

Meeting No. 891

THE MINUTES OF THE BOARD OF REGENTS  
OF  
THE UNIVERSITY OF TEXAS SYSTEM

Pages 1 - 4

March 1, 1996

Austin, Texas

MEETING NO. 891

FRIDAY, MARCH 1, 1996.--The members of the Board of Regents of The University of Texas System convened via telephone conference call at 11:15 a.m. on Friday, March 1, 1996, on the ninth floor of Ashbel Smith Hall at 201 West Seventh Street in Austin, Texas, with the following in attendance:

ATTENDANCE.--

Present

Vice-Chairman Hicks, presiding  
Vice-Chairman Smiley  
Regent Deily  
Regent Evans  
Regent Holmes  
Regent Lebermann  
Regent Loeffler  
Regent Temple

Absent

\*Chairman Rapoport

Executive Secretary Dilly

Chancellor Cunningham  
Executive Vice Chancellor Burck  
Executive Vice Chancellor Duncan  
Executive Vice Chancellor Mullins

In accordance with a notice being duly posted with the Secretary of State and there being a quorum present, Vice-Chairman Hicks called the meeting to order. He announced that the sole purpose of this special meeting was to consider the three items which had been previously distributed to the Board.

RECESS TO EXECUTIVE SESSION.--The Board recessed to an Executive Session in accordance with the Texas Government Code, Chapter 551, Section 551.074 to consider personnel matters related to the report of counsel and recommendations of the Hearing Tribunal regarding the possible termination of Sewa Legha, M.D., a tenured faculty member at The University of Texas M.D. Anderson Cancer Center. At the request of members of the Board of Regents, the proposed appointment of members to the Board of Directors of The University of Texas Investment Management Company (UTIMCO) was also discussed in Executive Session.

\*Chairman Rapoport was excused because of a previous commitment.

RECONVENE.--Following the Executive Session which adjourned at 11:40 a.m., the members of the Board reconvened in open session. In response to Vice-Chairman Hicks' inquiry as to whether there was any action from the floor, the following actions were taken:

1. U. T. Arlington: Appointment of Dr. Robert E. Witt as President Effective Immediately.--At the meeting on February 8, 1996, the U. T. Board of Regents provided public notice, as required by law, that it intended to meet on or before March 1, 1996, to formalize the appointment of Dr. Robert E. Witt as President of The University of Texas at Arlington.

Regent Evans moved that, since the required twenty-one day notice period has passed, the Board appoint Dr. Robert E. Witt as President of U. T. Arlington effective immediately at a salary to be negotiated with Executive Vice Chancellor Duncan and reported to the Board via the usual budgetary procedures.

Regent Temple seconded the motion which prevailed without objection.

At the request of Regent Holmes, Executive Vice Chancellor Duncan reviewed the selection process which was utilized including the use of the Special Committee as authorized by the Regents' Rules and Regulations, Part One, Chapter II, Section 13, Subsection 13.14. Dr. Duncan indicated that Dr. Witt had the strong endorsement of the Special Committee.

2. U. T. Board of Regents: Appointment of Initial Membership to the Board of Directors and Approval of the Membership of the Audit and Ethics Committee of The University of Texas Investment Management Company (UTIMCO), Austin, Texas.--Upon motion of Regent Temple, seconded by Regent Evans, the Board took the following actions related to The University of Texas Investment Management Company (UTIMCO), Austin, Texas, effective March 1, 1996:

- a. Appointed the following to the initial membership of the Board of Directors of UTIMCO:

William H. Cunningham, Austin, Texas  
Donald L. Evans, Midland, Texas  
Thomas O. Hicks, Dallas, Texas  
Tom Loeffler, San Antonio, Texas  
Robert H. Allen, Houston, Texas  
Susan M. Byrne, Dallas, Texas  
Richard W. Fisher, Dallas, Texas  
\*R. D. (Dan) Burck, Austin, Texas  
\*Arthur H. Dilly, Austin, Texas

\*Pending appointment of two additional members of the investment community.

- b. Approved the membership of the Audit and Ethics Committee of the UTIMCO Board of Directors as set forth below:

Donald L. Evans  
Susan M. Byrne  
Robert H. Allen

3. U. T. M.D. Anderson Cancer Center: Report of Counsel and Consideration of the Recommendations of the Hearing Tribunal Regarding the Possible Termination of Sewa Legha, M.D., a Tenured Faculty Member.--Based upon the record from the hearing of charges to terminate Sewa Legha, M.D., as a tenured faculty member of The University of Texas M.D. Anderson Cancer Center and the report of Vice Chancellor and General Counsel Farabee as requested by the Board in the motion on February 8, 1996, Regent Temple moved that the Board approve the findings of the Hearing Tribunal on the charges against Dr. Legha.

Regent Temple further moved that the U. T. M.D. Anderson Cancer Center be authorized to consider Dr. Legha's continued employment upon Dr. Legha's providing the following within thirty (30) days:

1. Full and complete restitution to the U. T. M.D. Anderson Cancer Center as follows:
  - a. \$35,450.00 to the Physicians Referral Service; and
  - b. \$3,150.95 for reimbursement of travel expenses.
2. Submission of a letter, approved by the U. T. M.D. Anderson Cancer Center Administration, to the research sponsors of Dr. Legha where he acknowledges billing discrepancies, with an offer to make reimbursement and to reimburse such sponsor, if requested.
3. A full and complete written release of the U. T. System, the U. T. M.D. Anderson Cancer Center, and its officers and employees from all claims as approved by the U. T. M.D. Anderson Cancer Center.

Based upon Dr. Legha's compliance with the foregoing terms, Regent Temple moved that the Board approve Dr. Legha's continued employment with the U. T. M.D. Anderson Cancer Center as follows:

1. Dr. Legha shall be appointed as a non-tenured clinical faculty member with the U. T. M.D. Anderson Cancer Center on a year-to-year basis effective September 1, 1996;
2. Effective immediately, Dr. Legha shall serve in a probationary status for a period of three (3) years and is to comply with the following terms:
  - a. Signature responsibility of Dr. Legha for any U. T. M.D. Anderson Cancer Center financial account shall be approved and co-signed by the Head of the Division of Medicine or his/her successor.

- b. Travel arrangements for work-related activities shall be made through a designated secretary or administrative assistant of the U. T. M.D. Anderson Cancer Center.
- c. No recommendation to restore Dr. Legha's tenure with the U. T. M.D. Anderson Cancer Center shall be made or entertained during his probationary period.
- d. During his probationary period, Dr. Legha shall be strictly accountable for his compliance with the policies of the U. T. M.D. Anderson Cancer Center and the terms of his probation and shall cooperate with administrators assessing his compliance. Substantiated noncompliance with U. T. M.D. Anderson Cancer Center policies or the terms of probation by Dr. Legha will result in his dismissal.

Nothing in this motion is intended as a commitment by the Board to appoint Dr. Legha beyond the period of his then current annual appointment.

Regent Temple further moved that in the absence of Dr. Legha's agreement to and compliance with the above conditions that Sewa Legha, M.D., be terminated from the faculty effective 5:00 p.m. on April 1, 1996.

Regent Evans seconded the motions which carried without objection.

Vice-Chairman Hicks and Regent Lebermann abstained from voting since they were not present at the February 8, 1996 Board of Regents' meeting at which time oral arguments were heard by the Board.

ADJOURNMENT.--Vice-Chairman Hicks announced that the purpose for which this meeting was scheduled had been completed and the meeting was duly adjourned at 11:45 a.m.

/s/ Arthur H. Dilly  
Executive Secretary

March 5, 1996