

MATERIAL SUPPORTING THE AGENDA

Volume XXb

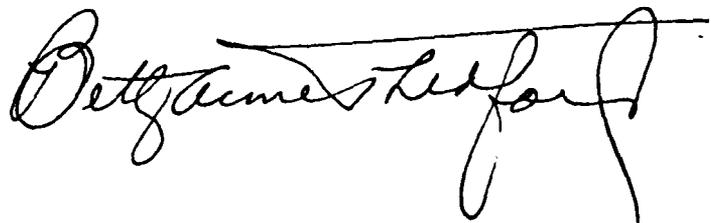
January 1973 - April 1973

This volume contains the Material Supporting the Agenda furnished to each member of the Board of Regents prior to the meetings held on January 1, 6, 9 and 26, March 5 and April 24, 1973.

The material is divided according to the Standing Committees and the meetings that were held and is submitted on three different colors, namely:

- (1) white paper - for the documentation of all items that were presented before the deadline date
- (2) blue paper - all items submitted to the Executive Session of the Committee of the Whole and distributed only to the Regents, Chancellor, and Chancellor Emeritus
- (3) yellow paper - emergency items distributed at the meeting.

Material distributed at the meeting as additional documentation is not included in the bound volume, because sometimes there is an unusual amount and other times maybe some people get copies and some do not get copies. If the Secretary were furnished a copy, then that material goes in the appropriate subject folder.

A handwritten signature in black ink, reading "Betty James Hedford". The signature is written in a cursive style with a long horizontal line extending to the right.

MATERIAL SUPPORTING THE AGENDA

There was no documentation for the Regents' meetings on December 22, 1972, and January 6 and 9, 1973.



THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM

Material Supporting

Agenda

Meeting Date: March 5, 1973

Meeting No.: 712

Name: ~~Director of the Department~~

Office Copy

CALENDAR
BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

March 5, 1973

Place: The Shamrock Hilton
Houston, Texas

Meeting Room: Embassy Room (off Lobby) *

The order of the meetings is set out below:

| | |
|------------|---|
| 9:00 a. m. | Meeting of the Board |
| 9:15 a. m. | System Administration Committee Academic and Developmental Affairs Committee Buildings and Grounds Committee Medical Affairs Committee Land and Investment Committee Committee of the Whole |
| 12:00 noon | Lunch will be served in the Castilian Room (Third Floor) |

| | |
|---|--|
| Following the meetings of the Standing Committees and the Committee of the Whole | Meeting of the Board To receive reports of Committees |
|---|--|

Telephone Numbers

| | |
|-----------------------------|---|
| Chairman A. G. McNeese, Jr. | Office: 225-1551 Residence: 686-6025 |
| President R. Lee Clark | Office: 526-5411, Ext. 231 Residence: 747-4853 |
| President John V. Olson | Office: 529-4871 Residence: 664-9630 |
| The Shamrock Hilton | 668-9211 |
| Airlines: | |
| American | 222-9873 |
| Braniff International | 621-3111 |
| Continental | 524-4711 |
| Texas International | 224-6833 |

*Marco Polo Lounge may be used for the waiting area during any Executive Sessions,

Meeting of the Board

:

AGENDA
MEETING OF THE BOARD OF REGENTS
OF
THE UNIVERSITY OF TEXAS SYSTEM

Chairman McNeese, Presiding

Date: March 5, 1973
Time: 9:00 a. m.
Place: Embassy Room (off Lobby)
The Shamrock Hilton Hotel
Houston, Texas

| | <u>Page B of R</u> |
|---|------------------------|
| A. CALL TO ORDER | 2 |
| B. APPROVAL OF MINUTES OF REGENTS' MEETING - JANUARY 26, 1973 | 2 |
| C. SPECIAL ORDER | |
| BOARD OF REGENTS - U. T. SYSTEM: RESOLUTION AUTHORIZING AND AWARDED SALE OF BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE BONDS, NEW SERIES 1973, \$8,000,000; DESIGNATION OF PAYING AGENTS, AND AWARD OF CONTRACT FOR PRINTING | |
| <u>Action Required</u> | |
| 1. Resolution authorizing issuance and sale of bonds (Pages <u>B of R 3 - 13</u>). | 3 |
| 2. Designation of paying agents. | |
| 3. Award of contract for printing bonds. | |
| D. RECESS | 13 |

CERTIFICATE FOR
RESOLUTION AUTHORIZING THE ISSUANCE OF BOARD OF REGENTS
OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE
BONDS, NEW SERIES 1973, \$8,000,000

THE STATE OF TEXAS :
THE UNIVERSITY OF TEXAS SYSTEM:

We, the undersigned officers of the Board of Regents of The University of Texas System, hereby certify as follows:

1. The Board of Regents of The University of Texas System convened in REGULAR MEETING ON THE 5TH DAY OF MARCH, 1973, in the City of Houston, Texas, and the roll was called of the duly constituted officers and members of said Board, to-wit:

| | |
|--------------------------------|------------------------|
| A. G. McNeese, Jr., Chairman | Jenkins Garrett |
| Dan C. Williams, Vice Chairman | Mrs. Lyndon B. Johnson |
| James E. Bauerle | Joe T. Nelson |
| Edward Clark | Allan Shivers |
| Frank C. Erwin, Jr. | |

Betty Anne Thedford,
Secretary

and all of said persons were present, except the following absentees:

_____ ,
thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written RESOLUTION AUTHORIZING THE ISSUANCE OF BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE BONDS, NEW SERIES 1973, \$8,000,000

was duly introduced for the consideration of said Board and read in full. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: All members of said Board shown present
above voted "Aye".

NOES: None.

2. That a true, full, and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said Board's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said Board's minutes of said Meeting pertaining to the adoption of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said Board as indicated therein; that each of the officers and members of said Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting; and that said Resolution would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St. Article 6252-17.

SIGNED AND SEALED the 5th day of March, 1973.

Secretary

Chairman

(SEAL)

RESOLUTION AUTHORIZING THE ISSUANCE OF BOARD OF REGENTS
OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE
BONDS, NEW SERIES 1973, \$8,000,000

WHEREAS, the Board of Regents of The University of Texas System is authorized to issue the bonds hereinafter authorized pursuant to Chapter 55, Texas Education Code.

THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM:

Section 1. That said Board's negotiable, serial, coupon bonds to be designated "BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE BONDS, NEW SERIES 1973", are hereby authorized to be issued, sold, and delivered in the principal amount of \$8,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, PURCHASE, CONSTRUCT, IMPROVE, ENLARGE, AND/OR EQUIP PROPERTY, BUILDINGS, STRUCTURES, AND FACILITIES FOR THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON.

Section 2. That said bonds shall be dated MARCH 1, 1973, shall be numbered consecutively from 1 THROUGH 1,600, shall be in the denomination of \$5,000 EACH, and shall mature and become due and payable serially on APRIL 1 in each of the years, and in the amounts, respectively, as set forth in the following schedule:

| <u>YEARS</u> | <u>AMOUNTS</u> |
|--------------|----------------|
| 1978 | \$2,500,000 |
| 1979 | 2,500,000 |
| 1980 | 3,000,000 |

Said Bonds may be redeemed prior to their scheduled maturities, at the option of said Board, on the dates stated, and in the manner provided, in the FORM OF BOND set forth in this Resolution.

Section 3. That said bonds shall bear interest at the rate of 4-1/2% per annum, evidenced by interest coupons which shall appertain to said bonds, and which shall be payable on the dates stated in the FORM OF BOND set forth in this Resolution.

Section 4. That said bonds, and the interest coupons appertaining thereto, shall be payable, shall be subject to redemption prior to maturity, shall have the characteristics, and shall be signed and executed (and said Bonds shall be sealed), all as provided, and in the manner indicated, in the FORM OF BOND set forth in this Resolution.

Section 5. That the form of said bonds, including the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be printed and endorsed on each of said bonds, and the form of the aforesaid interest coupons which shall appertain and be attached initially to each of said bonds, shall be, respectively, substantially as follows:

FORM OF BOND:

NO. _____

\$5,000

UNITED STATES OF AMERICA
STATE OF TEXAS
BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM
GENERAL TUITION REVENUE BOND
NEW SERIES 1973

ON APRIL 1, 19__, the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM promises to pay to bearer the principal amount of

FIVE THOUSAND DOLLARS

and to pay interest thereon, from the date hereof, at the rate of 4-1/2% per annum, evidenced by interest coupons payable OCTOBER 1, 1973, and semi-annually thereafter on each APRIL 1 and OCTOBER 1 while this bond is outstanding.

THE PRINCIPAL of this bond and the interest coupons appertaining hereto shall be payable to bearer, in lawful money of the United States of America, without exchange or collection charges to the bearer, upon presentation and surrender of this bond or proper interest coupon, at the following, which shall constitute and be defined as the "Paying Agent" for this Series of Bonds:

TEXAS COMMERCE BANK, HOUSTON, TEXAS,
OR, AT THE OPTION OF THE BEARER, AT
THE AUSTIN NATIONAL BANK, AUSTIN, TEXAS.

THIS BOND is one of a Series of negotiable, serial, coupon bonds, dated MARCH 1, 1973, issued in the principal amount of \$8,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, PURCHASE, CONSTRUCT, IMPROVE, ENLARGE, AND/OR EQUIP PROPERTY, BUILDINGS, STRUCTURES, AND FACILITIES FOR THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON.

ON OCTOBER 1, 1973, OR ON ANY DATE THEREAFTER, the outstanding bonds of this Series may be redeemed prior to their scheduled maturities, at the option of said Board, IN WHOLE, OR IN PART, for the principal amount thereof and accrued interest thereon to the date fixed for redemption. Prior to any date fixed for any such redemption said Board shall cause a written notice of such redemption to be given to the Paying Agent, and by the date fixed for any such redemption due provision shall be made with the "Paying Agent" for the payment of the required redemption price. If such written notice of redemption is given and if due provision for such payment is made, all as provided above, the bonds which are to be so redeemed thereby automatically shall be redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the purpose of being paid by the "Paying Agent" with the funds so provided for such payment.

IT IS HEREBY certified, recited, and covenanted that this bond has been duly and validly issued and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the issuance and delivery of this bond have been performed, existed, and been done in accordance with law; and that the interest on and principal of this bond and the Series of which it is a part are

secured by and payable from an irrevocable lien on and pledge of specified Pledged General Tuition imposed on students enrolled at each and every institution, branch, and school now or hereafter operated by or under the jurisdiction of said Board, and a student Library Use Fee at each New System Institution of said Board, and certain Federal interest grants, and other revenues, collectively defined as "Pledged Revenues" and further described and defined in the Resolution authorizing this Series of bonds, said lien and pledge being subject and subordinate only to the prior first lien on and pledge of said "Pledged Revenues" heretofore created in favor of the "Outstanding Bonds", as described and defined in the Resolution authorizing this Series of bonds.

THE HOLDER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

IN WITNESS WHEREOF, this bond and the interest coupons appertaining hereto have been signed with the facsimile signature of the Chairman of the Board of Regents of The University of Texas System, and countersigned with the facsimile signature of the Secretary of the Board of Regents of The University of Texas System, and the official seal of said Board has been duly impressed, or placed in facsimile, on this bond.

XXXXXXXXXX

Secretary, Board of Regents,
The University of Texas System

XXXXXXXXXX

Chairman, Board of Regents,
The University of Texas System.

FORM OF REGISTRATION CERTIFICATE:

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

XXXXXXXXXX

Comptroller of Public Accounts of
the State of Texas.

FORM OF INTEREST COUPON:

NO. _____ \$ _____

ON _____ 1, 19__

THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM promises to pay to bearer the amount shown on this interest coupon, in lawful money of the United States of America, without exchange or collection charges to the bearer, unless due provision has been made for the redemption prior to maturity of the bond to which this interest coupon appertains, upon presentation and surrender of this interest coupon, at the
TEXAS COMMERCE BANK, HOUSTON, TEXAS,
OR, AT THE OPTION OF THE BEARER, AT
THE AUSTIN NATIONAL BANK, AUSTIN, TEXAS,
said amount being interest due that day on the bond, bearing the number hereinafter designated, of that issue of BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE BONDS, NEW SERIES 1973, DATED MARCH 1, 1973. The holder hereof shall never have the right to demand payment of this obligation out

of any funds raised or to be raised from taxation. Bond No. ____.

XXXXXXXXX
Secretary, Board of Regents,
The University of Texas System.

XXXXXXXXX
Chairman, Board of Regents,
The University of Texas System.

Section 6. (a) That as hereinafter used in this Resolution the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Board" shall mean the Board of Regents of The University of Texas System.

The term "Outstanding Bonds" shall mean collectively the Board of Regents of The University of Texas System General Tuition Revenue Bonds, Series 1971, authorized by resolution of the Board on December 2, 1971 (hereinafter called the "Series 1971 Bonds"), the Board of Regents of The University of Texas System General Tuition Revenue Bonds, Series 1972, authorized by resolution of the Board on March 16, 1972, (hereinafter called the "Series 1972 Bonds"), and the Board of Regents of The University of Texas System General Tuition Revenue Bonds, Series 1972-A, authorized by resolution of the Board on December 8, 1972, (hereinafter called the "Series 1972-A Bonds").

The term "New Series Bonds" or "Bonds" shall mean the bonds authorized by this Resolution.

The term "Established System Institution" shall mean and include each of the following existing and operating institutions, respectively:

The University of Texas at Austin
The University of Texas at Arlington
The University of Texas at El Paso
The University of Texas M. D. Anderson Hospital
and Tumor Institute at Houston
The University of Texas Graduate School of Bio-
medical Sciences at Houston
The University of Texas School of Public Health
at Houston
The University of Texas Dental Branch at Houston
The University of Texas Medical Branch at Galveston
The University of Texas Southwestern Medical
School at Dallas
The University of Texas Medical School at San Antonio
The University of Texas Nursing School (System Wide),
excepting the Nursing Schools at El Paso and
San Antonio.

The term "New System Institution" shall mean and include each of the following institutions, respectively, to be operated by and under the jurisdiction of the Board, and which were newly created by various Acts of the 61st Legislature, Regular Session, 1969:

The University of Texas at Dallas
The University of Texas of the Permian Basin
The University of Texas at San Antonio
The University of Texas Medical School at Houston
The University of Texas Dental School at San Antonio
The University of Texas (Undergraduate) Nursing
School at El Paso
The University of Texas (Clinical) Nursing School
at San Antonio;

except and provided that although the Board intends to use its best efforts to acquire, purchase, construct, improve, enlarge, and/or equip buildings, structures, and facilities for the foregoing institutions as soon as practicable and to the extent permitted by law, in order to establish and commence full operation of each of said institutions as a part of The University of Texas System, the Board does not warrant or represent any particular date for commencing or completing any work at any such institution, and it is agreed and shall be understood that each such institution shall become and constitute a New System Institution, and the lien on the Pledged Revenues at any such institution shall be effective, only upon the actual enrollment of students on a regular basis and the commencement of regular operation of such institution, if and when such event occurs.

The term "each and every institution, branch, and school now or hereafter operated by or under the jurisdiction of the Board" shall mean and include all of the following:

- (a) each Established System Institution, and
- (b) each new System Institution,

together with any other institution, branch, or school now or hereafter operated by or placed under the jurisdiction of the Board pursuant to law (all collectively known as The University of Texas System).

The term "Pledged General Tuition" shall mean all of the aggregate amount of student tuition charges now or hereafter required or authorized by law to be imposed on students enrolled at each and every institution, branch, and school, now or hereafter operated by or under the jurisdiction of the Board, but specifically excluding and excepting (1) the amount of tuition scholarships now provided for by law, and (2) the following amount of such student tuition charges at each and every such institution, branch, and school which previously has been or hereafter may be pledged to the payment of other bonds (excepting the Bonds and Additional Bonds) issued by the Board:

- (a) \$5.00 per regular semester and summer session for each student enrolled for 12 or more Semester Credit Hours; and
- (b) \$0.42 per Semester Credit Hour per regular semester and summer session for each student enrolled for less than 12 Semester Credit Hours;

and Section 55.17 (f) (2) of the Texas Education Code provides, and it is hereby covenanted, that the aggregate amount of student tuition charges which are now required or authorized by law to be imposed, and which are pledged to the payment of the Bonds and any Additional Bonds by this Resolution, shall never be reduced or abrogated while such obligations are outstanding; it being further covenanted that the aggregate amount of student tuition charges now required or authorized by law to be imposed on students enrolled at each and every institution, branch, and school operated by or under the jurisdiction of the Board are set forth in Chapter 54 of the Texas Education Code, as amended and modified by Chapters 511 and 755, Acts of the 62nd Legislature, Regular Session, 1971, to which Chapters reference is hereby made for all purposes.

The term "Library Use Fee" shall mean the gross collections of a special fee to be fixed, charged, and collected from all students (excepting those exempt by the aforesaid Chapter 755, Acts of the 62nd Legislature) regularly enrolled at each New System Institution, respectively, for the use and availability of all library facilities at each such New System Institution, respectively, in the manner and to the extent provided in this Resolution.

The term "Pledged Revenues" shall mean collectively (a) the Pledged General Tuition, (b) the Library Use Fee, (c) all debt service subsidy and interest grants received from the United States Government in connection with the Bonds, and (d) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Bonds.

Section 7. (a) That the Board covenants and agrees to fix, levy, charge, and collect a uniform Library Use Fee from all students (excepting those exempt by the aforesaid Chapter 755, Acts of the 62nd Legislature) regularly enrolled in each New System Institution, respectively, at each regular fall and spring semester and at each term of each summer session, for the use and availability of all library facilities at each such New System Institution, respectively, in such amounts, without any limitation whatsoever, as will be at least sufficient at all times to provide, together with other Pledged Revenues, the money for making all deposits required to be made to the credit of the Interest and Sinking Fund and the Reserve Fund in connection with the Outstanding Bonds and the New Series Bonds, and to pay, when due, all principal of and interest on the Outstanding Bonds and New Series Bonds.

(b) That the Library Use Fee shall be fixed, levied, charged, and collected when and as required by this Section; and the Library Use Fee shall be increased if and when required by this Section, and may be decreased or abrogated, so long as all Pledged Revenues are sufficient to provide the money for making all deposits required to be made to the credit of the Interest and Sinking Fund and Reserve Fund in connection with the Outstanding Bonds and the New Series Bonds. All changes in such Library Use Fee shall be made by resolution of the Board, but such procedure shall not constitute or be regarded as an amendment of this Resolution, but merely the carrying out of the provisions hereof.

Section 8. (a) That the Series 1971 Bonds, the Series 1972 Bonds, and the Series 1972-A Bonds (herein collectively called the "Outstanding Bonds" are secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues, as provided in the resolutions authorizing their issuance.

(b) That pursuant to the resolutions authorizing the Outstanding Bonds there has been created and established on the

books of the Board a separate account or accounts which individually or collectively are known as the "Revenue Fund". All collections of Pledged Revenues shall be credited to the Revenue Fund immediately upon receipt.

(c) That the Board covenants and agrees that it will not hereafter issue any Additional Bonds, as permitted in the resolutions authorizing the issuance of the Outstanding Bonds, until the New Series Bonds have been paid and retired, or due provision shall have been made for such payment and retirement.

Section 9. That the New Series Bonds, and the interest thereon, are and shall be secured by and payable from an irrevocable lien on and pledge of the Pledged Revenues, subject and subordinate only to the prior first lien on and pledge of the Pledged Revenues heretofore created in favor of the Outstanding Bonds.

Section 10. That to pay the principal of and interest on all New Series Bonds, as the same come due, there is hereby created and there shall be established at an official depository of the Board (which must be a member of the Federal Deposit Insurance Corporation) a separate fund to be entitled the "New Series Tuition Revenue Bonds Interest and Sinking Fund" (herein called the "Interest and Sinking Fund").

Section 11. That there is hereby created and there shall be established at an official depository of the Board (which must be a member of the Federal Deposit Insurance Corporation) a separate fund to be entitled the "New Series Tuition Revenue Bonds Reserve Fund" (herein called the "Reserve Fund"). The Reserve Fund shall be used finally in retiring the last of the New Series Bonds, or for paying principal of and interest on any New Series Bonds, when and to the extent the amount in the Interest and Sinking Fund is insufficient for such purpose.

Section 12. That money in any Fund established pursuant to this Resolution may, at the option of the Board, be placed in time deposits or invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States of America, and evidences of indebtedness of the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, or Federal National Mortgage Association; provided that all such deposits and investments shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Such investments shall be valued in terms of current market value as of the last day of February and August of each year. Interest and income derived from such deposits and investments shall be credited to the Fund from which the deposit or investment was made. Such investments shall be sold promptly when necessary to prevent any default in connection with the New Series Bonds.

Section 13. That money in all Funds created by this Resolution, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the Board, in principal amounts at all times not less than the amounts of money credited to such Funds, respectively.

Section 14. (a) That on or before March 25, 1973, and semi-annually on or before each September 25th and March 25th thereafter, the Board shall make all deposits and payments required by the resolutions authorizing the issuance of the Outstanding Bonds, and all deposits and payments hereinafter

required shall be made and paid subject and subordinate to all required deposits and payments in connection with the Outstanding Bonds.

(b) That all accrued interest and any premium received as part of the proceeds from the sale and delivery of the New Series Bonds shall be deposited immediately to the credit of the Interest and Sinking Fund.

(c) That the Board shall transfer from the Pledged Revenues in the Revenue Fund and deposit to the credit of the Interest and Sinking Fund and the Reserve Fund, respectively, the amounts, at the times, as follows:

(1) on or before September 26, 1973, and semi-annually on or before each March 26th and September 26th thereafter, the Board shall deposit into the Interest and Sinking Fund an amount which will be sufficient, together with other monies, if any, then on hand therein and available for such purpose, to pay the interest scheduled to accrue and come due on the New Series Bonds on the next succeeding interest payment date;

(2) on or before September 26, 1973, and semi-annually on or before each March 26th and September 26th thereafter, the Board shall deposit to the credit of the Reserve Fund the sum of \$450,000; provided, however, that no deposit shall be made into the Reserve Fund which would cause the market value of the money and investments in the Reserve Fund to exceed the amount of \$1,200,000; but if the Reserve Fund should be depleted to less than said amount in market value said deposits, to the extent required, shall be resumed and continued until the Reserve Fund is restored to said amount; and so long as the Reserve Fund contains said amount, any surplus in the Reserve Fund over said amount shall be deposited into the Interest and Sinking Fund;

(3) on or before September 26, 1974, the Board shall deposit to the credit of the Interest and Sinking Fund the sum of \$900,000; and on or before March 26, 1975, the Board shall deposit to the credit of the Interest and Sinking Fund the sum of \$1,200,000; and on or before September 26, 1975, and semi-annually on or before each March 26th and September 26th thereafter, the Board shall deposit to the credit of the Interest and Sinking Fund the sum of \$1,500,000, until the New Series Bonds have been paid or retired, or until due provision shall have been made for such payment or retirement.

(d) That the Board covenants and agrees that the Interest and Sinking Fund will be used, and exhausted to the extent possible, not later than each interest payment date, first to provide for the payment of the interest coming due on New Series Bonds on each such interest payment date, and then to pay or redeem the principal of New Series Bonds at or prior to maturity; provided that during the period of April 2, 1977, through April 1, 1979, New Series Bonds shall be not redeemed prior to maturity from the Interest and Sinking Fund if, and to the extent that, such prior redemption on any date would result in amounts not being available from the Interest and Sinking Fund to pay the principal of any outstanding New Series Bonds actually maturing on the next succeeding April 1, taking into consideration the provisions and requirements of this Resolution, including the provision that money in the Reserve Fund shall be used finally in retiring the last of the New Series Bonds.

Section 15. That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

Section 16. On or before the last day of September, 1973, and semi-annually on or before the last day of each March and of each September thereafter while any of the New Series Bonds are outstanding and unpaid, the Board shall make available to the paying agents therefor, out of the Interest and Sinking Fund, and/or the Reserve Fund, if necessary, money sufficient to pay such interest on and such principal of the New Series Bonds as will accrue or mature on the October 1st or April 1st immediately following. The paying agents shall totally destroy all paid New Series Bonds, and the coupons appertaining thereto, and shall furnish the Board with an appropriate certificate of destruction.

Section 17. That at such times as the aggregate amount of money and investments in the Interest and Sinking Fund and the Reserve Fund are at least equal in market value to (1) the aggregate principal amount of all unpaid (unmatured and matured) outstanding New Series Bonds, plus (2) the aggregate amount of all unpaid (unmatured and matured) outstanding interest coupons appertaining to such New Series Bonds, no further deposits need be made into the Interest and Sinking Fund or Reserve Fund. In determining the amount of such New Series Bonds, and interest coupons appertaining thereto, outstanding at any time, there shall be subtracted and excluded the amount of any such New Series Bonds, and interest coupons appertaining thereto, which shall have been duly called for redemption and for which funds shall have been deposited with the paying agents therefor sufficient for such redemption.

Section 18. That the New Series Bonds, and the interest coupons appertaining thereto, will constitute special obligations of the Board payable solely from the Pledged Revenues, and the holders of the New Series Bonds, and the coupons appertaining thereto, shall never have the right to demand payment out of funds raised or to be raised by taxation.

Section 19. The Board further covenants and agrees that:

(a) It will fix, impose, charge, and collect all Pledged General Tuition; and will faithfully perform at all times any and all covenants, undertakings stipulations, and provisions contained in this Resolution and in each and every New Series Bond; that it will promptly pay or cause to be paid from the Pledged Revenues the principal of and interest on every New Series Bond, on the dates and in the places and manner prescribed in this Resolution and the New Series Bonds; and that it will, at the times and in the manner prescribed, deposit or cause to be deposited from the Pledged Revenues the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the New Series Bonds may require the Board, its officials and employees, and any appropriate official of the State of Texas, to carry out, respect, or enforce the covenants and obligations of this Resolution, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the Board, its officials and employees, or any appropriate official of the State of Texas.

(b) It is duly authorized under the laws of the State of Texas to create and issue the New Series Bonds; that all action on its part for the creation and issuance of the New Series Bonds has been duly and effectively taken, and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the Board in accordance with their terms.

(c) It lawfully owns and is lawfully possessed of the lands, buildings, and facilities constituting the Established System Institutions and has a good and indefeasible estate in such lands, buildings, and facilities in fee simple, that it warrants that it has, and will defend, the title to all the aforesaid lands, buildings, and facilities, and every part thereof, for the benefit of the holders and owners of the New Series Bonds against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the New Series Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) It will from time to time and before the same become delinquent pay and discharge all taxes, assessments, and governmental charges, if any, which shall be lawfully imposed upon it, or the campuses, buildings, and facilities of The University of Texas System, that it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein, and that it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment, or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the Board.

(e) That it will continuously and efficiently operate and maintain in good condition, and at a reasonable cost, The University of Texas System and the facilities and services thereof, so long as any New Series Bonds are outstanding.

(f) That until the New Series Bonds have been paid or retired, or until due provision shall have been made for such payment and retirement, the Board shall not additionally pledge or encumber the Pledged Revenues in any manner whatsoever; provided that any Pledged Revenues remaining in the Revenue Fund, after each semi-annual deposit has been made to the credit of the Reserve Fund and the Interest and Sinking Fund, as required by this Resolution, may be used for any lawful purpose.

(g) Proper books of record and account will be kept in which full, true, and correct entries will be made of all dealings, activities, and transactions relating to the Pledged Revenues, and all books, documents, and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholder.

(h) That each year while any of the New Series Bonds are outstanding, an audit will be made of its books and accounts relating to the Pledged Revenues by the State Auditor of the State of Texas, or any certified public accountant, such audit to be based on the fiscal year of The University of Texas System. As soon as practicable after the close of each such fiscal year, and when said audit has been completed and made available to the Board, a copy of such audit for the preceding fiscal year shall be mailed to all bondholders who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(i) That the Board covenants that it will not permit to be deposited to the credit of any of the Funds created by this

Resolution, or applied to the payment of the principal of or interest on the New Series Bonds, any proceeds from any grant, subsidy, donation, or income received from the United States Government, whether pursuant to agreement or otherwise, if such deposit or application would result in interest payable on the New Series Bonds being includable in whole or in part in gross income for Federal income tax purposes.

(j) That the Board covenants that it will comply with all of the terms and conditions of any and all grant or subsidy agreements, if any, applicable to the New Series Bonds entered into between the Board and any governmental agency in connection with any grant or debt service subsidy; and the Board will take all action necessary to enforce said terms and conditions.

(k) That the Board covenants to and with the purchasers of the New Series Bonds that it will make no use of the proceeds of the New Series Bonds at any time throughout the terms of the New Series Bonds which, if such use had been reasonably expected on the date of delivery of the New Series Bonds to and payment for the New Series Bonds by the purchasers, would have caused the New Series Bonds to be arbitrage bonds within the meaning of Section 103(d) of the Internal Revenue Code of 1954, as amended, or any regulations or rulings pertaining thereto; and by this covenant the Board is obligated to comply with the requirements of the aforesaid Section 103(d) and all applicable and pertinent Department of the Treasury regulations relating to arbitrage bonds. The Board further covenants that the proceeds of the New Series Bonds will not otherwise be used directly or indirectly so as to cause all or any part of the New Series Bonds to be or become arbitrage bonds within the meaning of the aforesaid Section 103(d), or any regulations or rulings pertaining thereto.

Section 20. That the Chairman of the Board is hereby authorized to have control of the New Series Bonds and all necessary records and proceedings pertaining to the New Series Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the New Series Bonds, said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate printed and endorsed on each of the New Series Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on each of the New Series Bonds.

Section 21. That the New Series Bonds are hereby sold and shall be delivered to the purchasers hereafter named for cash for the par value thereof and accrued interest thereon to date of delivery:

Bonds Nos. 1 through 40, 501 through 520, and 1001 through 1040, aggregating \$500,000 to
THE AUSTIN NATIONAL BANK, AUSTIN, TEXAS;

Bonds Nos. 41 through 90, 521 through 540, and 1041 through 1090, aggregating \$600,000 to
THE CAPITAL NATIONAL BANK IN AUSTIN, AUSTIN, TEXAS;

Bonds Nos. 541 through 560, aggregating \$100,000 to
CITIZENS NATIONAL BANK OF AUSTIN, AUSTIN, TEXAS;

Bonds Nos. 561 through 680, aggregating \$600,000 to
CITY NATIONAL BANK OF AUSTIN, AUSTIN, TEXAS;

Bonds Nos. 1091 through 1415, aggregating \$1,625,000 to
FIRST NATIONAL BANK IN DALLAS, DALLAS, TEXAS;

Bonds Nos. 91 through 140, and 681 through 730, aggregating \$500,000 to
THE FORT WORTH NATIONAL BANK, FORT WORTH, TEXAS;

Bonds Nos. 141 through 170, and 1416 through 1445, aggregating \$300,000 to
FIRST HUTCHINGS-SEALY NATIONAL BANK, GALVESTON, TEXAS;

Bonds Nos. 731 through 760, aggregating \$150,000 to
UNITED STATES NATIONAL BANK, GALVESTON, TEXAS;

Bonds Nos. 171 through 220, and 1446 through 1495, aggregating \$500,000 to
CULLEN CENTER BANK & TRUST, HOUSTON, TEXAS;

Bonds Nos. 221 through 240, and 1496 through 1515, aggregating \$200,000 to
FANNIN BANK, HOUSTON, TEXAS;

Bonds Nos. 241 through 320, 761 through 855, and 1516 through 1600, aggregating \$1,300,000 to
BANK OF THE SOUTHWEST NATIONAL ASSOCIATION, HOUSTON, HOUSTON, TEXAS;

Bonds Nos. 321 through 500, and 856 through 1000, aggregating \$1,625,000 to
TEXAS COMMERCE BANK, HOUSTON, TEXAS.

DOCUMENTATION

- A. CALL TO ORDER
- B. APPROVAL OF MINUTES OF REGENTS' MEETING -
JANUARY 26, 1973
- C. SPECIAL ORDER

THE UNIVERSITY OF TEXAS SYSTEM: RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE BONDS, NEW SERIES 1973, \$8,000,000; DESIGNATION OF PAYING AGENTS, AND AWARD OF CONTRACT FOR PRINTING.--At the Regents' meeting held on January 1, 1973, the Board of Regents authorized the administration to proceed with all of the necessary plans for said issue, and the firm of McCall, Parkhurst & Horton was named Bond Counsel and Sam Maclin was named Bond Consultant.

The purpose of the issue is to provide additional proceeds to fund the construction of the second facility of The University of Texas Medical School at Houston in The University of Texas Health Science Center at Houston and other construction authorized to be funded by tuition revenue bond proceeds.

Because of the fact that these bonds are not being issued as additional parity bonds and are subordinate to the outstanding \$117,000,000 Board of Regents of The University of Texas System General Tuition Revenue Bonds, Series 1971, Series 1972 and Series 1972-A, the proposed plan of issuance involved the direct placement of these bonds with the depository banks of The University of Texas System at the best possible negotiated interest rate. An offering circular has been submitted to each of the depository banks of The University of Texas System and negotiations for the purpose of establishing the lowest acceptable interest rate are being handled by the administration, Bond Consultant and Bond Counsel.

Recommendations will be submitted to the March 5 meeting of the Board as to the award of the bonds to the designated purchasers at the negotiated interest rate; the designation of the Texas paying agent banks and the award of the contract to print the bonds which likewise will be on a negotiated basis.

Action Required

1. Adoption of the resolution prepared by Bond Counsel authorizing the issuance and sale of Board of Regents of The University of Texas System General Tuition Revenue Bonds, New Series 1973, \$8,000,000 (Pages B of R 3 - 13).
2. Designation of paying agent for the bonds.
3. Award of contract for printing the bonds.

RESOLUTION AUTHORIZING THE ISSUANCE OF BOARD OF REGENTS
OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE
BONDS, NEW SERIES 1973, \$8,000,000

WHEREAS, the Board of Regents of The University of Texas System is authorized to issue the bonds hereinafter authorized pursuant to Chapter 55, Texas Education Code.

THEREFORE, BE IT RESOLVED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM:

Section 1. That said Board's negotiable, serial, coupon bonds to be designated "BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE BONDS, NEW SERIES 1973", are hereby authorized to be issued, sold, and delivered in the principal amount of \$8,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, PURCHASE, CONSTRUCT, IMPROVE, ENLARGE, AND/OR EQUIP PROPERTY, BUILDINGS, STRUCTURES, AND FACILITIES FOR THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON.

Section 2. That said bonds shall be dated APRIL 1, 1973, shall be numbered consecutively from 1 THROUGH 1,600, shall be in the denomination of \$5,000 EACH, and shall mature and become due and payable serially on APRIL 1 in each of the years, and in the amounts, respectively, as set forth in the following schedule:

| <u>YEARS</u> | <u>AMOUNTS</u> |
|--------------|----------------|
| 1978 | \$2,500,000 |
| 1979 | 2,500,000 |
| 1980 | 3,000,000 |

Said Bonds may be redeemed prior to their scheduled maturities, at the option of said Board, on the dates stated, and in the manner provided, in the FORM OF BOND set forth in this Resolution.

Section 3. That said bonds scheduled to mature during the years, respectively, set forth below shall bear interest at the following rates per annum:

Said interest shall be evidenced by interest coupons which shall appertain to said bonds, and which shall be payable on the dates stated in the FORM OF BOND set forth in this Resolution.

Section 4. That said bonds, and the interest coupons appertaining thereto, shall be payable, shall be subject to redemption prior to maturity, shall have the characteristics, and shall be signed and executed (and said Bonds shall be sealed), all as provided, and in the manner indicated, in the FORM OF BOND set forth in this Resolution.

Section 5. That the form of said bonds, including the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be printed and endorsed on each of said bonds, and the form of the aforesaid interest coupons which shall appertain and be attached initially to each of said bonds, shall be, respectively, substantially as follows:

FORM OF BOND:

NO. _____

\$5,000

UNITED STATES OF AMERICA
STATE OF TEXAS
BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM
GENERAL TUITION REVENUE BOND
NEW SERIES 1973

ON APRIL 1, 19___, the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM promises to pay to bearer the principal amount of

FIVE THOUSAND DOLLARS

and to pay interest thereon, from the date hereof, at the rate of _____% per annum, evidenced by interest coupons payable OCTOBER 1, 1973, and semi-annually thereafter on each APRIL 1 and OCTOBER 1 while this bond is outstanding.

THE PRINCIPAL of this bond and the interest coupons appertaining hereto shall be payable to bearer, in lawful money of the United States of America, without exchange or collection charges to the bearer, upon presentation and surrender of this bond or proper interest coupon, at the following, which shall constitute and be defined as the "Paying Agent" for this Series of Bonds:

THIS BOND is one of a Series of negotiable, serial, coupon bonds, dated APRIL 1, 1973, issued in the principal amount of \$8,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, PURCHASE, CONSTRUCT, IMPROVE, ENLARGE, AND/OR EQUIP PROPERTY, BUILDINGS, STRUCTURES, AND FACILITIES FOR THE UNIVERSITY OF TEXAS MEDICAL SCHOOL AT HOUSTON.

ON OCTOBER 1, 1973, OR ON ANY DATE THEREAFTER, the outstanding bonds of this Series may be redeemed prior to their scheduled maturities, at the option of said Board, IN WHOLE, OR IN PART IN INVERSE NUMERICAL ORDER, for the principal amount thereof and accrued interest thereon to the date fixed for redemption. Prior to any date fixed for any such redemption said Board shall cause a written notice of such redemption to be given to the Paying Agent, and by the date fixed for any such redemption due provision shall be made with the "Paying Agent" for the payment of the required redemption price. If such written notice of redemption is given and if due provision for such payment is made, all as provided above, the bonds which are to be so redeemed thereby automatically shall be redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the purpose of being paid by the "Paying Agent" with the funds so provided for such payment.

IT IS HEREBY certified, recited, and covenanted that this bond has been duly and validly issued and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the issuance and delivery of this bond have been performed, existed, and been done in accordance with law; and that the interest on and principal of this bond and the Series of which it is a part are

secured by and payable from an irrevocable lien on and pledge of specified Pledged General Tuition imposed on students enrolled at each and every institution, branch, and school now or hereafter operated by or under the jurisdiction of said Board, and a student Library Use Fee at each New System Institution of said Board, and certain Federal interest grants, and other revenues, collectively defined as "Pledged Revenues" and further described and defined in the Resolution authorizing this Series of bonds, said lien and pledge being subject and subordinate only to the prior first lien on and pledge of said "Pledged Revenues" heretofore created in favor of the "Outstanding Bonds", as described and defined in the Resolution authorizing this Series of bonds.

THE HOLDER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

IN WITNESS WHEREOF, this bond and the interest coupons appertaining hereto have been signed with the facsimile signature of the Chairman of the Board of Regents of The University of Texas System, and countersigned with the facsimile signature of the Secretary of the Board of Regents of The University of Texas System, and the official seal of said Board has been duly impressed, or placed in facsimile, on this bond.

xxxxxxx
Secretary, Board of Regents,
The University of Texas System

xxxxxxx
Chairman, Board of Regents,
The University of Texas System.

FORM OF REGISTRATION CERTIFICATE:

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

xxxxxxx
Comptroller of Public Accounts of
the State of Texas.

FORM OF INTEREST COUPON:

NO. _____ \$ _____

ON _____ 1, 19 ____

THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM promises to pay to bearer the amount shown on this interest coupon, in lawful money of the United States of America, without exchange or collection charges to the bearer, unless due provision has been made for the redemption prior to maturity of the bond to which this interest coupon appertains, upon presentation and surrender of this interest coupon, at the

said amount being interest due that day on the bond, bearing the number hereinafter designated, of that issue of BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM GENERAL TUITION REVENUE BONDS, NEW SERIES 1973, DATED APRIL 1, 1973. The holder hereof shall never have the right to demand payment of this obligation out

of any funds raised or to be raised from taxation. Bond No. ____.

| | |
|---|--|
| xxxxxxx | xxxxxxx |
| Secretary, Board of Regents, The University of Texas System. | Chairman, Board of Regents, The University of Texas System. |

Section 6. (a) That as hereinafter used in this Resolution the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Board" shall mean the Board of Regents of The University of Texas System.

The term "Outstanding Bonds" shall mean collectively the Board of Regents of The University of Texas System General Tuition Revenue Bonds, Series 1971, authorized by resolution of the Board on December 2, 1971 (hereinafter called the "Series 1971 Bonds"), the Board of Regents of The University of Texas System General Tuition Revenue Bonds, Series 1972, authorized by resolution of the Board on March 16, 1972, (hereinafter called the "Series 1972 Bonds"), and the Board of Regents of The University of Texas System General Tuition Revenue Bonds, Series 1972-A, authorized by resolution of the Board on December 8, 1972, (hereinafter called the "Series 1972-A Bonds").

The term "New Series Bonds" or "Bonds" shall mean the bonds authorized by this Resolution.

The term "Established System Institution" shall mean and include each of the following existing and operating institutions, respectively:

- The University of Texas at Austin
- The University of Texas at Arlington
- The University of Texas at El Paso
- The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston
- The University of Texas Graduate School of Biomedical Sciences at Houston
- The University of Texas School of Public Health at Houston
- The University of Texas Dental Branch at Houston
- The University of Texas Medical Branch at Galveston
- The University of Texas Southwestern Medical School at Dallas
- The University of Texas Medical School at San Antonio
- The University of Texas Nursing School (System Wide), excepting the Nursing Schools at El Paso and San Antonio.

The term "New System Institution" shall mean and include each of the following institutions, respectively, to be operated by and under the jurisdiction of the Board, and which were newly created by various Acts of the 61st Legislature, Regular Session, 1969:

- The University of Texas at Dallas
- The University of Texas of the Permian Basin
- The University of Texas at San Antonio
- The University of Texas Medical School at Houston
- The University of Texas Dental School at San Antonio
- The University of Texas (Undergraduate) Nursing School at El Paso
- The University of Texas (Clinical) Nursing School at San Antonio;

except and provided that although the Board intends to use its best efforts to acquire, purchase, construct, improve, enlarge, and/or equip buildings, structures, and facilities for the foregoing institutions as soon as practicable and to the extent permitted by law, in order to establish and commence full operation of each of said institutions as a part of The University of Texas System, the Board does not warrant or represent any particular date for commencing or completing any work at any such institution, and it is agreed and shall be understood that each such institution shall become and constitute a New System Institution, and the lien on the Pledged Revenues at any such institution shall be effective, only upon the actual enrollment of students on a regular basis and the commencement of regular operation of such institution, if and when such event occurs.

The term "each and every institution, branch, and school now or hereafter operated by or under the jurisdiction of the Board" shall mean and include all of the following:

- (a) each Established System Institution, and
- (b) each new System Institution,

together with any other institution, branch, or school now or hereafter operated by or placed under the jurisdiction of the Board pursuant to law (all collectively known as The University of Texas System).

The term "Pledged General Tuition" shall mean all of the aggregate amount of student tuition charges now or hereafter required or authorized by law to be imposed on students enrolled at each and every institution, branch, and school, now or hereafter operated by or under the jurisdiction of the Board, but specifically excluding and excepting (1) the amount of tuition scholarships now provided for by law, and (2) the following amount of such student tuition charges at each and every such institution, branch, and school which previously has been or hereafter may be pledged to the payment of other bonds (excepting the Bonds and Additional Bonds) issued by the Board:

- (a) \$5.00 per regular semester and summer session for each student enrolled for 12 or more Semester Credit Hours; and
- (b) \$0.42 per Semester Credit Hour per regular semester and summer session for each student enrolled for less than 12 Semester Credit Hours;

and Section 55.17 (f) (2) of the Texas Education Code provides, and it is hereby covenanted, that the aggregate amount of student tuition charges which are now required or authorized by law to be imposed, and which are pledged to the payment of the Bonds and any Additional Bonds by this Resolution, shall never be reduced or abrogated while such obligations are outstanding; it being further covenanted that the aggregate amount of student tuition charges now required or authorized by law to be imposed on students enrolled at each and every institution, branch, and school operated by or under the jurisdiction of the Board are set forth in Chapter 54 of the Texas Education Code, as amended and modified by Chapters 511 and 755, Acts of the 62nd Legislature, Regular Session, 1971, to which Chapters reference is hereby made for all purposes.

The term "Library Use Fee" shall mean the gross collections of a special fee to be fixed, charged, and collected from all students (excepting those exempt by the aforesaid Chapter 755, Acts of the 62nd Legislature) regularly enrolled at each New System Institution, respectively, for the use and availability of all library facilities at each such New System Institution, respectively, in the manner and to the extent provided in this Resolution.

The term "Pledged Revenues" shall mean collectively (a) the Pledged General Tuition, (b) the Library Use Fee, (c) all debt service subsidy and interest grants received from the United States Government in connection with the Bonds, and (d) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Bonds.

Section 7. (a) That the Board covenants and agrees to fix, levy, charge, and collect a uniform Library Use Fee from all students (excepting those exempt by the aforesaid Chapter 755, Acts of the 62nd Legislature) regularly enrolled in each New System Institution, respectively, at each regular fall and spring semester and at each term of each summer session, for the use and availability of all library facilities at each such New System Institution, respectively, in such amounts, without any limitation whatsoever, as will be at least sufficient at all times to provide, together with other Pledged Revenues, the money for making all deposits required to be made to the credit of the Interest and Sinking Fund and the Reserve Fund in connection with the Outstanding Bonds and the New Series Bonds, and to pay, when due, all principal of and interest on the Outstanding Bonds and New Series Bonds.

(b) That the Library Use Fee shall be fixed, levied, charged, and collected when and as required by this Section; and the Library Use Fee shall be increased if and when required by this Section, and may be decreased or abrogated, so long as all Pledged Revenues are sufficient to provide the money for making all deposits required to be made to the credit of the Interest and Sinking Fund and Reserve Fund in connection with the Outstanding Bonds and the New Series Bonds. All changes in such Library Use Fee shall be made by resolution of the Board, but such procedure shall not constitute or be regarded as an amendment of this Resolution, but merely the carrying out of the provisions hereof.

Section 8. (a) That the Series 1971 Bonds, the Series 1972 Bonds, and the Series 1972-A Bonds (herein collectively called the "Outstanding Bonds" are secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues, as provided in the resolutions authorizing their issuance.

(b) That pursuant to the resolutions authorizing the Outstanding Bonds there has been created and established on the

books of the Board a separate account or accounts which individually or collectively are known as the "Revenue Fund". All collections of Pledged Revenues shall be credited to the Revenue Fund immediately upon receipt.

(c) That the Board covenants and agrees that it will not hereafter issue any Additional Bonds, as permitted in the resolutions authorizing the issuance of the Outstanding Bonds, until the New Series Bonds have been paid and retired, or due provision shall have been made for such payment and retirement.

Section 9. That the New Series Bonds, and the interest thereon, are and shall be secured by and payable from an irrevocable lien on and pledge of the Pledged Revenues, subject and subordinate only to the prior first lien on and pledge of the Pledged Revenues heretofore created in favor of the Outstanding Bonds.

Section 10. That to pay the principal of and interest on all New Series Bonds, as the same come due, there is hereby created and there shall be established at an official depository of the Board (which must be a member of the Federal Deposit Insurance Corporation) a separate fund to be entitled the "New Series Tuition Revenue Bonds Interest and Sinking Fund" (herein called the "Interest and Sinking Fund").

Section 11. That there is hereby created and there shall be established at an official depository of the Board (which must be a member of the Federal Deposit Insurance Corporation) a separate fund to be entitled the "New Series Tuition Revenue Bonds Reserve Fund" (herein called the "Reserve Fund"). The Reserve Fund shall be used finally in retiring the last of the New Series Bonds, or for paying principal of and interest on any New Series Bonds, when and to the extent the amount in the Interest and Sinking Fund is insufficient for such purpose.

Section 12. That money in any Fund established pursuant to this Resolution may, at the option of the Board, be placed in time deposits or invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States of America, and evidences of indebtedness of the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, or Federal National Mortgage Association; provided that all such deposits and investments shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Such investments shall be valued in terms of current market value as of the last day of February and August of each year. Interest and income derived from such deposits and investments shall be credited to the Fund from which the deposit or investment was made. Such investments shall be sold promptly when necessary to prevent any default in connection with the New Series Bonds.

Section 13. That money in all Funds created by this Resolution, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the Board, in principal amounts at all times not less than the amounts of money credited to such Funds, respectively.

Section 14. (a) That on or before March 25, 1973, and semi-annually on or before each September 25th and March 25th thereafter, the Board shall make all deposits and payments required by the resolutions authorizing the issuance of the Outstanding Bonds, and all deposits and payments hereinafter

required shall be made and paid subject and subordinate to all required deposits and payments in connection with the Outstanding Bonds.

(b) That all accrued interest and any premium received as part of the proceeds from the sale and delivery of the New Series Bonds shall be deposited immediately to the credit of the Interest and Sinking Fund.

(c) That the Board shall transfer from the Pledged Revenues in the Revenue Fund and deposit to the credit of the Interest and Sinking Fund and the Reserve Fund, respectively, the amounts, at the times, as follows:

(1) on or before September 26, 1973, and semi-annually on or before each March 26th and September 26th thereafter, the Board shall deposit into the Interest and Sinking Fund an amount which will be sufficient, together with other monies, if any, then on hand therein and available for such purpose, to pay the interest scheduled to accrue and come due on the New Series Bonds on the next succeeding interest payment date;

(2) on or before September 26, 1973, and semi-annually on or before each March 26th and September 26th thereafter, the Board shall deposit to the credit of the Reserve Fund the sum of \$450,000; provided, however, that no deposit shall be made into the Reserve Fund which would cause the market value of the money and investments in the Reserve Fund to exceed the amount of \$1,200,000; but if the Reserve Fund should be depleted to less than said amount in market value said deposits, to the extent required, shall be resumed and continued until the Reserve Fund is restored to said amount; and so long as the Reserve Fund contains said amount, any surplus in the Reserve Fund over said amount shall be deposited into the Interest and Sinking Fund;

(3) on or before September 26, 1974, the Board shall deposit to the credit of the Interest and Sinking Fund the sum of \$900,000; and on or before March 26, 1975, the Board shall deposit to the credit of the Interest and Sinking Fund the sum of \$1,200,000; and on or before September 26, 1975, and semi-annually on or before each March 26th and September 26th thereafter, the Board shall deposit to the credit of the Interest and Sinking Fund the sum of \$1,500,000, until the New Series Bonds have been paid or retired, or until due provision shall have been made for such payment or retirement.

(d) That the Board covenants and agrees that the Interest and Sinking Fund will be used, and exhausted to the extent possible, not later than each interest payment date, first to provide for the payment of the interest coming due on New Series Bonds on each such interest payment date, and then to pay or redeem the principal of New Series Bonds at or prior to maturity; provided that during the period of April 2, 1977, through April 1, 1979, New Series Bonds shall be not redeemed prior to maturity from the Interest and Sinking Fund if, and to the extent that, such prior redemption on any date would result in amounts not being available from the Interest and Sinking Fund to pay the principal of any outstanding New Series Bonds actually maturing on the next succeeding April 1, taking into consideration the provisions and requirements of this Resolution, including the provision that money in the Reserve Fund shall be used finally in retiring the last of the New Series Bonds.

Section 15. That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

Section 16. On or before the last day of September, 1973, and semi-annually on or before the last day of each March and of each September thereafter while any of the New Series Bonds are outstanding and unpaid, the Board shall make available to the paying agents therefor, out of the Interest and Sinking Fund, and/or the Reserve Fund, if necessary, money sufficient to pay such interest on and such principal of the New Series Bonds as will accrue or mature on the October 1st or April 1st immediately following. The paying agents shall totally destroy all paid New Series Bonds, and the coupons appertaining thereto, and shall furnish the Board with an appropriate certificate of destruction.

Section 17. That at such times as the aggregate amount of money and investments in the Interest and Sinking Fund and the Reserve Fund are at least equal in market value to (1) the aggregate principal amount of all unpaid (unmatured and matured) outstanding New Series Bonds, plus (2) the aggregate amount of all unpaid (unmatured and matured) outstanding interest coupons appertaining to such New Series Bonds, no further deposits need be made into the Interest and Sinking Fund or Reserve Fund. In determining the amount of such New Series Bonds, and interest coupons appertaining thereto, outstanding at any time, there shall be subtracted and excluded the amount of any such New Series Bonds, and interest coupons appertaining thereto, which shall have been duly called for redemption and for which funds shall have been deposited with the paying agents therefor sufficient for such redemption.

Section 18. That the New Series Bonds, and the interest coupons appertaining thereto, will constitute special obligations of the Board payable solely from the Pledged Revenues, and the holders of the New Series Bonds, and the coupons appertaining thereto, shall never have the right to demand payment out of funds raised or to be raised by taxation.

Section 19. The Board further covenants and agrees that:

(a) It will fix, impose, charge, and collect all Pledged General Tuition; and will faithfully perform at all times any and all covenants, undertakings stipulations, and provisions contained in this Resolution and in each and every New Series Bond; that it will promptly pay or cause to be paid from the Pledged Revenues the principal of and interest on every New Series Bond, on the dates and in the places and manner prescribed in this Resolution and the New Series Bonds; and that it will, at the times and in the manner prescribed, deposit or cause to be deposited from the Pledged Revenues the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the New Series Bonds may require the Board, its officials and employees, and any appropriate official of the State of Texas, to carry out, respect, or enforce the covenants and obligations of this Resolution, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the Board, its officials and employees, or any appropriate official of the State of Texas.

(b) It is duly authorized under the laws of the State of Texas to create and issue the New Series Bonds; that all action on its part for the creation and issuance of the New Series Bonds has been duly and effectively taken, and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the Board in accordance with their terms.

(c) It lawfully owns and is lawfully possessed of the lands, buildings, and facilities constituting the Established System Institutions and has a good and indefeasible estate in such lands, buildings, and facilities in fee simple, that it warrants that it has, and will defend, the title to all the aforesaid lands, buildings, and facilities, and every part thereof, for the benefit of the holders and owners of the New Series Bonds against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the New Series Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) It will from time to time and before the same become delinquent pay and discharge all taxes, assessments, and governmental charges, if any, which shall be lawfully imposed upon it, or the campuses, buildings, and facilities of The University of Texas System, that it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein, and that it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment, or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the Board.

(e) That it will continuously and efficiently operate and maintain in good condition, and at a reasonable cost, The University of Texas System and the facilities and services thereof, so long as any New Series Bonds are outstanding.

(f) That until the New Series Bonds have been paid or retired, or until due provision shall have been made for such payment and retirement, the Board shall not additionally pledge or encumber the Pledged Revenues in any manner whatsoever; provided that any Pledged Revenues remaining in the Revenue Fund, after each semi-annual deposit has been made to the credit of the Reserve Fund and the Interest and Sinking Fund, as required by this Resolution, may be used for any lawful purpose.

(g) Proper books of record and account will be kept in which full, true, and correct entries will be made of all dealings, activities, and transactions relating to the Pledged Revenues, and all books, documents, and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholder.

(h) That each year while any of the New Series Bonds are outstanding, an audit will be made of its books and accounts relating to the Pledged Revenues by the State Auditor of the State of Texas, or any certified public accountant, such audit to be based on the fiscal year of The University of Texas System. As soon as practicable after the close of each such fiscal year, and when said audit has been completed and made available to the Board, a copy of such audit for the preceding fiscal year shall be mailed to all bondholders who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(i) That the Board covenants that it will not permit to be deposited to the credit of any of the Funds created by this

Resolution, or applied to the payment of the principal of or interest on the New Series Bonds, any proceeds from any grant, subsidy, donation, or income received from the United States Government, whether pursuant to agreement or otherwise, if such deposit or application would result in interest payable on the New Series Bonds being includable in whole or in part in gross income for Federal income tax purposes.

(j) That the Board covenants that it will comply with all of the terms and conditions of any and all grant or subsidy agreements, if any, applicable to the New Series Bonds entered into between the Board and any governmental agency in connection with any grant or debt service subsidy; and the Board will take all action necessary to enforce said terms and conditions.

(k) That the Board covenants to and with the purchasers of the New Series Bonds that it will make no use of the proceeds of the New Series Bonds at any time throughout the terms of the New Series Bonds which, if such use had been reasonably expected on the date of delivery of the New Series Bonds to and payment for the New Series Bonds by the purchasers, would have caused the New Series Bonds to be arbitrage bonds within the meaning of Section 103(d) of the Internal Revenue Code of 1954, as amended, or any regulations or rulings pertaining thereto; and by this covenant the Board is obligated to comply with the requirements of the aforesaid Section 103(d) and all applicable and pertinent Department of the Treasury regulations relating to arbitrage bonds. The Board further covenants that the proceeds of the New Series Bonds will not otherwise be used directly or indirectly so as to cause all or any part of the New Series Bonds to be or become arbitrage bonds within the meaning of the aforesaid Section 103(d), or any regulations or rulings pertaining thereto.

Section 20. That the Chairman of the Board is hereby authorized to have control of the New Series Bonds and all necessary records and proceedings pertaining to the New Series Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the New Series Bonds, said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate printed and endorsed on each of the New Series Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on each of the New Series Bonds.

Section 21. That the New Series Bonds are hereby sold and shall be delivered to _____

_____ for cash for the par value thereof and accrued interest thereon to date of delivery, plus a premium of \$ _____.

D. RECESS

I note that the names of the banks listed in the submission are incorrect. However, I assure you that our office will use the correct designation for each bank involved.

Betty Anne T.

\$8,000,000 BOARD OF REGENTS OF
THE UNIVERSITY OF TEXAS SYSTEM
GENERAL TUITION REVENUE BONDS, NEW SERIES 1973

SALE OF THE BONDS.--As authorized by the Board of Regents at its meeting held on January 1, 1973, System Administration was authorized to employ Bond Counsel, Bond Consultant and to proceed with all necessary plans for said issue which is to provide the additional funds necessary for the construction of the second facility of The University of Texas Medical School at Houston and other construction authorized to be funded by tuition revenue bond proceeds.

In accordance with the instructions from System Administration, Mr. Sam E. Maclin, Bond Consultant, contacted all thirty seven of the depository banks of The University of Texas System for the purpose of negotiating a direct placement of the subject financing. The most favorable interest rate obtained was 4-1/2% and the winning bank purchasers, at par plus accrued interest to date of delivery, for the maturities indicated are as follows:

| | Total | Maturities 4-1: | | |
|---|--------------------|--------------------|--------------------|--------------------|
| | | 1978 | 1979 | 1980 |
| Austin National Bank - Austin | \$ 500,000 | \$ 200,000 | \$ 100,000 | \$ 200,000 |
| Capital National Bank - Austin | 600,000 | 250,000 | 100,000 | 250,000 |
| Citizens National Bank - Austin | 100,000 | | 100,000 | |
| City National Bank - Austin | 600,000 | | 600,000 | |
| First National Bank - Dallas | 1,625,000 | | | 1,625,000 |
| Ft. Worth National Bank - Ft. Worth | 500,000 | 250,000 | 250,000 | |
| First Hutchings Sealy Bank - Galveston | 300,000 | 150,000 | | 150,000 |
| U. S. National Bank - Galveston | 150,000 | | 150,000 | |
| Cullen Center Bank & Trust - Houston | 500,000 | 250,000 | | 250,000 |
| Fannin Bank - Houston | 200,000 | 100,000 | | 100,000 |
| Bank of The Southwest - Houston | 1,300,000 | 400,000 | 475,000 | 425,000 |
| Texas Commerce Bank - Houston | 1,625,000 | 900,000 | 725,000 | |
| Total Bonds | \$8,000,000 | \$2,500,000 | \$2,500,000 | \$3,000,000 |

It is recommended by the Deputy Chancellor for Administration and the Associate Deputy Chancellor for Investments, Trusts and Lands that the Board of Regents adopt the resolution authorizing the issuance of the bonds and the sale of the bonds to the twelve enumerated purchasing banks at an interest rate of 4-1/2%.

DESIGNATION OF PAYING AGENCY.--After ascertaining that the direct placement of the subject financing had been completed at a satisfactory interest rate, System Administration proceeded to negotiate the paying agency fees with those depository banks which had submitted bids in connection with the last seven bond issues of a similar nature by The University of Texas System.

It is recommended by the Deputy Chancellor for Administration and the Associate Deputy Chancellor for Investments, Trusts and Lands that the Texas Commerce Bank National Association, Houston, Texas, be designated as the paying agent for this issue at a rate of \$.10 per coupon, \$1.25 per bond paid. The alternate co-paying agent is The Austin National Bank, Austin, Texas.

AWARD OF CONTRACT FOR PRINTING OF BONDS.--After ascertaining that the direct placement of the subject financing had been completed at a satisfactory interest rate, System Administration proceeded to negotiate the contract for printing the bonds with the Steck-Warlick Company, The Steck Division, Austin, Texas, the low bidder on all University bond issues over the last two years.

It is recommended by the Deputy Chancellor for Administration and the Associate Deputy Chancellor for Investments, Trusts and Lands that the Steck-Warlick Company, The Steck Division, Austin, Texas, be awarded the contract for printing the bonds with the lithographed borders as set out in the bond resolution for the sum of \$499.00.

System Administration Committee

SYSTEM ADMINISTRATION COMMITTEE

Date: March 5, 1973

Time: Following the meeting of the Board to consider Sale of Bonds

Place: Embassy Room (off Lobby)
The Shamrock Hilton Hotel
Houston, Texas

| | <u>Page</u> <u>SAC</u> |
|--|---------------------------|
| 1. U. T. Austin: Amendment to the Operating Budget for Student Publications (1-M-73) | 2 |
| 2. U. T. Austin, U. T. Dallas, Dallas Health Science Center (Dallas Medical School) and San Antonio Health Science Center (San Antonio Medical School): Amendments to the 1972-73 Budgets (2-B-73) | 2 |

REPORT OF ITEMS SUBMITTED TO
SYSTEM ADMINISTRATION COMMITTEE

Since the last report of the System Administration Committee on January 26, 1973, the following recommendations of the Administration were circulated to the members of the System Administration Committee and no exceptions were registered. These recommendations are herewith submitted for formal approval by the System Administration Committee:

1. U. T. Austin: Amendment to the Operating Budget for Student Publications (1-M-73). --It is recommended by President Spurr, concurred in by Chancellor LeMaistre, that approval be given to the action taken on November 14, 1972, by the Board of Operating Trustees of student publications at The University of Texas at Austin regarding a budgetary matter in Motion No. 4, as quoted below:

"Motion No. 4. Moore moved, and it was seconded, that the Executive Committee's recommendations on budget changes be accepted. These changes caused the new total estimated income to be \$724,500.00 and expenses to be \$698,200.00 with excess income of \$26,300.00 to be transferred to the reserve account for equipment replacement. This motion passed with unanimous (sic) approval."

2. U. T. Austin, U. T. Dallas, Dallas Health Science Center (Dallas Medical School) and San Antonio Health Science Center (San Antonio Medical School): Amendments to the 1972-73 Budgets (2-B-73). --It is recommended by the appropriate institutional heads, concurred in by System Administration, that the following amendments to the 1972-73 budgets for The University of Texas at Austin, The University of Texas at Dallas, The University of Texas Health Science Center at Dallas (Dallas Medical School) and The University of Texas Health Science Center at San Antonio (San Antonio Medical School), be approved (Pages _____):

Sources of Funds - Departmental Appropriations
(Unless Otherwise Indicated)

(All rates set out below are full time rates: salary rate indicates a 12 months' full time rate and academic rate indicates a 9 months' full time rate.)

The University of Texas at Austin

| Item No. | Explanation | Present Status | Proposed Status | Effective Dates |
|----------|--|---|---|-----------------|
| 1. | Extension Teaching and Field Service Bureau Transfer of Funds | From: Unappropriated Balance via Estimated Income | To: Extension Classes and Consultant Services | |
| | Amount of Transfer | \$ 500,000 | \$ 500,000 | --- |

The University of Texas at Dallas

| <u>Item No.</u> | <u>Explanation</u> | <u>Present Status</u> | <u>Proposed Status</u> | <u>Effective Dates</u> |
|-----------------|--|--|---|------------------------|
| 1. | General Institutional Expense - Conferences, Lectures, and Seminars Transfer of Funds | From: Unappropriated Balance - General Funds | To: Conferences, Lectures, and Seminars | |
| | Amount of Transfer | \$ 5,000 | \$ 5,000 | --- |

The University of Texas Health Science Center at Dallas
(Dallas Medical School)

| | | | | |
|----|---|---------------------|---------------------|--------|
| 1. | Clair W. Goldsmith (Non-tenure) Medical Computing Resources Center | Assistant Professor | Assistant Professor | |
| | Salary Rate | \$ 15,000 | \$ 18,000 | 1/1/73 |

The University of Texas Health Science Center at San Antonio
(San Antonio Medical School)

| | | | | |
|----|--|---------------------|---------------------|--------|
| 1. | David P. Green (Tenure) Surgery | Associate Professor | Associate Professor | |
| | Salary Rate | \$ 18,500 | \$ 21,500 | 1/1/73 |
| | Source of Funds: Unallocated Faculty Salaries | | | |
| 2. | John P. Wissinger (Tenure) Surgery | Associate Professor | Associate Professor | |
| | Salary Rate | \$ 19,500 | \$ 23,500 | 1/1/73 |
| | Source of Funds: Unallocated Faculty Salaries | | | |

**Academic and Developmental Affairs
Committee**

The Board decided when the 1972-73 budget was adopted that the Washington Office would be closed in three months and they would be so notified as of November 30, 1972. This budget included only two people.

At the October meeting, at the request of Mr. Ikard, these two employees were extended through December 31, 1972.

The procedure that is used with reference to the confidential minutes--and it was agreed on over the telephone with Chancellor LeMaistre and with the request that it should be in writing--that the Secretary would chat with him after each meeting and we would be in agreement as to the action taken.

Attached hereto is a letter of September 27, 1972, reflecting the procedure that we have been using.

The Budget Office reflects the first action and a memorandum from Mr. Dilly to Mr. Graydon reflects the action taken at the October meeting to extend the appointments through December 31, 1972.

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ACADEMIC AND DEVELOPMENTAL AFFAIRS COMMITTEE

Date: March 5, 1973
Time: Following the meeting of the System Administration Committee
Place: Embassy Room (off Lobby)
The Shamrock Hilton Hotel
Houston, Texas

| | <u>Page A & D</u> |
|---|---------------------------|
| 1. U. T. System: <u>Chancellor's Docket No. 62</u> | 1 |
| 2. U. T. Austin: Recommended Endowed Lecture Series in School of Law | 2 |
| 3. U. T. Austin: Proposed Rates for Residence Halls, Married Student Housing and Student Cooperative Units for 1973-74 | 4 |
| 4. U. T. Austin: Prospective Litigation Regarding Proposed Required Student Services Fee and Optional Student Activities Fee for 1973-74 | 19 |
| 5. U. T. Dallas and Dallas Health Science Center: Recommenda- tion to Request Coordinating Board to Institute a Master of Science Degree and Doctor of Philosophy Degree in Communication Disorders at U. T. Dallas in Cooperation with Dallas Health Science Center and Callier Hearing and Speech Center at Dallas | 41 |

DOCUMENTATION

1. U. T. System: Chancellor's Docket No. 62. --In compliance with the Regents' Rules and Regulations, Part One, Chapter I, Sub-division 8.64, Chancellor's Docket No. 62 was mailed by the Secretary to each member of the Board of Regents on Wednesday, February 14, 1972. The ballots are due in the Secretary's Office at the close of business on February 28, 1973. The Docket will be formally considered by the Academic and Developmental Affairs Committee with any exceptions appropriately referred and given detailed consideration.

2. U. T. Austin: Recommended Endowed Lecture Series in School of Law. --

Chancellor LeMaistre concurs in the recommendation of President Spurr, as set forth in his letter dated February 6, 1973 (reproduced below), regarding the establishment of an endowment fund through the Law School Foundation to finance an annual lecture series to be entitled the Henry W. Strasburger Lectures in Trial Advocacy.

Chancellor LeMaistre also recommends that the Chairman be authorized to join Mr. Tom Sealy, President of the Law School Foundation, in executing the letter of acceptance from Mr. Mark Martin (also reproduced below) indicating that both the gift and the proposed benefits of the gift are acceptable to the Board of Regents.

The approval of this gift by the Board of Regents and by implication the approval of the purpose of the gift is required by the Regents' Rules and Regulations, Part One, Chapter VII, Section 3.21 related to external foundations.

- 3.21 Any component institution or department or school of a component institution of The University of Texas System which is the primary beneficiary of an external foundation may not receive gifts or bequests from that external foundation until such gifts or bequests have been approved by the Board of Regents.

February 6, 1973

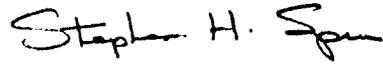
Charles A. LeMaistre, M.D.
Chancellor
The University of Texas System

Dear Dr. LeMaistre:

The firm of Strasburger, Price, Kelton, Martin and Unis of Dallas has recently made a contribution to the Law School Foundation of \$10,000.00 in memory of the late Mr. Henry W. Strasburger. The purpose of this gift is to establish an endowment fund to finance an annual lecture series to be entitled the Henry W. Strasburger Lectures in Trial Advocacy.

I recommend that the appropriate signatures be affixed to the attached documents to indicate that the conditions of this grant are acceptable to The University of Texas.

Sincerely yours,



Stephen H. Spurr
President

SHS:jb
Attachment

cc: Dean W. Page Keeton

MARK MARTIN

October 18, 1972

A.C.214-747-9211

University of Texas Law School Foundation
2500 Red River
Austin, Texas 78705

Gentlemen:

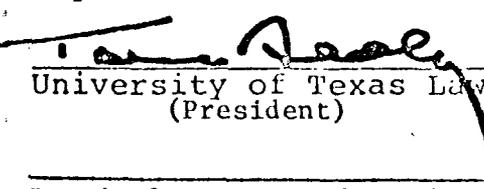
Our firm is pleased to announce a grant to the Law School Foundation in the minimum amount of \$10,000.00 made in memory of our deceased partner, Henry W. Strasburger. Contributions funding the endowment are to be from the law firm and its members. The purpose of this gift is to establish an endowment fund to provide income for the financing of an annual lecture series in conjunction with the trial advocacy program at The University of Texas School of Law to be titled the Henry W. Strasburger Lectures in Trial Advocacy.

It is our understanding that each annual series will consist of lectures or demonstrations by approximately ten outstanding practicing trial lawyers on approximately five dates or some similar program approved by the Board of Trustees of the Foundation for the purpose of educating law students in the art of advocacy.

It is also our understanding that only the income from this endowed fund will be used to defray the normal expenses of this program, and further that if in the judgment of the Board of Trustees of The University of Texas Law School Foundation and the Dean of The University of Texas Law School more income should be generated than required in a given year for these lectures, the surplus may be used to further advance other areas of the trial advocacy program.

This letter is being signed in triplicate originals. If this grant is acceptable to The University of Texas Law School Foundation and the benefits of the grant are acceptable to the University of Texas upon the understanding and condition herein stated, please sign each copy of this letter in the appropriate manner and return one copy to me.

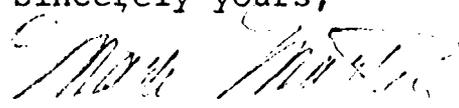
Accepted:



University of Texas Law School Foundation
(President)

Board of Regents, The University of Texas System
MM/dw

Sincerely yours,



Mark Martin
FOR THE FIRM

3. U. T. Austin: Proposed Rates for Residence Halls, Married Student Housing and Student Cooperative Units for 1973-74. --

System Administration concurs in the recommendations of President Spurr as set forth below for 1973-1974 rates for residence halls, married student housing, and student cooperative units, and recommends approval of these rates by the Board of Regents.

I. University Residence Halls: The proposed rates for 1973-1974, (1972-1973 rates are shown for comparison) are approximately 8% above the current fiscal year, and are based upon the following assumptions or conditions:

1. A projected increase in the minimum wage to \$2.00 per hour.
2. A projected 5% increase in General Operating Expenses.
3. A maximum projected vacancy of 10% of rated occupancy.
4. Continued food cost increases consistent with 1972-73 experience.
5. Anticipated 1972-73 deficits stemming from rate increases of approximately 5% being levied prior to the legislated 6.8% staff salary adjustment.
6. Student opinion that the rate should include the cost of present services, e.g. telephone, bed linens, and maid service.

The University of Texas at Austin

RATE SCHEDULE FOR 1973-74
University Residence Halls

1972-1973 Rates in Parentheses

| <u>Double Rooms</u> | <u>Long Session Rate</u> | | |
|---------------------------------------|--------------------------|----------------|------------------|
| | <u>Room</u> | <u>Board</u> | <u>Total</u> |
| Jester | | | |
| Community bath | \$576 (533) | \$624 (578) | \$1200 (1111) |
| Connecting bath | 690 (638) | 624 (578) | 1314 (1216) |
| Kinsolving-South and Blanton | 472 (437) | 624 (578) | 1096 (1015) |
| Kinsolving-North | 586 (542) | 624 (578) | 1210 (1120) |
| Andrews, Carothers and Littlefield | 314 (291) | 624 (578) | 938 (869) |
| Moore-Hill and Simkins | 472 (437) | | 472 (437) |
| Brackenridge-Roberts- Prather | 314 (291) | | 314 (291) |
| San Jacinto | 174 (160) | | 174 (160) |

Special, Administrative, and Exception Notes to Above Rates

1. Plus 5% sales tax on board portion of rate
2. These rates include a telephone in each room (except San Jacinto), weekly maid service, bed linens furnished and laundered and twenty meals per week where board is included.
3. The use of the Long Session application deposit of \$50 will be expanded to cover Summer Session. The deposit for summer is now \$20. The deposit for San Jacinto will remain at \$20. A \$10 processing fee will be deducted from all deposit refunds for applicants who do not move into the residence halls excluding those who are denied admission to the University.

4. Payment procedures will be as follows:

All persons holding residence hall contracts will make the first Long Session room rent payment by July 15 (approximately 20%) with 50% of this amount refundable if cancellation is received by August 15. Persons cancelling after August 15 will not be eligible for refund. For new residents in the Spring Semester, the advance room rent payment (10% for one semester) will be payable by December 1 with no refunds for cancellation after December 15 (50% refundable if cancellation is received by December 15).

Following the initial July 15 payment, the following payment plans will be available:

Plan A - pay balance in eight equal installments
September through April

Plan B - pay balance for the Fall semester in
September and balance for the Spring semester
in January

Plan C - pay balance for the Long Session in
September

5. Other Rates for Special Situations

1. Single room rate and double rented as a single -
1 2/3 times the double rate
2. Summer Session rates - 1/3 of semester rate for
each six weeks term
3. Guest rates - no change recommended
Present rates: overnight \$1.00; breakfast \$1.00;
lunch \$1.50; dinner \$1.75;
Sunday noon \$2.00

6. Short-term, orientation and conference rates

- a. Short-term rates are for individuals or small
groups assigned in vacant areas in regular student
space for short periods of a few days to several
weeks. These rates include the student menu,
towels, soap, blankets, bed linens and maid service.
- b. Orientation rates are used for incoming freshmen
attending Summer Orientation assigned in space
opened for these groups each summer. The rates
include the student menu, towels, soap, blankets,
bed linens and maid service.
- c. Conference rates are used for adult and youth
groups assigned in space opened for specific
conference use each summer. The rates include an
expanded menu, towels, soap, blankets, bed linens,
maid service and meeting rooms if desired.

Recommendations for 1973-1974 are as follows: (1972-1973 Rates in parentheses)

| <u>Short Term</u> | <u>Daily Rate Per Person</u> | <u>Weekly Rate Per Person</u> |
|--------------------|----------------------------------|-----------------------------------|
| Board | \$3.50 (3.25) | \$21.00 (19.50) |
| Double Room | 3.50 (3.25) | 21.00 (19.50) |
| Single Room | 4.60 (4.25) | 27.60 (25.50) |
| <u>Orientation</u> | | |
| Board | 4.50 (4.10) | |
| Double Room | 4.75 (4.40) | |
| Single Room | 5.75 | |
| <u>Conference</u> | | |
| Board | 6.00 (5.50) | |
| Double Room | 7.00 (6.50) | |
| Single Room | 9.00 (8.50) | |

(Plus 5% sales tax on board portion of rates)

II. Married Student Housing: No increase in these rates over the 1972-1973 charges are recommended for 1973-1974. These rates will be:

The University of Texas at Austin

RATE SCHEDULE FOR 1973-74
Married Student Housing

| | <u>Monthly Rate</u> |
|--------------------------------------|---------------------|
| Brackenridge-Deep Eddy (unfurnished) | |
| 1 bedroom apartment | \$38 |
| 2 bedroom duplex | 41 |
| 2 bedroom apartment | 43 |
| 3 bedroom apartment | 48 |
| 4 bedroom apartment | 53 |
| Trailer Park Lot | 20 |

| | <u>Monthly Rate</u> |
|---------------------|---------------------|
| Colorado Apartments | |
| Unfurnished | |
| 1 bedroom | \$86 |
| 2 Bedroom | 96 |
| Furnished | |
| 1 bedroom | 96 |
| 2 bedroom | 106 |
| Gateway Apartments | |
| Unfurnished | |
| 1 bedroom | 102 |
| 2 bedroom | 112 |
| Furnished | |
| 1 bedroom | 112 |
| 2 bedroom | 122 |

Rates for Brackenridge-Deep Eddy and Colorado Apartments include gas and water.

Rates for Trailer Park Lots and Gateway Apartments include water.

The student pays his electric bill in all units.

III. Student Cooperative Units: The following are the proposed rental rates for 1973-1974. For comparison purposes, present rates are shown in parentheses.

| | <u>Number of Students per Co-op</u> | <u>Monthly building rent per student</u> | <u>Monthly rent paid to University</u> |
|-------------------------|---|--|--|
| Non air- conditioned | 16 (6 co-ops) | \$18 (13) | \$288 (208) |
| Air-condi- tioned | 17 (2 co-ops) | 27 (20) | 459 (340) |
| | 19 (4 co-ops) | 27 (20) | 513 (380) |

The following factors should be noted in considering the rate increase. Rents for University cooperatives have not been increased since the 1969-70 school year. In the past some billing and administrative costs have been absorbed by other housing units and the Office of the Dean of Students. It is desirable to put the operation of cooperatives on a more nearly self-supporting basis. Even with some administrative cost subsidy, as indicated above, the 1971-72 cooperative operation showed a deficit of \$127. In addition, the Division of Housing and Food Service at U.T. Austin projects an operating deficit for 1972-73 unless needed maintenance and repair work is completed. Both these deficits support the proposed rate increase.



THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF THE PRESIDENT
AUSTIN, TEXAS 78712

President

February 6, 1973

Charles A. LeMaistre, M.D.
Chancellor
The University of Texas System
Austin, Texas

CHANCELLOR'S OFFICE
ADMINISTRATIVE SERVICES

FEB 8 1973

Dear Dr. LeMaistre:

I am submitting to you the 1973-74 proposed rate increases for Residence Halls and Women's Co-ops for approval by the Board of Regents.

Sincerely,

A handwritten signature in black ink that reads "Stephen H. Spurr".

Stephen H. Spurr

SHS/1rd

Enclosures

February 6, 1973

M E M O R A N D U M

To: Stephen H. Spurr
From: Ronald M. Brown *JRW*
Subject: Recommendation for Changes in Residence Hall Rates for 1973-74

The following information furnished by Nevada Blackburn, Director, Administrative Operations, Division of Housing and Food Service, and James P. Duncan, Assistant Vice President for Student Affairs, is provided as support for the attached recommended 1973-74 rate schedule for University residence halls.

A thorough study of 1971-72 residence hall operational reports and an evaluation of 1972-73 increased costs already in effect and others expected to develop before the end of the fiscal year have been made. These studies convince us that rates must be increased for 1973-74 by approximately 8% if we are to continue with the present services and educational programs desired. Samples of student opinion indicate a preference to retain in the rate the cost of the present services such as a telephone, bed linens furnished and laundered, and maid service rather than to reduce the rate and let each student be responsible for these items.

At the same time it appears that the present rates for Married Student Housing, including the rates projected for the 200 new Gateway units, will be adequate for one more year. (Rate schedule attached.)

The projected residence hall rate increase is based on the following assumptions or conditions:

1. A projected increase in the minimum wage to \$2.00 per hour.
2. A projected 5% increase in General Operating Expenses.
3. A maximum projected vacancy of 10% of rated occupancy.
4. Continued food cost increases consistent with 1972-73 experience.
5. Anticipated 1972-73 deficits stemming from rate increases of approximately 5% being levied prior to the legislated 6.8% staff salary adjustment.

As is evident from the attached worksheet, an excess of funds over needs of \$61,257 is projected. This excess of funds over needs will be further reduced if phone rate increases currently under consideration become a reality and if several previously deferred maintenance projects are completed within the 1973-74 fiscal year.

A much safer margin can, of course, be produced if the following conditions materialize:

1. A favorable debt service credit is forthcoming.
2. Continued experience in our ability to hold the vacancy loss below 10%.
3. Holding the increase in operating expenses below 5%.
4. A gradual progression to the \$2.00 per hour minimum wage as opposed to one large jump.

In fact, our hope is that these factors will be realized in order to produce the kind of budget experience in 1973-74 to enable us to avoid a rate increase for the 1974-75 contract period. However, taking into account both the predictable and unpredictable conditions involved, at this time it is essential that we recommend adoption of the attached rate schedule and related policies for 1973-74.

RMB/akm

cc: Duncan
Blackburn

Enclosures: Rate schedules for 1973-74
Worksheet analysis of funds needed and available

The University of Texas at Austin

RATE SCHEDULE FOR 1973-74
University Residence Halls

| | 1972-73 | | | Proposed | | |
|-------------------------------------|-------------|--------------|--------------|-------------|--------------|--------------|
| | <u>Room</u> | <u>Board</u> | <u>Total</u> | <u>Room</u> | <u>Board</u> | <u>Total</u> |
| <u>Double Rooms</u> | | | | | | |
| Jester | | | | | | |
| community bath | \$533 | \$578 | \$1111 | \$576 | \$624 | \$1200 |
| connecting bath | 638 | 578 | 1216 | 690 | 624 | 1314 |
| Kinsolving-South & Blanton | 437 | 578 | 1015 | 472 | 624 | 1096 |
| Kinsolving-North | 542 | 578 | 1120 | 586 | 624 | 1210 |
| Andrews, Carothers & Littlefield | 291 | 578 | 869 | 314 | 624 | 938 |
| Moore-Hill & Simkins | 437 | | 437 | 472 | | 472 |
| Brackenridge-Roberts-Prather | 291 | | 291 | 314 | | 314 |
| San Jacinto | 160 | | 160 | 174 | | 174 |

1. These rates include a telephone in each room (except San Jacinto), weekly maid service, bed linens furnished and laundered and twenty meals per week where board is included.
2. The use of the Long Session application deposit of \$50 will be expanded to cover Summer Session. The deposit for summer is now \$20. The deposit for San Jacinto will remain at \$20. A \$10 processing fee will be deducted from all deposit refunds for applicants who do not move into the residence halls excluding those who are denied admission to the University.
3. Payment procedures will be as follows:

All persons holding residence hall contracts will make the first Long Session room rent payment by July 15 (approximately 20%) with 50% of this amount refundable if cancellation is received by August 15. Persons cancelling after August 15 will not be eligible for refund. For new residents in the Spring Semester, the advance room rent payment (10% for one semester) will be payable by December 1 with no refunds for cancellation after December 15 (50% refundable if cancellation is received by December 15).

RATE SCHEDULE FOR 1973-74 - cont.

Following the initial July 15 payment, the following payment plans will be available:

Plan A - pay balance in eight equal installments September through April

Plan B - pay balance for the Fall semester in September and balance for the Spring semester in January

Plan C - pay balance for the Long Session in September

Examples of payment amount^(a) are as follows:

| | Total Long Session | Full Long Session Residents | | | | Spring Residents Only | | |
|--|--------------------------|-----------------------------|-----------|----------|--------------------------|-----------------------|----------|-------------------------|
| | | July 15 | Sept | Jan | 8 payments Sept-April | Dec. 1 | Jan | 4 payments Jan-April |
| <u>Jester-connecting bath</u> | | | | | | | | |
| Plan A | \$1314 | \$138.00 | | | \$147.00 | \$69.00 | | \$147.00 |
| Plan B | 1314 | 138.00 | \$ 588.00 | \$588.00 | | 69.00 | \$588.00 | |
| Plan C | 1314 | 138.00 | 1176.00 | | | | | |
| <u>Andrews, Carothers, Littlefield</u> | | | | | | | | |
| Plan A | 938 | 62.80 | | | 109.40 | 31.40 | | 109.40 |
| Plan B | 938 | 62.80 | 437.60 | 437.60 | | 31.40 | 437.60 | |
| Plan C | 938 | 62.80 | 875.20 | | | | | |
| <u>Moore-Hill, Simkins (Room only)</u> | | | | | | | | |
| Plan A | 472 | 94.40 | | | 47.20 | 47.20 | | 47.20 |
| Plan B | 472 | 94.40 | 188.80 | 188.80 | | 47.20 | 188.80 | |
| Plan C | 472 | 94.40 | 377.60 | | | | | |

(a) Plus 5% sales tax on board

Other Rates

1. Single room rate and double rented as a single - 1 2/3 times the double rate
2. Summer Session rates - 1/3 of semester rate for each six weeks term
3. Guest rates - no change recommended
Present rates: overnight \$1.00; breakfast \$1.00; lunch \$1.50; dinner \$1.75;
Sunday noon \$2.00

RATE SCHEDULE FOR 1973-74 - cont.

4. Short-term, orientation and conference rates

- a. Short-term rates are for individuals or small groups assigned in vacant areas in regular student space for short periods of a few days to several weeks. These rates include the student menu, towels, soap, blankets, bed linens and maid service.
- b. Orientation rates are used for incoming freshmen attending Summer Orientation assigned in space opened for these groups each summer. The rates include the student menu, towels, soap, blankets, bed linens and maid service.
- c. Conference rates are used for adult and youth groups assigned in space opened for specific conference use each summer. The rates include an expanded menu, towels, soap, blankets, bed linens, maid service and meeting rooms if desired.

Recommendations are as follows:

| | <u>Daily Rate Per Person</u> | | <u>Weekly Rate Per Person</u> | |
|--------------------|------------------------------|--------------------|-------------------------------|--------------------|
| | <u>Present</u> | <u>Recommended</u> | <u>Present</u> | <u>Recommended</u> |
| <u>Short Term</u> | | | | |
| Board | \$ 3.25 | \$ 3.50 | \$19.50 | \$21.00 |
| Double room | 3.25 | 3.50 | 19.50 | 21.00 |
| | <u>\$ 6.50</u> | <u>\$ 7.00</u> | <u>\$39.00</u> | <u>\$42.00</u> |
| Single room | \$ 4.25 | \$ 4.60 | \$25.50 | \$27.60 |
| <u>Orientation</u> | | | | |
| Board | \$ 4.10 | \$ 4.50 | | |
| Double room | 4.40 | 4.75 | | |
| | <u>\$ 8.50</u> | <u>\$ 9.25</u> | | |
| Single room | -- | \$ 5.75 | | |
| <u>Conference</u> | | | | |
| Board | \$ 5.50 | \$ 6.00 | | |
| Double room | 6.50 | 7.00 | | |
| | <u>\$12.00</u> | <u>\$13.00</u> | | |
| Single room | \$ 8.50 | \$ 9.00 | | |

Division of Housing and Food Service
January 22, 1973

The University of Texas at Austin
 RATE SCHEDULE FOR 1973-74
 University Apartments - Married Student Housing

1972-73 Rates - no change recommended for 1973-74

| | <u>Monthly Rate</u> |
|--------------------------------------|-------------------------|
| Brackenridge-Deep Eddy (unfurnished) | |
| 1 bedroom apartment | \$ 38 |
| 2 bedroom duplex | 41 |
| 2 bedroom apartment | 43 |
| 3 bedroom apartment | 48 |
| 4 bedroom apartment | 53 |
| Trailer Park Lot | 20 |
| Colorado Apartments | |
| Unfurnished | |
| 1 bedroom | 86 |
| 2 bedroom | 96 |
| Furnished | |
| 1 bedroom | 96 |
| 2 bedroom | 106 |
| Gateway Apartments | |
| Unfurnished | |
| 1 bedroom | 102 |
| 2 bedroom | 112 |
| Furnished | |
| 1 bedroom | 112 |
| 2 bedroom | 122 |

Rates for Brackenridge-Deep Eddy and Colorado Apartments include gas and water.

Rates for Trailer Park Lots and Gateway Apartments include water.

The student pays his electric bill in all units.

University Residence Halls
Worksheet Analysis - Funds Available and Funds Needed for 1973-74

Funds Available

1971-72 - Actual Operation

| | | |
|--|---------------|---------------|
| Gain in Residence Halls | | \$23,869 |
| Less: Non-routine credits | | |
| 1. Credits on bond transfers | \$59,059 | |
| 2. Credits from vending machines for prior years - 1969-70, 1970-71 | <u>14,178</u> | |
| Total non-routine credits | | <u>73,237</u> |
| Adjusted 1971-72 Gain (Loss) | | (\$49,368) * |

Additional Income from Rate Increase for 1973-74

| | | |
|---------------------------------------|----------------|-----------|
| Room rent - 8% | \$215,648 | |
| Board - 8% | <u>231,120</u> | |
| | 446,768 | |
| Less 10% vacancy | <u>44,677</u> | |
| | 402,091 | |
| Conferences, short-term, etc. - 8% | <u>29,909</u> | |
| Estimated Funds Available for 1973-74 | | \$432,000 |

Funds Needed for 1973-74

| | | |
|---|---------------|----------------|
| Adjusted Budget Gain 1972-73 (Loss) | | (50,743) * |
| 1973-74 Operation - increases: | | |
| Salaries - to raise min. wage to \$2.00/hr. | 120,000 | |
| All others - one step and new positions | 100,000 | |
| General Operating Expenses - 5% | 75,000 | |
| Student Activity Fee - \$5 per year | <u>25,000</u> | |
| Total increases - 1973-74 | | <u>320,000</u> |
| Total Additional Funds Needed | | <u>370,743</u> |

Excess of Available Funds Over Needs for 1973-74 \$ 61,257

*Deficit. Deduct

Division of Housing and Food Service
January 22, 1973

University Residence Halls

Additional Information Re Rate Increases for 1973-74

| | | |
|---|-----------------|-------------|
| Budgeted Gain, 1972-73 | \$44,257 | |
| Less: Added funds required for 6.8% salary increase and new weekly-hourly employee benefits | - <u>95,000</u> | |
| Adjusted Budgeted Gain 1972-73 (Loss) | | (\$50,743)* |

* Deficit. Deduct

Division of Housing and Food Service
January 22, 1973



THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF THE PRESIDENT
AUSTIN, TEXAS 78712

Vice-President for Student Affairs
(512) 471-1133

February 6, 1973

M E M O R A N D U M

To: Stephen H. Spurr
From: Ronald M. Brown *RMB*
Subject: Recommendation for Change in Rental Rates for Student Cooperative Units for 1973-74

Based upon information provided by Nevada Blackburn, Director, Administrative Operations, Division of Housing and Food Service, and James P. Duncan, Assistant Vice President for Student Affairs, I recommend the following increase in rates paid by the cooperative units to the University:

Monthly Rental Paid to University

| | Number of students per co-op | Present Rates | | Proposed Rates | |
|---------------|------------------------------------|--------------------------|-------------------------------|--------------------------|-------------------------------|
| | | Bldg rent per student | Monthly rent paid to Univ. | Bldg rent per student | Monthly rent paid to Univ. |
| Non-air-cond. | 16 (6 co-ops) | \$13 mo. | \$208 | \$18 mo. | \$288 |
| Air-cond. | 17 (2 co-ops) | 20 mo. | 340 | 27 mo. | 459 |
| | 19 (4 co-ops) | 20 mo. | 380 | 27 mo. | 513 |

The budgetary situation for the student co-op buildings account would then be as follows:

| | Budgeted <u>1972-73</u> | Actual <u>1971-72</u> | Proposed <u>1973-74</u> |
|--------------|----------------------------|--------------------------|----------------------------|
| Income | \$37,928 | \$37,928 | \$51,678 |
| Expenditures | 9,748 | 9,875 | 22,000 |
| Bond Payment | <u>28,180</u> | <u>28,180</u> | <u>28,180</u> |
| Gain | -0- | (127)* | 1,498 |
| | <u> </u> | <u> </u> | <u> </u> |

*Deficit. Deduct

While recommending what amounts to a substantial increase in payment to the University for cooperatives, the following should be noted:

1. The overall student cost, which includes food, administrative costs, maintenance and building rent, will increase only approximately 8 to 10 percent per student--a rate increase comparable to those proposed for students in other University housing.
2. This is the first rent increase for University cooperatives since the 1969-70 school year.
3. Since in the past certain billing and administrative costs have been absorbed by other housing units and the Office of the Dean of Students, a portion of this proposed increase is needed to put operation of cooperatives on a more nearly self-supporting basis.
4. Past budgetary experience as indicated above, even with administrative cost subsidy, indicated a small deficit for 1971-72. Current operating experience indicates clearly an operating deficit for 1972-73 unless some needed maintenance and repair work is not completed. Both of these deficits further support the proposed rate increases.

RMB/ml

cc: Duncan
Blackburn

4. U. T. Austin: Prospective Litigation Regarding Proposed Required Student Services Fee and Optional Student Activities Fee for 1973-74. --

Reproduced below in Items I and II (pages 20 thru 21) are President Spurr's recommendations regarding the required Student Services Fee and Optional Student Activities Fee to be effective with the Fall semester, 1973.

Chancellor LeMaistre concurs in these recommendations by President Spurr which are in summary form:

| | <u>Fall</u> | <u>Spring</u> | <u>Summer</u> |
|--|-------------|----------------------------------|---------------|
| Required Student Services Fee | \$28.50 | \$28.50 | \$23.90 |
| Optional Student Activities Fee | \$18.00 | (prorated for entering students) | |
| Optional Student Spouse Activities Fee | \$25.00 | (prorated for entering students) | |

With regard to the recommended partial allocation of funds from the required Student Services Fee to the Texas Student Publications (Daily Texan), Chancellor LeMaistre brings to the attention of the Board of Regents an appeal to them from Mr. Jack Gullahorn and others through President Spurr and Chancellor LeMaistre that (1) the mandatory fee collected for subsequent appropriation to The Daily Texan and (2) the operation of The Daily Texan on campus is in violation of certain State statutes and the U.S. Constitution. These letters are reproduced on pages 25 and 26 . Pursuant to this appeal Chancellor LeMaistre requests permission for Mr. Gullahorn to appear and briefly present his arguments.

Related to this, Chancellor LeMaistre presents on pages 27 thru 40 an opinion from the Law Office which has a direct bearing on the matter of required (and optional) fees designated for the support of a campus newspaper.

Notwithstanding this opinion which was based upon a somewhat different set of facts and rendered in a different judicial district, Chancellor LeMaistre recommends that:

1. The appeal of Mr. Gullahorn be denied.
2. The Board reaffirm its commitment of March 16, 1972 to a required fee for the support of The Daily Texan and approve the recommended 1973-1974 required Student Services Fee of \$28.50.

In making these recommendations Chancellor LeMaistre and President Spurr recognize that, should a prospective case on this subject be litigated, the outcome is uncertain. However, until advised by a court of competent jurisdiction that the present arrangements are illegal, both Chancellor LeMaistre and President Spurr are in agreement that The Daily Texan, operating with a broad base of student support, in accordance with the trust agreement and operating procedures, and under the guidance of the Board of Operating Trustees, serves well both the informational and academic purposes of a campus newspaper.

An alternative which the Board may wish to consider is to approve and collect the Student Services Fee as recommended, and have any appropriation to Texas Student Publications await an Attorney General's Opinion whether or not it is legally necessary for the Board of Regents to withdraw all financial support from The Daily Texan, and require that The Daily Texan move its operations from the premises of the campus at The University of Texas at Austin.

- ① Erwin → Postponed
- ② Erwin → Barrett

Clark → adm (y
 24th
 Barrett "no")
 but on E
 Spurr
 fee
 9 point
 6

Item The share of the Student Services Fee allocated all I. services supported by this fee are to be identified separately in the fee schedule to provide more accurate budgeting and fiscal control. The following Student Services Fee (required) is recommended. For comparison purposes the 1972-73 fee and the resulting actual income are shown in parentheses.

| <u>Student Services Fee (required)</u> | <u>Fall</u> | <u>Spring</u> | <u>Summer</u> | <u>Income</u> |
|--|---------------------------|---------------------------|---------------------------|-----------------------------------|
| Student Health Center | \$14.75 | \$14.75 | \$11.25 | \$1,315,750 |
| Intramural Sports | 3.75 | 3.75 | 3.75 | 348,750 |
| Student I.D. Cards | .65 | .65 | .60 | 59,650 |
| (Health Center, Intra- murals, & Reserve) <u>a/</u> | (16.00) ^{a/} | (16.00) ^{a/} | (10.90) ^{a/} | (1,423,312) |
| Shuttle Bus | 7.00 (5.00) | 7.00 (5.50) | 7.00 (5.50) | 651,000 (490,440) |
| Texas Student Publications | 1.65 (1.65) | 1.65 (1.65) | .60 (.60) | 136,650 (128,753) |
| Students Association | .60 | .60 | .60 | 55,800 |
| Senior Cabinet and College Councils | \$.10 | \$.10 | \$.10 | \$ 9,300 |
| (Student Association and College Councils) <u>a/</u> | (.60) | (.60) | (.50) | (51,046) |
| TOTAL | <u>\$28.50</u> (23.25) | <u>\$28.50</u> (23.75) | <u>\$23.90</u> (17.50) | <u>\$2,576,900</u> (2,093,551) |

a/ Combined fee for 1972-1973.

General Comments Regarding Student Services Fee (Required)

The changes reflected in the recommendation above all apply to the required Student Services Fee. They include:

- (1) a \$.10 increase for the Students Association and Senior Cabinet and College Councils for the fall and spring semesters and a \$.20 increase for the summer term;
- (2) a \$1.50 increase over the spring semester and summer term for the shuttle bus; and
- (3) a \$3.15 increase for the fall and spring semesters and a \$4.70 increase for the summer term to be allocated to the Student Health Center, Intramural Sports, and Student Identification Cards.

President Spurr reports that the increase for the Students Association (including the Students Attorney) will provide for cost of living adjustments and a slight increase in clerical support staff. The total is \$15,000 less than requested by the Students Association. System Administration and President Spurr concur in Mr. Benson's request that he be allowed to present to the Board a justification of the Students Association budget request.

President Spurr further reports that the increase for the Senior Cabinet and College Councils "will provide for a modest expansion of the activities of the various College Councils and the Cabinet itself." The total request recommended is \$700 less than requested by the Senior Cabinet. System Administration and President Spurr concur in Mr. Edwin Cockrell's request that he be allowed to present to the Board a justification for the larger amount.

President Spurr reports that the proposed increase for the Student Health Center reflects anticipated normal salary increments, increased costs of supplies and services, and a modest growth in support staff. The proposed increase for Intramural Sports is to cover normal anticipated salary increments and some growth necessitated by increased facilities.

Item No change from the 1972-73 rates (in parentheses) are II. proposed in the Optional Fees for 1973-1974.

Student Activities

| <u>Fee (optional)</u> | <u>Fall</u> | <u>Spring</u> | <u>Summer</u> | <u>Income</u> |
|----------------------------------|---------------------------|---------------|---------------|--------------------------------|
| Intercollegiate Athletics | \$14.00 (14.00) | | | \$ 378,000 (374,113) |
| Cultural Entertainment Committee | 4.00 (4.00) | | | 108,000 (106,881) |
| TOTAL | <u>\$18.00</u> (18.00) | | | \$ <u>486,000</u> (480,994) |

Student Spouse Activities Fee (optional)

| | | | | |
|----------------------------------|---------------------------|--|--|------------------------------|
| Intercollegiate Athletics | \$21.00 (21.00) | | | \$ 63,000 (62,352) |
| Cultural Entertainment Committee | 4.00 (4.00) | | | 12,000 (11,882) |
| TOTAL | <u>\$25.00</u> (25.00) | | | \$ <u>75,000</u> (74,234) |



THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF THE PRESIDENT
AUSTIN, TEXAS 78712

President

February 6, 1973

Charles A. LeMaistre, M.D.
Chancellor
The University of Texas System
Austin, Texas

Dear Dr. LeMaistre:

I wish to transmit the attached recommended rates for the required Student Services Fee and the optional Student Activities Fee for 1973-74.

You will note that no increases are requested for the Student Activities Fee, nor are any requested by Texas Student Publications.

The increased Shuttle Bus fee represents anticipated cost increases for providing the present level of service under a new contract or our own operation.

The Student Health Center, Intramural Sports and the Student Identification Cards have not previously been identified separately in the fee structure; we believe it is important to begin separate identification to provide more accurate budgeting and fiscal control.

The requested increase for the Student Health Center represents anticipated normal salary increments, increased cost of supplies and services, and a modest growth in support staff. The requested increase for Intramural Sports represents normal anticipated salary increments and some growth because of increased facilities.

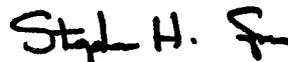
The recommended fee for the Senior Cabinet will provide for a modest expansion of the activities of the various College Councils and the Cabinet itself. Our administrative recommendation will produce estimated income of \$700 less than requested by the Senior Cabinet; I therefore request permission for Mr. Edwin Cockrell to appear before the Board of Regents if he wishes to state the case for the larger amount.

Charles A. LeMaistre, M.D.
February 6, 1973
Page 2

The recommended fee for the Student Government (including the Students Attorney) will provide for cost of living adjustments and a slight increase in clerical support staff. Our administrative recommendation will produce approximately \$15,000 less than requested by Student Government; I therefore request permission for Mr. Dick Benson to appear before the Board of Regents if he wishes to state the case for the larger amount. I should add that it is our understanding that a new constitution for Student Government is in preparation and will be voted upon during the Spring. Our administrative recommendation for funds is predicated upon the assumption that a satisfactory constitution can be developed by the student body, the administration and the Board of Regenets.

In making recommendations for the Student Services Fee we are aware that a strong case could be made for even larger fees in several areas. We have felt constrained, however, by the statutory limit of thirty dollars per semester on this fee and the need to preserve some room for future cost increases. Any unexpended funds from the Student Services Fee will revert to a reserve account to be reallocated through the normal budgetary processes.

Sincerely,



Stephen H. Spurr

SHS/lrd

The University of Texas at Austin
Proposed Student Fees for 1973-74

| | 1972-73 Budgeted | | | | 1973-74 Recommended | | | | |
|---|------------------|-----------------|-----------------|---------------------|-----------------------|-----------------|-----------------|-----------------|--------------------|
| | Fee for Fall | Spring | Summer | Bud. Income | Estimated Act. Income | Fall | Spring | Summer | Estimated Income |
| Required Student Services Fee | | | | | | | | | |
| Student Health Center | a | a | a | \$1,213,666 | \$1,143,485 | \$ 14.75 | \$ 14.75 | \$ 11.25 | \$1,315,750 |
| Intramural Sports | a | a | a | 262,566 | 247,380 | 3.75 | 3.75 | 3.75 | 348,750 |
| Student Identification Cards | a | a | a | 34,500 | 32,447 | .65 | .65 | .60 | 59,650 |
| Health Center, Intramurals & Reserve | <u>\$16.00a</u> | <u>\$16.00a</u> | <u>\$10.90a</u> | <u>\$1,510,732</u> | <u>\$1,423,312</u> | | | | |
| Shuttle Bus | 5.00 | 5.50b | 5.50 | 491,750 | 490,440 | 7.00 | 7.00 | 7.00 | 651,000 |
| Texas Student Publications | 1.65 | 1.65 | .60 | 136,650 | 128,753 | 1.65 | 1.65 | .60 | 136,650 |
| Students Association | c | c | c | 47,154 | 44,433 | .60 | .60 | .60 | 55,800 |
| Senior Cabinet & College Councils | c | c | c | 7,046 | 6,613 | .10 | .10 | .10 | 9,300 |
| Students Assn. & College Councils | <u>.60c</u> | <u>.60c</u> | <u>.50c</u> | <u>54,200</u> | <u>51,046</u> | | | | |
| TOTAL | <u>\$23.25</u> | <u>\$23.75</u> | <u>\$17.50</u> | <u>\$2,193,332d</u> | <u>\$2,093,551</u> | <u>\$ 28.50</u> | <u>\$ 28.50</u> | <u>\$ 23.90</u> | <u>\$2,576,900</u> |
| Optional Student Activity Fee | | | | | | | | | |
| Intercollegiate Athletics | \$14.00 | | | \$ 378,000 | \$ 374,113 | \$14.00 | | | \$ 378,000 |
| Cultural Entertainment Committee | <u>4.00</u> | | | <u>108,000</u> | <u>106,881</u> | <u>4.00</u> | | | <u>108,000</u> |
| | <u>\$18.00</u> | | | <u>\$ 486,000</u> | <u>\$ 480,994</u> | <u>\$18.00</u> | | | <u>\$ 486,000</u> |
| Optional Student Spouse Activity Fee | | | | | | | | | |
| Intercollegiate Athletics | \$21.00 | | | \$ 63,000 | \$ 62,352 | \$21.00 | | | \$ 63,000 |
| Cultural Entertainment Committee | <u>4.00</u> | | | <u>12,000</u> | <u>11,882</u> | <u>4.00</u> | | | <u>12,000</u> |
| | <u>\$25.00</u> | | | <u>\$ 75,000</u> | <u>\$ 74,234</u> | <u>\$25.00</u> | | | <u>\$ 75,000</u> |

Estimated Enrollment for 1973-74

Student Services Fee: Fall 39,500, Spring 37,500, Summer 16,000

Student Activity Fee: Student 27,000, Spouse 3,000

a Combined fee for 1972-73

b Shuttle Bus fee increased \$.50 effective Spring 1973. Increase budgeted income \$26,750

c Combined fee for 1972-73

d Includes \$104,332 from prior year reserves

Jack W. Gullahorn

4102 IDLEWILD ROAD, AUSTIN, TEXAS 78731

August 4, 1972

Dr. Stephen H. Spurr
President
The University of Texas at Austin
Austin, Texas

| |
|----------------------------------|
| RECEIVED OFFICE: G. W. AUSTIN |
| REC'D AUG 4 1972 |
| REFER TO _____ |
| HANDLE _____ |
| COMMENT & RETURN _____ |
| FILE OR DISCARD _____ |

Dear Dr. Spurr:

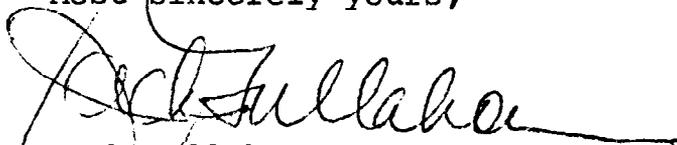
The attached paper documents the accusations that Mr. David Dillard and I made to The Board of Operating Trustees of The Daily Texan on April 27, 1972, and to Dr. Ronald Brown, Vice President for Student Affairs, concerning the operation of The Daily Texan at the University of Texas at Austin.

Speaking on behalf of many U.T. students, our position is that because of the legal and ethical grounds discussed in the attached paper, The Daily Texan [1] should never be funded with mandatory student fees, and [2] should begin immediately the transition, with cooperation from the University, into an off-campus, non-state supported newspaper.

Please consider this to be an appeal from Dr. Brown's office to you, asking that this matter be put before the Regents.

Thank you.

Most sincerely yours,



Jack Gullahorn
Third Year Law Student

xc: R. M. Brown
8/4

Jack W. Gullahorn

4102 IDLEWILD ROAD, AUSTIN, TEXAS 78731

January 28, 1973

Dr. Charles LeMaistre
Chancellor, University of Texas System
601 Colorado
Austin, Texas

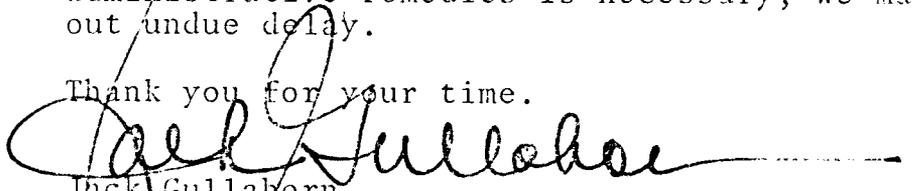
Dear Dr. LeMaistre:

On behalf of Young Americans for Freedom, RIGHT-ON, and various conservative students at the University of Texas at Austin, I wish to appeal Dr. Spurr's rejection of our complaint concerning the operation of the Daily Texan.

It is our contention that: (1) that part of the mandatory student services fee (\$1.65) which is used as a subsidy or subscription for the Daily Texan is a gross denial of our constitutional rights to freedom of speech, press and association, and is an inequitable deprivation of our property for the propagation of alien and biased political and philosophical views; and (2) that the operation of the Daily Texan on the campus is a violation of state law (Art. V, p.v-532 of the 1972-3 Appropriations Bill for the State of Texas, and Art. 6252-6, Vernon's Ann. Tex. Statutes), and further use of state appropriated monies, buildings and taxes should be forthwith denied the Texan.

Our original appeal on this matter began in the spring of 1972, and we just received President Spurr's decision in the matter, after a five month wait. We ask that we can soon meet with you to verbally present our case, in order that we may more quickly obtain your decision, so that if further exhaustion of our administrative remedies is necessary, we may do that without undue delay.

Thank you for your time.


Jack Gullahorn
Third Year Law Student
University of Texas at Austin School of Law



THE UNIVERSITY OF TEXAS SYSTEM

Law Office

601 COLORADO STREET, AUSTIN, TEXAS 78701



RICHARD C. GIBSON
Director
512-471-1101

W. O. SHULTZ II
University Attorney
512-471-1266

BURNELL WALDREP
University Attorney
512-471-7565

February 13, 1973

To: Mr. Arthur H. Dilly

From: W. O. Shultz II

Subject: Support of The Daily Texan from student services fee.

The Daily Texan, a student newspaper published on the campus of The University of Texas at Austin, receives a portion of the mandatory student services fee collected at that institution pursuant to §54.504 of the Texas Education Code. This allocation began with the fall semester of 1972 after receiving the approval of the Board of Regents of The University of Texas System at its regular meeting in March of 1972. The Daily Texan had received no direct financial support from the student services fee since July of 1971 when the Board of Regents in special meeting on July 9, 1971, rescinded a prior allocation of a portion of the optional student activities fee. This action was taken by the Board of Regents as the result of an effort on the part of Texas Student Publication, Inc., the operating entity of The Daily Texan, to amend its corporate charter without the concurrence of the Board of Regents. Compromise of an ensuing court action resulted in the continued operation of The Daily Texan under a trust agreement rather than under a corporate charter.

Several students at The University of Texas at Austin have expressed opposition to the use of the student services fee for funding The Daily Texan and have raised the contention that this use violates state law as well as the United States Constitution. Their objections have been presented to Dr. Stephen H. Spurr, President of The University of Texas at Austin. After some five and one-half months of study, Dr. Spurr informed these students that, in his opinion, no state or federal law is being violated and rejected their request to ask the Board of Regents to withdraw support of The Daily Texan from the student services fee and require the paper to move off campus.

Dr. Spurr's action in rejecting the contentions of these students has been appealed to Chancellor LeMaistre and you have asked the System Law Office to review this matter and advise Chancellor LeMaistre as to what action should be taken.

Although the contentions of these students have not been presented with the clarity which one might desire, we may safely say that they feel that the use of the student services fee by The Daily Texan is invalid because: (1) it is contrary to §4 of Article V of Senate Bill No. 1, Acts of the 62nd Legislature, 1972, Third Called Session; (2) it violates §5(c) of Article 6252-6, Vernon's Civil Statutes; and (3) state support of The Daily Texan is prohibited by the First Amendment to the United States Constitution.

Several fundamental observations are appropriate as a preface to the consideration of these contentions. Members of the Board of Regents of The University of Texas System are state officers, Rainey v. Malone, 141 S.W.2d 713 (Tex.Civ.App. 1940, no writ), empowered by law to operate, govern, and maintain the component institutions which make up the System. Action taken by the Board of Regents in the exercise of its powers is state action. Foley v. Benedict, 122 Tex. 193, 55 S.W.2d 805 (1932); Walsh v. The University of Texas, 169 S.W.2d 993 (Tex.Civ.App. 1942, error ref.). The student services fee in question is levied and collected pursuant to §54.504 of the Texas Education Code, and, pursuant to such section, it is required to be kept in a depository bank separate and apart from educational and general funds of the institution at which they are collected. See §§51.001 through 51.008, Texas Education Code. These funds, among others, have been appropriated to the respective institutions of higher education by the Legislature. §17 of Article IV, Senate Bill No. 1, Acts 62nd Legislature, 1972, Third Called Session. Thus, there is no question but what student services fees are state funds and the allocation of such fees by the Board of Regents is state action.

As all of us who are familiar with The Daily Texan know, the editorials, feature articles, and news stories take positive positions with regard to political races, pending legislation, and controversial social and political issues. Section 4 of Article V of Senate Bill No. 1, Acts 62nd Legislature, 1972, Third Called Session provides in part that "none of the moneys appropriated by Articles I, II, III, and IV of this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure (emphasis added). The allocation of a portion of the student services fee to The Daily Texan violates this provision of the current General Appropriations Act.

As will be developed below, the financing and operation of a student newspaper with state funds is not a function which can be characterized as a valid state purpose. For this reason, the use

of state funds by The Daily Texan to purchase property of any nature to be used in its operation would violate §5(c) of Article 6242-6, Vernon's Civil Statutes, which reads: "No person shall entrust State property to any State official or employee or to anyone else to be used for other than State purposes." This provision would apply to the use of state owned buildings and fixtures used for the operations of The Daily Texan.

Although no one could deny that The Daily Texan serves an important function as a teaching tool of the journalism department at The University of Texas at Austin, one must also recognize that it is, above all else, a newspaper in every sense of the word. As such, it is entitled to the full panoply of the freedom of speech and freedom of press provisions of the First Amendment to the United States Constitution. Consequently, neither the administrative officials of The University of Texas at Austin nor the Board of Regents may impose upon The Daily Texan any form of censorship or prior approval of material which appears therein.¹ Distribution of a student newspaper on school property cannot be prohibited because the school authorities object to the content. Quarterman v. Byrd, 453 F.2d 54(4th Cir. 1971). Fujishima v. Board of Education, 460 F.2d 1355(7th Cir. 1972). The student staff members of a campus newspaper may not be disciplined for refusing to delete material which the school officials consider objectionable. Trujillo v. Love, 322 F.Supp. 1266 (D. Colo. 1971). State financial support may neither be granted nor withheld as a means of controlling the content of a campus newspaper. Antonelli v. Hammond, 308 F.Supp. 1329(D. Mass. 1971); Joyner v. Whiting, 341 F.Supp. 1244(M.D. No.Car. 1972).

"We are well beyond the belief that any manner of state regulation is permissible simply because it involves an activity [campus newspaper] which is part of the university structure and is financed with funds controlled by the administration. The state is not necessarily the unrestrained master of what it creates and fosters. Thus in the cases concerning school-supported publications or the use of school facilities, the courts have refused to recognize as permissible any regulations infringing free speech when not shown to be necessarily related to the maintenance of order and discipline within the educational process.

¹It is not intended, nor it is necessary for purposes of this discussion, to delineate what steps may be taken with regard to on-campus distribution of obscene materials.

".... In the very creation of an activity involving media of communication, the state regulates to some degree the form of expression fostered. But the creation of the form does not give birth also to the power to mold its substance."

Antonelli v. Hammond, supra, at page 1337.

Thus, the state-supported college or university which creates and nurtures a student operated campus newspaper sooner or later finds itself in the same plight as the fabled Baron Frankenstein: It has created a viable thing that it cannot control. This lack of ability to control a campus newspaper which is accustomed to receiving financial support from the university presents a dilemma of constitutional proportions. The First Amendment guarantees that the content will not be controlled by the state college or university, yet that which is printed with the use of state funds may well be of such a character that the use of state funds for such purpose constitutes a violation of state and federal law. At first blush this may appear to be an irreconcilable dilemma, but the simple and inescapable solution requires that state support of every kind be withdrawn from the campus newspaper. This was the conclusion reached by the only court we can find which has squarely faced the situation. In Joyner v. Whiting, 341 F.Supp 1244 (M.D. So.Car. 1972), a state-supported university, whose students were practically all Negro, allocated a portion of the mandatory student fees to the student operated campus newspaper. Under the leadership of its editor-in-chief, this newspaper took a militant stand against integration of the university, whereupon the president of the university terminated the allocation of student fees to the newspaper. The editor-in-chief brought suit in federal court seeking to enjoin the university president from refusing to grant financial support to the newspaper. Not only did the court refuse the injunction sought by the editor-in-chief, it entered judgment enjoining future financial support of the campus newspaper by the university.

The court recognized that the First Amendment guaranteed the campus newspaper the freedom to express any point of view which it might choose, but it also recognized that the expression of that viewpoint through the use of state funds entailed state action which, depending upon the viewpoint expressed, might otherwise be prohibited under the United States Constitution. In reaching its decision, the court stated at page 1249-1250 of its opinion:

"There appears but one resolution to this dilemma. North Carolina, its officers and agencies, must remain strictly neutral with regard to the press, student or otherwise. They must neither impose censorship or orthodoxy, nor support any student news-

paper at North Carolina Central University. The press, student or otherwise, must be free to crusade for integration, segregation, black power, white supremacy, panafricanism, or repatriation, but it must do so without the financial aid of North Carolina.

".... Having made available a forum for ideas, North Carolina Central University may not temporarily suspend this forum, but it may permanently abolish it. See. Close v. Lederle, supra, [303 F.Supp. 1109(D. Mass. 1969)].

".... North Carolina Central University, having determined to terminate compulsory support for a campus newspaper, The Campus Echo, during the editorship of the plaintiff, Johnnie Edward Joyner, may not hereafter restore compulsory student funding to The Campus Echo nor to any other campus newspaper. Were it to be permitted at any time in the future to restore financial support, it might thereby secure more acceptable editorial and reportorial views, from the same or other personnel. This would be the most blatant form of censorship violative of the Constitution of the United States. The University may neither discourage one point of view nor, by financial aid, encourage another. See Antonelli v. Hammond, supra, [308 F.Supp. 1329 (D. Mass. 1970)].

".... [T]he Court believes that the better protection of the First Amendment rights of the plaintiffs and their class requires that future financial support for any campus newspaper at North Carolina Central University, of any sort, by any means, direct or indirect, from any source of funds, be declared unlawful. Only by such a declaratory judgment may the inducement of possible financial support be eliminated as a possible method for censorship of student publications in the future, by either the defendant Whiting or his successors at North Carolina Central University."

This court opinion is clear, precise, and unequivocal - no state support of any kind may be given to a campus newspaper.

If at one time state support of campus newspapers was constitutionally permissible, it is no longer.

The Daily Texan has long enjoyed the benefit of the state's

largess, but now we have reached the point in the evolvement of constitutional interpretation which demands that it stop. Not only is the allocation of a portion of the student services fee to The Daily Texan prohibited, but the use of state-owned property and building space by The Daily Texan meets with the same fate.

We are now met with a group of students, armed with the correct legal arguments, who have requested that this matter be brought before the Board of Regents. Dr. Spurr has assured them that no state or federal law is being violated. We cannot agree with Dr. Spurr's conclusion. It is not supported by extant legal authorities. Since the allocation of the student services fee was made pursuant to the action of the Board of Regents, if it is to be rescinded, that action must also be taken by the Board of Regents. It is the opinion of the System Law Office that Chancellor LeMaistre should bring this matter before the Board of Regents at the earliest opportunity and that he should inform the students who are pressing this question that he will do so.

Our current posture is not enviable. The legal authorities which we have discussed, and particularly Joyner v. Whiting, 341 F.Supp. 1244 (M.D. No.Car. 1972), leave little doubt that if these students are left to pursue their remedy in court, the support currently given The Daily Texan would be enjoined. Unless from a policy standpoint it is deemed advisable to await such an order of a court, Chancellor LeMaistre should recommend to the Board of Regents that all financial support to The Daily Texan, from whatever source, be withdrawn and that all necessary action be taken to insure that The Daily Texan move its operations from the premises on the campus at The University of Texas at Austin at the earliest practicable time.

This ruling in no way precludes plaintiff from a full exposition of its allegations at a subsequent trial on the merits.

Accordingly, plaintiff's application for a preliminary injunction is denied.



Johnnie Edward JOYNER, Individually and as Editor and Chief of The Campus Echo, Harvey Lee White, Individually and as President of the Student Government Association, and both of them in behalf of all persons similarly situated, Plaintiffs,

v.

Albert N. WHITING, President of North Carolina Central University, Individually and in his official capacity, Defendant.

No. C-227-D-71.

United States District Court,
M. D. North Carolina,
Durham Division.
March 7, 1972.

Judgment April 7, 1972.

Students, including editor-in-chief of campus newspaper, brought action seeking to enjoin university president from failing to provide financial support for the newspaper. The District Court, Gordon, Chief Judge, held that where the newspaper, at predominantly black university, had consistently and intentionally attempted to discourage the attendance of persons of non-Negro race from attending the university by a program of harassment, discourtesy and indicia of unwelcome, it would be unlawful under the Fourteenth Amendment and the Civil Rights Act of 1964 for the university to continue to support such newspaper, but that, under the First Amendment, the university could not impose upon its students even so beneficial an orthodoxy as belief in racial integration, and thus, having terminated

support for the newspaper, the university could not thereafter provide financial support for any campus newspaper.

Judgment accordingly.

1. Civil Rights ⇨9.5

Constitutional Law ⇨213, 220

Where university was agency of state, and where campus newspaper received portion of fee required of each student and its editor-in-chief received a salary, the campus newspaper was likewise an agency of the state, and its editor-in-chief a salaried official thereof, and could not under the Fourteenth Amendment, discriminate on the basis of race, color or national origin; and such discrimination was likewise barred by the Civil Rights Act of 1964 where the university was receiving financial aid from the United States. Civil Rights Act of 1964, § 601, 42 U.S.C.A. § 2000d; G.S. N.C. § 116-44.10; U.S.C.A.Const. Amend. 14.

2. Constitutional Law ⇨220

No institution of higher education established and financially supported by a state, nor any agency or official body of such institution, may make use of racial criteria. Civil Rights Act of 1964, § 601, 42 U.S.C.A. § 2000d; U.S.C.A.Const. Amend. 14.

3. Colleges and Universities ⇨9

State has duty to eliminate racially identifiable institutions of higher education, and such duty precludes not only direct failure to admit, or to admit upon equal standards, but also official and unofficial state-supported harassment, discourtesy, and indicia of unwelcome at particular institutions.

4. Constitutional Law ⇨220

Where campus newspaper at predominantly black university consistently and intentionally attempted to discourage the attendance of persons of non-Negro race from attending such university by a program of harassment, discourtesy and indicia of unwelcome, the university could not constitutionally continue to provide financial support to such newspaper.

U.S.C.A.Const. Amend. 14; Civil Rights Act of 1964, § 601, 42 U.S.C.A. § 2000d.

5. Constitutional Law ⇨82

The First Amendment precludes state and federal governments from imposing upon any segment of the people any sort of orthodoxy, no matter how beneficial such orthodoxy might be to the body politic. U.S.C.A.Const. Amend.

1.

6. Constitutional Law ⇨82

State may not impose any particular point of view upon the students at any institution of education through any kind of authoritative selection, whether direct or indirect. U.S.C.A.Const. Amend. 1.

7. Constitutional Law ⇨90

A student newspaper is a part of the press, entitled to protection of the First Amendment. U.S.C.A.Const. Amend. 1.

8. Constitutional Law ⇨90

State must remain strictly neutral with regard to the press, student or otherwise. U.S.C.A.Const. Amend. 1.

9. Constitutional Law ⇨90

University could not temporarily suspend a particular forum for ideas, but could permanently abolish it. U.S.C.A. Const. Amend. 1.

10. Constitutional Law ⇨90

Where president of predominantly black state university terminated, as he was obliged to do under the Fourteenth Amendment, compulsory student support, through university-collected fees, for campus newspaper which had consistently and intentionally attempted to discourage the attendance of persons of non-Negro race from attending university, it would be unlawful, under First Amendment guarantees of freedom of the press, for the president or his successors at any time thereafter to restore financial support to any campus newspaper. U.S.C.A. Const. Amends. 1, 14.

11. Declaratory Judgment ⇨210

Injunction ⇨22

Judgment would be entered declaring unlawful, and enjoining, future financial

support of any campus newspaper at university, though university president had submitted affidavit that university had determined irrevocably to cease financial support, where president had earlier indicated that he would temporarily suspend financial support for newspaper because of its policies of opposing integration.

JUDGMENT

12. Colleges and Universities ⇨9

Despite their policies opposing integration of predominantly black university, students were entitled to publish and distribute for profit or otherwise, their publication upon university campus.

James V. Rowan, and David B. Hough, Durham, N. C., and Norman B. Smith, Greensboro, N. C., for plaintiffs.

Burley B. Mitchell, Jr., and Charles A. Lloyd, Raleigh, N. C., for defendant.

MEMORANDUM OPINION

GORDON, Chief Judge.

I.

On September 24, 1971, the defendant herein, Albert N. Whiting, President of North Carolina Central University, at Durham, North Carolina, tentatively determined that the University should no longer collect mandatory student fees for the purpose of allocating such fees to the student newspaper, *The Campus Echo*, and thereby no longer require all students at North Carolina Central University to subscribe to and support the student newspaper. The events leading up to this action by the defendant, which action is herein attacked by the plaintiffs, appear thus to this Court.

On September 15, 1971, one of the plaintiffs herein, Johnnie Edward Joyner, Editor-in-Chief of *The Campus Echo* informed Mrs. Jean N. Scales that no white or other non-Negro would be able to serve on the staff of *The Campus Echo*. This information was immediately transmitted to the defendant Whiting.

On September 16, 1971, the plaintiff Joyner published and circulated an issue of *The Campus Echo*, dated September 16, 1971, and identified as Vol. 1, No. 1. On the second page thereof, this Court finds the following statement:

"ATTENTION Beginning next issue *The Campus Echo* will not run white advertising."

On the first page is found an article expressing some considerable dissatisfaction at and opposition to the increasing number of whites and other non-Negro students enrolled at the North Carolina Central University. On the last page is found an article concerning student reaction to the increase of non-Negro students, all of which opinions expressed a

strong opposition to the integration of the North Carolina Central University.

On September 24, 1971, the defendant Whiting issued a Memorandum in which he expressed disagreement with the policies of *The Campus Echo*, and stated in part that North Carolina Central University ". . . will not extend recognition to or knowingly affiliate with and condone any group, organization, or association, espousing policies which discriminate on such bases."¹

On September 24, 1971, the defendant Whiting transmitted to one of the plaintiffs herein, Johnnie Edward Joyner, a letter in which he stated that *The Campus Echo* did not either meet standard journalistic criteria nor represent fairly

1. The text of the Memorandum is as follows:

"TO: All Members of the University Community

"FROM: Albert N. Whiting, President

"RE: The September 16 Issue of the *Campus Echo*

"DATE: September 24, 1971

"By now I am certain that most of you have read the September 16 issue of the *Campus Echo*. Because of the very pronounced critical position taken in this paper regarding integration in the University Community, I feel it my duty as President to indicate clearly and unequivocally what the official policy of the Institution is and will continue to be in accordance with the present law of the land and the State of North Carolina. North Carolina Central University has always been opposed to any policies and practices which deprive any individual of a right or a privilege because of race, color, creed, or national origin. It will not extend recognition to or knowingly affiliate with and condone any group, organization, or association, espousing policies which discriminate on such bases. "Because of historical circumstances issuing out of the shameful segregated past this institution is and will continue to be in the foreseeable future predominantly Black or Negro (whichever word one chooses to use here is a matter of personal choice). It has had a prideful and heroic educational tradition and in its various forms, from the date of its founding, has contributed significantly and effectively to the development and well-being of those who have had the good fortune to attend. Because of rela-

tively recent social changes, integration on all college and university campuses and, as a matter of fact, in all legitimate schools has become more visible. This is no longer a reversible trend and it is sheer folly to think otherwise. Presently, at North Carolina Central University we have an array of ethnic and racial types but in actuality only a statistically insignificant number of non-Negroes. This notwithstanding, the point that I wish to make is that as a State-Supported Institution especially, but also in terms of what is morally and legally right, this institution is not a 'Black University' and does not intend to become one.

"To those who find this assertion and this fact uncomfortable and/or intolerable I wish to make it perfectly clear that they must, while here, operate within the framework of the University policies regarding this. If this is not possible, then my advice is to seek enrollment and/or employment in institutions where such attitudes are acceptable.

"In line with this point of view, I am herewith announcing that all funds for the publication of the *Campus Echo* have been temporarily suspended until consensus can be established regarding the journalistic standards to which this paper will adhere and its role on this campus. If consensus cannot be developed, then the University will no longer sponsor a campus newspaper and that proportion of funds collected and allocated to the budget of the *Campus Echo* will accrue to the credit of all contributing students for this school year."

the full spectrum of views on the campus of North Carolina Central University. Therein also he informed the plaintiff Joyner that funds for *The Campus Echo* would be withheld pending agreement as to standards to which the publication would adhere.

On October 1, 1971, the plaintiffs herein commenced this action, seeking to enjoin the defendant Whiting from failing to support financially *The Campus Echo*.

On November 8, 1971, the defendant announced the permanent and irrevocable termination of compulsory funding of *The Campus Echo*, in accordance with his tentative decision so to do on September 24, 1971. This decision was reached, it would appear, as a resolution of the same dilemma which now presents itself to this Court.

II.

The Constitution of the United States, in the Fourteenth Amendment thereto, provides that no citizen shall be denied the equal protection of the laws. The Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d further provides that:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

North Carolina Central University is an Institution of Higher Education established under and operating pursuant to G.S. § 116-44.10. The governing authority of North Carolina Central University is appointed in accordance with the General Statutes of North Carolina. North Carolina contributes both tax revenues and escheats to North Carolina Central University, and authorizes the collection of tuition and fees from students. There can be no doubt that North Carolina Central University is an agency of North Carolina, and, as such, is subject to the provisions of the Constitution of the United States. Further, North Carolina Central University receives financial aid from the United

States, in accordance with several Acts of Congress. In order to continue receiving funds, and to escape liability for those funds previously received, North Carolina Central University cannot directly or indirectly, overtly or covertly, discriminate on the ground of race, color, or national origin, in determining to whom and to what extent the several various benefits of North Carolina Central University shall be extended.

[1] Any organization, association or group which has been established under the authority of North Carolina Central University and pursuant to its regulations, and which has received financial aid and support from North Carolina Central University, whether from funds received from North Carolina directly, out of taxes and escheats, or from funds collected by North Carolina Central University under the authority of North Carolina, or both, is an agency of North Carolina Central University, and, therefore, indirectly, of North Carolina itself. *The Campus Echo* was established by North Carolina Central University, and, until September 24, 1971, was financially supported by North Carolina Central University. It received a portion of the student fee which North Carolina Central University required each student to pay as a prerequisite to registration. The Editor-in-Chief received a salary, though it is not clear whether this is paid from funds received through the student fee or from funds received through tuition and the contributions of North Carolina. *The Campus Echo*, as a matter of law, is an agency of North Carolina Central University and of North Carolina. The Editor-in-Chief of *The Campus Echo* is a salaried official of both North Carolina Central University and of North Carolina.

[2] As set out above, the law is clear: No State or Agency of a State may discriminate upon the basis of race, color, or national origin. No Institution of Higher Education, established and financially supported by a State, may use racial criteria in its employment prac-

tices, in its admission policies, or in its academic program. No agency of such an Institution, nor any other official body, may use racial criteria. *United States v. Georgia, et al.*, Civil No. 12,972 (N.D.Ga.1969); *Georgia, et al. v. Mitchell, et al.*, Civil No. 265-70 (D.D.C. 1970).

[3] Furthermore, the State of North Carolina has been for the past eighteen years under an affirmative duty to disestablish the dual system of education under which it had operated for almost a century. See *Swann v. Charlotte-Mecklenburg County Board of Education*, 402 U.S. 1, 91 S.Ct. 1267, 28 L.Ed.2d 554 (1971); *Green v. School Board of New Kent County*, 391 U.S. 430, 88 S.Ct. 1689, 20 L.Ed.2d 716 (1968). This duty extends to the elimination of racially identifiable Institutions of Higher Education as well as the elimination of racially identifiable institutions of primary and secondary education. The State of North Carolina may not do indirectly what it may not do directly, for acts generally constitutional are invalid when done to accomplish an unconstitutional end. See *Gomillion v. Lightfoot*, 364 U.S. 339, 81 S.Ct. 125, 5 L.Ed.2d 110 (1960). Neither the State of North Carolina nor any of its officials may discourage persons interested in attending a certain institution from attending such institution on account of race, color, or national origin. This prohibition extends not only to direct failure to admit or to admit upon equal standards, but also to official and unofficial state supported harassment, discourtesy, and indicia of unwelcome at particular Institutions of Higher Education.

[4] This Court finds that *The Campus Echo*, an agency of the State of North Carolina, did consistently and intentionally attempt to discourage the attendance of persons of non-Negro race from attending the North Carolina Central University, by a program of harassment, discourtesy, and indicia of unwelcome. *The Campus Echo* was as

intent upon maintaining North Carolina Central University as a "black school" as were others in times past upon maintaining the University of North Carolina as a "white school." The State of North Carolina may no more lawfully require the financial support of *The Campus Echo* than it may contribute lawfully to certain forms of symbolic free speech by the Ku Klux Klan. Had the State of North Carolina and the North Carolina Central University continued such support of *The Campus Echo*, such support would have been unlawful as contrary to 42 U.S.C. § 2000d and to the Fourteenth Amendment to the Constitution of the United States.

III.

However, the First Amendment to the Constitution of the United States explicitly guarantees that, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The Fourteenth Amendment to the same Constitution has been construed to extend this particular prohibition to the states.

[5, 6] The restrictions placed upon the Congress and the states by these provisions of the Constitution have never been construed strictly. They have been found to prevent the government, State or Federal, from imposing upon any segment of the people any sort of orthodoxy, no matter how beneficial such orthodoxy might be to the body politic. *Epperson v. Arkansas*, 393 U.S. 97, 89 S.Ct. 266, 21 L.Ed.2d 228 (1969); *Keyishian v. Board of Regents of New York*, 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d 629 (1967). The classroom and the school are particularly the "marketplace of ideas," which require a discovery of "truth 'out of a multitude of tongues, [rather] than through any kind of authoritative selection.'" *Keyishian v. Board of Regents of New York, supra* at 640. An "authoritative

selection" may be made directly, by means of excluding certain views, by the censorship of a certain newspaper, by the prohibition of the distribution of certain publications, or by the dismissal of the author of the writing in question. See *Zucker v. Panitz*, 299 F.Supp. 102 (S.D.N.Y.1969); *Sullivan v. Houston Independent School District*, 307 F.Supp. 1328 (S.D.Texas 1969); *Eisner v. Stamford Board of Education*, 440 F.2d 803 (2nd Cir. 1971); *Trujillo v. Love*, 322 F.Supp. 1266 (D.Colo.1971); *Dickey v. Alabama State Board of Education*, 273 F.Supp. 613 (M.D.Ala.1967). Such "authoritative selection" may be made indirectly also, by means of the *temporary* suspension of funds or resources pending a change in point of view or a change in personnel. *Antonelli v. Hammond*, 308 F.Supp. 1329 (D.Mass.1970); *Close v. Lederle*, 303 F.Supp. 1109 (D. Mass.1969). Direct or indirect, such censorship is unlawful. See also, *Dickson v. Sitterson*, 280 F.Supp. 486 (M.D. N.C.1968). No orthodoxy or particular point of view may be imposed by any means, direct or indirect, upon the students at any institution of education, by the State of North Carolina or any of its agencies. Even to favor an orthodoxy so beneficial as the belief that racial integration is good is as much forbidden by the Constitution of the United States as it is for the State to favor the belief that the world was created in six days. See *Epperson v. Arkansas*, *supra*.

[7] A student newspaper, such as *The Campus Echo*, is part of the press, and is, therefore, entitled to the protection of the Constitution otherwise granted under the First Amendment. *Dickey v. Alabama State Board of Education*, *supra*; *Antonelli v. Hammond*, *supra*. Neither the State nor any of its agencies may impose any censorship, any orthodoxy, upon such a newspaper or its editors. "The State is not necessarily the unrestrained master of what it creates and fosters." *Antonelli v. Hammond*, *supra* at 1337.

341 F.Supp.—79

IV. CONSTITUTIONAL MANDATES

[8] Two Constitutional mandates, which are, indeed, the most compelling of state policies, therefore, were presented to the defendant Whiting and are now presented before this Court. The Constitution and laws of the United States require that North Carolina impose and support no orthodoxy, without regard to the benefit adhering to such state imposed point of view. But they also require that North Carolina, directly or indirectly, refrain from supporting any activity designed and intended to cause or continue discrimination upon the ground of race, color, or national origin, or to reestablish a dual system of state supported institutions of higher education in North Carolina. There appears but one resolution to this dilemma. North Carolina, its officers and agencies, must remain strictly neutral with regard to the press, student or otherwise. They must neither impose censorship or orthodoxy, nor support any student newspaper at North Carolina Central University. The press, student or otherwise, must be free to crusade for integration, segregation, black power, white supremacy, pan-africanism, or repatriation, but it must do so without the financial aid of North Carolina.

[9] The initial statements of the defendant Whiting show an improper emphasis upon his duties under the Fourteenth Amendment, in which consideration of "journalistic criteria" dangerously resemble an attempt at censorship. However, upon advice of counsel, the defendant Whiting recognized his equally compelling duties under the First Amendment, and has permanently and irrevocably terminated compulsory student support for *The Campus Echo*, and for any other student newspaper which may be established at North Carolina Central University. Having made available a forum for ideas, North Carolina Central University may not temporarily suspend this forum, but it may permanently abolish it. See *Close v. Lederle*, *supra*.

[10] North Carolina Central University, having determined to terminate compulsory student support for a campus newspaper, *The Campus Echo*, during the editorship of the plaintiff, Johnnie Edward Joyner, may not hereafter restore compulsory student funding to *The Campus Echo* nor to any other campus newspaper. Were it to be permitted at any time in the future to restore financial support, it might thereby secure more acceptable editorial and reportorial views, from the same or other personnel. This would be a most blatant form of censorship violative of the Constitution of the United States. The University may neither discourage one point of view nor, by financial aid, encourage another. See *Antonelli v. Hammond, supra*.

[11] The defendant Whiting has submitted, upon his own behalf, an affidavit that North Carolina Central University has determined irrevocably to cease the financial support, from any source, of any campus newspaper. While this Court sees no cause to question the intentions of the defendant Whiting; considering the ambiguous nature of the earlier remarks and acts of the defendant Whiting, dangerously resembling censorship, the Court believes that the better protection of the First Amendment rights of the plaintiffs and their class requires that future financial support for any campus newspaper at North Carolina Central University, of any sort, by any means, direct or indirect, from any source of funds, be declared unlawful. Only by such a declaratory judgment may the inducement of possible financial support be eliminated as a possible method for censorship of student publications in the future, by either the defendant Whiting or his successors at North Carolina Central University.

For the foregoing reasons, the relief requested by the plaintiffs is denied. Accordingly, within ten days, counsel for the defendant shall submit to the plaintiff for approval as to form, and thereafter to this Court, a proposed judgment, incorporating therein a provision de-

claring unlawful and in violation of the Constitution of the United States, any future financial support, by any means and from any source of funds, direct or indirect, of a campus newspaper by North Carolina Central University or any agency thereof.

JUDGMENT

This Court having found the facts and law as set out in its opinion as filed on March 7, 1972, it is

Ordered, adjudged and decreed that:

1. The actions of the plaintiffs with regard to the staffing and advertising policy of *The Campus Echo* and their consistent and intentional program of harassment, discourtesy and indicia of unwelcome to white students by means of that publication, having been found unlawful and in violation of the Fourteenth Amendment to the Constitution of the United States and the Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d, the action of the defendant Whiting in refusing to require mandatory financial support by students of *The Campus Echo*, is, therefore, not in violation of the Constitution and laws of the United States; and

2. The Constitution and laws of the United States require that the defendant, an agent of the State of North Carolina, not impose and support any form of censorship or orthodoxy by means of direct or indirect financial assistance to *The Campus Echo*, a student newspaper; and

[12] 3. The plaintiffs may publish and distribute, for profit or otherwise, their publication upon the campus of North Carolina Central University, but it is declared and adjudged that it shall be unlawful and in violation of the Constitution of the United States for the defendant or his successors in office to grant any future financial support from any source of funds, direct or indirect, to a campus newspaper at North Carolina

Central University, and the defendant and his successors in office are hereby ordered to refrain from any such action; and

4. The parties shall bear their own costs.



Kenneth CHERTOK, Plaintiff,

v.

ETHYL CORPORATION OF CANADA,
Ltd., Defendant.

No. 71 Civ. 980.

United States District Court,
S. D. New York.

May 3, 1972.

Action against Canadian corporation for breach of an alleged finder's fee contract. On motion by corporation to dismiss for lack of in personam jurisdiction, the District Court, Edelstein, Chief Judge, held that defendant Canadian corporation did not purposely avail itself of the privilege of conducting activities in New York, so that action against it for breach of an alleged finder's fee contract would have to be dismissed for lack of in personam jurisdiction under New York law, where original contact between defendant and plaintiff was precipitated by the latter, most of the telephone conversations involving the parties were initiated by the plaintiff, it was at plaintiff's direction that oral agreement was reduced to writing and sent to New York, trip to New York by officer of defendant was made at plaintiff's behest to accommodate the convenience of certain officials, the duration of such trip was only one business day, and where there was no suggestion that New York law would govern the transactions.

Complaint dismissed.

1. Removal of Cases ⇨10

Jurisdiction of federal courts over an action removed from state court depends upon jurisdiction of the state court before removal. 28 U.S.C.A. § 1441.

2. Courts ⇨274(14)

Defendant Canadian corporation did not purposely avail itself of the privilege of conducting activities in New York, so that action against it for breach of an alleged finder's fee contract would have to be dismissed for lack of in personam jurisdiction under New York law, where original contact between defendant and plaintiff was precipitated by the latter, most of the telephone conversations involving the parties were initiated by the plaintiff, it was at plaintiff's direction that oral agreement was reduced to writing and sent to New York, trip to New York by officer of defendant was made at plaintiff's behest to accommodate the convenience of certain officials, the duration of such trip was only one business day, and where there was no suggestion that New York law would govern the transactions. CPLR N.Y. 302(a), par. 1, 313; Fed.Rules Civ.Proc. rule 12(b) (2), 28 U.S.C.A.

J. John Lawler, New York City, for plaintiff.

Cahill, Gordon, Sonnett, Reindel & Ohl by Denis McInerney, John H. de Boisblanc, and Joseph A. Clark, III, New York City, for defendant.

EDELSTEIN, Chief Judge.

OPINION

Plaintiff, Kenneth Chertok (Chertok), instituted suit in New York Supreme Court, New York County, against defendant, Ethyl Corporation of Canada, Ltd. (Ethyl of Canada), for the breach of an alleged finder's fee contract. Defendant has moved pursuant to F.R.Civ. P. 12(b) (2) to dismiss the complaint for lack of *in personam* jurisdiction.

On February 3, 1971, plaintiff attempted service of the complaint upon

5. U. T. Dallas and Dallas Health Science Center: Recommendation to Request Coordinating Board to Institute a Master of Science Degree and Doctor of Philosophy Degree in Communication Disorders at U. T. Dallas in Cooperation with Dallas Health Science Center and Callier Hearing and Speech Center at Dallas. --

Chancellor LeMaistre concurs in the recommendation of President Jordan to authorize the establishment of joint Ph.D. and M.S. degree programs in Communication Disorders to be offered by U.T. Dallas in cooperation with the U.T. Health Sciences Center at Dallas and the Callier Hearing and Speech Center at Dallas. President Sprague concurs in the recommendation.

These programs are designed to prepare persons with various backgrounds in speech pathology, audiology, psychology, linguistics, and education as clinicians, teachers, and researchers in school, health agency, or other settings. The focus of their interdisciplinary training is language, speech, and hearing disorders and their remediation.

The curriculum for the Master's degree requires a minimum of 36 semester hours credit in (1) core courses, (2) basic science courses, and (3) clinical training courses. The student completing the Master's program will have met the academic requirements for Certification of Clinical Competence in either speech pathology or audiology by the American Speech and Hearing Association.

The Ph.D. degree will be competency-based, requiring the student to demonstrate competency of performance in each aspect of research and service to patients. Persons trained in this program would be teacher-researchers who can direct investigation in the analysis and treatment of communication disorders.

A dissertation will be required for the Ph.D. No thesis will be required for the M.S. degree since it is a professional degree with a clinical orientation. Both degree programs will make extensive use of the unique facilities, professional resources, and clinical learning opportunities provided by the Callier Hearing and Speech Center. This program has been reviewed by a panel of outside consultants and the proposal incorporates several of their recommendations.

Initial faculty needed to implement this program includes present faculties at U.T. Dallas and the Health Sciences Center at Dallas with joint appointments for selected staff members of the Callier Hearing and Speech Center as provided under an Affiliation Agreement approved by the Board of Regents on September 11, 1972.

Subsequent to approval by the Board of Regents this proposal will be submitted to the Coordinating Board for final authorization.



THE UNIVERSITY OF TEXAS AT DALLAS

OFFICE OF THE PRESIDENT

February 1, 1973

Dr. Charles A. LeMaistre
Chancellor
The University of Texas System
601 Colorado Street
Austin, Texas 78701

Dear Chancellor LeMaistre:

Enclosed are twelve copies of a proposal for a Graduate Program in Communication Disorders. As you will recall, this program is to be offered jointly by The University of Texas at Dallas, The University of Texas Health Sciences Center at Dallas, and Callier Hearing and Speech Center. We have incorporated many of the suggestions made in the report filed by the Consulting Committee chaired by Dr. Kenneth L. Moll, The University of Iowa. I believe all parties involved are confident that this final proposal is a positive step toward our implementing an exemplary program in the field of communication disorders in 1973.

Sincerely,

A handwritten signature in cursive script that reads "Bryce Jordan".

Bryce Jordan

BJ/cb

Enclosures

THE UNIVERSITY OF TEXAS
SOUTHWESTERN MEDICAL SCHOOL AT DALLAS
OFFICE OF THE DEAN

February 2, 1973

Charles A. LeMaistre, M. D.
Chancellor
The University of Texas System
601 Colorado
Austin, Texas 78712

Dear Doctor LeMaistre:

I am in agreement with the proposal for a graduate program in communication disorders submitted to you by President Jordan on Friday, February 2, 1973.

For Charles C. Sprague, M. D., President



Parkhurst Shore, M. D.
Acting Dean
Graduate School of
Biomedical Science

PS/lr

*President Sprague's concurrence confirmed by
telephone with Dr. Wegner February 7, 1973.*

Buildings & Grounds Committee

BUILDINGS AND GROUNDS COMMITTEE

Date: March 5, 1973

Time: Following the meeting of the Academic and Developmental
Affairs Committee

Place: Embassy Room (off Lobby)
The Shamrock Hilton Hotel
Houston, Texas

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1. U. T. SYSTEM - ACADEMIC CAMPUSES: AUTHORIZATION FOR THE ACQUISITION AND INSTALLATION OF HIGHER EDUCATION FACILITIES ACT PLAQUES.--The Office of Education, U. S. Department of Health, Education and Welfare, has requested each institution of higher education that received grants and/or loans under the Higher Education Facilities Act to place a plaque on each building for which aid has been provided.

Thirty-five (35) buildings located on the six (6) U. T. System academic campuses have received assistance under the Higher Education Facilities Act. In order to comply with the Office of Education request, a bronze plaque, in keeping with U. T. plaques, 4" by 13" will be affixed below the U. T. plaque, or other appropriate location, and will bear the following prescribed inscription:

"Constructed with the financial assistance of the American people through the Higher Education Facilities Act"

It is recommended by System Administration that the Office of Facilities Planning and Construction acquire the appropriate plaques and supervise the installation on the buildings constructed with financial assistance from the Higher Education Facilities Act.

2. U. T. ARLINGTON: REQUEST FOR APPROVAL OF EASEMENT TO THE CITY OF ARLINGTON FOR CONSTRUCTION OF WATER, SEWER AND OTHER PUBLIC UTILITIES.--In order to provide improved water service to the U. T. Arlington campus and surrounding area, the City of Arlington is installing an eight inch and six inch water line in and along Mitchell Street. The City of Arlington has requested an easement ten feet (10') wide and approximately four hundred sixty feet (460') in length, in and across a tract of land in the Owen Medlin Survey conveyed to the State of Texas by deed recorded in Volume 400, Page 343, Deed records of Tarrant County, Texas. The easement is more fully described by metes and bounds in the easement document, which will be available for examination at the Board meeting.

It is recommended by Acting President Nedderman and System Administration that approval be given by the Board for such an easement to be executed by the Chairman of the Board after approval as to content by Deputy Chancellor Walker and as to legal form by a University attorney.

3. U. T. ARLINGTON: NORTH-SOUTH MALL - APPROVAL OF FINAL PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS.--In accordance with authorization given at the Regents' Meeting held October 20, 1972, final plans and specifications have been prepared for the North-South Mall at The University of Texas at Arlington by the Project Landscape Architect, Schrickel, Rollins and Associates, Inc.

These plans and specifications cover the area on a north-south axis in the former Yates Street right-of-way, terminated on the north by Second Street Mall and on the south by the University Hall Development at an estimated total project cost of \$522,000.00. The \$750,000.00 project cost approved by the Regents at the Meeting held June 9, 1972, for the North-South Mall provides for additional work to be performed at a later date related to this total project.

Acting President Nedderman and System Administration recommend that the Board:

- a. Approve the final plans and specifications at an estimated total project cost of \$522,000.00.
- b. Authorize the Director of the Office of Facilities Planning and Construction to advertise for bids to be presented to the Board at a future meeting.

4. U. T. ARLINGTON: RECOMMENDED EXTENSION OF UTILITIES DISTRIBUTION SYSTEM FOR ACTIVITIES BUILDING, APPOINTMENT OF ENGINEER, AND RECOMMENDED APPROPRIATION THEREFOR. --

The planning of an Activities Building on the Campus of The University of Texas at Arlington was authorized at the December 8, 1972 Board of Regents Meeting. The building will be located on the site of the present playing fields west of the site of the Fine Arts Building now under construction. It will be necessary to extend the present chilled water, steam, and electrical services from the Campus system to the site of the proposed building.

Since Leo L. Landauer and Associates, Inc., Dallas, Texas, are familiar with the existing distribution systems and are approved to design other extensions to the distribution system, it is desirable to have the plans developed by this firm.

The total project cost for the Extension of the Utilities Distribution System is estimated to be \$662,000.00. Acting President Nedderman and System Administration recommend that the Board:

- a. Appoint Leo L. Landauer and Associates, Inc., to prepare preliminary plans and specifications and a detailed estimate of cost for presentation to the Board at a later date.
- b. Appropriate \$10,000.00 from Combined Fee Revenue Bonds for fees and miscellaneous expenses through preliminary plans and specifications.

5. U. T. AUSTIN: WOMEN'S COOPERATIVE HOUSING COMPLEX - NAMING OF THE NORTHWEST BUILDING COMPLEX IN HONOR OF KATHERINE PEARCE.--At the January 26, 1973 meeting of the Board, conditional acceptance was given to a pledge of \$200,000.00 to be paid over a period of 10 years by the Jack and Katherine Pearce Educational Foundation. Terms of the gift specify that a student resident facility be named after Mrs. Pearce.

In 1952 the Foundation made a similar gift to The University and the name of Katherine Pearce was assigned to the east wing of the northwest building of a Women's Cooperative Housing Complex then under construction. (Regents minutes reference of March 28, 1952.)

President Spurr recommends and System Administration concurs in the recommendation that the east wing be now designated as the Katherine Pearce I and that the west wing of the northwest building be given the name of Katherine Pearce II. This assignment of name would apply to the building only and will not affect the names of the cooperative living units housed by the building.

In accordance with the January 26, 1973 U. T. Austin docket, the \$200,000.00 commitment is to be an unrestricted gift to U. T. Austin.

6) U. T. Austin: Recommended Preliminary Plans and Outline Specifications for Design of Utilities Extensions to Serve College of Education Building, Social Science and Humanities Library Building (Formerly Referred to as General Library and New Library) and New Chemistry Building and Appropriation Therefor. --

In accordance with the authorization given at the Regents' Meeting held April 29, 1972, and the increase in scope authorized at a subsequent Regents' Meeting held on July 21, 1972, the preliminary plans and outline specifications for the construction of underground utilities extensions to serve the new College of Education, New Library and Addition to the Chemistry Building at The University of Texas at Austin have been prepared by the Project Engineer, B. Segall, Jr., and Associates.

President Spurr and System Administration recommend that the Board:

- a. Approve the preliminary plans and outline specifications at an estimated total project cost of \$1,505,000.00 and authorize the Project Engineer to prepare final plans and specifications for consideration of the Board at a future meeting.
- b. Appropriate \$75,000.00 from Permanent University Fund Bond proceeds to cover Engineer's Fees and miscellaneous expenses through the preparation of final plans and specifications, \$16,000.00 having been previously appropriated from the same source.

7. U. T. AUSTIN: NAMING THE FORMER NIKE MISSILE BASE ON BEE CAVES ROAD AS THE BEE CAVES RESEARCH CENTER.--Effective June 17, 1967, the former Nike Missile Base, located about seven miles west of Austin on Bee Caves Road, has been used by The University of Texas at Austin for Astronomy Teaching and Research, Electrical Engineering Research, and other research and training activities. This property was conveyed by deed from the United States of America to The University of Texas at Austin under an agreement with the Department of Health, Education and Welfare. All of the users of the land and facilities find it somewhat awkward to continue to refer to this location as simply the former Nike Missile Base site.

System Administration concurs with the recommendation of Vice-President Colvin and President Spurr that the Board officially designate this site as the Bee Caves Research Center.

8. U. T. AUSTIN: RENAMING OLD LIBRARY BUILDING IN HONOR OF DR. WILLIAM JAMES BATTLE.--The building on the west mall east of the West Mall Office Building has been designated in the past as the Old Library Building. At one time the building housed the Barker history collections and was known as the Barker History Center, however, the building was never so officially named.

President Spurr recommends that the Old Library Building now be designated as Battle Hall in honor of Dr. William James Battle who died in 1955. Dr. Battle came to The University as an Associate Professor of Greek in 1893 and remained to serve the Austin campus as both a scholar and administrator for more than 50 years including the years 1914 to 1916 when he served as Acting President of The University.

System Administration concurs in the recommendation of President Spurr that the Board designate the Old Library Building as Battle Hall.

9. U. T. AUSTIN: REQUEST FOR APPROVAL OF EASEMENT TO SOUTHERN UNION GAS COMPANY OF A TEN INCH (10") HIGH PRESSURE GAS LINE.--At the Regents' Meeting held January 26, 1973, authorization was given to the relocation of the ten inch high pressure gas line, beginning at East 19th Street at Comal Street, proceeding along 19th Street to I. H. 35, then north to Hawthorne Street, a distance of approximately 2,400 feet. Southern Union Gas Company has requested an easement ten (10) feet in width, in, across and upon a strip of land, same being out of a part of Block 1, Block 2, Block 8, Block 9 and Block 11 of the Gammel and Taylor Subdivision, Recorded in Book 1, Page 77 of the Plat Records of Travis County, Texas, being a portion of outlet 44, Division "B" in the City of Austin, Texas. The easement is more fully described by metes and bounds in the easement document, which will be available for examination at the Board meeting.

It is recommended by President Spurr and System Administration that approval be given by the Board for such an easement to be executed by the Chairman of the Board after approval as to content by Deputy Chancellor Walker and as to legal form by a University attorney.

10. U. T. DALLAS: ENVIRONMENTAL SCIENCE BUILDING - RATIFICATION OF COMMITTEE REPORT, APPROVAL OF FINAL PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS, AND AUTHORIZATION FOR COMMITTEE TO AWARD CONTRACT.-- In accordance with the authorization given at the December 8, 1972 meeting of the Board, the Special Committee has approved the preliminary plans and specifications, with authorization to prepare final plans and specifications, on the Environmental Science Building at The University of Texas at Dallas encompassing 20,040 gross square feet, with a total project cost of \$1,100,000.00. These plans and specifications have now been completed by the Project Architect, Harwood K. Smith and Partners.

President Jordan and System Administration recommend that the Board:

- a. Ratify the Committee action approving the preliminary plans and specifications with authorization to direct the Project Architect to prepare final plans and specifications.

- b. Approve the final plans and specifications with authorization to the Office of Facilities Planning and Construction to advertise for bids upon completion of final reviews.
- c. Authorize the Committee consisting of President Jordan, Director Kristoferson, Deputy Chancellor Walker, Regent Williams, and Committee Chairman Erwin to award a construction contract within the authorized total project cost of \$1,100,000.00.

11. U. T. Dallas: J. Erik Jonsson Center (Formerly Referred to as Liberal Arts Building) and Physical Instruction Building - Acceptance of Third Revision of Annual Interest Grant No. 5-6-00636-0 . -- At the Regents' Meeting held July 30, 1971, Annual Interest Grant No. 5-6-00636-0 for the Liberal Arts and Physical Instruction Buildings at The University of Texas at Dallas in the annual amount of \$42,920.00 for a period of thirty years on a loan supported amount of \$2,000,000.00 was accepted by the Board. At the Regents' Meeting held on April 29, 1972, a revision to Annual Interest Grant No. 5-6-00636-0 was accepted by the Board which increased the annual amount of \$61,940.00 for a period of 30½ years on an increased supported loan amount of \$4,000,000.00. At the Regents' Meeting held on June 9, 1972 a reduction of Annual Interest Grant No. 5-6-00636-0 was accepted by the Board which reduced the annual amount to \$59,884.00.

The Department of Health, Education and Welfare has issued a third revision to Annual Interest Grant No. 5-6-00636-0 to reflect an increase in the principal amount of loan on which an annual interest grant is approved from \$4,000,000.00 to \$5,000,000.00 and an increase in the amount of annual interest grant from \$59,884.00 to \$74,855.00. This grant is for the purpose of paying the excess of interest over and above 3% interest rate on \$5,000,000.00 of General Tuition Revenue Bonds issued for U. T. Dallas allocated to the construction of the Liberal Arts and Physical Instruction Buildings and is calculated on an average interest rate of 5.3358% on these bonds.

It is recommended by President Jordan and System Administration that the Board accept the revised grant as outlined above.

12. U. T. Dallas: Eugene McDermott Library (Formerly Referred to as Library or Library-Administration Building): Acceptance of Third Revision of Annual Interest Grant No. 5-6-00637-0.--At the Regents' Meeting held on July 30, 1971, Annual Interest Grant No. 5-6-00637-0 for the Library-Administration Building at The University of Texas at Dallas in the annual amount of \$21,460.00 for a period of thirty years on a loan supported amount of \$1,000,000.00 was accepted by the Board. At the Regents' Meeting held on April 29, 1972, a revision to Annual Interest Grant No. 5-6-00637-0 was accepted by the Board which increased the annual amount to \$61,940.00 for a period of 30½ years on an increased supported loan amount of \$4,000,000.00. At the Regents' Meeting held on June 9, 1972 a reduction of Annual Interest Grant No. 5-6-00637-0 was accepted by the Board which reduced the annual amount to \$59,884.00.

The Department of Health, Education and Welfare has issued a third revision to Annual Interest Grant No. 5-6-00637-0 to reflect an increase in the principal amount of loan on which an annual interest grant is approved from \$4,000,000.00 to \$5,000,000.00 and an increase in the amount of annual interest grant from \$59,884.00 to \$74,855.00. This grant is for the purpose of paying the excess of interest over and above 3% interest rate on \$5,000,000.00 of General Tuition Revenue Bonds issued for U. T. Dallas allocated to the construction of the Library-Administration Building and is calculated on an average interest rate of 5.3358% on these bonds.

It is recommended by President Jordan and System Administration that the Board accept the revised grant as outlined above.

13. U. T. DALLAS: CONSTRUCTION OF A PERMANENT CAMPUS ROAD - AUTHORIZATION TO PREPARE PLANS AND SPECIFICATIONS, APPOINTMENT OF ENGINEER, APPROPRIATION OF FUNDS, AND APPOINTMENT OF COMMITTEE TO APPROVE PLANS AND SPECIFICATIONS, TO AUTHORIZE TAKING BIDS AND TO APPROVE THE CONSTRUCTION CONTRACT AWARD.--The University of Texas at Dallas acquired certain properties by purchase on Campbell Road which now houses the administration of The University of Texas at Dallas and has also acquired by gift some 275 acres from the Texas Research Foundation which joins the west boundary of the existing campus. The University of Texas at Dallas administration recommends that a permanent road be constructed connecting the Administration Building and the Texas Research Foundation property to tie in with the west campus road that runs north and south on the western boundary of the original campus site.

System Administration concurs with the recommendation of President Jordan that the following actions be approved by the Board:

- a. Approve the construction of the permanent road as described.
- b. Appoint Raymond L. Goodson, Jr., Inc., Consulting Engineers, to prepare final plans and specifications.
- c. Appoint a committee consisting of Chairman of the Building and Grounds Committee Erwin, Regent Williams, Deputy Chancellor Walker, President Bryce Jordan, and Ralph Kristoferson, to approve the final plans, to authorize the Office of Facilities Planning and Construction to advertise for bids, and to award a contract for construction within an estimated total project cost of \$100,000.00.
- d. Appropriate \$100,000.00 from Tuition Revenue Bond proceeds for this project.

14. U. T. EL PASO: REMODELING OF BELL HALL - APPROVAL OF FINAL PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS.--In accordance with authorization given at the Regents' Meeting held April 29, 1972, final plans and specifications have been prepared for the Remodeling of Bell Hall at The University of Texas at El Paso by the Project Architect, Davis Associates. These plans and specifications provide for remodeling approximately 27,948 gross square feet at an estimated total project cost of \$541,000.00.

President Templeton and System Administration recommend that the Board:

- a. Approve the final plans and specifications at an estimated total project cost of \$541,000.00.
- b. Authorize the Director of the Office of Facilities Planning and Construction to advertise for bids to be presented to the Board at a future meeting.

15. U. T. EL PASO: CAMPUS LIGHTING SYSTEM - AWARD OF CONTRACT TO CALLAGHAN ELECTRIC COMPANY, INC., AND APPROPRIATION THEREFOR.--In accordance with authorization given at the Regents' Meeting held December 8, 1972, bids were called for and were received, opened and tabulated on February 13, 1973, as shown below:

| | C-H-R Division of Newbery Energy Corpora- tion, El Paso, Texas | Callaghan Elec- tric Company, Inc., El Paso, Texas | Douglass Bros., Inc., El Paso, Texas | The Gardner- Zemke Com- pany, El Paso, Texas |
|--------------------|--|---|--|---|
| Base Bid | \$98,380.00 | \$92,000.00 | \$111,818.00 | \$99,735.00 |
| Add Alternates: | | | | |
| No. 1 | 7,210.00 | 6,150.00 | 6,420.00 | 6,150.00 |
| No. 2 | 8,705.00 | 7,550.00 | 8,051.00 | 7,710.00 |
| No. 3 | 5,241.00 | 5,300.00 | 6,335.00 | 4,475.00 |
| No. 4 | 6,172.00 | 6,300.00 | 7,447.00 | 5,545.00 |
| No. 5 | 15,982.00 | 15,400.00 | 17,423.00 | 31,935.00 |
| No. 6 | 5,453.00 | 4,500.00 | 5,491.00 | 13,065.00 |

Each bidder submitted with his bid a bidder's bond in the amount of 5% of the greatest amount bid.

This project provides for a Campus Lighting System for The University of Texas at El Paso. A total project cost of \$140,000.00 has previously been authorized for this project.

President Templeton and System Administration recommend that the Board:

- a. Award the construction contract for Campus Lighting System at The University of Texas at El Paso to the low bidder, Callaghan Electric Company, Inc., El Paso, Texas, as follows:

| | |
|--|-----------------|
| Base Bid | \$ 92,000.00 |
| Add Alternates: | |
| No. 2 (Physical Plant Area Lighting) | 7,550.00 |
| No. 4 (Kidd Field Area Lighting) | 6,300.00 |
| No. 5 (Lighting Fixtures, Type A and B) | 15,400.00 |
| No. 6 (Lighting Fixtures, Type C) | <u>4,500.00</u> |

| | |
|-------------------------------------|---------------------|
| Total Recommended Contract Award | <u>\$125,750.00</u> |
|-------------------------------------|---------------------|

- b. Authorize a total project cost of \$140,000.00 to cover the recommended contract award, fees, and miscellaneous expenses.
- c. Appropriate funds in the amount of \$134,600.00 from Permanent University Fund Bond proceeds to cover the total project cost, \$5,400.00 having been previously appropriated.

16. U. T. PERMIAN BASIN: CLASSROOM-ADMINISTRATION BUILDING (PHASE I CONSTRUCTION) - ACCEPTANCE OF FOURTH REVISION OF ANNUAL INTEREST GRANT NO. 5-6-00630-0.--At the Regents' Meeting held July 30, 1971, Annual Interest Grant No. 5-6-00630-0 for the Classroom-Administration Building at The University of Texas of the Permian Basin in the amount of \$21,460.00 per year for a period of thirty years on a loan supported amount of \$1,000,000.00 was accepted by the Board. At the Regents' Meeting held March 16, 1972, a revision to Annual Interest Grant No. 5-6-00630-0 was accepted by the Board which increased the annual amount to \$39,440.00 for a period of 30½ years on an increased supported loan amount of \$2,547,000.00. At the Regents' Meeting held on June 9, 1972, a reduction of Annual Interest Grant No. 5-6-00630-0 was accepted by the Board which reduced the annual amount to \$38,131.00. At the Regents' Meeting held on September 11, 1972, a third revision to Annual Interest Grant No. 5-6-00630-0 was accepted by the Board which increased the annual amount to \$45,736.00 for a period of 30½ years on an increased supported loan amount of \$3,055,000.00.

The Department of Health, Education and Welfare has issued a fourth revision to Annual Interest Grant No. 5-6-00630-0 to reflect an increase in the principal amount of the loan on which an annual interest grant is approved from \$3,055,000.00 to \$3,626,000.00 and an increase in the amount of annual interest grant from \$45,736.00 to \$54,285.00. This grant is for the purpose of paying the excess of interest over and above 3% interest rate on \$3,626,000.00 of General Tuition Revenue Bonds issued for U. T. Permian Basin allocated to the construction of the Classroom-Administration Building and is calculated on an average interest rate of 5.3358% on these bonds.

It is recommended by President Amstead and System Administration that the Board accept the revised grant as outlined above.

17. U. T. PERMIAN BASIN: LABORATORY AND GYMNASIUM BUILDINGS (PHASE I CONSTRUCTION) - ACCEPTANCE OF THIRD REVISION OF ANNUAL INTEREST GRANT NO. 5-6-00631-0.--At the Regents' Meeting held July 30, 1971, Annual Interest Grant No. 5-6-00631-0 for the Laboratory and Gymnasium Buildings at The University of Texas of the Permian Basin in the amount of \$42,920.00 per year for a period of thirty years on a loan supported amount of \$2,000,000.00 was accepted by the Board. At the Regents' Meeting held on March 16, 1972, a revision to Annual Interest Grant No. 5-6-00631-0 was accepted by the Board which increased the annual amount to \$76,574.00 for a period of 30½ years on an increased supported loan amount of \$4,945,000.00. At the Regents' Meeting held on June 9, 1972, a reduction of Annual Interest Grant No. 5-6-00631-0 was accepted by the Board which reduced the annual amount to \$74,032.00.

The Department of Health, Education and Welfare has issued a third revision to Annual Interest Grant No. 5-6-00631-0 to reflect an increase in the principal amount of the loan on which an annual interest grant is approved from \$4,945,000.00 to \$5,000,000.00 and an increase in the amount of annual interest grant from \$74,032.00 to \$74,885.00. This grant is for the purpose of paying the excess of interest over 3% interest rate on \$5,000,000.00 of General Tuition Revenue Bonds issued for U. T. Permian Basin allocated to the construction of the Laboratory and Gymnasium Buildings and is calculated on an average interest rate of 5.3358% on these bonds.

It is recommended by President Amstead and System Administration that the Board accept the revised grant as outlined above.

18. DALLAS HEALTH SCIENCE CENTER (DALLAS MEDICAL SCHOOL): CLINICAL SCIENCE AND ANIMAL RESOURCES CENTER - REDUCTION IN SCOPE OF PROJECT; AUTHORIZATION TO REVISE FINAL PLANS AND SPECIFICATIONS; AND APPROPRIATION FOR ARCHITECTURAL FEES.--Final plans and specifications for a Clinical Science Building (including Animal Facilities) at The University of Texas Health Science Center at Dallas for the Dallas Medical School were approved by the Board on April 29, 1972. The approval was for a building of 268,000 gross square feet at a total cost of \$18,625,000.00. In March, 1972, a grant application was submitted to National Institutes of Health. Although the project was approved, notice was received in July, 1972, that the grant was not awarded. Due to the commitment of the Medical School to accept an entering class of 200 students by 1975, there is an urgent need for additional clinical science space and animal facilities.

The plans for the building as presently drawn can be revised to reduce the scope by approximately 123,000 gross square feet, and still provide the most urgently needed facilities to accommodate an entering class of 200 students.

It is the recommendation of President Sprague and System Administration that the Board:

- a. Authorize the final plans and specifications to be revised to a project size of 145,000 gross square feet at a total project cost of \$9,300,000.00.
- b. Authorize payment of the Project Architects for this revision on a time card basis, at a cost not to exceed \$256,000.00.
- c. Appropriate an amount of \$260,000.00 from Permanent University Fund Bond proceeds to cover fees and miscellaneous expenses through the revision of final plans and specifications.

19. DALLAS HEALTH SCIENCE CENTER (DALLAS MEDICAL SCHOOL): COMPLETION OF UNFINISHED GROUND FLOOR SPACE IN BASIC SCIENCE RESEARCH BUILDING - AUTHORIZATION FOR ADDITIONAL ANIMAL FACILITIES, APPOINTMENT OF PROJECT ARCHITECT, AUTHORIZATION FOR FINAL PLANS AND SPECIFICATIONS, AUTHORIZATION TO ADVERTISE FOR BIDS, APPOINTMENT OF COMMITTEE TO AWARD CONTRACT, AND APPROPRIATION.-- In accordance with authorizations given by the Board on June 9, 1972, and September 11, 1972, approximately 20,000 square feet of ground floor space in the Basic Science Research Building at The University of Texas Health Science Center at Dallas for the Dallas Medical School is under construction. The on-going construction project, which is approximately 70% complete, provides for finishing of ground floor space for such functions as electron microscopes and ancillary equipment, centrex telephone system, post office, campus security office, duplicating facilities, and other support facilities. Some space originally reserved for telephone equipment has been reduced in detailed installation planning and is now available for other use. Investigations conducted by the Medical School and the Office of Facilities Planning and Construction support the utilization of this space for urgently needed additional animal facilities which can be provided adjacent to existing animal facilities on the ground floor of the Basic Science Research Building.

President Sprague and System Administration recommend that the Board:

- a. Authorize additional animal facilities of approximately 5,000 square feet to utilize the space no longer required for the Centrex Telephone System.
- b. Appoint George L. Dahl, Inc., Dallas, Texas, as Project Architect with authorization for the preparation of final plans and specifications within an estimated total project cost of \$165,000.00.
- c. Authorize the Office of Facilities Planning and Construction to advertise for bids after completion of all proper reviews of the final plans and specifications.

- d. Appoint a Committee consisting of President Sprague, Director Kristoferson, Deputy Chancellor Walker, and Committee Chairman Erwin to award a contract if bids are within authorized costs, or to authorize the construction work as a change order to the existing construction contract with Lee-Emmert within authorized limits, whichever is found advantageous to the University System. Award of contract or change order would be ratified at a later date by the Board.
- e. Appropriate \$165,000.00 from Dallas Health Science Center Unappropriated Balances of the Animal Resources Center Service Department to cover the cost of the contract or change order, related equipment, Architect's Fees, and miscellaneous expenses.

20. DALLAS HEALTH SCIENCE CENTER: NORTH TEXAS REGIONAL COMPUTER CENTER - REPORT OF COMMITTEE AND RATIFICATION THEREOF (CHANGE ORDER FOR MECHANICAL AND ELECTRICAL SERVICES TO COMPUTER EQUIPMENT) --

In accordance with the authorization given by the Board at the meeting held on July 21, 1972, and subsequent to the selection of the computer equipment for the North Texas Regional Computer Center at The University of Texas Health Science Center at Dallas, the Special Committee appointed has authorized a change order to the construction contract with Kugler-Morris, General Contractors, Inc., for providing and installing air conditioning equipment and electrical services to the computer equipment. The \$45,635.00 change order and \$57,564.00 project cost were within the estimates for this work.

Dr. Jordan, Chairman of the Board of Directors of North Texas Regional Computer Center, and System Administration recommend that the Board ratify the issuance of the change order for this work. Funds for the work were appropriated at the July 21, 1972 meeting and are available in the Allotment Account.

and Appropriation of funds

21. GALVESTON MEDICAL BRANCH (GALVESTON MEDICAL SCHOOL): AWARD FOR RELOCATION OF UTILITIES IN CONNECTION WITH THE JOHN SEALY HOSPITAL ADDITION AND THE CHILD HEALTH CENTER.--It is necessary to relocate water mains, gas mains, storm sewers, and sanitary sewers as a result of planning construction of the Child Health Center and John Sealy Hospital Addition. Physical Plant staff and administration at the Galveston Medical Branch have worked with the gas supplier and the City of Galveston with respect to the relocation of the several utility services and all agencies have approved the plans for relocation. Bids were obtained from three bidders for the relocation of utilities with results as follows:

| | |
|---|--------------|
| R. T. Short Plumbing, Heating and Air Conditioning, Inc. of Galveston | \$132,508.00 |
| Har-Con Corporation of Houston | 134,355.00 |
| Don Tarpey Construction Company of Texas City | 149,837.00 |

System Administration recommends that the Medical Branch at Galveston be authorized to award the work to the low bidder, R. T. Short Plumbing, Heating, and Air Conditioning, Inc. of Galveston in the amount of \$132,508.00.

System Administration concurs with the recommendation of Vice-President Thompson and President Blocker in the above award and the funding of the project from Medical Branch Unexpended Plant Funds - Utility Distribution Systems.

The relocation of the lines was not handled in the plans and specifications for the John Sealy Hospital Addition and the Child Health Center because of the need to have the utility lines relocated prior to the time of the award of contracts for construction in the area.

Checked by [unclear] 8/1/72

Ames

22. GALVESTON MEDICAL BRANCH (GALVESTON MEDICAL SCHOOL): AWARD OF CONTRACT TO VARIAN ASSOCIATES FOR LINEAR ACCELERATOR.--

The Department of Radiology, Vice-President Thompson and President Blocker recommend that the Board approve awarding a contract to Varian Associates for Clinac 18 Linear Accelerator in the amount of \$322,250.00 plus freight charges. The terms of the purchase payment is to be 30% with order, 60% upon shipment, and 10% after installation.

Invitations to bid on Linear Accelerator were submitted to the following companies:

- Varian Associates
- CGR Medical Corporation
- General Electric Company
- Southwest Johnson X-Ray Company
- Applied Radiation
- Gilbert X-Ray Company
- Low X-Ray Company

Handwritten notes:
 1. 100% of bid?
 2. Apparent Bidder

Only two bids were received, tabulation as follows:

| | <u>Varian Associates</u> | <u>CGR Medical Corporation</u> |
|---------------------|--------------------------|--------------------------------|
| Accelerator | \$ 322,250.00 | \$ 308,300.00 |
| Freight (Estimated) | 4,000.00 | -0- |
| Manufacturer | U. S. A. | Japan |
| Model | Clinac 18 | Mitsubishi ML-15MII |
| Terms | 30% with order | 10% with order |
| | 60% upon shipment | 75% upon shipment |
| | 10% after installation | 15% after installation |
| Delivery | 18 months | 270 days |

The Department of Radiology recommends that the bid submitted by Varian Associates be accepted which is the high bid of the two received. The reasons for their recommendation are as follows:

- a. Varian Associates has been in the business in the United States for about 20 years and has some 200 Linear Accelerators now in use. The CGR Medical Corporation submitted a bid on a Japanese manufactured Mitsubishi ML-15MII, but there are none of these machines installed and in use in the United States.
- b. The specifications state that the electron beams have an energy of 17.5 MeV. The Japanese machine provides a beam of 15 MeV.
- c. The size of the photon beam is specified as 0-35 cm as measured at 1 meter distance from the focal spot. The Varian machine meets these specifications; the Japanese machine provides a field size of 0-30 cm, and this is a significant difference.
- d. The energy levels of the electron beam specified are 6, 9, 12, 15 and 17.5. The Japanese unit provides levels of 8, 10, 12 and 15, thereby limiting the range of energy of the radiation that could be used. The most severe limitation would fall in the 6 MeV area.

- e. The matter of service and availability of replacement parts would be available from the American manufacturer, but would remain a question mark with the Japanese company since they have no machines in operation in this country at this time.

From a nontechnical analysis, the practical matter of constructing a building to house the machine is one of real concern. The space requirements vary considerably between the two manufacturers. The machine manufactured by Varian Associates requires a building of 28 ft. x 36.5 ft. long x 9 ft. high, amounting to 1,022 square feet or 9,198 cubic feet. The CGR Medical Corporation machine requirements call for a building 27 ft. wide, 43 ft. long, and 11 ft. high, totaling 1,161 square feet or 12,771 cubic feet. Although this might not appear to be a large difference between the two buildings' sizes, we must consider the fact that all walls and ceilings must be 4 ft. thick concrete with an approximate 12' strip of 7' thick concrete to protect the radiation beam angle. On the basis of these building specifications alone, the cost difference between the Varian machine and the CGR Medical Corporation machine can easily be offset in difference in building cost.

System Administration concurs in the recommendation made by the Medical Branch, Department of Radiology and administration that the Board approve an award to Varian Associates for the Linear Accelerator.

23. GALVESTON MEDICAL BRANCH (GALVESTON MEDICAL SCHOOL): AUTHORIZATION FOR PREPARATION OF PRELIMINARY PLANS FOR A HIGH RISE PARKING FACILITY, APPOINTMENT OF ARCHITECTS, AND APPROPRIATION FOR PRELIMINARY PLANS AND MISCELLANEOUS EXPENSES.--Vice-President Thompson and President Blocker recommend that preliminary plans for a parking facility be authorized providing approximately 400 parking spaces and to be located on the Medical Branch campus along Market Street between 8th and 9th Streets.

For many years the Medical Branch has operated with inadequate parking accommodations for full time and part time staff as well as patients and visitors.

System Administration concurs in the recommendation of President Blocker that the Board approve the following recommendations:

- a. Authorize preliminary plans for the parking facility.
- b. Appoint the firm of Louis Lloyd Oliver and Tibor Beerman as project architects with authorization to prepare preliminary plans and specifications and cost estimates for presentation to the Board at a later date.
- c. Appropriate \$10,000.00 from Medical Branch Unexpended Institutional Plant Funds as an advance to the project to cover the cost of preparation of preliminary plans and miscellaneous expenses.

24. GALVESTON MEDICAL BRANCH (GALVESTON HOSPITALS), HOUSTON HEALTH SCIENCE CENTER AND UNIVERSITY CANCER CENTER (M. D. ANDERSON HOSPITAL). -- APPOINTMENT OF ARCHITECT FOR PREPARATION OF PLANS AND SPECIFICATIONS FOR CENTRAL FOOD SERVICE FACILITY TO BE LOCATED IN HOUSTON, TEXAS, AND APPROPRIATION THEREFOR.--A Central Food Service Facility is planned to serve the Galveston Medical Branch Hospitals, The University of Texas units in the Health Science Center at Houston, and the M. D. Anderson Hospital at Houston. It is also contemplated that the Central Food Service Facility may also serve the Hermann Hospital which will be the teaching hospital for The University of Texas Medical School at Houston. The respective food service facilities at Galveston and Houston are being designed on the basis that there will be a Central Food Service Facility. This facility will be constructed in Houston, probably on the 100-acre tract donated by the Hermann Foundation.

In order that work may proceed with the design of the Food Service Facility, it is recommended that a project architect be appointed from a list of architects to be furnished at the Board meeting. It is further recommended that an appropriation of \$60,000.00 be approved from Permanent University Fund Bond proceeds as an advance for payment of Architect's Fees and miscellaneous expenses through preliminary plans. The advance is to be repaid from the proceeds of a bond issue for the construction and equipping of the Central Food Service Facility.

EMERGENCY ITEMS

BUILDINGS AND GROUNDS COMMITTEE

March 5, 1973

Page
B & G

U. T. AUSTIN

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- Award of Contracts to Abel Contract Furniture and Equipment Company, Inc., American Desk Manufacturing Company, Rockford Furniture Associates, Estey Corporation, and Carpet Engineering Services Company for Furniture and Furnishings 17
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AND U. T. SAN ANTONIO

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GALVESTON MEDICAL BRANCH

31. Marine Biomedical Institute: Extension of Utilities to the Initial Facility - Award of Contract to Servall Mechanical Contractors, Inc., and Appropriation Therefor 22

NOTE: On Page 15a is a list of the proposed architects to be considered for the Central Food Facility for the Galveston and Houston units.

24. Galveston Medical Branch, Houston Health Science Center and
University Cancer Center - Central Food Service Facility:

List of architects proposed for U.T. System Central Food Service Facility
to be located in Houston, Texas.

| | |
|---|----------------|
| Bernard Johnson Incorporated | Houston, Texas |
| Koetter, Tharp & Cowell | Houston, Texas |
| Hitts, Phelps & White | Houston, Texas |
| Calhoun, Tungate & Jackson | Houston, Texas |
| Mackie & Kamrath | Houston, Texas |
| Rapp, Tackett and Fash | Houston, Texas |

25. U. T. AUSTIN: CENTRAL PURCHASING, VOUCHERING, RECEIVING, AND DELIVERY BUILDING - AWARD OF CONTRACTS TO ABEL CONTRACT FURNITURE AND EQUIPMENT COMPANY, INC., ROCKFORD FURNITURE ASSOCIATES, AND CARPET ENGINEERING SERVICES COMPANY FOR FURNITURE AND FURNISHINGS.--Specifications for Furniture and Furnishings for the Central Purchasing, Vouchering, Receiving, and Delivery Building at The University of Texas at Austin were prepared in the Office of Facilities Planning and Construction and bids called for. These bids were received, opened, and tabulated on February 26, 1973, as follows:

| Bidder | Base Bid "A" | Base Bid "B" | Base Bid "C" | Bidder's Bond |
|--|--------------|--------------|--------------|---------------|
| Abel Contract Furniture and Equipment Company, Inc., Austin, Texas | \$33,457.49 | \$11,511.64 | No Bid | 5% |
| American Floors, Austin, Texas | -- | -- | \$6,150.00 | 5% |
| American Steel Products, Division of American Steel Building Company, Inc., Houston, Texas | No Bid | 13,274.80 | No Bid | 5% |
| Carpet Engineering Service Company, Dallas, Texas | No Bid | No Bid | 5,738.00 | 5% |
| Dallas Office Supply Company, Dallas, Texas | 34,384.85 | No Bid | 6,747.00 | 5% |
| Rockford Furniture Associates, Austin, Texas | 35,476.79 | 9,238.67 | 5,954.30 | 5% |

It is recommended by President Spurr and System Administration that contract awards be made to the low bidders, as follows:

| | |
|--|--------------------|
| Base Bid "A" (Furniture) Abel Contract Furniture and Equipment Company, Inc., Austin, Texas | \$33,457.49 |
| Base Bid "B" (Steel Storage Racks) Rockford Furniture Associates, Austin, Texas | 9,238.67 |
| Base Bid "C" (Carpet) Carpet Engineering Services Company, Dallas, Texas | <u>5,738.00</u> |
| Total Recommended Contract Awards | <u>\$48,434.16</u> |

The funds needed to make these recommended contract awards are available in the Furniture and Equipment account for this project.

26. U. T. AUSTIN: COMMUNICATION BUILDING - AWARD OF CONTRACTS TO ABEL CONTRACT FURNITURE AND EQUIPMENT COMPANY, INC., AMERICAN DESK MANUFACTURING COMPANY, ROCKFORD FURNITURE ASSOCIATES, ESTEY CORPORATION, AND CARPET ENGINEERING SERVICES COMPANY FOR FURNITURE AND FURNISHINGS. --Specifications for Furniture and Furnishings for the Communication Building at The University of Texas at Austin were prepared in the Office of Facilities Planning and Construction and bids called for. These bids were received, opened, and tabulated on February 26, 1973, as shown on the attached sheet.

It is recommended by President Spurr and System Administration that contract awards be made to the low bidders, as follows:

| | |
|---|---------------------|
| Base Bid "A" (Furniture) | |
| Abel Contract Furniture and Equipment Company, Inc., Austin, Texas | \$372,263.86 |
| (Base Bid of \$380,598.00 less deductive alternate No. 2 in amount of \$8,334.14) | |
| Base Bid "B" (Auditorium Seating and Classroom Furniture) | |
| American Desk Manufacturing Company, Temple, Texas | 17,107.94 |
| Base Bid "C" (Library Equipment) | |
| Rockford Furniture Associates, Austin, Texas | 13,032.95 |
| Base Bid "D" (Steel Library Shelving) | |
| Estey Corporation, Red Bank, New Jersey | 8,353.00 |
| Base Bid "F" (Carpet) | |
| Carpet Engineering Services Company, Dallas, Texas | <u>21,300.00</u> |
| Total Recommended Contract Awards | <u>\$432,057.75</u> |

No bids were received on Base Bid "E", and this equipment will have to be purchased at a later date.

It is further recommended by President Spurr and System Administration that funds in the amount of \$31,600.00 be transferred from U. T. Austin Account No. 36-9039-0099 - Texas Student Publications Printing Equipment - Allotment Account to the Allotment Account for the Texas Student Publications and School of Communication Buildings to cover the cost of the furniture requirements for student publications. Additional funds required to make these recommended contract awards have been previously approved and are available in the Allotment Account for this project.

FURNITURE AND FURNISHINGS FOR TEXAS STUDENT PUBLICATIONS AND SCHOOL OF COMMUNICATIONS BUILDINGS
THE UNIVERSITY OF TEXAS AT AUSTIN

Bids Received at 2:00 P. M., February 26, 1973, at the Office of Facilities Planning and Construction,
The University of Texas System, Austin, Texas

B & C - 18

| Bidder | Base Bid "A" | Base Bid "B" | Base Bid "C" | Base Bid "D" | Base Bid "E" | Base Bid "F" | Deductive Alternates to Base Bid "A" | | Time of Completion |
|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------------------------------|------------|--|
| | | | | | | | No. 1 | No. 2 | |
| Abel Contract Furniture and Equipment Company, Inc., Austin, Texas | \$380,598.00 | No Bid | \$13,234.67 | No Bid | No Bid | No Bid | \$15,729.00 | \$8,334.14 | 120 days - "A" 120 days - "C" |
| American Desk Manufacturing Company, Temple, Texas | -- | \$17,107.94 | -- | -- | -- | -- | -- | -- | 60 days - "B" |
| American Floors, Austin, Texas | -- | -- | -- | -- | -- | \$26,150.00 | -- | -- | 45-60 days - "F" |
| Carpent Engineering Services Company, Dallas, Texas | No Bid | 21,300.00 | -- | -- | 90 days - "F" |
| Central Distributing Company, San Antonio, Texas | No Bid | 17,507.22 | No Bid | No Bid | No Bid | No Bid | -- | -- | 120-180 days - "B" |
| Dallas Office Supply Company, Dallas, Texas | 382,279.60 | No Bid | No Bid | No Bid | No Bid | 27,446.40 | 17,710.00 | 8,388.60 | 150 days - "A" 120 days - "F" |
| Estey Corporation, Red Bank, New Jersey | No Bid | No Bid | No Bid | \$8,353.00 | No Bid | No Bid | No Bid | No Bid | Approx. 15 wkg. days - "D" |
| Hoover Brothers, Inc., Temple, Texas | -- | 21,517.40 | -- | -- | -- | -- | -- | -- | 180 days - "B" |
| Library Bureau, Division of Remington Rand, Sperry Rand Corporation, Herkimer, New York | No Bid | No Bid | 13,899.00 | 9,985.00 | No Bid | No Bid | No Bid | No Bid | 60-90 days - "C" 90-120 days - "D" |
| M & R Furnishings, Houston, Texas | -- | -- | -- | -- | -- | 24,483.20 | -- | -- | 120 days - "F" |
| Rockford Furniture Associates, Austin, Texas | 382,882.30 | No Bid | 13,032.95 | No Bid | No Bid | 23,835.00 | 19,050.50 | 7,980.00 | 165 days - "A" & "C" 135 days - "F" |
| Suniland Furniture Company, Houston, Texas | No Bid | -- | -- | -- | No Bid | 24,293.45 | -- | -- | 63 days - "F" |

Each bidder submitted with his bid a bidder's bond in the amount of 5% of the greatest amount bid

27. U. T. AUSTIN: REMODELING OF PHYSICS BUILDING - AWARD OF CONTRACT TO RICKS CONSTRUCTION COMPANY AND APPROPRIATION THEREFOR.--In accordance with authorization given at the Regents' Meeting held January 26, 1973, bids were called for and were received, opened and tabulated on February 27, 1973, as shown below for Remodeling of the Physics Building at The University of Texas at Austin:

| Bidder | Base Bid | Add Alternates | | | | Bidder's Bond |
|---|-----------|----------------|----------|----------|----------|---------------|
| | | No. 1 | No. 3 | No. 4 | No. 5 | |
| Air Conditioning, Inc., Austin, Texas | \$626,000 | \$33,800 | \$21,400 | \$19,800 | \$33,900 | 5% |
| Anken Construction Company, Inc., Austin, Texas | 653,000 | 38,000 | 25,000 | 6,600 | 35,000 | 5% |
| Ricks Construction Company, Inc., Austin, Texas | 595,711 | 39,000 | 28,784 | 21,000 | 36,638 | 5% |
| Southwestern Construction Company, Houston, Texas | 707,000 | 54,000 | 38,300 | 17,400 | 33,000 | 5% |

This project provides for remodeling of approximately 118,000 gross square feet of facilities for Biology, Botany, Home Economics, and Computer Science at The University of Texas at Austin. A total project cost of \$775,000.00 has previously been authorized for this project.

President Spurr and System Administration recommend that the Board:

- a. Award the construction contract for Remodeling of the Physics Building, U. T. Austin, to the low bidder, Ricks Construction Company, Austin, Texas, as follows:

| | |
|--------------------------------------|-------------------------|
| Base Bid | \$595,711.00 |
| Add Alternates: | |
| No. 1 (Add Fume Hoods) | 39,000.00 |
| No. 5 (Add Monitoring System) | <u>36,638.00</u> |
| Total Recommended Contract Award | <u>\$671,349.00</u> |

- b. Authorize a total project cost of \$805,000.00 to cover the recommended building construction contract award, movable furnishings and equipment, fees and miscellaneous expenses.
- c. Appropriate additional funds in the amount of \$775,000.00 from Proceeds of Combined Fee Bonds to cover the total project, \$30,000.00 having been previously appropriated from Available University Fund.

D

28. U. T. AUSTIN: FUEL OIL STORAGE AND TRANSFER SYSTEM - AWARD OF CONTRACT TO J. C. EVANS CONSTRUCTION COMPANY, INC., AND APPROPRIATION FOR TOTAL PROJECT.--In accordance with authorization given at the Regents' Meeting held December 8, 1972, bids were called for and were received, opened, and tabulated on March 1, 1973, for a Fuel Oil Storage and Transfer System at The University of Texas at Austin, as shown below:

| Bidder | Base Bid | Bidder's Bond |
|--|--------------|---------------|
| Air Conditioning, Inc., Austin, Texas | \$150,200.00 | 5% |
| J. C. Evans Construction Company, Inc., Austin, Texas | 145,370.00 | 5% |
| Charles M. Morton Construction Company, Austin, Texas | 184,990.00 | 5% |

This fuel oil storage and transfer system to be located below ground adjacent to the East Mall near San Jacinto Boulevard will expand the existing system serving The University of Texas at Austin. The expansion provides for ten additional tanks with a total storage capacity of 420,000 gallons of oil, including site restoration work consisting of grass sodding, landscaping, and an irrigation system.

The U. T. Austin Physical Plant staff ordered steel tanks, pumps, plumbing and electrical materials to expedite the completion of the installation. Also, an excavation contract for the pit was bid and awarded as a separate item. The excavation is complete, the site is ready for the proposed construction, and tanks and equipment are scheduled for delivery soon. The total project cost of \$331,000.00 is considerably lower than the estimated total project cost of \$509,600.00.

Call this

President Spurr and System Administration recommend that the Board:

- a. Award a construction contract for Fuel Oil Storage and Transfer System to the low bidder, J. C. Evans Construction Company, Inc., Austin, Texas, as follows:

| | |
|----------|--------------|
| Base Bid | \$145,370.00 |
|----------|--------------|
- b. Ratify actions taken by U. T. Austin Physical Plant staff and Office of Facilities Planning and Construction with respect to site preparation, and procurement of ten storage tanks, supplies, and equipment (approximately \$122,000.00).
- c. Authorize a total project cost of \$331,000.00 to cover the recommended construction contract award, site excavation, purchase of tanks, pumps, U. T. Austin Physical Plant preparatory work, landscaping, site restoration work, and fees and miscellaneous expenses.
- d. Appropriate funds in the amount of \$331,000.00 from Proceeds of Combined Fee Bonds.

29. THE UNIVERSITY OF TEXAS AT DALLAS, THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN, AND THE UNIVERSITY OF TEXAS AT SAN ANTONIO: REJECTION OF ALL PROPOSALS PREVIOUSLY RECEIVED AND AUTHORIZATION TO READVERTISE FOR CENTRAL ENERGY PLANTS.--At the January 1, 1973 meeting of the Board of Regents, the Committee appointed at the Regents' Meeting on December 8, 1972, had determined that the lowest and best proposals were Win-Sam, Inc., at The University of Texas at Dallas and The University of Texas at San Antonio, and Lone Star Energy Company at The University of Texas of the Permian Basin.

Regent Erwin reported that the Committee would negotiate with Win-Sam, Inc., and Lone Star Energy Company in an effort to get the most favorable possible terms for the institutions involved, and would report further to the Board of Regents at a future meeting. After weeks of negotiations, the Committee now finds that the most favorable possible terms for the institutions involved have not been realized through these negotiations.

It is the recommendation of the Committee that the Board:

- a. Reject all proposals previously received in response to the University's invitation to receive proposals.
- b. Authorize the Office of Facilities Planning and Construction to make necessary modifications in the plans, specifications, and information to bidders.
- c. Readvertise to receive proposals for the bidders to build, own and operate at their own expense central energy plants on leased land at the three campuses with the successful bidders to furnish chilled water and steam at the rates as indicated in their contracts.

30. U. T. SAN ANTONIO - LIBRARY SURGE FACILITY: AUTHORITY TO PREPARE FINAL PLANS AND SPECIFICATIONS AND TO EMPLOY CONSULTANTS TO ASSIST IN DESIGN AND APPOINTMENT OF COMMITTEE TO SELECT SITE. -- President Flawn recommends that a Library Surge Facility be constructed to process and shelve the books being acquired prior to the completion of the Library Administration Building. The proposed building would be a single-story, fireproof, temperature and humidity controlled, with provision for truck loading and unloading. This surge facility will be continually used by The University of Texas at San Antonio as a book processing center and for other purposes as the need arises. President Flawn feels that a structure including 20,000 square feet will be adequate for his needs and will require furnishings to accommodate 15 or 20 workers, but the main furniture item will be library stacks.

System Administration concurs with President Flawn as to the need of the Library Surge Facility and recommends that the Board approve the following:

- a. Authorize the preparation of final plans and specifications for a low cost Library Surge Facility of approximately 20,000 square feet.

- b. Authorize the Office of Facilities Planning and Construction to prepare the final plans and specifications of a building that will be compatible with existing facilities.
- c. Authorize the employment of consultants as necessary to assist in the design.
- d. Appoint a committee of Regents Erwin and Bauerle, President Flawn, Deputy Chancellor Walker, and Mr. Ralph Kristoferson to approve the final site location of the building after giving due consideration to available utilities, present construction site, and operation of the Facility.

Cost estimates will be reported to the Board at a later date and a request for appropriations will be made at that time.

51 GALVESTON MEDICAL BRANCH (MARINE BIOMEDICAL INSTITUTE): EXTENSION OF UTILITIES TO THE INITIAL FACILITY - AWARD OF CONTRACT TO SERVALL MECHANICAL CONTRACTORS, INC., AND APPROPRIATION THEREFOR.--In accordance with authorization given at the Regents' Meeting held December 8, 1972, bids were called for and were received, opened, and tabulated on February 20, 1973, for the Extension of Chilled Water and Steam Lines from the Central Chilling Plant to the site for the Initial Facility for the Marine Biomedical Institute at The University of Texas Medical Branch at Galveston, as shown below:

| Bidder | Base Bid | Bidder's Bond |
|---|--------------|---------------|
| Charles G. Heyne and Company, Inc., Houston, Texas | \$284,000.00 | 5% |
| Har-Con Corporation, Houston, Texas | 286,510.00 | 5% |
| Kerbow-Simmons, Inc., Houston, Texas | 321,000.00 | 5% |
| Servall Mechanical Contractors, Inc., Houston, Texas | 227,777.00 | 5% |

It is the recommendation of President Blocker and System Administration that the Board:

- a. Award the construction contract for the Extension of Utilities to the Initial Facility for the Marine Biomedical Institute to the low bidder, Servall Mechanical Contractors, Inc., Houston, Texas, for \$227,777.00.
- b. Authorize a total project cost of \$265,000.00 to cover the recommended construction contract award, fees, and miscellaneous expenses, this amount being within the previous total estimated project cost of \$365,000.00 as reported at the December 8, 1972 Regents' Meeting.
- c. Appropriate additional funds in the amount of \$250,000.00 from Permanent University Fund Bond proceeds, \$15,000.00 having previously been appropriated from Galveston Medical Branch Unexpended Plant Funds Project Allocation Account for Engineering Fees and miscellaneous expenses.

Medical Affairs Committee

MEDICAL AFFAIRS COMMITTEE

Date: March 5, 1973
Time: Following the meeting of the Buildings and Grounds Committee
Place: Embassy Room (off Lobby)
The Shamrock Hilton Hotel
Houston, Texas

| | <u>Page</u> <u>MED</u> |
|---|---------------------------|
| 1. Dallas Health Science Center (Dallas Allied Health Sciences School): Recommended Affiliation Agreements for the Clinical Training of Allied Health Students | 1 |
| 2. Galveston Medical Branch (Galveston Allied Health Sciences School): Recommended Affiliation Agreements for Clinical Training of Allied Health Students | 2 |
| 3. Galveston Medical Branch (Galveston Medical School): Recommended Affiliation Agreement for the Clinical Training of Medical Students, Interns, and Residents in Pediatrics | 3 |
| 4. San Antonio Health Science Center (San Antonio Medical School): Proposed Administrative Reorganization to Create a Department of Family Practice | 10 |
| 5. San Antonio Health Science Center (San Antonio Medical School): Recommended Affiliation Agreement with The San Antonio Children's Center | 12 |

DOCUMENTATION

1. Dallas Health Science Center (Dallas Allied Health Sciences School): Recommended Affiliation Agreements for the Clinical Training of Allied Health Students. --

Chancellor LeMaistre concurs in the recommendation of President Sprague that the affiliation agreements for the clinical training of allied health students at The University of Texas Health Science Center at Dallas mentioned below be approved and that the Chairman be authorized to execute the agreements. The agreements are the same as the model agreement approved by the Board on March 6, 1970, and have received appropriate approvals as to form and content by System Administration officials. This request for advance approval of these agreements conforms to the action taken by the Board of Regents on July 30, 1971, in amending the processing procedure previously approved on March 6, 1970.

The agreement with the National Association for Retarded Children in Arlington, Texas, provides clinical training in general rehabilitation sciences. The agreement with the Methodist Hospital at Houston, Texas, provides clinical training in general rehabilitation with emphasis on pulmonary and cardiac patients.

2. Galveston Medical Branch (Galveston Allied Health Sciences School): Recommended Affiliation Agreements for Clinical Training of Allied Health Students. --

Chancellor LeMaistre concurs in the recommendation of President Blocker that the affiliation agreements for the clinical training of allied health students at The University of Texas Medical Branch at Galveston listed below be approved and that the Chairman be authorized to execute the agreements. The agreements are the same as the model agreement approved by the Board on March 6, 1970, and have received appropriate approvals as to form and content by System Administration officials. This request for advance approval of these agreements conforms to the action taken by the Board of Regents on July 30, 1971, in amending the processing procedure previously approved on March 6, 1970.

| <u>Clinical Facility</u> | <u>Location</u> | <u>Specialty</u> |
|---------------------------------|-----------------|--|
| Brackenridge Hospital | Austin | Physical Therapy and Medical Record Administration |
| San Antonio State Hospital | San Antonio | Occupational Therapy |
| Sam Houston Memorial Hospital | Houston | Medical Record Administration |
| Harris Hospital | Fort Worth | Medical Record Administration |
| Baytown Medical Center Hospital | Baytown | Medical Record Administration |

The academic justifications for these agreements have been supplied by Dean Bing and are set forth below.

Brackenridge Hospital, Austin, Texas

Our major objective with this particular facility is to increase the number of facilities which can assist us in training the growing number of physical therapy students enrolled in schools in the State of Texas. We feel a sense of urgency because, for the first time, we are experiencing problems in finding enough facilities for our students because other schools are also needing clinical education facility space for their students. Brackenridge Hospital should be able to offer a good general hospital experience for both the physical therapy and Medical Record Administration students. A further advantage would be provided in that we are attempting to develop clinical education facilities within the area of Central Texas. Thus, we would be making one additional step toward the accomplishment of objectives delineated for us as an area health education center.

San Antonio State Hospital, San Antonio, Texas

San Antonio State Hospital is a particularly needed facility for our use for two very important reasons. First of all, the number of affiliating facilities in the area of psychiatry here in the State of Texas is extremely limited. Secondly, with our increased enrollment, it will be necessary for us to schedule additional students for off-campus affiliations in psychiatry at more than one time during the year. San Antonio State Hospital can provide us with two spaces for students throughout the year which will help facilitate our scheduling of students for this type of experience. San Antonio State Hospital will be able to provide us with good learning experiences whereby the students may learn to apply their knowledge of occupational therapy in psychiatry.

Sam Houston Memorial Hospital, Houston, Texas; Harris Hospital, Fort Worth, Texas; and Baytown Medical Center Hospital, Baytown, Texas

The Medical Record Department at all three Hospitals can provide a supervised learning experience through which students can develop insight, understanding and skill in the Medical Record procedures; learn the overall functioning of the Medical Record service; learn to deal with personnel problems; accept responsibility and recognize the need for preserving the confidential nature of Medical Records; learn to work with other professional and non-professional personnel and provide practice in the administration of a Medical Record Department.

3. Galveston Medical Branch (Galveston Medical School): Recommended Affiliation Agreement for the Clinical Training of Medical Students, Interns, and Residents in Pediatrics. - -
(Pages MED 3 - 9)

Chancellor LeMaistre concurs in the recommendation of President Blocker that the affiliation agreement for the clinical training of medical students, interns, and residents in pediatrics between The University of Texas Medical Branch at Galveston and the Driscoll Foundation Children's Hospital of Corpus Christi, Texas, be approved and that the Chairman be authorized to execute this agreement.

The activities in this agreement are funded via The University of Texas Medical Branch Area Health Education Center Contract for South Texas with the Driscoll Children's Hospital as one of the subcontractors. The agreement will enhance the joint educational programs of the School and the Hospital. The agreement has been approved as to form and content by the appropriate System officials.

AGREEMENT

THE STATE OF TEXAS {

COUNTY OF GALVESTON {

This AGREEMENT is executed on _____ 197 ____,
between the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM, for
and on behalf of The University of Texas Medical Branch at Galveston, and the
Department of Pediatrics, School of Medicine, sometimes referred to as "Department"
in this agreement, and Driscoll Foundation Children's Hospital, 3533 South Alameda,
Corpus Christi 78411, sometimes referred to as "Hospital" in this agreement,

WITNESSETH:

WHEREAS, the Department and the Hospital have the following common
objectives: (1) to provide clinical pediatric educational experiences in terms of
patient and related instruction for medical and other students of the Department
and the University of Texas Medical Branch; (2) to enhance the overall educational
program of the Hospital by providing additional opportunities for learning
experiences for the pediatric interns and residents of the hospital; (3) to increase
contacts between the University of Texas Medical Branch faculty and the hospital
medical staff for fullest utilization of available teaching facilities and expertise;
and (4) to establish and operate a Clinical Education Program in medical pediatrics
of the first rank:

NOW, THEREFORE, for and in consideration of the foregoing, and in
further consideration of the mutual benefits, the parties to this agreement agree
as follows:

(1) GENERAL INFORMATION

(a) The affiliation between the hospital and the department is for
educational programs in medical pediatrics. Affiliations of the hospital with
other institutions in areas other than medical pediatrics are not precluded;
however, the hospital will have medical pediatrics affiliations with no other
institution, except the program with Memorial Medical Center to provide
pediatric training for their medical education program and the training
of Driscoll residents in the Memorial Medical Center newborn nursery.

(b) Decisions as to referrals of the hospital's patients remain the prerogative of the medical staff of the hospital. The department shall follow the referral policies established by the University of Texas System Board of Regents.

(c) The calendar for the Clinical Education Program will be consistent with the academic calendar for the Department.

(d) The period of time for each student's clinical education will be mutually agreed upon at least one month before the beginning of the Clinical Education Program.

(e) The number of students eligible to participate in the Clinical Education Program will be mutually determined by agreement of the parties and may be altered by mutual agreement.

(2) RESPONSIBILITIES OF THE DEPARTMENT

(a) The Department will send the name, and biographical data of each student to the Hospital at least five weeks before the beginning date of the Clinical Education Program.

(b) The Department is responsible for supplying teaching staff and materials to augment the educational programs of the hospital subject to the terms of an annually negotiated contract.

(c) The Department shall assist in the maintenance of accreditation of the hospitals educational programs.

(d) The Department will offer clinical faculty appointments to those members of the hospital medical staff recommended by a joint committee of hospital medical staff and department faculty.

(e) The Department will enforce rules and regulations governing students that are mutually agreed upon by the Department and the Hospital.

(f) The Department will encourage eligible students to participate in the Clinical Education Program at Driscoll Foundation Children's Hospital.

(3) RESPONSIBILITIES OF THE HOSPITAL

(a) The Hospital shall provide a jointly-planned, supervised program of clinical educational experiences in medical pediatrics for medical and other students of the Department and the University of Texas Medical Branch, subject to the terms of an annually negotiated contract.

(b) The Hospital shall maintain complete records and reports on each student's performance and provide an evaluation to the Department on forms provided by the Department.

(c) The Hospital may request the Department to withdraw from the Clinical Education Program any student whose performance is unsatisfactory or whose personal characteristics prevent desirable relationships within the Hospital.

(d) The Hospital shall, on reasonable request, permit the inspection of the clinical facilities, services available for clinical experiences, student records, and such other items pertaining to the Clinical Education Program by the Department or agencies, or by both, charged with the responsibilities for accreditation of the curriculum.

(e) The Hospital shall discuss with the Department the appointment of all house staff and full-time medical staff prior to appointment.

(f) The Hospital shall certify that it subscribes to and will adhere to the letter and spirit of Title 6 of the Civil Rights Act of 1964 in all areas relating to student participation in the Clinical Education Program.

(g) The Hospital shall designate and submit in writing to the School for acceptance the name and professional and academic credentials of a person to be responsible at the hospital for the Clinical Education Program.

(h) The Hospital shall sponsor jointly with UTMB, appropriate continuing education activities utilizing the facilities of the hospital.

(4) RESPONSIBILITY OF THE STUDENT

The student

(a) is responsible for following the administrative policies of the hospital;

(b) is responsible for providing the necessary and appropriate uniforms required but not provided by the hospital;

(c) is responsible for his own transportation and living arrangements;

(d) is responsible for reporting to the hospital on time and following all established regulations during the regularly scheduled operating hours of the hospital; and

(e) will not submit for publication any material relating to the clinical education experience without prior written approval of the hospital and the Department.

(5) TERM OF AGREEMENT, MODIFICATION, TERMINATION

(a) This agreement is for a term of one year and thereafter from year to year unless terminated by either party on thirty days written notice to the other. Except under unusual conditions, such notice shall be submitted before the beginning of a clinical education period.

(b) It is understood and agreed that the parties to this agreement may revise or modify this agreement by written amendment when both parties agree to such amendment.

(c) Financial aspects of this agreement shall be by duly approved contract to be negotiated annually. All items of this agreement requiring either party to expend funds shall be done only within the terms of such a contract.

(d) An advisory committee composed of representatives from the hospital and the University of Texas Medical Branch shall be named to provide planning for the orderly development of the various aspects of this agreement.

EXECUTED by the parties on the day and year first above written.

ATTEST:

BOARD OF REGENTS OF THE
UNIVERSITY OF TEXAS SYSTEM

Secretary

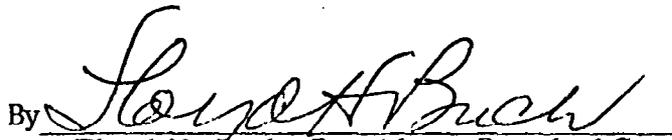
By _____
Chairman

ATTEST:

Driscoll Foundation Children's Hospital



Wm. H. Keys, Trustee
Driscoll Foundation Children's Hospital

By 

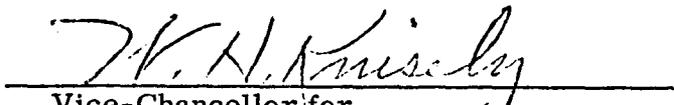
Floyd H. Buch, President, Board of Governors
Driscoll Foundation Children's Hospital

Approved as to Form:

Approved as to Content:


UNIVERSITY ATTORNEY


Deputy Chancellor for
Administration


Vice-Chancellor for
Health Affairs



THE UNIVERSITY OF TEXAS MEDICAL BRANCH
GALVESTON, TEXAS 77550

January 9, 1973

Chancellor Charles A. LeMaistre, M.D.
The University of Texas System
601 Colorado
Austin, Texas 78701

Dear Chancellor LeMaistre:

Enclosed are four signed copies of the formal affiliation agreement between The University of Texas Medical Branch, Department of Pediatrics, School of Medicine, and the Driscoll Foundation Children's Hospital, Corpus Christi, Texas.

This document is the formal agreement between the two institutions for enhancing the joint educational programs of both parties and includes medical students, interns and residents. The activities in this agreement are funded via The University of Texas Medical Branch Area Health Education Center Contract for South Texas with Driscoll Children's Hospital as one of the subcontractors.

Please include these documents as part of the normal agenda items to be presented to the Board of Regents of The University of Texas System. Contact my office if you need further clarification.

Sincerely,

Richard F. Timmer, M.D., Ph.D.
Program Director
Area Health Education Center

Truman G. Blocker, Jr., M.D.
President
The University of Texas Medical Branch

Enclosures

cc: Dr. Joseph White
Dr. William Knisely

4. San Antonio Health Science Center (San Antonio Medical School):
Proposed Administrative Reorganization to Create a Department
of Family Practice. --

Chancellor LeMaistre concurs in the recommendation of President Harrison requesting an administrative reorganization to elevate the current Division of Family Practice in the Department of Medicine to a Department of Family Practice and recommends Board approval of this reorganization. Following Board approval, authorization is further requested to forward this matter to the Coordinating Board for their consideration and approval.

President Harrison's letter dated February 6, 1973 (reproduced below) sets forth his plans for the development of this new department, details the new clinical training opportunities which will be available, and confirms the enthusiastic support of his faculty, the Texas Academy of General Practice and the Bexar County Medical Society. Dr. Harrison is to be congratulated upon the effective and expeditious manner in which he has moved to strengthen the professional preparation of primary care physicians who are essentially the entry points into the health care system.



The University of Texas
Health Science Center at San Antonio
7703 Floyd Curl Drive
San Antonio, Texas 78284

Office of the President

Phone: (512) 696-6105

February 6, 1973

Dr. Charles A. LeMaistre
Chancellor
The University of Texas System
601 Colorado Street
Austin, Texas 78701

| | |
|------------------------------|---------------------|
| CHANCELLOR'S OFFICE U. of T. | |
| Acknowledged..... | File..... |
| FEB 7 1973 | |
| To..... | For Info and Return |
| To..... | Please Advise Me |
| To..... | Please Handle |

Dear Dr. LeMaistre:

I wish to recommend the establishment of a Department of Family Practice in the Medical School of The University of Texas Health Science Center at San Antonio. This has the approval of the Acting Dean of the Medical School, the Faculty Council of the Medical School, and the Acting Chairman of the Department of Medicine.

I hope that this can be looked upon as an administrative reorganization only, since we already have an on-going Family Practice Program in the Medical School. We feel that this should just be called an administrative reorganization because there is no new degree attached to it and no new courses

or curriculum changes other than those already planned for the Division status of the program. Currently we have three faculty members and a residency program with three positions (the first residents to be appointed as of July 1, 1973) as a Division in the Department of Medicine. In order to recruit additional faculty of outstanding competence in Family Practice, and to give the program leadership and identity, we feel that departmental status is necessary, especially since we would like to expand the residency training program when appropriate facilities and funding have been developed to admit ten new residents per year to the training program. We will, of course, develop appropriate curricular changes to present modern family practice concepts to our students. Parenthetically, we already have a Family Practice Club among our students and this club is actively supported by the Alamo Academy of Family Practice.

Another reason for proposing departmental status at the present time is that the Bexar County Hospital District proposes to construct a \$2,000,000 clinic near the Robert B. Green Hospital which will be operated primarily as a Comprehensive Health Care Clinic emphasizing family practice. There will be an excellent opportunity to develop a superior Family Practice Program when such a clinic facility is opened. We wish to have the departmental structure to develop the faculty, resident staff and student programs to take maximal advantage of the new Bexar County Hospital District facility. Eventually the Hospital District may have as many as four other clinics; one is already in operation on the West side of San Antonio and another under construction on the East side.

I have discussed the possibility of a Department of Family Practice with Dr. Weldon Kolb, President of the Texas Academy of Family Practice, and he gives it his whole-hearted support. He has offered the help of the Academy in planning the program. I have also discussed the matter with Dr. Perry Post, the current President of the Bexar County Medical Society, and he too gives it his full support and offers to help in the planning.

In order to be able to present this matter to the Coordinating Board at its April meeting, I hope that this matter can be considered by the Regents at its March 5 meeting in Houston. Before then we will submit to you the proposed administrative reorganization in the form required for presentation to the Coordinating Board.

We will be glad to present any additional data which you may need in reaching a decision in this matter.

*Approved recommended
J.H. Kessely
2/7/73*

Very sincerely yours,



Frank Harrison
President

FH:rs

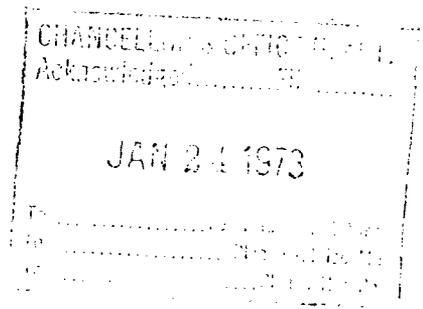
5. San Antonio Health Science Center (San Antonio Medical School):
Recommended Affiliation Agreement with The San Antonio
Children's Center. --

See memo

Chancellor LeMaistre concurs in the request of President Harrison for approval of the affiliation agreement between The University of Texas Medical School at San Antonio and the Board of Directors of The San Antonio Children's Center.

As indicated in President Harrison's covering letter the agreement will create a broad permissive framework for cooperation between the two institutions. The initiative for establishing definitive relationships will be vested in the department heads and corresponding departments or divisions of the Center. Individual departments may or may not choose to establish definitive relationships, depending upon their needs and circumstances. It is also requested that the Chairman be authorized to execute the agreement.

January 22, 1973



Dr. Charles A. LeMaistre
Chancellor
The University of Texas System
601 Colorado Street
Austin, Texas 78701

Dear Dr. LeMaistre:

I have enclosed four signed copies of an Affiliation Agreement between The San Antonio Children's Center (formerly the Protestant Children's Home) and the Board of Regents for and on behalf of The University of Texas Medical School at San Antonio. This is a broad permissive agreement designed to establish a framework to facilitate cooperation between these two institutions.

I would appreciate your instituting the necessary review process in order that this might be submitted to the Board of Regents for their approval. Please let me know if I may furnish additional information.

Sincerely yours,

Frank Harrison

Frank Harrison
President

FH:cr
Enclosures (4)

cc: Mr. R. B. Price
Mr. Burnell Waldrep

AFFILIATION AGREEMENT

THE STATE OF TEXAS }
COUNTY OF BEXAR }

This AGREEMENT is executed on _____, 1973, by and between the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM, for and on behalf of The University of Texas Medical School at San Antonio, San Antonio, Texas, sometimes referred to as "Medical School" in this agreement, and the BOARD OF DIRECTORS OF THE SAN ANTONIO CHILDREN'S CENTER, a Texas chartiabile corporation of San Antonio, Texas, referred to as the "Center" in this agreement, WITNESSETH:

WHEREAS, it is mutually recognized that the Medical School and the Center have certain objectives in common: namely, (1) the advancement of mental health services through excellent professional care of patients; (2) the education and training of medical and ancillary personnel; (3) the advancement of medical knowledge through research; and (4) the promotion of personal and community health, and that each can accomplish these objectives in larger measure and more effectively through certain affiliated operations; and

WHEREAS, it is the desire of both parties that the facilities operated by the Center be available for use by the Medical School as a teaching and training facility and that faculty and students of the Medical School be available for service at the Center to the extent agreed upon by the parties in order that both parties may accomplish their objectives in larger measure and more effectively;

NOW, THEREFORE, with these objectives in mind, and with an intent to develop both institutions to the maximum extent consistent with the interests of each, the Medical School and the Center agree as follows:

(1) PURPOSE OF AFFILIATION

(a) The purpose of this agreement is to establish a broad framework of institutional policies to facilitate cooperation between the Medical

School and the Center. It is agreed that the initiative for establishing definitive relationships will be vested in the respective department heads of the departments within institutions of the Medical School and the corresponding departments or divisions of the Center. It is further understood that the individual departments of the agreeing parties may or may not establish affiliations, depending upon the needs and circumstances of the departments and subject to the appropriate action by the respective governing bodies of the institutions.

(2) PROVISIONS FOR FACULTY APPOINTMENT FOR CENTER STAFF MEMBERS

Both parties agree that academic status is a strong inducement for attracting well-qualified individuals for professional staff positions at the Center, and that faculty appointments made by the Medical School for individuals in key positions at the Center should include reasonable assurances of continuation of employment by the Center. Academic appointments, including tenure, will be nominated by the Center or the Medical School and will be granted after mutual departmental agreement on an individual basis, subject to the approval of the person by the Medical School and satisfactory arrangements covering the financial obligations accompanying all appointments in this category. The alternatives for obtaining appointments in this category are:

(a) Guarantee by the Center of future salary costs for appointments made by the Medical School

Under a contract negotiated between the individual physician and the Center, with the approval of the Medical School, the Center will agree to pay to the Medical School the salary plus appropriate fringe benefits for the position authorized in accordance with the terms of the contract. These payments will continue as long as the Medical School is required to maintain these personnel, but not to exceed the term of the contract as negotiated between the parties.

(b) Center Staff with Adjunct Faculty Appointment with or without partial compensation from the Medical School

Mutual agreement between the Center and the Medical School is required for adjunct appointment in either category with definition of adjunct faculty title, duties, amount and source of compensation (if any), and term of appointment (annual, unless otherwise agreed upon).

(3) OTHER PROVISIONS CONCERNING STAFF

(a) Rules and personnel practices established by the Center will be used in the appointment of all staff of the Center who do not receive teaching assignment, faculty designation, or compensation through the Medical School.

(b) Physicians and other mental health personnel employed full time by the Medical School and based at the Center, with academic appointments, will be subject to The University of Texas System Medical Service, Research and Development Plan rules and regulations.

(4) JOINT SPONSORSHIP OF RESEARCH ACTIVITIES

If personnel employed by the Center who have faculty appointments at the Medical School need research facilities they will be made available by the Center provided the regular and continuing activities and programs of the Center will not be adversely affected. When research facilities are needed the need will be explained to the Board of Directors of the Center which will, after considering the specific research program and the current requirements of the Center for facilities, determine whether the facilities can be made available. Research projects at the Center may be sponsored by the Medical School, the Center, or jointly. When there is joint sponsorship, the extent of the responsibility of each institution in the administration and disposition of research funds, provision of staff and facilities, and ownership of equipment purchased with research funds will be clearly stated in writing.

(5) PROVISION FOR REVIEW OF RELATIONSHIP

Both parties agree that a productive and harmonious relationship between the two institutions depends upon maintaining effective channels of communication. The parties anticipate that routine matters will be handled and decided mutually, through continuous contacts at the departmental level. At least annually, and more frequently, if necessary, a group representing each institution shall review all relationships and policies, and other matters of common concern.

(6) JURISDICTIONAL POWERS

It is agreed that the Board of Directors of the Center shall retain all

jurisdictional powers incident to separate ownership, including exclusive jurisdiction over the administration and supervision of its facilities, its general and fiscal policies, the appointment and supervision of its professional staff and employees, and all commitments, agreements or decisions to be made pursuant to this agreement. However, the Center will seek counsel and advice of the Medical School when the exercise of such jurisdiction affects the programs of the teaching and research which it will conduct with the Medical School.

(7) HOLD HARMLESS

Only insofar as authorized by law to do so, the Medical School agrees to hold the Center harmless from and against any and all liability for personal injury, including injury resulting in death, or damage to property, or both, resulting directly or indirectly from the use by the Medical School of the Center facilities and agrees to reimburse the Center for all reasonable expenses, including attorney's fees, incurred by the Center in defending any such claim or claims.

(8) MODIFICATION OF AGREEMENT AND TERMINATION

If any aspect of this agreement becomes unsatisfactory to either party, a joint committee of representatives of both institutions shall be responsible for discussing and resolving difficulties. If a change in the agreement is necessary, the committee shall make recommendations to the authorities of each institution. If problems develop that are sufficiently serious and cannot be resolved, dissolution of the agreement may be indicated. The effective date of such dissolution shall be mutually agreed upon, with adequate time to allow the Medical School and the Center to make necessary arrangements for dissolution in an orderly manner. In the absence of such an agreement the effective date of such dissolution or termination shall be six months after receipt by either party of a written notice from the other party.

(9) PERIOD OF AGREEMENT AND AMENDMENT

This agreement is for a period of five years from its date of execution, unless terminated by either party as hereinabove provided. It may be extended or amended in writing to include such provisions as the parties may agree upon.

Employees of the Center or the Medical School, or both, shall have no rights under this agreement that cannot be altered or amended by agreement of the parties or that cannot be amended or terminated upon amendment or termination of this agreement.

EXECUTED by the parties on the day and year first above written.

ATTEST:

BOARD OF REGENTS OF THE
UNIVERSITY OF TEXAS SYSTEM

Secretary

By: _____
Chairman

ATTEST:

BOARD OF DIRECTORS OF
THE SAN ANTONIO CHILDREN'S CENTER

Mrs. John B. Polowinski
Secretary

By: [Signature]
Chairman

Approved as to Form:

Approved as to Content:

[Signature]
University Attorney

[Signature]
Vice-Chancellor for Health Affairs

[Signature]
Deputy Chancellor for Administration

Land & Investment Committee

LAND AND INVESTMENT COMMITTEE

Date : March 5, 1973
Time : Following the meeting of the Medical Affairs Committee
Place : Embassy Room (off lobby)
Shamrock Hilton Hotel
Houston, Texas

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PERMANENT UNIVERSITY FUND - INVESTMENT MATTERS.--

1. REPORT ON CLEARANCE OF MONIES TO PERMANENT UNIVERSITY FUND AND AVAILABLE FUND.--The Auditor, Auditing Oil and Gas Production, reports the following with respect to monies cleared by the General Land Office to the Permanent University and Available University Fund for the current fiscal year through January 1973, as follows:

| <u>Permanent University Fund</u> | <u>January, 1973</u> | <u>Cumulative This Fiscal Year</u> | <u>Cumulative Preceding Fiscal Year (Averaged)</u> |
|---|-----------------------|------------------------------------|--|
| Royalty | | | |
| Oil | \$ 945,451.23 | \$ 5,922,546.98 | \$ 6,685,913.70 |
| Gas - Regular | 89,238.19 | 1,257,461.11 | 1,434,322.10 |
| - F. P. C. | 1.07 | 40,840.68 | 11,676.85 |
| Water | 2,159.26 | 57,371.59 | 49,409.25 |
| Salt Brine | 1,310.35 | 5,112.36 | 5,608.85 |
| Rental on Mineral Leases | 2,584.40 | 168,029.74 | 141,512.70 |
| Rental on Water Contracts | 697.96 | 2,761.47 | 10,670.00 |
| Rental on Brine Contracts | - 0 - | - 0 - | 83.35 |
| Amendments and Extensions of Mineral Leases | 4,805.26 | 278,846.78 | 118,929.50 |
| | <u>\$1,046,247.72</u> | <u>\$ 7,732,970.71</u> | <u>\$ 8,458,126.30</u> |
| Bonuses, Mineral Lease Sales, (actual) | - 0 - | 2,475,900.00 | 4,769,600.00 |
| Total, Permanent University Fund | <u>\$1,046,247.72</u> | <u>\$10,208,870.71</u> | <u>\$13,227,726.30</u> |
| <u>Available University Fund</u> | | | |
| Rental on Easements | 4,624.34 | 32,190.06 | 99,234.55 |
| Interest on Easements and Royalty | 4.30 | 1,246.29 | 6,004.40 |
| Correction Fees-Easements | - 0 - | - 0 - | 56.45 |
| Transfer and Relinquishment Fees | 183.05 | 555.44 | 2,847.75 |
| Total, Available University Fund | <u>4,811.69</u> | <u>33,991.79</u> | <u>108,143.15</u> |
| Total, Permanent and Available University Funds | <u>\$1,051,059.41</u> | <u>\$10,242,862.50</u> | <u>\$13,335,869.45</u> |

Oil and Gas Development - January 31, 1973

| | |
|----------------------------|---------|
| Acreage Under Lease | 591,966 |
| Number of Producing Acres | 317,926 |
| Number of Producing Leases | 1,407 |

PERMANENT UNIVERSITY FUND - LAND MATTERS.--

2. LEASES AND EASEMENTS.--It is recommended by the Associate Deputy Chancellor for Investments, Trusts and Lands that the following applications for various leases, easements and grazing lease amendments on University Lands be approved. All have been approved as to content by the appropriate officials.

EASEMENTS AND SURFACE LEASES

All easements and surface leases are at the standard rate; are on the University's standard forms; and payment has been received in advance unless otherwise stated.

| No. | Company | Type of Permit | County | Location (Block#) | Distance or Area | Period | Consideration |
|------|--|----------------|--------|-------------------|--|---------------------|-----------------|
| 3497 | Texas Electric Service Company | Power Line | Ector | 35 | 641.87 rds. Transmission construction | 1/1/73- 12/31/82 | \$ 738.15 |
| 3498 | Exxon Pipeline Company (Renewal of 1726) | Pipe Line | Crane | 30 | 105.8 rds. 6-5/8 inch | 1/1/73- 12/31/82 | 158.70 |
| 3499 | Texas-New Mexico Pipe Line Company (Renewal of 1736) | Pipe Line | Crane | 30 | 184.2 rds. 4½ inch | 3/1/73- 2/28/83 | 138.15 |
| 3500 | El Paso Natural Gas Company (Renewal of 1705) | Pipe Line | Upton | 3 | 276.606 rds. 6-5/8 inch | 5/1/73- 4/30/83 | 414.91 |
| 3501 | Fin-Tex Pipe Line Company | Pipe Line | Ward | 16 | 1,550 feet 2 inch | 1/1/73- 12/31/82 | 75.00 (Min.) |
| 3502 | John McKenzie | Pipe Line | Pecos | 21 | 400 rds. 2 inch | 3/1/73- 2/28/83 | 300.00 |

Easements and Surface Leases - Continued--

| No. | Company | Type of Permit | County | Location (Block#) | Distance or Area | Period | Consideration |
|------|---|--|---------|-------------------|---|----------------------|--------------------|
| 3503 | The Nueces Company (Partial renewal of 1697) | Pipe Line | Ward | 18 | 41.7 rds. 3 inch | 11/1/72- 10/31/82 | \$ 50.00 (Min.) |
| 3504 | Mobil Pipe Line Company (Renewal of 1836) | Pipe Line | Andrews | 4 | 329.5 rds. 3 inch | 1/1/73- 12/31/82 | 247.13 |
| 3505 | Phillips Pipe Line Company (Renewal of 1731) | Pipe Line | Andrews | 9 | 109.2 rds. 4½ inch | 5/1/73- 4/30/83 | 81.20 |
| 3506 | Phillips Pipe Line Company (Renewal of 1733) | Surface Lease (Oil gathering station site) | Andrews | 5 | 3.02 acres | 6/1/73- 5/31/83 | 694.60 (Full) |
| 3507 | The Permian Corporation (Renewal of 1727) | Pipe Line | Reagan | 11, 48 | 2,266.92 rds. 4½ inch | 1/1/73- 12/31/82 | 1,700.18 |
| 3508 | Phillips Pipe Line Company (Renewal of 1730) | Pipe Line | Andrews | 11 | 434.2 rds. 4½ inch | 2/1/73- 1/31/83 | 325.65 |
| 3509 | El Paso Natural Gas Company (Renewal of 1706) | Pipe Line | Andrews | 1, 9 | 63.318 rds. 4½ inch 1.25 rds. 3-5/8 inch | 5/1/73- 4/30/83 | 75.00 (Min.) |

3. AMENDMENTS TO GRAZING LEASES

The following grazing leases have heretofore been granted by the Board of Regents and which contain a provision that the lessee and the Board of Regents would share equally in any hunting rental. In accordance with the policy adopted by the Board of Regents at its meeting held on March 5, 1973, from and after January 1, 1973, Paragraph 14 of said grazing leases is to be amended so as to provide that a hunting rental as set out below will be due and payable semi-annually in addition to the grazing rental heretofore provided.

| Lease No. | Lessee | County | Location Block | Acreage | First Five Years | | | Second Five Years | | |
|-----------|--|----------|-------------------|----------|------------------|-----|------------------|-------------------|-----|------------------|
| | | | | | Per Acre G* | H* | Annual Rental | Per Acre G* | H* | Annual Rental |
| 1005 | Burch Woodward | Terrell | 37 | 12,203.6 | 48¢ | 8¢ | \$ 6,834.00 | | | |
| 1056 | Dorothy Henderson Pierce and Joe Sellers Pierce | Crockett | 32, 33 | 2,740 | 67¢ | 13¢ | 2,192.00 | 80¢ | 13¢ | \$2,548.20 |

TRUST AND SPECIAL FUNDS - GIFT, BEQUEST AND ESTATE MATTERS.--

✓ 4. U. T. AUSTIN - RECOMMENDATION FOR ACCEPTANCE OF BEQUEST UNDER THE WILL OF MRS. INEZ OLIVER FOR THE MEDINA OLIVER LOAN FUND AND AUTHORIZATION FOR EXECUTION OF TRUST AGREEMENT.--Mr. Rex G. Baker of Houston, attorney for the Estate of his sister Mrs. Inez Oliver, who died on November 26, 1972, has furnished the University a copy of the Will and related papers. In her Will, which has been probated in Harris County, Mrs. Oliver provides that one-half of her Estate, which one-half amounts to about \$45,000, "is to be given for investment and management to The University of Texas to be known as the Medina Oliver Loan Fund, the income from which is to be used thereafter as a loan in Junior or Senior years to needy, deserving students of marked integrity and high scholastic standing, wishing to finish their degree work in the University of Texas." Also, Mr. Baker has presented to the University a form of Trust Agreement which he recommends be executed by the Administrator with Will Annexed of Mrs. Oliver's Estate and on behalf of the University, after approval by the Probate Court, covering the transfer of the bequest to the University. Chancellor LeMaistre, joined by Mr. Todd, Associate Deputy Chancellor for Investments, Trusts and Lands, recommends acceptance of the bequest and, upon approval by the Probate Court, authorization for execution of the Trust Agreement.

✓ 5. M. D. ANDERSON - RECOMMENDATION FOR ACCEPTANCE OF BEQUEST UNDER THE WILL OF D. H. EMERSON, DECEASED, AND AUTHORIZATION FOR JOINDER IN SALE OF HOME IN CORPUS CHRISTI.--Mr. Hayden W. Head of Corpus Christi, Independent Executor of the Estate of D. H. Emerson who died November 29, 1972, has notified M. D. Anderson of Mr. Emerson's bequest of the residue of his Estate for cancer research and has furnished a copy of the Will and other information. Also, the Estate having been entirely liquid except for the home in Corpus Christi and a few scattered nonproducing mineral interests, Mr. Head has forwarded a check for \$105,000, keeping a reserve of about \$2,500 for small State Inheritance taxes and other contingencies. The pertinent provisions of Mr. Emerson's Will are as follows:

II

"I give, devise and bequeath to my sister-in-law, Mrs. Mary G. Emerson (the wife of my brother, J. H. Emerson), for so long as she shall live, the right of use, possession and enjoyment of the property occupied by me upon which my residence is situated, being Lot 21 and the North one-half (N/2) of Lot 20, Block 1, Saxet Heights No. 1 Addition to the City of Corpus Christi, Nueces County, Texas, together with all improvements thereon and all furniture, fixtures, furnishings and other household effects located in the residence on said property."

III

"I give, devise and bequeath all the rest and residue of my estate of every kind or character, including, but without limitation, the residuary interest in the property described in Article II above, to the University of Texas System Board of Regents as Trustees for the M. D. Anderson Hospital and Tumor Institute of the University of Texas. It is my wish that the proceeds of the devise so made to such institution be used primarily for

research having as its purpose the cure of cancer, but the expression of this wish is precatory only and it shall not be deemed to be a restriction on the use of this bequest for any purpose for which said M. D. Anderson Hospital and Tumor Institute of the University of Texas now or hereafter exists."

Mr. Emerson had no children, and his wife predeceased him. His only specific bequest is the life estate in the home to Mrs. Mary G. Emerson, his sister-in-law. Mrs. Emerson does not wish to occupy the home or rent it and has requested that the University join her in selling it. Information to date indicates that the property will sell in the \$15,000-\$20,000 range. There has not yet been any discussion with Mrs. Emerson as to division of the proceeds or investment of all of it with income to her for life. She is about 69 years of age; and if the proceeds should be divided according to State Inheritance Tax valuation schedules (6%), the division would be approximately one-half each.

President Clark and Associate Deputy Chancellor Todd recommend acceptance of Mr. Emerson's bequest and joinder in the sale of the home, with authorization for execution of the deed, at a price and on terms approved by Deputy Chancellor Walker, President Clark, and Mr. Todd. Further, it is recommended that investment of the proceeds or division with Mrs. Emerson be worked out with her upon approval of these three administrative officials. The conclusion of all of this will be reported to the Board of Regents for ratification.

6. U. T. DALLAS - RECOMMENDATION FOR ACCEPTANCE OF GIFT ESTABLISHING THE CECIL H. AND IDA M. GREEN HONORS CHAIR IN THE NATURAL SCIENCES AT THE UNIVERSITY OF TEXAS AT DALLAS.--By letter dated February 2, 1973, to Chancellor LeMaistre, Cecil H. Green and Ida M. Green propose an irrevocable gift for the establishment of the above chair and outlining the terms thereof as follows:

"Dear Dr. LeMaistre:

Distinguished Chair
University of Texas - Dallas

We hereby irrevocably pledge and commit ourselves to make a gift to the University of Texas System ("System") for the exclusive use and benefit of the University of Texas at Dallas, Texas ("UT-Dallas") which term shall also include its successor(s), if any, in the System. For this purpose, we propose, as requested by you, that the gift be accomplished by transfers to the name of the Board of Regents of the University of Texas System ("Regents"), who, with their successors in office, are authorized by law, as a Board, to accept and administer gifts, grants or donations for use by the System or any of the component institutions of the System.

The gift (which with its proceeds and mutations is hereinafter called the "fund") will consist of marketable securities having an aggregate cash value of not less than \$600,000 on the dates of delivery of the securities for transfer to the Regents. The gift may be made in four installments of approximately equal value on delivery date, one of which is deliverable in

each of 1973, 1974, 1975 and 1976 or such earlier dates as we may elect. Income from and corpus of the fund in excess of the original value at the time(s) of delivery of the gift may be used for the purpose of the gift.

The purpose of the gift is to provide a fund for a Distinguished Chair at UT-Dallas to be held by a teacher-scholar who may then be on, or may be recruited to be a member of, the faculty of UT-Dallas, whose work is considered to be in the forefront in a search for important new knowledge and understanding in one or more of the Natural Science disciplines of Biology, Chemistry, Earth Sciences or Physics.

It is our wish that the Chair be awarded to one (a) then a member of the faculty of UT-Dallas to be held for a period not in excess of three years, as a rotating award but subject to renewal for periods, whether successive or not, not in excess of three years each, or (b) recruited to be a member of the faculty of UT-Dallas to be held for a period not in excess of two years. One appointed under (b) may be considered at the end of the two-year period for appointment under (a). It is our further wish that a distinguished visiting committee, knowledgeable of the advanced thought and work in the discipline(s) which is the subject of the work of the appointee, will be named and will consult with the holder of the chair appointed under (a) during each term of the appointment and advise the Regents or its designated representative(s) of the findings and recommendations of the committee, so that the award will be applied always toward a new and important area of knowledge; and that each recipient of such award under (a) be advised that such review will be made. The significance of a particular area of research or study may change with the advancement of knowledge. A member of the visiting committee might be asked, during a visit of the committee to UT-Dallas, to deliver a lecture in the Natural Sciences under the sponsorship of the committee. The wishes expressed in this paragraph are not conditions of the gift.

The Regents will cause the person holding the chair to be selected from time to time and may also in its discretion cause the holder of the chair to be removed, changed or replaced pursuant to the rules and regulations of the System then in effect. In addition to the procedure for review suggested above, each appointment to the chair is to be reviewed and approved in accordance with established academic policies and procedures of the System as they may exist from time to time; the suggested procedures are not to conflict with such established academic policies and procedures; and the Regents will have the sole discretion with respect to the qualifications of each appointee and the duration of each appointment.

Income from the fund and principal in excess of its original value at the time(s) of delivery may also be used for the expenses of the administration of the fund and for supplementation of the salary and for secretarial, library, equipment, travel and any professional support of the holder of the chair, including assistance in his research, and for remuneration to and expenses of the members of the visiting committee; and the Regents may in its discretion add to or retain in the fund any such income or excess in value of corpus not considered necessary for the above purposes or use any such income or excess for any other purpose deemed by the Regents to be advantageous to research in or study of one or more of such disciplines at UT-Dallas including, but not limited to, the support or participation in support of another chair or chairs at UT-Dallas, or any other purposes connected with the study of one or more of such disciplines.

It is a condition of this gift that the income from the fund and the corpus of the fund in excess of original value at the time or times of gift shall be used to supplement but never to supplant the funds, if any, regularly budgeted for said chair, or UT-Dallas, or the System or any part thereof. It is recognized that the purpose of this gift would be defeated if by act of the government of the State of Texas or other legislative or administrative or governmental body, the Regents or the System or any part thereof any of the fund should be used or employed to supplant instead of supplementing the funds, if any, which would normally be budgeted for said chair, or for the incidental expenses referred to above, or for UT-Dallas. This gift is therefore made upon the condition that if such action by the State of Texas or other legislative or governmental body, or the Regents or the System, or any part thereof, occurs or is attempted, the Regents shall withhold the expenditure of further uncommitted moneys from the fund until there is compliance with the conditions of this gift.

The Regents shall have the following authority and powers with respect to the fund in addition to those hereinabove granted by this letter or by law:

- (a) The Regents is empowered to administer the fund in accordance with such uniform rules and regulations as it may from time to time adopt, regardless of whether said rules and regulations contain a specific reference to the fund; or the Regents may administer the fund in such manner as in its sole discretion it deems best, whether in accordance with uniform rules and regulations or not;
- (b) The Regents shall have full and complete power and authority to determine and allocate income and other receipts as well as expenses between principal and income, if and to the extent that the Regents deems such allocation advisable in connection with the administration of the fund;
- (c) To the extent that any such requirements can be legally waived, neither the Regents nor its members shall ever be required to give any bond in connection with the administration of the fund;
- (d) The Regents may acquire or retain any property or create, acquire or retain undivided interests in property for or belonging to the fund, regardless of its non-productivity, or risk or lack of diversification, and without responsibility for production of income or increment to capital;
- (e) As soon as the Regents can conveniently do so it will invest the installments of the fund, as received by the Regents, in the Fund (the "Fund of The Common Fund") maintained by The Common Fund, a nonprofit New York corporation, or its successors, subject to withdrawals and disbursements hereby permitted, and continue such investment of the fund for a period of at least five years after the date of commencement of such investment. After the expiration of said five-year period the Regents shall be authorized to continue the investment of the assets and properties belonging to the fund in the Fund of The Common Fund, or to otherwise handle and manage same as provided in Paragraph (f) below, or in accordance with the rules and regulations of the System then in effect, or otherwise according to law;

(f) Subject to (e) above, the Regents may hold in its name or in the name or names of its nominee or nominees, manage, control, exchange, partition, retain, lease, sell, alienate, mortgage, pledge, administer, or otherwise deal with the fund or any part or parts thereof, and invest and reinvest the investments of any kind of the fund or any part or parts thereof in any property or undivided interests in property of any kind, including common trust funds, all on such terms and for such considerations as the Regents deems proper, without being limited by any statute or rule of law concerning investments by trustees or by public or educational or charitable institutions or other limitations of any kind. The Regents is specifically empowered to employ investment counsel in connection with the fund, or a manager thereof, and to delegate to it or him power in behalf of the fund to select, buy, hold and sell investments, and also to transfer or sell assets to common trust funds in return for cash, other assets or participations in such funds.

The members of the Regents, in the administration of the fund, shall be liable only for their own gross negligence or willful misconduct.

In the administration of the fund, the Regents may act by a quorum or a majority of all its members.

None of the fund shall ever be or become a part of the Permanent University Fund or of income therefrom, nor shall the legislature of the State of Texas have power or be in anywise authorized to change the purpose of the fund or to divert it from the purpose herein set out.

This letter is being signed in quadruplicate originals, and if this gift is acceptable to the Regents upon the terms, provisions and conditions set forth in this letter, please have two copies of this letter signed by its Chairman or Vice Chairman on behalf of the Regents to evidence its acceptance and return two copies to us.

Sincerely,

/S/ Cecil H. Green

/S/ Ida M. Green

Chancellor LeMaistre, President Jordan and the Associate Deputy Chancellor for Investments, Trusts and Lands recommend acceptance of the gift on the terms outlined; further that the Associate Deputy Chancellor for Investments, Trusts and Lands, the Investment Officer, or any Trust Officer, be authorized to execute such documents as may be necessary to carry out Grantor's instructions to invest funds in The Common Fund, (New York), including authority to execute an appropriate custodian agreement with The Bank of New York.

TRUST AND SPECIAL FUNDS - REAL ESTATE MATTERS.--

7. U. T. EL PASO - FRANK B. COTTON TRUST - RECOMMENDATION FOR RATIFICATION OF APPROVAL OF ASSIGNMENTS OF GRAZING LEASE TO TOM BENNETT, JR., TOM MURPHEY AND C. B. CASWELL.--By instrument dated July 5, 1968, the Board of Regents granted to J. A. Neal a grazing lease for a term of five years covering 6,100.95 acres in Block 2, GC&SF Ry, Culberson County, Texas. The Board of Regents has previously approved assignments of this grazing lease to Home and Business Service Corporation; Roy E. Herring, Jr.; and Rail-X Land & Cattle, Inc. As a part of the reorganization of the Rail-X Land & Cattle, Inc., subject grazing lease was assigned to the City Bank and Trust Company of Dallas, Texas, and Dallas Bank and Trust Company and subsequently assigned by the two banks November 1, 1972, to Tom Bennett, Jr., Tom Murphey and C. B. Caswell. Approval of each of said assignments on behalf of the Board of Regents of The University of Texas System was granted by instruments dated December 7, 1972.

The Associate Deputy Chancellor for Investments, Trusts and Lands recommends ratification of the execution of the consent to the two assignments of subject grazing lease to Tom Bennett, Jr., Tom Murphey and C. B. Caswell.

OTHER MATTERS.--

8. REPORT OF SECURITIES TRANSACTIONS FOR PERMANENT UNIVERSITY FUND AND FOR TRUST AND SPECIAL FUNDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 1972.--In accordance with present procedure, the reports of securities transactions for the Permanent University Fund and Trust and Special Funds for November and December, 1972, were mailed on February 15, 1973, by Secretary Thedford to the members of the Board of Regents. If any questions regarding these reports have been submitted, the Secretary will so report at the meeting of the Land and Investment Committee.

* * * * *

FOUNDATION MATTERS.--

IMA HOGG FOUNDATION.--Mr. Raymond R. Todd, Secretary-Treasurer, as of January 1, 1973, recommends a brief meeting of the members of the Board of Regents as Trustees of the Ima Hogg Foundation on March 5 for action on the following agenda:

1. Approval of Minutes of the December 8, 1972, meeting distributed earlier.
2. Election of President to succeed Mr. Peace and Vice President to succeed Mr. Ikard.

LYNDON BAINES JOHNSON SCHOOL OF PUBLIC AFFAIRS FOUNDATION.--Mr. Raymond R. Todd, Secretary-Treasurer as of January 1, 1973, recommends a brief meeting of the members of the Board of Regents as Directors of The Lyndon Baines Johnson School of Public Affairs Foundation on March 5 for action on the following agenda:

1. Approval of Minutes of the December 8, 1972, meeting distributed earlier.
2. Election of President to succeed Mr. Peace and Vice President to succeed Mr. Ikard. The Foundation has no assets.

ROBERTSON POTH FOUNDATION.--The Chairman of the Board of Regents, the Chairman of the Land and Investment Committee and the Chairman of the Medical Affairs Committee, and their successors, serve as Trustees of the Robertson Poth Foundation. Mr. Raymond R. Todd, Assistant Secretary-Treasurer as of January 1, 1973, recommends a brief meeting of the Trustees on March 5 for action on the following agenda:

1. Approval of Minutes of the December 8, 1972, meeting distributed earlier.
2. Election of Chairman, Vice Chairman and Secretary-Treasurer. Mr. Peace served as Chairman, Mr. Williams serves as Vice Chairman, and Mr. Garrett serves as Secretary-Treasurer.

WINEDALE STAGECOACH INN FUND.--It is recommended that the members of the Board of Regents as Trustees of the Winedale Stagecoach Inn Fund meet briefly on March 5 for action on the following agenda:

1. Approval of Minutes of the December 8, 1972, meeting distributed earlier.
2. Election of President to succeed Mr. Peace and Vice President to succeed Mr. Ikard. Other officers elected on December 8, effective January 1, are Dr. Stephen H. Spurr, Secretary-Treasurer, and Mr. Raymond R. Todd, Assistant Secretary-Treasurer.

Committee of the Whole

COMMITTEE OF THE WHOLE
Chairman McNeese, Presiding

Date: March 5, 1973

Time: Following the meeting of the Land and Investment Committee

Place: Embassy Room (off Lobby)
The Shamrock Hilton Hotel
Houston, Texas

Page
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I. SPECIAL ITEMS

A. U. T. System

1. Recommended Policies and Limitations for Writing
1973-74 Budget 2

B. U. T. System, U. T. Austin and U. T. El Paso

2. Proposed List of Officials to Negotiate, Execute and
Administer Classified Government Contracts 4

C. U. T. Arlington, U. T. Austin and U. T. El Paso

3. Final Report from Committee of Newspaper Editors
and Publishers on U. T. El Paso and Proposed
Resolution of Appreciation 6

D. U. T. Austin

4. Recommended Appointments as Ashbel Smith Professors 9

E. Houston Health Science Center

5. Recommended Agent for Tax-Free Alcohol Permits 10

II. SCHEDULED MEETINGS AND EVENTS 11

I. SPECIAL ITEMS

A. U. T. System

1. Recommended Policies and Limitations for Writing the 1973-74 Budget. --

Chancellor LeMaistre and Deputy Chancellor Walker recommend that the Board of Regents approve the 1973-1974 Budget Policies and Limitations as set forth below.

1973-74 BUDGET POLICIES AND LIMITATIONS

for General Operating Budgets, Auxiliary Enterprises, Contract Areas, Current Restricted Funds, and Service and Revolving Fund Activities

Institutional Heads are to write the "first" draft of their operating budgets conservatively, utilizing the following policy items. The recommendations for salary increases for both teaching and non-teaching personnel are subject to the current regulations of the Wage-Price Board.

1. Over-all budget totals, including reasonable reserves, must be limited to the funds available for the year from:
 - a. General Revenue Appropriations (based on estimates relating to appropriations being considered by the Sixty-third Legislature),
 - b. Revised estimates of local income, and
 - c. Limited use of institutional Unappropriated Balances.
2. Selective merit salary advances may be provided for the faculty and professional staff. In the case of faculty, merit advances are to be on the basis of teaching effectiveness. This policy relating to faculty salary increases applies to all fund sources.
3. Few, if any, new faculty positions are to be requested, and these are to be based on conservative estimates of enrollment increases. Total faculty staffing should be reviewed in terms of planned increases in work-load.
4. Merit salary advances for classified personnel in accordance with the Personnel Pay Plan policies approved by the Board may be given only to individuals who will have been employed by the institution for at least 6 months as of August 31, 1973.
5. Few, if any, new classified positions are to be requested, and these only where increased work-load justifies.
6. Maintenance, Operation, and Equipment items should be based only on such amounts as are needed. Increases are not to exceed 10% in total over amounts budgeted in 1972-73 except as related to new programs or newly developing institutions.

Justify all increases in Maintenance and Operation and Travel with performance-type data. Prior year expenditures are not to be considered as adequate justification.
7. Travel funds are to be shown as separate line items.

8. All requests for Special Equipment must be supported with detailed descriptions and justification.
9. Unless specific prior approval of the Chancellor is obtained, with appeal to the Board of Regents by the institutional head permitted, no increase in salary may be made for any faculty member or administrator while he is on research leave, on leave without pay, or on assignment outside of the U. T. System institutions.
10. MAXIMUM SALARY LIMITATIONS (Medical Units - 12 Months Basis) FOR FISCAL YEAR 1973-74

| <u>Rank</u> | <u>Maximum State Salary Rates</u> | <u>Maximum Remuneration</u> |
|------------------------|-----------------------------------|-----------------------------|
| Professor and Chairman | \$ 40,000 | \$ 60,000 |
| Professor | 38,000 | 57,000 |
| Associate Professor | 34,000 | 51,000 |
| Assistant Professor | 30,000 | 45,000 |
| Instructor | 25,000 | 37,500 |

Remuneration may be paid to ranked faculty from multiple fund sources including general budget funds, contract funds, gift funds, etc., subject to maximum limitations approved by the Board of Regents.

Remuneration may include professional income earned and deposited in the institutional trust fund account or other available trust or grant funds. Maximum remuneration in the 1973-74 budget is limited to 50 percent above the maximum State salary rate, by rank, except that in "Exceptional Situations" the limit is not to exceed 75 percent.

1973-74 BUDGET CALENDAR

| <u>Time Schedule</u> | <u>Annual Operating Budgets</u> |
|----------------------|--|
| March 5, 1973 | Board approval of policies |
| May 1 | <u>Four</u> Draft copies (including summaries of budget) due from Executive Heads to System Administration |
| May 14 - 18 | Budget Hearings with System Administration |
| May 31 | Thirty copies of adjusted budgets (including adjusted summaries and supplemental data) due from Executive Heads to System Administration |
| July (or later) | Budgets to Board of Regents |
| July (or later) | Board Meeting |

Ask Regents if they will be available.

B. U. T. System, U. T. Austin and U. T. El Paso

2. Proposed List of Officials to Negotiate, Execute and Administer
Classified Government Contracts. --

The University of Texas System Security Agreement with the Department of Defense requires that certain administrative officers be cleared for access to classified material and to negotiate, execute and administer classified government contracts. The agreement also requires that the list of officers so authorized be kept current. Due to administrative changes, the list of officers so authorized by Board resolution on June 9, 1972 is now out of date. Therefore, Chancellor LeMaistre recommends adoption of the same basic resolution, which has been amended to include the officers recommended for this responsibility by System Administration and the respective institutional heads concerned:

BE IT RESOLVED:

1. That, those persons occupying the following positions among the officers of The University of Texas System shall be known as the Managerial Group as described in the Industrial Security Manual for Safeguarding Classified Information:

Charles LeMaistre, Chancellor, Chief Executive Officer
E. D. Walker, Deputy Chancellor for Administration
Robert Lee Anderson, Comptroller
Betty Anne Thedford, Secretary to the Board of Regents
A. J. Dusek, Director, Office of Sponsored Projects,
The University of Texas at Austin, U.T. System
Security Supervisor
Stephen H. Spurr, President, The University of Texas
at Austin
James H. Colvin, Vice-President for Business Affairs,
The University of Texas at Austin
Bobby G. Cook, Business Manager, The University of
Texas at Austin
Arleigh B. Templeton, President, The University of
Texas at El Paso
Lewis F. Hatch, Vice-President for Academic Affairs,
The University of Texas at El Paso
Halbert G. St. Clair, Business Manager, The University
of Texas at El Paso
James B. Bacon, Director, Contracts and Grants, and
Security Officer, The University of Texas at
El Paso
Kenneth E. Beasley, Director of Research, The
University of Texas at El Paso

2. That the Chief Executive and the members of the Managerial Group have been processed, or will be processed, for a personnel clearance for access to classified information, to the level of the facility clearance granted to this institution, as provided for in the aforementioned Industrial Security Manual and all replacements for such positions will be similarly processed for security clearance.

3. That the said Managerial Group is hereby delegated all of the Board's duties and responsibilities pertaining to the protection of classified information under classified contracts of the Department of Defense or User Agencies of its Industrial Security Program awarded to the institutions of The University of Texas System.
4. That the following named members of the Board of Regents shall not require, shall not have, and can be effectively excluded from, access to all classified information in the possession of The University of Texas System and do not occupy positions that would enable them to affect adversely the policies and practices of the institutions of The University of Texas System in the performance of classified contracts for the Department of Defense or User Agencies of its Industrial Security Program, awarded to institutions of The University of Texas System, and need not be processed for a personnel clearance:

MEMBERS OF THE BOARD OF REGENTS:

A. G. McNeese, Jr., Chairman
Dan C. Williams, Vice-Chairman
James E. Bauerle, D.D.S.
Edward Clark
Frank C. Erwin, Jr.
Jenkins Garrett
Mrs. Lyndon Johnson
Joe T. Nelson, M.D.
Allan Shivers

✓ C. U. T. Arlington, U. T. Austin and U. T. El Paso

2/5

3. Final Report from Committee of Newspaper Editors and Publishers on U. T. El Paso and Proposed Resolution of Appreciation. --

The Committee of Newspaper Editors and Publishers has filed with Chancellor LeMaistre its report on student publications and journalism education at U.T. El Paso. For the information of the Board, the Committee generally suggests that communication and cooperation be improved among The Prospector, the Department of Journalism, and the officers and members of the Student Publications Board.

More specifically, the editors and publishers recommend:

--A salaried business manager with prescribed duties in line with accepted newspaper practices.

--Department of Journalism representatives on the Student Publications Board.

--The Prospector serve as a means by which journalism students gain practical experience through production of assigned articles and use of The Prospector facilities which do not interfere with the newspaper's operation.

--Strengthening of the journalism faculty to give students more guidance and leadership.

--Increased budget for The Prospector to bring it in line with support of student newspapers at U.T. Arlington.

--Development of closer working relationship between advertising classes and student publications to increase income and offer practical ad sales planning and experience.

Chancellor LeMaistre has transmitted the Committee's full report to President Templeton for his consideration and appropriate implementation as soon as practical.

Chancellor LeMaistre also recommends that the Board adopt the following Resolution of Appreciation* to the members of the Committee of Newspaper Editors and Publishers for their outstanding consultative service to The University of Texas System and the Board of Regents in the study of student publications related to journalism education at The University of Texas at Austin, The University of Texas at Arlington, and The University of Texas at El Paso.

SECRETARY'S NOTE FOR BENEFIT OF NEW REGENTS. --On January 29, 1971, the Board of Regents, upon recommendation of Chancellor LeMaistre, authorized the Chancellor to appoint a committee of editors to study the role of the various campus publications, their organization and governance, and relationships to the journalism department and other matters deemed pertinent. (The report with respect to The University of Texas at Austin was presented to the Board of Regents on June 4, 1971, and with respect to The University of Texas at Arlington on March 16, 1972.)

*On Page C of W - 7 .

RESOLUTION OF APPRECIATION

TO

WHEREAS, The growth of The University of Texas System in the preceding decade necessitated a review of policies governing student publications at the academic component institutions in the University System; and

WHEREAS, The Board of Regents voted to appoint a blue ribbon committee of newspaper editors and publishers to study student publications at the Arlington, Austin, and El Paso campuses and submit to the Board a report of the Committee's recommendations on the role, organization, governance, relationship to journalism teaching, and such other matters considered to be relevant by the Committee; and

WHEREAS, At its meeting on April 23, 1971, after consultation with the Texas Daily Newspaper Association and the Texas Press Association, the Board of Regents appointed the above-named individual to the 14-member panel of journalists; and

WHEREAS, Since that time, the panel has conducted its studies on each campus in a most exemplary manner and provided advice and counsel of outstanding significance and benefit to the System Administration and the Board of Regents;

NOW, THEREFORE, BE IT RESOLVED: That the members of the Board of Regents express their deep gratitude to each member of the Committee for his untiring efforts in reviewing and making recommendations for improvements in student newspapers and publications and in journalism teaching programs at The University of Texas at Arlington, The University of Texas at Austin, and The University of Texas at El Paso; and

BE IT FURTHER RESOLVED: That the Board recognizes that the Committee's professional skill and experience have brought to the University's journalism programs a broadened scope of understanding among the administration, faculty, and students concerned; and

BE IT FURTHER RESOLVED: That a copy of this resolution be appropriately inscribed and carry the Seal of The University of Texas System and that copies be presented to each member of the Committee.

Upon motion of Regent _____, duly seconded, the foregoing resolution was unanimously adopted on March 5, 1973.

ATTEST:

Chairman, Board of Regents
The University of Texas System

Secretary, Board of Regents
The University of Texas System

COMMITTEE OF NEWSPAPER EDITORS AND PUBLISHERS

| | |
|--|----------------|
| William B. Bellamy (Chairman) San Antonio Light 420 Broadway San Antonio, Texas 78205 | (512) 226-2441 |
| Jack Butler Fort Worth Star Telegram 400 West 7th Fort Worth, Texas 76102 | (817) 336-9271 |
| W. H. Collyns Midland Reporter Telegram 201 E. Illinois Midland, Texas 79701 | (915) 682-5311 |
| Charles Devall Kilgore News Herald P. O. Box 1210 Kilgore, Texas 75662 | (214) 682-5311 |
| Ed Harte Caller-Times P. O. Box 9136 Corpus Christi, Texas 78408 | (512) 884-2011 |
| Fred Hartman Baytown Sun P. O. Box 90 Baytown, Texas 77520 | (713) 422-8302 |
| George Hawkes Arlington Citizen-Journal P. O. Box 1088 Arlington, Texas 79502 | (817) 277-4131 |
| Harold Hudson Perryton County Herald Perryton, Texas 79070 | (806) 435-3631 |
| Felix McKnight Dallas Times Herald 1101 Pacific Dallas, Texas 75202 | (214) 741-4355 |
| W. Glynn Morris Borger News Herald 207-209 North Main Borger, Texas 79006 | (806) 273-5611 |
| Don Nelson Castro County Press P. O. Box 67 Dimmitt, Texas 79027 | (806) 647-3123 |
| Rigby Owen, Jr. Radio Station KNRO P. O. Box 810 Conroe, Texas 77301 | (713) 756-5501 |
| Fred V. Barbee, Jr. El Campo Leader News P. O. Box 1180 El Campo, Texas 77437 | (713) 543-3363 |
| John Emmerich Houston Chronicle 801 Texas Avenue Houston, Texas 77002 | (713) 227-2211 |

D. U. T. Austin

4. Recommended Appointments as Ashbel Smith Professors. --

Chancellor LeMaistre concurs in President Spurr's recommendation that approval be granted to appoint Dr. Karl Folkers, Professor of Pharmacy and Chemistry and Director of the Institute for Biomedical Research at U.T. Austin, and Dr. Ricardo Gullon, Professor of Spanish-Portuguese at U.T. Austin, as Ashbel Smith Professors.

Professor Folkers and Professor Gullon are distinguished members of the faculty and their proposed appointments are recommended by the faculty advisory committee on special appointments.

These appointments will fill two of three current vacancies in this Professorship.

January 12,

| | |
|------------------------------|---------------------|
| CHANCELLOR'S OFFICE U. T. A. | |
| 1973 | File |
| JAN 15 1973 | |
| To..... | for Info and Return |
| To..... | Please Advise Me |
| To..... | Please Handle |

Charles A. LeMaistre, M.D.
Chancellor
The University of Texas System

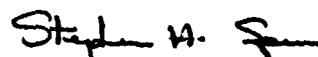
Dear Dr. LeMaistre:

Early last summer a special committee under the direction of Vice President Lorene Rogers was established to advise me on those distinguished members of our faculty who might be recommended for appointment as Ashbel Smith Professors. The committee has completed its work and I am pleased to endorse its recommendations that Karl Folkers, Professor of Pharmacy and Chemistry, as well as Director of the Institute for Biomedical Research, and Ricardo Gullon, Professor of Spanish-Portuguese, be honored by being named Ashbel Smith Professors.

The accomplishments of both men are truly outstanding. Both compare favorably in all respects with those other distinguished members of our faculty who have received this honored appointment.

It is our hope that your approval and that of the Board of Regents be given these recommendations in the near future. Such action would fill two of the three current vacancies among the ten Ashbel Smith Professorships that have been authorized. An evaluation of those who might suitably fill the remaining vacancy is underway and a recommendation will be submitted once that process is completed.

Sincerely yours,



Stephen H. Spurr
President

SHS:ls

cc: Dr. Stanley R. Ross

E. Houston Health Science Center

5. Recommended Agent for Tax-Free Alcohol Permits. --

System Administration concurs in the request of Acting President Olson that the Board of Regents approve the standard resolution which would authorize Mr. G. C. Franklin, Vice President for Business Affairs, to sign all appropriate documents required in connection with tax-free alcohol permits.

THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER
AT HOUSTON
6516 JOHN FREEMAN AVENUE
TEXAS MEDICAL CENTER

OFFICE OF THE ACTING PRESIDENT

February 6, 1973

P.O. BOX 20068
HOUSTON, TEXAS 77025

CHANCELLOR'S OFFICE U. of T.
Acknowledged.....File.....

FEB 7 1973

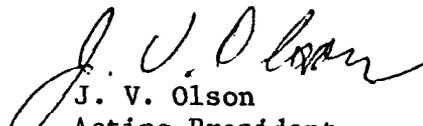
Mr. E. D. Walker
Deputy Chancellor for Administration
The University of Texas System
601 Colorado Street
Austin, Texas 78701

To.....For info and Return
To.....Please Advise Me
To.....Please Handle

Dear Mr. Walker:

Will you please include an item in the next agenda for action by the Board of Regents to authorize Mr. G. C. Franklin, Vice President for Business Affairs, The University of Texas Health Science Center at Houston, to sign all documents necessary for the purchase of tax free alcohol for use at The University of Texas Health Science Center at Houston. This authorization will replace those granted to Mr. J. D. Wetsel and Mr. C. R. Richardson, who were formerly the authorized agents for the Houston Dental Branch and the Houston Medical School, respectively.

Sincerely,


J. V. Olson
Acting President

JVO:jo

II. SCHEDULED MEETINGS AND EVENTS. --Below is a schedule of meetings and events including the following meetings of the Board of Regents that have been previously scheduled:

April 24, 1973 - in Austin
 June 1, 1973 - in Galveston
 July 27, 1973 - in Austin

1973

Apr. 12 Sale of Oil and Gas Leases on Permanent University Fund Lands (Board for Lease of University Lands), Austin

Apr. 24 Board of Regents' Meeting
 June 1 Board of Regents' Meeting
 July 27 Board of Regents' Meeting

1973

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| 14 | 15 | 16 | 17 | 18 | 19 | 20 | | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 | | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 28 | 29 | 30 | 31 | | | | | 29 | 30 | 31 | | | | |
| FEBRUARY | | | | | | | AUGUST | | | | | | | |
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| 11 | 12 | 13 | 14 | 15 | 16 | 17 | | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 25 | 26 | 27 | 28 | | | | | 26 | 27 | 28 | 29 | 30 | 31 | |
| MARCH | | | | | | | SEPTEMBER | | | | | | | |
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| 11 | 12 | 13 | 14 | 15 | 16 | 17 | | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 | | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 | | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| APRIL | | | | | | | OCTOBER | | | | | | | |
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| 15 | 16 | 17 | 18 | 19 | 20 | 21 | | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 29 | 30 | | | | | | | 28 | 29 | 30 | 31 | | | |
| MAY | | | | | | | NOVEMBER | | | | | | | |
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| 13 | 14 | 15 | 16 | 17 | 18 | 19 | | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 27 | 28 | 29 | 30 | 31 | | | | 25 | 26 | 27 | 28 | 29 | 30 | |
| JUNE | | | | | | | DECEMBER | | | | | | | |
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| | | | | | | | | 30 | 31 | | | | | |

Commencement Exercises. --The following commencement dates have been taken from the catalogs and/or the Vice-Chancellor for Health Affairs:

May 12 U. T. El Paso
 Galveston Nursing School
 May 14 Houston Health Science Center
 May 15 U. T. Arlington
 May 19 U. T. Dallas
 San Antonio Nursing School
 May 26 U. T. Austin
 San Antonio Health Science Center
 May 28 Dallas Health Science Center
 June 3 Galveston Medical Branch

1973 Football Schedule for U. T. Austin

Sept. 21 Austin vs Miami (Florida) at Miami
 Sept. 29 Austin vs Texas Tech at Austin
 Oct. 6 Austin vs Wake Forest at Austin
 Oct. 13 Austin vs Oklahoma at Dallas
 Oct. 20 Austin vs Arkansas at Fayetteville
 Oct. 27 Austin vs Rice at Austin
 Nov. 3 Austin vs SMU at Dallas
 Nov. 10 Austin vs Baylor at Austin
 Nov. 17 Austin vs TCU at Austin
 Nov. 22 Austin vs Texas A&M at College Station

May 14 - Hunt Cent Br.
June 9 - BLTB R
PAS - June 8 - no exercise
HMS - 1st classes C of W - 11
J grad 12/73

D.C.

EMERGENCY ITEMS

COMMITTEE OF THE WHOLE
March 5, 1973

- | | |
|---|-------|
| 6. U. T. Austin: Increased Utilization of Balcones Research Center | Below |
| 7. Galveston Medical Branch (Galveston Medical School): Acceptance of Gift to Establish the Harris L. Kempner Professorship in the Humanities in Medicine | 13 |

-
6. U. T. Austin: Increased Utilization of Balcones Research Center.-- *amended*

In recent months The University of Texas has acquired free and clear title to the Balcones Tract from the Federal Government. With the experience and expertise of twenty-five years of research developed in the thirty-five operating laboratories at the Balcones Research Center, there is potential that this Center can greatly expand in program areas of concern and interest to the academic community, private industry, and the Federal Government. In this regard the expansion would be on a basis comparable to the "Industrial and Science Parks" which have been developed around other leading universities.

To provide an administrative and fiscal structure within which this program expansion may occur, President Spurr recommends and Chancellor LeMaistre and Deputy Chancellor Walker concur that the objectives of this increased utilization can be met internally within the present organization and financial procedures of The University of Texas at Austin and The University of Texas System. It is further recommended that long-term leases of Balcones property for research and development purposes be expedited through existing University channels, and that the income from such rentals be handled through the Available Fund and be disbursed through established budgetary procedures of The University of Texas at Austin.

In making these recommendations President Spurr is rejecting the recommendation of Professor J. Neils Thompson that the appropriate structure should be an internal or external Foundation on the basis that there would be attendant legal and fiscal problems.

*and/or other
designated funds*

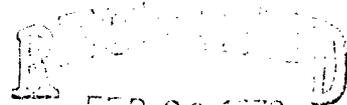
7. Galveston Medical Branch (Galveston Medical School): Acceptance of Gift to Establish the Harris L. Kempner Professorship in the Humanities in Medicine. --

Chancellor LeMaistre concurs in the recommendation of President Blocker that the Board of Regents accept with sincere gratitude and appreciation the gift of \$100,000 from the Trustees of the Harris and Eliza Kempner Fund and authorize the establishment of the Harris L. Kempner Professorship in the Humanities in Medicine.

NOTE TO THE BOARD:

This has been submitted as an emergency item because Dr. Blocker is having a luncheon honoring the Kempner family on March 15, 1973, and it was necessary to have formal acceptance of this gift prior to that date.

Dr. Joseph M. White
Dean of Medicine
The University of Texas Medical Branch
Galveston, Texas 77550


FEB 23 1973

THE UNIVERSITY OF TEXAS
MEDICAL BRANCH

Dear Joe:

It was my pleasure to present your letter and the resume of the enclosures to the Trustees of the Harris and Eliza Kempner Fund at their meeting on December 13, 1972.

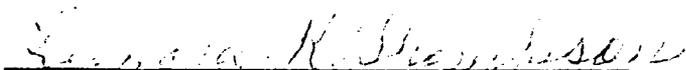
Formal action was taken with unanimous approval given to the motion to establish The Harris L. Kempner Professorship in the Humanities in Medicine with a contribution of \$100,000.00, payable over a five year period.

The consensus of opinion was that payments out of the \$100,000.00 grant for this Professorship would not begin until your committee has found the individual who will have the abilities and the desire to direct this program.

We hope also that this program will be a strong positive force in the rehabilitation plans for "Old Red".

We look forward in the near future to hearing of success in your search.

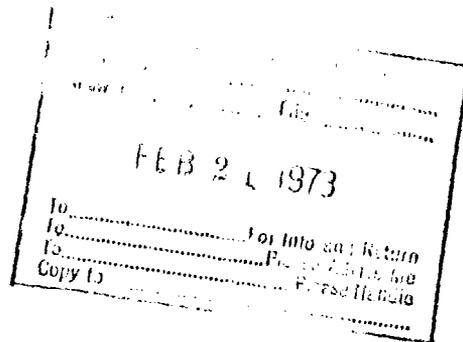
Sincerely yours,


Mrs. E. R. Thompson, Secretary.



THE UNIVERSITY OF TEXAS MEDICAL BRANCH
GALVESTON, TEXAS 77550

February 8, 1973



Mr. W. D. Blunk
Executive Director for Development
The University of Texas System
601 Colorado Street
Austin, Texas 78701

Dear Mr. Blunk:

Enclosed is a copy of a letter from the Harris and Eliza Kempner Fund, P. O. Box 119, Galveston, Texas, wherein the Trustees of the Harris and Eliza Kempner Fund have unanimously approved the establishment of the Harris L. Kempner Professorship in the Humanities in Medicine at the Galveston Medical Branch with a contribution of \$100,000.00 payable over a five year period.

Enclosed is a copy of the letter from Secretary of the donors.

Your approval is respectfully requested for the acceptance of this gift for the purpose indicated above.

Sincerely yours,

V. E. Thompson
Vice President
for Business and
Hospital Affairs

APPROVED:

Executive Director for Development

VET:br
enc.

Return approved copies to:

- Dr. T. G. Blocker, Jr.
- Mr. Peter Moore
- Mr. V. E. Thompson (2)

Copies returned 2/13/72.
W

Meeting of the Board

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MEETING OF THE BOARD OF REGENTS

E. RECONVENE AFTER MEETINGS OF COMMITTEES

F. REPORTS OF STANDING COMMITTEES

1. System Administration Committee by Committee
Chairman Williams
2. Academic and Developmental Affairs Committee by
Committee Chairman (Mrs.) Johnson
3. Buildings and Grounds Committee by Committee
Chairman Erwin
4. Land and Investment Committee by Committee
Chairman Garrett
5. Medical Affairs Committee by Committee
Chairman Nelson
6. Board for Lease of University Lands by Regent Garrett
(Vice-Chairman of the Board for Lease)

G. REPORTS OF SPECIAL COMMITTEES, IF ANY

H. REPORT OF COMMITTEE OF THE WHOLE

I. ADJOURNMENT

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM
March 5, 1973

STRICTLY
EXECUTIVE SESSION

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| 2. U. T. Austin: Report on Litigation Involving the L. B. J. Library | 2 |
| 3. U. T. Austin: Personnel Matters Relating to the Appoint- ment of the Holder of a New Law School Professorship | 2 |
| 4. U. T. Dallas: Consideration of a Report Concerning the Acquisition of Land | 6 |
| 5. Houston Health Science Center (Houston Dental Branch): Legal Matters Relating to Dismissal of a Faculty Member | 10 |

EMERGENCY ITEMS

Committee of the Whole
March 5, 1973

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|--|-----------------|
| 6. U. T. Arlington: Recommended Authorization to Sell Certain Real Estate in the City of Fort Worth | 11 |
| 7. U. T. San Antonio: Recommended Acquisition of Lot 5, Castle Hills Estate, Block 10, CHCB 134, Bexar County, Texas, and Appropriation Therefor | 11 |

DOCUMENTATION

6. U. T. Arlington: Recommended Authorization to Sell Certain Real Estate in the City of Fort Worth. --

The Board of Regents of The University of Texas System at its meeting held on July 21, 1972, accepted the gift of Harry C. Weeks of that certain property described as Lots 1 and 2, Block 1 of the Fort Worth Country Club Addition to the City of Fort Worth, Tarrant County, Texas, together with all improvements thereon, locally known as 5444 Beyers Street, Fort Worth, subject to a life estate in Mr. Weeks. This gift was for the use and benefit of The University of Texas at Arlington. Mr. Weeks is now deceased and the System Administration requests authorization to sell said property, including the listing of same with qualified realtors in the City of Fort Worth, subject to approval of the terms of said sale by the Board of Regents at a subsequent meeting.

7. U. T. San Antonio: Recommended Acquisition of Lot 5, Castle Hills Estate, Block 10, CHCB 134, Bexar County, Texas, and Appropriation Therefor. --

A satisfactory property has now been located that will serve as an official residence for the President of The University of Texas at San Antonio. The property is legally described as Lot 5, Castle Hills Estate, Block 10, CHCB 134, commonly identified as 209 Sir Arthur Court.

The asking price for the property is \$128,000. System Administration concurs with the recommendation of The University of Texas at San Antonio administration that the above described property be acquired, subject to the M.A.I. appraisals confirming the value which will be available at the Board meeting, and that an appropriation of \$175,000 be approved from the funds obtained from the sale of bonds authorized by the Higher Education Facilities Bond Program of 1971 for the purpose of covering acquisition costs, closing costs, refurbishing and rehabilitation costs, furnishings, and other miscellaneous expenses incurred in the acquisition of such property.

It is further recommended that the Chairman of the Board be authorized to execute and/or accept any and all instruments necessary to consummate this transaction after instruments have been approved as to content by Deputy Chancellor Walker and as to form by a University attorney.

**COMMITTEE OF THE WHOLE
EXECUTIVE SESSION**

March 5, 1973

The items listed on the Agenda of the Executive Session of the Committee of the Whole relate either to personnel matters or to items requiring legal consultation.

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM
March 5, 1973

STRICTLY
EXECUTIVE SESSION

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| 5. Houston Health Science Center (Houston Dental Branch): Legal Matters Relating to Dismissal of a Faculty Member | 10 |

1. U. T. System: Consideration of Report on Contemplated Litigation Regarding Gas Royalties. --

2. U. T. Austin: Report on Litigation Involving the L. B. J. Library. --
(Consultants' report will be mailed to members of the Board prior to the meeting.)

3. U. T. Austin: Personnel Matters Relating to the Appointment of the Holder of a New Law School Professorship. --

Chancellor LeMaistre concurs in the recommendation of President Spurr, as set forth in his letter dated February 6, 1973 (reproduced below), regarding the establishment of the William C. Liedtke, Sr., Professorship in Law.

Chancellor LeMaistre also recommends that the Chairman be authorized to join Mr. Tom Sealy, President of the Law School Foundation, in executing the letter of acceptance dated December 28, 1972 from Mr. William C. Liedtke, Jr. (also reproduced below) indicating that both the gift and the proposed benefits of the gift are acceptable to the Board of Regents.

The approval of this gift by the Board of Regents and by implication the approval of the purpose of the gift is required by the Regents' Rules and Regulations, Part One, Chapter VII, Section 3.21 related to external foundations.

- 3.21 Any component institution or department or school of a component institution of The University of Texas System which is the primary beneficiary of an external foundation may not receive gifts or bequests from that external foundation until such gifts or bequests have been approved by the Board of Regents.

The attention of the Board is called to the request of Mr. Liedtke that "there will be no publicity or disclosure of this grant until cleared by me at a later time."



THE UNIVERSITY OF TEXAS AT AUSTIN
OFFICE OF THE PRESIDENT
AUSTIN, TEXAS 78712

February 6, 1973

Charles A. LeMaistre, M.D.
Chancellor
The University of Texas System

Dear Dr. LeMaistre:

Through the generosity of Mr. William C. Liedtke, Jr., a grant of common stock worth approximately \$26,000.00 has recently been made to The University of Texas Law School Foundation. The purpose of this grant is to establish the William C. Liedtke, Sr. Professorship in the School of Law.

Mr. Liedtke has indicated his expectation of donating or securing from others sufficient additional contributions to reach the minimum required amount of \$100,000.00.

I recommend that the William C. Liedtke, Sr. Professorship in Law, previously accepted by Mr. Tom Sealy of the Law School Foundation, be approved and established by the Board of Regents. Should you and the Board endorse this recommendation, may I call to your attention Mr. Liedtke's wish that he be consulted before any publicity or announcement of his grant is made.

Sincerely yours,

A handwritten signature in cursive script that reads "Stephen H. Spurr".

Stephen H. Spurr
President

SHS:jb

cc: Dean W. Page Keeton
Mr. W. Graves Blanton

William C. Liedtke, Jr.
900 Southwest Tower Building
Houston, Texas

December 28, 1972

Mr. Tom Sealy, President
University of Texas Law
School Foundation
2500 Red River
Austin, Texas 78705

Dear Mr. Sealy:

I am pleased to announce a grant of one thousand shares of common stock of Pennzoil Company, the market value of which is approximately \$26,000, to the University of Texas Law School Foundation. This grant is intended to commence the establishment of the William C. Liedtke, Sr. Professorship in Law at the University of Texas School of Law, Austin, Texas.

To implement this gift, I enclose certificates number N5013/22 covering said stock. Signed powers are being mailed to you under separate cover. Kindly acknowledge receipt of these securities by signing a copy of this letter and returning it to me for my records.

It is my expectation of donating or securing the donation by others of additional funds to make a total of \$100,000 so as to fully fund the Professorship, although I do not intend this to constitute a legal commitment on my part.

The basic purpose of this grant for the endowment of a professorship is for use in supplementing the normal salary of the professor, and thus to enable the law school to hold or secure a distinguished professor. This purpose would be defeated, of course, if by any action of the Legislature or The University of Texas the funds provided through this grant should be so used or employed as to supplant in any way rather than to supplement State or other funds normally supplied for salary. In the event the Legislature or the University should act in the manner described above, the Foundation as trustee shall withhold further payments from the fund to the University until the basic purpose is met and the principle stated above is complied with.

Mr. Tom Sealy, President

December 28, 1972

Page 2

It is understood that the amount herein granted, as well as further grants in implementation of this professorship, will be invested so that the income only therefrom will be used for the purpose herein stated.

It is my desire and intent that the William C. Liedtke, Sr. Professor shall be recommended by the Dean of the Law School to the President and Board of Regents of The University of Texas System, after consultation with his usual advisors, on the basis of general excellence and capacity for inspiring the student body and imparting to it a spirit of zeal and enthusiasm in the pursuit of the law and the maintenance of high principles in the legal profession. To this end, it is my desire that the person holding the William C. Liedtke, Sr. Professorship not be granted this position for life or for tenure, but that the Dean of the Law School shall periodically, and not less frequently than every five years, review the record and contributions of such professor with a view to substituting a different professor in this Professorship should the basic purposes of the grant so dictate.

It is my desire and it is understood that there will be no publicity or disclosure of this grant until cleared by me at a later time.

I would appreciate your indicating your acceptance of this grant in the place indicated, and returning a copy to me.

Sincerely yours,

William C. Liedtke Jr.

Enclosure

Accepted:

University of Texas Law School Foundation

By *Tom Sealy*

Board of Regents, University of Texas

By _____

Mr. Tom Sealy, President
December 28, 1972
Page 3

cc: Mr. Hines H. Baker
Exxon Building
Houston, Texas 77002

Dean W. Page Keeton
2500 Red River
Austin, Texas 78705

Mr. Wayne Stratton
2500 Red River
Austin, Texas 78705

Received Certificate Nos. N5013-22

this 29th day of December, 1972.

Wayne Stratton
Secretary - Treasurer

4. U. T. Dallas: Consideration of a Report Concerning the Acquisition of Land. --

Regent Williams, as Chairman of the Committee appointed at the Board meeting on January 26, 1973, reports that the Committee has agreed on the proposal reproduced below and requests Board approval to negotiate with the DeGolyer Foundation based upon this proposal.

PROPOSAL
TO THE
DEGOLYER FOUNDATION
BY
THE UNIVERSITY OF TEXAS SYSTEM

Pursuant to our several discussions, the following proposal has been authorized by the Board of Regents of The University of Texas System, for and on behalf of The University of Texas at Dallas, hereinafter referred to as "University."

- I. In consideration of the commitments by the Board of Regents set forth in Item II below, the DeGolyer Foundation agrees to unconditionally transfer all rights, title, and interest to the assets itemized below to the Board of Regents:
 - A. Cash and Securities to total \$2,500,000
 - B. Real Estate to include 42 acres of land and the existing DeGolyer House, platted as Block 4411, City of Dallas (opinion appraisal \$1,250,000)
 - C. DeGolyer Library holdings, with the exception of the geology collection, estimated to be 50,000 volumes with an estimated value of \$8,000,000.

- II. In consideration of the commitments of the DeGolyer Foundation as set forth in I above, the Board of Regents, for and on behalf of The University of Texas at Dallas, agrees to the commitments set forth below:
 - A. The DeGolyer Library holdings will be physically integrated into the library operation of The University of Texas at Dallas, but will, to the extent possible, be maintained as an identifiable entity and housed in an area which may be appropriately memorialized. The DeGolyer Collection will temporarily be housed in Bertner Hall on The University of Texas at Dallas campus. The permanent home for the Collection will be in the Eugene McDermott Library which is presently under construction.
 - B. The income from the DeGolyer Foundation gift of cash and securities will be first allocated to the appropriate maintenance of the real estate and the remainder dedicated to new acquisitions for the DeGolyer Collection.
 - C. The University of Texas at Dallas will, from funds available for general library purposes, pledge to support the present level of DeGolyer Library services, estimated to be \$85,500 annually, and in addition will allocate \$30,000 per year for new acquisitions to the Collection. This annual commitment is for a period of five (5) years but is subject to the terms and conditions of Item D below.

- D. In the event the Board of Regents elects to sell any or all of the real estate holdings, including land and buildings, the income from such sale or sales will be invested in the same manner as the previously mentioned cash and securities (Item B), and the total income will be used first to attain and maintain an annual acquisition allocation of \$125,000, and then to reduce The University of Texas at Dallas commitment of general library operating funds to the research and scholarly activities related to the DeGolyer Collection. It is understood that all of the income resulting from the cash, securities, and real estate sale or sales of the DeGolyer Foundation will be directed toward the use and benefit of the DeGolyer Collections and related library and research activities.
- E. If other gift funds, designated for the support of the DeGolyer Collections, are obtained, they will not reduce the commitment to acquisition by The University of Texas at Dallas as designated in Paragraph II(C).
- F. Attached to this proposal as Exhibit A is a draft operating budget for the DeGolyer collections and real estate, which shows the allocations of DeGolyer income and U.T. Dallas operating funds for a four year period. This Exhibit is to illustrate the distribution of funds suggested by this proposal and is not to be considered binding with regard to either the time of real estate sales or the selling price.

III. It is mutually understood by both the DeGolyer Foundation and the Board of Regents that any legal instruments and documents arising as a result of the acceptance of this proposal are subject to approval by the Board of Regents and the Directors of the DeGolyer Foundation.

Submitted to the DeGolyer Foundation this _____ day
of _____, 1973.

FOR THE BOARD OF REGENTS
THE UNIVERSITY OF TEXAS SYSTEM

ACCEPTED FOR THE
DEGOLYER FOUNDATION

Date: _____

EXHIBIT A

DRAFT BUDGET AND ALLOCATION OF FUNDS
 DEGOLYER FOUNDATION INCOME AND U. T. DALLAS FUNDS
 FOR SUPPORT OF DEGOLYER COLLECTIONS AND REAL ESTATE
 THREE YEAR PERIOD

| Category of Expense | FIRST YEAR | | SECOND YEAR | | THIRD YEAR | | *Reference para- graph II(D) | |
|-------------------------------|--|--------------|---|--------------|--------------------|--------------|--|--------------|
| | DeGolyer Income | UTD Funds | DeGolyer Income | UTD Funds | DeGolyer Income | UTD Funds | DeGolyer Income | UTD Funds |
| Personnel | -0- | 74,500 | 30,000 | 44,500 | 30,000 | 44,500 | 54,000 | 20,500 |
| Operations | -0- | 11,500 | -0- | 11,500 | -0- | 11,500 | -0- | 11,500 |
| Acquisitions | 96,000 | 29,000 | 103,500 | 29,000 | 103,500 | 29,000 | 133,500 | -0- |
| Maintenance of Real Estate | 29,000 | -0- | 29,000 | -0- | 29,000 | -0- | -0- | -0- |
| TOTALS | 125,000 | 115,000 | 162,500 | 85,000 | 162,500 | 85,000 | 187,500 | 32,000 |
| | Investment Income from \$2,500,000 gift of cash & securities | | Sale of 32 acres for \$750,000-- added income \$37,500 | | | | Sale of House and 10 acres for \$500,000--added income \$25,000 | |

Total Allocations: Three Year Period

DeGolyer Income: \$450,000

UTD Funds: \$285,000

*Shown as representative of funding allocations if remaining house and ten (10) acres cannot be retained for appropriate academic purposes and are sold.

5. Houston Health Science Center (Houston Dental Branch): Legal Matters Relating to Dismissal of a Faculty Member. --

Under separate cover, members of the Board of Regents have received a copy of the hearing record of this case and a copy of the related memorandum from the Law Office to Mr. Walker dated February 13, 1973.

short
Based on the hearing record and ~~any additional~~ written remarks that legal counsel for the former faculty member may present, the Board is requested "to render an opinion on...upholding or overruling the (faculty hearing committee) decision to dismiss Mr."

This action by the Board will exhaust all available administrative remedies and is necessary before the faculty member may seek further recourse, if any, in a court of law.

Appearing v. H. v. Fac
(Fac. ...)

209 *rendered*
Com. pursuant to 30