Oklahoma, he would certainly congratulate them. But the vibrations heard each year during the appropriation process and comments made by a variety of people in the Legislature, suggests that the support for the program is quite tenuous. He said in his opinion if the Hill account were sent forward to the State for matching in its endowment program, it might very well be the end of the endowed chairs program in the future. That would be a tremendous loss to the higher education system as a whole, The University of Oklahoma in particular, and to the citizens of this State.

Regent Halverstadt said that says absolutely nothing about what he thinks in terms of the Hill account, which is issue number two. At this point in time, the subjects of equal rights, minority rights, women's rights are all appropriate topics of current discussion. From that

standpoint, the endowed professorship that deals with those issues is an appropriate account. Regent Halverstadt said he supports that notion and the University, as well as any other university, should be involved in that discussion. It is a public policy discussion, and it is important for any University with any credibility to be involved in that discussion. Therefore, he said he would stand solidly in support of approving the Hill account but would be cautious in terms of sending it forward to the State from the standpoint that it might very well doom the rest of the endowed chairs program. He said that is not to detract from his support of the account. It speaks to trying to move in a direction that would not only put in place the account but would preserve the endowed chairs program as a whole. Therefore, Regent Halverstadt said he suggests approving this account but treating it as an internal University matter, and seeking additional funding for it from friends and alumni of the University, and indeed make a request from the OU Foundation to provide a significant contribution toward it from that source. Dr. Halverstadt said he would personally opt to approve the account, but to move in the direction of funding it within the University.

Regent Hall stated this has been a divisive and a difficult issue for a lot of people to grapple with, but for himself personally, it is not a divisive issue. It is not an issue. He said if we were to look at this as we would look at any other proposal brought before this Board, we would vote and move forward. That has been the history of approving endowed chairs, and there is nothing about this particular professorship that should entitle it to disparaging treatment or treatment which is inconsistent with the Board's treatment of other issues. The effort to fund this particular professorship is to recognize an ideal, a concept, an issue that emanated from the Clarence Thomas/ Anita Hill Senate judiciary debate, and that is to focus on the central and very contemporary issue of gender issues, sexual harassment, sex discrimination. Those are issues the University should embrace, should study, and should examine. That is what the endowment of this professorship is all about. Regent Hall said there are issues at The University of Oklahoma such as research projects, courses, or even faculty members that he may not personally agree with. But he is not going to oppose their freedom to address and study those particular issues they represent. He said he believes that opposition to this professorship because of the person is suppressing an idea which is contemporary and very important for our society. The law of this country, as far as the Civil Rights Act of 1991 and its passage, can be directed back to that particular issue. He said his strong support of this professorship is not a political commentary on Anita Hill or on Clarence Thomas but an endorsement and support of an idea that should be studied in an academic setting such as The University of Oklahoma. Mr. Hall said he had to mention the fact that Anita Hill is an African-American and he is an African-American and is well aware that of the prior 74 endowed chairs and professorships that have breezed through this body without debate or discussion of any kind, the Board would be doing something that is a departure from previously established precedent and tradition to oppose this particular professorship. Race may not be an issue in this, but if this matter goes negative, the race issue will not be lost on the nation. The University of Oklahoma has already had that experience once, where we found ourselves on the wrong side of history and it took thirty years to overcome it. He said we have exceeded that point with the number of minority professors and minority students that we have and minorities who have served on the OU Board of Regents. He also spoke briefly to what Regent Halverstadt talked about in terms of modifying the effort to transfer this account to the State Regents. It would be a departure from precedence and would be a despairing treatment of this professorship in comparison even to the other two which were reaffirmed today. If we are going to talk about equality and consistency of treatment, action and result, we should not start on this particular issue. If this professorship scuttles the whole program, it will go down with the other programs in endowed chairs that are already in the package.

Regent Lewis commented as follows. He said he thinks there is a lot to be said about looking at the prior precedent that has been set as this Board of Regents and prior members thereof have dealt with endowed professorships or chairs that have either come before it in the past or have, in fact, been routinely sent on to the State Regents without perhaps even coming before the Board of Regents because it was such a routine matter. He thinks we should not lose focus of the issue of whether we are going to depart from prior precedent today. Are we going to establish a new precedent today? As we think about that issue, we ought to think about what a university is all about. And, in the context of the integrity of an academic institution, he thinks that most people would have a hard time disagreeing that a large comprehensive university is a very diverse institution made up of different types of people with a lot of different philosophies, different ideas, and different political beliefs. For us to look at this professorship or any other one in the context of does it comport with our own personal philosophies or does it comport with yours is a mistake? To do that would be adopting a philosophy of saying that a university ought to be a homogeneous institution in which everyone thinks the same thing, comes from the same background, has the same political beliefs, and he thinks that is wrong. A simple example of this process is to turn back one page in our agenda to the Calvert Professorship of Law and Liberty. The write-up of the Calvert Professorship says, in essence, that that is a professorship being established for the specific purpose of fostering a conservative view of strict constructionism of the constitution. Did we stop on the Calvert Chair and think "do I agree with a conservative strict constructionist view?" We didn't and for a good reason. It was not something we should have stopped and thought about. Those that put up the money for this chair did so, at least in part presumably, because they believed that a diverse view in this area was a good idea at the University. Mr. Lewis said he thinks it would be a mistake to say that this University should make a decision that we all agree with Anita Hill's ideas or politics or whatever we think they might be, or that we disagree. It would be a mistake to say that the reactions of those who will like whatever our decision is, or the reaction of those who will not like what our decision is, ought to be guiding it. We have a precedent in place. Should any future chairs or professorships coming before this Board require a litmus test that the politics, the philosophy, the ideas of the person who is giving the money or for whom it is named, has to be identical with any of our own. Is that the way we should handle these from this day forward? He said "I think not". Finally, he said he had the need to say for just a moment and with respectful disagreement with his colleague on this issue of perhaps treating this chair differently as far as matching funds from the State Regents, he agrees with what Regent Hall said. He thinks for the same reasons he stated, it would be a mistake to say that the potential reactions or likes or dislikes of anyone to this decision ought to cause us to treat this chair different than any others. He thinks it is a very dangerous potential precedent that any future chairs or other decisions that might come before us will say they get different treatment if there is controversy surrounding them, and he thinks that would be a mistake. The endowed chairs program and the matching funds is one of the most significant things this State has done for higher education. It would be absolutely horrible if that program were terminated. He said he has faith that, if we do the right thing, the Legislature will see to it that the program is not terminated. He strongly believes we need to stay with prior precedent and we should refuse to politicize the acceptance of an endowed professorship or chair. We should recognize that diversity is good, and we should vote yes on accepting this professorship.

Regent Blankenship made the following statement. "I am opposed to the establishment of the Anita Faye Hill Professorship of Law at The University of Oklahoma. I harbor no ill will toward Professor Hill nor do I object to the academic study of gender and the law. But rather, I oppose the endowment because it would be a profound mistake for The University of Oklahoma - a mistake that would tarnish our academic integrity and independence, diminish our support among the Oklahoma public, and establish a troubling precedent which invites further political manipulation of the academic mission. The endowment of such a professorship, named for and to possibly be held by Anita Hill, undeniably places the University in the

posture of taking sides in one of the great and still unsettled political controversies of modern American history - the galvanizing Clarence Thomas/Anita Hill confrontation before the U.S. Senate Judiciary Committee. Whether Anita Hill or Clarence Thomas was the teller of truth is a matter absolutely unknown to all but the two protagonists. The known facts support only a conclusion of uncertainty by any reasonable man or woman and, certainly so, for an academic institution which values critical thinking free from the grind of ideological axes. Honoring Professor Hill in the proposed fashion is tantamount to the University rendering a verdict in her favor. Such a premature verdict serves ideological not academic purposes. Should the University establish a professorship in the name of Clarence Thomas to ensure neutrality in this matter? I think not. Should the University accept and request a match of funds for any plausible subject for any academic endowment? Does it matter that out-of-state interests with a political agenda provided the initial donations, as in the present case, where only two of the 67 listed members of the Anita Faye Hill fund steering committee are residents of Oklahoma? I think so. What is required is sober judgement concerning the best interests of The University of Oklahoma. I sincerely contend that to authorize matching funds, derived from the taxpayers of this State, in establishing the Anita Hill Professorship is to consent to the needless politicizing of the University's academic mission. The only intellectually honest position, however unfashionable, is having no opinion as to the truth and veracity of Hill or Thomas. A university which compromises intellectual honesty for political correctness and a few hundred thousand in donations will no longer command the respect of Oklahomans for whom it exists to serve."

Regent West said after listening to these great speeches, he is reluctant to say anything because his position on this is not political. He is only interested in OU's future. He said he questions the way this situation is developing. He would be in favor of Dr. Halverstadt's modification program. Because it has been made sort of a political situation. Regent West said he will be against the program.

Regent Gullatt made the following closing remarks. He said the funding of the Anita Hill professorship has been done in accordance with University policy and practice. It has long been the practice of the University that a donor or donors could designate the name of the professorship or chair, could designate the intent of the area of study. There is nothing to his knowledge that is contrary to the handling of the 74 other chairs. He said he can find no logical reason not to submit this to the State Regents. As he said earlier, the University is in a "no win" situation. Regent Halverstadt could be right, it could be damaging to the endowment program and what a great tragedy that would be. It will be damaging, apparently, in the respect of the treatment of some donors to the University in the future. He said he is not wise enough or smart enough to know for sure what the best decision is in regard to the University's future, but does think that there is no compelling reason for this Board not to forward this as it has 74 others that preceded it. It has followed the process and it has been done in accordance with practice and policy. Maybe in the future, Boards will decide that the University should exercise more control over names and intent or purpose. But that is not the case today.

Mr. Gullatt said with that he would entertain a motion.

Regent Lewis moved approval of the Anita Faye Hill Professorship. The following voted yes on the motion: Regents Lewis and Hall. The following voted no: Regents West and Blankenship. Regent Halverstadt asked if he could offer an amendment at this time. Legal Counsel Fred Gipson ruled the motion had been made and voted on. He stated if the motion has been made and seconded and the Board is in the process of voting, it is too late to offer amendments. They have to be made before the question is called and the question was called.

Regent Hall said although a second to a motion is not required by this Board, in order to make sure there are no defects in the record he seconds Regent Lewis' motion.

Regent Halverstadt asked to offer an amendment after the second but Legal Counsel said that would be out of order. The vote on the motion needs to be taken and then a motion to reconsider could be made.

Chairman Gullatt said the vote must be taken on the motion made by Regent Lewis. Regent Halverstadt stated his grave concern for the whole endowed chair matching funds program and then voted yes in favor of the motion. Chairman Gullatt and Regent Bentley also voted yes at this time. The vote was 5-2 in favor of the Anita Faye Hill Professorship of Law. The Chair declared the motion approved.

At 5:16 p.m. Chairman Gullatt recessed the meeting, to be reconvened at 8:00 a.m. on Thursday, June 17, in the same location.

The meeting reconvened in regular session at 8:09 a.m. on June 17 with all Regents present.

REPORT OF THE PRESIDENT OF THE UNIVERSITY

President Van Horn presented the following report:

Summer Wind

The University of Oklahoma College of Fine Arts will present Summer Wind, a celebration of the Arts, July 2-11 on the North Oval. Daily activities will include plays, concerts, workshops and operas. This event is open to the public and has events for all ages.

Museum of Natural History Gift

President Emeritus George Lynn Cross and his wife Cleo have donated \$5,000 toward construction of the new Oklahoma Museum of Natural History. The University is in the process of raising \$20 million to complete the funding to build a new museum.

University of Oklahoma Press Award

OU Press books continue to receive numerous awards and recognition. The Press was awarded the Sir John A. McDonald Prize for nonfiction work of Canadian history, given by the Canadian Historical Association. The winning book is *Canada's First Nations: A History of Founding Peoples from Earliest Times* by Olive Patricia Dickason.

Student Honors

Patricia Adams, Chris Jenkins, and Elliott Metcalfe, all third-year medical students, received Reader's Digest International Fellowships for travel overseas to participate in medical externships. Nationally, 21 students were given fellowships. The program lets students learn about medicine in developing countries and also about specialties such as "tropical" medicine.

Faculty Achievements

Dr. Charles W. Bert, Director of The University of Oklahoma School of Aerospace and Mechanical Engineering, is one of 36 people nationwide to be named a fellow by the American Institute of Aeronautics and Astronautics. The honor is a mark of distinction and a recognition of outstanding effort and vision in science, engineering, and public leadership.

Dr. Elisa Lee, Professor of Biostatistics and Epidemiology and co-director of the Center for Epidemiologic Research at the College of Public Health, has been appointed to the Armed Forces Epidemiological Board by the Secretary of the Army, with the concurrence of the Secretary of Defense. Dr. Lee will serve a two-year appointment.

Gift to the University

John Saxon, Jr., a Norman textbook publisher, presented \$22,000 to the Duane H.D. Roller Collection Fund to be used to purchase more rare books for the internationally recognized History of Science Collections. Mr. Saxon recently made a \$250,000 gift to the University to establish an endowed professorship in ancient history.

Grants and Contracts

Robert Crane, Professor of Meteorology, has been awarded \$215,000 by the National Aeronautics and Space Administration for "Rain Attenuation Statistics" for the Advanced Communications Technology Satellite Propagation Experiment for Central Oklahoma.

Raymond Daniels, Professor of Chemical Engineering and Materials Science, has won a grant from the Agency for International Development for a University Development Linkages Project in the amount of \$200,000.

ACADEMIC ENRICHMENT

This report by Dr. Darrell Gertsch, Norman Campus Associate Vice President for Research and Interim Director of The University of Oklahoma's Sarkeys Energy Center, on Energy Center activities and prospects will be presented at the July 27-28, 1993 meeting.

OU PATENTS, LICENSES AND RELATED INCOME

Included in the agenda was a summary of the University's patenting activity in the first 10 months of fiscal year 1993 (July 1, 1992-April 30, 1993) and also a recapitulation of the status of the University's patenting program since enactment of the current Regents' Patent Policy in 1982 and the beginning of the association with the law firm Dunlap, Codding and Lee.

Seven patents and three notices of allowance have been issued in Fiscal Year 1993 as compared with 36 patents over the previous 10 years. Thirty-seven percent (16) of the total patents have been issued in the last 24 months.

Of the 43 patents issued to The University of Oklahoma, about one-quarter represent joint collaboration between inventors at the Norman Campus and the Health Sciences Center Campus.

In the 10-year period (1982-1993), patents and licenses have generated revenues of over \$1,700,000 which consists of license and option fees totaling \$632,000 and revenues of nearly \$1,100,000 from grants and contracts which derived directly from research support requirements under license or option agreements on the University's patents and invention disclosures. Of the \$1,100,000, \$355,000 has been realized in the first 10 months of Fiscal Year 1993, an increase of over 50% of the total for the previous 10 years.

This report was for information only. No action was required.

DEVELOPMENT OF A NEUROSCIENCE INTERDISCIPLINARY GRADUATE PROGRAM

Dr. Ray Kling, Dean of the Health Sciences Center Graduate College, reported on this item. He said neuroscience by its very nature is an interdisciplinary, collaborative area encompassing many different disciplines including anatomy, physiology, biochemistry, pathology, and pharmacology, as well as the clinical neurosciences. With the rapid development of genetic molecular and cellular technologies to evaluate nerve cell function plus non-invasive methods to measure brain function *in vivo*, the field of neuroscience is entering into an exciting and rapidly expanding phase. This increasing interest in neuroscience has culminated in increased research and educational activity at the national level.

By organizing existing course work into a core curriculum, graduate students will now have the opportunity to receive their graduate degrees with a special emphasis in neurosciences. Participating faculty in the Oklahoma Center for Neuroscience include twelve departments in the College of Medicine, four departments in the College of Allied Health, graduate faculty in the College of Pharmacy and the College of Dentistry, as well as faculty from the Norman Campus including the Department of Chemistry, Psychology and Zoology. Students from both, the Health Sciences Center and the Norman Campus, may enroll in the core curriculum and receive a special emphasis in neuroscience.

This is an excellent opportunity for faculty and students on both campuses to utilize available resources in order to meet an increasing demand for graduate education in the neurosciences. In order for students to receive this special recognition, the Health Sciences Center has designated all courses in the core curriculum with the OCNS prefix. This will provide recognition on the student's transcript for having enrolled in the interdisciplinary neuroscience program.

Dr. Kling said this program has been reviewed and approved by the Graduate Council and the Academic Program Council, and the Senior Vice President and Provost on the Health Sciences Center Campus.

This was presented for information only. No action was required.

ELM AVENUE PARKING FACILITY AND ENERGY CENTER PARKING FACILITY

At the May 1993 meeting, a report was presented to the Board of Regents which indicated that the University Administration was proposing a Concurrent Resolution for consideration by the Oklahoma Legislature which would permit the issuance of revenue bonds for the construction of a parking garage to be located on the west side of Elm Avenue near the Catlett Music Center and a parking garage to be located near the Energy Center. The Oklahoma Legislature has approved the Senate Concurrent Resolution No. 18 and the University desires to proceed with initial planning for new parking facilities and the preliminary steps toward the sale of revenue bonds. The information available indicates that the parking facilities in the Fine Arts area of the campus are unable to meet current demands, and that construction of Phase Two of the Catlett Music Center will result in the loss of 173 existing parking spaces. Completion of the new addition to the Catlett Music Center will produce a significant increase in the demand for parking facilities. Also, there is a need for additional parking facilities in the vicinity of the Sarkeys Energy Center. The Administration now wishes to proceed with the detailed study of parking requirements, facility location and configuration, and the other studies leading to the eventual sale of bonds.

If it is determined that the parking structures are required, they will be designed to be compatible with other structures located in their respective areas. The proposed Elm Avenue parking garage is to be located south of the second phase of the Catlett Music Center and serve the northwest area of the campus. It would contain approximately 575 parking spaces and 180,000 gross square feet of space. Based on information available at this time, it is estimated that the project cost of this structure would be approximately \$4,540,000. It is anticipated that the construction of the Elm Avenue parking garage would be scheduled so that the structure would be completed at the same time as phase two of the Catlett Music Center.

As currently planned, the proposed Energy Center parking structure would be located adjacent to the Sarkeys Energy Center. It would contain approximately 425 parking spaces and 137,000 gross square feet of space. The estimated project cost of this structure is approximately \$4,111,000. The combined project cost for the two parking structures is currently estimated to be approximately \$8,651,000. The additional funds identified in the Senate Concurrent Resolution No. 18 are required to pay costs associated with the preparation of documents required for the issuance of revenue bonds, the sale of the bonds, and for certain interest costs which must be capitalized.

Once the initial feasibility studies are completed, additional information will be presented to the Board of Regents for action. At that time the Board will be asked to approve the scope of work and the budget for the project. Following approval by the Board, a parking facilities project will need to be presented to the State Regents for Higher Education and added to the University's Campus Master Plan of Capital Improvement Projects. The Board also will be asked to select bond attorneys, bond counsel and project architects.

The University wishes to undertake studies to explore the feasibility of constructing and operating additional parking facilities including two parking structures, one to be located on Elm Avenue near the Catlett Music Center and the other to be located near the Sarkeys Energy Center, and if the studies establish the feasibility, to begin the preparation of the documents needed to sell revenue bonds.

This was for information only. No action was required.

INITIATIVES TO IMPROVE EFFECTIVE USE OF FUNDS

The University of Oklahoma places a high priority on reducing administrative costs and directing money into teaching, libraries and other academic programs. The University has realized significant success in these areas but is committed to continual progress. In some cases, the University can provide services at lower costs by adopting a single program for the entire University -- the Norman Campus, the Health Sciences Center, and the Tulsa Campus. As appropriate and by mutual consent consideration also will be given to including Cameron University.

When a proposal for a contract, policy or action that possibly might apply to multiple campuses is brought to the Board of Regents, the item will include a report of an analysis of the applicability to all campuses. When the analysis indicates benefits for including two or more campuses, the action will include either implementation at the campuses or a plan for extending the action to multiple campuses in a thoughtful and timely manner.

The President will conduct on-going studies of consolidating organizations and functions across campus and will implement those ideas that promise benefits. The President will report to the Board at least once a year on progress.

President Van Horn recommended that the Regents adopt a policy on Universitywide initiatives to improve the effective use of funds.

Regent Lewis moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

FISCAL YEAR 1993-94 PROPOSED OPERATING BUDGET

The Fiscal Year 1994 operating budget for The University of Oklahoma is presented for approval of the Board. The proposed Fiscal Year 1994 Operating Budget summary document was mailed to the Regents prior to the meeting. Because of recent final action by the Legislature and the State Regents, changes to the budget will be forthcoming.

The Oklahoma Legislature appropriated \$556.4 million to higher education for FY94 compared to \$575.2 million in FY93. This represents a 3.7 percent reduction in the higher education appropriation, which is offset somewhat by system-wide increases in tuition and fee rates of 8 percent for undergraduate and graduate students and 15 percent for professional schools. The changes in revenue for The University of Oklahoma are reflected in the following summary:

TOTAL OPERATING REVENUE BUDGET SUMMARY

	<u>All Campuses</u> (In Millions)			
	FY93	FY94	FY93 to FY94 Change	
<u>Revenues</u>	<u>Estimated</u>	<u>Proposed</u>	<u>\$</u>	<u>%</u>
State Appropriations	\$154.2	\$148.5	\$(5.7)	- 3.7%
Student Tuition and Fees-Gross	46.5	53.5	7.0	15.2%
Less: Fee Waivers	(8.3)	(9.2)	(0.9)	11.5%

<u>Revenues</u>	FY93	FY94	FY93 to FY94 Change	
	<u>Estimated</u>	<u>Proposed</u>	<u>\$</u>	<u>%</u>
Grants and Contracts	86.1	94.7	8.6	10.0%
Indirect Cost Reimbursement	8.7	10.5	1.7	19.8%
Auxiliary Enterprises	51.9	52.3	0.3	0.7%
External Service Units	8.7	8.6	(0.1)	- 0.7%
Professional Practice Plan	69.1	70.1	1.0	1.5%
Other Agency Activities	28.3	28.3	0.0	0.1%
Other Sources	<u>26.5</u>	<u>26.5</u>	<u>0.1</u>	<u>0.2%</u>
Total	<u>\$471.7</u>	<u>\$483.8</u>	<u>\$12.1</u>	<u>2.6%</u>

The largest revenue decrease for the University is in the State appropriation. The largest increases, all above 10 percent, were in tuition and fees, grants and contracts and indirect cost reimbursements. These revenues, generated by faculty, staff and students, have grown over the past 10 years in proportion to the University's budget, while State revenues have decreased as a portion of the budget.

Until the final appropriation was approved by the Legislature on May 28, both campuses of the University had been planning for deeper cuts that ranged from 5 percent to 10 percent. Although the reduction in the State appropriation was only 3.7 percent, cuts in the Educational and General budget are recommended at the 5 percent level to allow reallocation of resources to core activities that are directly related to the central academic mission of the University, such as degree-granting programs, research, libraries and computing. Budget reductions were administered vertically and they vary based upon the mission and productivity of each budget unit. Core areas with strategic planning priority, high student credit hours or research productivity were issued smaller reductions than non-core areas. Funds reduced from non-core support services were redirected to fund high priority, core areas and mandatory cost increases such as benefits and utilities.

In addition to revenue from rate increases, fee and tuition revenue increases resulted from better retention of students, a shift to more upper level and graduate student credit hours and overdue tuition collections. Overhead from grants and contracts also increased. These revenues, generated as a result of higher faculty and staff productivity, will be set aside to fund merit-based salary increases for faculty, staff and graduate assistants that average 3 percent of the current salary base on the Norman Campus and 2 percent at the Health Sciences Center. Recommendations for salary increases will be presented to the Board for approval over the next several months.

Although the Legislature did a commendable job in protecting higher education from deeper cuts for FY94, the economy is not expected to improve significantly. Priorities of other State agencies competing for funds will place greater limits on State appropriations for higher education. To ensure quality and growth of the University, funds must be identified for future expansion of strategic programs and faculty and staff salary increases. During the coming year, the University will continue to review services and programs for possible reduction or elimination to generate funds for internal reallocation to high priority programs.

Changes to the E&G budget for the Norman Campus and the Health Sciences Center were included in the agenda. More detail regarding the Fiscal Year 1994 budget will be presented at the July and September Board of Regents' meetings.

President Van Horn recommended approval of the Fiscal Year 1993-94 operating budget as presented, including academic promotions shown below, pending changes at the July and September meetings.

NORMAN CAMPUS

COLLEGE OF ARCHITECTURE

Construction Science

Walter W. McManus, Jr. to Associate Professor

COLLEGE OF ARTS AND SCIENCES

Anthropology

R. Ross Hassig to Professor

Communication

Jon F. Nussbaum to Professor

Sandra L. Ragan to Professor

Economics

James C. Hartigan to Professor

English

Gwenn Davis to Professor

Health and Sport Sciences

E. Laurette Taylor to Associate Professor

History

James S. Hart to Associate Professor

History of Science

F. Jamil Ragep to Associate Professor

Journalism and Mass Communication

Timothy J. Hudson to Associate Professor

Library and Information Studies

Kathy L. Latrobe to Associate Professor

Mathematics

Kyung-Bai Lee to Professor

Tomasz Przebinda to Associate Professor

Gerard Walschap to Associate Professor

Philosophy

Edward Sankowski to Professor
Neera K. Badhwar to Associate Professor

Physics and Astronomy

Patrick L. Skubic to Professor
Deborah K. Watson to Professor

Sociology

Robert J. Bursik, Jr. to Professor
John K. Cochran to Associate Professor

Women's Studies

Gwenn Davis to Professor

Zoology

Paul B. Bell to Professor
Laurie J. Vitt to Professor

COLLEGE OF BUSINESS ADMINISTRATION

Management

William T. Whitely to Professor
Samir Barman to Associate Professor

COLLEGE OF EDUCATION

Educational Leadership and Policy Studies

Edward W. Chance to Associate Professor
Connie G. Dillon to Associate Professor

COLLEGE OF ENGINEERING

Civil Engineering and Environmental Science

M. Musharraf-Uz Zaman to Professor

Chemical Engineering and Materials Science

Robert L. Shambaugh to Professor
Lance L. Lobban to Associate Professor

Computer Science

Sudarshan K. Dhall to Professor

COLLEGE OF FINE ARTS:

Art

Carol A. Beesley to Professor
Daniel T. Kiacz to Professor

Dance

Kozaburo A. Yukihiro to Professor

COLLEGE OF GEOSCIENCES

Geology and Geophysics

R. Douglas Elmore to Professor

Geography

Bret Wallach to Professor

Meteorology

Brian H. Fiedler to Associate Professor

UNIVERSITY LIBRARIES

Bibliography

Beverly A. Joyce to Professor

HEALTH SCIENCES CENTER

COLLEGE OF ALLIED HEALTH

Clinical Laboratory Sciences

Richard B. Passey to Adjunct Professor
Dale H. Altmiller to Adjunct Associate Professor
Kenneth E. Blick to Adjunct Associate Professor
K. Michael Parker to Adjunct Associate Professor

Nutritional Sciences

Stephen R. Glore to Associate Professor

COLLEGE OF DENTISTRY

Orthodontics

Stephen K. McCullough to Clinical Associate Professor

Pediatric Dentistry

G. Frans Carrier to Adjunct Professor

COLLEGE OF MEDICINE

Anatomical Sciences

Daniel L. McNeill to Associate Professor

Anesthesiology

Daniel J. Brackett to Associate Professor of Research

Dermatology

Jan V. Pitha to Adjunct Professor

Medicine

Edward J. Berbari to Professor
Samuel A. Burstein to Professor
Robert A. Rankin to Professor
Dwight W. Reynolds to Professor
Jerry B. Vannatta to Professor
Robert A. Wild to Adjunct Professor

Microbiology and Immunology

P. Madeleine Cunningham to Professor
Richard E. Lloyd to Associate Professor

Obstetrics and Gynecology

Ivar K. Rossavik to Professor

Pathology

Kyung W. Min to Professor
Jan V. Pitha to Professor

Pediatrics

Harriet W. Coussons to Associate Professor
Thomas L. Kuhls to Associate Professor
Kent E. Ward to Associate Professor
Krishnamurthy C. Sekar to Associate Professor
Cheryl B. McNeil to Assistant Professor
Joan B. Parkhurst to Assistant Professor
Kendall L. Stanford to Assistant Professor

Psychiatry and Behavioral Sciences

Larry L. Mullins to Clinical Associate Professor
Gwendolyn A. Pincomb to Adjunct Associate Professor
Dan E. Jones to Clinical Assistant Professor

Surgery

Larry R. Pennington to Professor
Daniel J. Brackett to Associate Professor of Research

COLLEGE OF MEDICINE-TULSA

Internal Medicine

Insung Kim to Associate Professor

Pediatrics

Jyoti D. Lad to Clinical Associate Professor

COLLEGE OF NURSING

Francene Weatherby to Associate Professor

COLLEGE OF PHARMACY

Allison A. Welder to Associate Professor

President Van Horn said higher education fared relatively well for several years but has had a more difficult year this year, receiving a reduction in terms of total funds, one-time funds and continuing funds, of 3.3%. Of the total State budget, common education is about 38.5%, higher education is a little under 15%, health and human services is 24%, and all other parts of State government are 19%. It is important as we do our budget planning that we try to understand what is going to happen in the future. The higher education share of the State budget may continue to decline. We have to anticipate that possibility. We have to assume that tuition, while it will increase slowly, probably will increase at not much above the rate of inflation unless there is a significant political change in the state such as an initiative for higher education. The University of Oklahoma must continue to operate with a sum of tuition and State appropriation per student that is far below average and we have to understand how we can continue to be competitive with the Big Eight and Big Ten schools. It is highly unlikely to change in the next four years.

President Van Horn said the University's basic strategies are: (1) to focus very heavily on what our mission is and what makes OU different from regional universities or the community colleges. We feel we provide an opportunity for Oklahoma students to go to a university in Oklahoma that is comparable to the good major state universities elsewhere; and (2) that we bring to Oklahoma the visibility that comes with a major national university. Economic development relates very strongly to having a major university. We have to focus on being a nationally respected university. We have to continue to increase the effectiveness of using the available funds. We have to continue to stress the generation of nonState funds. One of the things that is helping this year is increased research and part of the increase in overhead on the research is helping with the general education budget. Endowed chairs are another example of how nonState funds are coming in to our budget. We have to continue to stress that. We have to continue to behave like a private university with a wonderful endowment income from the State of \$148 million. There has been a tradition at The University of Oklahoma to not reallocate funds and both Provosts have been talking with their deans and all of the other groups on campus to the effect that if we are going to be able to achieve our mission we have to have the opportunity to reallocate funds.

Provosts Kimpel and Stein reported on the budget planning process undertaken on each campus, the changes being implemented and anticipated salary increases based on merit for faculty and staff of 3%.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

ADMINISTRATIVE AND PROFESSIONAL PERSONNEL ACTIONS

Regent Gullatt moved the Board meet in executive session for the purpose of discussing personnel issues. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved. The executive session began at 9:34 a.m. in the Provost's Conference Room.

The Regents reconvened in regular session at 11:20 a.m. in Lecture Room 299.

OKLAHOMA MEMORIAL STADIUM MASTER PLAN

In October of 1991, the Board of Regents authorized the University administration to start the process of selecting an architectural consulting firm to develop a master plan of space utilization for Oklahoma Memorial Stadium. At its May 1992 meeting, the Board of Regents approved awarding a contract to Hellmuth, Obata and Kassabaum, Inc. for the professional services required to develop this master plan and feasibility studies for improvements to the stadium.

Under the terms of the contract, the architects have undertaken a complete evaluation of the stadium including a study of existing facilities and the needs of the Athletic Department. Based on these studies of facilities and operations and additional information obtained from University representatives, the consultants have identified needed improvements and have prepared a master plan containing recommendations for the future development of the stadium. Major facilities to be considered in the master plan study included an Academic Center. The Academic Center will provide computer laboratories, study halls and tutor rooms, seminar rooms and other academic support spaces for use by student athletes participating in the University's intercollegiate sports programs.

Athletic Director Donnie Duncan and Joel Lieder of HOK were present at the meeting to report and respond to questions.

Mr. Duncan reported the master plan was the result of several needs, including the need to be competitive as we recruit, the need to grow in the counseling and academic support areas, the need to serve the fans and finally, to address concerns within the stadium structure. This comprehensive plan provides an overview of the various areas of concern.

Mr. Lieder reviewed the executive summary which was distributed to the Regents. He said the project list is divided into phases as follows:

Phase One
Student Life Center project

Phase Two

- Team facilities
- Construction of a new and more convenient walk-up stadium box office with drive up ticket windows
- Construction of new press box club lounge and Santee Lounge suites
- Paving of the east side stadium concourse
- Improvements for accessibility by persons with disabilities
- Structural repairs to the east grandstands
- Partial replacement of stadium signage

Phase Three

- Hall of Fame
- Construction of additional restrooms and food service outlets to serve the east and north grandstands
- Grandstand modifications to create additional wheelchair seating
- Replacement of utility service lines
- Construction of new stadium entrance plazas and gates
- Partial replacement of stadium seating
- Replacement of remaining stadium signage
- Replacement of grandstand deck topping surface

Phase Four

- Improvements to the scoreboards
- Press box refurbishment
- Construction of additional restrooms and food service outlets to serve the west grandstands
- Continuing replacement of stadium seating
- Continuing structural repairs

Mr. Lieder said the Student Life Center is one area extremely short on space and there is almost no space dedicated to the entertainment of donors. The range of amenities in the stadium needs to be broadened. The team facilities and training areas are extremely crowded. And, the University has never had a Hall of Fame, an area which would be used to celebrate the rich heritage of Oklahoma athletics and would be accessible to the public. This area could also double as donor entertainment space. Mr. Lieder said part of the plan is to construct 16 private suites in front of the Santee Lounge on the west side. He described how the various spaces in the stadium would be utilized. The classroom and office space in the north end would be converted to a Student Life Center. Teaching labs, group study rooms, a computer lab, and language and writing labs are some of the features proposed. Mr. Lieder told the Regents after looking at various options he has recommended to Mr. Duncan that the University proceed with the north end zone scheme as the most cost and schedule efficient development opportunity. There has been some discussion about that space being retained for academic purposes and that decision needs to be made before HOK can proceed.

President Van Horn said this issue is not a clear one and there is an important decision to be made on the use of the space. This agenda item is a report only and not for action. Regent Blankenship said he recommends the Regents try to answer the question of the use of the north end zone space at the next meeting.

**ACADEMIC PERSONNEL ACTIONS
DEAN, COLLEGE OF ARCHITECTURE
DEAN, COLLEGE OF LAW**

Regent Blankenship moved the Board meet in executive session for the purpose of discussing personnel-related issues as listed above. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved. The executive session began at 12:10 p.m. in the Provost's conference room and concluded at 1:20 p.m.

The Regents reconvened in regular session at 1:28 p.m. in the same location with all Regents present.

ACADEMIC PERSONNEL ACTIONS

Norman Campus:

Appointments or Reappointments:

Douglas K. Lilly, George Lynn Cross Research Professor of Meteorology and Director of Center for Analysis and Prediction of Storms; reappointed to the Lowry Chair in Meteorology, August 16, 1993 through June 30, 1997.

Daniel Edgardo Resasco, Ph.D., Associate Professor of Chemical Engineering and Materials Science, annual rate of \$54,000 for 9 months (\$6,000.00 per month), August 16, 1993 through May 15, 1994. Paid from 122-7220, Chemical Engineering and Materials Science, pos. 1.60, and 122-7420, Chemical Engineering and Materials Science Research, pos. 1.63.

Phillip E. Klebba, Ph.D., Associate Professor of Chemistry and Biochemistry, annual rate of \$43,000 for 9 months (\$4,777.77 per month), August 16, 1994 through May 15, 1995. Paid from 122-7221, Chemistry and Biochemistry, pos. 7.60, and 122-7421, Chemistry and Biochemistry Research, pos. 7.63.

Brian P. Grady, Assistant Professor of Chemical Engineering and Materials Science, annual rate of \$48,500 for 9 months (\$5,388.89 per month), March 1, 1994 through May 15, 1994. If Ph.D. not complete by March 1, 1994, title to be changed to Acting Assistant Professor and salary changed to \$38,500 for 9 months. Paid from 122-7220, Chemical Engineering and Materials Science, pos. 6.60, and 122-7420, Chemical Engineering and Materials Science Research, pos. 6.63.

Clifford Arnold Reed, Ph.D., Assistant Professor of Drama, annual rate of \$30,000 for 9 months (\$3,333.33 per month), August 16, 1993 through May 15, 1994. Paid from 122-7226, School of Drama, pos. 21.60.

Brian David Johnson, Assistant Professor of Educational Psychology, annual rate of \$34,000 for 9 months (\$3,777.78 per month), August 16, 1993 through May 15, 1994. If Ph.D. not complete by August 16, 1993, title to be changed to Acting Assistant Professor and salary changed to \$32,000 for 9 months. Paid from 122-7345, Educational Psychology, pos. 1.60.

Deborah Irene Burk, Assistant Professor of Instructional Leadership and Academic Curriculum, annual rate of \$33,500 for 9 months (\$3,722.22 per month), August 16, 1993 through May 15, 1994. Appointment contingent upon completion of doctorate. Paid from 122-7343, Instructional Leadership and Academic Curriculum, pos. 11.60.

*Pravas Mahapatra, Visiting Research Scientist, Cooperative Institute for Mesoscale Meteorological Studies, annual rate of \$42,000 for 12 months (\$3,500.00 per month), June 7, 1993 through August 13, 1993. Paid from 125-8372, CIMMS Task I, pos. 906.65.

Changes:

Roy Dejoie, title changed from Acting Assistant Professor to Assistant Professor of Management Information Systems, salary changed from annual rate of \$52,000 for 9 months (\$5,777.78 per month) to annual rate of \$56,000 for 9 months (\$6,222.22 per month), August 16, 1993 through May 15, 1994. If Ph.D. not completed by August 16, 1993, title will be changed to Acting Assistant Professor and salary changed to \$52,000 for 9 months. Paid from 122-7213, Business Administration Instruction, pos. 119.60.

*Sally L. Gros, Postdoctoral Research Associate, Cooperative Institute for Applied Remote Sensing, salary changed from annual rate of \$38,400 for 12 months (\$3,200.00 per month), .75 time, to annual rate of \$51,200 for 12 months (\$4,266.67 per month), full time, January 1, 1993 through April 30, 1993. Paid from 125-8305, Cooperative Institute for Applied Remote Sensing, pos. 906.65.

Changwook Kim, title changed from Assistant Professor to Associate Professor of Computer Science with tenure, salary changed from annual rate of \$48,325 for 9 months (\$5,369.44 per month) to annual rate of \$49,325 for 9 months (\$5,480.56 per month), August 16, 1992.

*Zinaida Kogan, reappointed Research Scientist, Cooperative Institute for Mesoscale Meteorological Studies, March 1, 1993; salary changed from annual rate of \$42,488 for 12 months (\$3,540.63 per month), full time, to annual rate of \$21,244 for 12 months (\$1,770.32 per month), .50 time, May 1, 1993 through June 30, 1993. Paid from 125-5884, CIMMS, pos. 905.65.

Mary Jo Nye, George Lynn Cross Research Professor and Chair of History of Science, salary changed from annual rate of \$54,761 for 9 months (\$6,084.55 per month) to annual rate of \$66,930 for 12 months (\$5,577.50 per month), July 1, 1993. Changed from 9 months to 12 months. Paid from 122-7247, History of Science, pos. 6.60, and 122-7447, History of Science Research, pos. 6.63.

Robert D. Swisher, Professor of Library and Information Studies; title Director of Library and Information Studies, deleted; salary changed from annual rate of \$65,557 for 12 months (\$5,463.88 per month) to annual rate of \$53,638 for 9 months (\$5,959.78 per month), July 1, 1993. Changed from 12-month to 9-month faculty. Paid from 122-7260, Library and Information Studies, pos. 14.60, and 122-7460, Library and Information Studies Research, pos. 14.63.

Jerome Weber, Regents' Professor, Professor and Chair of Educational Leadership and Policy Studies, and Professor of Human Relations and of Health and Sport Sciences; salary changed from annual rate of \$64,274 for 9 months (\$7,141.56 per month) to annual rate of \$86,413 for 12 months (\$7,281.08 per month), July 1, 1993. Changed from 9-month to 12-month faculty. Paid from 122-7344, Educational Leadership and Policy Studies, pos. 8.60; 122-7286, Human Relations, pos., 802.60; and 122-7279, Health and Sport Sciences, pos. 808.60.

Resignations and/or Terminations:

Gloria W. Aguilar, Assistant Professor of Social Work and of Women's Studies, August 15, 1993.

Paul C. Begovac, Assistant Professor of Zoology, June 30, 1993.

June 17, 1993

23421

James Hamill, Assistant Professor of Accounting, May 15, 1993.

Pamela McDaniel, Associate Professor of Drama, May 15, 1993.

John H. Moore, Professor of Anthropology, August 13, 1993.

Scott B. Pagel, Associate Professor of Law and Director of Law Library, May 31, 1993.

Retirements:

Raymond D. Daniels, Professor of Chemical Engineering and Materials Science, June 30, 1993; named Professor Emeritus of Chemical Engineering and Materials Science.

Nathaniel S. Eek, Regents' Professor and Professor of Drama, June 30, 1993; named Regents' Professor Emeritus and Professor Emeritus of Drama. Correction of Emeritus titles.

Jean Herrick, Assistant Professor of Classics and of Women's Studies, June 30, 1993; named Professor Emeritus of Classics.

Frank Seto, Professor of Zoology, May 31, 1993; named Professor Emeritus of Zoology. Retirement effective date changed from June 30, 1993 to May 31, 1993.

Albert Smouse, Professor of Educational Psychology, July 9, 1993; named Professor Emeritus of Educational Psychology.

Health Sciences Center:

Leaves of Absence:

Carolyn M. Messick, Adjunct Assistant Professor of Communication Sciences and Disorders, leave of absence without pay, June 1, 1993 through August 31, 1993.

Brenda Porter, Assistant Professor of Nursing, leave of absence without pay, May 15, 1993 through August 14, 1993.

Christian N. Ramsey, Jr., Professor of Family Medicine, sabbatical leave of absence with full pay, July 1, 1993 through December 31, 1993; administrative leave of absence with full pay, January 1, 1994 through June 30, 1994; title Chair of Family Medicine, deleted, August 31, 1993. Income earned during sabbatical will be excluded per Section D(5) of the College of Medicine PPP By-Laws.

Appointments or Reappointments:

Jay Robert Skidmore, Ph.D., Associate Professor of Psychiatry and Behavioral Sciences, annual rate of \$45,000 for 12 months (\$3,750.00 per month), September 15, 1993 through June 30, 1994. Paid from A0008091, PPP Psychiatry Dean Fund Supplement.

Matthew F. Wack, M.D., Assistant Professor of Medicine, annual rate of \$65,000 for 12 months (\$5,416.67 per month), August 1, 1993 through June 30, 1994. Paid from D0319000, Medicine Operational.

Gary Alan Johnson, M.D., Assistant Professor of Obstetrics and Gynecology, annual rate of \$60,000 for 12 months (\$5,000.00 per month), July 1, 1993 through June 30, 1994. Paid from A0000573, Ob-Gyn Oncology.

Samuel Jay Lensgraf, M.D., Assistant Professor of Psychiatry and Behavioral Sciences, annual rate of \$61,000 for 12 months (\$5,083.33 per month), September 1, 1993 through June 30, 1994. Paid from A0008091, PPP Psychiatry Dean Fund Supplement.

Lucy Konop Villarreal, Instructor in Obstetrics and Gynecology, annual rate of \$40,000 for 12 months (\$3,333.33 per month), July 1, 1993 through June 30, 1994. Paid from A0000973, Gynecology Section Expense Tracking.

Changes:

Jack Brown, Clinical Instructor in Family Medicine, Tulsa; given additional title Clinical Assistant Professor of Medicine, Tulsa, salary changed from without remuneration to annual rate of \$10,400 for 12 months (\$866.67 per month), .10 time, May 1, 1993 through June 30, 1993. Paid from A0010299, PPP TMC Internal Medicine Group Practice.

Dale A. Freeman, Associate Professor of Medicine, salary changed from annual rate of \$71,080 for 12 months (\$5,923.33 per month) to annual rate of \$72,905 for 12 months (\$6,075.42 per month), March 1, 1993. Increase paid by VA Medical Center.

John B. Harley, Professor of Medicine, James R. McEldowney Chair of Immunology, and Adjunct Professor of Microbiology and Immunology, salary changed from \$99,067 for 12 months (\$8,255.58 per month) to annual rate of \$102,864 for 12 months (\$8,572.00 per month), March 1, 1993. Increase paid by VA Medical Center.

Vickie Loemker, Clinical Assistant Professor of Family Medicine, salary changed from annual rate of \$40,200 for 12 months (\$3,350.00 per month), .67 time, to annual rate of \$6,000 for 12 months (\$500.00 per month), .10 time, April 1, 1993 through June 30, 1993. Paid from 2218-2, Family Medicine.

Peggy D. Newman, title changed from Assistant Professor to Adjunct Assistant Professor of Physical Therapy, salary changed from annual rate of \$39,000 for 12 months (\$3,250.00 per month) to without remuneration, May 14, 1993.

Samuel R. Oleinick, Professor of Medicine and Adjunct Professor of Microbiology and Immunology; title Assistant Dean for Continuing Medical Education, deleted; salary changed from annual rate of \$82,275 for 12 months (\$6,856.25 per month) to annual rate of \$74,400 for 12 months (\$6,200.00 per month), April 1, 1993. Paid from 22759320, Department of Medicine, Immunology, Allergy.

Roger E. Sheldon, Professor of Pediatrics and Adjunct Associate Professor of Physiology; title changed from Acting Assistant Dean to Assistant Dean, Continuing Medical Education, College of Medicine, April 1, 1993.

Leonard N. Slater, Associate Professor of Medicine, salary changed from annual rate of \$62,902 for 12 months (\$5,241.83 per month) to annual rate of \$64,825 for 12 months (\$5,402.08 per month), March 1, 1993. Increase paid by VA Medical Center.

James Stewart, title changed from Clinical Assistant Professor to Assistant Professor of Dermatology, salary changed from annual rate of \$32,792 for 12 months (\$2,732.67 per month) to annual rate of \$50,000 for 12 months (\$4,166.67 per month), July 1, 1993 through June 30, 1994. Paid from 220492, Dermatology.

J. Andy Sullivan, Professor and Chair of Orthopaedic Surgery; given additional title The Don H. O'Donoghue Chair in Orthopaedic Surgery, June 17, 1993.

June 17, 1993

23423

Resignations and/or Terminations:

Robert W. Ogilvie, Associate Professor of Anatomical Sciences, June 30, 1993 (with accrued vacation through August 13, 1993).

Retirements:

Andrea U. Bircher, Professor of Nursing, May 7, 1993 (with accrued vacation through June 30, 1993); named Professor Emeritus of Nursing.

Robert Delaney, Professor of Biochemistry and Molecular Biology, June 30, 1993 (with accrued vacation through August 27, 1993).

President Van Horn recommended approval of the academic personnel actions shown above.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

ADMINISTRATIVE AND PROFESSIONAL PERSONNEL ACTIONS

Norman Campus:

Leave of Absence:

Daniel W. Chamberlain, Assistant Administrator, Goddard Health Center, administrative leave of absence with pay, May 1, 1993 through October 31, 1993.

Appointments or Reappointments:

Paul W. Burton, Assistant Director, Oklahoma Memorial Union, annual rate of \$50,850 for 12 months (\$4,237.50 per month), July 1, 1993 through June 30, 1994. Administrative Staff. Paid from 147-7421, Campus Services.

John F. Ross, reappointed Senior Contract Coordinator, Postal Contract, Continuing Education, salary remains at annual rate of \$41,632 for 12 months (\$3,469.33 per month), July 1, 1993 through June 30, 1994. Administrative Staff. Paid from 125-8255, USPS Technical Training Center, pos. 205.65. Paid from grant funds; subject to availability of funds.

Charles L. Swaim, Director, Oklahoma Memorial Union, annual rate of \$67,800 for 12 months (\$5,650.00 per month), July 1, 1993 through June 30, 1994. Administrative Officer. Paid from 147-7421, Campus Services.

Changes:

Sue McCarley, promoted from Acting Director to Director, Career Planning and Placement, salary increased from annual rate of \$36,299.88 for 12 months (\$3,024.99 per month) to annual rate of \$44,300 for 12 months (\$3,691.67 per month), July 1, 1993. Changed from Managerial Staff to Administrative Officer. Paid from 142-7142, Career Planning and Placement, pos. 101.65.

Karen Petry, promoted from Assistant Director to Director, Office of Research Administration, salary increased from annual rate of \$34,238 for 12 months (\$2,853.16 per month) to annual rate of \$46,000 for 12 months (\$3,833.33 per month), July 1, 1993. Changed from Managerial Staff to Administrative Officer. Paid from 122-7459, Office of Research Administration, pos. 104.65.

David F. Schrage, Assistant Vice President for Campus Services, Student Affairs; given additional title Adjunct Assistant Professor of Educational Leadership and Policy Studies, without additional remuneration, July 1, 1992 through June 30, 1994.

Robert F. Summers, Jr., reappointed Interim Manager, Technical Trades, Physical Plant, salary remains at annual rate of \$40,200 for 12 months (\$3,350.00 per month), May 16, 1993 through June 30, 1994. Managerial Staff. Paid from 132-7701, Building Operations and Maintenance, and 134-7201, Physical Plant Service Unit, pos. 111.65.

William L. Varley, title changed from Director, Office of Research Administration, to Assistant to the Vice President for Research, July 1, 1993. Administrative Officer.

Resignations and/or Terminations:

Kristin W. Alexander, Assistant Vice President for Administrative Affairs, June 30, 1993 (with 264 hours of accrued vacation).

Arthur J. Elbert, Vice President for Administrative Affairs, University Trust Officer, and Associate Professor of Psychology, June 30, 1993 (with 264 hours of accrued vacation).

Daniel J. O'Neil, Vice President for Research, Director of Sarkeys Energy Center, Dean of the Graduate College, and Professor of Chemistry and Biochemistry, June 30, 1993 (with accrued vacation through August 12, 1993).

Michael F. Thomas, Director, Auxiliary Services, June 30, 1993 (with 232 hours of accrued vacation).

Health Sciences Center:

Appointments or Reappointments:

John Crumly, Drug Utilization Review Manager, College of Pharmacy, annual rate of \$48,000 for 12 months (\$4,000.00 per month), May 17, 1993. Managerial Staff. Paid from C2119301, Oklahoma DHS Drug Utilization Review Program.

Robert R. Lindsay, Senior Systems Analyst, Research and Education Computing, annual rate of \$40,500 for 12 months (\$3,375.00 per month), June 1, 1993. Professional Staff. Paid from 38169, Research and Education Computing.

Changes:

O. Caylon Coleman, promoted from Manager, Administration and Finance, to Manager, Administration and Management Information System, Dean's Office, College of Medicine, February 1, 1993. Managerial Staff.

Teresa M. Henson, title changed from Assistant Controller and Coordinator for Financial Systems to Interim Controller and Coordinator for Financial Systems, Administration and Finance, salary temporarily changed from annual rate of \$56,100 for 12 months (\$4,675.00 per month) to annual rate of \$61,100 for 12 months (\$5,091.67 per month), June 1, 1993. Temporarily changed from Administrative Staff to Administrative Officer. Paid from 01049310, Office of Financial Services, and 38500090, Service Unit Accounting.

Deborah E. Lamm, Associate Director, Aids Prevention and Service Program, Department of Health Administration and Policy, salary changed from annual rate of \$45,000 for 12 months (\$3,750.00 per month), .60 time, to annual rate of \$60,000 for 12 months (\$5,000.00 per month), .80 time, April 1, 1993. Paid from C5242002, Washington-Based Activities for the Center for Aids Prevention.

Parke H. Largent, title changed from Business Manager, Dean's Office, College of Pharmacy, to Director of Student Services, College of Pharmacy, December 1, 1992. Administrative Staff.

President Van Horn recommended approval of the administrative and professional personnel actions shown above.

Regent Lewis moved approval of the President's recommendation with the following amendments:

Arthur J. Elbert, Vice President for Administrative Affairs, University Trust Officer, and Associate Professor of Psychology, December 31, 1993, with administrative leave with pay from July 1, 1993 through December 31, 1993.

Kristin W. Alexander, title changed from Assistant Vice President for Administrative Affairs to Development Officer, June 30, 1993 with no change in salary.

The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

DEAN, COLLEGE OF ARCHITECTURE

The status of the search for a Dean of Architecture had been discussed in executive session and no action was proposed.

DEAN, COLLEGE OF LAW

The possible appointment of a Dean of Law was discussed earlier in executive session. Regent Hall moved C. Peter Goplerud III be appointed Dean of the College of Law and Professor of Law with tenure at an annual salary of \$137,500 for 12 months, effective July 1, 1993. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

DEAN, COLLEGE OF PUBLIC HEALTH

This item was withdrawn from the agenda.

LITIGATION

This item was for information only.

ANNUAL AUDIT PROGRAM FOR 1993-94

The proposed annual audit program for 1993-94 was included with the agenda mailed to the Board. It was prepared by Mr. John Eckert, Director of Internal Auditing, based on input from various administrators as well as other selection criteria. Factors included were: (1) the amount of funds managed or generated by an activity, (2) an activity's materiality in terms of internal control risk factors, and (3) the date the activity was last audited. An updated audit account inventory listing for each campus is included.

A summary of the areas proposed for internal audit during 1993-94 is as follows:

NORMAN CAMPUS

NCAA Financial Audit
Athletic Team Travel and Recruiting
College of Fine Arts
College of Education
College of Law Dean
KGOU-FM Radio Station
Business and Management Programs
College of Continuing Education Cash Receipting
Evaluation and Testing
Paralegal Education
Law Library Copy Shop
University Libraries
Office Systems
Housing System
University Computing Services
Fixed Asset Accounting and Property Control Systems
Goddard Health Center
Student Union Activities
Graduation Requirements
Reimbursement Accounts
Funding Agreements - Federal and State Agencies
Disbursement Claims Processing
Auxiliary Operations

HEALTH SCIENCES CENTER

Library
Department of Family Medicine - Central Clinic
Department of Pediatrics and PPP
Department of Obstetrics and Gynecology and PPP
College of Medicine Residency Program
PPP Central Collection System
Medical Records - Continuing Review
Department of Obstetrics and Gynecology, PPP and Clinic, Tulsa

Department of Surgery, PPP and Clinic, Tulsa
College of Nursing and PPP
Steam and Chilled Water Plant
Telecommunications
Central Mail Processing
Travel
Fixed Asset Accounting System Review
Disbursement Claims Processing
Grants and Contracts
Agency Funds - Student Organizations
Departmental Petty Cash and Change Funds

In addition, the Internal Auditing Department will assist the external auditors in performing the annual audit and will perform the post-audit reviews of each audit report.

President Van Horn recommended the Board of Regents approve the annual audit program for 1993-94.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

LEASE OF SPACE FOR THE DEPARTMENT OF OPHTHALMOLOGY

The Department of Ophthalmology currently occupies approximately 15,000 square feet of space for academic, research and patient care activities in the Dean A. McGee Eye Institute. The 1993-94 lease cost will be the same as the 1992-93 cost: \$7.50 per square foot or \$112,500 annually for the lease of the space. The Institute will provide clinic personnel, equipment and janitorial services. The cost of the lease includes utilities and liability insurance.

Funds are available in the Department of Ophthalmology Professional Practice Plan to cover the lease cost.

President Van Horn recommended the Board of Regents approve renewal of the lease between the Dean A. McGee Eye Institute and the Department of Ophthalmology for approximately 15,000 square feet of space at an annual cost of \$112,500 for the period July 1, 1993 through June 30, 1994.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

COPIER SERVICE CONTRACT

The concept, called a Copy Services Contract, is increasingly being used by large organizations that produce large numbers of copies during the course of business. It is a program that moves an organization out of owning, servicing, and managing copiers, and promises significant savings in overall copying costs.

The Health Sciences Center owns about 135 copiers that cost approximately \$795,000, and leases another 35. The quality and capabilities vary considerably. HSC produces approximately 22 million copies per year at a cost of about \$690,000, averaging about .03 cents per copy. This figure does not include the indirect personnel costs of maintaining the machines. A contract has the potential of reducing the Health Sciences Center's copying by \$225,000 annually.

Specifications have been written and qualified vendors will receive an invitation to provide contract offers to HSC. The terms and conditions include copiers of specified quality and capabilities for the HSC Campus. The vendor will manage, supply, maintain, and monitor each machine's performance, and charge the University a fixed fee for each copy produced. Based on vendor interest and competition, it is expected that a cost-per-copy fee of about .01 cent per copy will be offered and copiers of uniformly high quality and performance can be placed on the Health Sciences Center Campus. Optional conditions of the specifications will allow copiers to be placed at additional locations under the same terms and conditions; therefore, the Tulsa Campus and the Norman Campus will have opportunities to use the same contract.

The administration anticipates that the evaluations will be completed before the Board of Regents meet on June 16-17 and additional information will be provided at the meeting to include a summary of all offers submitted.

President Van Horn recommended that the Board of Regents authorize the Health Sciences Center to issue a purchase order to the best low bid or bidders for copy services for a period of one year with an option to renew on an annual basis for an additional term or terms that may be in the best interest of the University.

Regent Gullatt asked if the bids had been received and evaluated. Interim Vice President for Administrative Affairs Mark Lemons stated bids were received but had not yet been evaluated. Regent Gullatt passed this item to the July meeting.

PURCHASE OF SUBSCRIPTIONS, SERIALS AND BOOKS

Subscription, serial and book service was bid in 1990 for an annual renewable contract of six years at the option of the Health Sciences Center. It has been submitted annually to the Board of Regents for the awarding of purchase orders issued to Major's Scientific Books, Incorporated. Major's Scientific Books, Incorporated sold their subscription division to Ebsco Subscription Service effective July 1993, but is retaining the serial and book service.

The Health Sciences Center requested bids based on the combined volume of subscriptions to the libraries, academic and research departments. The volume was estimated based on previous annual purchases. Combining volumes will allow all Health Sciences Center customers to purchase subscriptions at a reduced rate.

Bids were sent to:

Faxon
Westwood, Massachusetts

Ebsco Subscription Services
Dallas, Texas

Readmore
New York, New York

Harrassowitz
Columbia, Maryland

The administration recommends purchase orders for the estimated combined total of \$1,000,000 be awarded to Readmore for subscription service and \$100,000 to Major's Scientific Books, Incorporated for serials and books based on low respective bids. Funds will be available in the ordering department's budget.

President Van Horn recommended the Board of Regents authorize the Health Sciences Center to award purchase orders to Readmore for domestic and international subscriptions and to Major's Scientific Books, Incorporated for serials and books on an as-needed basis from July 1, 1993 through June 30, 1994. The estimated combined total for these purchases is \$1,100,000.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

PURCHASE ADVERTISING IN SOUTHWESTERN BELL YELLOW PAGES

Agencies, numerous private patient clinics and physicians (faculty) within the Health Sciences Center need the listing of advertisements in the Southwestern Bell Yellow Pages. The agencies to be included are as follows:

- University of Oklahoma Health Sciences Center
- Dean A. McGee Eye Institute
- Oklahoma Medical Center
- Children's Hospital of Oklahoma
- Oklahoma City Clinic
- Presbyterian Hospital
- O'Donoghue Rehabilitation Institute
- Oklahoma State Department of Health
- Oklahoma Medical Research Foundation

The estimated total cost of listings for the above named clinics and agencies is \$252,000.00. The portion to be paid by Health Sciences Center departments is estimated as follows:

PPP Funds	\$116,772.00
State Funds	12,000.00
Grant Funds	<u>3,780.00</u>
 Total	 \$132,552.00

The purchase will be paid from the Site Support-Telecommunications account 38250090, which will be reimbursed by the clinics or agencies requesting advertisements. This is a sole source because no other form of advertising is comparable to Southwestern Bell Yellow Pages in terms of usage.

President Van Horn recommended that a purchase order be issued to Southwestern Bell Yellow Pages for advertisements from July 1, 1993 through June 30, 1994 at an estimated annual cost of \$252,000.00

Regent West moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

UNIVERSITY OF OKLAHOMA RETIREMENT PLAN CHANGES

The University of Oklahoma's retirement program through TIAA/CREF was originally established as a supplemental component to the Oklahoma Teachers' Retirement System (OTRS) and Social Security. To be eligible for the TIAA University contribution, employees must first be members of the OTRS. Salaried employees are required by law to participate in OTRS and hourly employees may participate on an optional basis. The OTRS has always required an employee contribution. The current rate is 6% of the first \$25,000 of salary plus benefits. An optional program requires higher contributions up to \$40,000.

The initial 6% out-of-pocket cost to the employees has resulted in very few hourly employees joining OTRS, and therefore, they are ineligible for the TIAA/CREF University contribution. Most hourly employees can ill-afford this 6% initial contribution. Only approximately 40% of the hourly employees have opted to participate in the retirement program. The other 60% are left with only Social Security as their income upon retirement from the University.

The University is now prepared to implement a retirement program that will serve all of our hourly employees. The University will phase in contributions according to the following schedule:

FY94	3 %
FY95	6 %
FY96	9 %

The University contribution will be based upon base salary only and no employee contribution will be required. This design has several positive effects:

- (1) It provides a retirement program to those who have never had anything in place before;
- (2) It is designed to provide outcomes similar to the levels of benefits for retirement incomes of other University employees, and is quite similar to industry;
- (3) It will be vested with the employee in a shorter period of time than OTRS (3 years as opposed to 10 years).

Hourly employees who (as of May 1, 1993) are participating in OTRS may elect to withdraw from OTRS and immediately begin receiving the 9% University contributions on base salary through the new program. This will permit these hourly employees to increase their take-home pay by the 6% previously deducted for OTRS contribution, or to contribute this amount to a supplemental retirement annuity to continue their retirement savings program.

To be immediately eligible for the program, an hourly employee must be 30 years old or have three years of benefits-eligible service. Employees will become eligible when either event takes place.

Hourly employees who are currently participating in OTRS may elect to remain in their current program.

The University proposes to reduce the age requirements for participation in all retirement programs. Employees must meet the following age requirements or have completed three years of service.

FY94	30
FY95	29
FY96	29
FY97	28
FY98	28
FY99 and thereafter	27

The University will implement a three year vesting period for all University retirement programs for all employees hired after July 1, 1993. During the first three years of participation, the University contributions will be made for the employee through a University controlled account. The employee may exercise options as to where contributions are made using the same list of available companies as is currently available for salaried employees, i.e. Aetna, Fidelity, TIAA/CREF, and Vanguard. At the completion of the vesting period, the account will be transferred to the employee's name and subsequent contributions will then be made by the University to the employee's account. Any employee who leaves prior to completion of the three year vesting period will be unable to withdraw the University's contributions.

Participation in all of the University's retirement programs requires a continuous appointment of 50% or greater FTE.

The first year projected cost totals approximately \$500,000 for all funds for both campuses. Once totally implemented, the projected cost will total approximately \$2,300,000. The total University annual savings from the establishment of the three-year vesting program is projected to be approximately \$1,000,000. The cost of reducing the age threshold is projected to be \$450,000 over the next five years.

The IRS has proposed discrimination testing rules for retirement plans. While IRS discrimination testing has been postponed several times, it is scheduled to be effective January 1, 1996. The rules will essentially require that retirement plans not discriminate in favor of highly paid employees. Since we make no retirement contribution for approximately 60% of our hourly employees, we prima facie will fail the testing. Establishing this hourly employee retirement plan will help meet the testing rules.

President Van Horn recommended approval of the following changes to the Retirement Plan: (1) Establish an hourly employee's retirement plan for those employees not participating in the Oklahoma Teachers' Retirement System (OTRS). The plan would be phased in over three years at 3% per year for a total of 9% by FY96. University contributions would be based on total base salary. Employees exercising their option to withdraw from OTRS would receive the 9% contribution immediately; (2) Revise the participation rules to reduce the current age participation requirement for all employees from age 30 to age 27 according to the schedule presented above; and (3) Establish a vesting period so that University contributions for all new employees will be vested after three years of plan participation.

Regent Blankenship moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

RETIREMENT PLAN AMENDMENTS

Resolutions and amendments to The University of Oklahoma Defined Contribution Plan are necessary due to the Internal Revenue Service's response to the University's request for a favorable opinion. Modifications are also included to implement the retirement plan changes proposed to be effective July 1, 1993. Those include the new Hourly Employees Retirement Plan, a revised age schedule for participation and three-year vesting.

The revised plan document presented for approval, attached hereto as Exhibit A, has been prepared by Dudley Hyde, retirement benefits consultant, and reviewed by University Legal Counsel.

RESOLUTIONS

WHEREAS, the University has in existence that certain defined contribution retirement plan entitled "The University of Oklahoma Defined Contribution Retirement Plan" (the "Plan"); and

WHEREAS, the Board believes that it is in the best interest of the University, its employees, and the Plan to amend the Plan to: (i) more specifically define the term "Annual Additions" in a manner that complies with the requirements of Section 414(c), 415(1) and 419A(d) (2) of the Internal Revenue Code of 1986 (the "Code"), and Treas. Req. Section 1.415-6; (ii) more specifically define the term "Eligible Employee" to include only employees regularly employed on a basis of at least 20 or more hours per week; (iii) clarify that for purposes of the definitions of the terms "Regular Salary" and "Supplemental Salary," the family aggregation rules of Section 401(a) (18) of the Code apply; (iv) modify the contribution formula set forth in the Plan, and (v) add the direct rollover provisions required by the Unemployment Compensation Amendments of 1992; and

WHEREAS, such amendments have been incorporated in the 1993 Amendment to The University of Oklahoma Defined Contribution Retirement Plan (the "Amendment"); and

WHEREAS, a copy of the Amendment has been presented to the Board of Regents for their review and adoption in the form of Exhibit "A" which is attached hereto and are made a part hereof.

NOW THEREFORE BE IT RESOLVED that the Amendment is hereby approved and adopted to be effective as of the dates therein stated.

FURTHER RESOLVED that the President or any Vice President of the University be, and they are hereby, appointed and authorized to do all acts necessary and proper to implement the Amendment and the foregoing resolutions.

President Van Horn recommended the Board of Regents approve the resolutions and amendments to The University of Oklahoma Defined Contribution Plan.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

PURCHASE OF COMPUTER WORKSTATIONS AND PERIPHERALS FOR THE SCHOOL OF COMPUTER SCIENCE

Bids were recently circulated to six companies for computer workstations and peripherals for the School of Computing Science. One bid and three "no bids" were received as follows:

<u>Bidders</u>	<u>Total</u>
Sun Microsystems, Inc. Oklahoma City	\$83,567.76
Hewlett Packard Oklahoma City	No Bid
IBM Corporation Oklahoma City	No Bid
Digital Equipment Oklahoma City	No Bid

The Sun Microsystems bid meets all specifications. The other companies advised that they could not provide a system which met the specifications. The Sun bid includes a special educational discount of 45%.

This purchase will be from the following accounts:

- Computer Science Account 122-7284 (\$66,061.95)
- 1993 Start Up Funds Account 186-6001 (\$5,810.06)
- Computer Science Grant Accounts 125-6224 (\$4,809.73) and 125-6270 (\$6,886.00)

President Van Horn recommended that the Board of Regents approve the award of a purchase order in the amount of \$83,567.76 to Sun Microsystems, Inc. for Computer Workstations and Peripherals.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

CONTRACT FOR ATHLETIC DEPARTMENT AND LLOYD NOBLE CENTER CONCESSIONS AND MERCHANDISE SALES

Requests for proposals (RFP) were recently circulated to 52 firms to provide concession and merchandise sales services for the Athletic Department and Lloyd Noble Center. The RFP provided for the following major terms and conditions:

1. A five-year contract
2. Purchase of existing equipment and inventories
3. A facility improvement plan
4. A percentage of revenue proposal
5. A guaranteed annual revenue proposal
6. A pricing and product schedule
7. An effective date of July 1, 1993

Proposals were received as follows:

<u>Company</u>	<u>Estimated 5 Year Projected Net Revenue</u>	<u>5 Year Guaranteed Revenue</u>	<u>5 Year Renovation Investment</u>	<u>Proceeds from Sale of Equipment and Inventory</u>
1. Ogden Entertainment Services Rosemont, Illinois	\$4,180,545	\$2,000,000 (1)	\$500,000	High (4)
2. Marriott Irving, Texas	\$2,273,085	(2)	\$150,000	Low
3. Bid Combination (3)				
3a Canteen Services Oklahoma City	\$2,006,059	\$1,201,000	\$185,000	Low
3b Barnes & Noble New York City, New York	\$ 660,000	\$ 660,000	\$ 40,000	No Response
Combined Bid	\$2,666,059	\$1,861,000	\$225,000	
4. Dilks Enterprises Norman	Bid seat cushions, rentals, chairback rentals, and programs sales only.			
5. Balfours Norman	This bid proposed negotiating all requirements and no firm information was provided.			

Notes:

- (1). The Ogden guaranteed annual revenue was \$400,000 for the first year and 60% of the previous year's revenue for each succeeding year. This figure is a projected estimate of the guaranteed annual revenue. In subsequent negotiations Ogden agreed to include the \$400,000 figure as a specific not-to-go-below guarantee for years two through five of the contract.
- (2). Marriott indicated that the annual guaranteed revenue amount was to be negotiated.
- (3). These bids are combined into one total bid for evaluation purposes as Canteen Services bid food concessions only and Barnes and Noble bid merchandise sales only.

- (4). The estimated purchase prices of University owned equipment and inventories were based upon information provided in the RFP. Ogden's estimated purchase prices were significantly higher than those of any other bidder. The actual final prices received will depend upon the salability of the stock inventory and the condition of the equipment, so it is not possible to indicate a specific dollar amount at this time.

Several "no bids" were also received which indicated the companies were working on other proposal projects for the same time period.

The Ogden Entertainment Services proposal is clearly the best financial proposal. A summary of Ogden's projected total estimated revenues to the University for the five-year period of the contract is as follows:

<u>Year</u>	<u>Projected Gross Sales</u>	<u>Estimated Revenue to OU</u>	<u>Projected Revenue Guarantee</u>	<u>Minimum Revenue Guarantee</u>	<u>Annual Advance Payment</u>
1993-94	2,170,000	664,000	400,000	400,000	200,000
1994-95	2,630,000	813,000	487,000	400,000	243,500
1995-96	2,761,000	856,000	513,000	400,000	256,500
1996-97	2,900,000	900,000	540,000	400,000	270,000
1997-98	<u>3,044,000</u>	<u>947,545</u>	<u>570,000</u>	<u>400,000</u>	<u>285,000</u>
		4,180,545	2,510,000	2,000,000	

Commission schedule for food concession sales:

0 - \$ 700,000	40%
\$ 700,000 - \$1,000,000	42.5%
Above \$1,000,000 -	45%

Commission schedule for merchandise sales varies between 12% and 23.5%.

The above figures compare favorably against the in-house net income realized for the past five years which has been as follows:

<u>Year</u>	<u>Net Revenue</u>		
	<u>Athletic Department</u>	<u>Lloyd Noble</u>	<u>Total</u>
1988 - 1989	135,800	133,000	268,000
1989 - 1990	63,900 (1)	178,500	242,400
1990 - 1991	138,700	168,400	307,100
1991 - 1992	69,900 (1)	119,900	189,800
1992 - 1993 (2)	<u>169,700</u>	<u>172,000</u>	<u>341,700</u>
Total	578,000	771,800	1,349,800

Notes:

- (1) Variation due to number of home games and weather
- (2) Projected through June 30, 1993

This proposal would also provide for greater revenues than a continued in-house operation for the concession and merchandise sales. The Ogden proposal was also responsive to all other terms and conditions of the RFP. Ogden provides similar services at the University of Colorado and University of Iowa. Ogden also provided a number of creative marketing strategies for increasing revenues and customer satisfaction.

In view of the above, negotiations were conducted with Ogden to finalize the terms and conditions of a contract. All of the proposals received provided for increasing prices of the concession items. In order to ensure a smooth transition from an in-house operation to a contract operation Ogden agreed not to increase any item prices for the first year of the contract. Future price increases would be subject to negotiation. Currently, the concession item prices are competitive with or below other comparable concession operations in the area. The agreement to hold current prices will reduce the University's first year estimated revenue by approximately \$45,000 but the first year minimum annual revenue guarantee of \$400,000 would remain the same.

Ogden also operates Ogden Presents which offers top name talent bookings and would incorporate Lloyd Noble Center into their network. The recent highly successful Neil Diamond concert at Lloyd Noble was an Ogden Presents production. Ogden has indicated a strong interest and commitment to serve The University of Oklahoma and provided a positive response to all major issues. Ogden will provide the University a list of positions to be filled and will attempt to fill these positions with existing University concessions and merchandise sales personnel.

President Van Horn recommended that the Board of Regents approve the award of a contract to Ogden Entertainment Services to provide concessions and merchandise sales services for the Athletic Department and Lloyd Noble Center.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

UNIVERSITY GOLF COURSE LEASE

An item was included in the agenda pertaining to the University Golf Course but the item was pulled prior to the meeting by administration.

REAPPOINTMENT OF PATENT ATTORNEY

For the past several years, the Oklahoma City law firm of Dunlap, Coddling, & Lee, P.C. has been assisting the University in its patenting and licensing program. The expenses incurred for attorneys' fees, filing costs and other associated activities have been maintained by the firm. They receive partial reimbursement from a contractual agreement approved by the University Regents and from University income generated through patenting and licensing revenues. The current three-year agreement (the third 3-year agreement with the University) expires on June 30, 1993.

In June 1990, the University Regents approved its third three-year contractual agreement with Dunlap, Coddling, & Lee, P.C. to pay the firm \$3,000 per month as partial reimbursement for the attorneys' fees and out-of-pocket expenses incurred for evaluation of intellectual property and licensing and patent filing fees. For the initial 24-months of the current

contract in the period July, 1990 through June, 1992, Dunlap, Coddling, & Lee have paid \$40,377 in expenses and have incurred attorneys' fees in the amount of \$214,309 for a total expense of \$254,686. For this period, they have received payment of \$72,524 through the contractual agreement. The excess of expenses over reimbursement constitutes a donation to the University. Since the beginning of their association with the University in 1981 and through June 30, 1992, they have provided a total of \$729,905 in costs and services and received a total of \$173,524 in compensation.

The current contract specifies that the law firm is obligated to prepare and file no more than five applications during any 12-month period. The firm has consistently exceeded that contractual requirement and has absorbed the associated fees and costs. Dunlap, Coddling, & Lee, P.C. filed 29 patent applications and had six more in process at the conclusion of the first two years of the current contract, thus exceeding the contractual requirement of 10 for the two-year period. In the first three-quarters of FY93 it has processed seven applications.

Dunlap, Coddling, & Lee is willing to continue providing services under a similar arrangement because they wish to assist the University in developing their technology transfer program. However, patenting and licensing activity at the University has increased to an unanticipated level during the current three-year period which results in additional out-of-pocket expenses and attorney services which cannot be expected to be absorbed by the law firm. The proposal for continuation of the agreement between The University of Oklahoma Regents and Dunlap, Coddling, & Lee in the form of a letter from Mr. Charles Coddling to Mr. Kurt Ockershauser was included in the agenda and is attached as Exhibit B. It is recommended that the proposal be accepted with the increased fee of \$5,000 per month and an increase in the allowable number of patent applications from five to six per year.

President Van Horn recommended that the Board of Regents authorize the continuation of the appointment of the law firm of Dunlap, Coddling, & Lee, P.C. to represent The University of Oklahoma in its patent and licensing program with two changes in terms: (1) a fee increase from the current \$3,000 per month to \$5,000 per month for a three-year period beginning July 1, 1993 and (2) an increase from five to six in the required number of patent applications to be processed in a given 12-month period.

Regent Blankenship moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

PROPOSALS, CONTRACTS, AND GRANTS

A list of awards and/or modifications in excess of \$100,000 or that establish or make policy for the University, or that otherwise involve a substantial or significant service to be performed by the University were included in the agenda along with comparative data for fiscal years 1992 and 1993, current month and year-to-date.

The Provisions of Goods and Services policy (amended December 4, 1992) provides that new contracts and grants in excess of \$100,000 must be referred to the Board of Regents for ratification. In addition, in those cases where a contract, grant, document, or arrangement involved would establish or make policy for the University, or otherwise involve a substantial or significant service to be performed by the University, that contract, arrangement, or document shall be referred to the Board of Regents for approval.

HIGHLIGHTS:

Norman Campus and Health Sciences Center Combined Data

- Year-to-date Research awards are up 35% from last year (\$49.1 million vs. \$36.5 million), expenditures are up 13% (\$40.2 million vs. \$35.6 million), and proposal activity is up 20% (\$132.4 million vs. \$110.5 million). The results signal a very significant increase in the grants and contracts "backlog" for the forthcoming fiscal year.
- Projected total expenditures for the current fiscal year, based on year-to-date expenditures, are down 1% from last year, due principally to a \$4.5 million decrease in expenditures for the FAA Air Traffic Controller's contract for the equivalent period in FY92 and an additional \$1.4 million in the College of Continuing Education and the Institute for Community and Economic Development (CCE/ICED). However, this loss in revenues will be substantially compensated in FY94 by a 37% increase to date (plus \$4.4 million) in grants and contracts awards to CCE/ICED.

Norman Campus

- Year-to-date Research awards are up 64% from last year, expenditures are up 22%, and proposal activity is up 17%.
- Nine awards over \$100,000 were received this month.
- Year-to-date CCE/ICED awards are up 37% from last year. The primary reason is the \$6 million award from the U.S. Postal Service, which represents two years' funding for the U.S. Postal Service Training Center.
- Year-to-date CCE/ICED expenditures are down 13% from last year.
- While year-to-date CCE/ICED proposal activity is down 19% from last year, this principally reflects last year's data which included a \$21.6 million proposal to the Federal Aviation Administration (FAA).
- All activity on the FAA-Air Traffic Controller Program (FAA-ATC) is significantly less than last year, due to the completion of the federal and University mission related to the training of air traffic controllers. Additional reductions in activity levels are expected this summer.

Health Sciences Center

- Year-to-date Research awards are up 10% from last year, expenditures are up 3%, and proposal activity is up 28%.
- Year-to-date total awards are up 22% from last year, expenditures are up 7%, and proposal activity is up 24%.
- Nine awards over \$100,000 were received this month.

President Van Horn recommended that the Board ratify the awards and/or modifications for April 1993 as submitted.

Regent Halverstadt moved approval of the recommendation. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved.

INTERNAL AUDIT FINDINGS

The Internal Audit Policy of the Board of Regents provides that the Director of Internal Auditing makes quarterly reports to the Regents on internal audits and post audits that have been completed since his last report. The policy also provides that the Director of Internal Auditing has the opportunity at each Regents' meeting to report on any condition which in his judgment could adversely affect the University. Mr. John Eckert, Director of Internal Auditing, did not have any significant findings to report at this meeting.

REGENTS' FUND INVESTMENTS

During the month ended April 30, 1993, the following investment transactions were made based upon investment recommendations provided by J. & W. Seligman & Co.:

Purchases: Current Holdings

General Electric	600 Shares
------------------	------------

Purchases: New Holdings:

Nucor Corporation	2,000 Shares
-------------------	--------------

Sales:

Merck & Co.	2,000 Shares
State Street Boston Corp.	1,400 Shares
Time Warner	2,000 Shares
U.S. Surgical	1,000 Shares

General Electric Co. is a well-focused, highly profitable industrial company with leading positions in such worldwide industries as plastics, medical instruments, financial services, appliances, aircraft engines and communications. GE is recommended for capital appreciation and growth of income based on its above-average earnings, dividend and cash flow records.

Nucor Corporation is a manufacturer of steel products and operates scrap-based steel mills, known as mini-mills, in six locations. These mills utilize modern steelmaking techniques and produce steel at a cost competitive with steel manufactured anywhere in the world. Nucor's newest mills, located in Crawfordsville, Indiana and Hickman, Arkansas are a big success. They are the first plants producing flat rolled products utilizing a new thin-slab technology developed by SMS Schloemann-Siemag. Future plants are planned which will further expand Nucor's market penetration. A joint venture, Nucor-Yamato, produces structural shapes utilizing a new technology which was refined by the Japanese and saves rolling time, improves quality and lowers cost.

The allocation of resources within the fund following these investment transactions was in line with the Regents' investment policy. A schedule presenting the status of the Regents' Fund Consolidated Investment Fund as of April 30, 1993 was included in the agenda.

June 17, 1993

23440

The University Trust Officer approved the Seligman recommendations, and these transactions have been completed.

This report was presented for information. No action was required.

PERFORMANCE EVALUATIONS OF EXECUTIVE OFFICERS

Regent Lewis moved the Board meet in executive session for the purpose of discussing personnel matters as listed above. The following voted yes on the motion: Regents Gullatt, West, Lewis, Blankenship, Bentley, Hall, and Halverstadt. The Chair declared the motion unanimously approved and announced there will be no actions to be taken as a result of the executive session. The executive session began at 1:55 p.m. in the Provost's conference room.

The meeting reconvened in regular session in the auditorium at 5:40 p.m.

There being no further business, the meeting adjourned at 5:40 p.m.

Chris A. Purcell
Executive Secretary of the Board of Regents

UNIVERSITY OF OKLAHOMA
DEFINED CONTRIBUTION
RETIREMENT PLAN

(Amended and Restated Effective July 1, 1993)
(Execution Date: _____, 1993)

UNIVERSITY OF OKLAHOMA
DEFINED CONTRIBUTION
RETIREMENT PLAN

TABLE OF CONTENTS

<u>Article</u>		<u>Page</u>
I	ESTABLISHMENT OF PLAN	
1.1	Establishment of Plan	6
1.2	Purpose	6
II	DEFINITIONS	
2.1	Application of Definitions.	7
	(a) Accumulation Account	7
	(b) Annual Additions	7
	(c) Beneficiary.	7
	(d) Board.	7
	(e) Code	7
	(f) Date of Employment or Reemployment	8
	(g) Effective Date	8
	(h) Eligible Employee.	8
	(i) Fund Sponsor	8
	(j) Funding Vehicles	8
	(k) Hourly Employee	8
	(l) Institution.	9
	(m) Institution Plan Contributions	9
	(n) Normal Retirement Age.	9
	(o) Participant.	9
	(p) Plan	9
	(q) Plan Entry Date.	9
	(r) Plan Year.	9
	(s) Regular Salary, Supplemental Salary and Wages	9
	(t) TRS	10
	(u) Trust.	10
	(v) Trustees	10
	(w) University	10
	(x) Year of Service.	10
	(y) Year of Vesting	10
III	ELIGIBILITY FOR PARTICIPATION	
3.1	Participation	11
3.2	Notification.	11
3.3	Reemployment.	11

<u>Article</u>		<u>Page</u>
	3.4 Enrollment in Plan.	11
	3.5 Cessation of Participation.	12
 IV	 PLAN CONTRIBUTIONS	
	4.1 Plan Contributions.	13
	4.2 Allocation of Plan Contributions.	15
	4.3 Statements.	15
	4.4 Plan Year	15
	4.5 Limitations	15
	4.6 No Reversion.	16
	4.7 Maximum Contribution.	16
 V	 FUND SPONSORS/FUNDING VEHICLES	
	5.1 Fund Sponsors/Funding Vehicles.	19
	5.2 Fund Transfers.	19
 VI	 VESTING	
	6.1 Institution Plan Contributions - Eligible Employees Hired Before July 1, 1993	20
	6.2 Institution Plan Contributions - Eligible Employees Hired After June 30, 1993	20
	6.3 Terminated Eligible Employees	21
 VII	 BENEFITS	
	7.1 Retirement Benefits	22
	7.2 Cash Withdrawals.	22
	7.3 Death Benefits.	22
	7.4 Application of Benefits	23
	7.5 Distribution Requirements	23
	7.6 Rollover to Another Plan or IRA	24
 VIII	 GENERAL PROVISIONS AND LIMITATIONS REGARDING BENEFITS	
	8.1 Non-Alienation of Retirement Rights or Benefits.	26
 IX	 ADMINISTRATOR	
	9.1 Plan Administrator.	27
	9.2 Authority of the Institution.	27
	9.3 Action of the Institution	27

Article

Page

X

AMENDMENT AND TERMINATION

10.1 Amendment and Termination28
10.2 Limitation.28

XI

MISCELLANEOUS

11.1 Plan Non-Contractual.29
11.2 Claims of Other Persons29
11.3 Governing Law29
11.4 Merger, Consolidation, or Transfers of
Plan Assets29
11.5 Contracts29

ARTICLE I

ESTABLISHMENT OF PLAN

1.1 Establishment of Plan. The Board of Regents of the University of Oklahoma (the "Board") established the University of Oklahoma Defined Contribution Retirement Plan (the "Plan") as of January 1, 1989. The plan was amended and restated effective October 1, 1992, and it is now amended and restated in its entirety effective July 1, 1993.

1.2 Purpose. This plan document sets forth the provisions of this Defined Contribution (Money Purchase) Retirement Plan for a governmental entity, as defined in Section 414(d) of the Code, and is intended to be a qualified plan under Section 401(a) of the Code. Institution Plan Contributions are invested, at the direction of each Participant, in one or more of the Funding Vehicles available to Participants under the Plan.

ARTICLE II

DEFINITIONS

2.1 Application of Definitions. The words and phrases defined in this Article have the following meanings throughout this Plan document unless clearly stated otherwise.

(a) Accumulation Account. "Accumulation Account" means the separate account established for each Participant. The value of a Participant's Accumulation Account includes all Plan contributions, less expense charges, plus credited investment earnings.

(b) Annual Additions. "Annual Additions" means the sum of the following amounts credited to a Participant's Accumulation Account for the limitation year:

(i) contributions made are deemed to be made by the Institution;

(ii) all nondeductible employee contributions;

(iii) forfeitures,

(iv) amounts allocated, after March 31, 1984, to an individual medical account, as defined in Section 415(1)(2) of the Code, which is part of a pension or annuity plan maintained by the Employer; and

(v) amounts derived from contribution plans or accrued after December 31, 1985, and taxable years ending after such date, which are attributable to post-retirement medical benefits, allocated to the separate account of a key employee, as defined in Section 419(A)(d)(3) of the Code, under a welfare benefit fund, as defined in Section 419(e) of the Code. This Plan does not accept nondeductible employee contributions or provide for forfeitures.

(c) Beneficiary. "Beneficiary" means the individual, institution, trustee, or estate designated by the Participant to receive benefits provided under the Plan in a Participant's Accumulation Account in the event of the Participant's death.

(d) Board. "Board" means the Board of Regents of the University of Oklahoma.

(e) Code. "Code" means the Internal Revenue Code of 1986, as amended. Reference to a specific section of the

Code includes not only the section but any comparable section or sections of any future legislation that amends, supplements, or supersedes the section.

(f) Date of Employment or Reemployment. "Date of Employment or Reemployment" means the effective date of the appointment for a faculty member. For all other employees, the Date of Employment or Reemployment is the first day upon which an hour of service for performance of his or her duties is completed.

(g) Effective Date. "Effective Date" means July 1, 1993 which is the Effective Date of the Plan, as amended and restated.

(h) Eligible Employee. "Eligible Employee" means any employee of the Institution who works on a .50 full-time equivalency basis or more (regularly employed on a basis of at least 20 or more hours per week) as determined under the Institution's standard personnel practices. However, the term Eligible Employee does not include a person whose employment is incidental to his or her educational program or whose employment is not continuous.

(i) Fund Sponsor. "Fund Sponsor" means an insurance or variable annuity company or mutual fund company that provides the Funding Vehicles available to Participants under this Plan.

(j) Funding Vehicles. "Funding Vehicles" means (i) the deferred annuities issued for the purpose of funding accrued benefits under this Plan, or (ii) effective October 1, 1992, any other investment options selected by the Institution into which the Participants may direct the investment of their respective Accumulation Accounts.

(k) Hourly Employee. "Hourly Employee" means any Eligible Employee who is classified (i) as an "hourly-paid employee" in accordance with the Institution's standard personnel practices and (ii) not exempt from wage and hour rules for determining overtime pay under the Fair Labor Standards Act will be eligible to participate in the Plan if such Eligible Employee either was (i) participating in TRS and elected not to participate in TRS or (ii) eligible to participate in TRS but declined to participate.

(l) Institution. "Institution" means the employment unit(s) under the jurisdiction of the Board which employ the Eligible Employees who become Participants in this Plan, namely:

UNIVERSITY OF OKLAHOMA, NORMAN CAMPUS
UNIVERSITY OF OKLAHOMA HEALTH SCIENCES CENTER,
OKLAHOMA CITY CAMPUS
UNIVERSITY OF OKLAHOMA HEALTH SCIENCES CENTER, TULSA CAMPUS

(m) Institution Plan Contributions. "Institution Plan Contributions" or "Contributions" means contributions by the Institution under this Plan, as required by Article IV.

(n) Normal Retirement Age. "Normal Retirement Age" is the last day of the fiscal year in which age 65 is attained. Tenured employees may retire at the Normal Retirement Age. However, prior to December 31, 1993, tenured Employees will retire no later than the last day of the fiscal year in which age 70 is attained. By special authority of the Board, extensions of employment service beyond retirement age 70 may be made for definite periods not to exceed one year each.

(n) Participant. "Participant" means any employee of the Institution who participates in the Plan in accordance with Article III.

(p) Plan. "Plan" means this University of Oklahoma Retirement Plan, restated by this Plan document as of October 1, 1992.

(q) Plan Entry Date. "Plan Entry Date" means the latter of (i) the Effective Date of the Plan or (ii) the first of the month coinciding with or next following the completion of the participation requirements stated in Section 3.1.

(r) Plan Year. "Plan Year" means the twelve consecutive month period beginning on January 1 and ending on December 31.

(s) Regular Salary, Supplemental Salary and Wages. "Regular Salary," "Supplemental Salary" and "Wages" shall mean the base compensation, salary and wages (as to Hourly Employees) paid for services by Eligible Employees as defined in Article IV hereof and excluding all bonus, overtime or commissions. Notwithstanding anything herein to the contrary, the annual compensation of each Participant taken into account under the Plan for any Plan Year shall not exceed \$200,000, as adjusted by the Secretary of the Treasury at the same time and in the same manner as under Section 415(d) of the Code. For purposes of applying the \$200,000 limit on compensation, the family unit of an Eligible Employee and one of the 10 most highly compensated Eligible Employees will be treated as a single Eligible Employee with one compensation, and, except for the purposes of determining compensation below the Plan's integration level, if applicable, the \$200,000 limit will be allocated among the members of the family unit. In determining the compensation of a Partici-

pant for purposes of this limitation, the rules of Section 414(q)(6) of the Code shall apply, except in applying such rules, the term "family" shall include only the spouse of the Participant and any lineal descendants of the Participant who have not attained age 19 before the close of the Plan Year. If, as a result of the application of such rules the adjusted \$200,000 limitation is exceeded, then, the limitation shall be prorated among the affected individuals in proportion to each such individual's compensation as determined under this Section prior to the application of this limitation.

(t) TRS: "TRS" means the Teacher's Retirement System of Oklahoma which is a retirement plan qualified under Section 401(a) of the Code and is sponsored by the State of Oklahoma.

(u) Trust. "Trust" or "Trusts" means one or more trusts qualified under Section 501(a) of the Code and which relates to the Plan. The trusts will be the entities which will hold Accumulation Accounts invested in mutual funds.

(v) Trustees. "Trustees" means the person or entity designated as Trustee of the Trust.

(w) University. "University" means The University of Oklahoma.

(x) Year of Service. "Year of Service" means a completed 12 month period of continuous service commencing with the Eligible Employee's Date of Employment (and anniversaries of such Date of Employment) during which the Eligible Employee works on a .50 full time or more equivalency basis.

(y) Year of Vesting. "Year of Vesting" means a completed 12 month period of continuous service commencing with the Eligible Employee's Plan Entry Date (and anniversaries of such Plan Entry Date) during which the Eligible Employee works on a .50 full-time or more equivalency basis.

ARTICLE III

ELIGIBILITY FOR PARTICIPATION

3.1 Participation. All Eligible Employees who are (i) not Hourly Employees and whose appointed base salary exceeds \$9,000 calculated on an annualized equivalent basis and (ii) Hourly Employees regardless of salary levels may begin participation in this Plan on the Plan Entry Date following: (1) enrollment in the Oklahoma Teachers Retirement System and (2) attainment of age 30 or completion of three or more Years of Service with the Institution. An Eligible Employee shall also be eligible to participate in the Plan if he has attained the age of at least 55 years even if such Eligible Employee has not completed three or more Years of Service or is not participating in Teacher's Retirement System of Oklahoma ("TRS") as provided in Title 70 O.S. § 17-101 et. seq. The three Years of Service rule is waived for any individual entering employment with any of the Institutions from another institution in which he or she participated in TIAA-CREF, notwithstanding the fact that such Eligible Employee has not satisfied either the age or service requirement. Provided, effective as of July 1, 1994, the following ages will be substituted in lieu of "30" years for Eligible Employees who otherwise satisfy the requirements for participation in the Plan.

<u>Effective Date</u>	<u>Age Requirement</u>
July 1, 1994	29
July 1, 1995	29
July 1, 1996	28
July 1, 1997	28
July 1, 1998 and thereafter	27

3.2 Notification. The Institution will notify each Eligible Employee when participation in the Plan begins. Each Participant is entitled to the benefits and is bound by all of the terms, provisions, and conditions of this Plan, including any and all amendments which from time to time may be adopted, including the terms, provisions and conditions of any contract and/or certificate under the Plan.

3.3 Reemployment. Subject to Section 6.3 herein, an Eligible Employee who is reemployed by the Institution will be eligible for participation upon meeting the participation requirements set forth in Section 3.1.

3.4 Enrollment in Plan. To participate in this Plan, an Eligible Employee shall complete and return to the Institution the appropriate enrollment form(s) for the Fund Sponsor(s) and Funding Vehicle(s) selected.

3.5 Cessation of Participation. An Eligible Employee will not continue to participate in this Plan, if:

- (a) his or her employment is reduced to less than a .50 full-time equivalency basis;
- (b) he or she is retired or separated from employment with the Institution; or
- (c) the Plan is terminated.

ARTICLE IV

PLAN CONTRIBUTIONS

4.1 Plan Contributions. The Institution will make Institution Plan Contributions at least yearly based on the following percentages of Regular Salary, Supplemental Salary and Wages:

- (a) Percentage based on Regular Salary in excess of \$9,000 for each Plan Year:

By the Institution
On Regular Salary

15%

- (b) Percentage based on Supplemental Salary for each Plan Year:

<u>Supplemental Salary</u>			<u>Percentages</u>
-0-	-	\$ 25,000	0%
\$ 25,001	-	\$100,000	10%
\$100,001	-	\$150,000	15%
Over \$150,000			0%

- (c) With respect to all Eligible Employees who are hired on or after July 1, 1993, the Institution will contribute to the Plan on behalf of such Eligible Employee for each Plan Year an amount equal to (1) minus (2) where:

(1) equals 2% of Regular Salary up to \$40,000 plus 15% of Regular Salary in excess of \$9,000; and

(2) equals the amount which the Institution is otherwise required to contribute as an employer of the Eligible Employees to TRS.

Provided, if the amount the Institution is required to contribute under (2) above to TRS for the Eligible Employee is greater than the amount determined under (1) above, then, no contribution will be made to this Plan for such Eligible Employee.

- (d) For purposes of this Section 4.1, the following rules shall apply:

- (1) Regular Salary for Eligible Employees who are faculty members shall mean the appointed regular base salary stated in the fiscal year contract of the Eligible Employee; for all other Eligible Employees, Regular Salary shall mean basic annual earnings exclusive of benefits or overtime.
 - (2) The Institution will contribute 15% of Regular Salary on summer appointed income.
 - (3) Supplemental Salary shall mean the amounts of supplemental compensation (1) paid to the Eligible Employees who are faculty members of The University of Oklahoma Health Sciences Center for professional services rendered on behalf of the Institution and (2) which is not classified by the Institution as Regular Salary.
 - (4) In no event will any Supplemental Salary paid to a member of the faculty of The University of Oklahoma Health Sciences Center which is attributable to the performance of professional services by such faculty be considered as "regular salary" under this Section 4.1.
 - (5) For purposes of determining Regular Salary and Supplemental Salary, such amounts will be determined before contributions are made by a Participant to a tax-exempt annuity purchased under Section 403(b) of the Code.
- (e) Percentage based on Wages for each Plan Year for Hourly Employees:

The following stated percentages of Wages will be contributed by the Institution to the Plan from and after each specified effective date if the Hourly Employee is not participating in TRS when such Hourly Employee first become eligible (and does not later participate in TRS). If the Hourly Employee is participating in TRS on July 1, 1993 or later, and such Hourly Employee elects not to participate in TRS, then, the Institution shall make an Institution Plan

Contribution equal to 9% of such Hourly Employee's Wages from and after such date while he remains otherwise eligible to participate in the Plan.

<u>Effective Date</u>	<u>Percentages</u>
July 1, 1993	3%
July 1, 1994	6%
July 1, 1995 and thereafter	9%

4.2 Allocation of Institution Plan Contributions. In accordance with the procedures established by the Institution, Institution Plan Contributions shall be forwarded to the Fund Sponsor(s) of the Funding Vehicle(s) selected by a Participant, or, if applicable, to the trustees of the Trust established pursuant to this Plan. Such Plan Contributions may be allocated by the Participant to one or more Funding Vehicle(s) in whole-number percentages. At least as frequently as once a month, a Participant may change his or her allocation of future Institution Plan Contributions to such Funding Vehicle(s).

4.3 Statements. The Institution will determine the total amount of contributions to be made for each Participant from time to time on the basis of its books and records and in accordance with the provisions of this Article. When each contribution payment is made by the Institution, the Institution will prepare a statement showing the name of each Participant and the portion of the payment which is made for him or her, and will deliver the payment to the trustees or the appropriate Fund Sponsor(s) with the contributions payment. Any determination by the Institution, which is evidenced by a statement certified and delivered to the trustees established under the Plan or Fund Sponsor(s), is final and binding on all Participants, their Beneficiaries or contingent annuitants, or any other person or persons claiming an interest in or derived from the contributions payment. At least once a year the Fund Sponsor(s) will send each Participant a report summarizing the status of his or her Accumulation Account(s) as of each calendar quarter of each year. Similar reports or illustrations may be obtained by a Participant upon termination of employment or at any other time by writing directly to the Fund Sponsor(s).

4.4 Plan Year. The "Plan Year" is January 1 through December 31 of each year. Records for each Participant under this Plan are maintained on this basis.

4.5 Limitations. Notwithstanding anything to the contrary contained in this Plan, the obligation of the Institution to make contributions is subject to the provisions relating to the amendment and termination of the Plan; provided, that no amendment or termination will affect any obligation of the Insti-

tution to make contributions with respect to salary earned by Participants prior to the date of amendment or termination.

4.6 No Reversion. Under no circumstances or conditions will any contribution of the Institution revert to, be paid to, or inure to the benefit of, directly or indirectly, the Institution. However, in the event that Institution Plan Contributions are made by the Institution by mistake of fact, these Plan Contributions must be returned to the Institution within one year of the date that Institution Plan Contributions were made.

4.7 Maximum Contribution. Notwithstanding anything contained in this plan document to the contrary, the total Annual Additions made on behalf of any Participant for any year will not exceed the lesser of \$30,000 or 25% of the Participant's compensation ("Compensation") for the year, as defined in Section 415(e)(3) of the Code. For purposes of Section 415 of the Code, "Compensation" for any period means a Participant's current compensation from the Institution required to be reported on Form W-2 for such period, including those items listed in paragraph (1) of Treasury Regulation Section 1.415-2(d) but excluding those items listed in paragraph (2) thereof. However, the \$30,000 limit will be adjusted upward when it is equal to 25% of the defined benefit plan dollar limit, which is currently \$90,000. The \$90,000 limit will be adjusted with reference to increases in the Consumer Price Index and the \$30,000 limit will be adjusted to maintain the four-to-one ratio.

Notwithstanding the foregoing, the otherwise permissible annual contributions for any Participant under this Plan may be further reduced to the extent to prevent disqualification of the Plan under Section 415 of the Code.

If the Annual Additions exceed the limitations, the excess amounts will be held unallocated in a suspense account and will be applied to reduce further contributions by the Institution to the Plan.

The following additional limitations apply to benefits payable to Participants who also may be participating in another tax-qualified pension, profit-sharing, savings or stock bonus plan maintained by the Institution or any of the members of the controlled group of corporations of which the Institution is a part. If an individual is a Participant at any time in both a defined benefit plan and a defined contribution plan maintained by the Institution, the sum of the defined benefit plan fraction and the defined contribution plan fraction for any year may not exceed 1.0.

The defined benefit plan fraction for any year is a fraction, the numerator of which is the Participant's protected annual benefits under all of the defined benefit plans (whether

or not terminated) maintained by the Institution and the denominator of which is the lesser of 125% of the dollar limitation in effect for the limitation year under Section 415(b)(1)(A) of the Code or 140% of the Participant's average Compensation for his high 3 years. Notwithstanding the above, if the Participant was a Participant in one or more defined benefit plans maintained by the Institution which were in existence on July 1, 1982, the denominator of this fraction will not be less than 125% of the sum of the annual benefits under the plans which the Participant had accrued as of the later of September 30, 1983, or the end of the last limitation year beginning before January 1, 1983. The preceding sentence applies only if the defined benefit plans individually and in the aggregate satisfied the requirements of Section 415 of the Code as in effect at the end of the 1982 limitation year.

The defined contribution plan fraction for any year is a fraction, the numerator of which is the sum of the Annual Additions to the Participant's account under all the defined contribution plans for the current and all prior limitation years (including the Annual Additions attributable to the Participant's nondeductible employee contributions to all defined benefit plans, whether or not terminated, maintained by the institution, and the Annual Additions attributable to all welfare benefit funds, as defined in Section 419(e) of the Code, maintained by the Institution), and the denominator of which is the sum of the maximum aggregate amounts for the current and all prior limitation Years of Service with the Institution (regardless of whether a defined contribution plan was maintained by the Institution). The maximum aggregate amount in any limitation year is the lesser of 125% of the dollar limitation in effect under Section 415(c)(1)(A) of the Code or 35% of the Participant's Compensation for the year. If the employee was a Participant in one or more defined contribution plans maintained by the Institution which were in existence on July 1, 1982, the numerator of this fraction will be adjusted if the sum of this fraction and the defined benefit fraction would otherwise exceed 1.0 under the terms of this Plan. Under the adjustment, an amount equal to the product of (a) the excess of the sum of the fractions over 1.0 times (b) the denominator of this fraction, will be permanently subtracted from the numerator of this fraction. The adjustment is calculated using the fractions as they would be computed as of the later of September 30, 1983, or the end of the last limitation year beginning before January 1, 1983. This adjustment also will be made if at the end of the last limitation year beginning before January 1, 1984, the sum of the fractions exceeds 1.0 because of accruals or additions that were made before the limitations of this Article became effective to any plans of the Institution in existence on July 1, 1982. For purposes of this paragraph, a master or prototype plan with an opinion letter issued before January 1, 1983, which is adopted by

the Institution on or before September 30, 1983, is treated as a plan in existence on July 1, 1982.

The extent to which annual contributions under this Plan will be reduced, as compared with the extent to which annual benefits under any defined benefit plans or any other defined contribution plans will be reduced in order to achieve compliance with the limitations of Section 415 of the Code, will be determined by the Institution in a manner as to maximize the aggregate benefits payable to the Participant from all plans. If the reduction is under this Plan, the Institution will advise affected Participants of any additional limitation on their annual contributions required by this paragraph.

In addition to other limitations set forth in this Plan and notwithstanding any other provisions of this Plan, the Annual Additions under this Plan (and all other defined contribution Plans required to be aggregated with this Plan under the provisions of Section 415 of the Code) will not increase to an amount in excess of the amount permitted (when considered in conjunction with all other aggregated Plans of the Institution) under Section 415 of the Code, as amended by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA).

ARTICLE V

FUND SPONSORS/FUNDING VEHICLES

5.1 Fund Sponsors/Funding Vehicles. Institution Plan Contributions are invested in one or more of the Funding Vehicles available to Participants under this Plan. The Fund Sponsors are as follows:

- A. Teachers Insurance and Annuity Association (TIAA)
TIAA Group Retirement Annuity (effective October 1, 1992)
- B. College Retirement Equities Fund (CREF)
CREF Group Retirement Unit-Annuity (effective October 1, 1992)
- C. Aetna Life Insurance and Annuity Company (effective October 1, 1992)
- D. Fidelity Investments Company (effective October 1, 1992)
- E. The Vanguard Group (effective October 1, 1992)

The Institution's initial choice of Fund Sponsors and Funding Vehicles is not intended to limit future additions or deletions of Fund Sponsors and Funding Vehicles.

To the extent that Institution Plan Contributions are to be invested in a Funding Vehicle that is a mutual fund, such amounts shall, in accordance with Section 401(a) of the Code, be held by a trust that is exempt from federal income taxation under Section 501(a) of the Code.

5.2 Fund Transfers. At any time before retirement benefits begin, and subject to the Institutions' and the Funding Vehicle's rules for transfers and in accordance with the provisions of the Code for maintaining the tax deferral of the Accumulation Account(s), a Participant may transfer funds accumulated under the Plan (i) to or from any of the Plan's approved mutual fund or annuity Funding Vehicles, (ii) among the Plan's approved CREF accounts; (iii) to the TIAA Retirement Group Annuity; and (iv) from the TIAA Group Retirement Annuity, in substantially equal payments over a 10-year period unless otherwise permitted under the TIAA Group Retirement Annuity or after payment of any required penalty to the Fund Sponsor to effect such transfer.

ARTICLE VI

VESTING

6.1 Institution Plan Contributions - Eligible Employees Hired Before July 1, 1993. With respect to all Eligible Employees (i) hired prior to July 1, 1993 and (ii) who are participating in the Plan on July 1, 1993, amounts attributable to Institution Plan Contributions made on their behalf shall be 100% vested and nonforfeitable when any Institution Plan Contributions are made to the Plan to be credited to such Eligible Employee's Accumulation Account.

6.2 Institution Plan Contributions - Eligible Employees Hired After June 30, 1993. With respect to Eligible Employees (i) hired after June 30, 1993, or who were not participating in the Plan on July 1, 1993, vesting of Institution Plan Contributions made on their behalf shall be determined under the following Sections of this Article VI.

(a) Acceleration of Vesting. If not sooner vested under Section (b) below, a Participant shall be 100% vested and nonforfeitable in his Accumulation Account on the first to occur of his (i) death, (ii) attainment of his Normal Retirement Age or (iii) incurrence of a "disability." For the purpose of this Subsection, "disability" shall be deemed to occur when the Participant incurs a "disability" as defined in the University of Oklahoma Long Term Disability Plan assuming the Participant was participating in such plan and satisfied the service requirement for a "disability" benefit.

(b) Vesting. When a Participant ceases to be an eligible Employee for any reason other than those specified in Subsection 6.2(a) above, a Participant shall have vested and nonforfeitable rights in all or part of his benefit represented by Institution Plan Contributions, as set forth by the percentages in the applicable table hereafter set forth:

<u>Years of Vesting Service</u>	<u>Percent of Institution Plan Contributions Vested</u>
Less than: 3	0%
At least: 3	100%

(c) Special Rules. An Eligible Employee who was a participant in TRS on or after July 1, 1993 and elected not to participate in TRS will be 100% vested and nonforfeitable when any Institution Plan Contribution are made to the Plan on their behalf.

(d) No Forfeitures for Cause. The vested and nonforfeitable benefit represented by a Participant's Accumulation Accounts shall not be forfeited for any cause whatsoever.

6.3 Terminated Eligible Employees. If an Eligible Employee who has less than three Years of Vesting terminates employment for any reason and is absent from the employ of the Institution for less than 90 consecutive days and he is then reemployed by the Institution, then, the Eligible Employee shall be credited with employment service for the purposes of calculating Years of Service and Years of Vesting under the Plan. If an Eligible Employee who has less than three Years of Vesting terminates employment and is absent from the employ of the Institution for 90 or more consecutive days, then, the Eligible Employee shall forfeit all Years of Service, Years of Vesting and his benefit in his Accumulation Account, and, if such former Eligible Employee is reemployed by the Institution, he will again be treated as a new Eligible Employee, and his forfeited Accumulation Account will be applied to reduce Institution Plan Contributions.

ARTICLE VII

BENEFITS

7.1 Retirement Benefits.

(a) Invested in Mutual Funds. Following retirement or earlier termination of employment, a Participant may elect to receive a distribution of the portion of his benefits which are invested in mutual funds in one of the following manners: (1) by payment of a lump sum; or (2) in substantially equal payments in monthly, quarterly, semi-annual or annual installments.

(b) Invested in Annuity Contracts. Following retirement or earlier termination of employment, a Participant may elect to receive a distribution of the portion of his benefit invested in annuities under any of the options set forth in the contracts between the Fund Sponsors and Participants and/or the Institution. Such optional forms of benefit available under this Plan include:

(a) Single life annuities as provided under the Funding Vehicle contracts;

(b) Two life annuities as provided under the Funding Vehicle contracts;

(c) Cash withdrawals subject to the limitations in Section 7.2;

(d) Fixed period annuities, as provided for under the Funding Vehicle contracts; or

(e) Such other annuity and withdrawal options which are provided under the Funding Vehicle contracts.

In no event shall distributions commence before the Participant has terminated employment with the Institution.

7.2 Cash Withdrawals. A Participant who has terminated employment is entitled to receive benefits in any form the relevant Funding Vehicles permit. A cash withdrawal will be made only with the consent of the Participant and upon receipt of a properly executed written election in a form prescribed by the Institution.

7.3 Death Benefits. In the event a Participant dies prior to commencement of retirement benefit payments, the full current value of the Accumulation Account(s) is then payable to the Beneficiary or Beneficiaries named by the Participant, under one of the options offered by the Fund Sponsor(s). If there is

no other Beneficiary, the current value of the Accumulation Account shall be paid to the deceased Participant's estate.

7.4 Application for Benefits. Procedures for receipt of Benefits are initiated by writing directly to the Fund Sponsor(s) or the Trustees, as applicable. Benefits will be payable by the Fund Sponsor(s) upon receipt of a satisfactorily completed application for benefits and supporting documents. The necessary forms will be provided to the Participant, the surviving spouse, or the Beneficiary by the Fund Sponsor(s). Payment to the Beneficiary will occur after certification of the Participant's death has been provided to the Fund Sponsor(s).

7.5 Distribution Requirements. The requirements of this Section apply to any distribution of a Participant's accrued benefit. Such distributions will in all cases be made in accordance with Section 401(a)(9) of the Code and the proposed treasury regulations promulgated thereunder including the minimum incidental death benefit requirement of proposed treasury regulation Section 1.401(a)(9)-2. Notwithstanding the foregoing, when consistent with Section 401(a)(9) of the Code, distributions may be postponed until April 1 of the calendar year following the calendar year in which the participant retires.

(a) Limits on Settlement Options. Distributions, if not made in a lump sum as provided herein, may only be made over one of the following periods (or a combination thereof):

- (i) the life of the Participant, or
- (ii) the life of the Participant and a designated Beneficiary.

(b) Commencement of Benefits. Distributions to a Participant must begin no later than the April 1 following the later of the calendar year in which the Participant retires from employment with the Institution, or attains age 70 1/2.

(c) Death Distribution Provisions. Upon the death of the Participant the following distribution provisions will take effect:

(i) If the Participant dies after distribution of his or her interest has begun, the remaining portion of the interest will continue to be distributed at least as rapidly as under the method of distribution being used prior to the Participant's death.

(ii) If the Participant dies before distribution of his or her interest begins, the Participant's entire interest will be distributed no later than five years after the

Participant's death except to the extent that an election is made to receive distributions in accordance with (1) or (2) below:

(1) If any portion of the Participant's interest is payable to a designated Beneficiary, distributions may be made in substantially equal installments over the life or life expectancy of the designated Beneficiary beginning no later than one year after the Participant's death; or

(2) If the designated Beneficiary is the Participant's surviving spouse, the date distributions are required to begin in accordance with (1) above must not be earlier than the date on which the Participant would have attained age 70 1/2, and, if the spouse dies before payments begin, subsequent distributions will be made as if the spouse had been the Participant; provided, payments will be calculated by use of the return multiples specified in Section 1.72-9 of the Treasury Regulations. Life expectancy of a surviving spouse may be recalculated annually, however, in the case of any other designated Beneficiary, such life expectancy will be calculated at the time payment first commences without further recalculation; provided further, any amount paid to a child of the Participant will be treated as if it had been paid to the surviving spouse if the amount becomes payable to the surviving spouse when the child reaches the age of majority.

7.6 Rollover to Another Plan or IRA. This Section applies to distributions of benefits made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a Distributee's election under this Section, a Distributee may elect, at the time and in the manner prescribed by the University, to have any portion of an Eligible Rollover Distribution paid directly to an Eligible Retirement Plan specified by the Distributee in a Direct Rollover. The University shall establish procedures for implementing such Direct Rollover distribution.

(a) Definitions. For purposes of this Section 7.6, the following definitions shall apply:

(i) "Eligible Rollover Distribution": An "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the Distributee, except that an Eligible Rollover Distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's designated Beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Code; and the portion of any distribution that is not includable in gross

income (determined without regard to the exclusion for net unrealized appreciation with respect to employer stock).

(ii) "Eligible Retirement Plan": An "Eligible Retirement Plan" is an individual retirement account described in Section 408(a) of the Code, an individual retirement annuity described in Section 408(b) of the Code, an annuity plan described in Section 403(a) of the Code, or a qualified trust described in Section 401(a) of the Code, that accepts the Distributee's Eligible Rollover Distribution. However, in the case of an Eligible Rollover Distribution to the surviving spouse, an Eligible Retirement Plan is an individual retirement account or individual retirement annuity.

(iii) "Distributee": A "Distributee" includes a Participant or former Participant. In addition, the Participant's spouse or former Participant's surviving spouse and the Participant's or former Participant's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.

(iv) "Direct Rollover": A "Direct Rollover" is a payment by the Plan directly to the Eligible Retirement Plan specified by the Distributee.

ARTICLE VIII

GENERAL PROVISIONS AND LIMITATIONS
REGARDING BENEFITS

8.1 Non-Alienation of Retirement Rights or Benefits.
Any trusts created pursuant to this Plan shall be spendthrift trusts and no benefits or beneficial interests provided for hereunder shall be subject in any manner to garnishment, attachment, anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, levy, execution or the claims of creditors, either voluntarily or involuntarily, and any attempt to so garnish, attach, anticipate, alienate, sell, transfer, assign, pledge, encumber, levy or execute on the same shall be null and void, and neither shall such benefits or beneficial interests be liable for or subject to the debts, contracts, liabilities, engagements or torts of any person to whom such benefits or funds are payable. The preceding provisions shall also apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a Participant pursuant to a domestic relations order, unless such order is determined to be a qualified domestic relations order, as defined in Section 414(p) of the Code, or any domestic relations order entered before January 1, 1985.

ARTICLE IX

ADMINISTRATOR

9.1 Plan Administrator. The University of Oklahoma, Norman, Oklahoma 73019, (405) 325-0311, is the Administrator of this Plan, and has designated the Office of Personnel Services, located at 905 Asp Avenue, Room 244, (405) 325-2961, to be responsible for enrolling Participants, sending Institution Plan Contributions for each Participant to the Fund Sponsor(s) selected by a Participant, and for performing other duties required for the operation of the Plan.

9.2 Authority of the University. The University, which is the administrator for purposes of the Code or as required by law, has all the powers and authority expressly conferred upon it herein and further has the sole right to interpret and construe the Plan, to resolve any ambiguities with respect to any of the terms and provisions hereof as written and as applied to the operation of the Plan, and to decide all questions of eligibility and determine the amount, manner and time of payment of any benefits hereunder. In exercising these powers and authority, the University will at all times exercise good faith, apply standards of uniform application, and refrain from arbitrary action. The University may employ attorneys, agents, and accountants as it finds necessary or advisable to assist it in carrying out its duties. The University will be a "named fiduciary" for purposes of determining eligibility and computing and making University contributions to the Plan. The University, by action of its Board, may designate a person or persons other than the University to carry out any of its powers, authority, or responsibilities. Any delegation will be set forth in writing.

9.3 Action of the University. Any act authorized, permitted, or required to be taken by the University under the Plan, which has not been delegated in accordance with Section 9.2, may be taken by a majority of the members of the Board, either by vote at a meeting, or in writing without a meeting. All notices, advice, directions, certifications, approvals, and instructions required or authorized to be given by the University under the Plan will be in writing and signed by either (i) a majority of the members of the Board, or by any member or members as may be designated by an instrument in writing, signed by all members, as having authority to execute the documents on its behalf, or (ii) a person who becomes authorized to act for the University in accordance with the provisions of Section 9.2. Any action taken by the University which is authorized, permitted, or required under the Plan and is in accordance with a Fund Sponsor's contractual obligations are final and binding upon the University, and all persons who have or who claim an interest under the Plan, and all third parties dealing with the University.

ARTICLE X

AMENDMENT AND TERMINATION

10.1 Amendment and Termination. While it is expected that this Plan will continue indefinitely, the University reserves the right at any time to amend, otherwise modify, or terminate the Plan, or to discontinue any further contributions or payments under the Plan, by resolution of its Board. In the event of a termination of the Plan or discontinuance of contributions, the University will notify all Participants of the termination. As of the date of complete or partial termination, all individual accounts will become nonforfeitable to the extent funded.

10.2 Limitation. Notwithstanding the provisions of Section 9.1, the following conditions and limitations apply:

(a) No amendment will be made which will operate to recapture for the Institution any contributions previously made under this Plan. However, contributions made in contemplation of approval by the Internal Revenue Service must be returned to the Institution if the Internal Revenue Service fails to approve the Plan with respect to its initial qualification. In addition, contributions by the Institution which were made based on a mistake of fact may be returned to the Institution within one year of the date on which the contribution was made. Notwithstanding anything herein to the contrary, contributions which may be returned to the Institution in accordance with this Section 10.2 must be returned within one year after (i) the date of denial of the initial qualification of the Plan or (ii) the payment of a contribution by mistake of fact.

(b) No amendment will deprive, take away, or alter any then accrued right of any Participant insofar as contributions made under the Plan are concerned. Any determination or recommendation by the Internal Revenue Service or Institution's counsel will be sufficient as to the necessity of the amendment.

ARTICLE XI

MISCELLANEOUS

11.1 Plan Non-Contractual. Nothing contained in this Plan will be construed as a commitment or agreement on the part of any person to continue his or her employment with the Institution, and nothing contained in this Plan will be construed as a commitment on the part of the Institution to continue the employment or the rate of compensation of any person for any period, and all employees of the Institution will remain subject to discharge to the same extent as if the Plan had never been put into effect.

11.2 Claims of Other Persons. The provisions of the Plan will in no event be construed as giving any Participant or any other person, firm, or corporation, any legal or equitable right against the Institution, its officers, employees, or directors, except the rights as are specifically provided for in this Plan or created in accordance with the terms and provisions of this Plan.

11.3 Governing Law. Except as provided under federal law, the provisions of the Plan are governed by and construed in accordance with the laws of the State of Oklahoma.

11.4 Merger, Consolidation, or Transfers of Plan Assets. The Plan will not be merged or consolidated with any other Plan, nor will any of its assets or liabilities be transferred to another Plan, unless, immediately after a merger, consolidation, or transfer of assets or liabilities, each Participant would receive a benefit under the Plan which is at least equal to the benefit he or she would have received immediately prior to a merger, consolidation, or transfer of assets or liabilities (assuming in each instance that the Plan had then terminated).

11.5 Contracts. The terms of the contracts between the Fund Sponsor(s) and the Institution and/or Participants are a part of the Plan as if fully set forth in the Plan document and the provisions of each are incorporated by reference into the Plan. In cases where there is any inconsistency or ambiguity between the terms of the Plan and those of the contracts and certificates the terms of the contracts/certificates control.

Unless stated to the contrary herein, the effective date of this amended and restated Plan is July 1, 1993. EXECUTED as of the ____ day of _____, 1993.

THE UNIVERSITY OF OKLAHOMA

ATTEST:

By _____
Jerry B. Farley, Vice
President for Adminis-
trative Affairs

Employer Identification Number #73-6017987-W

Plan Number #002

DUNLAP, CODDING, PETERSON & LEE
ATTORNEYS AT LAW
9400 NORTH BROADWAY, SUITE 420
OKLAHOMA CITY, OKLAHOMA 73114

FEB 24 1993

JERRY J. DUNLAP, INC
CHARLES A. CODDING
GARY PETERSON
MARY M. LEE
ROBERT D. TREECE
JOHN F. MCPHAIL
SUE CORBETT

TELEPHONE
(405) 478-5344
TELEFAX
(405) 478-5349

February 23, 1993

Mr. Kurt F. Ockershauser
Assoc. Chief Legal Counsel
THE UNIVERSITY OF OKLAHOMA
660 Parrington Oval
Suite 214
Norman, Oklahoma 73019

Re: Agreement with Dunlap, Coddling & Lee, P.C.

Dear Kurt:

As we have discussed on several occasions, the current retainer agreement between OU and our law firm expires on June 30th of this year. We at the law firm feel that our relationship with OU over the last 13 years has been extremely pleasant and professionally challenging, and we are gratified that we have been able to make a contribution to the establishment and maintenance of OU's patenting and licensing program over this period. We at the law firm are hopeful that we can continue this relationship. We hope as well that OU considers the relationship to have been enjoyable and rewarding and wishes to renew our agreement for the next several years.

Accordingly, we propose to extend the present agreement between us for three more years on the same terms as our present agreement, except that the payment provided for in Paragraph 3 should be increased to \$5,000.00 per month and the allowable number of patent applications should be increased from five per year to six.

As you know from our annual reports to you on the operations under our present and past agreements, the law firm has substantially exceeded its performance requirements under those agreements. For example although the agreements limit OU to five

Mr. Kurt F. Ockershauser
February 23, 1993
Page Two

patent applications each year, in practice we have filed, at OU's request, considerably more applications each year than this maximum and have absorbed the attorney time fees and out-of-pocket expenses of doing so. Additionally, we have provided to OU, at no additional cost, services in advising, negotiating and drafting in respect to other intellectual property matters not contemplated by our agreements. The financial details are contained in our annual summary reports to you, but I believe it to be fair to say in general that our firm has provided a significant financial subsidy to the University's intellectual property program operations.

Do not read this as a complaint. We have provided these services willingly, and, as I said above, we have viewed our relationship with the University as special and our contributions gratifying. However, I propose in the renewal of our retainer agreement that we both understand and make strenuous efforts to stay within the limits of that agreement, especially in the numbers of patent applications we will prepare. Should the University wish to exceed these limits, we will be more than happy to accommodate you, but will account for and invoice for these projects separately. Of course, we will continue to take all actions necessary to complete those projects which are already underway under the terms of our present and past agreements and understandings.

Once again, we very much wish to continue our long and productive relationship with the University of Oklahoma. We hope the terms we have proposed here will provide an acceptable basis for doing so. Please feel free to discuss any of these points with me.

Very truly yours,



Charles A. Coddington

CAC/ds
copy to Mr. William L. Varley
Dr. O. Ray Kling