**THE UNIVERSITY OF TEXAS SYSTEM
Office of General Counsel**

Guidelines on Providing Legal Representation to Students

October 2009

The Vice Chancellor and General Counsel of The University of Texas System (UT System) may determine that the UT System or a UT institution can retain outside counsel to represent a student who becomes a party to a legal proceeding by virtue of his or her good faith actions on behalf of UT System or a UT institution under the following conditions:

1. Only non-appropriated funds may be used for payment to outside counsel for legal services and expenses incurred in representation of a student.
2. A student recommended for legal representation must have been enrolled in the relevant UT institution at the time of the action that gave rise to the legal proceedings.
3. A determination must be made by the Office of General Counsel (OGC) that the student involved was acting in good faith and in the best interests of UT System or the UT institution. Examples include a student being sued for reporting, in good faith and to the appropriate UT official, apparent misconduct by another UT student, a UT staff member, or a UT faculty member; or a student being sued as a result of his or her role as an appointed member of an official UT committee.
4. The decision to provide legal representation to a student must be supported by the President of the UT institution, the appropriate Executive Vice Chancellor (Academic or Health), and the Vice Chancellor and General Counsel; and must include a determination by the Vice Chancellor and General Counsel that, in addition to the factual precedents listed above, the representation furthers an identified public purpose as per Article III, Section 51 Texas Constitution.
5. The student must be advised and shall sign a statement indicating his or her acceptance and understanding that the following conditions apply to any legal representation paid for by UT System or a UT institution (see attached standard agreement):
	1. UT System and the UT institution shall have sole authority over litigation and settlement strategies and decisions for those proceedings for which UT is providing legal counsel;
	2. The student’s full cooperation with the retained outside counsel is a condition of continued legal representation;
	3. The student shall give express permission to the retained outside counsel to share information about the case, including privileged information, with UT System and the UT institution, to the extent that the student’s and the UT institution’s interests remain common and, thus, all privileges are maintained;
	4. By paying for the student’s legal representation, neither the UT System nor the UT institution is agreeing to indemnify the student (i.e., neither is agreeing to or admitting liability for any settlement or for any damages awarded against the student at trial), nor does any fiduciary duty arise from UT System’s or the UT institution’s agreement to pay the student’s legal fees;
	5. UT System and the UT institution reserves the right to revoke the decision to pay for legal representation if the student fails to cooperate with retained outside counsel or if it is determined at any time that the student was not acting in good faith or in the best interests of the UT institution. In such case, UT System and the UT institution may seek restitution from the student for all expenses, including attorneys’ fees and costs, incurred before the revocation, and the attorney engaged by UT System or the UT institution to represent the student may withdraw; and
	6. The student may, at any time at his or her own expense, retain personal counsel rather than accept UT System or UT institution legal representation.

These guidelines do not create any rights in students to demand legal representation by UT System or any UT institution.