

# OMISSION

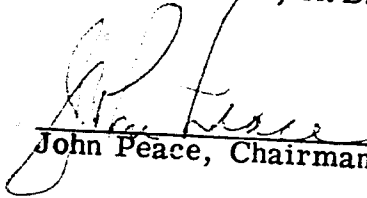
Pages 74 - 306 , 383 - 545

*A. Ruth Baker*

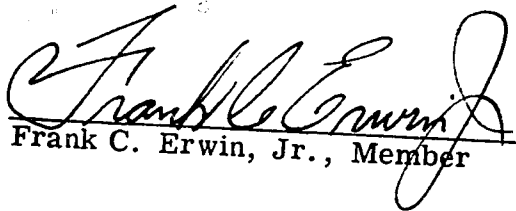
SIGNATURE OF OPERATOR

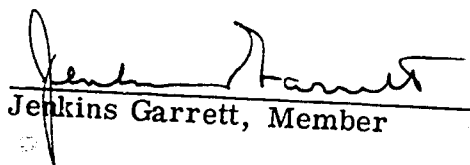
We, the undersigned members of the Board of Regents of The University of Texas System, hereby ratify and approve all actions taken at this meeting to be reflected in the Minutes.

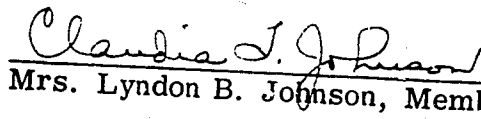
Signed this the 8th day of September, 1971, A. D.

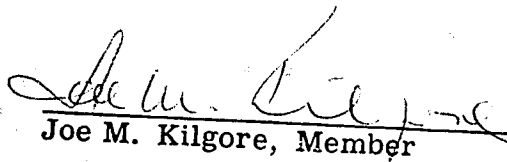
  
John Peace, Chairman

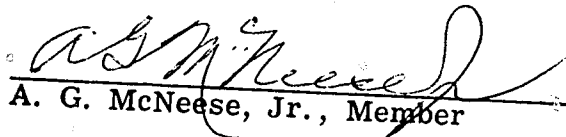
Frank N. Ikard, Vice-Chairman

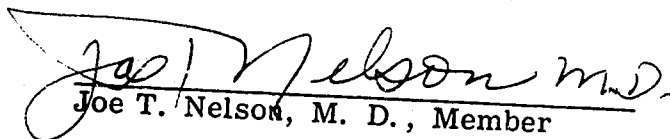
  
Frank C. Erwin, Jr., Member

  
Jenkins Garrett, Member

  
Mrs. Lyndon B. Johnson, Member

  
Joe M. Kilgore, Member

  
A. G. McNeese, Jr., Member

  
Joe T. Nelson, M. D., Member

  
Dan C. Williams, Member

## MEETING NO. 693

SEPTEMBER 8, 1971. --The Board of Regents of The University of Texas System convened in regular session in Main Building, Room 212, The University of Texas at Austin, Austin, Texas, at 9:00 a. m. on September 8, 1971, with the following in attendance:

## ATTENDANCE. --

Present

Chairman Peace, Presiding  
Regent Erwin  
Regent Garrett  
Regent (Mrs.) Johnson  
Regent Kilgore  
Regent McNeese  
Regent Nelson  
Regent Williams

Absent

Vice-Chairman Ikard\*  
- excused

Chancellor LeMaistre  
Secretary Thedford

Chairman Peace called the meeting to order.

CHAIRMAN'S OPENING REMARKS WITH RESPECT TO SITE SELECTION OF U. T. SAN ANTONIO. --Chairman Peace opened the meeting with the following statement:

" A series of articles have appeared in the newspapers concerning the selection of the site for The University of Texas at San Antonio. I do not propose to make a formal statement but merely to say and reiterate as I have done heretofore. The selection of that site was impeccable in all respects and there was no conflict of interest on my part or on the part of anyone of The University of Texas System. There was no knowledge given by anybody in The University of Texas System to any person, firm or corporation concerning this matter before the public hearing at our meeting in El Paso on May 29, 1970, where all of the proposed sites were publicly discussed. All of the members of our staff who participated in this selection are here today in this public meeting. I am here today, and I would be more than happy to answer any questions that are asked in any intermission or at any time that does not actually interrupt the Board meeting itself. I just wanted to make that statement before convening the meeting."

RECESS. --The Board of Regents recessed at 9:10 a. m. to reconvene promptly after the Standing Committees and the Committee of the Whole completed their meetings.

\* \* \*

\*Vice-Chairman Ikard was excused from the meeting because of a conflicting engagement.

6:30 P.M.

Following the meetings of the Standing Committees and the Committee of the Whole, the Board of Regents reconvened at the same place and with the same Regents in attendance except Regent McNeese. Regent McNeese was in attendance at all of the Committee meetings; however, because of the time element involved, he did not remain for the filing of the Committee reports.

REPORTS OF STANDING COMMITTEES

The meetings of the Standing Committees were conducted in open session, and the reports thereof are set out below:

REPORT OF EXECUTIVE COMMITTEE (Pages 2 - 5). -- Committee Chairman Garrett filed the following report of the Executive Committee and moved its adoption. The report was received and the recommendations therein were unanimously approved:

Since the last report of the Executive Committee on July 30, 1971, the following recommendation of the Administration was distributed to the members of the Executive Committee. There were no exceptions received. The items were resubmitted this morning and given formal approval by the Executive Committee.

1. U. T. Austin, U. T. Arlington, Galveston Medical Branch and M. D. Anderson: Amendments to the 1970-71 Budgets (11-B-70). -- Upon recommendation of the appropriate institutional head, concurred in by System Administration, it is recommended that the following amendments to the 1970-71 Budgets for The University of Texas at Austin, The University of Texas at Arlington, The University of Texas Medical Branch at Galveston and The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston be approved (Pages 2 - 5):

Sources of Funds - Departmental Appropriations  
(Unless Otherwise Specified)

(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
54.	Office of the Registrar - Official Publications Transfer of Funds	From: Unappropriated Balance - General Funds	To: Official Publications - Maintenance and Operation	
	Amount of Transfer	\$ 50,000	\$ 50,000	---
55.	Miscellaneous General Institutional Expenses - Insurance Transfer of Funds	From: Unappropriated Balance - General Funds	To: Automobile and General Liability Insurance	
	Amount of Transfer	\$ 8,919	\$ 8,919	---

The University of Texas at Austin (continued)

<u>Item No.</u>	<u>Explanation</u>	<u>Present Status</u>	<u>Proposed Status</u>	<u>Effective Dates</u>
56.	Auxiliary Enterprises - Intercollegiate Athletics Transfer of Funds	From: Intercollegiate Athletics - Unappropriated Balance	To: Intercollegiate Athletics - Wages Dining Facilities Other Expenses	
			\$ 6,000 18,000 <u>62,340</u>	
	Amount of Transfer	\$ 86,340		<u>\$86,340</u>
57.	Auxiliary Enterprises - Gregory Gym Store Transfer of Funds	From: Gym Store - Unappropriated Balance \$14,000 Reserve for Budget Adjustments <u>2,000</u>	To: Gym Store - Other Operating Expenses	
	Amount of Transfer	<u>\$16,000</u>	\$ 16,000	---
58.	Auxiliary Enterprises - Student Health Center - The Pharmacy Transfer of Funds	From: The Pharmacy - Unappropriated Balance	To: The Pharmacy - Other Expenses	
	Amount of Transfer	\$ 10,000	\$ 10,000	---
59.	Auxiliary Enterprises - Student Government Transfer of Funds	From: Student Government - Unappropriated Balance	To: Student Government - Student Assembly Scholarship Grants Other Expenses	\$ 125 <u>8,175</u>
	Amount of Transfer	\$ 8,300		<u>\$8,300</u>

The University of Texas at Arlington

<u>Item No.</u>	<u>Explanation</u>	<u>Present Status</u>	<u>Proposed Status</u>	<u>Effective Dates</u>
12.	Auxiliary Enterprises- Student Center Facilities Transfer of Funds	From: Student Center Facilities - Unappropriated Balance	To: Student Center Facilities - Maintenance and Operation	
	Amount of Transfer	\$ 14,000	\$ 14,000	---

The University of Texas Medical Branch at Galveston

<u>Item No.</u>	<u>Explanation</u>	<u>Present Status</u>	<u>Proposed Status</u>	<u>Effective Dates</u>
14.	Plant Funds - Capital Improvements, Including Equipment			
	Transfer of Funds	From: Unappropriated Balance via Estimated Income	To: Capital Improvements, Including Equipment	
	Amount of Transfer	\$985,100	\$985,100	
	Project Allocations:			
	1. Purchase and installation of a Pathological incinerator for human tissue		\$ 35,000	
	2. Demolition of Boilers		15,000	
	3. First phase of new greenhouse operations - 1300 Block of Mechanic Street		40,000	
	4. Install piling bulkhead around bay side of Moody State School property and place rip-rap and fill as needed		35,000	
	5. Landscape area between 10th and 11th Street on Mechanic Street and provide landscaping in new land acquisition area		75,000	
	6. Remodel area in Keiller Building for the Department of Preventive Medicine and Community Health to provide additional research and office space		33,700	
	7. Install gasoline storage tank and pump, and pave Physical Plant service area		25,000	
	8. Remove Print Shop from basement of Ashbel Smith Building to Medical Illustration Building		40,000	
	9. Pave service drive and landscape between Keiller Building and Gail Borden Building		20,000	
	10. Provide Additional Office Space in Keiller Building for Vice-President for Academic Affairs		35,400	
	11. John Sealy Hospital Area Renovations		100,000	
	12. Hospital Equipment to supplement Legislative Appropriations		400,000	
	13. Demolition of houses acquired during the 1962 land acquisition program		5,000	
	14. Install hyperbaric chamber for the Marine Biomedical Institute		75,000	
	15. Remodel recently purchased brick house at 1202 Market Street for Kidney Detection Program		6,000	
	16. Remodel recently purchased brick house at 1205 Mechanic Street for Community and Social Psychiatry Program		<u>45,000</u>	
	<b>Total Appropriation</b>		<u><u>\$985,100</u></u>	

The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston

Item No.	Explanation	Present Status	Proposed Status	Effective Dates
4.	Pharmacy and Diagnostic Radiology Service			
	Transfer of Funds	From: Unappropriated Surplus	To: Pharmacy - Maintenance and Operation	\$170,000
			Diagnostic Radiology Service - Maintenance and Operation	30,000
	Amount of Transfer	\$200,000		<u>\$200,000</u>

REPORT OF THE ACADEMIC AND DEVELOPMENTAL AFFAIRS COMMITTEE (Pages 6 - 10 ). --Committee Chairman Kilgore reported that all actions of the Academic and Developmental Affairs Committee other than the exceptions to the Chancellor's Docket No. 50 were conducted in open session. These exceptions were referred to and adopted by the Committee of the Whole. Then Committee Chairman Kilgore filed with the Secretary the following report of the Academic and Developmental Affairs Committee. This report was adopted by unanimous vote:

1. Chancellor's Docket No. 50. --Chancellor's Docket No. 50 was approved in the form as distributed by the Secretary prior to the meeting. It is attached (Attachment No. 1 ) following Page 73 and made a part of these Minutes.
2. U. T. Austin: Faculty Senate's Proposal to Reconstitute Athletics Council Rejected. --The proposal of the Faculty Senate that the Athletics Council of The University of Texas at Austin be restructured was rejected upon recommendation of President Spurr, concurred in by Chancellor LeMaistre.
3. U. T. Austin: Establishment of the Piner Scholarship in Architecture. -- Approval was given to the recommendation of President Spurr and Associate Deputy Chancellor Shelton that there be established the Piner Scholarship Fund in Architecture at The University of Texas at Austin in memory of Mrs. Alma Jacobs House Piner. This scholarship to be funded by income from the Piner Fund will be awarded for the first time in September 1972 and will be restricted to students majoring in Architecture. It was ordered that the Office of Student Financial Aids administer this scholarship according to the policies set forth by the Committee on Financial Aid to Students.
4. U. T. Austin: Report of Special Regental Committee with Respect to Model Affiliation Agreement for College of Pharmacy and Proposed Agreement with Seton Hospital, Austin, Texas. -- A report was received from the Special Regental Committee [composed of Regents Garrett (Chairman), Kilgore and Peace] appointed October 23, 1970, to approve a model affiliation agreement to be used by the College of Pharmacy at The University of Texas at Austin in contractual arrangements with clinical facilities. The Committee presented a model affiliation agreement which by unanimous vote was amended by deleting in the section numbered (7) line 5 the words "directly or indirectly." The affiliation agreement as amended was approved and is set out on Pages 7 - 10 . Regent Nelson requested that the Administration report at the October meeting whether or not students who are affiliated under this model agreement are covered by malpractice insurance.

The affiliation agreement based on the approved model between the College of Pharmacy at The University of Texas at Austin and Seton Hospital of Austin, Texas, was held in abeyance pending information regarding the malpractice insurance for students under this program.



AFFILIATION AGREEMENT

THE STATE OF TEXAS }  
                          {  
COUNTY OF TRAVIS }  

This AGREEMENT is executed on \_\_\_\_\_, 1971,  
between the BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM,  
for and on behalf of the College of Pharmacy of The University  
of Texas at Austin, hereinafter sometimes referred to as  
"University" in this agreement, and \_\_\_\_\_  
\_\_\_\_\_, hereinafter sometimes referred to as  
"Facility" in this agreement, WITNESSETH:

WHEREAS, it is agreed by the parties to be of mutual  
interest and advantage that the students and faculty of the  
University be given the opportunity to utilize the Facility  
as a practice laboratory and for educational purposes:

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) The Facility will permit students of the University  
to engage in clinical pharmacy clerkships under the direct  
supervision and responsibility of the faculty of the University.  
The individual faculty members will be responsible to the  
liaison person designated by the Facility for all general  
arrangements relating to student clerkships.

(2) The number and distribution of students between the  
divisions of the Facility will be mutually agreed upon between  
the University and the Facility at the beginning of each  
semester.

(3) The period of assignment shall be during regular  
University academic sessions, except in the instance of special  
arrangements, such as for workshop participants.

(4) The University will provide the Facility with the names of the students who are entitled to use the resources of the Facility under the terms of this agreement.

(5) Representatives of the University and the Facility shall meet as often as necessary to study the clerkship program and terms of this agreement and make such suggestions and changes as are needed.

(6) University personnel, faculty, and students will be subject to the rules and regulations established by the Facility for the division of the Facility to which they are assigned:

- (A) the Facility will charge the University no fees for general supervision of clerkships provided for students;
- (B) students will be responsible for their own meals, laundry, and transportation to and from the Facility;
- (C) the University will be responsible for the students' health needs while in the performance of this agreement; and
- (D) the Facility will not be charged for services performed by University personnel or students.

(7) Only insofar as it is authorized by law to do so, the University agrees to hold the Facility harmless from and against any and all liability for personal injury, including injury resulting in death, or damage to property, or both, resulting from the use by the University of the Facility, and agrees to reimburse the Facility for all reasonable expenses, including attorney's fees, incurred by the Facility in defending any such claim or claims.

(8) The salaries and expenses of any instructors, supervisors, or other employees of the University will be paid by the University. The University agrees that members of its faculty will serve as consultants and on committees of the Facility when requested by the Facility.

(9) The Facility further agrees as follows:

- (A) to maintain the criteria for accreditation as established by the Joint Commission on Accreditation of Hospitals, or other appropriate accrediting agency;
- (B) to provide to the University the necessary space or facilities for conference and classroom areas for student teaching, as available;
- (C) to provide lounge and locker space for students of the University, as available; and
- (D) to allow students and faculty members of the University to utilize the Facility's eating facilities at the students' and faculty's sole expense.

(10) This agreement is for a term of one year, and thereafter from year to year unless terminated by either party upon giving six months' advance notice to the other party by certified mail.

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:

FACILITY

\_\_\_\_\_

By \_\_\_\_\_

Approved as to Form:

Approved as to Content:

\_\_\_\_\_  
University Attorney

\_\_\_\_\_  
Deputy Chancellor for  
Administration

\_\_\_\_\_  
Vice-Chancellor for Health  
Affairs

REPORT OF BUILDINGS AND GROUNDS COMMITTEE (Pages 11 - 23). --  
Regent Erwin presented the following report of the Buildings and Grounds  
Committee. The report was adopted and the actions therein ratified by  
unanimous vote:

1. U. T. Austin: Award of Contracts to Abel Contract Furniture and Equipment Company, Inc., of Austin, Texas, Estey Corporation of Red Bank, New Jersey, Rockford Furniture Associates of Austin, Texas, and Dallas Office Supply Company of Dallas, Texas, for Furniture and Furnishings for Humanities Research Center. --  
Contracts for the furniture and furnishings for the Humanities Research Center at The University of Texas at Austin were awarded to the low bidders as follows:

Base Proposal A - General Office, Lounge and Lecture Room Furniture Abel Contract Furniture and Equip- ment Company, Inc., Austin, Texas	\$ 135,685.54
Base Proposal B - Library Technical Furniture Abel Contract Furniture and Equip- ment Company, Inc., Austin, Texas	37,811.56
Base Proposal C - Steel Bookstacks Estey Corporation, Red Bank, New Jersey	7,041.00
Base Proposal D - Display Panels Rockford Furniture Associates, Austin, Texas	20,860.00
Base Proposal E - Draperies Rockford Furniture Associates, Austin, Texas	3,530.00
Base Proposal F - Storage Rods, Racks, etc. Dallas Office Supply Company, Dallas, Texas	<u>4,968.39</u>
Total Contract Awards	<u>\$ 209,896.49</u>

It was noted that there was only one bid on Base Bid C.

The total of these contract awards is within the estimated amount of \$300,000 for the furniture and furnishings, and the funds are available in the Allotment Account for the project.

2. U. T. Austin: Acceptance of Debt Service Grant No. CH-TEX-283(D) for Married Student Apartments, Phase II (Old Confederate Home Site). --Approval was given to accept Debt Service Grant No. CH-TEX-283(D) from the Department of Housing and Urban Development for Phase II of the Married Student Apartments at The University of Texas at Austin (Old Confederate Home Site). This grant is for an annual amount of \$91,832 for a period of thirty-five years, or a total of \$3,214,120. The grant will be paid annually over the life of the Housing Revenue Bonds to be issued and is for the purpose of paying the difference in the actual interest over and above a 3% interest rate on these bonds.
3. U. T. Austin: Authorization to Proceed with Working Drawings and Specifications for Married Student Apartments, Phase II (Old Confederate Home Site) and Additional Appropriation for Architect's Fees. --The following resolution was adopted:

WHEREAS, At the Board of Regents' meeting held on October 23, 1970, the preliminary plans and outline specifications for Married Student Apartments, Phase II at The University of Texas at Austin (Old Confederate Home Site) were approved. However, at that time authorization was not requested to proceed with working drawings and specifications since a reply for an application for an interest subsidy grant had not been received. This project is for 200 additional apartments covering approximately 153,000 gross square feet at an estimated total project cost of \$3,012,800, exclusive of interest during construction and other HUD contingency requirements.

WHEREAS, Notice of Debt Service Grant No. CH-TEX-283(D) in an annual amount of \$91,832 for a period of thirty-five years (or a total of \$3,214,120) for this project has been received and at this meeting is being accepted (see Item No. 2):

**BE IT RESOLVED:**

- a. That the Project Architect, Barnes, Landes, Goodman and Youngblood, be authorized to proceed with the preparation of final plans and specifications to be presented to the Board for approval at a later date, and
- b. That an appropriation of \$105,000 be made from Housing and Food Service of U. T. Austin to cover miscellaneous expenses and Architect's fees for the preparation of final plans and specifications. From the same source, \$30,000 has previously been appropriated to cover Architect's fees through the preliminary plan stage.

4. U. T. Austin: Awards of Contracts to Lato Sales Company, Dallas, Texas, and to Kewaunee Scientific Equipment Corporation, Adrian, Michigan, for Non-Fixed Laboratory Equipment for Physics-Mathematics-Astronomy Building. --Contracts to the low bidders, Lato Sales Company, Dallas, Texas, and Kewaunee Scientific Equipment Corporation, Adrian, Michigan, were awarded as set out below for non-fixed laboratory equipment for the Physics-Mathematics-Astronomy Building at The University of Texas at Austin:

Lato Sales Company, Dallas, Texas		
Base Proposal A - Workbenches	\$ 26,451.70	
Alternate No. 1 (Delete 8 Workbenches) Deduct	<u>2,200.00</u>	\$ 24,251.70
Kewaunee Scientific Equipment Corp., Adrian, Michigan		
Base Proposal B - Laboratory Casework	\$ 215,990.00	
Alternate No. 1 (Delete certain equipment) Deduct	<u>39,560.00</u>	<u>176,430.00</u>
Total Contract Awards		<u>\$ 200,681.70</u>

Attention was called to the fact that for laboratory casework, Kewaunee Scientific Equipment Corporation was the only bidder on Base Proposal B. Specifications for this project were sent to eight qualified bidders, but only one bid on Base Proposal B and three on Base Proposal A were received. Director Kristoferson reported that three of these companies to which bid specifications were sent did not make the items and one company was too busy to make the cabinets.

The funds for these contract awards are available in the Allotment Account for the project, which included a total estimated cost of \$239,150 for these awards.

Regents Garrett, Kilgore and Johnson asked to be recorded as voting "No" on Base Proposal B.

5. U. T. Austin: Additional Appropriation for West Side Expansion of Memorial Stadium and Building to House Physical Education Facilities and Offices. --The following resolution was adopted:

WHEREAS, At the Board of Regents' meeting on October 31, 1969, a construction contract was awarded to Lyda, Inc., and H. A. Lott, Inc., for the West Side Expansion of Memorial Stadium and Building to House Physical Education Facilities and Offices at The University of Texas at Austin, in the amount of \$12,824,000, and

WHEREAS, Due to changes in scope of mechanical and electrical work since the bid opening date, it is necessary to increase this contract price:

BE IT RESOLVED, That an additional appropriation of \$160,000 be made from Permanent University Fund Bond proceeds for this purpose.

6. U. T. Austin: Authorization for Two Landscape Improvements on Twenty-sixth Street and San Jacinto Boulevard and Appropriation Therefor. --Following a report that at The University of Texas at Austin in the widening and improvement of Twenty-sixth Street by the City of Austin there are two areas that require landscape improvements, authorization was given to the Office of Facilities Planning and Construction to prepare final plans and specifications covering the following two areas and to award contracts for these landscaping improvements at a cost not to exceed \$33,000:
- a. Phase A (extending along the north side of Twenty-sixth Street from the corner of University Avenue to the corner of Wichita Street): regrading, drywall rock work and limited planting material at a total estimated cost of \$7,000.
  - b. Phase B (a triangular area approximately 200 feet by 400 feet by 360 feet located on the east side of the intersection of Twenty-sixth Street and San Jacinto Boulevard): removal of construction debris, new site work and curbing, irrigation system, grass sodding and tree planting at a total estimated cost of \$26,000.

It was further authorized that for this project, an appropriation of \$33,000 be made from Permanent University Fund Bond proceeds.

7. U. T. Austin: Additional Appropriation to Contract (B. L. McGee Construction Company and B. L. McGee, Inc.) for Engineering Teaching Center No. 1. --Due to the widening and improving of Twenty-sixth Street by the City of Austin, major modifications to landscape and site development improvements are necessary between the Physics-Mathematics-Astronomy Building and Engineering Teaching Center No. 1 and in adjacent areas at The University of Texas at Austin. To accomplish these modifications which include retaining walls, drainage system, pedestrian access, and a minor revision of the planned utility extensions in the interface of the sites between the Physics-Mathematics-Astronomy Building and Engineering Teaching Center No. 1 and adjacent areas, an additional appropriation of \$97,900 was authorized from Permanent University Fund Bond proceeds to cover the modifications, Architect's fees, and miscellaneous expenses therefor. With this additional appropriation, the total cost of the project is \$1,253,000 below the original estimate.



8. U. T. Austin: Approval of Preliminary Plans and Outline Specifications and Authorization for Preparation of Final Plans and Specifications for the Construction of a Utility Tunnel on Red River Street to Connect Nursing School with Campus Distribution System and to Serve Collections Deposit Library and Additional Appropriation Therefor. --Approval was given to the preliminary plans and outline specifications for the construction of a utility tunnel and electrical duct work from the north side of Nineteenth Street on Red River Street to the proposed School of Nursing. The Engineer, B. Segall, was authorized to proceed with the working drawings and specifications to be presented to the Board of Regents at a later date for approval. An additional appropriation of \$45,000 was authorized from Permanent University Fund Bond proceeds to cover miscellaneous expenses and Engineer's fees through preparation of final plans and specifications. Previously an appropriation of \$5,000 has been authorized from the same source.

This construction will include a piping system within the tunnel plus direct buried piping across the University Junior High site to the existing tunnel terminating on the east side of San Jacinto Street at Nineteenth. It was noted that this construction is expected to save the University money as this utility piping system and the electrical duct system will be sized to serve all of U. T. Austin facilities presently constructed and to be constructed south of Nineteenth Street and will include the necessary conversions within the Collections Deposit Library and Little Campus boiler rooms. The estimated total cost of this project is \$1,015,520.
9. U. T. El Paso: Additional Appropriation for Services and Equipment for Education Building. --It was noted that at the time the specifications were prepared for the Education Building at The University of Texas at El Paso, several areas were left uncompleted because of lack of funds; and at the time the building was occupied, some of the desired specialized equipment was not provided for this same reason. In order to make the entire building functional, additional wiring of certain areas, additional equipment, and additional classroom seating were authorized; and for these additional services and equipment \$50,000 was appropriated from U. T. El Paso Unexpended Plant Funds - Building Revenue Bonds, Series 1969 - Unappropriated Balance.
10. U. T. El Paso: Award of Contract for Fine Arts Complex Withdrawn. --Prior to the meeting, the emergency agenda item relating to award of contract for the Fine Arts Complex at The University of Texas at El Paso was withdrawn by the Administration.
11. U. T. El Paso: Authorization for Repairs to Swimming Pool and Appropriation Therefor. --So that the swimming pool at The University of Texas at El Paso can be better used for recreational and educational purposes the year around, an enclosure was authorized. For this project, an appropriation of \$53,000 was approved from Permanent University Fund Bond proceeds.

12. U. T. Arlington: Award of Contract to Osborne-Lee Construction Company for Swift School Renovation. -- For the Swift School Renovation at The University of Texas at Arlington, a contract was awarded to the low bidder, Osborne-Lee Construction Company, Arlington, Texas, as follows:

Base Bid		\$ 392,588
Deductive Alternates		
No. 3	\$ 3,546	
No. 6	10,997	
No. 9	1,301	
No. 10	1,300	
No. 11	1,505	
No. 13	500	
No. 14	42,950	
No. 15	7,700	
		<u>69,799</u>
Total Contract Award		<u>\$ 322,789</u>

This remodeling involves approximately 31,248 gross square feet.

The total of this contract award, Architect's fees thereon, estimated amount of movable furniture and equipment, and miscellaneous expenses are within the appropriation of \$375,000 for this project.

13. U. T. Dallas: Science Teaching Building (Formerly Referred to as 81,000 Square Foot Facility and as West Annex to Founders Building) Named Lloyd V. Berkner Science Teaching Building. -- The Science Teaching Building at The University of Texas at Dallas was named the Lloyd V. Berkner Science Teaching Building. (See Page 61 ).
14. Dallas Medical School: Rejection of Bids for Piping Connections to Central Utility Plant. -- Upon recommendation of Dean Sprague, concurred in by System Administration, the bids for piping connections to Central Utility Plant at The University of Texas Southwestern Medical School at Dallas were rejected since the bids received were extremely high. The bids will be called for again after reexamination of the plans and specifications, and these bids will be presented to the Board or the Executive Committee for consideration at a later date. The estimated cost of this project was \$90,000.
15. Dallas Medical School: Approval of Preliminary Plans and Outline Specifications for the Clinical Sciences Building (Including Animal Facilities) and Additional Appropriation for Architect's Fees. -- Preliminary plans and outline specifications prepared by the associated architectural firms of Fisher and Spillman, Architects, Inc., Dallas, Texas, and Preston M. Geren, Fort Worth, Texas, for the Clinical Sciences Building (including Animal Facilities) at The University of Texas Southwestern Medical School at Dallas were approved. The Architects were authorized to prepare working drawings and specifications to be presented to the Board of Regents at a later meeting. These plans and specifications cover a building of approximately 268,000 gross square feet (50,000 square feet of which will be for animal care facilities)

at an estimated total project cost of \$17,000,000. Of the \$17,000,000, \$11,300,000 is to come from grant funds, approximately \$1,000,000 to come from private funds and approximately \$4,700,000 to come from Permanent University Fund Bond proceeds previously committed or to be committed.

To cover miscellaneous expenses and Architect's fees for the preparation of the final plans and specifications, \$550,000 was appropriated from Permanent University Fund Bond proceeds. It was noted that previously \$120,000 had been appropriated from the same source.

16. Dallas Medical School: Acceptance of Reductions in Grant No. 1C05-CF-04056-01 for Fred F. Florence Memorial Library and Biomedical Information Center and Grant No. 1C05-CF-04053-01 for Basic Sciences Teaching Unit and Four Lecture Rooms. --The Committee received a report from System Administration that the U. S. Public Health Service had given formal notice that the grants previously accepted by the Board of Regents for the Basic Sciences Teaching Unit and Four Lecture Rooms, and the Fred F. Florence Memorial Library and Biomedical Information Center at The University of Texas Southwestern Medical School at Dallas had been reduced as set out below:

<u>Facility</u>	<u>Original Amount</u>	<u>Reduced Amount</u>
Grant No. 1C05-CF-04053-01 (Previously accepted on July 10, 1970) Basic Sciences Teaching Unit and Four Lecture Rooms	\$12,725,436	\$11,649,630
Grant No. 1C05-CF-04056-01 (Previously accepted on October 23, 1970) Fred F. Florence Memorial Library and Biomedical Information Center	\$2,924,976	\$1,937,976

These revised grants were accepted and the amounts were appropriated to these two projects, to wit:

- a. \$11,649,630 for the Basic Sciences Teaching Unit and Four Lecture Rooms.
- b. \$1,937,976 for the Fred F. Florence Memorial Library and Biomedical Information Center.

It was noted that the construction award for the Basic Sciences Teaching Unit and Four Lecture Rooms and the Fred F. Florence Memorial Library and Biomedical Information Center was under the estimated project construction cost upon which these grants were originally made and accepted, and this accounts for the reduction.

It was also noted that the following grants for two other buildings at Dallas Medical School previously accepted were:

<u>Facility</u>	<u>Amount</u>
Grant No. 1C05-CF-04055-01 (Previously accepted on October 23, 1970) Academic and Administration Building	\$1,249,310
Grant No. 1C05-CF-04054-01 (Previously accepted on October 23, 1970) Auditorium and Cafeteria	\$1,439,312

17. Dallas Medical School: Authorization to Prepare Plans and Specifications for Redesign of the Air Conditioning System in the Hoblitzelle Building and Additional Appropriation Therefor. --  
The following resolution was adopted:

WHEREAS, The firm of Gaynor and Sirmen, Inc., Dallas, Texas, was appointed as Engineer on October 31, 1969, to redesign the air conditioning system of the Hoblitzelle Building (construction contract awarded in 1955) at The University of Texas Southwestern Medical School at Dallas and to prepare plans and specifications therefor to be presented to the Board at a later date;

WHEREAS, For this redesigning of the plans and specifications, an appropriation of \$18,000 was authorized from the Unappropriated Balance of the Dallas Medical School;

WHEREAS, The study made by the Engineers reflects that the entire air conditioning system in the building needs a major renovation and practically a complete replacement. The duct system will have to be enlarged and the individual air handling units will have to be replaced;

WHEREAS, The building is now being used with different equipment in the laboratories than was originally contemplated, and the original design capacity is not sufficient to provide for present use and reasonable anticipated increase in load;

WHEREAS, It is estimated that the total project will cost \$1,130,000, part of this cost is to insure that the building remain fully occupied and that research be conducted without disruption, and

WHEREAS, It is necessary to have the plans and specifications for the completed project in order to

determine the appropriate construction stages to insure an overall efficient system:

BE IT RESOLVED:

- a. That the firm of Gaynor and Sirmen, Inc., be authorized to prepare the plans and specifications for the redesign, renovation, and replacement of the present air conditioning in the Hoblitzelle Building at a fee not to exceed \$45,000.
  - b. That an appropriation of \$45,000 be made from Permanent University Fund Bond proceeds for miscellaneous expenses and engineering fees.
18. U. T. San Antonio: Authorization for the Installation of a Meter Vault for a 10-Inch by 12-Inch Detector Meter and a 16-Inch Water Service Line and Appropriation Therefor. -- For the purpose of providing the water required for The University of Texas at San Antonio, authorization was given to the Chairman of the Board of Regents to execute an agreement with the City Water Board, San Antonio, Texas, to install a meter vault for a 10-inch by 12-inch Detector Meter and to install a 16-inch water service line to connect to the distribution mains provided by the City Water Board of San Antonio at a cost not to exceed \$25,844.69. For this purpose, an appropriation of \$25,844.69 was authorized from Permanent University Fund Bond proceeds as an advance to be repaid from Tuition Revenue Bond proceeds at a later date.
19. U. T. San Antonio: Approval of Final Plans and Specifications and Authorization to Advertise for Bids - Division I of Phase I for Site Work and Utilities Development. --The following resolution was adopted:

WHEREAS, At the Regents' meeting on June 4, 1971, preliminary plans and outline specifications for the buildings, site development, and utility distribution for the Phase I development of The University of Texas at San Antonio were approved, and authorization was given to the Associated Architects, Ford, Powell and Carson, San Antonio, Texas, and Bartlett Cocke and Associates, San Antonio, Texas, for preparation of working drawings and specifications to be presented to the Board of Regents at a later date;

WHEREAS, It has been determined that phasing of the site preparation and utility development will expedite the building construction schedule and that Division I, or the initial phase, of site work can be substantially completed prior to the bidding of the building construction project. The scope of this work consists of access roads to construction sites, blasting for all necessary excavation, clearing entire construction site, tunnels, and below grade utility distribution to connection points for buildings, and

WHEREAS, Final plans and specifications covering Division I of the Phase I site development and utilities distribution system have been prepared by the Associated Architects at an estimated construction cost of \$1,425,000 (which is included in the overall estimated cost of \$33,522,000 of the Phase I building program):

BE IT RESOLVED:

- a. That the final plans and specifications prepared by the firms of Ford, Powell and Carson, San Antonio, Texas, and Bartlett Cocke and Associates, San Antonio, Texas, be approved, and
- b. That the Director of the Office of Facilities Planning and Construction be authorized to advertise for bids to be presented to the Board of Regents or the Executive Committee at a later date.

20. U. T. San Antonio: Appointment of a Committee to Approve Metes and Bounds of Additional Right-of-Way Along Proposed Loop Road 1604. --The following resolution was adopted:

WHEREAS, To facilitate the design of needed access roads included in the overall site plans for The University of Texas at San Antonio prepared by the Associated Architects (Ford, Powell and Carson, San Antonio, Texas, and Bartlett Cocke and Associates, San Antonio, Texas), and approved by the Board of Regents on June 4, 1971;

WHEREAS, The State Highway Department needs an estimated seven acres of land along proposed Loop Road 1604 for this purpose, and

WHEREAS, In order to advertise for bids for the Division I of site work and utilities development, the approval of the exact acreage and final metes and bounds is needed:

BE IT RESOLVED:

- a. That a Committee (consisting of President Templeton, Director Kristoferson, Deputy Chancellor Walker, and Chairman Peace) be appointed to approve the exact metes and bounds and total acreage requested by the State Highway Department, and
- b. That Chairman Peace be authorized to execute any and all documents necessary to effect the transfer of the property to the State Highway Department for right-of-way purposes, and that the Secretary be instructed to reflect in the Minutes the metes and bounds so transferred.

21. U. T. Permian Basin: Recommendation to Appoint a Committee to Make a Study with Respect to Student Housing Rejected. -- House Bill No. 1528, 62nd State Legislature, R. S., authorized the Board of Regents of The University of Texas System to enter into contracts with any entities, public or private, for the lease of land for the purpose of construction of utilities plants, student housing and student and staff services facilities. The recommendation of the Administration to name a committee to review and recommend at a future meeting of the Board of Regents action that should be considered with respect to allowing private parties to construct student housing on land of The University of Texas of the Permian Basin was rejected.
22. U. T. Permian Basin: Appointment of Jessen Associates, Inc., Austin, Texas, Associated with Peters and Fields, Odessa, Texas, for Preparation of Preliminary Plans for Library-Administration Building (Phase II) and Appropriation Therefor. -- The firm of Jessen Associates, Inc., Austin, Texas, associated with Peters and Fields, Odessa, Texas, was authorized to prepare preliminary plans for the Library-Administration Building (Phase II) of The University of Texas of the Permian Basin development plans. The estimated construction cost of this building is \$7,800,000 and will include approximately 234,400 square feet of enclosed space.

An advance from Permanent University Fund Bond proceeds of \$66,000 was authorized to cover the cost of preparation of preliminary plans. The advance is to be repaid from the proceeds of Tuition Revenue Bonds when issued and allocated to U. T. Permian Basin.

Following a discussion as to the building needs this school may have, it was noted that these simply are preliminary plans and do not commit the Board of Regents to construct this building. Certainly, the construction of Phase II is going to be dependent upon the growth and needs of the school.

23. U. T. Permian Basin: Award of Contract for Paving and Site Improvements Withdrawn. --The emergency agenda item relating to the award of a contract for paving and site improvements at The University of Texas of the Permian Basin was withdrawn by the Administration prior to the meeting.

24. Galveston Medical Branch: Award of Contract to Dallas Office Supply Company of Dallas, Texas, Stewart Office Supply Company of Dallas, Texas, and Library Bureau, Division of Remington Rand-Sperry Rand Corporation of Houston, Texas, for Furniture and Furnishings for Moody Medical Library and Additional Appropriation Therefor. --For the furniture and furnishings for the Moody Medical Library at The University of Texas Medical Branch at Galveston, contracts were awarded as follows to the low bidders meeting specifications:

Dallas Office Supply Company, Dallas, Texas		
Base Proposal A - General Office and Lounge Furniture	\$ 123,205.33	
Less Alternate No. 1 (Delete Planters) Deduct	8,601.92	\$ 114,603.41

Stewart Office Supply Company, Dallas, Texas		
Base Proposal B - Library Furniture and Wood Shelving		27,290.34

Library Bureau, Division of Remington Rand-Sperry Rand Corporation, Houston, Texas		
Base Proposal C - Library Bookstacks		63,550.00

Total Contract Award		<u>\$ 205,443.75</u>
----------------------	--	----------------------

The estimated cost for the furniture and furnishings was \$205,000. However, because of other necessary expenditures out of the Allotment Account for this project, an additional appropriation of \$5,000 was authorized from Interest Earned on Private Gifts for the Moody Medical Library.

It was noted that the bids of Estey Corporation and John Sjostrom and Company on Base Proposal B were not in accordance with the specifications and, therefore, could not be considered as valid bids.

25. Galveston Medical Branch: Approval of Final Plans and Specifications for Phase III of Revision and Extension of Utility Distribution System (Extension of Chilled Water and Steam and Replacement of Sanitary Sewer Line) and Appointment of a Committee to Award Contract Therefor. --The final plans and specifications for Phase III of the extension of chilled water and steam and replacement of sanitary sewer line at The University of Texas Medical Branch at Galveston were approved. These plans were prepared by Ray S. Burns and Associates, Engineer for the project. This project will provide for the extension of chilled water and steam to the new Administration Building presently under construction and for the replacement of a 12-inch sanitary sewer line with an



18-inch sanitary sewer line from John Sealy Hospital down Mechanic Street to 10th Street.

Due to the critical need for the replacement of the sanitary sewer line, a Committee (consisting of President Blocker, Director Kristoferson, Deputy Chancellor Walker, and Chairman Peace) was appointed to award a contract to the lowest acceptable bidder within the authorized appropriation for this project in the amount of \$480,000.

26. System Nursing School and U. T. Austin Nursing School: Award of Contract to J. C. Evans Construction Company, Inc., for New Building and Appropriation Therefor. -- For the construction of the new building for The University of Texas Nursing School (System-wide) at Austin, The University of Texas Graduate Nursing School at Austin and The University of Texas (Undergraduate) Nursing School at Austin, a contract subject to approval of the federal granting agency was awarded to the low bidder, J. C. Evans Construction Company, Inc., Austin, Texas, as follows:

Base Bid	\$ 2,714,860
Add Alternates:	
No. 1 (Complete Mezzanine Lounges)	45,233
No. 2 (Add Elevator No. 3)	18,500
No. 3 (Add Elevator No. 4)	18,500
No. 4 (Add Venetian Blinds)	15,500
No. 7 (Add Carpeting)	<u>4,500</u>
 Total Contract Award	 <u>\$ 2,817,093</u>

Regent Kilgore asked to be recorded as present but not voting, stating that he had a property interest with one of the bidders on a wholly unrelated matter.

This building covers approximately 99,815 gross square feet.

For this project, a total appropriation of \$3,183,460 was approved. Of this amount, \$1,278,124 is to come from Federal Grant No. 1C05-NT-04065-01 which has been reported to and accepted by the Board; and \$1,905,336 is to come from Permanent University Fund Bond proceeds, \$104,000 of which has already been appropriated to cover part of the Architect's fees and miscellaneous expenses.

REPORT OF LAND AND INVESTMENT COMMITTEE (Pages 24-34 ). -- In the absence of Committee Chairman Ikard, Regent Peace conducted the meeting of the Land and Investment Committee. He filed the following report of the Land and Investment Committee (Pages 24-34 ), all of which actions were taken in open session either in the meeting of the Land and Investment Committee or in the open meeting of the Board. The report of the Land and Investment Committee was received and the actions therein ratified by unanimous vote. Except as otherwise indicated in the reports, the Associate Deputy Chancellor for Investments, Trusts and Lands was authorized to execute all necessary instruments relating to real estate or mineral interest held or controlled by the Board of Regents as a part of the Permanent University Fund or as a part of any Trust or Special Fund when such instruments are approved as to form by a University attorney and as to content by an appropriate official:

### I. Permanent University Fund

#### A. Investment Matters

1. Permanent University Fund: Designation of Capitol Mortgage Bankers, Inc., as Seller-Servicer for FHA Mortgage Program. -- Approval was given to designate Capitol Mortgage Bankers, Inc., Austin, Texas, as a Seller-Servicer for the FHA mortgage program of the Permanent University Fund from whom FHA loans may be purchased and to authorize the Associate Deputy Chancellor for Investments, Trusts and Lands to enter into agreements with this company on forms heretofore approved by the Board. Pertinent information on Capitol Mortgage Bankers, Inc., follows:

Capitol Mortgage Bankers, Inc.	
J. N. Wallace, Chairman of the Board and Director	
Joe T. Ogden, President and Director	
Total Servicing	\$ 51,520,419.06
Net Worth	\$ 326,796.00

2. Permanent University Fund: Report on Clearance of Monies to Permanent University Fund and Available University Fund. -- The following report was received from the Auditor, Oil and Gas Production, with respect to monies cleared by the General Land Office to the Permanent University Fund and the Available University Fund for the current fiscal year through July 1971:

Permanent University Fund	July, 1971	Cumulative This Fiscal Year	Cumulative Preceding Fiscal Year (Averaged)
<u>Royalty - Oil</u>			
Gas - Regular	\$ 1,417,315.07	\$ 14,696,724.53	\$ 13,688,629.79
- F. P. C.	218,679.65	2,204,970.69	1,258,791.27
Water	1,775.67	26,869.20	95,894.92
Salt Brine	10,950.63	100,469.68	102,284.60
Rental on Mineral Leases	1,627.53	13,370.21	11,196.13
Rental on Water Contracts	3,744.35	265,051.96	270,468.66
Rental on Brine Contracts	250.00	26,317.07	25,704.91
Amendments and Extensions of Mineral Leases	100.00	400.00	183.37
	6,006.00	427,067.78	210,123.87
Bonuses, Mineral Lease Sales, (actual)	\$ 1,660,448.90	\$ 17,761,241.12	\$ 15,663,277.52
	-0-	1,407,000.00	1,736,500.00
<b>Total - Permanent University Fund</b>	\$ 1,660,448.90	\$ 19,168,241.12	\$ 17,399,777.52
<u>Available University Fund</u>			
Rental on Easements	\$ 25,639.95	\$ 164,358.80	\$ 170,181.00
Interest on Easements and Royalty	1,574.20	2,248.27	5,520.02
Correction Fees-Easements	-0-	-0-	-0-
Transfer and Relinquishment Fees	198.54	4,515.45	9,348.79
<b>Total-Available University Fund</b>	\$ 27,412.69	\$ 171,122.52	\$ 185,049.81
<b>Total-Permanent and Available University Funds</b>	\$ 1,687,861.59	\$ 19,339,363.64	\$ 17,584,827.33

Oil and Gas Development - July 31, 1971  
 Acreage Under Lease 532,038  
 Number of Producing Acres 320,232  
 Number of Producing Leases 1,421

B. Land Matters

1. Permanent University Fund: Easements and Surface Leases Nos. 3297-3309, Material Source Permit No. 392, and Water Contract No. 139. --Easements and Surface Leases Nos. 3297-3309, Material Source Permit No. 392, and Water Contract No. 139 were approved as set out below. All are within the policies of the Board and all have been approved as to form by a University attorney and as to content by an appropriate official.

Easements and Surface Leases

All easements and surface leases are at the standard rates; 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
3297	Dorchester Gas Producing Company	Pipe Line	Reagan	8 - 9	366.61 rds. 4½ inch	3/1/71- 2/28/81	\$ 238.30
3298	Amoco Production Company (Renewal of 1611)	Pipe Line	Andrews	13	1284.5 rds. Various size	9/1/71- 8/31/81	1,348.36
3299	Humble Oil & Refining Company	Pipe Line	Ward	16	413.3 rds. 3½ inch	6/1/71 5/31/81	268.65
3300	Amoco Production Company (Renewal of 1602)	Pipe Line	Andrews	11	418.4 rds. 18-24 inch	9/1/71- 8/31/81	836.80
3301	Amoco Production Company (Renewal of 1616)	Pipe Line	Andrews	13	221.9 rds. 6 5/8 in.	9/1/71- 8/31/81	288.47
3302	El Paso Natural Gas Company	Pipe Line	Hudspeth	J	1,040 rds. 4½ inch	7/1/71- 6/30/81	676.00
3303	Union Texas Petroleum (Renewal of 1638)	Pipe Line	Upton	3 - 58	1515.17 rds. 4½ inch	11/1/71- 10/31/81	984.86

Easements and Surface Leases - Continued ---

No.	Company	Type of Permit	County	Location (Block #)	Distance of Area	Period	Consideration
3304	Gulf Refining Company (Renewal of 1622)	Pipe Line	Crane	31	1.795 rds. 8 3/4 in.	11/1771- 10/31/81	\$ 2,333.50
3305	Caroline Hunt Sands, Loyd B. Sands and William Herbert Hunt	Pipe Line	Crockett	32	443.04 rds. 2 1/2 inch	7/1/71- 6/30/81	287.98
3306	David Fasken	Pipe Line	Andrews	4	145 rds. 2 3/8 in.	8/1/71 7/31/81	94.25
3307	Atlantic Richfield Company	Pipe Line	Crane	31	843.89 rds. 4 inch	7/1/71- 6/30/81	548.53
3308	Lo-Vaca Gathering Company	Pipe Line	Terrell	35	786.36 rds. 36 inch	9/1/71- 8/31/81	2,752.26
3309	West Texas Utilities	Power Line	Crane	30 - 31	2,848.48	9/1/71 - 8/31/81	1,709.09

Material Source Permit

No.	Grantee	County	Location	Quantity	Consideration
392	McVean and Barlow, Inc.	Pecos	Block 25	2,270 cubic yards of pad dirt	\$ 681.00

Water Contract

No.	Grantee	County	Location	Period	Consideration
139	Atlantic Richfield Company	Crane	Sections 31-32 Block 30 Section 36, Block 31	7/1/71- 6/30/76	\$1,920.00*

\*Ten cents (10¢) per one thousand (1,000) gallons of water produced. The minimum royalty per year shall not be less than \$1,920.00.

2. Permanent University Fund: Resurvey of Block L, University Lands, El Paso County, Texas. --Pursuant to authorization at the Regents' meeting on April 17, 1970, Associate Deputy Chancellor Shelton reported that he had negotiated with several licensed state land surveyors with respect to resurveying Block L, University Lands, El Paso County, Texas, and he submitted the bids he had received from these firms. Upon recommendation of Associate Deputy Chancellor Shelton, the firm of Freese, Nichols and Esmond, Inc., Consulting Engineers, Odessa, Texas, was named to make the survey at a cost not to exceed \$10,500.

## II. Trust and Special Funds

### A. Gift, Bequest and Estate Matters

1. U. T. System: Acceptance of Bequest Under the Will of Alma Idell Carlson, Deceased. --The bequest under the will of Miss Alma Idell Carlson, Deceased, of Long Beach, California, was accepted. The residuary section of Miss Carlson's will follows:

I give, devise and bequeath all of the rest, residue and remainder of my estate, of every kind and character and wheresoever situated at the time of my death, to CORNELL UNIVERSITY, THE UNIVERSITY OF TEXAS, THE UNIVERSITY OF CALIFORNIA AT LOS ANGELES, AND MEMORIAL HOSPITAL OF LONG BEACH, for research in each of said institutions for diseases of the brain and children's diseases, share and share alike.

Administration of the estate has not been completed; however, the University has been informed of an undivided 1/8 interest in the minerals under three tracts totaling 105.99 acres in the La Donna Plat Subdivision, Hidalgo County, Texas, which is a portion of the bequest.

2. U. T. System: Approval of Oil, Gas and Mineral Lease to Lone Star Producing Company on Tracts in Hidalgo County, Texas (Alma Idell Carlson Estate). --Approval was given to an oil, gas and mineral lease to Lone Star Producing Company on the University's undivided 1/8 interest in 105.99 acres in the La Donna Plat Subdivision, Hidalgo County, Texas (Alma Idell Carlson Estate). This lease is for a primary term of five years, bonus of \$25 per acre (\$331.22, the University's share), 1/6 royalty and \$2 per acre annual delay rental.

3. U. T. Austin - Carl Stone Benedict Scholarship Fund: Request for Appropriate Court Action for Resignation of Individual Trustees, Appointment of Board of Regents as Successor Trustee and Clarification of Investment Provisions of Trust Agreement. --The following resolution was adopted:

WHEREAS, By deed dated December 28, 1918, Professor H. Y. Benedict (President of The University of Texas 1927-1937) and Mrs. Benedict conveyed to E. C. H. Bantel, J. W. Calhoun and C. S. Potts and their successors as Trustees, a piece of Austin real estate to establish the "Carl Stone Benedict Scholarship and Loan Fund" in memory of their son, Carl Stone Benedict, stating that the first \$10,000 would be handled as a loan fund and anything above \$10,000 would be an endowment for scholarships;

WHEREAS, The instrument states that the three original Trustees and their successors will fill any vacancy by selection of a successor Trustee;

WHEREAS, The present Trustees are Dr. Robert E. Greenwood, Professor of Mathematics, Dr. Leonardt F. Kreisle, Professor of Mechanical Engineering, and Wm. W. Stewart, Trust Officer;

WHEREAS, The Trust Agreement provides for loans or scholarships "to worthy male students registered in the College of Arts at The University of Texas" with preference to members of the Sophomore Class;

WHEREAS, The Trust Agreement provides for investment in "safe interest bearing securities," and

WHEREAS, In line with another provision in the instrument, the University has served as fiscal agent for the individual Trustees:

BE IT RESOLVED, That the recommendations of President Spurr, concurred in by Associate Deputy Chancellor Shelton and the present Trustees of the Benedict Fund, be amended and approved as follows:

That the Board of Regents authorize the University Law Office to arrange with the Attorney General for appropriate action in the District Court of Travis County to accomplish the following:

- a. Resignation of the individual Trustees in favor of the Board of Regents as Trustees of the Benedict Fund, and
- b. Clarification of the investment provisions of the Trust Agreement to allow the Board of Regents to handle the Fund under the prudent man rule, including addition to the University's Common Trust Fund.

4. Dallas Medical School: Acceptance of Bequest Under the Wills of Richard M. and Elma Lane Jacks and Sale of Real Estate at 6409 Vickery Boulevard, Dallas, Texas. --The following resolution was adopted:

WHEREAS, Under the wills of Richard M. Jacks, who died April 20, 1971, and his wife, Elma Lane Jacks, who died April 24, 1971, the residuary estate, after the payment of certain specific bequests, was devised one-half to the Lighthouse for the Blind of Dallas, Texas, and one-half to The University of Texas Southwestern Medical School at Dallas Pulmonary Research Fund;

WHEREAS, The gross estate amounts to approximately \$120,000 with specific bequests amounting to \$25,500;

WHEREAS, The Dallas Medical School will receive approximately \$45,000 after payment of its share of the costs of administration, and

WHEREAS, The independent executors, Harold F. Massey and Walter B. Oates, have received an offer to purchase the property at 6409 Vickery Boulevard, Dallas, Texas, (the home of Mr. and Mrs. Jacks and one of the assets of the estate) for \$20,000, and the Southwest Land Title Company has requested that the Lighthouse for the Blind and the Board of Regents, the residuary devisees, join in the conveyance of said real estate:

BE IT RESOLVED:

- a. That the bequest under the wills of Richard M. and Elma Lane Jacks be accepted and
- b. That Associate Deputy Chancellor Shelton be authorized to join in conveyance of the real property at 6409 Vickery Boulevard, Dallas, Texas, on behalf of said estates and to perform any and all necessary acts required or desired in connection with the closing of these estates.



## B. Real Estate Matters

1. U. T. Austin - Brackenridge Tract: Boundary Line Dispute with F. W. Bulian and Authorization to Negotiate with the City of Austin with Respect to All Boundary Conflicts. --A written report was received from Associate Deputy Chancellor Shelton on the surveys that had been made of the Brackenridge Tract which tract includes 96.075 acres west of Town Lake. In this report, it was pointed out that F. W. Bulian claims 8.994 acres of the most southerly portion of this tract. This tract of land is not being used by Mr. Bulian other than as an unauthorized and unpaved road over which he passes to his land, which is a tract of 16.25 acres to the south. There is no question as to the west boundary line. The east boundary line has been agreed upon with Messrs. Trenckmann, Stableford and Stenger; the north boundary line adjoins Lake Austin and Town Lake.

Upon recommendation of Associate Deputy Chancellor Shelton, authorization was given:

- a. To negotiate with Mr. Bulian to secure a boundary line agreement on the Metcalfe and Homeyer line at a consideration not to exceed \$1,000, with authority for the appropriate University officials to execute the necessary instruments, or
- b. To file a suit in trespass to try title. If the retention of outside counsel is deemed advisable, the matter will be referred to the Board at a subsequent meeting for approval.

Further, Associate Deputy Chancellor Shelton was authorized to negotiate with the proper officials of the City of Austin to resolve the boundary disputes and the location of easements and rights-of-way relating to the Brackenridge Tract.

2. U. T. Austin - Thomas S. Maxey Professorship in Law: Joinder with University of the South, Sewanee, Tennessee, in Oil and Gas Lease on Tract in Gaines County to Stanley S. Beard. --The following resolution was adopted:

WHEREAS, Under the will of Robert Maxey, Deceased, The University of Texas owns one-half of "Survey No. Eighty-Two (82)," Block "G", W. T. Ry. Co., original Grantee, in Gaines County, Texas, and The University of the South, Sewanee, Tennessee, owns the other one-half, which tract contains 647 acres, and

WHEREAS, The proceeds from this lease are to be used for the Thomas S. Maxey Professorship in Law at The University of Texas at Austin:

BE IT RESOLVED, That the Board of Regents of The University of Texas System join with The University of the South in an oil and gas lease to Stanley S. Beard of Midland, Texas, on this tract of land for a primary term of 90 days covering rights down to and including 4,000 feet with 3/16 royalty and no bonus.

3. U. T. Austin - Thomas S. Maxey Professorship in Law: Bids on 1,127 Acres Received; Sale of 161 Acres, More or Less (Tract No. 3), in Gaines County, Texas, to Robert Jamison (Bids on Tracts Nos. 1 and 2 Rejected). --On July 30, 1971, the Board of Regents authorized the sale by sealed bids of 1,127 acres in Gaines County, Texas (Thomas S. Maxey Professorship in Law at The University of Texas at Austin). This acreage consists of three tracts in which one-half interest is owned by the Board of Regents of The University of Texas System for the Thomas S. Maxey Professorship in Law and one-half is owned by The University of the South, Sewanee, Tennessee. The bid of Robert Jamison, highest bidder, in the amount of \$24,327.10 for Tract No. 3 was accepted. This tract consists of 161 acres, more or less, described as the SE/4 of Section 48, Block "G", W. T. Ry. Co. Survey, Gaines County, Texas.

All bids as to Tracts Nos. 1 and 2 as specified in the advertisement for sale were rejected.

4. U. T. Austin - Hogg Foundation: Authorization for Joinder with Miss Ima Hogg, Mrs. Alice Nicholson Hanszen and Mrs. Margaret Wells Markus in Sanitary Sewer Line Easement and an Easement for Street Purposes to City of Houston on Memorial Park Property. --

WHEREAS, By a series of deeds from 1924 to 1934 the Hogg family conveyed 1,500 acres of the Memorial Park property to the City of Houston for park purposes only;

WHEREAS, Under the deed conveying the Will C. Hogg Estate to The University of Texas and under the wills of Mike Hogg and Tom Hogg the Board of Regents holds most of the reversionary interest to this property;

WHEREAS, The City of Houston has need for a strip of .277 acre out of the James Wharton Survey for a sanitary sewer line and for approximately 6,000 square feet out of the William White Survey for street purposes, and

WHEREAS, The City of Houston agrees to determine the appraised value of the property covered by the easement and to appropriate that amount from other sources to their Park Special Fund:

BE IT RESOLVED, That the Board of Regents join with Miss Ima Hogg, Mrs. Alice Nicholson Hanszen and Mrs. Margaret Wells Markus in a sanitary sewer line easement and an easement for street purposes on the above described land to the City of Houston.

5. U. T. Austin - McDonald Observatory: Renewal of Sublease of Grazing Lease to Hayes Mitchell, Jr. , in Presidio County, Texas. --Authorization was granted to renew a sublease of a grazing lease to Hayes Mitchell on 32,930 acres of land from the G. C. Mitchell Estate in Presidio County, Texas, at the original rate (60¢ per acre) for five years beginning January 1, 1972. The Board of Regents authorized the leasing of 33,280 acres of land in Presidio County from the G. C. Mitchell Estate on August 27, 1966, to be used for radio-astronomy and related purposes in conjunction with the operation of McDonald Observatory. This lease is subject to cancellation in event the University should elect not to renew its primary lease on 32,930 acres of land in the G. C. Mitchell Estate.
  
6. U. T. El Paso - Josephine Clardy Fox Estate: Lease to Lloyd E. Innerarity on Portion of Tract 36-A, Elijah Bennet Survey #11, El Paso, Texas. --Authorization was granted upon recommendation of Associate Deputy Chancellor Shelton to lease to Mr. Lloyd E. Innerarity a portion of Tract 36-A, Elijah Bennet Survey #11, El Paso, Texas, Josephine Clardy Fox Estate, of approximately 23,000 square feet with street frontage of 148 feet in the 5300 block of El Paso Drive for an initial term of 10 years at a net rental of \$250 per month. Mr. Innerarity was granted four renewal options of 10 years each with land reevaluation at the end of each 10 years to determine renewal rental (a net rental of 9% of market value) provided that new rental shall be no less than the prior 10 years' rental. This lease is subject to Mr. Innerarity's working out a sublease with General Services Administration which will involve his erecting an office building on the property.

Providing the lease is firmed up on or before December 1, 1971, the Board granted authority to the appropriate University officials to execute the necessary instruments.

## C. Bond Matters

U. T. System: Recommendation for Sale of Tuition Revenue Bonds, Series 1971 (Authorized by H. B. No. 278, 62nd Leg. R. S.), to Be Confirmed at October Meeting. --The following recommendations with respect to the sale of Tuition Revenue Bonds, Series 1971 (authorized by H. B. No. 278, 62nd Leg. R. S.), were received from Associate Deputy Chancellor Shelton. These recommendations were tentatively approved with the understanding that Associate Deputy Chancellor Shelton would investigate further legal aspects and report to the Board of Regents at its October meeting any necessary modifications:

- a. That approximately \$70,000 of bonds be sold at public bids, in the usual manner, according to the following general plan:

December 1971	\$25,000,000
June or July 1972	25,000,000
Thereafter in one or more sales	<u>20,000,000</u>
	\$70,000,000

- b. That sale of \$30,000,000 of bonds at the January 1972 meeting be at negotiated private placement. While the maturity schedule will be planned to follow a 30 year pattern, this will be temporary financing. The bonds will be callable at par at any time on 30 days' notice, and the entire issue will bear interest for the first two to four years at short term rates. These bonds will be called and refunded within some reasonable period (i. e., within three years from date of sale).
- c. That, in order to improve the marketability of these bonds, the bonds be additionally secured by pledge of an unlimited library use fee to be assessed only if needed against students at the new components.

In addition to the approval of the above general plan, authorization was granted to implement the sales of \$55,000,000 of the bonds scheduled for the Board's consideration at the December 3, 1971, and January 1972 meetings. Authorization was also granted to reverse the order of sale of the \$30,000,000 private placement and the first \$25,000,000 to be offered publicly should that action be considered advisable by the Deputy Chancellor and the Associate Deputy Chancellor after consultation with bond consultant.

## III. Other Matters

Report of Securities Transactions for Permanent University Fund and for Trust and Special Funds for the Month of July 1971. --The report of Securities Transactions for Permanent University Fund and for Trust and Special Funds for July 1971, as submitted by the Associate Deputy Chancellor for Investments, Trusts and Lands was approved.

REPORT OF MEDICAL AFFAIRS COMMITTEE (Pages 35 - 48 ). -- Committee Chairman Williams filed the following report of the Medical Affairs Committee and moved its adoption. The report and the actions therein were unanimously approved:

1. U. T. System: Report on Regional Medical Program of Texas; Appreciation to Charles B. McCall, M. D., C. V. Brindley, Jr., M. D., Nicholas Hightower, M. D., and John Thomas, M. D.; Members of Regional Advisory Group to be Approved by Board of Regents. --The Medical Affairs Committee received from Chancellor LeMaistre the following report on the Regional Medical Program of Texas. In connection therewith, it was ordered that the nominees to the Regional Advisory Group be submitted to the Board of Regents of The University of Texas System for approval in the same manner as the members of the advisory councils and the development boards are submitted to the Regents:

#### THE REGIONAL MEDICAL PROGRAM OF TEXAS

Public Law 89-239 which established the concept of the Regional Medical Program was signed by President Johnson on October 6, 1965. In signing that legislation, President Johnson said, "Its goal is simple--to speed the miracles of medical research from the laboratory to the bedside. . . through grants to establish regional programs among. . . our nation's health resources."

From its inception the concept of the Regional Medical Program was both standard and unique--standard in that Congress contemplated that the grantees would be knowledgeable in the administrative and fiscal aspects of grant mechanisms, but unique in that the program policy and content aspects were delegated to a Regional Advisory Group made up of health resource people who on a regional basis could best decide the program priorities and needs of the Region. The separation--yet inter-relatedness--of the grant policy function and the grant administration function unite the strengths of local decision making with the expertise in grants management of the grantee. President Johnson emphasized this unique combination of talents and expertise when he said in transmitting his first Regional Medical Program progress report to the Congress in November 1967, "The law and the idea behind it are new. . . and it promises great advances in speeding research knowledge to the patient's bedside."

Planning for the establishment of a regional medical program for Texas effectively began in the late fall of 1965, and culminated on January 21, 1966, with the establishing of a State Coordinating Committee which included membership from the Texas Medical Association, all medical schools in Texas, M. D. Anderson Hospital and Tumor Institute, public health officials, national voluntary health associations, and other interested individuals. At this time, there were twenty-six members on the State Coordinating Committee.

The original planning grant application forwarded to Washington in April 1966 proposed a dual grantee, e. g., The University of Texas System and Baylor College of Medicine, with the State being partitioned so that each biomedical unit had a definite geographical planning responsibility.

That plan was rejected by the federal reviewing agency on four points: (1) only one grantee could be permitted, (2) one responsible Coordinator would be named, and (3) Texas would be regarded as a single region and not partitioned, and (4) a single fiscal agent would be appointed.

The grant was revised with consultations of federal officers and all concerned and finally approved with:

1. The University of Texas System as the applicant and grantee.
2. The Vice-Chancellor for Health Affairs of The University of Texas System as Coordinator.
3. Dr. Richard T. Eastwood, Executive Director of Texas Medical Center, Inc., as designated fiscal agent.
4. Texas was regarded as a single region.
5. The State Coordinating Committee would function as the Regional Advisory Group.

Questions arose regarding the legal status of a grantee separate from the jurisdiction of the fiscal agent and this led to an agreement between the Board of Regents of The University of Texas System, Texas Medical Center, Inc., and Baylor College of Medicine, fixing areas of responsibility. This agreement was approved by the Board of Regents in July 1966.

The first regional medical program planning grant was effective September 1, 1966, in the amount of \$1,271,013. Through the second planning year 1967-1968, and into the first operational year 1968-1969, federal site visit teams had been increasingly critical of the extent to which the programs and projects were unrelated to a regional goal and seemed to be a conglomeration of institutional based, free-standing, and unrelated projects. The site visitors, supported by the Division of Regional Medical Program Service in Washington demanded the immediate development of a coordinated program complete with a full-time coordinator and core staff, with responsibility in program planning, program administration and coordination, and fiscal direction.

In response to this mandate, Dr. McCall was appointed as the Coordinator by the grantee in February 1969 and delegated the responsibility to (1) integrate and coordinate an effective program and (2) develop a full-time multi-disciplined Core Staff. Shortly thereafter to further integrate the program, and to strengthen the position of both the grantee and the Coordinator, the fiscal agent responsibility was transferred from the Texas Medical Center, Inc., to the Comptroller of The University of Texas System. The improvements to the program and the increased value of the services rendered have been confirmed by both the 1969 and 1971 site visit teams whose reports on program progress were very favorable and whose recommendations for future funding were also generous.

From the beginning, the unique strength of the Regional Medical Program has been the use of a regionally constituted and regionally knowledgeable group of health professionals as an advisory group. These dedicated and conscientious health leaders have given untold hours of their time, talent, and expertise to advise the grantee and the Coordinator in the proper course for the Regional Medical Program of Texas. In these times when

the appropriate mechanisms for the delivery of health care services are of vital concern to all segments of the Nation, the availability of this concerned, informed, realistic, and reasonable Regional Advisory Group becomes of ever increasing importance to the program focus of the Regional Medical Program of Texas.

## RESPONSE TO CHAIRMAN PEACE'S COMMENTS

### REGARDING THE REGIONAL MEDICAL PROGRAM OF TEXAS

The following is submitted in response to your request of September 2, 1971, for clarification regarding certain aspects of the Regional Medical Program of Texas. For easy reference, your specific comments are quoted prior to the response.

#### 1. COMMENT BY MR. PEACE:

"The contract or an analysis of same under which we agree to operate the program. Of course, this would include our obligations and responsibilities under the contract, including the nature and extent of any permanent commitment we may have. It should also include the answer to the question of whether or not the federal government has any obligation to continue to support this program."

#### RESPONSE:

Since the Regional Medical Program enabling legislation (P. L. 89-289) established this program as a grant activity rather than a contractual activity, there is no formal contract document. The funded activities are based upon a submitted application reviewed through appropriate federal channels and then funded to the grantee for administration. The constraints of the program, instead of being contractual limitations, are those contained in the enabling legislation and such administrative rules, regulations, and guidelines as are promulgated by the federal agency responsible for the overall administration of the program.

As discussed in the preface to these specific responses, the Regional Medical Program concept is unusual in the sense that programmatic content responsibility and administrative and fiscal responsibility are divided between the Regional Advisory Group and the Grantee.

#### Responsibilities and Obligations of the Regional Advisory Group<sup>1</sup>

"The Act also specifies that the Advisory Group must approve an application for an operational (and planning) grant under Section 904. The Advisory Group must include practicing physicians, medical center officials, hospital

<sup>1</sup>Guidelines, Regional Medical Programs, Revised May 1968 and February 1970.

administrators, representatives from appropriate medical societies, other health professions, voluntary health agencies, and representatives of other organizations, institutions, and agencies, and members of the public familiar with the need for the services provided under the Program. It should also be broadly representative of the geographic area and of the social groups who will be served by the Regional Medical Program."

"The Regional Advisory Group should provide overall advice and guidance to the grantee in the planning and operational program from the initial steps onward. It should be actively involved in the development of the Regional objectives, as well as the review, guidance, and coordinated evaluation of the ongoing planning and operating functions."

"It should be concerned with continuing review of the degree of relevance of the planning and operational activities to the objectives of the Regional Medical Program and particularly with the effectiveness of these activities in attaining the objective of improved patient care."

"To serve these purposes, the Advisory Group should operate under established procedures which insure continuity and appropriate independence of function and advice."

"The Advisory Group, through the grantee, must submit to the Division of Regional Medical Programs (Regional Medical Program Service) an annual statement giving its independent evaluation of effectiveness of the regional cooperative arrangement established under the Regional Medical Program."

The requirement that the Regional Advisory Group be responsible for the programmatic elements of the Regional Medical Program is further confirmed by:

1. Section 904(b) of the legislation which states:

"Grants under this section may be made only upon application therefor approved by the Surgeon General (Secretary of Health, Education and Welfare). Any such application may be approved only if it is recommended by the advisory group (emphasis added), described in section 903(b)(4)." (This is the section describing the Regional Advisory Group.)

2. An explanatory footnote in the Guidelines states:

"The Advisory Group does not have direct administrative responsibility for the Program, but the clear intent of the Congress was that the Advisory Group would insure that the Regional Medical Program is planned and developed with the continuing advice and assistance of a group which is broadly representative of the health interests of the Region." (Emphasis added.)



These obligations and responsibilities of the Regional Advisory Group should be distinguished from those of the grantee.

Obligations and Responsibilities of the Grantee:

These as enumerated in the Guidelines are directly related to the effective administration and fiscal control of the program.

"General Responsibilities--The grantee is obligated, both for itself and each affiliated institution, to administer the grant in accordance with regulations and policies of the Division of Regional Medical Programs (Regional Medical Program Service)." (Emphasis added.)

"Reasonable assurances that Federal funds paid pursuant to any such grant will be used only for the purposes for which awarded and in accordance with the applicable provisions of The Act and the regulations thereunder;

"Reasonable assurances that the applicant will provide for such fiscal control and fund accounting procedures as are required by the Surgeon General (Secretary of Health, Education and Welfare) to assure proper disbursement of and accounting for such Federal funds;

"Reasonable assurances that the grantee will make such reports in such form and containing such information as the Surgeon General (Secretary of Health, Education and Welfare) may from time to time reasonably require, and will keep such records and afford such access thereto as the Surgeon General (Secretary of Health, Education and Welfare) may find necessary to assure the correctness and verification of such reports; and

"A satisfactory showing that the applicant has designated an advisory group to advise the applicant (and the institutions and agencies participating in the resulting Regional Medical Program) in formulating and carrying out the plan for the establishment and operation of such Regional Medical Program."

Thus, the obligations and responsibilities of The University of Texas System as Grantee are essentially those related to the administration and fiscal aspects of the grant, although it shares programmatic responsibility to the extent that the Chancellor (or his designated representative) must sign the annual grant application.

As with all programs supported by non-state funds, the extent of any permanent commitment of the grantee is covered by The University of Texas System "pink-sheet" budget rule:

"Budgeted expenditures authorized from sources of funds other than General Budget Funds are contingent upon receipt of such funds. Appointments from such fund sources will not become an obligation of the Component Institution in the event the supplemental or grant funds

are not realized. Appointments paid from Government or Private Contracts may not be made for period less than ten (10) consecutive days."

The commitment of the federal government by recently enacted legislation (P. L. 91-515) extended Congressional authorization for the Regional Medical Program for three years through June 30, 1973. This extending legislation contained funding authorizations at levels of \$125 million for FY 1971, \$150 million for FY 1972, and \$250 million for FY 1973. However, the availability of these funds is contingent upon the annual HEW budget and subsequent actions of the Executive Office of Management and Budget. Thus, fiscal continuity of the program is on a year-to-year basis.

The Guidelines also contain two other references to grant termination:

"(1) By the Grantee--A grant may be terminated or cancelled at any time by the grantee upon written notification to the Division of Regional Medical Programs (Regional Medical Program Service) stating the reasons for termination.

"(2) By the Public Health Service (Department of Health, Education and Welfare)--A Grant in whole or in part, may be revoked or terminated by the Surgeon General (Secretary of Health, Education and Welfare) at any time within the program period whenever it is determined that the grantee has failed in a material respect to comply with the terms and conditions of the grant."

2. COMMENT BY MR. PEACE:

"By whom and in what manner is the administration and staff of the program selected?"

RESPONSE:

Since the grantee is responsible for the administration, coordination, and implementation of the Regional Medical Program, these functions have been delegated to a Coordinator and Core Staff, who are paid from these grant funds. The Coordinator is appointed by the Chancellor (System Administration) and holds an additional title of Assistant Vice-Chancellor for Regional Medical Programs to denote his direct relationship to the grantee. Other members of the Core Staff are selected by the Coordinator in accordance with budgets approved by the Regional Advisory Group, the Division of Regional Medical Program Service (Washington) and the Board of Regents. All personnel actions related to the Core Staff are processed in accordance with routine University of Texas System budget regulations.

All personnel involved in approved projects funded with regional medical program funds are selected by the several institutionally based project directors within the limitations of Regional Advisory Group approved budgets.

All personnel actions in these project activities are reported for information to the Coordinator. All personnel actions of RMP project paid personnel at the institutions within The University of Texas System are subject to System budget rules.

2. (Part Two) COMMENT BY MR. PEACE:

"What is the University's contractual obligation with reference to these appointments or employments?"

RESPONSE:

The University or grantee has no continuing obligation to those projects or personnel supported with regional medical program grant funds. In the event that the grant was terminated the budget rule quoted earlier on page thirty-nine (39) would apply.

3. COMMENT BY MR. PEACE:

"I understand there is some type of advisory board in this program. We should probably answer the question of how this board is selected and what its functions and authorities are."

RESPONSE:

In compliance with the Guidelines for eligibility, the grantee has appointed a Regional Advisory Group.

"Eligible Applicant--Public or nonprofit private universities . . . are eligible to apply for a grant to plan and/or operate a Regional Medical Program. Each applicant must be authorized to represent the agencies and institutions which propose to cooperate in planning for and development of the Regional Program. Additionally, each applicant must be able to exercise program coordination and fiscal responsibility. Finally, each applicant in order to be eligible must have designated a Regional Advisory Group to advise the applicant (and those agencies and institutions which propose to cooperate in the Regional Medical Program) in the planning and operation of the Program." (Emphasis added.)

A list of this membership was included as Attachment C to the Regional Medical Program of Texas progress report sent to the Board of Regents on August 27, 1971.

For several years, on an annual basis, the Chairman of the Regional Advisory Group has appointed a Nominating Committee from the membership of the Regional Advisory Group. This committee has brought nominations to the Regional Advisory Group back to that body for election to the Regional Advisory Group. Nominations from the floor may also be accepted. Following election, these individuals are appointed by the grantee (Chancellor) to serve the term for which they were elected. Certainly, the grantee could refuse to appoint a member, but in practice, this has never happened.

The functions and authorities of the Regional Advisory Group are detailed under the response to question one (1) and specifically beginning on page thirty-seven (37).

Charles B. McCall, M. D., Coordinator of RMP, G. V. Brindley, Jr., M. D., and Nicholas Hightower, M. D., both of Temple, Texas, were present at the meeting and answered questions relating to activities of RMP. John Thomas, M. D., of Austin, Texas, came into the meeting late. To all of these men, the Board of Regents expressed appreciation for the time and effort that each has put into the program.

2. Dallas Medical School and System Nursing School: Authorization to Establish Certificate Program for Pediatric Nurse Practitioners Contingent upon Certain Limitations. --Approval was given to establish a Certificate Program for Pediatric Nurse Practitioners at The University of Texas Southwestern Medical School at Dallas and The University of Texas Nursing School (System-wide) subject to clarification at the October meeting that the program is not in violation of the Texas Medical Practice Act.

This program will be administered and the certificates awarded by the System Nursing School with the academic and clinical resources of Dallas Medical School being used as added support for the program. Two nursing school faculty members will be based at the Dallas Medical School. It is estimated that the annual operating budget will be \$40,000 to be funded from "Planning and Development of New Student Programs and Facilities" (Appropriations Bill, 62nd Legislature, First Called Session, 1971).

Students admitted to this program will be required to be registered nurses holding a baccalaureate degree in nursing and to have been guaranteed by an employer the opportunity to practice in the expanded role for which they will be prepared. At all times these pediatric nurse practitioners will work under the immediate direction and supervision of a licensed physician.

After the legal opinion is presented at the October 1971 meeting and if the program is finally approved, the Coordinating Board, Texas College and University System will be asked for permission to establish this program.

3. Galveston Medical Branch: Authorization to Submit Proposal to U. S. Public Health Service for Operation of U. S. P. H. S. Hospital in Galveston. --President Blocker was authorized to submit to the U. S. Public Health Service a proposal by The University of Texas Medical Branch at Galveston for operation of the U. S. Public Health Service Hospital in Galveston. This proposal will integrate the facilities and resources of the U. S. P. H. S. Hospital into the operation of the Galveston Medical Branch with any cost of remodeling and rehabilitation of facilities to be paid for by the U. S. P. H. S. The Galveston Medical Branch will create through this program a cohesive system of health care services to the population now served by the Public Health Service Hospital. The integration of this facility and these services will facilitate health manpower production and utilization.

4. University of Texas System Units in Houston and Galveston Medical Branch: Report on Planning for and Approval in Principle of a Central Food Service Facility. --Deputy Chancellor Walker reported that a study is being made by University personnel with respect to a Central Food Service Facility to package and transport food to the component units of The University of Texas System located in Houston, Hermann Hospital of Houston (the affiliated teaching hospital), and The University of Texas Medical Branch at Galveston. The concept was approved in principle with the express understanding that details will be submitted to the Board for consideration at a later date.
5. M. D. Anderson: Approval of Bylaws for the Board of Visitors of the University Cancer Foundation. --The Bylaws of the Board of Visitors of the University Cancer Foundation of The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston proposed by President Clark and concurred in by Chancellor LeMaistre were amended and approved in the following form:

BYLAWS

of the

BOARD OF VISITORS

ART. I

Nature and Purposes

- 1.1. Nature. The Board of Visitors is an appointive board within the organizational structure of the Anderson Hospital-Institute and the University Cancer Foundation, which assists the President, and upon request, the Board of Regents in an advisory capacity. The operation, conduct, and control of Anderson Hospital-Institute is by statute vested in the President, and the ultimate responsibility of Anderson Hospital-Institute is by statute vested in the Board of Regents. The Board of Visitors' role is one of harmonious cooperation with the President and the Regents in their designated activities.
- 1.2. Purpose. The purpose of the Board of Visitors is to further the mission of the Anderson Hospital-Institute and the objectives of the University Cancer Foundation by all available means, with emphasis upon public relations, and financial assistance through encouraging gifts, grants, donations and bequests.

The Board of Visitors shall also constitute a development board dedicated to its own unique interests, and through the President and the Board of Regents, shall be responsible for all private-fund development for the Anderson Hospital-Institute. It shall determine its own development needs and shall direct the formulation of plans and the promotion of support for its program.

ART. II  
Members

- 2.1. Qualifications. The membership of the Board of Visitors shall consist of persons especially interested in the accomplishment of the mission of Anderson Hospital-Institute and the attainment of the objectives of the University Cancer Foundation.
- 2.2. The Board of Visitors shall consist of not more than 25 members, plus the President and the Chancellor of The University of Texas System, both of whom shall be ex-officio members. Members are expected to attend meetings and actively to support the programs of the Anderson Hospital-Institute and University Cancer Foundation. In addition to such Regular Members, there may be Honorary Members who have rendered distinguished prior service to the Anderson Hospital-Institute and the University Cancer Foundation and who have been elected to membership by the Board of Visitors upon the recommendation of the President. Honorary Members shall be invited to all meetings of the Board but shall not be entitled to vote.
- 2.3. Appointment. Members of the Board of Visitors shall be appointed by the Board of Regents upon recommendation of the President.
- 2.4. Terms. Members of the Board of Visitors shall be appointed for three year terms. No person shall serve for longer than two consecutive terms, provided that special exception may be made by the Board of Regents in instances where a member has rendered distinguished services to the Anderson Hospital-Institute and the University Cancer Foundation. The terms of Regular Members shall be staggered so that approximately one-third of the members shall serve for the fiscal year beginning September 1, 1971, one-third shall serve for two years beginning on the same date, and one-third shall serve for three years beginning on the same date. Lots will be drawn immediately after September 1, 1971, to determine the remaining terms of members of the Board already serving as such.
- 2.5. Resignation and removal. Any member may resign at any time by written letter to the Chairman of the Board of Visitors and the President, addressed c/o the Anderson Hospital-Institute. Any member of the Board of Visitors may be removed at any time by a vote of a majority of the Board of Visitors.
- 2.6. Voting. Each member of the Board of Visitors shall have one vote on all matters coming before such board.
- 2.7. The Board of Visitors may, without the necessity of confirmation of the Board of Regents, select and appoint as Associate Members of the Board not more than 100 persons interested in the mission of Anderson Hospital-Institute and the attainment of the objectives of the University Cancer Foundation. Their duties shall be to assist the Board of Visitors in the discharge of its responsibilities, including private fund development for the Anderson Hospital-Institute. Associates shall be invited to attend, without vote, one or more meetings of the Board of Visitors each year. They shall serve for one year from the date of appointment and may be reappointed on a year-to-year basis. Procedure for selecting and appointing Associates shall conform to applicable resolutions of the Board of Visitors adopted at one or more of its regular meetings.

ART. III  
Meetings

- 3.1. Meetings of the Board of Visitors shall occur at least two times each year, preferably in the Spring and Fall. Other meetings shall be held upon special call of the Chairman or the President.
- 3.2. Notices of meetings shall be issued to the membership as early as feasible, and in any event, at least fourteen days preceding the date of the proposed meeting. Special meetings may be called by the President or the Chairman through telephone notice given at least three days in advance.
- 3.3. Place. Meetings shall be held at a location within the State of Texas or elsewhere as specified in the notice of meeting.
- 3.4. Quorum. Forty per cent of the Regular Members shall constitute a quorum qualified to take action as the Board of Visitors. The vote of a majority of those present shall constitute the decision and the action of the Board of Visitors.

ART. IV  
Officers and Committees

- 4.1. Officers. The officers of the Board of Visitors shall consist of a Chairman, a Vice Chairman, a Secretary, and a representative to The University of Texas System Advisory Committee which oversees private-fund development and foundations operating within the System. All such officers shall be Regular Members of the Board of Visitors and shall serve for one year or until their successors are selected but in no case longer than their own term on the Board of Visitors. In addition there may be an Assistant Secretary designated by the President from the staff of Anderson Hospital-Institute. It is expected that all officers shall reside in the general area of Houston, Texas.
- 4.2. Duties. It shall be the duty of the Chairman to plan and organize the affairs and meetings of the Board of Visitors in cooperation with the President, so that maximum accomplishments may be achieved; to study the activities, common needs and programs of Anderson Hospital-Institute and the University Cancer Foundation, so that periodic reports and recommendations may be made to the Board of Visitors; he shall preside at all meetings of the Board of Visitors. The Vice Chairman shall perform the duties of the Chairman in his absence or during his disability. The Secretary shall cause notices of all meetings to be issued, cause minutes of all meetings to be kept in a permanent form, and cause all reports required of the Board of Visitors to be prepared. All officers shall perform such additional duties as may be assigned to them by the Board of Visitors from time to time.
- 4.3. Vacancies. In the event of the death, resignation, disability or removal of any officer, the President shall be authorized to make interim appointments until the next meeting of the Board of Visitors.

- 4.4. Executive Committee. There shall be an Executive Committee, composed of those members, resident in Houston, who have been nominated thereto by the Membership Committee with the advice and consent of the President, and elected by the Board of Visitors. The members thereof shall hold office for one year and until their successors are elected and have qualified. The Executive Committee, subject to such limitations as the Board of Visitors shall establish from time to time, shall have and may exercise all of the authority of the Board of Visitors, except that such committee shall have no powers (a) in areas withdrawn from its scope of authority by the Board of Visitors, (b) to elect or appoint directors, officers or members of any committee, (c) to alter, amend, or repeal these bylaws, or any resolutions of the Board of Visitors, or (d) take any action contrary or inimical to any resolutions of the directors, resolutions of the Board of Regents, or any determination of the President. Meetings of the Executive Committee shall be held at such time and place as the Chairman or the President may determine. Three days telephonic notice of meetings of the Executive Committee shall be required, and a majority of the members of the committee shall constitute a quorum for the transaction of business. Minutes of all such meetings shall be kept and shall be presented to the Board of Visitors at its next meeting for approval or disapproval. If time permits, members of the Board of Visitors, non-resident in Houston, shall be invited to Executive Committee meetings and, when present, may participate fully in the deliberations of the Executive Committee, including voting on any question submitted for vote.
- 4.5. Membership Committee. There shall be a Membership Committee consisting of three members of the Board of Visitors nominated by the Chairman with the advice and consent of the President and elected by the Board of Visitors. Members thereof shall hold office for one year and until the successors are elected and qualified. It shall be the duty of the Membership Committee to (a) recommend to the Board of Visitors the names of prospective new members of the Board of Visitors, (b) to make such examination of persons suggested by individual members of the Board of Visitors, or otherwise as may be necessary in order to make such recommendations, and (c) in cooperation with the President and the Chairman, to make nominations with respect to new officers and new members of the Executive Committee. The Membership Committee shall approve and recommend as prospective new members of the Board of Visitors, (1) only persons who have, or who give evidence of having, a special interest in the furtherance of the mission of Anderson Hospital-Institute and the University Cancer Foundation, and (2) only persons who, by profession, avocation, proclivities and residence, will tend to give to the Board of Visitors the broadest possible representation of the whole spectrum of social, cultural and financial characteristics of the people of the State of Texas.
- 4.6. Finance Committee. There shall be a Finance Committee consisting of five members of the Board of Visitors, to hold office for one year and until their successors shall be appointed. It shall be the responsibility of the committee to assist the Board in the following areas:
- a. Study total development needs of the Anderson Hospital-Institute.



- b. Co-ordinate and formulate plans and actively promote support for both current and long-range programs to meet the developmental needs of the Anderson Hospital-Institute.
- c. Develop gift possibilities not related to pre-determined projects.
- d. Make periodic reports to the President on the plans and programs of the developmental aspects of Anderson Hospital-Institute, including collection and dissemination of information regarding gifts and endowments.

ART. V  
Amendments

- 5.1. Changes. These bylaws may from time to time be added to, changed, altered, amended or repealed (a) by the affirmative vote of at least a majority of the whole Board of Visitors after affirmative recommendation by the President: (b) by affirmative action of the Board of Regents.

ART. VI  
Definitions

- 6.1. Definitions. As used herein --

"Regents", or "Board of Regents" means the Board of Regents of The University of Texas System serving at the particular time;

"Anderson Hospital-Institute" means The University of Texas M. D. Anderson Hospital and Tumor Institute;

"President" means the President of The University of Texas M. D. Anderson Hospital and Tumor Institute; and

"Mission of the Anderson Hospital-Institute" means, as set out in the Institutional Plan for The University of Texas M. D. Anderson Hospital and Tumor Institute, approved on November 7, 1957, by the Board of Regents, following:

"Section A. The mission of the Anderson Hospital shall be:

- "1. Research activities. The instigation, conduct, sponsorship and espousal of investigations and research designated to increase the knowledge of mankind relating to the causes, occurrence, treatment, relief, cure and prevention of neoplastic and allied diseases.
- "2. Educational activities. The dissemination to students, the medical and related professions, and the public, of information concerning the occurrence, causes, treatment, relief, cure and prevention of neoplastic and allied diseases, including affiliation with, and participation in, all appropriate teaching functions of The University of Texas.

"3. Patient care activities. The admission of patients having or suspected of having a neoplastic or allied disease, for the purpose of diagnosing, observing, treating, curing and preventing such conditions."

"Section B. Integration of activities. Notwithstanding the separate enumeration of the activities of the Anderson Hospital in this Article Two, such activities shall be coordinated so that the knowledge gained in the pursuit of one activity shall be brought to bear in the performance of all other activities."

6. Public Health School: Expansion of Program in Institute of Environmental Health - (a) Approval of South-North Center for Health Studies and (b) Approval in Principle of Pan American Center for Human Ecology and Health Based on Submission to and Approval of the Board of a Rewritten Proposal. --Pursuant to the request of the Board of Regents at its meeting on June 4, 1971, for additional clarifying information, Dean Stallones presented a written proposal for the development of the program in Environmental Health of The University of Texas School of Public Health at Houston, and a proposal for the Pan American Center for Human Ecology and Health to be affiliated with the Public Health School in connection with the South-North Center for Health Studies, the latter to be developed within the Institute of Environmental Health of the Public Health School.

Based upon the written proposal, authorization was given to Dean Stallones to create the South-North Center for Health Studies in the Institute of Environmental Health of The University of Texas School of Public Health at Houston in accordance with the written proposal but with the stipulation that it is to be of no cost to the state.

With respect to the proposal for the Pan American Center for Human Ecology and Health, approval in principle was also given to Dean Stallones to pursue "the establishment of a center for the study of the relationship of human health to environmental change. The center is planned to conduct and promote research in this area of man-environmental relations in the region of the Americas; to gather, evaluate, and disseminate information; to assist in the training of persons to work with environmental problems; and to provide consultation services." However, it was understood that before any proposal is presented to Pan American it will be clarified and resubmitted to the Board of Regents for approval.

7. System Nursing School: Authorization to Dean Willman to Certify Students for Scholarships to Be Funded by Appropriation of the 62nd Legislature. --Pursuant to Appropriations Bill, Senate Bill No. 11, as amended by Senate Bill No. 7, First Called Session of the 62nd Legislature, State of Texas, 1971, which appropriated \$130,000 out of General Revenue Funds for scholarships for The University of Texas Nursing School (System-wide), Dean Willman was authorized to certify students of the System Nursing School eligible to receive such scholarships and to specify the amount of each scholarship which includes tuition, laboratory fees, building use fees, and required student services fees.

COMMITTEE OF THE WHOLE  
(Pages 49 - 73 )

Chairman Peace presented the following report of the Committee of the Whole and moved its adoption. This report was unanimously adopted:

BOARD OF REGENTS: STANDING COMMITTEES, SPECIAL COMMITTEES, AND REGENTAL REPRESENTATIVES. --Approval was given to the request of Chairman Peace to appoint and to take the designated action set out below with respect to the Standing Committees, the Special Committees, and Regental Representatives of the Board:

7. Standing Committees

In accordance with present practice all members of the Board were named members of each of the Standing Committees. Chairman Peace designated the chairman of each Standing Committee which is indicated below with the full membership of the Committee:

A. Executive Committee

Mr. Frank N. Ikard, Chairman  
Mr. Frank C. Erwin, Jr.  
Mr. Jenkins Garrett  
Mrs. Lyndon B. Johnson  
Mr. Joe M. Kilgore  
Mr. A. G. McNeese, Jr.  
Joe T. Nelson, M.D.  
Mr. John Peace  
Mr. Dan C. Williams

B. Academic and Developmental Affairs Committee

Mr. Joe M. Kilgore, Chairman  
Mr. Frank C. Erwin, Jr.  
Mr. Jenkins Garrett  
Mr. Frank N. Ikard  
Mrs. Lyndon B. Johnson  
Mr. A. G. McNeese, Jr.  
Joe T. Nelson, M.D.  
Mr. John Peace  
Mr. Dan C. Williams

C. Buildings and Grounds Committee

Mr. Frank C. Erwin, Jr., Chairman  
Mr. Jenkins Garrett  
Mr. Frank N. Ikard  
Mrs. Lyndon B. Johnson  
Mr. Joe M. Kilgore  
Mr. A. G. McNeese, Jr.  
Joe T. Nelson, M.D.  
Mr. John Peace  
Mr. Dan C. Williams

D. Land and Investment Committee

Mr. Jenkins Garrett, Chairman  
 Mr. Frank C. Erwin, Jr.  
 Mr. Frank N. Ikard  
 Mrs. Lyndon B. Johnson  
 Mr. Joe M. Kilgore  
 Mr. A. G. McNeese, Jr.  
 Joe T. Nelson, M.D.  
 Mr. John Peace  
 Mr. Dan C. Williams

E. Medical Affairs Committee

Mr. Dan C. Williams, Chairman  
 Mr. Frank C. Erwin, Jr.  
 Mr. Jenkins Garrett  
 Mr. Frank N. Ikard  
 Mrs. Lyndon B. Johnson  
 Mr. Joe M. Kilgore  
 Mr. A. G. McNeese, Jr.  
 Joe T. Nelson, M.D.  
 Mr. John Peace

F. System Operations and Procedures Committee. --

Mr. Frank N. Ikard was named Chairman of the System Operations and Procedures Committee. As an initial subcommittee of the Committee, the following were named:

Mr. Frank N. Ikard, Chairman  
 Mr. Frank C. Erwin, Jr.  
 Mr. Joe M. Kilgore  
 Mr. Dan C. Williams

The subcommittee will study the role and scope of this Committee's function, draft a proposed rule concerning the role, scope and operation of this Committee and report its recommendation to the Board for final approval at the meeting on October 22, 1971.

II. Board for Lease of University Lands

The following were designated as members of the Board for Lease of University Lands:

Mr. Jenkins Garrett  
 Mr. Dan C. Williams

III. Special Committees

For the purpose of the record and to clarify the current situation with respect to Special Committees, the following actions were taken:

- A. Special Committee on U. T. Permian Basin. -- The Special Committee on U. T. Permian Basin was abolished.

- B. Special Committee on Administrative Organization. --  
Mr. Frank N. Ikard was redesignated Chairman of the  
Special Committee on Administrative Organization.  
The membership as approved is:
- Mr. Frank N. Ikard, Chairman  
Mr. Frank C. Erwin, Jr.  
Mr. Jenkins Garrett  
Mrs. Lyndon B. Johnson  
Mr. Joe M. Kilgore  
Mr. A. G. McNeese, Jr.  
Joe T. Nelson, M. D.  
Mr. John Peace  
Mr. Dan C. Williams
- C. Special Committee to Review Budgets for System Adminis-  
tration, Bauer House and University House at  
1610 Watchhill Road in Austin. --Mr. Frank C. Erwin, Jr.,  
was named to replace Mr. John Peace as a member of the  
Special Committee to Review Budgets for System Adminis-  
tration, Bauer House and University House at 1610 Watch-  
hill Road in Austin. Membership as approved is:
- Mr. Joe M. Kilgore, Chairman  
Mr. Frank C. Erwin, Jr.  
Mr. Dan C. Williams
- D. Special Committee for the Dedication of the Lyndon Baines  
Johnson Library. --The Special Committee for the Dedication  
of the Lyndon Baines Johnson Library was discharged with a  
very special tribute to the Committee and the many other  
people who worked so diligently and outstandingly for the  
success of this project.
- E. Special Committee to Study Future Role of the Washington  
Office. --The following were reappointed members of the  
Special Committee to Study the Future Role of the Washington  
Office:
- Mr. Frank N. Ikard, Chairman  
Mr. Jenkins Garrett  
Mr. Joe M. Kilgore
- F. Special Committee on Evaluation of Rules and Regulations,  
Part One, Chapter III (Tenure). --Regent A. G. McNeese, Jr.,  
was appointed a member of the Special Committee on Evalua-  
tion of Rules and Regulations, Part One, Chapter III (Tenure),  
and the membership of that Committee is:
- Mr. Frank C. Erwin, Jr., Chairman  
Mr. Jenkins Garrett  
Mr. A. G. McNeese, Jr.  
Mr. Dan C. Williams

- G. Special Committee to Study Rapid Transit at The University of Texas at Austin. --The following were appointed members of the Special Committee to Study Rapid Transit at The University of Texas at Austin:

Mr. Frank C. Erwin, Jr., Chairman  
Mr. Jenkins Garrett  
Mrs. Lyndon B. Johnson  
Two persons to be designated by Dr. Stephen Spurr

- H. Special Committee on Student Publications. --The following were appointed members of a Special Committee on Student Publications:

Mr. Jenkins Garrett, Chairman  
Mrs. Lyndon B. Johnson

- I. Special Committee to Study Feasibility of New Facility for Intercollegiate Basketball and Other Activities. -- The following were appointed members of the Special Committee to Study Feasibility of New Facility for Intercollegiate Basketball and Other Activities:

Mr. A. G. McNeese, Jr., Chairman  
Mr. Frank C. Erwin, Jr.  
Mr. Dan C. Williams

IV. Regental Representatives

- A. Association of (National) Governing Boards of State Universities and Allied Institutions

Mrs. Lyndon B. Johnson

- B. Committee of (Texas) Governing Boards of State Colleges and Universities

Mr. John Peace

- C. Liaison Representative Between Directors of Texas Medical Center and Members of the Board of Regents

Mr. A. G. McNeese, Jr.

- D. Committee for Santa Rita Award

Mr. Jenkins Garrett

- E. Executive Council of the Ex-Students' Association

Mr. John Peace (ex officio)

REGENTS' RULES AND REGULATIONS, PART TWO: AMENDMENTS TO CHAPTER X (AUXILIARY ENTERPRISES). --Chancellor LeMaistre presented the following narrative statement with the recommendation to amend the Regents' Rules and Regulations, Part Two, Chapter X, Subsections 9.5 and 9.11 of Section 9 and Subsections 10.1 and 10.2 of Section 10:

"At the July 30, 1971 meeting, the Board of Regents authorized (me) to submit revisions to the Rules and Regulations delegating to President Spurr the approval authority for the minutes and actions of the Texas Union Board and Athletics Council."

Thereafter, the proposed amendments of the Administration were amended, and Subsections 9.5 and 9.11 of Section 9 and Subsections 10.1 and 10.2 of Section 10 of Chapter X were deleted and the following substituted in lieu thereof:

- 9.5 At least two copies of the minutes of all meetings of the Board of Directors and the Executive Committee shall be delivered promptly to the President of The University of Texas at Austin. No budget or budget amendment adopted by the Board of Directors of the Texas Union, or of any committee or subcommittee of such Board, shall have any force or effect until such budget or budget amendment has been approved by the Board of Regents.
- 9.11 Notwithstanding any other provision of this section, every action of the Board of Directors of the Texas Union, and every action of any committee or subcommittee of such board, shall be reviewed by the President of The University of Texas at Austin and the President of The University of Texas at Austin may approve, reverse, or modify each such action. After reviewing the minutes of the Board of Directors, the President of The University of Texas at Austin shall deliver to the Chancellor two copies of such minutes and a copy of the action, if any, taken by the President with regard to the approval, modification, or reversal of any action of the Board of Directors. Nothing in this section shall be deemed to limit or restrict the authority of the Board of Regents.
- 10.1 At least two copies of the minutes of all meetings of the Athletics Council at The University of Texas at Austin shall be delivered promptly to the President of The University of Texas at Austin. No budget or budget amendment adopted by the Athletics Council, or of any committee or subcommittee of such Council, shall have any force or effect until such budget or budget amendment has been approved by the Board of Regents.
- 10.2 The President of The University of Texas at Austin shall review the minutes of all meetings of the Athletics Council and may subsequently approve, reverse, or modify any action therein. After reviewing the minutes of a meeting of the Athletics Council, the President of The University of Texas at Austin shall deliver to the Chancellor two copies of such minutes and a copy of the action, if any, taken by the President with regard to the approval, modification, or reversal of any action of the Athletics Council. Nothing in this section shall be deemed to limit or restrict the authority of the Board of Regents.

**U. T. SYSTEM: AWARD OF CONTRACT FOR SYSTEM-WIDE FIRE AND EXTENDED COVERAGE INSURANCE TO ST. PAUL FIRE AND MARINE INSURANCE COMPANY ON BUILDINGS AND CONTENTS COVERED BY BOND ISSUES.** --Upon recommendation of System Administration, the Board authorized the award of a contract to St. Paul Fire and Marine Insurance Company for the period September 24, 1971 to September 24, 1974 for a Blanket System-Wide Fire and Extended Coverage Insurance Policy for Buildings and Contents, the revenues of which are pledged for payment of principal and interest on bonds and notes. This contract was awarded on the basis of the proposal submitted through Cravens, Dargan and Company of Houston, Texas, by Arthur L. Owen Company of Dallas, Texas. The three-year premium for a Texas standard policy is \$158,293 based on a three-year premium rate of \$0.134 per \$100. The premium will be prorated among the institutions covered by this policy.

Requests for proposals were submitted to 23 insurance companies authorized by the State Board of Insurance to do business in Texas that equaled or exceeded the ratings in Best's Insurance Guide for 1970, i. e., General Policyholders Rating: A+, Financial Rating: AAAAA, Policyholders' Surplus at December 31, 1969: \$30,000,000 or more. Certain insurance agencies and insurance brokers who had requested information were invited to submit proposals. On an 80% coinsurance basis, the sound insurable value of the properties to be covered is \$118,129,021.

**U. T. SYSTEM: COMPLIANCE WITH 90-DAY WAGE-PRICE FREEZE INITIATED BY PRESIDENT OF THE UNITED STATES ON AUGUST 15, 1971.** --The following resolution was adopted:

WHEREAS, The President of the United States issued an Executive Order providing for stabilization of prices, rents, wages and salaries for a period of 90 days beginning on August 15, 1971:

BE IT RESOLVED, That The University of Texas System and all of its component institutions will comply fully with the guidelines concerning the price and wage controls established by the Office of the President, and

BE IT FURTHER RESOLVED, That except for modifications required by the applications of the foregoing guidelines, all heretofore approved 1971-72 operating budgets for The University of Texas System and its component institutions remain in full force and effect.

**U. T. SYSTEM: RENEWAL OF AGREEMENT WITH COORDINATING BOARD WITH RESPECT TO HINSON-HAZLEWOOD COLLEGE STUDENT LOAN PROGRAM (PREVIOUSLY KNOWN AS TEXAS OPPORTUNITY PLAN) AND AUTHORIZATION TO APPOINT TEXAS OPPORTUNITY FUND OFFICERS.** --Approval was given for The University of Texas System to participate in the Hinson-Hazlewood College Student Loan Program (previously known as Texas Opportunity Plan), and the Chairman of the Board was authorized to execute the agreement with the Coordinating Board, Texas College and University System that is on Page 55. The Chancellor was authorized to designate at each of the participating institutions a Texas Opportunity Fund Officer as required in Section 2 of the agreement.



Appendix A

AGREEMENT  
between  
Coordinating Board, Texas College and University System  
and

The University of Texas System  
(Name of Institution)

As an eligible institution of Higher Education in Texas, it is hereby agreed that in order to participate in the Hinson-Hazlewood College Student Loan Act the institution will:

- 1) Abide by the Rules and Regulations of the Hinson-Hazlewood College Student Loan Act as adopted by the Board on July 15, 1971 and any subsequent revisions thereto.
- 2) Appoint a Texas Opportunity Plan Fund Officer who will exercise reasonable and diligent care and employ accepted business-type procedures in the administration of the Hinson-Hazlewood College Student Loan Act.
- 3) Submit such reports and information as the Commissioner of Higher Education may require in connection with the administration of the Hinson-Hazlewood College Student Loan Act.
- 4) Comply with such procedures as the Commissioner of Higher Education may find necessary to insure the full utilization of the Hinson-Hazlewood College Student Loan Act funds.
- 5) Provide all forms required by the Commissioner of Higher Education; said forms to be approved by the Commissioner prior to their use by the institution.

The Coordinating Board, Texas College and University System agrees that it will provide an adequate number of copies of the Rules and Regulations of the Hinson-Hazlewood College Student Loan Act as adopted by the Board and subsequent revisions thereto within a reasonable length of time after their adoption.

Both parties agree to comply with Title VI of the Civil Rights Act of 1964 which states: "No person in the United States shall on the grounds of race, color, national origin, be excluded from participating in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal assistance".

COORDINATING BOARD,  
TEXAS COLLEGE & UNIVERSITY SYSTEM

The University of Texas System  
(Institution)

\_\_\_\_\_  
(Commissioner)

John Peace  
(Chairman of Governing Board)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

U. T. SYSTEM: SUBSTITUTION OF MEMORANDUM OF AGREEMENT BETWEEN GALVESTON MEDICAL BRANCH AND TEXAS A&M UNIVERSITY TO INCLUDE OTHER INSTITUTIONS OF HIGHER EDUCATION AND AUTHORIZATION TO RECOMMEND NEW SEAL. -- In an effort to provide a mechanism for obtaining greater and more efficient utilization of the marine-related resources, facilities, and equipment now existing and to exist in the future at The University of Texas Medical Branch at Galveston, the U. T. System Advisory Council on Marine-Related Affairs, concurred in by Chancellor LeMaistre, proposed the following recommendations that were unanimously adopted:

1. That the following Memorandum of Understanding be approved by the Board of Regents and substituted for the Memorandum of Understanding executed between President Truman Blocker of the Galveston Medical Branch and President Earl Rudder of Texas A&M University on October 11, 1968, concerning the Marine Biomedical Institute.
2. That the Chancellor be authorized and directed to send as soon as possible this new Memorandum of Understanding with an invitation to affiliate with the Marine Biomedical Institute, to the presidents of U. T. Austin and U. T. Dallas and the deans of San Antonio Medical School and Dallas Medical School and to such other institutions of higher education and research agencies and state agencies as express an interest in affiliating with the Marine Biomedical Institute as outlined in the Memorandum of Understanding.
3. That the Chancellor be authorized and directed specifically to offer the new Memorandum of Understanding to Texas A&M University as a substitute for the October 11, 1968, Memorandum of Understanding executed with Texas A&M University.
4. That the seal presently used by the Marine Biomedical Institute be abolished and that President Blocker be requested to submit a new seal for adoption by the Board of Regents. (This seal presently contains the names of the Galveston Medical Branch and Texas A&M University.)

MEMORANDUM OF UNDERSTANDING  
CONCERNING PARTICIPATION OF INSTITUTIONS  
OF HIGHER EDUCATION AND RESEARCH AGENCIES  
AND STATE AGENCIES WITH  
THE UNIVERSITY OF TEXAS MEDICAL BRANCH  
IN THE MARINE BIOMEDICAL INSTITUTE AT GALVESTON

It is agreed that:

- (1) The University of Texas Medical Branch at Galveston together with other institutions of higher education will work together through

the Marine Biomedical Institute to advance the understanding of biomedical sciences research and education associated with the marine environment.

- (2) The Marine Biomedical Institute be located at Galveston with administrative offices and a main facility on the campus of The University of Texas Medical Branch. Other specialized facilities under the jurisdiction of the Institute may be located off campus as experience requires. The name of the Institute be "The Marine Biomedical Institute."
- (3) The Institute be administered and budgeted through The University of Texas Medical Branch and the Director of the Institute. The Director of the Marine Biomedical Institute may initiate grant proposals through the President of The University of Texas Medical Branch to any institution or government agency or private donor and may receive support directly from such institutions, agencies, or donors. In some instances, he will be responsible for maintaining adequate administrative procedures to satisfy the specific granting institution or agency and the Rules and Regulations of The University of Texas System Board of Regents. Where proposals require commitments from any institution of higher education or agency affiliated with the Marine Biomedical Institute, prior approval will have been obtained from the appropriate institution or agency.
- (4) A Coordinating Committee be established and shall initially consist of representatives of the following institutions upon their acceptance of this Memorandum of Understanding: The University of Texas Medical Branch at Galveston, The University of Texas at Austin, The University of Texas at Dallas, The University of Texas Medical School at San Antonio, The University of Texas Southwestern Medical School at Dallas, and Texas A&M University. The Director of the Marine Science Institute at Port Aransas and the Marine Biomedical Institute shall also be members of the Coordinating Committee. Each additional institution of higher education or agency that affiliates under this Memorandum of Understanding shall have one representative on the Coordinating Committee. The University of Texas Medical Branch representative shall be the President of that institution, and he will be permanent chairman of the Coordinating Committee. All members of the Coordinating Committee, with the exception of the Director of the Marine Biomedical Institute, who shall be Executive Secretary to the Coordinating Committee, will have a vote and the Chairman

may vote in the event of a tie. The Vice-Chairman shall be elected annually from among the member representatives at that time. Those institutions of higher education and agencies which affiliate under this Memorandum of Understanding shall follow their own procedures for designating representatives to serve on the Coordinating Committee. The Coordinating Committee's role will be advisory to the Marine Biomedical Institute. In this capacity, it will provide advice on matters of policy and procedures of the participating institutions and agencies. The Coordinating Committee will provide the Director of the Marine Biomedical Institute with advice on the content of the Institute's research program, the quality of the Institute's staff, and other matters relating to the program of the Institute and its funding. The Committee will make an annual report of the Institute's programs, progress, accomplishments, and problems, including finances and facility, to the participating institutions and agencies.

- (5) The President of The University of Texas Medical Branch, after consultation with the Coordinating Committee, will recommend the Director of the Institute for approval by the Chancellor of The University of Texas System, subject to the Rules and Regulations of the University of Texas Board of Regents.
- (6) The Marine Biomedical Institute will conduct as much of its program as is feasible with staff members from the respective institutions after appropriate inter-institutional or inter-agency agreements are reached. Adjunct appointments may be made as appropriate among participating institutions. These agreements are required when significant resources or fiscal commitments are involved. The President of The University of Texas Medical Branch will submit any such agreements to the institutions or agencies annually or as required for concurrence prior to submitting them to The University of Texas System for final approval.
- (7) The Marine Biomedical Institute will invite and provide the opportunity for other institutions of higher learning, research agencies, or State agencies to participate with The University of Texas Medical Branch in the program of the Institute.
- (8) Implicit in this understanding is the necessity for each institution to control its material, equipment, and related items. Material, equipment, and related items obtained through joint projects of participating institutions funded from outside sources and applied for through the Institute will remain the property of the Institute where appropriate. In any case, administrative control of all such property will remain with the Institute.

(9) Upon written notification to the President of The University of Texas Medical Branch, any participating institution may terminate its affiliation under this Memorandum of Understanding.

APPROVED:

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

APPROVED BY PARTICIPATING INSTITUTIONS AND AGENCIES:

Chief Administrative Officer	Date of Affiliation
------------------------------	---------------------


U. T. AUSTIN: AT REQUEST OF ADMINISTRATION, LEGAL CONSIDERATIONS CONCERNING AGREEMENT WITH TRAVIS COUNTY LEGAL AID AND DEFENDERS SOCIETY POSTPONED. --The legal considerations concerning a proposed agreement between the Board of Regents of The University of Texas System for and on behalf of The University of Texas at Austin School of Law and the Travis County Legal Aid and Defenders Society were deferred at the request of the Administration until the October 1971 meeting of the Board.

U. T. AUSTIN: REAPPOINTMENT OF DR. LORENE ROGERS AND CHANGE OF TITLE TO VICE-PRESIDENT. --Dr. Lorene Rogers was reappointed for 1971-72, and her title was changed from Assistant to the President at The University of Texas at Austin to the Vice-President for program development with no change in salary.

This item was not on the agenda for the meeting, and it will be re-submitted at the October 1971 meeting for ratification.

U. T. AUSTIN: SPECIAL COMMITTEE TO STUDY FEASIBILITY OF NEW FACILITY FOR INTERCOLLEGIATE BASKETBALL AND OTHER ACTIVITIES. --As Chairman of the Special Committee to Study Feasibility of New Facility for Intercollegiate Basketball and Other Activities at The University of Texas at Austin, Regent McNeese requested that at the October 1971 meeting of the Buildings and Grounds Committee precedence be given to preliminary plans and site selections for a field house and gymnasium at The University of Texas at Austin to serve intercollegiate basketball and other intramural sports.

U. T. EL PASO: AUTHORIZATION TO COMPLETE NEGOTIATIONS FOR A GRANT FOR SPECIAL SERVICES PROGRAM FOR STUDENT ASSISTANCE FROM UNITED STATES OFFICE OF EDUCATION. -- Upon recommendation of Chancellor LeMaistre, the Board authorized The University of Texas System and The University of Texas at El Paso to complete negotiations with the United States Office of Education for a project to be entitled "The University of Texas at El Paso Special Services Program for Student Assistance" and to develop a detailed operating plan in accordance with modifications Dr. Smiley has worked out and to submit this to the Board of Regents through the Docket at its meeting on October 22, 1971. The operating plan must comply with the following points and conditions:

1. It will conform to the Regents' Rules and Regulations.
2. The program will be under the complete control of the U. T. El Paso Administration, including budgetary control and the appointment of the project director and the professional staff by the President.
3. There will be six- and nine-month reports filed with the System Administration.
4. The project will be a one-year program, from the date of Regental approval, the results of which will be reported to the U. T. System Administration and the Board of Regents prior to any consideration of continued funding.
5. There will be no amendments or modifications in the program without prior approval.
6. In view of the possibility that federal funds may not be available to continue the project, no long-term commitments are to be made or implied to any new staff.

U. T. DALLAS: WAIVER OF REGENTS' RULES AND REGULATIONS, PART ONE TO RENAME SCIENCE TEACHING BUILDING THE LLOYD V. BERKNER SCIENCE TEACHING BUILDING. --Section 1, Chapter VIII, Part One of the Regents' Rules and Regulations was waived and the following resolution was adopted:

WHEREAS, Dr. Lloyd V. Berkner, an eminent scientist and educator, was the first President of the Southwest Center for Advanced Studies;

WHEREAS, The founders of this institution wisely chose Dr. Berkner to direct the establishment of this institution;

WHEREAS, Through his leadership, the center attained recognized academic status and contributed to higher education in Texas;

WHEREAS, Through the generosity of the founders, the Legislature of Texas accepted the land, building and other assets and established The University of Texas at Dallas, and

WHEREAS, Upon recommendation of Regent Williams, the Board of Regents of The University of Texas System wishes to recognize the contribution of Dr. Berkner by naming a building in his honor:

NOW, THEREFORE, BE IT RESOLVED, That in accordance with Section 1, Chapter VIII, Part One, of the Regents' Rules and Regulations, the Board does hereby officially name the Science-Teaching Building (now under construction) at The University of Texas at Dallas the Lloyd V. Berkner Science Teaching Building.

DALLAS MEDICAL SCHOOL: WAIVER OF REGENTS' RULES AND REGULATIONS, PART ONE, CHAPTER III FOR CONTINUED EMPLOYMENT OF DR. MERVYN B. STARNES. --Approval was given to waive the Regents' Rules and Regulations, Part One, Chapter III, Section 31. (17), in order to continue the employment of Mervyn B. Starnes, D. V. M., as Director of Animal Hospital and Associate Professor of Microbiology at The University of Texas Southwestern Medical School at Dallas for the 1971-72 fiscal year.

SAN ANTONIO MEDICAL SCHOOL: CONCURRENCE WITH SAN ANTONIO MEDICAL FOUNDATION IN SALE OF LAND TO HUMBLE OIL COMPANY. --The request of the San Antonio Medical Foundation for permission to sell to Humble Oil Company a 0.814 acre tract at the corner of Wurzbach Road and Fredericksburg Road in San Antonio, Texas, within the South Texas Medical Center was approved. This plot of ground is completely removed from The University of Texas Medical School at San Antonio and has no value for Medical School purposes. The Chairman was authorized to execute any and all instruments necessary to comply with the request of the San Antonio Medical Foundation. The approval by the Board is required under the terms of the contract between The University of Texas System and the San Antonio Medical Foundation. Regent Kilgore asked to be recorded as present but not voting.

GALVESTON MEDICAL BRANCH: APPROVAL OF LEASE AGREEMENT WITH DR. AND MRS. N. C. LEONE FOR BOAT FOR USE BY MARINE BIOMEDICAL INSTITUTE. --Authorization was given to The University of Texas Medical Branch at Galveston to enter into a lease agreement with Dr. and Mrs. N. C. Leone to lease a 35'10" twin engined boat, The Lucie L, more particularly described below. This lease was authorized on an annual fiscal year basis and renewals of the initial lease will require the approval of System Administration. The lease terms are \$1.00 per year with the understanding that the Galveston Medical Branch will provide insurance, storage, all operating costs and maintenance sufficient to keep the boat in its present condition. It is further understood that such boat will be used by the Marine Biomedical Institute for the Texas Tektite Program and for related scientific or engineering programs of the Galveston Medical Branch and that it will not be used for recreational or pleasure purposes by personnel:

1967 Post Sport Fisherman Board, 35'10" with  
2 - 210 HP Chrysler Marine engines-gasoline.  
Flying bridge with dual controls, depth finder  
and 75-watt ship-to-shore radio.

President Blocker pointed out that the estimated annual maintenance and operating expenses, including the required insurance, will be \$20,000, which is available from other than state funds. However, Dr. Blocker feels that if these fund sources should not be available, some of these expenses can appropriately be paid from the Legislative line-item appropriation to the Marine Biomedical Institute and the Tektite project

HOUSTON MEDICAL SCHOOL: WAIVER OF REGENTS' RULES AND REGULATIONS, PART ONE (CHAPTER III, SECTION 5.42) TO PERMIT THE EMPLOYMENT OF DR. EUGENE JACOBSEN AND DR. LINDA JACOBSEN. --Upon recommendation of Dean Smythe, concurred in by Chancellor LeMaistre, Section 5.42, Chapter III of Part One of the Regents' Rules and Regulations was waived to permit the employment of Dr. Linda Jacobsen as Associate Professor of Physiology at The University of Texas Medical School at Houston for a period of one year. Dr. Eugene Jacobsen, husband of Dr. Linda Jacobsen, was appointed Professor of Physiology of The University of Texas Medical School at Houston on April 16, 1971.

SYSTEM NURSING SCHOOL: NOMINATION TO ADVISORY COUNCIL OF SCHOOL OF NURSING (SYSTEM-WIDE) FOUNDATION. --Chairman Peace reported that in the Executive Session of the Committee of the Whole a nomination to the Advisory Council of The University of Texas School of Nursing (System-Wide) Foundation was unanimously approved. This nomination, if accepted, will be reported at a subsequent meeting as an item for the record, together with the names of the others who have accepted the appointments made by the Board of Regents at its meeting on July 30, 1971.



RATIFICATION (AFFILIATION AGREEMENTS). --The following affiliation agreements were ratified:

1. System Nursing School: Affiliation Agreement with Brackenridge Hospital, Austin, Texas, for Clinical Training for Nursing Students. --An agreement between the Board of Regents of The University of Texas System and Brackenridge Hospital of Austin, Texas, based on the model agreement approved by the Board on September 12, 1970, for clinical training for nursing students was ratified, and the Chairman of the Board was authorized to execute the agreement which had been approved as to form by a University attorney and as to content by appropriate administrative officials.
2. System Nursing School: Affiliation Agreement with Schlesinger's Home Health Service Agency, Austin, Texas, for Clinical Training for Nursing Students. --An agreement between the Board of Regents of The University of Texas System and Schlesinger's Home Health Service Agency, Austin, Texas, based on the model agreement approved by the Board on September 12, 1970, for clinical training for nursing students was ratified, and the Chairman of the Board was authorized to execute the agreement which had been approved as to form by a University attorney and as to content by appropriate administrative officials.

ITEMS FOR THE RECORD. --Below are items that have been approved by the Committee of the Whole as indicated. They were reported for the record and ratified:

1. U. T. Austin: Development Board Membership. --On June 4, 1971, nominations of those individuals starred (\*) in the list below were reappointed members of the Development Board of The University of Texas at Austin for a three-year period ending August 31, 1974. Their acceptances have been received, and the complete membership of the U. T. Austin Development Board follows:

	<u>Term Expires</u>
Mr. Rex G. Baker, Jr.*, Houston, Texas	1974
Senator Lloyd M. Bentsen, Jr.*, Washington, D.C.	1974
Mr. Ernest Cockrell, Jr., Houston, Texas	1973
Mr. H.H. Coffield*, Rockdale, Texas	1974
Mr. L.L. Colbert*, Detroit, Michigan	1974
Mr. Marvin K. Collie, Houston, Texas	1973
Mr. C.W. Cook*, White Plains, New York	1974

Mr. B.W. Crain, Jr.*, Longview, Texas	1974
Mr. Joe M. Dealey*, Dallas, Texas	1974
Mr. Franklin W. Denius, Austin, Texas	1973
Mr. Walter W. Fondren III, Houston, Texas	1973
Mr. Hayden W. Head*, Corpus Christi, Texas	1974
Mr. Dan M. Krausse, Dallas, Texas	1973
Mr. Wales H. Madden, Jr.*, Amarillo, Texas	1974
Mrs. Eugene McDermott, Dallas, Texas	1972
Mr. J. Mark McLaughlin, San Angelo, Texas	1972
Mr. J.M. Odom*, Austin, Texas	1974
Mr. B.D. Orgain, Beaumont, Texas	1972
Mr. Preston Shirley, Galveston, Texas	1973
Mr. Jack G. Taylor, Houston, Texas	1973
Mr. John P. Thompson, Dallas, Texas	1972
Mr. Dan C. Williams, Dallas, Texas	(Regent Representative)
Mr. J.D. Wrather, Jr., Beverly Hills, California	1973

2. M. D. Anderson: Approval of Offer of Board of Visitors' Campaign for Expansion and Development. --Following a discussion of the Conquest of Cancer Bill pending in Congress, and a proposal of the Board of Visitors of the University Cancer Foundation by Mr. Leroy Jeffers, the Committee of the Whole on July 30, 1971, accepted with sincere appreciation the generous offer of the Board of Visitors to assume the responsibility for raising funds in the amount of \$15,000,000 needed in the expansion and physical development of M. D. Anderson. Approval was also given to the Board of Visitors' plan for raising this money which is not to be a general campaign but is to be directed to selected foundations, selected individuals, and selected corporations. (It will particularly include persons who either themselves or family members have developed close ties with M. D. Anderson by reason of some member of the family having had a patient there.)

SCHEDULED MEETINGS. --In addition to the meetings previously scheduled, a meeting of the Board of Regents was scheduled for January 28, 1972, in Austin. Thus, the meetings scheduled as of this date are:

October 22, 1971 - in Austin  
 December 3, 1971 - in Austin  
 January 28, 1972 - in Austin

## OTHER MATTERS

APPROVAL OF MINUTES OF REGULAR MEETING ON JULY 30, 1971. --  
The Minutes of the regular meeting of the Board of Regents of The University of Texas System held in Austin on July 30, 1971, were unanimously approved in the form distributed by the Secretary and recorded in Volume XVIII, beginning with Page 2649.

U. T. AUSTIN: DECLARATION OF TRUST BETWEEN TEXAS STUDENT PUBLICATIONS, INC., AND THE BOARD OF REGENTS - DISSOLUTION OF TSP, INC.; TRANSFER OF FISCAL ASSETS; DISMISSAL OF LAWSUIT; AND OPERATING PROCEDURE. --

Regent Garrett reported that Mr. Preston Shirley, attorney for The University of Texas System, had received a communication from Mr. Joe Latting, an attorney on behalf of the Trustees of Student Publications of The University of Texas at Austin, suggesting and submitting a vehicle in the form of a Declaration of Trust for the settlement of the present lawsuit that involves assets of student publications. In view of the fact that this Declaration of Trust satisfies the concerns that the Regents have had with respect to student publications at U. T. Austin, Regent Garrett moved that the following Declaration of Trust be approved in principle and that the attorney, Mr. Preston Shirley, be instructed to meet with Mr. Latting and his group to see if this matter cannot be concluded along the lines submitted in the Declaration of Trust. Regent Williams seconded the motion which prevailed with Regents McNeese and Nelson voting "No":

## DECLARATION OF TRUST

Texas Student Publications, Inc., acting by and through the undersigned as officers and directors, and the undersigned as officers and directors hereby convey, assign and transfer all assets of Texas Student Publications, Inc., of every kind and character, including, but not limited to, cash, bank accounts, personal property and real property, to the Board of Regents of The University of Texas System (hereinafter referred to as "Trustees") in trust, subject to the terms and conditions of this instrument.

## 1.

There is hereby created an Operating Board of Trustees, hereinafter called "Operating Trustees", who shall operate as hereinafter provided.

## 2.

All assets of Texas Student Publications, Inc., are hereby delivered to the Trustees and recorded in the accounting records of The University of Texas at Austin, to be used solely for the maintenance and support of the Texas student publications described in Paragraph 4 below. The recording, budgeting and expenditure of these assets will be in accordance with the Trustees' Rules and Regulations for the management of this type of funds and account.

## 3.

The operations of student publications on the campus of The University of Texas at Austin are under the control and jurisdiction of the Operating Trustees, constituted as hereinafter set out. All actions of the Operating Trustees and all business connected with student publications on the campus of The University of Texas at Austin conducted by them shall be pursuant to, subject to and in accord with Trustees' Rules and Regulations.

## 4.

The Operating Trustees are responsible for the issuance, publication and distribution of the student publications on the campus of The University of Texas at Austin. Such publications presently consist of The Daily Texan, The Summer Texan, The Texas Ranger Magazine, Cactus, Peregrinus, Texas Engineering and Science Magazine, and Riata. The Operating Trustees may authorize other publications.

## 5.

The Board of Operating Trustees is composed of eleven voting members, composed as follows:

- A. Four undergraduate students out of the Journalism Department of The University of Texas at Austin, elected (two to be elected in even-numbered years and two to be elected in odd-numbered years after the initial election; at the initial election under these rules all four shall be elected with provision for staggered terms as hereinafter set out) by those students certified by the chairman of such department as being journalism majors. Said election is to be held at least three weeks before the spring government election each year pursuant to the rules established by the Operating Trustees. No student shall be eligible to be a candidate for a position on the Board of Operating Trustees unless he has completed or will have completed by the end of the spring semester in which the election is held twelve hours of journalism courses, is in good standing (not on scholastic probation), and has completed at least one semester in residence in the long term at The University of Texas at Austin. The eligibility of a candidate must be certified to by the chairman of the Department of Journalism prior to the time of said election.

- B. Two undergraduate students elected at large from the student body of The University of Texas at Austin (one to be elected in even-numbered years and one to be elected in odd-numbered years after the initial election, at the first election under these rules both shall be elected with provision for staggered terms as hereinafter set out) at the same time as the editor of The Daily Texan, pursuant to Section 11 hereof. If the President of the Students' Association is not one of the students elected at the election, then the President of the Students' Association shall serve as an ex officio member of the Board of Operating Trustees without vote.
- C. Two members of the faculty out of the voting faculty of the Department of Journalism and one member of the faculty out of the voting faculty of the College of Business Administration, all three to be appointed directly by the President of The University of Texas at Austin.
- D. Two professional newspapermen appointed by the President of The University of Texas at Austin.

## 6.

Voting members of the Board of Operating Trustees shall serve a term of two years beginning June 1 of each calendar year. However, in order to provide staggered terms the following procedure shall be used concerning the first Board of Operating Trustees under this section, to take office on June 1, 1972.

- A. The four journalism students elected from the Department of Journalism shall draw lots in the presence of a quorum of the Board of Operating Trustees to determine which two shall serve initial terms of one year and which two shall serve initial terms of two years.
- B. The two undergraduate students elected at large from the student body of The University of Texas at Austin shall draw lots in the presence of a quorum of the Board of Operating Trustees to determine which one shall serve an initial term of one year and which one shall serve an initial term of two years.
- C. The President of The University of Texas at Austin shall appoint one of the faculty out of the Department of Journalism for an initial term of one year, and he shall appoint the other journalism faculty member for an initial term of two years.

The President of The University of Texas at Austin shall appoint the remaining faculty member for an initial term of two years.

- D. The President of The University of Texas at Austin shall appoint one of the professional newspapermen for an initial term of one year, and shall appoint the other professional newspaperman for an initial term of two years.

## 7.

Should any voting member or members of the Board of Operating Trustees resign, become ineligible or for any other reason fail to serve, if such member be one who was appointed by the President of The University of Texas at Austin, such President, after consultation with the Operating Trustees, shall appoint a successor, and if such member be one who is otherwise selected, then a majority of the Operating Trustees, after consultation with the President, shall appoint a successor trustee, and in the event of a tie vote by the Operating Trustees, the President shall make such appointment. Each successor trustee shall possess the qualifications of his predecessor in office.

## 8.

In addition to the aforementioned voting members of the Board of Operating Trustees, the following persons shall serve as ex officio, non-voting members: The Dean of Students or his representative; the Editorial Manager of The Daily Texan; the General Manager of the publications; the Editor and Managing Editor of The Daily Texan; and the student editors of all other publications published by the Operating Trustees.

## 9.

Until the selection of the initial eleven-member Board of Operating Trustees as set out under Paragraph 5 hereof, there shall be nine (9) Operating Trustees as follows:

<u>Name</u>	<u>Address</u>
Mr. Bob Binder	Students Association Union Bldg. 323 The University of Texas at Austin Austin, Texas 78712
Dr. Norris Davis	3303 River Road Austin, Texas 78703
Dr. Charles Bonjean	Route 8, Box 428 Austin, Texas 78703
Dr. Eugene Sauls	5801 Westslope Austin, Texas 78731
Dr. Frank Pierce	4202 Venabo Austin, Texas 78731
Mr. David Stok	2208 Nueces Austin, Texas 78705
Mr. David Minberg	2600 Rio Grande Austin, Texas 78705
Mr. Tim Donahue	3509 Cherry Lane Austin, Texas 78703
Mr. John Fox	401 West 38th Austin, Texas 78705

## 10.

The officers of the Board of Operating Trustees shall be a President, a Vice-President and a Secretary, and such other officers as the Board of Operating Trustees may from time to time find necessary to carry on the business of the publications. Officers shall be elected from among the voting members of the Board of Operating Trustees at the first meeting after June 1 of each year. Officers' terms shall be for one year, but a person is eligible to serve an additional one-year term.

## 11.

At least three weeks prior to the spring student government elections, there shall be a student publications election on the campus of The University of Texas at Austin. At such election there shall be elected the Editor of The Daily Texan by the students of The University of Texas at Austin, but voting members of the Board of Operating Trustees shall appoint the Editor of The Daily Texan in the case of a vacancy. The eligibility of a candidate for Editor of The Daily Texan must be certified to by the Operating Trustees on standards set out in their Handbook prior to the time of said election. The Operating Trustees shall set out in its Handbook the conditions under which said elections may be held, including length of the campaign. The Editor of The Daily Texan shall serve for a term of one year beginning on June 1. There shall also be elected at this election the two student members of the Board of Operating Trustees (one student to be elected each year after the first spring election) as provided in Section 5 B.

## 12.

Subject to the provisions of this instrument, in the performance of all of its duties and in the exercise of all of its powers, the Board of Operating Trustees shall be subject to the direction of the Regents' Rules and Regulations. The Board of Operating Trustees shall conduct its meetings in strict adherence to Roberts' Rules of Order.

## 13.

There shall be an Executive Committee of the Board of Operating Trustees to be composed of three faculty members and two journalism students to be elected by the Board of Operating Trustees from its membership.

## 14.

The Executive Committee shall appoint a General Manager who shall be selected annually during the month of May for the fiscal year beginning September 1. The Executive Committee shall determine the compensation of the General Manager. The duties of the General Manager shall be prescribed by the Executive Committee, subject to the basic policies set forth by the Operating Trustees. The Editorial Manager(s) will be appointed by the Executive Committee, subject to basic policies set forth by the Operating Trustees. The Executive Committee shall determine the compensation of the Editorial Manager(s). The Editorial Manager of The Daily Texan shall be authorized to coordinate the activities between The Daily Texan and the Department of Journalism so as to secure the most effective use of the journalism laboratories and classes in the preparation of material for The Daily Texan. The Executive Committee shall fix the compensation of all editorial workers on

student publications, subject to the final approval of the Operating Trustees. The Executive Committee shall appoint and fill all vacancies for Editor and Managing Editor of every publication, except The Daily Texan, and shall fix their compensation subject to final approval of the Operating Trustees at their next regular meeting.

## 15.

The Executive Committee is authorized to implement and is responsible for implementation of the policies of the Operating Trustees between meetings of the Operating Trustees.

## 16.

A definitive relationship between the Department of Journalism of The University of Texas at Austin and The Daily Texan published by the Operating Trustees must exist. Accordingly, the President of The University of Texas at Austin shall promulgate an operating procedure to establish this relationship. The operating procedure may be amended from time to time by mutual agreement between the Department of Journalism, through its chairman, and the Operating Trustees, with the concurrence of the President of The University of Texas at Austin. In the event the Chairman of the Department and the Board of Operating Trustees are unable to agree on amendments, the President of The University of Texas at Austin shall make the final decision.

## 17.

There shall be established within the Board of Operating Trustees a Review Committee which shall be composed of one member of the journalism faculty, one journalism student, and one professional newspaperman. Such members are to be elected by the Operating Trustees out of the membership of the Board of Operating Trustees. All appeals on material withheld from publication by the Editorial Manager, or respective publications supervisors, shall be considered by the Review Committee within 24 hours of the action. A decision of the Review Committee may be appealed to the Operating Trustees, but seven affirmative votes of the Operating Trustees are required to overrule said decision of the Review Committee. In all such matters, the actions of the Operating Trustees shall be final and complete without review outside the Operating Trustees.

## 18.

It shall be the duty of the Board of Operating Trustees to furnish on request to the President of The University of Texas at Austin, the Chancellor of The University of Texas System and the Board of Regents of The University of Texas System, within two weeks of such request, any special reports requested by such officials.

## 19.

At least eighteen copies of the minutes of all meetings of the Operating Trustees shall be delivered promptly to the President of The University of Texas at Austin for distribution to the Chancellor, the Vice-Chancellor for Academic Affairs, the members of the Board of Regents, the Secretary to the Board of Regents and such members of The University of Texas at Austin administration as the President of The University of Texas at Austin may direct. No action of the Operating Trustees



shall have any force or effect unless included in the minutes and until it has been approved by the President of The University of Texas at Austin, except actions of the Operating Trustees pertaining to decisions of the Review Committee, and except as to actions of the Operating Trustees with respect to the appointment, discipline or removal of editors, which actions need only be reported in the minutes for information, but are not reviewable outside the Board of Operating Trustees.

## 20.

No budget or budget amendment adopted by the Operating Trustees shall have any force or effect until such budget or budget amendment has been approved by the Board of Regents.

## 21.

No expenditure shall be made by the Operating Trustees unless it is made in accordance with and pursuant to a budget item that has been previously adopted by the Operating Trustees and approved by the Board of Regents.

## 22.

Within ninety days following the close of each fiscal year, the President of The University of Texas at Austin shall be furnished for distribution to the Chancellor and to the members of the Board of Regents, the Secretary to the Board of Regents and to such members of The University of Texas at Austin administration as the President of The University of Texas at Austin may direct, at least fifteen copies of a complete audit of the fiscal year.

## 23.

All employees, editors, editorial workers and staff members employed to work on student publications under the control and jurisdiction of the Operating Trustees including all employees of the corporation known as Texas Student Publications, Inc., holding office or employed as of the effective date of this Declaration of Trust shall continue in office or employment (unless changed by the Operating Trustees in accordance with the Declaration of Trust).

## 24.

Subject to Section 23 of this Declaration of Trust, the Operating Trustees shall have the authority: (1) to appoint the Managing Editor of The Daily Texan from among qualified students; (2) to take disciplinary action against the employees, editors, editorial workers and staff members of student publications, including the removal from office after due notice, for a violation of the policies of the Operating Trustees or for nonperformance of duties; such removal shall require a majority vote (action of the Operating Trustees in the matter of the appointment, discipline and removal of editors shall be final and complete); provided, however, that no action taken by the Operating Trustees with respect to the employment, dismissal, salary or duties and responsibilities of either the General Manager or the Editorial Manager(s) shall have any force or effect until it has been approved by the Board of Regents; and (3) to determine the character and policies of all student publications.

25.

Since all funds utilized in the operations of student publications are under the direct control of an agency of the University, the Operating Trustees, the Vice-President for Business Affairs of The University of Texas at Austin and the Director of The University of Texas at Austin Personnel Office shall immediately make arrangements for assuring that all appropriate personnel are placed under the budgetary and personnel regulations applicable to other University of Texas at Austin employees.

26.

The Operating Trustees shall promulgate and implement a handbook which shall contain the operating policies of the Operating Trustees.

27.

The provisions of this instrument may be amended only with the concurrence of Trustees and a majority of the Operating Trustees.

28.

Trustees, by the execution of this instrument, accept the assets hereby conveyed and delivered, subject to all of the terms and provisions of this instrument.

TEXAS STUDENT PUBLICATIONS, INC.

ATTEST:

David Mincberg, Secretary  
David Mincberg, Secretary

By: Bob Binder, Chairman  
Bob Binder, Chairman

DIRECTORS

- 1. [Signature]
- 2. [Signature]
- 3. [Signature]
- 4. Morris G. Davis
- 5. [Signature]
- 6. [Signature]
- 7. [Signature]
- 8. Frank N. Pierce

THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM

ATTEST:

Betty Anne Thedford, Secretary  
Betty Anne Thedford, Secretary

By: John Peace, Chairman  
John Peace, Chairman

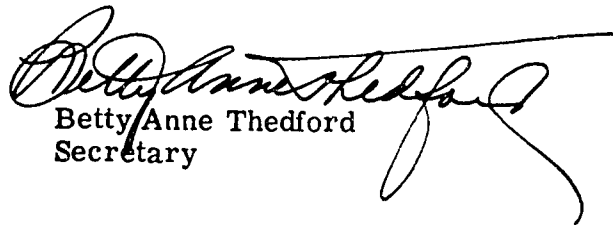
REGENT ERWIN'S STATEMENT. --Regent Erwin made the following statement:

"I am both amazed and delighted that the directors of TSP have agreed to dissolve their corporation and to transfer all of the TSP assets to the Board of Regents in return for the Regents' agreement that those directors can continue to serve during the next 9 months on the new publishing board.

"However, I certainly congratulate Regents' Chairman John Peace and Regents' Attorney Preston Shirley on successfully achieving all of the Regents' goals without the necessity of a trial of the pending litigation. The publishing board will now operate under the Regents' Rules and Regulations and the TSP assets will be owned and controlled by the Board of Regents.

"I also heartily congratulate TSP attorneys Joe Latting and Tom Gee on getting a legal fee of \$16,000 out of TSP funds for negotiating the dissolution of that corporation and for negotiating the transfer of the remaining TSP assets of \$600,000 to the Regents."

ADJOURNMENT. --There being no further business, the Board of Regents was duly adjourned at 6:45 p. m.

  
Betty Anne Thedford  
Secretary

September 21, 1971