

MATERIAL SUPPORTING THE AGENDA

VOLUME XXXVIb

This volume contains the Material Supporting the Agenda furnished to each member of the Board of Regents prior to the meetings held on

February 9, 1989

March 2, 1989

April 6, 1989

The material is divided according to the standing committees and the meetings that were held and is color coded as follows:

White paper - for documentation of all items that were presented before the deadline date.

Blue paper - all items submitted to the Executive Session and distributed only to the Regents, Chancellor and Executive Vice Chancellors of the System.

Yellow paper - emergency items distributed at the meeting.

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



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Material Supporting the Agenda  
of the  
Board of Regents  
The University of Texas System

Meeting No.: 840

Date: April 6, 1989

Location: El Paso, Texas

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BOARD OF REGENTS  
OF  
THE UNIVERSITY OF TEXAS SYSTEM

CALENDAR

Place: Blumberg Auditorium (Room 111), UTEP Library  
The University of Texas at El Paso  
Wiggins Road  
El Paso, Texas

Host Institution: The University of Texas at El Paso

Thursday, April 6, 1989

12:00 p.m. Convene in Open Session for the sole  
purpose of recessing to Executive  
Session

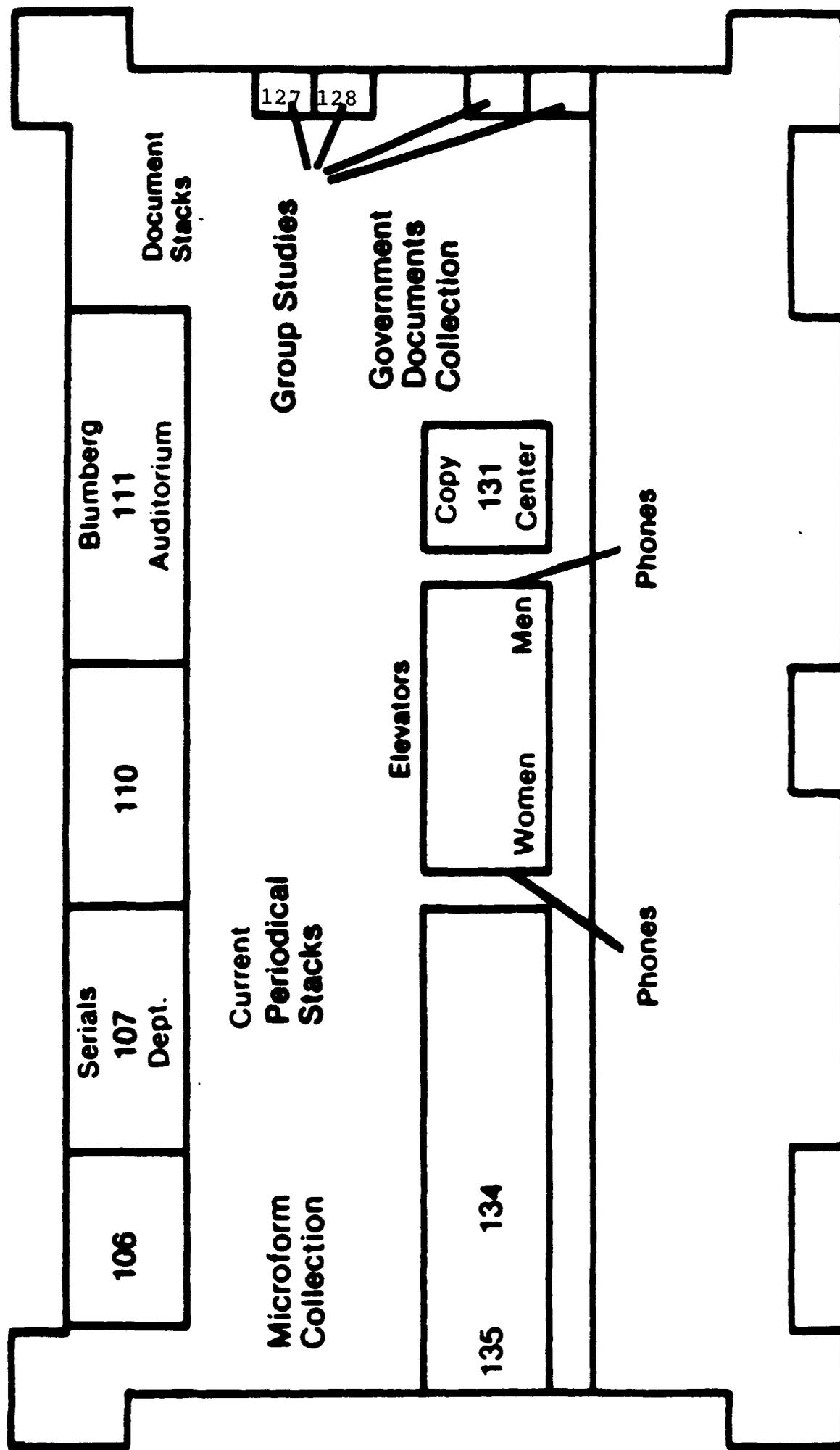
1:30 p.m. or Reconvene in Open Session to continue  
upon recess until completion of business  
of Executive  
Session

See Pages B of R 1 - 13,  
Items A - Q

Telephone Numbers

President Natalicio (915) 747-5555  
UTEP Library, Director's Office  
(for calls during meeting) (915) 747-5683

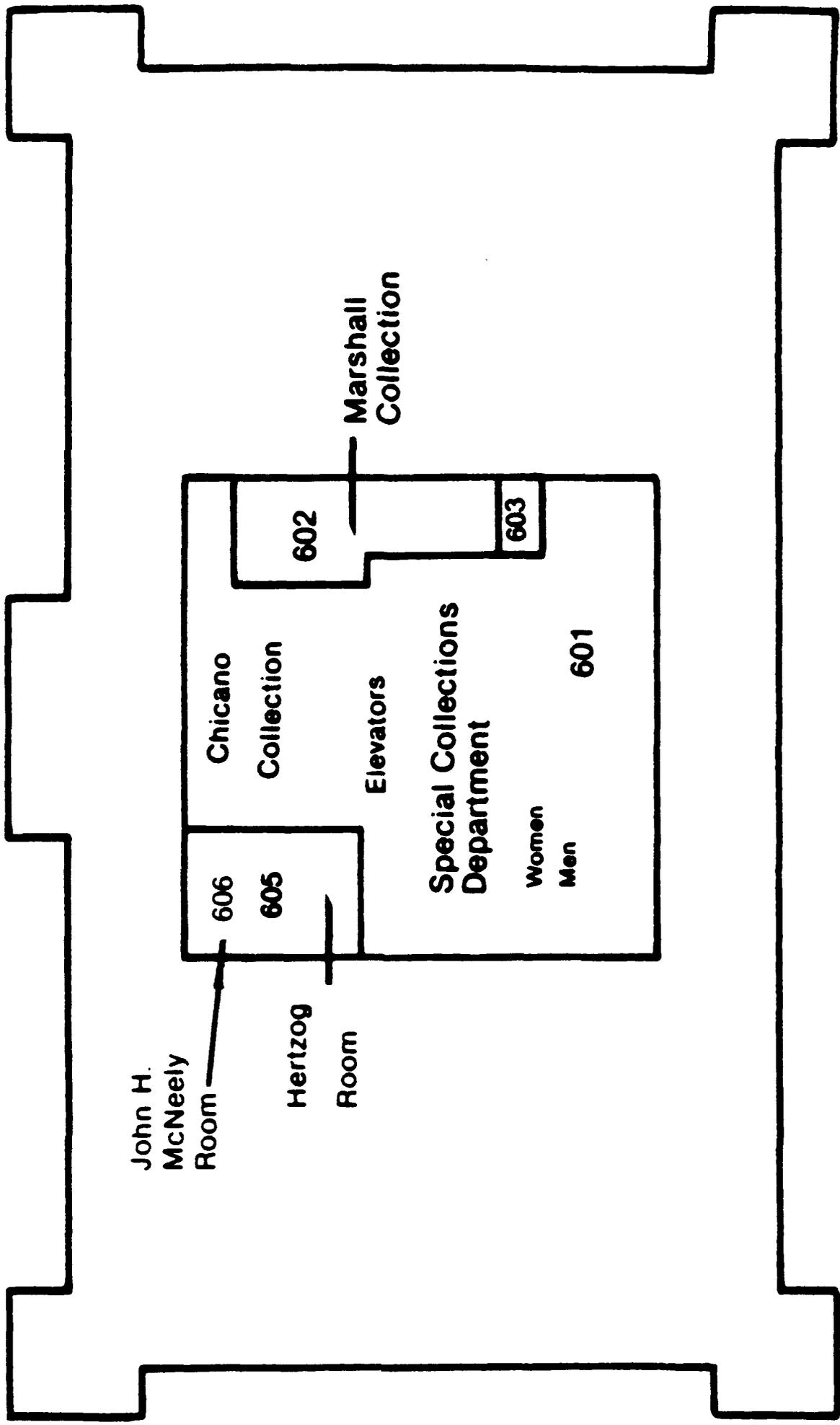
Hotel:  
The Westin Paso del Norte (915) 534-3000  
(101 S. El Paso Street)



**First Floor**

UTEP LIBRARY

Blumberg Auditorium (Room 111) = Regents' Meeting Room  
 Rooms 116 and 117 = Regents' Secretarial Offices  
 Rooms 127 and 128 = Telephones for Press



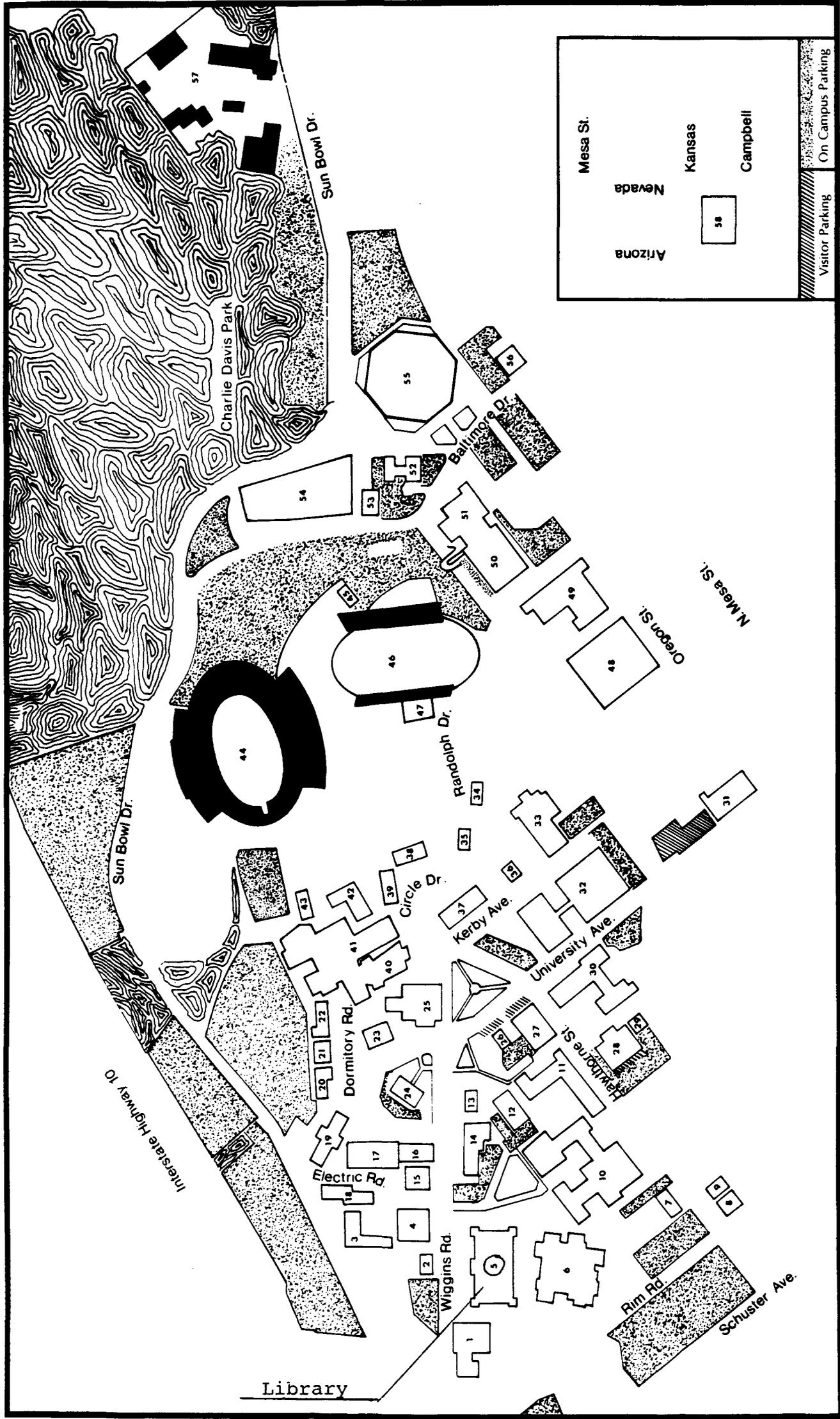
Sixth Floor

UTEP LIBRARY

McNeely Room (Room 606) = Executive Session

# KEY

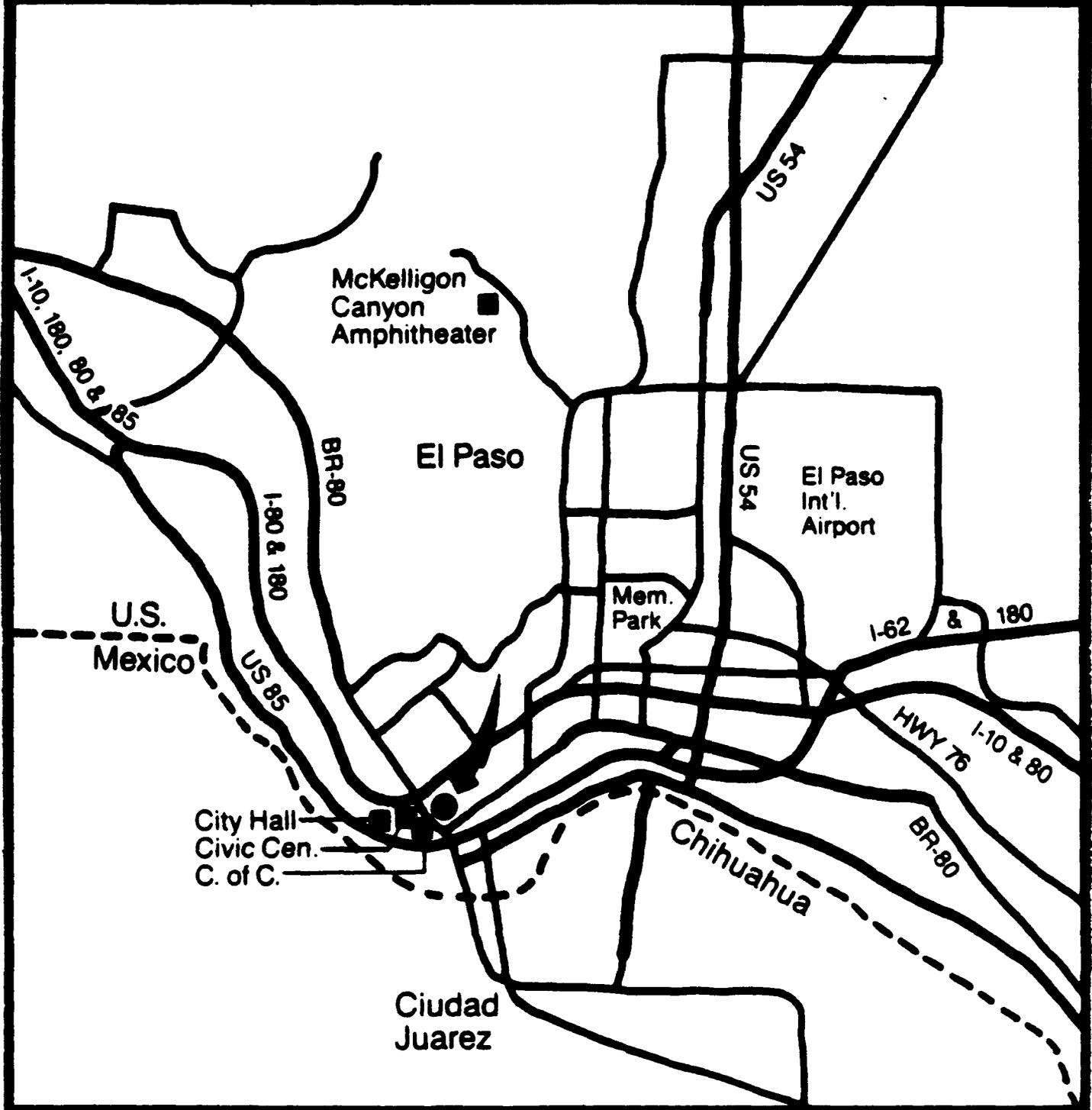
- 1 Print Shop
- 2 Health Service
- 3 Kelly Hall Dorm
- 4 Commons
- 5 Library
- 6 Business Administration
- 7 News & Publications/  
Texas Western Press
- 8 Math Annex
- 9 Campus Police
- 10 Engineering/Science Complex
- 11 Physical Science Bldg
- 12 Central Energy Plant
- 13 Benedict Hall
- 14 Bell Hall
- 15 Women's Gym
- 16 Swimming Pool
- 17 Tennis Courts
- 18 Barry Hall Dorm
- 19 Burges Hall Dorm
- 20 Hudspeth Hall
- 21 Worrell Hall
- 22 Miners Hall
- 23 Cotton Memorial Bldg
- 24 Centennial Museum
- 25 Geological Sciences Bldg
- 26 Alumni & Development Bldg
- 27 Administration Bldg
- 28 Academic Services Bldg
- 29 Solar House
- 30 Liberal Arts Bldg
- 31 Speech & Hearing Center
- 32 Union Bldg
- 33 Education Bldg
- 34 Graham Hall
- 35 Jack C. Vowell Hall
- 36 Special Projects Center
- 37 Psychology Bldg
- 38 Old Main
- 39 Quinn Hall
- 40 Magoffin Auditorium
- 41 Fox Fine Arts Center
- 42 Geology Bldg
- 43 Seamon Hall
- 44 Sun Bowl Stadium
- 45 Moore Bldg
- 46 Kidd Field
- 47 Holiday Hall
- 48 Intramural Field
- 49 Housing Student Family
- 50 Memorial Gym
- 51 Auxiliary Gym
- 52 Brumblow Bldg
- 53 Military Science Bldg
- 54 Intramural Field
- 55 Special Events Center
- 56 Ticket Center
- 57 Physical Plant Complex
- 58 Nursing & Allied Health  
College of



# THE UNIVERSITY OF TEXAS AT EL PASO

# The Westin Paso del Norte

Adjacent to the El Paso Civic Center,  
101 S. El Paso Street, El Paso, Texas 79901  
Telephone: (915) 534-3000, Telex: 497-9093



**Meeting of  
the Board**

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

Date: Thursday, April 6, 1989

Time: 12:00 p.m. Convene in Open Session for the sole purpose of recessing to Executive Session

1:30 p.m. Reconvene in Open Session to continue or upon until completion of business recess of Executive Session

Place: Blumberg Auditorium (Room 111) (Open Session) and John H. McNeely Room (Executive Session), UTEP Library, U. T. El Paso

A. CALL TO ORDER

B. RECESS TO EXECUTIVE SESSION

The Board will convene in Executive Session pursuant to Vernon's Texas Civil Statutes, Article 6252-17, Sections 2(e), (f) and (g) to consider those matters set out on Page Ex.S - 1 of the Material Supporting the Agenda.

C. RECONVENE IN OPEN SESSION

D. WELCOME BY PRESIDENT NATALICIO

E. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 9, 1989, AND SPECIAL MEETING HELD MARCH 2, 1989

F. SPECIAL ITEMS

1. U. T. Board of Regents: Proposed Amendments to the Regents' Rules and Regulations, Part One, Chapter I, Section 7.15 (Duties of the Finance and Audit Committee) and Section 7.18 (Duties of the Buildings and Grounds Committee).--

RECOMMENDATION

The Executive Committee recommends that the Regents' Rules and Regulations, Part One, Chapter I, Section 7.15 (Duties of the Finance and Audit Committee) and Section 7.18 (Duties of the Buildings and Grounds Committee) be amended as set forth on Pages B of R 2 - 4 in congressional style. It is also recommended that the Executive Secretary to the Board and the Office of General Counsel be authorized to make such additional editorial amendments in the Regents' Rules and Regulations as are required to ensure conformity with these amendments.

- 7.15 Duties of the Personnel [Finance] and Audit Committee.--The Personnel [Finance] and Audit Committee shall:
- ~~7.151~~ Consider and make recommendations to the Board on all matters relating to the business and administrative management of The University of Texas System Administration and each component institution of the System.
- 7.152 Following consultation with the Academic Affairs Committee and the Health Affairs Committee, consider and recommend to the Board the operating budgets of The University of Texas System Administration and each component institution of the System.
- 7.153 Following consultation with the Academic Affairs Committee and the Health Affairs Committee, consider and recommend to the Board biennial submissions of appropriation requests to the Legislative Budget Board and to the Governor as prepared by the System Administration and component institutions in accordance with Section 6 of Chapter II of Part Two of these Rules and Regulations.
- 7.154 Propose to the Board all appropriations of funds and all modifications of or additions to such appropriations.
- 7.155 Following consultation with the Academic Affairs Committee and the Health Affairs Committee, recommend to the Board matters which commit the U.-T. System or any component thereof to operating expenditures in future fiscal years.]
- 7.151 [7.156] Counsel with the Chancellor and recommend appropriate Board action with respect to any recommendations by the Chancellor related to the appointment, promotion, and dismissal of such System Administration Officers as report directly or indirectly to the Chancellor.
- 7.152 [7.157] Recommend to the Board all [administrative funds and] compensation for the System Administration and the rates of professional compensation.
- 7.153 [7.158] Consider and recommend to the Board matters related to all employee personnel programs, fringe benefits, retirement programs, and labor relations in the System Administration and the component institutions.
- 7.154 [7.159] Obtain, review, and report to the Board on all State, System Administration, and institutional audit reports.
- 7.155 [7.15(10)] Exercise supervision over postauditing activities related to the conduct and administration of the System and component institutions.

- 7.156 [~~7-15(11)~~] Transmit to the Chancellor, subject to the prior approval of the Board, such instructions as it deems necessary for the enforcement of sound accounting and auditing practices.
- 7.157 [~~7-15(12)~~] Initiate System Administration and institutional audits as deemed necessary to ensure management control within The University of Texas System. (In this regard, the Chairman of the Personnel [~~Finance~~] and Audit Committee shall have direct access to the person who occupies the position of chief auditor of the System.)
- [~~7-15(13)~~ ~~Consider-and-make-recommendations to-the-Buildings-and-Grounds-Committee-concerning-the-availability of-funds-for-and-application-of funds-to-capital-improvement requests.~~]
- 7.18 Duties of the Finance and Facilities [~~Buildings-and-Grounds~~] Committee.--The Finance and Facilities [~~Buildings-and Grounds~~] Committee shall:
- 7.181 Consider matters relating to the acquisition and use of the grounds and buildings of all campus and campus-related real property of The University of Texas System.
- 7.182 Recommend to the Board the award of contracts to consulting and other architects; approve plans and accept bids for construction projects.
- 7.183 Recommend to the Board the award and execution of construction and equipment contracts and approve progress reviews and beneficial occupancy of construction projects.
- 7.184 Consider capital improvement requests and, with the prior approval of the Academic or Health Affairs Committee [~~and the-Finance-and-Audit-Committee~~], make recommendations to the Board.
- 7.185 Make recommendations to the Board with respect to the naming of University buildings, streets, roads, and other facilities including redesignation of existing facilities.
- 7.186 Consider and make recommendations to the Board on all matters relating to the fiscal management of The University of Texas System Administration and each component institution of the System.

- 7.187      Following consultation with the Academic Affairs Committee and the Health Affairs Committee, consider and recommend to the Board the operating budgets of The University of Texas System Administration and each component institution of the System.
- 7.188      Following consultation with the Academic Affairs Committee and the Health Affairs Committee, consider and recommend to the Board biennial submissions of appropriation requests to the Legislative Budget Board and to the Governor as prepared by the System Administration and component institutions in accordance with Section 6 of Chapter II of Part Two of these Rules and Regulations.
- 7.189      Propose to the Board all appropriations of funds and all modifications of or additions to such appropriations.
- 7.18(10)    Following consultation with the Academic Affairs Committee and the Health Affairs Committee, recommend to the Board matters which commit the U. T. System or any component thereof to operating expenditures in future fiscal years.
- 7.18(11)    Consider and make recommendations to the Board concerning the availability of funds for, and application of funds to, capital improvement requests.

#### BACKGROUND INFORMATION

At the present time, the responsibility for recommendations regarding the allocation of the fiscal resources of the U. T. System is divided between the Finance and Audit Committee and the Buildings and Grounds Committee. The proposed amendments would centralize those responsibilities in the new Finance and Facilities Committee and emphasize for the new Personnel and Audit Committee an increased responsibility in those two important areas. The recommendation would also separate the fiscal allocation function from the audit function which is accepted management practice.

In the recommended realignment of duties, each of the duties which had previously been assigned to the Finance and Audit or Buildings and Grounds Committees has been retained but is redistributed so as to consolidate those related to personnel and audit in the Personnel and Audit Committee and those related to fiscal resourcing, capital construction, and renovation, repair and campus property in the Finance and Facilities Committee.

In the opinion of the Executive Committee, approval of these amendments will result in a more effective overview of these duties and more informed recommendations to the Board.

2. U. T. Board of Regents: Recommended Approval of Standing Committee Chairmen and Members of the Board for Lease of University Lands and Report of Appointments to the Standing Committees, Special Committees and Other Liaison Groups Effective Immediately.--

RECOMMENDATION

In accordance with the requirements of the Regents' Rules and Regulations, Part One, Chapter I, Section 7, Chairman Beecherl requests concurrence by the Board of the chairmen of the Standing Committees and the members of the Board for Lease of University Lands as set forth below. Mr. Beecherl also reports for the record his appointments to the Standing Committees, Special Committees and other liaison groups effective immediately.

1. STANDING COMMITTEES

Executive Committee

Mr. Louis A. Beecherl, Jr., Chairman  
Mr. Sam Barshop, Vice-Chairman  
Mr. Bill Roden, Vice-Chairman

Personnel and Audit Committee

Mr. Bill Roden, Chairman  
Mr. Sam Barshop  
Mr. Robert J. Cruikshank

Academic Affairs Committee

Mr. Sam Barshop, Chairman  
Mr. Tom Loeffler  
Mario E. Ramirez, M.D.  
Mr. Shannon H. Ratliff

Health Affairs Committee

Mr. Jack S. Blanton, Chairman  
Mr. W. A. "Tex" Moncrief, Jr.  
Mario E. Ramirez, M.D.

Finance and Facilities Committee

Mr. W. A. "Tex" Moncrief, Jr., Chairman  
Mr. Louis A. Beecherl, Jr.  
Mr. Jack S. Blanton  
Mr. Tom Loeffler

Land and Investment Committee

Mr. Shannon H. Ratliff, Chairman  
Mr. Robert J. Cruikshank  
Mr. Bill Roden

2. BOARD FOR LEASE OF UNIVERSITY LANDS

Mr. Sam Barshop  
Mario E. Ramirez, M.D.

3. SPECIAL COMMITTEES

Endowment Lands - Collin County, Texas (U. T. Dallas)

Mr. Louis A. Beecherl, Jr., Chairman  
Mr. Shannon H. Ratliff

Joint Conference Committee of Board of Regents of The University of Texas System and Trustees of Hermann Hospital

Mr. Jack S. Blanton, Chairman  
Mr. W. A. "Tex" Moncrief, Jr.  
Mario E. Ramirez, M.D.

Santa Rita Award

Mr. Jack S. Blanton, Chairman  
Mr. Louis A. Beecherl, Jr.  
Mr. Shannon H. Ratliff  
Mr. Bill Roden

4. REGENTAL REPRESENTATIVES

Association of Governing Boards

All Members of the Board of Regents

General Assembly of Inter-University Council - North Texas Region

Mr. Louis A. Beecherl, Jr.

The University of Texas at Austin Development Board (Liaison)

Mr. Jack S. Blanton

Committee of Governing Boards, Texas Public Senior Colleges and Universities

Mr. Jack S. Blanton

Ex-Students' Association - The University of Texas at Austin (Liaison)

Mr. Shannon H. Ratliff

Joint Administrative Affairs Committee of Dallas County Hospital District (U. T. Southwestern Medical Center - Dallas)

Mr. Louis A. Beecherl, Jr.

Bexar County Hospital District, San Antonio, Texas (Liaison) (U. T. Health Science Center - San Antonio)

Mr. Sam Barshop

G. RECESS FOR MEETINGS OF THE STANDING COMMITTEES AND COMMITTEE REPORTS TO THE BOARD

The Standing Committees of the Board of Regents of The University of Texas System will meet as set forth below to consider recommendations on those matters on the agenda for each Committee listed in the Material Supporting the Agenda. At the conclusion of each Standing Committee meeting, the report of that Committee will be formally presented to the Board for consideration and action.

Executive Committee: Chairman Beecherl  
Vice-Chairman Barshop, Vice-Chairman Roden  
MSA Page Ex.C - 1

Personnel and Audit Committee: Chairman Roden  
Regent Barshop, Regent Cruikshank  
MSA Page P&A - 1

Academic Affairs Committee: Chairman Barshop  
Regent Loeffler, Regent Ramirez, Regent Ratliff  
MSA Page AAC - 1

Health Affairs Committee: Chairman Blanton  
Regent Moncrief, Regent Ramirez  
MSA Page HAC - 1

Finance and Facilities: Chairman Moncrief  
Regent Beecherl, Regent Blanton, Regent Loeffler  
MSA Page F&F - 1

Land and Investment Committee: Chairman Ratliff  
Regent Cruikshank, Regent Roden  
MSA Page L&I - 1

H. RECONVENE AS COMMITTEE OF THE WHOLE

I. ITEMS FOR THE RECORD

1. U. T. Dallas: Estate of Robert Plant Armstrong - Report on Foreclosure of Real Property Located in Dallas, Dallas County, Texas.--

REPORT

At its October 1988 meeting, the U. T. Board of Regents accepted a bequest of approximately \$200,000, comprised of a second lien note, art and cash, from the Estate of Dr. Robert Plant Armstrong, Dallas, Texas, on behalf of the School of Arts and Humanities at U. T. Dallas.

The Office of Asset Management reports that Mr. Michael Shane Rosen, Dallas, Texas, the obligor on the second lien note for the property located at 4119 Rock Creek Drive, Dallas, Dallas County, Texas, executed a Modification and Extension Agreement on July 25, 1988. Under the terms of the Modification and Extension Agreement, the note balance of \$176,007.38 was modified to include a \$900 per month payment beginning May 9, 1988, through September 9, 1988, and then a return to the former payment of \$2,036.44 per month until April 9, 2000, with

any unpaid principal and interest due at that time. Mr. Rosen defaulted in making the modified payments and foreclosure proceedings under terms of the second lien deed of trust were instituted by the Office of General Counsel.

At the foreclosure sale held on Tuesday, December 6, 1988, U. T. System representatives purchased the property subject to the first lien note and deed of trust. The bid price, based on a recent appraisal of \$213,000, was \$130,300. The amount outstanding on the first lien note was approximately \$82,700. Payments on the first lien note reflecting an original principal balance of \$83,500 are currently being paid by U. T. Dallas on this real property pending its disposition by sale or lease.

2. U. T. Dallas: Student Apartment Project with Worthing Central Corporation, Dallas, Texas, as Prior Lessee and Waterview Park, Ltd., Dallas, Texas, as Lessee - Report of Approval and Execution of Documents Related Thereto.--

#### REPORT

At its February 1989 meeting, the U. T. Board of Regents delegated authority to the Executive Committee to approve and to the Chairman of the Board to execute revised versions of documents (first approved by the Board in October 1987) related to the construction of a Student Apartment Project at U. T. Dallas by the Worthing Central Corporation, Dallas, Texas, or its successor, Waterview Park, Ltd., Dallas, Texas.

It is reported for the record that, following distribution of the draft revised documents, the Executive Committee met via telephone conference call on February 24, 1989, and approved the following:

- a. Amended and Restated Ground Lease
- b. Amended and Restated Property Operating Agreement
- c. Memorandum of Amended and Restated Ground Lease.

Following approval, these documents were executed by Chairman Blanton on behalf of the U. T. Board of Regents. Private financing for the project has been obtained, and construction of the student apartment project is now in process with anticipated completion in time for occupancy in September 1989.

J. CONSIDERATION OF ACTION OF ANY ITEMS DISCUSSED IN THE EXECUTIVE SESSION OF THE BOARD OF REGENTS PURSUANT TO V.T.C.S., ARTICLE 6252-17, SECTIONS 2(e), (f) AND (g)

1. Pending and/or Contemplated Litigation - Section 2(e)

U. T. M.D. Anderson Cancer Center: Proposed Settlement of Medical Liability Litigation

2. Land Acquisition, Purchase, Exchange, Lease or Value of Real Property and Negotiated Contracts for Prospective Gifts or Donations - Section 2(f)

U. T. Austin: Consideration of a Negotiated Agreement with the City of Austin for a Land Use Plan for the Brackenridge Tract and the Lease for the Lions Municipal Golf Course

3. Personnel Matters [Section 2(g)] Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of Officers or Employees

K. REPORT OF BOARD FOR LEASE OF UNIVERSITY LANDS

L. REPORT OF SPECIAL COMMITTEES

M. FOUNDATION MATTERS

As set forth in the Regents' Rules and Regulations, Part One, Chapter VII, Section 5, there are three Trust Foundations created by testamentary or inter vivos trust instruments which are controlled by the members of the Board of Regents acting in their capacities as Trustees for these Foundations. Following each reorganization of the Board of Regents, it is necessary that the Board meet separately as Trustees for these foundations to formalize certain organizational matters.

1. Ima Hogg Foundation Agenda.--

RECOMMENDATION

A brief meeting of the members of the U. T. Board of Regents, as Trustees of the Ima Hogg Foundation, at the April 6, 1989 meeting of the U. T. Board of Regents is recommended for action on the following agenda:

- a. Approval of Minutes of the preceding meeting held on August 13, 1987
- b. Election of officers of the Board of Trustees. The officers for the past two years have been Mr. Jack S. Blanton, President; Mr. Shannon H. Ratliff, Vice President; and Mr. Michael E. Patrick, Secretary-Treasurer.

Historically, these officers have been:

President: Chairman of the U. T. Board of Regents  
Vice President: Vice-Chairman of the U. T. Board of Regents  
Secretary-Treasurer: Executive Vice Chancellor for Asset Management.

Proposed new officers are:

President: Mr. Louis A. Beecherl, Jr.,  
Chairman of the U. T. Board of Regents  
Vice President: Mr. Sam Barshop, Vice-  
Chairman of the U. T. Board of Regents  
Secretary-Treasurer: Mr. Michael E.  
Patrick, Executive Vice Chancellor for  
Asset Management.

#### BACKGROUND INFORMATION

The Ima Hogg Foundation was incorporated on June 26, 1964, as a charitable and educational foundation with the U. T. Board of Regents as Trustees. Miss Hogg died on August 19, 1975. A codicil to Miss Hogg's Will dated August 3, 1974, provides that the income from the Ima Hogg Foundation be used for the benefit of children's mental health in the Houston, Texas, area. Investments and other financial matters of the Ima Hogg Foundation are handled through the Office of Investments, Office of Endowments and Trusts and the Office of Accounting of The University of Texas System with the disbursement of income through the Hogg Foundation for Mental Health.

The current book value of assets of the Foundation is \$11,229,894.56. However, Miss Hogg during her lifetime was responsible for \$4,282,398 in gifts to the Hogg Foundation for Mental Health Fund which has a current balance of \$29,391,293.36 as well as the \$672,721.89 book value in the Winedale Stagecoach Inn Fund and the buildings and land at Round Top known as Winedale Stagecoach Inn carried at \$227,769, the Winedale-Varner-Bayou Bend Heritage Fund with a book value of \$157,997.56 and a scholarship fund in the amount of \$53,107.25.

#### 2. The Robertson-Poth Foundation Agenda.--

#### RECOMMENDATION

A brief meeting of the members of the U. T. Board of Regents, as Trustees of The Robertson-Poth Foundation, at the April 6, 1989 meeting of the U. T. Board of Regents is recommended for action on the following agenda:

- a. Approval of Minutes of the preceding meeting held on August 13, 1987
- b. Election of officers of the Board of Trustees. The officers for the past two years have been Mr. Jack S. Blanton, Chairman; Mr. Mario Yzaguirre, Vice Chairman; Mr. Shannon H. Ratliff, Secretary-Treasurer; and Mr. Michael E. Patrick, Assistant Secretary-Treasurer.

Historically, these officers have been:

Chairman: Chairman of the U. T. Board of Regents  
Vice Chairman: Chairman of the Health Affairs Committee  
Secretary-Treasurer: Chairman of the Land and Investment Committee  
Assistant Secretary-Treasurer: Executive Vice Chancellor for Asset Management.

Proposed new officers are:

Chairman: Mr. Louis A. Beecherl, Jr.,  
Chairman of the U. T. Board of Regents  
Vice Chairman: Mr. Jack S. Blanton,  
Chairman of the Health Affairs Committee  
Secretary-Treasurer: Mr. Shannon H. Ratliff,  
Chairman of the Land and Investment Committee  
Assistant Secretary-Treasurer:  
Mr. Michael E. Patrick, Executive Vice Chancellor for Asset Management.

#### BACKGROUND INFORMATION

Dr. Edgar J. Poth, his wife, Dr. Gaynelle Robertson Poth, and Dr. Douglas D. Stiernberg resigned as trustees of The Robertson-Poth Foundation in 1967 and requested that the U. T. Board of Regents assume the management of the Foundation and recommended that the Chairman of the U. T. Board of Regents, the Chairman of the Health Affairs Committee and the Chairman of the Land and Investment Committee be appointed as substitute trustees to manage and control The Robertson-Poth Foundation.

The Robertson-Poth Foundation was established as a charitable, scientific and educational foundation and has a present book value of \$1,004,071.93. Income from the Foundation has gone to the U. T. Medical Branch - Galveston for support in the fields of Ophthalmology and General Surgery. In addition to The Robertson-Poth Foundation, gifts and bequests from Dr. Edgar J. Poth and Dr. Gaynelle Robertson Poth (deceased) have gone to the U. T. Medical Branch - Galveston for the following trusts and endowed academic positions:

<u>Account</u>	<u>January 31, 1989 Book Value</u>
*Robertson-Poth Charitable Remainder Trust	\$411,227.71
*Robertson-Poth Charitable Trust #2	804,761.13
*Edgar J. Poth and Gaynelle Robertson Poth Trust	91,543.16
Robertson-Poth Professorship in General Surgery	100,000.00
Robertson-Poth Professorship in Ophthalmology	225,102.86
Gaynelle Robertson Memorial Lectureship in Ophthalmology	25,152.28

\*Will become part of The Robertson-Poth Foundation upon Dr. Edgar J. Poth's death.

Investments and other financial matters of The Robertson-Poth Foundation are handled through the Office of Investments, Office of Endowments and Trusts and the Office of Accounting of The University of Texas System.

3. Winedale Stagecoach Inn Fund Agenda.--

RECOMMENDATION

A brief meeting of the members of the U. T. Board of Regents, as Trustees of the Winedale Stagecoach Inn Fund, at the April 6, 1989 meeting of the U. T. Board of Regents is recommended for action on the following agenda:

- a. Approval of Minutes of the preceding meeting held on February 9, 1989
- b. Election of officers of the Board of Trustees. The officers for the past two years have been Mr. Jack S. Blanton, President; Mr. Shannon H. Ratliff, Vice President; Dr. William H. Cunningham, Secretary-Treasurer; and Mr. Michael E. Patrick, Assistant Secretary-Treasurer.

Historically, these officers have been:

President: Chairman of the U. T. Board of Regents  
Vice President: Vice-Chairman of the U. T. Board of Regents  
Secretary-Treasurer: President, U. T. Austin  
Assistant Secretary-Treasurer: Executive Vice Chancellor for Asset Management.

Proposed new officers are:

President: Mr. Louis A. Beecherl, Jr.,  
Chairman of the U. T. Board of Regents  
Vice President: Mr. Sam Barshop,  
Vice-Chairman of the U. T. Board of Regents  
Secretary-Treasurer: Dr. William H.  
Cunningham, President, U. T. Austin  
Assistant Secretary-Treasurer: Mr. Michael E.  
Patrick, Executive Vice Chancellor for Asset  
Management.

BACKGROUND INFORMATION

The organizational meeting of the Winedale Stagecoach Inn Fund was held January 16, 1965. The purpose of this Fund is for support of the Winedale Historical Center (name changed from Winedale Stagecoach Inn). The Winedale Historical Center is located on 190 acres of land at Round Top, Fayette County, Texas. The Winedale Historical Center was created by Miss Ima Hogg under the name of Winedale Stagecoach Inn and offered to the U. T. Board of Regents in 1965 and was formally dedicated on April 7, 1967.

The Winedale Historical Center is a growing center for performing arts and study of early Texas craftsmanship. The Winedale properties were leased to the U. T. Board of Regents for the benefit of U. T. Austin on October 24, 1975. The income from the Winedale Stagecoach Inn Fund is made available to U. T. Austin for operation, maintenance, related programs and exhibits at the Winedale Historical Center.

The Winedale Stagecoach Inn Fund has a current book value of \$672,721.89. Investments and other financial matters are handled through the Office of Investments, Office of Endowments and Trusts and the Office of Accounting of The University of Texas System.

N. OTHER MATTERS

O. SCHEDULED MEETINGS AND EVENTS

Board of Regents' Meetings

<u>Dates</u>	<u>Locations/Hosts</u>
June 8, 1989	Austin (no host)
August 10, 1989	Austin (no host)
October 13, 1989	U. T. Dallas
December 7, 1989	U. T. Health Science Center - San Antonio

Commencements - 1989

May 5	*U. T. Tyler
May 6	U. T. Nursing School - Galveston
May 12	U. T. Public Health School - Houston
	*U. T. Nursing School - Houston
May 13	*U. T. El Paso
	*U. T. Permian Basin
	U. T. G.S.B.S. - Galveston
	U. T. G.S.B.S. - Houston
	U. T. Allied Health Sciences School - Houston
	U. T. Dental School - San Antonio
	U. T. Allied Health Sciences School - San Antonio
May 14	*U. T. San Antonio
	*U. T. Nursing School - San Antonio
May 19	U. T. G.S.B.S. - San Antonio
May 20	*U. T. Arlington
	*U. T. Austin
	*U. T. Dallas
May 27	*U. T. Medical School - Galveston
	U. T. Medical School - Houston
	U. T. Dental Branch - Houston
	U. T. Medical School - San Antonio
June 3	*U. T. Southwestern Medical School - Dallas and U. T. Southwestern G.S.B.S. - Dallas
August 13	U. T. Southwestern A.H.S.S. - Dallas
August 19	U. T. Allied Health Sciences School - Galveston

\*Official commencement for Regental attendance

P. OTHER BUSINESS

Q. ADJOURNMENT

# 1989

## JANUARY

S	M	T	W	T	F	S
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## JUNE

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## DECEMBER

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**Executive  
Committee**

EXECUTIVE COMMITTEE  
Committee Chairman Beecherl

Date: April 6, 1989  
Time: Following the 1:30 p.m. Session of the Board of Regents  
Place: Blumberg Auditorium (Room 111), UTEP Library  
U. T. El Paso

- |  | <u>Page</u><br><u>Ex.C</u> |
|--|----------------------------|
| 1. U. T. Arlington: Recommendation to Approve an Increase in the Compulsory Student Services Fee Effective with the Fall Semester 1989 (Catalog Change) (Exec. Com. Letter 89-15)  | 3                          |
| 2. U. T. Austin - Economics Building Renovation (Project No. 102-589): Recommended Award of Contracts for Furniture and Furnishings to Wittigs dba Southwest Office Interiors, Austin, Texas; Office Pavilion Corporate Furnishings - Austin, Austin, Texas; Architectural Interior Services, A Division of Finger Office Furniture, Houston, Texas; CDM Contract Furnishings, Inc., Austin, Texas; Austin Business Furniture, Austin, Texas; and Carpet Services, Inc., Austin, Texas; and Request for Authorization for the Chancellor to Sign the Contracts (Exec. Com. Letter 89-16)   | 4                          |
| 3. U. T. Austin - Research/Laboratory Facility at Permian Basin Center for Energy and Economic Diversification (Project No. 102-696): Recommended Award of Construction Contract to Rose & Sons, Inc., Abilene, Texas (Exec. Com. Letter 89-14)  | 7                          |
| 4. U. T. Austin - E. P. Schoch Building Renovation (Project No. 102-595): Recommended Award of Contracts for Furniture and Furnishings to Wittigs dba Southwest Office Interiors, Austin, Texas; Office Pavilion Corporate Furnishings - Austin, Austin, Texas; Architectural Interior Services, A Division of Finger Office Furniture, Houston, Texas; Rockford Business Interiors, Austin, Texas; Barker Office Furniture, Inc., Austin, Texas; CDM Contract Furnishings, Inc., Austin, Texas; Rainen Business Interiors, Inc., Dallas, Texas; Austin Business Furniture, Austin, Texas; American Desk Manufacturing Company, Taylor, Texas; and Carpet Management Systems, San Antonio, Texas; and Request for Authorization for the Chancellor to Sign the Contracts (Exec. Com. Letter 89-16) | 10                         |

5. U. T. Southwestern Medical Center - Dallas - The Mary Nell and Ralph B. Rogers Magnetic Resonance Center (Project No. 303-674) - Magnet Room Finish-Out: Recommended Award of Construction Contract to Medical Environment Development Corporation (MEDCO), Dallas, Texas (Exec. Com. Letter 89-14) 14
6. U. T. Medical Branch - Galveston - Keiller Building Renovation and Reroofing (Project No. 601-664): Recommended Award of Construction Contract for Phase I Reroofing to Comex Corporation, Deer Park, Texas (Exec. Com. Letter 89-16) 15
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1. U. T. Arlington: Recommendation to Approve an Increase in the Compulsory Student Services Fee Effective with the Fall Semester 1989 (Catalog Change) (Exec. Com. Letter 89-15).--

#### RECOMMENDATION

The Executive Committee concurs in the recommendation of the Chancellor, the Executive Vice Chancellor for Academic Affairs and President Nedderman that the U. T. Board of Regents approve an increase in the compulsory Student Services Fee at U. T. Arlington from \$7.00 per semester credit hour with a maximum fee of \$84.00 to \$7.50 per semester credit hour with a maximum fee of \$90.00 per semester or summer session effective with the Fall Semester 1989.

Upon Regental approval, the Minute Order will reflect that the next appropriate catalog published at U. T. Arlington will be amended to include this change.

#### BACKGROUND INFORMATION

The compulsory Student Services Fee for U. T. Arlington is collected in accordance with Section 54.503 of the Texas Education Code. The fee provides students with free copies of the campus newspaper; free or reduced admission to inter-collegiate events, formal convocation events and activity programs; and services of the Student Health Center.

The recommended maximum compulsory fee is within the limits authorized by statute and, in accordance with the Texas Education Code, the proposed fee has been reviewed and recommended by the Student Services Fee Advisory Committee at U. T. Arlington. The increase requested is necessary "to continue the current level of services that have traditionally been funded" and to provide additional staff and services related to retention activities.

Statutorily required student involvement in setting these fees could not be completed prior to the February 1989 U. T. Board of Regents' meeting and 1989-91 catalog publication deadlines and preregistration beginning on March 27, 1989, require submission of the proposed fee increase for approval by the U. T. Board of Regents via Executive Committee Letter.

2. U. T. Austin - Economics Building Renovation (Project No. 102-589): Recommended Award of Contracts for Furniture and Furnishings to Wittigs dba Southwest Office Interiors, Austin, Texas; Office Pavilion Corporate Furnishings - Austin, Austin, Texas; Architectural Interior Services, A Division of Finger Office Furniture, Houston, Texas; CDM Contract Furnishings, Inc., Austin, Texas; Austin Business Furniture, Austin, Texas; and Carpet Services, Inc., Austin, Texas; and Request for Authorization for the Chancellor to Sign the Contracts (Exec. Com. Letter 89-16).--

RECOMMENDATION

The Executive Committee concurs in the recommendation of the Chancellor, the Executive Vice Chancellor for Academic Affairs and President Cunningham that the U. T. Board of Regents award contracts for furniture and furnishings for the Economics Building Renovation at U. T. Austin to the following lowest responsive bidders:

Wittigs dba Southwest Office Interiors  
Austin, Texas

Base Proposal "A" (Faculty Office Casework, Type "K")	\$117,330.06
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Base Proposal "H" (Waiting Room Furniture)	<u>11,899.10</u>
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Total Contract Award to Wittigs dba Southwest Office Interiors	\$129,229.16
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Office Pavilion Corporate  
Furnishings - Austin  
Austin, Texas

Base Proposal "C" (Office Seating and Conference Tables)	108,547.01
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Base Proposal "D" (TA/AI, Computer Lab and Secretarial Work Stations)	<u>113,950.93</u>
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Total Contract Award to Office Pavilion Corporate Furnishings - Austin	222,497.94
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Architectural Interior Services,  
A Division of Finger Office Furniture  
Houston, Texas

Base Proposal "E" (Bookcases)	59,669.34
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Base Proposal "G" (Wood Carrels and Student Tables)	14,714.86
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Base Proposal "J" (Stacking Chairs)	4,543.72
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Base Proposal "K" (Seminar Chairs)	\$ 9,951.80
Base Proposal "L" (Student Activities Seating)	<u>4,778.88</u>
Total Contract Award to Architectural Interior Services, A Division of Finger Office Furniture	\$ 93,658.60
CDM Contract Furnishings, Inc. Austin, Texas	
Base Proposal "F" (Steel Files)	31,561.79
Austin Business Furniture Austin, Texas	
Base Proposal "I" (Seminar Tables)	11,923.00
Carpet Services, Inc. Austin, Texas	
Base Proposal "M" (Carpet)	<u>1,410.00</u>
GRAND TOTAL RECOMMENDED CONTRACT AWARDS	\$490,280.49

It is further recommended that the Chancellor be authorized to sign the contracts awarding these bids based on the results of the Executive Committee circularization.

#### BACKGROUND INFORMATION

In accordance with authorization of the U. T. Board of Regents in October 1986, bids were received on February 21, 1989, as shown below, for furniture and furnishings for the Economics Building Renovation at U. T. Austin. Funds for the contract awards are available in the Furniture and Equipment Account.

#### Base Proposal "A", Faculty Office Casework, Type "K"

Wittigs dba Southwest Office Interiors	\$117,330.06
Wilson Business Products	120,608.14
Architectural Interior Services, A Division of Finger Office Furniture	123,429.19
Commercial Furniture Services, Inc.	134,523.00
Office Pavilion Corporate Furnishings - Austin	152,998.56

#### Base Proposal "C", Office Seating and Conference Tables

Office Pavilion Corporate Furnishings - Austin	\$108,547.01
Office Pavilion Corporate Furnishings - San Antonio	112,888.90
Office Pavilion - Houston	117,820.10
Stewart Contract Interiors, Inc.	175,197.00

Base Proposal "D", TA/AI, Computer Lab and  
Secretarial Work Stations

Office Pavilion Corporate Furnishings - Austin	\$113,950.93
Office Pavilion Corporate Furnishings - San Antonio	119,648.48
Office Pavilion - Houston	131,716.21
Stewart Contract Interiors, Inc.	599,628.00

Base Proposal "E", Bookcases

Architectural Interior Services, A Division of Finger Office Furniture	\$ 59,669.34
Rockford Business Interiors	62,947.27
Business Interiors, Inc.	63,241.85
Office Pavilion Corporate Furnishings - Austin	64,532.50

Base Proposal "F", Steel Files

CDM Contract Furnishings, Inc.	\$ 31,561.79
Rainen Business Interiors	32,807.41
Educational & Institutional Cooperative Services, Inc.	40,575.13
Business Interiors, Inc.	43,485.10

Base Proposal "G", Wood Carrels and Student Tables

Architectural Interior Services, A Division of Finger Office Furniture	\$ 14,714.86
Business Interiors, Inc.	15,381.00
Rockford Business Interiors	15,514.35

Base Proposal "H", Waiting Room Furniture

Wittigs dba Southwest Office Interiors	\$ 11,899.10
CDM Contract Furnishings, Inc.	12,333.33

Base Proposal "I", Seminar Tables

Austin Business Furniture	\$ 11,923.00
Business Interiors, Inc.	12,740.40
CDM Contract Furnishings, Inc.	12,782.48
Architectural Interior Services, A Division of Finger Office Furniture	13,942.93
Educational & Institutional Cooperative Services, Inc.	15,182.33
Office Pavilion Corporate Furnishings - Austin	16,836.55
Office Pavilion Corporate Furnishings - San Antonio	17,678.38
Office Pavilion - Houston	17,848.26

Base Proposal "J", Stacking Chairs

Architectural Interior Services, A Division of Finger Office Furniture	\$ 4,543.72
Disco Print Company	7,347.55
Austin Business Furniture	7,425.60

Base Proposal "K", Seminar Chairs

Architectural Interior Services, A Division of Finger Office Furniture	\$ 9,951.80
Office Pavilion - Houston	10,315.06
Austin Business Furniture	11,475.00
Rockford Business Interiors	11,765.70
Business Interiors, Inc.	12,669.25
Office Pavilion Corporate Furnishings - Austin	16,257.95
Office Pavilion Corporate Furnishings - San Antonio	16,583.11

Base Proposal "L", Student Activities Seating

Architectural Interior Services, A Division of Finger Office Furniture Business Interiors, Inc.	\$ 4,778.88 5,526.00
CDM Contract Furnishings, Inc.	5,577.60
Rockford Business Interiors	5,872.00

Base Proposal "M", Carpet

Carpet Services, Inc.	\$ 1,410.00
Carpet Management Systems	1,426.00
Western Floors of Austin, Inc.	1,497.43
Educational & Institutional Cooperative Services, Inc.	1,546.90
San Antonio Floor Finishers, Inc.	1,850.00

3. U. T. Austin - Research/Laboratory Facility at Permian Basin Center for Energy and Economic Diversification (Project No. 102-696): Recommended Award of Construction Contract to Rose & Sons, Inc., Abilene, Texas (Exec. Com. Letter 89-14).--

RECOMMENDATION

The Executive Committee concurs in the recommendation of the Chancellor, the Executive Vice Chancellor for Academic Affairs, President Cunningham and President Leach that the U. T. Board of Regents award a construction contract to Rose & Sons, Inc., Abilene, Texas, for the U. T. Austin Research/Laboratory Facility at the Permian Basin Center for Energy and Economic Diversification in combination with facilities for the Texas Permian Basin Foundation, Inc. in a total contract amount of \$3,424,200.

BACKGROUND INFORMATION

In accordance with authorization of the U. T. Board of Regents in December 1988, bids for the construction of the Permian Basin Center for Energy and Economic Diversification, including a Research/Laboratory Facility for U. T. Austin and an Administrative/Support Services Facility and Site Improvements for the Texas Permian Basin Foundation, Inc., were received and opened on January 17, 1989, as shown on Page Ex.C - 9.

The bids received were for a single combined contract including the U. T. Austin and the Texas Permian Basin Foundation, Inc. facilities. The proposed contract award includes the base bid for general construction and site improvements plus additive alternates A-1, B-1 and B-2 for a total of \$3,424,200. The apparent low bidder, Rose & Sons, Inc., Abilene, Texas, provided breakdown information indicating a construction cost, including alternates, of \$1,711,165 for the Research/Laboratory Facility and \$1,713,035 for the Administrative/Support Services Facility and Site Improvements.

The recommended contract award to Rose & Sons, Inc., Abilene, Texas, can be made within the authorized total project cost of \$2,000,000 for the U. T. Austin facility and a total project cost of \$2,527,000 for the Texas Permian Basin Foundation, Inc. facilities (combined total project cost \$4,527,000).

Funds for the project are \$2,000,000 from Permanent University Fund Bond Proceeds that were previously appropriated for the U. T. Austin facility and \$2,527,000 in gift funds for the Texas Permian Basin Foundation, Inc. facilities.

The total project cost is composed of the following elements:

	<u>U. T. System</u>	<u>Permian Basin Foundation</u>	<u>Total</u>
Construction Cost	\$1,711,165	\$1,713,035	\$3,424,200
Fees & Administrative Expenses	160,356	161,312	321,668
Furniture & Equipment	127,979	472,021	600,000
Future Work		70,000	70,000
Miscellaneous Expenses	500	46,914	47,414
Project Contingency		<u>63,718</u>	<u>63,718</u>
Total Project Cost	\$2,000,000	\$2,527,000	\$4,527,000

U. T. AUSTIN RESEARCH/LABORATORY FACILITY  
 AT PERMIAN BASIN CENTER FOR ENERGY AND ECONOMIC DIVERSIFICATION  
 Bids Received January 17, 1989, at  
 U. T. Permian Basin, Odessa, Texas

EX. C - 9

<u>BIDDER</u>	<u>Rose &amp; Sons, Inc.</u> <u>Abilene, TX</u>	<u>Dave Leonard</u> <u>Construction Company</u> <u>Midland, TX</u>	<u>Templeton</u> <u>Construction Company</u> <u>San Angelo, TX</u>
BASE BID	\$3,323,400	\$3,421,000	\$3,732,005
Alt. No. A-1 - Add Courtyard Improvements	52,800	37,000	49,700
Alt. No. A-2 - Add Emergency Generator	18,000	16,000	17,650
Alt. No. A-3 - Deduct Auditorium Seating	10,000	13,000	- 0 -
Alt. No. A-4 - Deduct Finishes	-0-	30,000	29,400
Alt. No. B-1 - Add Lake Enlargement	25,800	33,000	32,500
Alt. No. B-2 - Add Concrete Paving	22,200	13,000	24,300
Alt. No. B-3 - Deduct Pump House Shell	<u>44,000</u>	<u>47,000</u>	<u>60,000</u>
Recommended Contract Award Base Bid Plus Alt. Nos. A-1, B-1 and B-2	\$3,424,200	\$3,504,000	\$3,838,505

4. U. T. Austin - E. P. Schoch Building Renovation (Project No. 102-595): Recommended Award of Contracts for Furniture and Furnishings to Wittigs dba Southwest Office Interiors, Austin, Texas; Office Pavilion Corporate Furnishings - Austin, Austin, Texas; Architectural Interior Services, A Division of Finger Office Furniture, Houston, Texas; Rockford Business Interiors, Austin, Texas; Barker Office Furniture, Inc., Austin, Texas; CDM Contract Furnishings, Inc., Austin, Texas; Rainen Business Interiors, Inc., Dallas, Texas; Austin Business Furniture, Austin, Texas; American Desk Manufacturing Company, Taylor, Texas; and Carpet Management Systems, San Antonio, Texas; and Request for Authorization for the Chancellor to Sign the Contracts (Exec. Com. Letter 89-16).--

RECOMMENDATION

The Executive Committee concurs in the recommendation of the Chancellor, the Executive Vice Chancellor for Academic Affairs and President Cunningham that the U. T. Board of Regents award contracts for furniture and furnishings for the E. P. Schoch Building Renovation at U. T. Austin to the following lowest responsive bidders:

Wittigs dba Southwest Office Interiors  
Austin, Texas

Base Proposal "A" (Faculty Office Casework, Type "K")	\$ 62,659.09
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Office Pavilion Corporate  
Furnishings - Austin  
Austin, Texas

Base Proposal "C" (Faculty Office, Conference and TA/AI Seating)	\$ 72,269.27
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Base Proposal "E" (Landscape Work Stations)	<u>36,496.03</u>
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Total Contract Award to Office Pavilion Corporate Furnishings - Austin	108,765.30
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Architectural Interior Services,  
A Division of Finger Office Furniture  
Houston, Texas

Base Proposal "D" (Bookcases)	75,649.55
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Base Proposal "F" (Reading Room and Waiting Furniture)	27,404.83
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Base Proposal "P" (Lab Stools)	<u>5,591.02</u>
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Total Contract Award to Architectural Interior Services, A Division of Finger Office Furniture	108,645.40
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Rockford Business Interiors Austin, Texas		
Add Alternate Proposal "D-1" (Bookcases)		\$ 15,176.96
Barker Office Furniture, Inc. Austin, Texas		
Base Proposal "G" (Visitor Chairs)		23,341.40
CDM Contract Furnishings, Inc. Austin, Texas		
Base Proposal "H" (Steel Files)		21,218.11
Rainen Business Interiors, Inc. Dallas, Texas		
Base Proposal "J" (TA Desks)		15,896.80
Austin Business Furniture Austin, Texas		
Base Proposal "K" (Seminar Chairs)	\$14,702.50	
Base Proposal "L" (Seminar Tables)	<u>12,146.00</u>	
Total Contract Award to Austin Business Furniture		26,848.50
American Desk Manufacturing Company Taylor, Texas		
Base Proposal "M" (Anthropology Bone Cabinets)	3,297.00	
Base Proposal "N" (Lab Tables)	<u>9,095.00</u>	
Total Contract Award to American Desk Manufacturing Company		12,392.00
Carpet Management Systems San Antonio, Texas		
Base Proposal "R" (Carpet)		<u>7,987.00</u>
GRAND TOTAL RECOMMENDED CONTRACT AWARDS		\$402,930.56

It is further recommended that the Chancellor be authorized to sign the contracts awarding these bids based on the results of the Executive Committee circularization.

BACKGROUND INFORMATION

In accordance with authorization of the U. T. Board of Regents in December 1986, bids were received on February 21, 1989, as shown below, for furniture and furnishings for the E. P. Schoch Building Renovation at U. T. Austin. Funds for the contract awards are available in the Furniture and Equipment Account.

Base Proposal "A", Faculty Office Casework, Type "K"

Wittigs dba Southwest Office Interiors	\$ 62,659.09
Wilson Business Products	63,354.38
Architectural Interior Services, A Division of Finger Office Furniture	64,557.17
Commercial Furniture Services	70,339.00
Office Pavilion Corporate Furnishings - Austin	80,849.35

Base Proposal "C", Faculty Office, Conference and  
TA/AI Seating

Office Pavilion Corporate Furnishings - Austin	\$ 72,269.27
Office Pavilion Corporate Furnishings - San Antonio	74,437.35
Office Pavilion - Houston	82,034.59
Stewart Contract Interiors, Inc.	119,729.25

Base Proposal "D", Bookcases

Architectural Interior Services, A Division of Finger Office Furniture	\$ 75,649.55
Rockford Business Interiors	79,288.16
Business Interiors, Inc.	80,166.00
Office Pavilion Corporate Furnishings - Austin	83,245.78

Add Alternate Proposal "D-1", Bookcases

Rockford Business Interiors	\$ 15,176.96
Architectural Interior Services, A Division of Finger Office Furniture	16,775.25
Business Interiors, Inc.	18,221.25
Office Pavilion Corporate Furnishings - Austin	18,360.75

Base Proposal "E", Landscape Work Stations

Office Pavilion Corporate Furnishings - Austin	\$ 36,496.03
Office Pavilion Corporate Furnishings - San Antonio	37,773.40
Office Pavilion - Houston	39,842.40

Base Proposal "F", Reading Room and Waiting Furniture

Architectural Interior Services, A Division of Finger Office Furniture	\$ 27,404.83
Rockford Business Interiors	31,648.20
Business Interiors, Inc.	32,174.75

Base Proposal "G", Visitor Chairs

Barker Office Furniture, Inc.	\$ 23,341.40
Architectural Interior Services, A Division of Finger Office Furniture	23,358.41
Austin Business Furniture	23,695.00
Rockford Business Interiors	25,351.53
Business Interiors, Inc.	36,837.05

Base Proposal "H", Steel Files

CDM Contract Furnishings, Inc.	\$ 21,218.11
Rainen Business Interiors, Inc.	22,671.87
Smith Business Furniture, Inc.	23,015.91
Educational and Institutional Cooperative Services, Inc.	27,498.62
Business Interiors, Inc.	32,889.05

Base Proposal "J", TA Desks

Rainen Business Interiors, Inc.	\$ 15,896.80
Educational and Institutional Cooperative Services, Inc.	17,630.17
CDM Contract Furnishings, Inc.	20,812.70
Business Interiors, Inc.	21,556.25

Base Proposal "K", Seminar Chairs

Austin Business Furniture	\$ 14,702.50
Architectural Interior Services, A Division of Finger Office Furniture	14,897.78
Disco Print Company	16,291.50

Base Proposal "L", Seminar Tables

Austin Business Furniture	\$ 12,146.00
Business Interiors, Inc.	12,896.25
CDM Contract Furnishings, Inc.	12,934.00
Architectural Interior Services, A Division of Finger Office Furniture	13,356.54
Educational and Institutional Cooperative Services, Inc.	13,418.80
Office Pavilion Corporate Furnishings - Austin	14,212.71
Office Pavilion Corporate Furnishings - San Antonio	14,568.03
Office Pavilion - Houston	15,785.52

Base Proposal "M", Anthropology Bone Cabinets

American Desk Manufacturing Company	\$ 3,297.00
CDM Contract Furnishings, Inc.	5,724.00
G. Madison Company	8,070.00
Business Interiors, Inc.	8,854.95

Base Proposal "N", Lab Tables

American Desk Manufacturing Company	\$ 9,095.00
Max Grigsby Company, Inc.	11,766.00

Base Proposal "P", Lab Stools

Architectural Interior Services, A Division of Finger Office Furniture	\$ 5,591.02
Powers Material Handling	6,163.12
Storage and Retrieval Equipment Company	6,323.39
CDM Contract Furnishings, Inc.	6,815.44
Rockford Business Interiors	7,032.62

Base Proposal "R", Carpet

Carpet Management Systems	\$ 7,987.00
Carpet Services, Inc.	8,059.00
Western Floors of Austin, Inc.	8,167.75
Educational and Institutional Cooperative Services, Inc.	8,782.40
San Antonio Floor Finishers, Inc.	10,761.00

5. U. T. Southwestern Medical Center - Dallas - The Mary Nell and Ralph B. Rogers Magnetic Resonance Center (Project No. 303-674) - Magnet Room Finish-Out: Recommended Award of Construction Contract to Medical Environment Development Corporation (MEDCO), Dallas, Texas (Exec. Com. Letter 89-14).--

RECOMMENDATION

The Executive Committee concurs in the recommendation of the Chancellor, the Executive Vice Chancellor for Health Affairs and President Wildenthal that the U. T. Board of Regents award a construction contract for the finish-out of the magnet rooms within The Mary Nell and Ralph B. Rogers Magnetic Resonance Center at the U. T. Southwestern Medical Center - Dallas to the lowest responsive bidder, Medical Environment Development Corporation (MEDCO), Dallas, Texas, for the base bid in the amount of \$841,000.

BACKGROUND INFORMATION

In October 1988, a general construction contract for The Mary Nell and Ralph B. Rogers Magnetic Resonance Center at the U. T. Southwestern Medical Center - Dallas was awarded by the U. T. Board of Regents. Due to the special nature of the construction required to shield equipment, the finish-out of the magnet rooms within the Center was not included in the general construction contract. However, funds for the finish-out of the magnet rooms were included in the total project cost.

On December 29, 1988, bid for the finish-out of the magnet rooms were received and opened as shown below:

<u>Bidder</u>	<u>Base Bid</u>
Wegner Commercial Corporation Dallas, Texas	\$824,963
Medical Environment Development Corporation (MEDCO), Dallas, Texas	\$841,000
The Ridgemont Company Dallas, Texas	\$851,778
Fry Construction Company, Inc. Dallas, Texas	\$876,024

The plans and specifications for the finish-out of the magnet rooms listed specific requirements regarding experience and expertise of this type of specialized construction. All bid proposals received were reviewed by the Project Architect, Harwood K. Smith & Partners, Dallas, Texas. The bid proposal of the apparent low bidder, Wegner Commercial Corporation, Dallas, Texas, did not meet the specified requirements for prior experience and was determined to be non-responsive. The Project Architect recommended that the bid proposal be rejected. The U. T. Southwestern Medical Center - Dallas Administration, the Office of Facilities Planning and Construction, and the Office of General Counsel concur in the

Project Architect's recommendation. A review of the bid proposals of Medical Environment Development Corporation determined that this firm meets the requirements and is the lowest responsive bidder.

The recommended contract award to Medical Environment Development Corporation (MEDCO), Dallas, Texas, can be made within the authorized total project cost of \$4,800,000.

6. U. T. Medical Branch - Galveston - Keiller Building Renovation and Reroofing (Project No. 601-664): Recommended Award of Construction Contract for Phase I Reroofing to Comex Corporation, Deer Park, Texas (Exec. Com. Letter 89-16).--

#### RECOMMENDATION

The Executive Committee concurs in the recommendation of the Chancellor, the Executive Vice Chancellor for Health Affairs and President James that the U. T. Board of Regents award a construction contract for Phase I - Reroofing of the Keiller Building Renovation and Reroofing project at the U. T. Medical Branch - Galveston to the lowest responsive bidder, Comex Corporation, Deer Park, Texas, for the Base Bid and Alternate Bid Nos. 1 and 4 in the amount of \$547,850.

#### BACKGROUND INFORMATION

In accordance with authorization of the U. T. Board of Regents in February 1988, bids for Phase I - Reroofing of the Keiller Building at the U. T. Medical Branch - Galveston were received on February 14, 1989, as shown on Pages Ex.C 16 - 17.

The authorized project cost for the Phase I - Reroofing is \$750,000 within an authorized total project cost of \$11,000,000 for the complete Keiller Building Renovation and Reroofing project. The recommended contract award to Comex Corporation, Deer Park, Texas, in the amount of \$547,850 can be made within a reduced Phase I - Reroofing project cost of \$626,700.

The revised project cost for Phase I - Reroofing is composed of the following elements:

Construction Cost	\$547,850
Fees and Administrative Expenses	55,259
Miscellaneous Expenses	5,591
Project Contingency	<u>18,000</u>
Total Project Cost	\$626,700

The Phase I - Reroofing project was approved by the Texas Higher Education Coordinating Board in April 1988.

Funding for the Phase I - Reroofing project is from U. T. Medical Branch - Galveston Educational and General Funds Unappropriated Balance.

KEILLER BUILDING RENOVATION AND REROOFING  
 PHASE I - REROOFING  
 THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON  
 Bids Received February 14, 1989, at  
 The University of Texas Medical Branch at Galveston

<u>BIDDER</u>	<u>Comex Corporation Deer Park, TX</u>	<u>J. W. Kelso Company, Inc. Galveston, TX</u>	<u>LEBCO Constructors, Inc. Houston, TX</u>
BASE BID	\$529,000	\$606,900	\$609,700
Alt. No. 1 - Add - Cement Cornice	7,650	7,500	13,000
Alt. No. 2 - Add - Precast Cornice	22,500	19,700	23,400
Alt. No. 3A - Add or Deduct - Substitute D'Hanis Tile	No Bid	No Bid	No Bid
Alt. No. 3B - Add or Deduct - Substitute Gladding-McBean Tile	No Bid	No Bid	No Bid
Alt. No. 4 - Add - 752LF Copper Gutter	<u>11,200</u>	<u>11,800</u>	<u>10,975</u>
Recommended Contract Award Base Bid Plus Alternate Nos. 1 and 4	\$547,850	\$626,200	\$633,675

EX.C - 16

KEILLER BUILDING RENOVATION AND REROOFING  
 PHASE I - REROOFING  
 THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON  
 Bids Received February 14, 1989, at  
 The University of Texas Medical Branch at Galveston

<u>BIDDER</u>	<u>Mac Roofing &amp; Supplies, Inc. Port Arthur, TX</u>	<u>C. D. McKamie Company Justin, TX</u>	<u>John Gray Company, Inc. Galveston, TX</u>	<u>Miner-Dederick Constructors, Inc. Houston, TX</u>
BASE BID	\$623,863	\$619,000	\$690,362	\$701,300
Alt. No. 1 - Add - Cement Cornice	4,925	11,300	8,284	11,000
Alt. No. 2 - Add - Precast Cornice	23,000	13,338	24,933	28,100
Alt. No. 3A - Add or Deduct - Substitute D'Hanis Tile	-15,000	No Bid	No Bid	No Bid
Alt. No. 3B - Add or Deduct - Substitute Gladding-McBean Tile	No Bid	-10,868	No Bid	No Bid
Alt. No. 4 - Add - 752LF Copper Gutter	<u>9,776</u>	<u>10,293</u>	<u>12,588</u>	<u>12,000</u>
Recommended Contract Award Base Bid Plus Alternate Nos. 1 and 4	\$638,564	\$640,593	\$711,234	\$724,300

EX. C - 17

7. U. T. Health Science Center - San Antonio - Research Building (Project No. 402-666): Recommended Award of Construction Contract to Lyda, Inc., San Antonio, Texas (Exec. Com. Letter 89-16).--

#### RECOMMENDATION

The Executive Committee concurs in the recommendation of the Chancellor, the Executive Vice Chancellor for Health Affairs and President Howe that the U. T. Board of Regents:

- a. Award a construction contract for the Research Building at the U. T. Health Science Center - San Antonio to the lowest responsive bidder, Lyda, Inc., San Antonio, Texas, for the Base Bid and Alternate Bid Nos. 1, 3, 5, 6 and 7 in the amount of \$15,311,000
- b. Authorize the Chancellor to approve an increase in the construction contract by awarding Alternate Bid No. 4 (construction of the cyclotron area) after selection of specific cyclotron equipment.

#### BACKGROUND INFORMATION

In accordance with authorization of the U. T. Board of Regents in December 1988, bids for the Research Building at the U. T. Health Science Center - San Antonio were received on February 14, 1989, as shown on Pages Ex.C 19 - 21.

Alternate Bid No. 4 provides for the construction of the concrete walls and roof and other related items in the cyclotron area on the first level of the Research Building. Award of this alternate bid must be delayed until the cyclotron equipment manufacturer is selected and specific criteria for physical dimensions, shielding and utility connections can be determined. The specifications require the contractor to hold the bid price for Alternate No. 4 for up to six months.

The recommended contract award to Lyda, Inc., San Antonio, Texas, in the amount of \$15,311,000 can be made within the authorized total project cost of \$20,000,000.

The authorized project cost is composed of the following elements:

Construction Cost	\$15,311,000
Fees and Administrative Expenses	1,521,000
Furniture and Equipment	1,400,000
Future Work (cyclotron area construction, air balancing, utility connections, floodplain work)	1,193,000
Miscellaneous Expenses	75,000
Project Contingency	<u>500,000</u>
Total Project Cost	\$20,000,000

This project is part of the Capital Improvement Program and is funded with \$10,000,000 from Permanent University Fund Bond Proceeds and \$10,000,000 from private gift funds.

RESEARCH BUILDING  
 THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO  
 Bids Received February 14, 1989, at  
 The University of Texas Health Science Center at San Antonio

<u>BIDDER</u>	<u>Lyda, Inc.</u> <u>San Antonio, TX</u>	<u>Kunz Construction</u> <u>Company, Inc.</u> <u>San Antonio, TX</u>	<u>Lee Lewis General</u> <u>Contractor, Inc.</u> <u>Lubbock, TX</u>
BASE BID	\$14,620,000	\$14,759,000	\$14,990,000
Alt. No. 1 - Additional Equipment	158,000	164,841	74,000
Alt. No. 2 - Exhaust Fans	155,000	153,736	160,000
Alt. No. 3 - Security Systems	94,000	88,283	115,000
Alt. No. 4 - Cyclotron Area	143,000	136,036	99,000
Alt. No. 5 - Finish Space on 4th Level	392,000	379,194	382,000
Alt. No. 6 - Pad Mounted Electric Meter	27,000	26,885	26,000
Alt. No. 7 - Campus Entry Sign	<u>20,000</u>	<u>17,192</u>	<u>17,000</u>
 TOTAL - Base Bid Plus Alternate Nos. 1, 3, 5, 6 and 7	 \$15,311,000	 \$15,435,395	 \$15,604,000

EX. C - 19

RESEARCH BUILDING  
 THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO  
 Bids Received February 14, 1989, at  
 The University of Texas Health Science Center at San Antonio

<u>BIDDER</u>	<u>Bartlett Cocke, Jr. Construction Co. San Antonio, TX</u>	<u>Centex-Rogers Construction Company Nashville, TN</u>	<u>Cahaba Construction Company Houston, TX</u>
BASE BID	\$15,040,000	\$14,983,000	\$15,160,000
Alt. No. 1 - Additional Equipment	165,000	242,666	250,000
Alt. No. 2 - Exhaust Fans	125,000	232,700	123,000
Alt. No. 3 - Security Systems	93,000	86,000	121,000
Alt. No. 4 - Cyclotron Area	133,000	160,860	150,000
Alt. No. 5 - Finish Space on 4th Level	385,000	409,800	90,000
Alt. No. 6 - Pad Mounted Electric Meter	35,000	33,700	191,000
Alt. No. 7 - Campus Entry Sign	<u>26,000</u>	<u>22,100</u>	<u>27,000</u>
TOTAL - Base Bid Plus Alternate Nos. 1, 3, 5, 6 and 7	\$15,744,000	\$15,777,266	\$15,967,000

RESEARCH BUILDING  
 THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO  
 Bids Received February 14, 1989, at  
 The University of Texas Health Science Center at San Antonio

<u>BIDDER</u>	<u>Spaw-Glass Construction Services Inc. San Antonio, TX</u>	<u>Pepper-Lawson Construction, Inc. Houston, TX</u>	<u>Becon Construction Company, Inc. Houston, TX</u>	<u>H. B. Zachry Company San Antonio, TX</u>
BASE BID	\$15,442,000	\$15,468,000	\$15,685,000	\$15,877,000
Alt. No. 1 - Additional Equipment	185,000	179,000	90,000	202,000
Alt. No. 2 - Exhaust Fans	150,000	130,000	150,000	129,000
Alt. No. 3 - Security Systems	118,000	134,000	120,000	97,000
Alt. No. 4 - Cyclotron Area	156,000	159,000	182,000	84,000
Alt. No. 5 - Finish Space on 4th Level	400,000	415,000	365,000	391,000
Alt. No. 6 - Pad Mounted Electric Meter	28,000	13,000	14,000	30,000
Alt. No. 7 - Campus Entry Sign	<u>21,500</u>	<u>31,000</u>	<u>26,000</u>	<u>26,000</u>
TOTAL - Base Bid Plus Alternate Nos. 1, 3, 5, 6 and 7	\$16,194,500	\$16,240,000	\$16,300,000	\$16,623,000

**Personnel and  
Audit Committee**

PERSONNEL AND AUDIT COMMITTEE  
Committee Chairman Roden

Date: April 6, 1989  
Time: Following the meeting of the Executive Committee  
Place: Blumberg Auditorium (Room 111), UTEP Library  
U. T. El Paso

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1. U. T. System: Recommendation to Approve Chancellor's Docket No. 45.--

#### RECOMMENDATION

It is recommended that Chancellor's Docket No. 45 be approved.

It is requested that the committee confirm that authority to execute contracts, documents, or instruments approved therein has been delegated to the officer or official executing same.

2. U. T. System: Recommendation to Approve Uniform Policies and Procedures for Discipline and Dismissal and Grievances of Employees.--

#### RECOMMENDATION

The Chancellor with the concurrence of the Executive Vice Chancellor for Academic Affairs and Executive Vice Chancellor for Health Affairs recommends that the U. T. Board of Regents approve the Policies and Procedures for Discipline and Dismissal and Grievances of Employees for the U. T. System set forth on Pages P&A 3 - 18 as a required section for the Handbook of Operating Procedures of each component institution.

It is further recommended that:

- a. Component institutions be authorized to provide for progressive disciplinary action such as oral or written warning, reprimand or probation as a part of these Policies and Procedures. Such progressive disciplinary action shall not be a necessary prerequisite to demotion, suspension without pay or dismissal and may be reviewed pursuant to the procedures relating to grievances;
- b. The U. T. Health Center - Tyler need not utilize these Policies and Procedures as long as it is required to follow different procedures by order of the federal court in Hazel Roy, et al v. The University of Texas Health Center at Tyler, et al, No. TY-76-78-CA, United States District Court, Eastern District of Texas, Tyler Division.

#### BACKGROUND INFORMATION

Although all component institutions of the U. T. System have procedures for processing employee disciplinary actions and grievances, those procedures vary greatly and in some instances may not fully meet the predisciplinary due process requirements of Cleveland Board of Education v. Loudermill, 470 U. S. 532, 105 S. Ct. 1487 (1985). The proposed Policies and Procedures comply with current court decisions, including the Loudermill case, and will bring uniformity to the procedures of the U. T. System component institutions. These Policies and Procedures have been developed with input from the U. T. System component institutions.

POLICIES AND PROCEDURES  
FOR DISCIPLINE AND DISMISSAL AND  
GRIEVANCES OF EMPLOYEES

I. PURPOSE

It is the policy of The University of Texas [Name of Institution] to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law.

II. SCOPE OF POLICY

A. Discipline and Dismissal Policy and Procedure

These policies and procedures are applicable to conduct or job performance of an employee that results in a decision to impose a disciplinary penalty of demotion, suspension without pay or dismissal. It does not apply to:

1. Institutional police, faculty or teaching staff who are subject to other approved discipline or dismissal procedures;
2. Suspension with pay pending investigation of allegations relating to an employee;
3. Decisions not to offer reappointment to persons whose appointment for a stated period of one year or less expires at the end of such period without the necessity of notice of nonrenewal as provided in the Rules and Regulations of the Board of Regents or the rules and regulations of the institution; or
4. Dismissal of employees
  - a) who are appointed to positions without fixed term and under applicable rule or regulation serve at the pleasure of a specific administrative officer,

- b) who occupy positions that are dependent upon funding from a specific source and such funding is not received,
- c) as a result of a reorganization,
- d) because of financial exigency, or
- e) during the 180 day probationary period.

B. Grievance Policy and Procedure

These policies and procedures are available to all employees to present complaints related to wages, hours of work, working conditions, merit raises, job assignments, performance evaluations, reprimands, or the interpretation or application of a rule, regulation or policy.

III. DISCIPLINE AND DISMISSAL POLICY AND PROCEDURE

A. Requisite Standards of Conduct

Each employee is expected to acquaint themselves with performance criteria for their particular job and with all rules, procedures, and standards of conduct established by the Board of Regents of The University of Texas System, the institution and the employee's department or unit. An employee who does not fulfill the responsibilities set out by such performance criteria, rules, procedures and standards of conduct may be subject to adverse personnel action.

B. Conduct Which is Subject to Disciplinary Action

1. Work Performance

- a) Failure of an employee to maintain satisfactory work performance standards can constitute good cause for disciplinary action including dismissal. The term "work performance" includes all aspects of an employee's work.

b) Work Performance is to be judged by the supervisor's evaluation of the quality and quantity of work performed by each employee. When, in the opinion of the supervisor, the work performance of an employee is below standard, the supervisor should take appropriate disciplinary action.

2. Misconduct

a) All employees are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, including dismissal, may be imposed for unacceptable conduct.

b) Examples of unacceptable conduct include, but are not limited to:

1) falsification of time sheets, personnel records or other institutional records;

2) neglect of duties, loafing or wasting time during working hours;

3) smoking anywhere except in designated smoking areas;

4) gambling, participating in lotteries or any other games of chance on the premises at any time;

5) soliciting, collecting money or circulating petitions on the premises other than within the rules and regulations of the institution;

6) bringing intoxicants or drugs onto the premises of the institution, using intoxicants or drugs, having

- intoxicants or drugs in one's possession, or being under the influence of intoxicants or drugs on the premises at any time;
- 7) abuse or waste of tools, equipment, fixtures, property, supplies or goods of the institution;
  - 8) creating or contributing to unhealthy or unsanitary conditions;
  - 9) violations of safety rules or accepted safety practices;
  - 10) failure to cooperate with supervisor or co-worker, impairment of function of work unit, or disruptive conduct;
  - 11) disorderly conduct, horseplay, harassment of other employees (including sexual harassment) or use of abusive language on the premises;
  - 12) fighting, encouraging a fight or threatening, attempting or causing injury to another person on the premises;
  - 13) neglect of duty or failure to meet a reasonable and objective measure of efficiency and productivity;
  - 14) theft, dishonesty or unauthorized use of institutional property including records and confidential information;
  - 15) creating a condition hazardous to another person on the premises;

- 16) destroying or defacing institutional property or records or the property of a student or employee;
- 17) refusal of an employee to follow instructions or to perform designated work that may be required of an employee or refusal to adhere to established rules and regulations;
- 18) repeated tardiness or absence, absence without proper notification to the supervisor or without satisfactory reason or unavailability for work; and
- 19) violation of policies or rules of the institution or The University of Texas System.

C. Investigations

1. All incidents that involve the potential for disciplinary action shall be investigated by the employee's supervisor or other designated administrative official.
2. If the investigation results in evidence that establishes with reasonable certainty that the employee engaged in conduct which warrants disciplinary action, the supervisor shall follow the predisciplinary hearing procedures before seeking approval for the proposed disciplinary action.

D. Predisciplinary Hearings

1. Policy

An employee shall be informed of the basis for any proposed disciplinary action resulting in demotion, suspension without pay or dismissal

and have an opportunity to respond before a final decision is to take disciplinary action. The hearing serves as an opportunity to avoid mistaken decisions to impose discipline and is not intended to definitively resolve the propriety of the disciplinary action being considered.

2. Procedures

There is no prescribed form for this hearing. It should be informal. However, before reaching a final decision to impose discipline, the supervisor shall:

- a) inform the employee, either in person or in writing, of the reasons for the proposed disciplinary action, the facts upon which the supervisor relies, the names of any persons who have made statements about the disciplinary incident and the content of such statements;
- b) give the employee access to any documentary material which the supervisor has relied upon; and
- c) give the employee an opportunity to respond to the charges either orally or in writing within a reasonable time and to persuade the supervisor that the evidence supporting the charges is not true.

If the supervisor is not persuaded that the evidence is untrue, the supervisor will review the evidence and proposed disciplinary action with the Director of Personnel or his or her delegate and will obtain the approval of the appropriate department head or administrative

equivalent before proceeding to impose the disciplinary penalty.

E. Imposing the Disciplinary Penalty

1. Notice

Upon completing the predisciplinary hearing procedures and obtaining the approval of the appropriate department head or administrative equivalent, the supervisor shall inform the employee in writing of the following:

- a) whether the disciplinary penalty is demotion, suspension without pay or dismissal;
- b) the effective date of demotion or dismissal;
- c) a specific period for a suspension without pay, not to exceed five (5) working days;
- d) the specific incident, conduct, course of conduct, unsatisfactory work performance or other basis for the disciplinary penalty;
- e) any previous efforts to make the employee aware of the need to change or improve work performance or conduct; and
- f) reference to any relevant rule, regulation or policy.

The supervisor shall also inform the employee of the right to appeal the disciplinary action and provide them a copy of the appeal procedure.

2. Effect Upon Employee Benefits

- a) An employee who is demoted or suspended without pay continues to accrue vacation and sick leave, to be covered by group insurance, and to be entitled to other employee benefit programs.

- b) If a demotion or suspension without pay is appealed and it is determined that there was not good cause for the demotion or suspension, the employee shall be entitled to payment for wages lost as a result of the demotion or suspension.
- c) If it is determined upon appeal that a dismissal was not for good cause, the employee shall be reinstated to the same or similar position and shall be entitled to payment of back wages less any unemployment benefits received by the employee after the date of dismissal. Employee benefits such as vacation and sick leave shall be credited back to the date of dismissal.

#### IV. PROCEDURE FOR APPEALING DISCIPLINARY ACTIONS

Disciplinary actions resulting in dismissal, suspension without pay, or demotion may be appealed by the affected employee pursuant to the process set out below. The time limits set forth in the appeal procedure must be adhered to by both the employee and the appropriate supervisory and administrative personnel unless extended for good cause by the Director of Personnel. The failure of the employee to process the appeal in a timely manner to the next level shall constitute a withdrawal of the appeal. The failure of supervisory or administrative personnel to timely respond to an appeal shall constitute authorization for the employee to process the appeal to the next step.

##### A. Step One

The employee may present a written appeal to the [title of administrative official] within five (5) working days from the date of the disciplinary

action. The appeal shall contain a clear and concise statement of why the disciplinary action is inappropriate. Within ten (10) working days of the date of the appeal, a written decision shall be mailed to the employee.

B. Step Two\*

The decision of the step one official may be appealed to the [title of administrative official] within five (5) working days of the date of the step one decision. The appeal must be in writing and shall state why the decision of the step one official is incorrect. A written decision on the appeal shall be mailed to the employee within ten (10) working days of the date of the appeal.

C. Step Three [Step Two]

If the employee is not satisfied with the step two [step one] decision, the employee may present a written request for a hearing before the vice president or administrative equivalent for the employee's department. The request for a hearing must state with particularity why the disciplinary action was inappropriate and/or why the decision of the step two [step one] official should be changed. The request must be made within five (5) working days following the date of the appealed decision. The vice president or administrative equivalent shall, in his or her discretion, either hear the appeal in person or appoint a delegate(s) to hear the appeal.

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\* Institutions may exclude Step Two and provide an appeal process of only three steps.

The hearing shall be conducted pursuant to the procedure set out in Paragraph F below.

D. Step Four [Step Three]

If the employee is not satisfied with the step three [step two] decision, a written appeal may be made to the chief administrative officer of the institution within five (5) working days of the date of the step three [step two] decision and must state why such decision is incorrect. The review by the chief administrative officer shall be based solely upon the step three [step two] record and shall not include any new issue or evidence. Within a reasonable period of time, not to exceed thirty (30) days following the date of the appeal, a written decision shall be mailed to the employee. The decision of the chief administrative officer is final.

E. Records of Disciplinary Actions

Copies of all documents pertaining to disciplinary actions shall be filed in the employee's personnel file.

F. Step Three [Step Two] Hearing Procedure

1. Pre-Hearing Rules and Procedures

a) Naming the Delegate(s)

If the vice president or administrative equivalent elects to appoint a delegate(s) to hear the appeal, the name or names will be furnished to the employee as soon as practical after the selection is made. If more than one person is appointed, one of such persons shall be designated to serve as chair in the notice to the employee.

b) Challenges to Impartiality

An employee may challenge the fairness and impartiality of the vice president or administrative equivalent or an appointed delegate(s). The challenge must be in writing and must clearly state the factual basis for the challenge. A challenge of the vice president or administrative equivalent must be made within five (5) days of the date of the request for a hearing and a challenge of a delegate(s) must be made within five (5) days after the date of the notice appointing the delegate(s). It shall be up to the person challenged to determine whether he or she can serve with fairness and impartiality. If the challenged vice president or administrative equivalent determines that he or she cannot be fair and impartial in the consideration of the appeal, he or she shall appoint a delegate(s) to hear the appeal. If a challenged delegate(s) determines that he or she cannot be fair and impartial in the consideration of the appeal, the vice president or administrative equivalent shall appoint another delegate(s).

c) Time Limits

The hearing shall be conducted as soon as practical, but not later than twenty (20) working days following the date of the appeal or the appointment of delegate(s).

d) Discovery Rights and Document Exchange

- 1) The employee may request institutional documents, records, or exhibits. Such request must accompany the step three [step two] written appeal. The requested records will be furnished if, in the opinion of the vice president or administrative equivalent or the designated chair, as the case may be, they are relevant to the appeal and are not made confidential by law.
- 2) At least five (5) days prior to the time set for the hearing, the institutional representative for the appeal and the employee shall furnish each other with the names of the witnesses to be called, a summary of their expected testimony, and a copy of each document, record or exhibit to be introduced at the hearing.

2. Hearing Rules and Procedures

a) Role of Hearing Chair

- 1) The vice president or administrative equivalent or the delegate designated as chair shall preside at the hearing and ensure the order of presentation as well as decide on questions of relevancy. The chair shall also have the discretion to determine the form and scope of cross examination allowed during the hearing.

2) Upon request, the chair may consult with and be advised by counsel during the hearing.

b) Right to Representation

The employee has the right to be represented at the hearing by an attorney or other individual representative. If the employee is represented by an attorney or an individual from an employee organization that does not claim the right to strike, the institution may be represented by an attorney from the Office of General Counsel of The University of Texas System.

c) Hearing Record

In all appeal hearings where the employee is represented by an attorney or an individual from an employee organization, a court reporter shall be furnished by the institution to transcribe the hearing and swear in witnesses. The party requesting a copy of the transcript of the proceedings shall be responsible for its cost. In all other appeal hearings the institution shall tape the hearing and make a copy of the tape available to the employee on request. The transcript of the court reporter or the tape of the proceedings shall be the official record of the hearing.

d) Burden of Proof

The institution has the burden of proving by a preponderance of credible evidence that good cause exists for the disciplinary

action and therefore shall have the right to open and close the proceeding.

e) Order of Presentation and Right to Cross-Examination

- 1) The hearing shall consist of opening statements on behalf of the institution and the employee and testimony by witnesses called by the institution and the employee, with both parties having the right to cross-examine witnesses and make closing statements.
- 2) Relevant exhibits may be introduced by either party and the chair shall take notice of the employee's personnel record.

f) Institutional Employees as Witnesses

- 1) Any employee can be asked to appear as a witness for either party.
- 2) It shall be the duty of an employee requested to testify to do so as to any facts which may be relevant to the appeal.

3. Post-Hearing Rules and Procedure

- a) The delegate(s) shall deliberate, prepare and forward written findings and recommendations to the vice president or administrative equivalent within ten (10) working days after the close of the hearing.
- b) The vice president or administrative equivalent shall mail his or her decision to the employee within ten (10) working

days following the receipt of the findings and recommendations from the delegate(s).

- c) If the vice president or administrative equivalent has heard the appeal, he or she shall mail a written decision to the employee within ten (10) working days after the close of the hearing.

## V. GRIEVANCE POLICY AND PROCEDURES

### A. Scope of Grievance Policy

Complaints concerning wages, hours of work, working conditions, performance evaluations, merit raises, job assignments, reprimands or the interpretation or application of a rule, regulation or policy shall not be processed through the Discipline and Dismissal Appeal Procedure. Such complaints will be considered on an informal basis in order to allow prompt correction or explanation of the subject of the complaint.

#### 1. Probationary Employees Included

The complaint of all employees including probationary employees will be considered pursuant to the procedure provided below.

#### 2. Retaliation Prohibited

No employee will be penalized, disciplined or prejudiced for exercising the right to make a complaint, or for aiding another employee in the presentation of that complaint.

### B. Procedure for Bringing a Grievance

1. The employee shall informally present the complaint to his or her supervisor or administrative equivalent for discussion, consideration and resolution within five (5) working days from

the date of the action which is subject of the complaint.

2. If the complaint is not satisfactorily resolved by the supervisor or administrative equivalent within five (5) working days, the employee may present the complaint in writing to the appropriate department head or administrative equivalent for consideration and action. A written decision will be mailed to the employee within five (5) working days of receipt of the complaint.
3. If the employee is not satisfied with the decision of the department head or administrative equivalent a written appeal stating why the appealed decision is incorrect may be made to the appropriate dean, director or administrative equivalent within five (5) working days of the date of the appealed decision. Within ten (10) working days of the date of the appeal a written decision will be mailed to the employee.
4. Complaints not satisfactorily resolved by the dean, director or administrative equivalent may be appealed in writing to the appropriate vice president or administrative equivalent for the employee's department within five (5) working days of the date of the appealed decision. The appeal shall state why the appealed decision is not correct. Within a reasonable time, not to exceed thirty (30) days following receipt of the appeal, a written decision shall be mailed to the employee. This decision is final.
5. The written complaint and all decisions or responses regarding such complaint shall be a part of the personnel file of the employee.

3. U. T. System: Recommended Acceptance of 1989-90 Health Maintenance Organization (HMO) Contracts and Rates Effective September 1, 1989.--

Proposals by several health maintenance organizations to provide services to the employees of the U. T. System effective September 1, 1989, are being reviewed by appropriate officials of U. T. System Administration. Recommendations will be available for consideration at the meeting.

PERSONNEL AND AUDIT COMMITTEE

SUPPLEMENTAL MATERIAL

April 6, 1989

3. U. T. System: Recommended Acceptance of Fiscal Year 1990 Health Maintenance Organization (HMO) Contracts and Rates Effective September 1, 1989.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Vice Chancellor for Business Affairs for acceptance of the rates for Health Maintenance Organization (HMO) contracts on a renewal basis for those Health Maintenance Organizations now contracting to provide U. T. System employees health care as specified below. These proposals result from a competitive bid process previously approved by the U. T. Board of Regents.

The proposed rates are presented in tabular form as set forth on Pages P&A 20 - 21 with Fiscal Year 1989 comparison rates in parentheses below the proposed rates. The full names of all health care providers are listed before presentation of proposed rates and abbreviated names of providers are used above rate columns. The city listed in parentheses indicates the city in which that provider is offering coverage and thereby pre-defines the U. T. System component(s) to which that provider can offer coverage.

Proposed renewals of Health Maintenance Organizations:

Kaiser Foundation Health Plan of Texas, Dallas, Texas  
(Kaiser, Dallas)

Pacificare Health Systems, Inc., Austin, Texas  
(Pacificare, Austin)

Pacificare of Texas, Inc., San Antonio, Texas  
(Pacificare, San Antonio)

Texas Health Network, Inc., Houston, Texas  
(Partners, Houston)

Prudential Health Care Plan, Inc., Austin, Texas  
(PruCare, Austin)

Prudential Health Care Plan, Inc., Houston, Texas  
(PruCare, Houston)

Southwest Health Plan, Inc., Dallas, Texas  
(Southwest, Dallas)

Texas Health Plans, Inc., Austin, Texas  
(Texas Health Plans, Austin)

Travelers Health Network of Austin, Inc., Austin, Texas  
(Travelers, Austin)

Travelers Health Network of Texas, Inc., Houston, Texas  
(Travelers, Houston)

Travelers Health Network of Texas, Inc., Irving, Texas  
(Travelers, Irving)

Travelers Health Network of Texas, Inc., San Antonio,  
Texas (Travelers, San Antonio).

Proposed  
Monthly Rates

	Kaiser (Dallas)	Pacificare (Austin)	Pacificare (San Antonio)
Employee	\$ 97.13 ( 90.10)	\$ 105.69 ( 82.66)	\$ 103.80 ( 69.62)
Employee/Spouse	233.11 (216.24)	228.29 (173.58)	224.21 (150.30)
Employee/Child(ren)	194.26 (180.20)	200.81 (157.04)	197.22 (127.62)
Employee/Family	291.39 (270.30)	287.48 (247.97)	282.34 (189.53)

	Partners (Houston)	PruCare (Austin)	PruCare (Houston)
Employee	\$ 118.68 ( 85.55)	\$ 121.53 ( 97.66)	\$ 119.34 ( 96.76)
Employee/Spouse	270.29 (194.70)	255.22 (196.88)	257.77 (209.10)
Employee/Child(ren)	213.39 (154.50)	244.26 (185.14)	227.68 (184.51)
Employee/Family	371.05 (268.30)	377.10 (285.50)	373.07 (296.86)

	Southwest (Dallas)	Tx Health Plans (Austin)	Travelers (Austin)
Employee	\$ 131.44 ( 85.68)	\$ 105.69 ( 89.87)	\$ 123.32 ( 88.47)
Employee/Spouse	297.07 (193.43)	221.95 (184.23)	276.97 (198.70)
Employee/Child(ren)	258.40 (180.58)	211.38 (179.74)	251.98 (180.77)
Employee/Family	383.43 (276.86)	348.78 (278.60)	381.71 (273.84)

Proposed  
Monthly Rates

	Travelers (Houston)	Travelers (Irving)	Travelers (San Antonio)
Employee	\$ 122.48 ( 95.94)	\$ 126.83 ( 87.31)	\$ 121.25 ( 83.12)
Employee/Spouse	275.60 (215.88)	285.35 (196.44)	272.31 (186.68)
Employee/Child(ren)	248.63 (194.75)	257.43 (177.22)	247.73 (169.83)
Employee/Family	393.92 (308.56)	407.86 (280.78)	375.28 (257.27)

BACKGROUND INFORMATION

For the first time, for Fiscal Year 1990, The University of Texas System utilized a competitive bid process to select Health Maintenance Organizations (HMO) to offer services to employees effective September 1, 1989. This action is in accordance with changes in federal HMO regulations and Texas Attorney General Opinions. Health Maintenance Organizations seeking approval submitted a formal proposal responding to U. T. System specifications including premium rates, financial soundness and overall quality of HMO services to be provided to employees.

A Health Maintenance Organization (HMO) is an affiliation of physicians, hospitals, and other health care providers who agree to provide for the health care needs of participants in return for a fixed prepaid monthly fee. There are no deductibles, but each participant pays co-payments for specified medical services each time he or she receives care. Amendments to HMO regulations permit state institutions of higher education to contract for their services on a competitive basis for the plan year beginning September 1, 1989.

On February 1, 1989, a copy of the Procedures and Specifications for selection of Health Maintenance Organizations was provided to all HMOs expressing an interest in offering health care services to U. T. System employees effective September 1, 1989. The Procedures and Specifications, the document containing the basic requirements to be met by HMOs to be eligible for inclusion, was prepared with the assistance of the consulting firm of Peat Marwick Main & Company, Baltimore, Maryland. This same firm was engaged to assist in the evaluation of the responses from interested HMOs.

**Academic  
Affairs Comm.**

ACADEMIC AFFAIRS COMMITTEE  
Committee Chairman Barshop

Date: April 6, 1989  
Time: Following the meeting of the Personnel and Audit  
Committee  
Place: Blumberg Auditorium (Room 111), UTEP Library  
U. T. El Paso

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1. U. T. Arlington: Request for Authorization to Establish a Doctoral Degree Program (Ph.D.) in Business Administration and to Submit the Proposed Degree to the Coordinating Board for Approval (Catalog Change).--

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Nedderman that a Ph.D. degree in Business Administration be established at U. T. Arlington. The program proposal is consistent with the U. T. Arlington Strategic Plan and is in the Role and Scope Table of Programs approved by the U. T. Board of Regents in June 1984. If approved by the U. T. Board of Regents, this proposal will be submitted to the Coordinating Board for review and appropriate action.

Upon Regental and Coordinating Board approval, the next appropriate catalog published at U. T. Arlington will be amended to reflect this action.

### BACKGROUND INFORMATION

#### Program Description

This is primarily a proposal to change the title of the Ph.D. in Administration to the more widely accepted Business Administration degree title. The proposed program will replace a business track within the existing Ph.D. in Administration program. The Ph.D. in Business Administration degree has greater acceptability in business than a business track in administration. The change will be accomplished with minor changes to the curriculum and no increase in cost to the State.

This Ph.D. program will prepare scholars to have in-depth state-of-the-art knowledge of a significant body of work within business administration. All students will complete a core program of course work in business administration and then specialize within a field in which they conduct research and complete a dissertation. Those specializations will be focused within one of the departments in the college: economics, finance and real estate, information systems and management sciences, management or marketing. The program will be administered by the graduate faculty of the College of Business Administration through a program committee and, for each student, a supervisory committee. Administrative oversight will be provided by a graduate advisor who also holds the title of Associate Dean.

The change in degree title, changes in curriculum, and changes in administrative structure respond to the specific suggestions provided by a team of three distinguished consultants who visited the campus and examined the business and urban tracks in the existing Ph.D. program in Administration during the spring of 1988. These consultants were invited to review both tracks in cooperation with the Coordinating Board's statewide review of all Ph.D. programs in the various fields of administration.

### Program Need

For some time, the atypical Ph.D. in Administration degree title has been of concern to the faculty and graduate students in the College of Business Administration. Graduates are consistently finding that prospective employers do not, at least initially, regard the Ph.D. in Administration with a business track as equivalent to a Ph.D. in Business Administration, even though the course content and research emphasis is nearly identical. There are currently eighty-four students enrolled in the business track of the Ph.D. in Administration. These students and their successors, as well as the faculty, would prefer that the University award the traditional, and generally accepted, Ph.D. in Business Administration.

The national need for Ph.D.'s in Business Administration is perhaps best indicated by the fact that recently released figures by the American Assembly of Collegiate Schools of Business (AACSB) indicate that only one thousand business doctorates were granted in 1987, while business schools had over three thousand unfilled doctorally-qualified, tenure-track positions in 1987-88. The shortage of business doctorates is even more acute in the State of Texas than at the national level. It is anticipated that both the number and quality of applicants would increase slightly if the University were to award the degree in Business Administration rather than the Ph.D. in Administration with a business track. In other words, changing the title would permit the University to make a modest additional contribution to reducing the Ph.D. deficit in Business Administration.

### Program Quality

The quality of the proposed program is perhaps best indicated by the fact that outside consultants thoroughly reviewed the existing business track in the Ph.D. in Administration and recommended only modest changes, other than the change in the degree title. Specifically, the consultants recommended elimination of "supporting field" requirements and the establishment of a set of core courses over which all Ph.D. candidates would be examined. They also recommended placing somewhat greater emphasis upon research within a specialized field. Each of these recommendations is applicable to the business track within the existing Ph.D. in Administration and is being incorporated into the proposed Ph.D. in Business Administration. The establishment of the Ph.D. in Business Administration is not dependent upon these quality enhancements, and the quality enhancements are not dependent upon the approval of the new degree title. The quality of the existing program is indicated by the fact that graduates of that program currently hold significant positions in the corporate sector and on the faculty of a number of business schools, including Southern Methodist University, the University of North Texas, the University of Dallas, Oklahoma State University, and the University of Georgia.

### Program Cost

No additional cost will be incurred as a direct result of implementing the proposed program. The University anticipates replacing six existing courses with new courses but not creating any net addition to the course inventory. No new faculty will be required, and no additional resources of any other kind will be needed, either to change the degree title or to implement the quality enhancements recommended by the consultants.

The University does project a gradual enrollment increase at the rate of five additional students per year. If this enrollment increase does materialize and formula funding processes remain unchanged, there will be a modest increase in resources to the University. However, neither the enrollment increase nor the funding increase is a necessary result of authorizing the University to use the title Ph.D. in Business Administration.

#### Summary

The University proposes to establish the Ph.D. degree in Business Administration as a replacement for the business track in the Ph.D. in Administration. The program will be administered by the College of Business Administration. No additional courses, faculty, or other resources will be required to implement the proposal. The faculty of the college and the eighty-four Ph.D. students currently enrolled in the business track of the Ph.D. in Administration all strongly prefer that the University award the more generally accepted Ph.D. in Business Administration. Consultants who have reviewed the existing program recommend the title change and a few minor quality enhancements. The proposal incorporates all the quality enhancements recommended by the consultants.

2. U. T. Austin: Request for Authorization to Establish a Ph.D. Degree in Public Policy and to Submit the Proposed Degree to the Coordinating Board for Approval (Catalog Change).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a Ph.D. degree in Public Policy be established at U. T. Austin. The program proposal is consistent with the U. T. Austin Strategic Plan and is in the Role and Scope Table of Programs approved by the U. T. Board of Regents in June 1984. This proposal has been forwarded to the Coordinating Board staff for advance review, and, if approved by the U. T. Board of Regents, will be submitted to the Coordinating Board for approval.

Upon Regental and Coordinating Board approval, the next appropriate catalog published at U. T. Austin will be amended to reflect this action.

#### BACKGROUND INFORMATION

##### Program Description

The proposed Ph.D. in Public Policy, to be administered by the Lyndon B. Johnson (LBJ) School of Public Affairs, builds on a strong master's program and will be the only public policy research oriented Ph.D. program in Texas. This program will emphasize the use of formal quantitative methods of analyzing complicated public policy issues. Students in this program will become public policy research professionals

by mastering not only research methodologies and disciplinary specialization but also by developing an understanding of the constraints imposed on the researcher by bureaucracy and politics. The Ph.D. in Public Policy is a well established degree in large universities in both Eastern and Western United States but has not previously been introduced in the Southwest.

#### Program Cost

No additional faculty are needed or proposed for this program. The twenty-four existing faculty in the LBJ School of Public Affairs will adjust teaching loads to accommodate one additional course, a doctoral seminar in research methods. No other courses are to be created and no new facilities will be required; additionally, no expansion of the library will be required and no additional State resources will be used for any other purpose associated with the program.

#### Benefits and Need

The State of Texas will benefit directly and immediately from the establishment of the program, because the LBJ School of Public Affairs will be able to attract additional grant funds to support research which can be conducted by doctoral students. Not only will this bring additional funds to the State, but much of the research work is likely to be of direct benefit to Texas government. Hence, early approval of the program will generate immediate revenue and benefits for Texas with no additional cost to the State of Texas.

From a longer-range perspective, the need for the program is perhaps best indicated by the fact that all of the other leading public affairs schools in the U. S. offer the Ph.D. and are placing their Ph.D. graduates in places of significant influence. Texas has the ability to make comparable contributions but is not currently able to do so, because Texas has no comparable Ph.D. degree program. Thus, Texas is not producing Ph.D. graduates in public policy to meet the needs of Texas or to help shape national policy which impacts upon Texas.

#### Program Quality

The LBJ School of Public Affairs is widely recognized as having one of the highest quality master's programs in the nation. Its faculty consists of a number of well-known scholars/practitioners. Graduates of the master's degree program are generally considered to be of the same quality as the graduates of similar public affairs schools at Harvard, Princeton, Michigan, and the University of California at Berkeley.

#### Summary

U. T. Austin requests authorization to establish a Ph.D. in Public Policy degree program to be administered by the LBJ School of Public Affairs. No additional faculty or other State funded resources will be required to implement the program which is expected to immediately attract additional research funds and to engage doctoral students in public policy research of importance and significance to Texas.

3. U. T. Austin: Request for Permission for Individual to Serve as a Member of the National Drinking Water Advisory Council of the Environmental Protection Agency (EPA) [Regents' Rules and Regulations, Part One, Chapter III, Section 13, Subsections 13.(10) and 13.(11)].--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that approval be given to the appointment of Dr. Charles W. Kreitler, Research Scientist, Bureau of Economic Geology at U. T. Austin, to the National Drinking Water Advisory Council of the Environmental Protection Agency (EPA).

It is further recommended that the U. T. Board of Regents find that: (1) the holding of this membership by Dr. Kreitler is of benefit to the State of Texas and (2) there is no conflict between Dr. Kreitler's position at U. T. Austin and his membership on this Council.

#### BACKGROUND INFORMATION

The National Drinking Water Advisory Council was created on December 16, 1974, under the Safe Drinking Water Act of 1974, 42 U.S.C. § 300j-5. The Council advises, consults with, and makes recommendations on a continuing basis to the Administrator, through the Assistant Administrator for Water, on matters relating to activities, functions, and policies of EPA under the Safe Drinking Water Act. Dr. Kreitler's appointment to this fifteen-member Council will be without additional compensation.

This recommendation is in accordance with approval requirements for positions of honor, trust, or profit provided in Article 6252-9a of Vernon's Texas Civil Statutes and Part One, Chapter III, Section 13, Subsections 13.(10) and 13.(11) of the Regents' Rules and Regulations.

4. U. T. Austin: Proposed Appointment to the James A. Elkins Centennial Chair in Finance in the College of Business Administration Effective September 1, 1989.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that Dr. Seha M. Tinic, J. Ludwig Mosle Centennial Memorial Professor in Investments and Money Management, be appointed as the initial holder of the James A. Elkins Centennial Chair in Finance in the College of Business Administration at U. T. Austin effective September 1, 1989. Dr. Tinic will relinquish the J. Ludwig Mosle Centennial Memorial Professorship in Investments and Money Management on the effective date of the new appointment.

## BACKGROUND INFORMATION

Professor Tinic joined the U. T. Austin faculty in 1986 and is internationally recognized for his research in the areas of securities markets, portfolio management, valuation theory and option pricing models. He served as President of the Western Finance Association in 1985 and currently serves as Associate Editor of two finance journals. Dr. Tinic has coauthored two books, authored or coauthored over twenty-five research papers and journal articles and served as a member of the Policy Advisory Board of the Journal of Financial and Quantitative Analysis.

The James A. Elkins Centennial Chair in Finance was established by the U. T. Board of Regents in August 1982.

5. U. T. Austin: Proposed Appointments to Endowed Academic Positions in the College of Engineering Effective September 1, 1989.--

## RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that the following initial appointments be made to endowed academic positions in the College of Engineering at U. T. Austin effective September 1, 1989:

<u>Name of Proposed Appointee</u>	<u>Endowed Academic Position</u>
Dr. Karl Johan Astrom, Professor, University of Lund, Sweden	Second Cockrell Family Regents Chair in Engineer- ing, established Febru- ary 1985, for one year only
Dr. John K. Tien, Columbia University, New York, New York	Rashid Engineering Regents Chair, established Febru- ary 1985

## BACKGROUND INFORMATION

Dr. Astrom has been appointed as Visiting Professor, Department of Electrical and Computer Engineering at U. T. Austin, effective September 1, 1989. Dr. Astrom has been a distinguished professor at the University of Lund, Sweden, for over 20 years and is internationally recognized for his research in the areas of stochastic control, system identification, adaptive control, and computer control. He has authored three books and over 50 scholarly articles. He has been a member of the Swedish Academy of Engineering Sciences since 1972 and was elected a Fellow of the Institute of Electrical and Electronic Engineers for "his comprehensive contributions to stochastic control theory."

Dr. Tien has been appointed as Professor, Department of Mechanical Engineering at U. T. Austin, effective September 1, 1989. He is internationally recognized for his work in high temperature structural materials. He has been

awarded the Bradley Stoughton Best Young Professor Award, one of the highest honors in his field, and has authored or coauthored over 200 technical papers. Dr. Tien holds several U. S. patents and is active in the American Institute of Mining, Metallurgical and Petroleum Engineers, as well as the American Society for Metals. Dr. Tien participates in special advisory missions on science and technology policy matters on behalf of the United Nations in many countries.

6. U. T. Austin: Proposed Appointment to the M. K. Hage Centennial Visiting Professorship in Music in the College of Fine Arts for the Period April 7-28, 1989.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that Dr. Gilbert Rouget, former Professor and Head of Doctoral Studies in Ethnomusicology, University of Paris-X, Paris, France, be appointed as the initial holder of the M. K. Hage Centennial Visiting Professorship in Music in the College of Fine Arts at U. T. Austin for the period April 7-28, 1989.

#### BACKGROUND INFORMATION

Dr. Rouget has been appointed as Visiting Professor in the Department of Music at U. T. Austin for the period April 7-28, 1989. He is an internationally recognized ethnomusicologist and a highly respected Africanist with many years of field experience. He formerly served as director of research of the Centre National de la Recherche Scientifique (CNRS) and recently retired from the University of Paris-X. He is the author of numerous papers published in scientific journals and dictionaries and 20 record albums of African music.

The M. K. Hage Centennial Visiting Professorship in Music was established by the U. T. Board of Regents in February 1983.

7. U. T. Austin: Proposed Appointment to The Chancellor's Council Centennial Professorship in the Book Arts in the College of Liberal Arts Effective September 1, 1989.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that Professor Thomas F. Staley, Department of English, be appointed as the initial holder of The Chancellor's Council Centennial Professorship in the Book Arts in the College of Liberal Arts at U. T. Austin effective September 1, 1989.

### BACKGROUND INFORMATION

Professor Staley joined the U. T. Austin faculty in 1988 and was appointed Director of the Harry Ransom Humanities Research Center. He has held numerous faculty and administrative appointments at the University of Tulsa, Tulsa, Oklahoma, since 1962, including Provost and Vice President for Academic Affairs. He was instrumental in building the 20th century literature holding in the special collections of the University of Tulsa's McFarlin Library. Dr. Staley is internationally recognized for his expertise on James Joyce, is the editor of the James Joyce Quarterly which he founded in 1963, and has what is considered to be the finest private Joyce collection in the world. He has authored and coauthored twelve books and numerous scholarly publications and has twice been a Fulbright professor in Trieste, Italy.

The Chancellor's Council Centennial Professorship in the Book Arts was established by the U. T. Board of Regents in December 1983.

8. U. T. Austin: Proposed Appointment to the Third Sid W. Richardson Foundation Regents Chair in Mathematics in the College of Natural Sciences for the 1989-1990 Academic Year Only, Effective September 1, 1989.--

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that Dr. John T. Tate, Professor of Mathematics, Harvard University, be appointed as the initial holder of the Third Sid W. Richardson Foundation Regents Chair in Mathematics in the College of Natural Sciences at U. T. Austin for the 1989-1990 academic year only, effective September 1, 1989.

### BACKGROUND INFORMATION

Dr. Tate has been appointed as Visiting Professor, Department of Mathematics at U. T. Austin, effective September 1, 1989. He is internationally recognized for his research in algebra, algebraic number theory, and diophantine algebraic geometry. Dr. Tate has authored two books and published over 50 scholarly papers and is widely recognized for his dedication and commitment to the supervision of graduate students. He has received such scholarly honors as the Cole Prize in Number Theory of the American Mathematical Society and is a member of the National Academy of Sciences and the Association for the Advancement of Science.

The Third Sid W. Richardson Foundation Regents Chair in Mathematics was established by the U. T. Board of Regents in February 1985.

9. U. T. Austin: Recommendation to Name Room in the Chemical and Petroleum Engineering Building in the College of Engineering (Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, Naming of Facilities Other Than Buildings).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that Room 3.158 in the Chemical and Petroleum Engineering Building in the College of Engineering at U. T. Austin be named the Petroleum Engineering Alumni Room. This recommendation is in accordance with the Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, relating to the naming of facilities other than buildings.

#### BACKGROUND INFORMATION

The proposed room name is in recognition of gifts received from several graduating classes from the Department of Engineering at U. T. Austin. Income earned from the endowment will be used to maintain and improve equipment and to promote excellence in the College of Engineering. Acceptance of these gifts and establishment of a permanent endowment is provided for in Item 19 on Page L&I - 18.

At its December 1981 meeting, the U. T. Board of Regents approved the naming of facilities other than buildings as part of a special private fund development campaign for the College of Engineering, in accordance with Part One, Chapter VII, Section 2, Subsection 2.44 of the Regents' Rules and Regulations.

10. U. T. Austin: Recommendation to Approve (a) Establishment of New Classes of Parking Permits and Corresponding Fees, (b) Establishment of a New Enforcement Fee, and (c) an Increase to Existing Enforcement Fee Effective with the Fall Semester 1989 (Catalog Change).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that the U. T. Board of Regents approve (a) the establishment of new classes of parking permits and corresponding fees, (b) the establishment of a new enforcement fee, and (c) an increase to an existing enforcement fee at U. T. Austin to be effective with the Fall Semester 1989 as set out on Page AAC - 12.

a. Parking Permits and Fees

<u>Faculty/Staff Permits</u>	<u>1988-89 Current Fees</u>	<u>1989-90 Proposed Fees</u>
Class A (unreserved)	\$ 26.00	\$ 26.00
Class D (disabled)	64.00	64.00
Class F (reserved)	64.00	64.00
Class M (motorcycle)	9.00	9.00
Class O (administrator)	96.00	96.00
 <u>New Special Use Permits</u>		
Class E (exercise fitness programs)		13.00
Class R (recreational sports)		13.00
 <u>Student Permits</u>		
Class A (health)	13.00	13.00
Class C (students)	13.00	13.00
Class D (disabled)	13.00	13.00
Class G (graduate students)	22.00	22.00
Class M (motorcycle)	9.00	9.00

Annual parking permit fees are prorated if purchased for only one semester or summer session.

b. <u>New Enforcement Fee</u>	<u>1989-90 Proposed Fee</u>
Parking or operating a motor vehicle while privileges are suspended	\$ 25.00

c. <u>Increase to Existing Enforcement Fee</u>	<u>1988-89 Current Fee</u>	<u>1989-90 Proposed Fee</u>
Failure to stop or heed instructions given by a University Police Officer	\$ 15.00	\$ 25.00

Upon Regental approval, the Minute Order will reflect that the next catalog published will conform to this action.

BACKGROUND INFORMATION

The Parking and Traffic Committee at U. T. Austin has recommended certain changes in the Parking and Traffic Regulations for 1989-90. Those changes have been reviewed and approved by the U. T. System Office of General Counsel and will be included in the next institutional Docket for ratification by the U. T. Board of Regents. The proposed changes involving the establishment of new fees or increases in existing fees require Regental approval via agenda action. The proposed new permits, permit fees, and enforcement fees are consistent with Section 51.202 and 54.505 of the Texas Education Code.

The proposed new parking permits are voluntary and are for persons who participate in programs sponsored by the Department of Kinesiology and Health Education and the Division of Recreational Sports. The permits restrict permit holders to specified lots and specified times that are consistent with the schedules for the programs involved. The proposed new enforcement fee and increase to an existing enforcement fee will assist the Police Department at U. T. Austin in enforcing the established parking and traffic regulations.

11. U. T. Austin: Recommendation to Approve Increases in Tuition Rates for the Graduate School of Business Effective with the Fall Semester 1989 (Catalog Change).--

RECOMMENDATION

The Chancellor concurs with the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that the U. T. Board of Regents approve increases in tuition rates for students in the Graduate School of Business at U. T. Austin effective with the Fall Semester 1989, as set out below:

	<u>Approved Rates for 1987-88/1988-89</u>	<u>Proposed Rates for 1989-90/1990-91</u>
Resident Students	\$32.00 per semester credit hour	\$36.00 per semester credit hour
Nonresident and Foreign Students	\$150.00 per semester credit hour	\$152.00 per semester credit hour

Upon Regental approval, the Minute Order will reflect that the next appropriate catalog published at U. T. Austin will be amended to conform to this action.

BACKGROUND INFORMATION

Section 54.008 of the Texas Education Code provides that tuition rates for graduate programs in an institution may vary and authorizes governing boards of Texas institutions of higher education to set differential tuition rates provided that such rates are at least equal to the minimum rates established by statute and not more than double the statutory rate. The regular resident tuition rate set by Section 54.0512 of the Texas Education Code for academic year 1989-90 is \$18.00 per semester credit hour. Consequently, the proposed differential rate of \$36.00 per semester credit hour for resident students for 1989-90/1990-91 is within the legislative authorization.

Section 54.051 of the Texas Education Code provides for the Texas Higher Education Coordinating Board to determine the base tuition rate to be charged for nonresident and foreign students. That base rate is to be \$122.00 per semester credit hour for 1989-90 and 1990-91. The base rate for 1988-89 had been \$120.00 per semester credit hour. The proposed changes for 1989-90 maintains the \$30.00 per semester credit hour differential over the base rate established by the Coordinating Board.

Pursuant to Section 54.008(d) of the Texas Education Code, the proceeds from differential tuition will continue to be allocated for the purposes previously approved by the U. T. Board of Regents at its December 1987 meeting as follows: 5% to support student advising for the Masters of Business Administration program; 45% for student scholarships; and 50% for faculty support in the form of funds for faculty merit raises, position upgrades and new position(s).

U. T. Austin anticipates requesting authorization for resident tuition rates to rise for succeeding biennia through 1995-96 to maintain the same ratio of twice the rate established by statute for regular resident tuition. Similarly, the rate for nonresident and foreign students would continue the same per semester credit hour differential above the base rate established by the Coordinating Board.

12. U. T. Dallas: Request for Permission for Individual to Serve as a Member of the Public Law 99-660 Texas Mental Health Services Planning Council [Regents' Rules and Regulations, Part One, Chapter III, Section 13, Subsections 13.(10) and 13.(11)].--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Rutford that approval be given to the appointment of Dr. Priscilla Detweiler, Vice President for Administration and Student Affairs at U. T. Dallas, to the Public Law 99-660 Texas Mental Health Services Planning Council.

It is further recommended that the U. T. Board of Regents find that: (1) the holding of this membership by Dr. Detweiler is of benefit to the State of Texas and (2) there is no conflict between Dr. Detweiler's position at U. T. Dallas and her membership on this Council.

#### BACKGROUND INFORMATION

The Public Law 99-660 Texas Mental Health Services Planning Council is being established to meet the requirements of Public Law 99-660, the State Comprehensive Mental Health Services Act of 1986. The Council will serve as an advocate for chronically mentally ill individuals, seriously mentally ill children, adolescents, elderly individuals, and other individuals with mental illness or emotional problems and will monitor, review, and evaluate the allocation and adequacy of mental health services within the State.

Dr. Detweiler's appointment to this nine-member Council is by the Chairman of the Board of the Texas Department of Mental Health and Mental Retardation and will be without additional compensation.

This recommendation is in accordance with approval requirements for positions of honor, trust, or profit provided in Article 6252-9a of Vernon's Texas Civil Statutes and Part One, Chapter III, Section 13, Subsections 13.(10) and 13.(11) of the Regents' Rules and Regulations.

13. U. T. San Antonio: Recommendation to Establish the College of Sciences and Engineering Advisory Council.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Wagener that the Advisory Council for the College of Sciences and Engineering be established at U. T. San Antonio pursuant to the Regents' Rules and Regulations, Part One, Chapter VII, Section 3, with the understanding that initial nominees will be submitted for approval at a future meeting.

BACKGROUND INFORMATION

The specific purposes of the advisory council will be to:

- a. Assist the Dean in identifying and providing support for the programs of the College of Sciences and Engineering
- b. Provide advice and counsel to the Dean concerning program development and special program needs identified by industry, and
- c. Assist the Dean in promoting the College of Sciences and Engineering to the public.

**Health Affairs  
Committee**

HEALTH AFFAIRS COMMITTEE  
Committee Chairman Blanton

Date: April 6, 1989  
Time: Following the meeting of the Academic Affairs  
Committee  
Place: Blumberg Auditorium (Room 111), UTEP Library  
U. T. El Paso

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1. U. T. Southwestern Medical Center - Dallas: Proposed Appointment to The Charles Pak Distinguished Chair in Mineral Metabolism Effective Immediately.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that Charles Y.C. Pak, M.D., Ph.D., be appointed as initial holder of The Charles Pak Distinguished Chair in Mineral Metabolism at U. T. Southwestern Medical Center - Dallas effective immediately.

This appointment is contingent upon the establishment of the Chair as proposed in Item 35 on Page L&I - 28.

#### BACKGROUND INFORMATION

Dr. Pak, Professor of Internal Medicine; Chief, Section on Mineral Metabolism; and Program Director, General Clinical Research Center at U. T. Southwestern Medical Center - Dallas, is an outstanding clinical investigator and has been a member of the faculty since 1972. His contributions to treatment of osteoporosis involving the spine and his more recent innovative research in the treatment of demineralized cortical bone are regarded as major contributions to the therapy of this common disorder. Dr. Pak has exhibited strong leadership qualities in assembling an interdisciplinary research group that has devised new methods for determining the mineralization of bone and more recently an exciting breakthrough in determining the tensile strength of bone. As director of the General Clinical Research Center, Dr. Pak has stimulated the faculty at U. T. Southwestern Medical Center - Dallas to use this clinical center, which is funded by the National Institutes of Health, for studies of patients with a variety of diseases.

Dr. Pak will continue to hold the previously awarded Donald W. Seldin Professorship in Clinical Investigation.

2. U. T. Southwestern Medical Center - Dallas: Request for Permission for Individual to Serve on the Anatomical Board of the State of Texas [Regents' Rules and Regulations, Part One, Chapter III, Section 13, Subsections 13.(10) and 13.(11)].--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that William Gonyea, Ph.D., a member of the faculty in the Cell Biology and Anatomy Department at U. T. Southwestern Medical Center - Dallas, be granted permission to continue to serve on the Anatomical Board of the State of Texas for a term to expire on February 28, 1991.

It is further recommended that the U. T. Board of Regents find that: (1) the holding of this position by Dr. Gonyea is of benefit to the State of Texas and (2) there is no conflict between his position at U. T. Southwestern Medical Center - Dallas and his appointment to this Board.

#### BACKGROUND INFORMATION

Dr. William Gonyea was appointed to the Anatomical Board of the State of Texas in 1983 and has served continuously since that time. The responsibilities of this appointment include maintaining the willed-body program at U. T. Southwestern Medical Center - Dallas and acting as a member of the Anatomical Board which regulates the acquisition, use, distribution, disposition and transfer of cadavers in the State of Texas. The Board members serve without remuneration.

This recommendation is in accordance with approval requirements for positions of honor, trust, or profit provided in Article 6252-9a of Vernon's Texas Civil Statutes and Part One, Chapter III, Section 13, Subsections 13.(10) and 13.(11) of the Regents' Rules and Regulations.

3. U. T. Southwestern Medical Center - Dallas: Recommendation to Name Laboratories (Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, Naming of Facilities Other Than Buildings).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that four laboratories (Rooms Y8.214, Y8.216, Y8.220 and Y8.222) at U. T. Southwestern Medical Center - Dallas be named The Porter and Eveline Gifford Laboratories for Diabetes Research. This recommendation is in accordance with the Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, relating to the naming of facilities other than buildings.

#### BACKGROUND INFORMATION

The naming of these laboratories will honor the memory of the parents (Porter and Eveline Gifford) of Mr. Porter W. "Pete" Gifford and Mrs. Lucian Touchstone (nee Marjorie Gifford). Mr. Gifford, Mrs. Touchstone, and other members of their respective families have been generous supporters of diabetes research at U. T. Southwestern Medical Center - Dallas. The naming of these rooms is a fitting manner in which to recognize their generosity and dedication.

4. U. T. Health Science Center - Houston: Proposed Appointment of Ashbel Smith Professor Effective Immediately.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and Interim President Ribble that Patricia A. Buffler, Ph.D., M.P.H., be appointed as Ashbel Smith Professor at the U. T. Health Science Center - Houston effective immediately.

BACKGROUND INFORMATION

Dr. Buffler, Professor of Epidemiology at the U. T. Public Health School - Houston, is a very active, nationally acclaimed epidemiologist and occupational health professional. She holds membership in various scientific societies and has received many outstanding honors for her accomplishments in Texas and nationally. Dr. Buffler received her Ph.D. from the University of California at Berkeley in 1973 and was appointed to the faculty at the U. T. Public Health School - Houston in 1976. This appointment is intended to recognize Dr. Buffler's long and distinguished service to the faculty and students at the U. T. Health Science Center - Houston.

In April 1980, the Board authorized five nonendowed Ashbel Smith Professorships for the U. T. Health Science Center - Houston.

5. U. T. Health Science Center - Houston: Recommendation to Name Room in the Medical School Department of Pediatrics (Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, Naming of Facilities Other Than Buildings).--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and Interim President Ribble that Room 3.244, the library of the Medical School Department of Pediatrics at the U. T. Health Science Center - Houston, be named the Doris S. Simon Memorial Library for Pediatrics. This recommendation is in accordance with the Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, relating to the naming of facilities other than buildings.

BACKGROUND INFORMATION

The proposed library name is in honor of Mrs. Doris S. Simon, the wife of Frank A. Simon, M.D., Associate Dean for Educational Programs at the U. T. Health Science Center - Houston. The naming of this library for Mrs. Simon is a fitting memorial to her dedication to her family, her nursing career and the students and faculty at the U. T. Health Science Center - Houston.

6. U. T. Health Science Center - San Antonio: Request for Exception to the Regents' Rules and Regulations, Part One, Chapter III, Section 31, Subsection 31.1 (Retirement and Modified Service).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Howe that an exception to the Regents' Rules and Regulations, Part One, Chapter III, Section 31, Subsection 31.1, relating to retirement and modified service, be made to permit the full-time employment of Dr. Donald J. Hanahan through August 31, 1990, at the U. T. Health Science Center - San Antonio.

#### BACKGROUND INFORMATION

The appointment of Dr. Hanahan, who will be 70 years of age on May 13, 1989, has tentatively been approved through August 31, 1990, pending approval of an exception to the Regents' Rules and Regulations, Part One, Chapter III, Section 31, Subsection 31.1.

Dr. Hanahan currently holds grants from the World Health Organization and the Welch Foundation and was recently awarded a \$200-255,000 per annum National Institutes of Health (NIH) grant for five years to continue his pioneering work in the area of autacoid mediator research. He remains an extremely productive and valuable faculty member at the U. T. Health Science Center - San Antonio having published eight major research papers in 1987 and seven papers originating from his group in 1988. Dr. Hanahan serves on the editorial boards of the Journal of Biological Chemistry, Archives of Biochemistry and Biophysics, Journal of Lipid Mediators, and Biochimica et Biophysica Acta and still reviews grants for both the NIH and the National Science Foundation. He is frequently invited to present lectures at international symposia and prestigious institutions. The best interests of the U. T. Health Science Center - San Antonio, as well as the U. T. System, will be served by granting this exception.

7. U. T. Health Science Center - San Antonio: Development Board - Proposed Nominee Thereto (NO PUBLICITY UNTIL ACCEPTANCE IS RECEIVED).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Howe that the nomination of Mr. Joe C. McKinney, Chairman, President & Chief Executive Officer, Texas Commerce Bank-San Antonio, San Antonio, Texas, be approved for membership to the U. T. Health Science Center - San Antonio Development Board for a three-year term to expire in 1991.

### BACKGROUND INFORMATION

This development board was established and initial nominees were approved at the May 1976 U. T. Board of Regents' meeting. The nomination of Mr. McKinney is to an unfilled vacancy.

In accordance with usual procedures, no publicity will be given to this nomination until acceptance is received and reported for the record at a subsequent meeting of the U. T. Board of Regents.

8. U. T. Health Science Center - San Antonio: Proposed Affiliation Agreement with El Paso County Community College District, El Paso, Texas.--

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Howe that the U. T. Board of Regents approve the affiliation agreement set forth on Pages HAC 8 - 12 between the U. T. Health Science Center - San Antonio and the El Paso County Community College District, El Paso, Texas.

### BACKGROUND INFORMATION

The U. T. Dental School - San Antonio is conducting certain research programs in El Paso. It is helpful for faculty members to utilize the services of dental assistants. The purpose of this agreement then is to cooperate with the community college's dental assisting program which will provide student dental assistants. Faculty members will thus receive the support needed to conduct research and the community college students will receive additional training not only in dental areas but also in research. The agreement may be terminated by either party giving 30 days notice prior to student placement.

The El Paso County Community College District shall be responsible for planning and coordinating the educational program for the clinical instruction and the U. T. Health Science Center - San Antonio faculty will conduct the program.

Other usual and customary provisions are included in the agreement.

STATE OF TEXAS:  
COUNTY OF EL PASO:  
EL PASO COUNTY COMMUNITY COLLEGE DISTRICT:

AFFILIATION AGREEMENT

DENTAL ASSISTING PROGRAM

AGREEMENT made this 19th day of October, 19 88,  
between the Board of Trustees of the El Paso County Community  
College District, a political subdivision of the State of Texas,  
hereinafter referred to as "District" and The University of Texas  
Health Science Center at San Antonio, 7703 Floyd Curl Drive, San  
Antonio, Texas 78284-7894, hereinafter referred to as the  
"Externship Affiliate."

RECITALS

It is recognized that the District is authorized to enter  
into this agreement as a function of its governmental and edu-  
cational powers granted and proscribed by the State of Texas.

Both parties acknowledge a public obligation to contribute  
to the education of dental assistants for the benefit of  
students and the community.

The District has established a program to educate and train  
dental assistants which requires the clinical facilities of the  
dental offices for laboratory practice.

The Externship Affiliate maintains clinical facilities  
suitable for the educational needs of the program in dental  
assisting.

It is mutually beneficial to both the District and the  
Externship Affiliate that students be afforded opportunities for  
clinical education prior to employment as dental assistants.

## A G R E E M E N T

### Term

1.01 The respective duties and obligations of the parties hereto shall commence upon the date of execution of this agreement.

1.02 This agreement will remain in effect until written termination by one or both parties is given. Either party may give written notice to the other party of its intention to terminate or revise this agreement thirty (30) days prior to student placement. Any notice of the intention to terminate shall state the effective date of termination, or in the event of revision of the agreement, the terms of the proposed revision and the proposed effective date of the revision. Said termination or the terms of any revision shall not be effective until such time as those students then enrolled have completed their externship.

### Responsibilities of District

2.01 It shall be the responsibility of the District to plan and coordinate an approved educational program for the clinical instruction with the Externship Affiliate. The District will provide the Externship Affiliate with a specific educational program to be carried out at the office of the Externship Affiliate.

2.02 The District will provide administrative, supervisory, and counseling services to include student admissions, scheduling, attendance, and maintenance of achievement records for all students.

2.03 The District agrees that all of its students will abide by the policies and regulations of the Externship Affiliate while using its facilities.

2.04 Malpractice liability insurance shall be carried by District students and instructors for the entire period of this agreement, and a certificate of insurance will be provided to the Externship Affiliate indicating effective date, limits of coverage and other pertinent data. Such Affiliate has examined the policy currently in force and effect and finds the terms and limits and coverage acceptable.

#### Responsibilities of the Externship Affiliate

3.01 The Externship Affiliate will accept students in the Dental Assisting Program for education and training at its facilities. The Externship Affiliate will carry out the specific program established by the District and provided to the Externship Affiliate as set out in 2.01 above.

3.02 The Externship Affiliate shall designate a specific member of its staff to supervise the students in the office administration. The person so designated shall be the immediate supervisor of the students for office administrative duties, and shall be the person who is customarily responsible for office administration in the operation of the Externship Affiliate.

3.03 The Externship Affiliate shall designate a specific member of its staff to supervise the students in non-direct patient duties. The person so designated shall be the immediate supervisor of the students for non-direct patient duties, and

shall be the person who is customarily responsible for such duties in the operation of the Externship Affiliate.

3.04 The Externship Affiliate individually shall direct and supervise the student in the other facets of the educational programs as will be provided to the Externship Affiliate by the District.

#### Students

4.01 Each student shall provide the names of responsible parties to be notified in the event of illness or emergencies involving the student.

4.02 Each student shall possess the academic ability to profit from the clinical education and training provided at the Externship Affiliate.

#### Indemnity Against Loss

5.01 To the extent that the District is legally capable, the District shall indemnify and hold the Affiliate harmless for losses suffered by the Affiliate due to injuries proximately caused a third party by the negligent acts of students during their training at the Affiliate. Such indemnification shall not extend to losses suffered by the Affiliate due to injuries proximately caused a third party by the negligent acts of Affiliate personnel or other non-district personnel. It is expressly understood that it is not the intention or purpose of this District to create any liability against the Affiliate unless such liability is imposed by law and that this agreement in no way enlarges Affiliate's liability under law.

5.02 The Affiliate shall instruct its personnel that only duly authorized persons may instruct, order, or direct District students or instructors, and that unless so authorized such personnel shall not instruct, order or direct students or instructors. Personnel receiving such authorization shall be instructed that the students are undergoing a learning experience and shall not be expected, instructed, ordered or directed to perform functions beyond the level of training previously received.

Place of Performance and

Law Governing Contract

6.01 This agreement is to be performed in El Paso County, Texas, and construed and enforced in accordance with the law of the State of Texas.

EXECUTED at El Paso, Texas on the day and year above mentioned.

DISTRICT:

ATTEST:

EL PASO COUNTY COMMUNITY COLLEGE  
DISTRICT

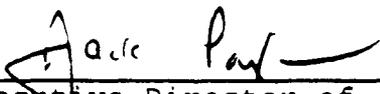
  
Secretary

By:   
Jeanene K. Smith  
President, Board of Trustees

EXTERNSHIP AFFILIATE:

ATTEST:

THE UNIVERSITY OF TEXAS HEALTH  
SCIENCE CENTER AT SAN ANTONIO

  
Executive Director of  
Institutional Services

By:   
John P. Howe, III, M.D.  
President

Certificate of Approval

I hereby certify that the foregoing agreement was approved by the Board of Regents of The University of Texas System on \_\_\_\_\_ day of \_\_\_\_\_, 1989, and that the person whose signature appears above is authorized to execute such agreement on behalf of the Board.

\_\_\_\_\_  
Executive Secretary to the  
Board of Regents of The  
University of Texas System

9. U. T. M.D. Anderson Cancer Center: Proposed Affiliation Agreement with Methodist Hospital, Houston, Texas.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President LeMaistre that the U. T. Board of Regents approve the affiliation agreement set forth on Pages HAC 14 - 21 between U. T. M.D. Anderson Cancer Center and the Methodist Hospital, Houston, Texas.

BACKGROUND INFORMATION

The purpose of the agreement is to provide for a program of directed practice experience in radiation therapy technology procedures for students in the Methodist Hospital.

U. T. M.D. Anderson Cancer Center will be solely responsible for the entire educational experience of the students enrolled in the program. The Methodist Hospital will provide clinical instructors, clinical preceptors, space and support services for the program.

Financial support for the program will be provided through a combination of sources, including state funds, student course fees, and participating fees. The participating fee for Methodist Hospital will be either 1/12th of the annual budget of the program or \$6,686.00.

Other usual and customary provisions are included in the agreement.

The term of the agreement is for one year, renewable for successive one-year terms.

## AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into by and between The University of Texas M. D. Anderson Cancer Center, a component of The University of Texas System, a Texas agency of higher education ("Cancer Center"), and the Methodist Hospital, a Texas nonprofit corporation ("Methodist"), and is effective the 1st day of September, 1988. As used in this Agreement, the term "Hospital" shall mean the hospital facility operated by Methodist.

### W I T N E S S E T H:

WHEREAS, Cancer Center desires to develop and conduct an educational program that teaches and trains students in the field of radiation therapy technology (the "Program");

WHEREAS, Cancer Center further desires to provide a forum for its students that become enrolled in the Program (each a "Student" and collectively the "Students") to obtain training and clinical experience; and

WHEREAS, Methodist, through its radiotherapy department (the "Department"), can provide students with training and clinical experience in the field of radiation therapy technology and desires to participate in the Program in accordance with the provisions of this Agreement.

NOW, THEREFORE, in consideration of the premises set forth above and the mutual benefits, covenants, and agreements set forth below, the parties agree as follows:

### ARTICLE I

#### PURPOSE

Section 1.1 Purpose. Cancer Center and Methodist hereby agree to cooperate for the purpose of conducting a directed practice experience in radiation therapy technology procedures for Students. As used in this Agreement, the term "directed practice experience" shall mean, with respect to each Student approved by Methodist pursuant to Section 2.4(a), four (4) calendar weeks of training provided to such Student in or through the Department in radiation therapy technology procedures.

### ARTICLE II

#### RESPONSIBILITIES OF CANCER CENTER

Section 2.1 Development and Administration of the Program. Cancer Center shall be solely responsible for the entire educational experience of each Student and will ensure that each such Student receives the minimum number of hours of didactic instruction that is customarily recognized as essential to the education of a radiation therapy technologist and necessary to achieve accreditation of the Program. In connection therewith, Cancer Center shall, at its sole cost and expense, (i) develop, coordinate, and administer the Program in a manner consistent with Essentials and Guidelines

of an Accredited Educational Program for the Radiation Therapy Technologists, (ii) develop a curriculum in respect of the Program that meets the requirements of clause (i) of this sentence, and (iii) establish and implement all procedures necessary to grade and evaluate the Students, to create and maintain academic records for such Students, and to determine graduation eligibility for such Students (including eligibility for a certificate of completion in radiation therapy technology).

Section 2.2 Directed Practice Experience. Cancer Center shall be responsible for developing policies and procedures to be implemented by Methodist during each Student's directed practice experience in accordance with the provisions of Article III.

Section 2.3 Program Director. Cancer Center shall appoint a full-time Cancer Center faculty member to be the "Program Director", which person must be a registered radiation therapy technologist and fully capable and qualified, in accordance with good radiation therapy technology practice, to monitor and evaluate each Student's directed practice experience. Subject at all times to the bylaws, policies, and rules of Methodist and its medical staff (such bylaws, policies, and rules being collectively referred to as "Hospital Policies"), the Program Director shall have overall responsibility to coordinate the Program and to ensure that the directed practice experience of each Student is being conducted in accordance with the policies and procedures developed by Cancer Center in accordance with the provisions of Section 2.2 and all appropriate accreditation standards. In connection therewith, the Program Director will carry out periodic scheduled visits to the Department and will notify Methodist in advance of such visits.

Section 2.4 Students Enrolled in the Program.

(a) Prior to the commencement of each academic semester that occurs during the term of this Agreement, Cancer Center and Methodist will agree upon the number of Students who will be assigned to the Department for directed practice experience during such semester; provided, that no Student shall receive instruction or clinical training through the Department, or be eligible therefor, until such Student has been specifically approved by Methodist (which approval may be granted or denied in Methodist's sole discretion). As a condition of approval of each Student, Cancer Center acknowledges that Methodist may require such Student (or, if appropriate, Cancer Center on behalf of such Student) to provide Methodist with such health records or other records or information in respect of such Student as are deemed appropriate or desirable by Methodist and may require such Student to submit a physical examination.

(b) In addition, prior to the commencement of each academic semester that occurs during the term of this Agreement, Cancer Center will provide Methodist and each Student approved by Methodist in accordance with paragraph (a) above with an updated "Student Handbook" that sets forth the responsibilities of each Student during such Student's designated practice experience and such other information that is agreed to between Cancer Center and Methodist. The parties agree that each Student is responsible for the purchase of all books, uniforms, and other materials deemed necessary by Cancer Center in connection with such Student's directed practice experience assignment and that Methodist shall have no responsibility to compensate the

Students for any services they render during their designated practice experience or to pay for any expenses incurred by such Students, Cancer Center faculty, or any other Cancer Center personnel participating in the Program (including, without limitation, medical expenses and expenses for meals, lodging, and transportation).

Section 2.5 Advisory Committee; Cancer Center Faculty. Within 60 days after the effective date of this Agreement, Cancer Center shall appoint an advisory committee whose membership is consistent with the guidelines promulgated by the Joint Review Committee on Education in Radiologic Technology, which committee shall meet no less than two (2) times during each calendar year. The primary responsibilities of this advisory committee are to review admissions' criteria and curriculum content in respect of the Program, correlate academic and clinical components of the Program, and to consider new avenues for the advancement of the Students. The advisory committee shall report to Methodist concerning its findings prior to each academic semester that occurs during the term of this Agreement. In addition, Cancer Center shall designate certain faculty of its radiation therapy technology department to serve as liaison between Methodist and Cancer Center and to correlate the clinical and academic experiences of the Students.

### ARTICLE III

#### RESPONSIBILITIES OF METHODIST

Section 3.1 Clinical Instructors. Methodist shall appoint a registered radiation therapy technologist to be "Clinical Instructor", which person shall have responsibility to monitor the directed practice experience of the Students and to ensure that such Students are receiving training through the Department that is consistent with the curriculum developed by Cancer Center pursuant to Section 2.1 and the policies and procedures developed by Cancer Center pursuant to Section 2.2. The Clinical Instructor shall report from time to time to the Program Director and will attend, at Cancer Center's reasonable request, a minimum of two (2) scheduled meetings each year to assure correlation of didactic and clinical education of the Students.

Section 3.2 Clinical Preceptors. In addition to the Clinical Instructor, Methodist shall provide an adequate number of physicians (who are independent contractors), technologists, and other personnel as Methodist determines is necessary or desirable to implement and direct each Student's directed practice experience as outlined in the curriculum described in Section 2.1. Methodist shall designate certain of the persons referred to in the preceding sentence as "Clinical Preceptors". The Clinical Preceptors will be responsible for evaluating Students during their directed practice experience and for reporting from time to time to the Clinical Instructor. Methodist may increase from time to time the number of Clinical Preceptors.

Section 3.3 Space and Support Services. Methodist shall, at its sole cost and expense, provide such space and support services in the Hospital as Methodist determines is necessary or desirable in furtherance of each Student's directed practice experience.

Section 3.4 Other Duties. Methodist will use its reasonable efforts to assure that Students are not exploited in terms of duties normally expected of staff technologists and will notify Cancer Center, in writing, of any change

in Hospital Policies that Methodist determines might be in conflict with proper Student education. In addition, Methodist shall provide, at its customary charges, emergency care to Students who become ill or injured while at the Hospital and require such care.

Section 3.5 Hospital Policies. Notwithstanding anything in this Agreement to the contrary, in no event shall Methodist or its officers, directors, employees, agents, or contractors be required or obligated to provide space or services to any person or entity under this Agreement if provision of same would violate, conflict with, or be inconsistent with Hospital Policies or good medical practice as determined by Methodist.

#### ARTICLE IV

##### FINANCIAL SUPPORT

Section 4.1 Sources of Funding. The financial support of the Program will be provided through a combination of sources, including state funds, Student course fees, and participating fees.

Section 4.2 Methodist's Participating Fee. Methodist's participating fee, as one of the participants in Section 4.1 shall be the lesser of (i) 1/12th of the annual budget of the Program or (ii) \$6,686.00 which amount shall be payable by Methodist annually at a time agreed to by Cancer Center and Methodist. Any amount that Methodist is requested to pay in excess of its annual participating fee described in the preceding sentence must be agreed to by Methodist in writing. In addition, as a condition of Methodist's obligation to pay its annual participating fee, Cancer Center shall furnish to Methodist such information that Methodist may reasonably request from time to time regarding that annual budget of the Program for the year in question and actual operating figures for such year.

#### ARTICLE V

##### RELATIONSHIPS

Section 5.1 Independent Contractor. With respect to all services provided by Methodist pursuant to this Agreement, it is mutually understood and agreed that the relationship between Methodist and Cancer Center is that of an independent contractor, and nothing in this Agreement is intended nor shall be construed to create an employer/employee relationship or a partnership or joint venture relationship between the parties. In addition, Cancer Center acknowledges and agrees that the Students are not students, employees, agents, or contractors of Methodist.

Section 5.2 Withholdings, Taxes, and Employee Benefits. Cancer Center understands and agrees that the Program Director, the Students, and the Cancer Center faculty or other Cancer Center personnel who are participating in the Program shall not be deemed to be or treated as employees or agents of Methodist for any purpose whatsoever, and shall not be eligible to participate in any benefit program provided by Methodist for Methodist's employees. Methodist shall not be responsible for the payment of any wages, taxes, withholdings, penalties, fees, fringe benefits, and contributions to insurance, pension, workers' compensation, or other deferred compensation

plans with respect to the Students, the Cancer Center faculty, or the other Cancer Center personnel who are participating in the Program.

## ARTICLE VI

### INSURANCE

Section 6.1 Insurance of Cancer Center. Cancer Center shall secure and maintain, at all times during the term of this Agreement, at Cancer Center's sole cost and expense, professional liability insurance covering any acts or omissions that may occur in connection with the operation of the Program. In addition, Cancer Center shall secure and maintain on behalf of each Student, or cause each Student to secure and maintain, at no cost or expense to Methodist, liability insurance covering liabilities that may arise in connection with any negligence or other fault of such Student that occurs during each Student's directed practice experience.

Section 6.2 Evidence of Insurance Coverage. Cancer Center shall provide, and shall cause each Student to provide, to Methodist evidence of the insurance coverage described in Section 6.1 at Methodist's request. In addition, Cancer Center shall notify, and shall cause its Student to notify, Methodist immediately of any material change or cancellation in the insurance coverage described in Section 6.1.

## ARTICLE VII

### TERM AND TERMINATION

Section 7.1 Initial and Successive Terms. This Agreement shall remain in effect for an initial term of one (1) year and thereafter for successive one-year terms unless sooner terminated in accordance with the provisions of this Article VII.

#### Section 7.2 Optional Termination.

(a) Either party may terminate this Agreement at any time, with or without cause, by giving the other party at least 90 days' prior written notice.

(b) In addition, in the event that either party determines that the other party has breached, or has committed a default with respect to, a material provision of this Agreement and such breach or default remains uncorrected to a period of 30 days after receipt by the breaching or defaulting party of written notice of such breach or default, then the nonbreaching or nondefaulting party may, at its option, after the expiration of the aforesaid 30 day period, terminate this Agreement immediately by written notice to the other party (such termination to be effective upon the other party's receipt of such notice).

(c) Notwithstanding anything in this Section 7.2 to the contrary, upon the termination of this Agreement for any reason, Methodist will allow each Student approved by Methodist pursuant to Section 2.4(a) to complete the uncompleted portion of such Student's directed practice experience, if any, during the then current academic semester; provided that Cancer Center has not

breached or committed a default with respect to any material provision of this Agreement that remains uncorrected as of the date of such termination.

## ARTICLE VIII

### CONFIDENTIALITY AND INDEMNIFICATION

Section 8.1 Confidentiality. Cancer Center recognizes and acknowledges that, by virtue of entering into this Agreement, Cancer Center and the Students will have access to certain information of Methodist and its patients that is confidential. Cancer Center agrees that it will not, and that it shall instruct the Students that they should not, at any time either during or subsequent to the term of this Agreement, disclose to others any information that is designated as confidential by Methodist and that is not available to the general public (including, without limitation information with respect to Methodist's patients and the medical records of such patients).

Section 8.2 Indemnification. Cancer Center hereby agrees to the extent permitted by the Constitution and the laws of the State of Texas to protect, indemnify, and hold harmless Methodist and its officers, directors, employees, agents, affiliates, and contractors from and against any lost, cost, or liability arising out of or resulting from the negligence or other fault of any Student, any Cancer Center faculty member, or any other person provided or employed by Cancer Center to participate in the Program.

## ARTICLE IX

### MISCELLANEOUS

Section 9.1 Compliance with Laws and Accreditation Standards. Cancer Center and Methodist agree that the services provided by each pursuant to this Agreement shall be provided in compliance with all applicable federal, state, and local laws, rules, and regulations, and with applicable standards of the Joint Review Committee on Education in Radiologic Technology Standards and the Joint Commission on Accreditation of Healthcare Organizations.

Section 9.2 Headings; Gender and Number. The Article and Section headings herein are used solely for convenience and shall not be deemed to limit the subject of such Articles or Sections or be considered in their interpretation. Any reference in this Agreement to an Article or Section is a reference to an Article or Section of this Agreement. Whenever the context of this Agreement requires, the gender of all words herein shall include the masculine, feminine and neuter and the plural of all words shall include the singular and plural.

Section 9.3 Severability. In the event any provision of this Agreement is held to be unenforceable or invalid for any reason, this Agreement shall remain in full force and effect and enforceable in accordance with its terms disregarding such unenforceable or invalid provision.

Section 9.4 Entire Agreement. This Agreement sets forth all of the representations, promises, agreements, conditions, and understandings between the parties relating to the subject matter of this Agreement, and supersedes any prior or contemporaneous representations, promises, agreements,

conditions, and understandings between the parties in any manner relating to the subject matter hereof.

Section 9.5 Notices. All notices, requests, demands, or other communications hereunder shall be in writing and shall be deemed to have been given or delivered if either personally delivered or mailed by registered mail, return receipt requested, postage prepaid to the following addresses:

If to Cancer Center:                   The University of Texas  
  M. D. Anderson Cancer Center  
  1515 Holcombe Blvd.  
  Houston, Texas 77030  
  Attention: James M. Bowen, Ph.D.  
  Vice President for Academic  
  Affairs

If to Methodist:                        The Methodist Hospital  
  6565 Fannin  
  Houston, Texas 77030  
  Attention: Ted C. Gilbreath  
  Vice President  
  Patient Services

Section 9.6 Assignment. Neither party may assign, transfer, or subcontract any of such party's rights, duties, or obligations under this Agreement, in whole or in part, without the prior written consent of the other party. Subject to the preceding sentence, this Agreement shall inure to the benefit of and be binding upon the parties hereto and their permitted successors and assigns.

Section 9.7 No Waiver. The failure of either party to insist at any time upon the strict observance or performance of any provision of this Agreement or to exercise any right or remedy as provided in this Agreement shall not impair any right or remedy of such party or be construed as a waiver or relinquishment thereof with respect to subsequent defaults or breaches. Every right and remedy given by this Agreement to the parties hereto may be exercised from time to time and as often as may be deemed expedient by the appropriate party.

Section 9.8 Choice of Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Texas.

Section 9.9 Further Assurances. Cancer Center and Methodist agree that each shall promptly and duly execute and deliver to the other such additional documents and assurances and take any and all other actions as either party may reasonably request in order to carry out the intent and purpose of this Agreement during the term hereof.

EXECUTED on this 15<sup>th</sup> day of September, 1988, effective as of the date first written above.

ATTEST:

BY: [Signature]

METHODIST HOSPITAL

BY: [Signature]

R. G. Girotto  
Executive Vice President  
Chief Operating Officer

ATTEST:

BY: [Signature]

THE UNIVERSITY OF TEXAS  
M. D. ANDERSON CANCER CENTER

BY: [Signature]

James M. Bowen, Ph.D.  
Vice President for Academic Affairs

BY: [Signature]

Charles A. LeMaistre, M.D.  
President

FORM APPROVED:

BY: [Signature]

Office of General Counsel  
The University of Texas System

APPROVED:

BY: [Signature]

Charles B. Mullins, M.D.  
Executive Vice Chancellor for  
Health Affairs  
The University of Texas System

#### CERTIFICATE OF APPROVAL

I hereby certify that the foregoing Agreement was approved by the Board of Regents of The University of Texas System on the \_\_\_\_\_ day of \_\_\_\_\_, 1988, and that the person whose signature appears above is authorized to execute such agreements on behalf of the Board.

\_\_\_\_\_  
Executive Secretary, Board of Regents  
The University of Texas System

10. U. T. M.D. Anderson Cancer Center: Request for Approval of Articles of Incorporation and Bylaws for M.D. Anderson Cancer Center Outreach Corporation.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President LeMaistre that the U. T. Board of Regents:

- a. Approve the Articles of Incorporation and Bylaws of the M.D. Anderson Cancer Center Outreach Corporation in a form substantially as set out on Pages HAC 24 - 44 with the understanding that such approval includes the following concepts essential to the organization of the Corporation:
  - (1) The President of the U. T. M.D. Anderson Cancer Center serves as the single member of the Corporation.
  - (2) The President of the U. T. M.D. Anderson Cancer Center has the authority to appoint all members of the Board of Directors and to designate the Chairman of the Board of Directors.
  - (3) The Corporation will have the authority to use the names, service marks, trademarks and other intellectual property of the U. T. M.D. Anderson Cancer Center only under licenses and/or sublicenses approved by the U. T. Board of Regents.
- b. Authorize nonsubstantive changes in the Articles of Incorporation and Bylaws following approval by the Executive Vice Chancellor for Health Affairs and the Office of General Counsel
- c. Authorize the completion of the process for the final incorporation of the not-for-profit Corporation when in the judgement of the Chancellor, Executive Vice Chancellor for Health Affairs and Office of General Counsel the business plan, contract negotiations and legal review confirm that the not-for-profit Corporation presents the organizational structure most advantageous to the success of the outreach program.

BACKGROUND INFORMATION

Following previous briefings to the U. T. Board of Regents, President LeMaistre now recommends the proposed form of Articles of Incorporation and Bylaws for the planned M.D. Anderson Cancer Center Outreach Corporation.

The proposed Articles of Incorporation and Bylaws generally contain the usual and customary provisions for a not-for-profit Texas corporation.

Since timing may well be of the essence, President LeMaistre seeks Board approval of the form of the Articles and Bylaws so that any particular set of contracts can be handled expeditiously through the normal channels of approval for U. T. System Administration and the U. T. Board of Regents.

The proposed Articles and Bylaws contain three specific items for which President LeMaistre seeks concept approval by the Board.

The first concept approval being sought concerns the President of U. T. M.D. Anderson Cancer Center being the sole member of the contemplated Corporation. This provision, as stated in Article I, Section 2 of the proposed Bylaws, will enable the President, and not the members of the Board of Directors, to amend the Articles and the Bylaws under Article X. As a result, a significant measure of control of the not-for-profit Corporation will always remain in the hands of the person who serves at the pleasure of the U. T. Board of Regents.

The second concept approval being sought concerns the President being the person to appoint the members of the Board of Directors and to appoint the Chairman. This provision, as stated in Article II, Section 1 of the proposed Bylaws, will enable the President to maintain a significant measure of control of the Board of Directors, without at the same time controlling the actions of the Board of Directors directly.

Read together, these two concepts will permit significant measures of control of the Corporation by the U. T. Board of Regents while at the same time permitting the U. T. Board of Regents to maintain appropriate distance from the Corporation's independent activities.

The third concept approval being sought concerns the authority of the Corporation to use various intellectual property items of the U. T. Board of Regents. As stated in Article I, Section 3, Subsection (e), the Corporation would have as one of its purposes to enter into agreements with U. T. M.D. Anderson Cancer Center for the use of, among other things, service marks. President LeMaistre's present request will require that any such authorization for use of names, service marks, trademarks and other intellectual property of U. T. M.D. Anderson Cancer Center be accomplished only under written licenses and other sublicenses from the U. T. Board of Regents.

DRAFT 2/28/89

ARTICLES OF INCORPORATION

OF

M.D. ANDERSON CANCER CENTER OUTREACH CORPORATION

We, the undersigned natural persons, of the age of eighteen (18) years or more, acting as incorporators of a corporation under the Texas Non-Profit Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation (the "Corporation"):

ARTICLE I.

The name of the Corporation is M.D. ANDERSON CANCER CENTER OUTREACH CORPORATION.

ARTICLE II.

The Corporation is a non-profit corporation.

ARTICLE III.

The period of the Corporation's duration is perpetual.

ARTICLE IV.

The purposes for which the Corporation is organized and to be operated are charitable, educational, and scientific. In accomplishment of such purposes, the Corporation is to be administered solely for the benefit of The University of Texas M.D. Anderson Cancer Center (the "Beneficiary"), by providing, directly or indirectly, assistance and benefit, financial or otherwise, to the Beneficiary through whatever means are determined by the Board of Directors, including, but not limited to, making distributions or providing services to the Beneficiary. In accomplishment of such purposes, the Corporation will emphasize clinical, educational, and scientific aspects of cancer care throughout the United States and in foreign countries, and will

(a) Establish and maintain comprehensive outpatient centers for cancer care, including without limitation

general clinics and specialty clinics, offering ambulatory chemotherapy, diagnostic radiology, therapeutic radiology, clinical and pathology laboratories, and pharmacy;

(b) Establish and maintain inpatient cancer centers in various settings (such as a unit in an acute-care facility or as a freestanding unit on an acute-care campus);

(c) Enter into co-operative agreements with local medical centers, providing institutional services with respect to inpatient care for cancer patients;

(d) Enter into educational agreements with local medical centers or other institutions to enhance the training of technicians and allied health professionals in the care of cancer patients;

(e) Enter into agreements with The University of Texas M.D. Anderson Cancer Center for the use of necessary or appropriate services, facilities, equipment, personnel, programs, names, service marks, trademarks, intellectual property, and such other items that would further the purposes of the Corporation;

(f) Establish and maintain programs, including educational programs and services for physicians, educational programs for the public, and marketing programs, for the purposes of generating and enhancing referrals with respect to the services and facilities offered by The University of Texas M.D. Anderson Cancer Center; and

(g) Perform such other activities or functions that the Board deems appropriate or necessary for the accomplishment of the purposes of the Corporation.

The broadest discretion is vested in and conferred upon the Board of Directors for the accomplishment of these purposes, provided, however, that no contribution shall be made or distributed to or for any person, firm, corporation, or other entity that shall apply, directly or indirectly, such contributed funds for any purpose or purposes in violation of the Constitution and statutes of the United States or the State of Texas.

If (a) the Beneficiary ceases to be an organization described in Section 509(a) (1) or 509(a) (2) of the Code or

(b) the Beneficiary is dissolved or otherwise ceases to exist, the Board of Directors shall by written notice (evidencing at least a majority determination of the Board of Directors) administer the Corporation for the sole benefit of The University of Texas System (the "First Substitute Beneficiary"). If (a) the First Substitute Beneficiary is not or thereafter ceases to be an organization described in Section 509(a)(1) or 509(a)(2) of the Code or (b) the First Substitute Beneficiary is dissolved or otherwise ceases to exist, the Board of Directors shall by written notice (evidencing at least a majority determination of the Board of Directors) administer the Corporation for the sole benefit of the State of Texas (the "Second Substitute Beneficiary").

ARTICLE V.

The street address of the initial registered office of the Corporation is \_\_\_\_\_, and the name of its initial registered agent at such address is \_\_\_\_\_.

ARTICLE VI.

The initial number of Board of Directors is three (3), and the names and addresses of the persons who are to serve initially as Directors are:

<u>Name</u>	<u>Address</u>
-------------	----------------

ARTICLE VII.

The name and street address of each incorporator is:

<u>Name</u>	<u>Address</u>
Mr. Hugh C. Wilfong II	2500 First City Tower 1001 Fannin Houston, Texas 77002-6760
Mr. Donald L. Howell	2800 First City Tower 1001 Fannin Houston, Texas 77002-6760

Mr. Robert M. Hopson

3400 First City Tower  
1001 Fannin  
Houston, Texas 77002-6760

#### ARTICLE VIII.

Regardless of any other provisions of these Articles of Incorporation or the laws of the State of Texas, the Corporation shall not:

(1) Permit any part of the net earnings of the Corporation to inure to the benefit of any private individual (except that reasonable compensation may be paid for personal services rendered to or for the Corporation affecting one or more of its purposes);

(2) Devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise;

(3) Participate in, or intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office; or

(4) Attempt to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drives.

#### ARTICLE IX.

If the Corporation is a private foundation within the meaning of Section 509(a) of the Code, the Corporation:

(1) Shall distribute its net income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Code;

(2) Shall not engage in any act of self-dealing as defined in Section 4941(d) of the Code;

(3) Shall not retain any excess business holdings as defined in Section 4943(c) of the Code;

(4) Shall not make any investments in such manner

as to subject it to tax under Section 4944 of the Code;  
and

(5) Shall not make any taxable expenditures as defined in Section 4945(d) of the Code.

#### ARTICLE X.

Upon the dissolution of the Corporation, after payment or provision for payment of the Corporation's liabilities has been made, the Corporation's remaining assets shall be distributed exclusively to the Beneficiary or to the First Substitute Beneficiary in the event the First Substitute Beneficiary is selected pursuant to the provisions of ARTICLE IV or to the Second Substitute Beneficiary in the event the Second Substitute Beneficiary is selected pursuant to the provisions of Article IV. The amount of any distribution made under this ARTICLE TEN shall be determined by the Board of Directors.

#### ARTICLE XI.

References to the "Code" in these Articles of Incorporation are references to sections of the Internal Revenue Code of 1986 and corresponding provisions of any subsequent federal tax laws.

#### ARTICLE XII.

These Articles may be amended by the vote of the Member.

IN WITNESS WHEREOF, we have hereunto set our hands this  
\_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Mr. Hugh C. Wilfong II

\_\_\_\_\_  
Mr. Donald L. Howell

\_\_\_\_\_  
Mr. Robert M. Hopson

VERIFICATION

THE STATE OF TEXAS §  
                                  §  
COUNTY OF HARRIS §

I, \_\_\_\_\_, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 1989, personally appeared before me MR. HUGH C. WILFONG II, who, being by me first duly sworn, declared that he is one of the persons who signed the foregoing document as an incorporator and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

\_\_\_\_\_  
Notary Public in and for  
Harris County, Texas

My commission expires:

\_\_\_\_\_

VERIFICATION

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF HARRIS    §

I, \_\_\_\_\_, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 1989, personally appeared before me MR. DONALD L. HOWELL, who, being by me first duly sworn, declared that she is one of the persons who signed the foregoing document as an incorporator and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

\_\_\_\_\_  
Notary Public in and for  
Harris County, Texas

My commission expires:

\_\_\_\_\_

VERIFICATION

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF HARRIS    §

I, \_\_\_\_\_, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 1989, personally appeared before me MR. ROBERT M. HOPSON, who, being by me first duly sworn, declared that he is one of the persons who signed the foregoing document as an incorporator and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

\_\_\_\_\_  
Notary Public in and for  
Harris County, Texas

My commission expires:

\_\_\_\_\_

BYLAWS

OF

M.D. ANDERSON CANCER CENTER OUTREACH CORPORATION

ARTICLE I

STRUCTURE, MEMBER, AND PURPOSES

Section 1. Structure. The M.D. Anderson Cancer Center Outreach Corporation (the "Corporation") is a non-profit corporation organized under the laws of the State of Texas, which has a Member within the meaning of the Texas Non-Profit Corporation Act, Art. 1396, V.A.T.S. (the "Act"). The Articles of Incorporation of the Corporation (as amended from time to time, the "Articles of Incorporation") were filed in the office of the Secretary of the State of Texas on \_\_\_\_\_.

Section 2. Member. The Member of the Corporation shall be the President, as exists from time to time and acting in his official capacity, of The University of Texas M.D. Anderson Cancer Center (the "Cancer Center") or any organization succeeding to the assets and liabilities of the Cancer Center. In the event that the title of President of the Cancer Center is abolished, the Member of the Corporation shall be the highest-ranking person in the administration of the Cancer Center organization. In the event that the Cancer Center ceases to do business, the Member of the Corporation shall be the Board of Regents of the University of Texas System.

Section 3. Purposes. The purposes for which the Corporation is organized and to be operated are charitable, educational, and scientific, and, in accomplishment of such purposes, the Corporation is to be administered solely for the benefit of the Cancer Center. The Corporation shall have, without limitation, the following purposes:

- (a) Establish and maintain comprehensive outpatient centers for cancer care, including without limitation general clinics and specialty clinics, offering ambulatory chemotherapy, diagnostic radiology, therapeutic radiology, clinical and pathology laboratories, and pharmacy;

(b) Establish and maintain inpatient cancer centers in various settings (such as a unit in an acute-care facility or as a freestanding unit on an acute-care campus);

(c) Enter into co-operative agreements with local medical centers, providing institutional services with respect to inpatient care for cancer patients;

(d) Enter into educational agreements with local medical centers or other institutions to enhance the training of technicians and allied health professionals in the care of cancer patients;

(e) Enter into agreements with The University of Texas M.D. Anderson Cancer Center for the use of necessary or appropriate services, facilities, equipment, personnel, programs, names, service marks, trademarks, intellectual property, and such other items that would further the purposes of the Corporation;

(f) Establish and maintain programs, including educational programs and services for physicians, educational programs for the public, and marketing programs, for the purposes of generating and enhancing referrals with respect to the services and facilities offered by The University of Texas M.D. Anderson Cancer Center; and

(g) Perform such other activities or functions that the Board deems appropriate or necessary for the accomplishment of the purposes of the Corporation.

## ARTICLE II ACTION BY MEMBER

Section 1. Appointments. The Member shall appoint Directors of the Corporation in accordance with the provisions of Article IV, Section 3 of these Bylaws (the "Bylaws") and certain Advisory Board members in accordance with the provisions of Article VII, Section 3 of these Bylaws.

Section 2. Other Actions by Member. The Member may remove from office with or without cause any person appointed by the Member to serve on the Board of Directors or on the Advisory Board.

Section 3. Annual Meeting of Member. The annual meeting of the Member shall be held at such time and place as shall be designated by resolution of the Board of Directors, or, if not so designated, on the \_\_\_\_\_ of the month of \_\_\_\_\_ of each year at the Corporation's registered office for the purpose of appointing Directors and certain Advisory Board members for the ensuing year and transacting such other business as may be properly brought before such annual meeting. No notice of such annual meetings shall be required.

Section 4. Special Meetings of Member. Special meetings of the Member shall be held whenever called by the Chairman of the Board, the Board of Directors, or the Member. Notice of special meetings shall be required. The Secretary shall give notice of each special meeting to the Member by delivering written notice to the Member either in person or by mail stating the place, day, and hour of the meeting and the purpose or purposes for which the meeting is called, not less than ten (10) days nor more than fifty (50) days before the date of the meeting.

Section 5. Voting. The Member may vote in person or by proxy executed in writing by the Member. No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy. Each proxy shall be revocable unless expressly provided therein to be irrevocable, and unless otherwise made irrevocable by law.

Section 6. Conduct of Business. At meetings of the Member, matters pertaining to the Corporation's purposes shall be considered. The Chairman of the Board, if present, shall preside as chairman at meetings of the Member; and in such individual's absence a chairman shall be chosen by the Member. The Member shall fix the rules and procedures for its meetings, keep regular minutes of their meetings, and cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

### ARTICLE III OFFICES

Section 1. Principal Place of Business. The principal place of business of the Corporation shall be located at \_\_\_\_\_ . The Corporation may have such other offices, either within or without the State of Texas, as the Board of Directors may determine or as

the affairs of the Corporation may require from time to time.

Section 2. Registered Office and Registered Agent. The Corporation shall have and continuously maintain in the State of Texas a registered office and a registered agent whose office is the Corporation's registered office, as required by the Act. The registered office may but need not be identical with the principal office of the Corporation in the State of Texas, and the address of the registered office may be changed from time to time by the Board of Directors in accordance with applicable law.

#### ARTICLE IV BOARD OF DIRECTORS

Section 1. Powers. The property, business, and affairs of the Corporation shall be managed and controlled by the Board of Directors, and subject to the restrictions imposed by law, the Articles of Incorporation, and these Bylaws, the Board of Directors shall exercise all of the powers of the Corporation.

Section 2. Number. The Board of Directors shall consist initially of the three (3) Directors named in the articles of incorporation of the Corporation initially filed with the Secretary of State of Texas. The number of Directors may be increased or decreased (provided such decrease does not have the effect of shortening the term of any incumbent Director) from time to time by amendment of the Bylaws in accordance with the provisions of Article X, provided that the number of Directors shall never be less than three (3).

Section 3. Appointment and Term. The Member shall appoint all Directors. Each person serving as a Director shall serve until the earlier to occur of (a) the next Annual Meeting (as defined in Article IV, Section 7 of these Bylaws), or (b) such Director's death, resignation, or removal as provided in these Bylaws.

Section 4. Removal. Any Director appointed by the Member may be removed from office, with or without cause, by the Member.

Section 5. Vacancies. Any vacancy occurring in the office of a Director, whether by death, resignation, removal,

increase in the number of Directors, or otherwise, shall be filled by the Member.

Section 6. Meetings of Directors. The Directors may hold meetings, maintain an office, and keep the Corporation's books and records at such place or places within or without the State of Texas as the Board of Directors may from time to time determine; provided, however, that in the absence of any such determination, such place shall be the Corporation's principal office in the State of Texas.

Section 7. Annual Meetings. The annual meeting of the Board of Directors ("Annual Meeting") shall be held at such time and place as shall be designated from time to time by resolution of the Board of Directors, or, if not so designated, on the second \_\_\_\_\_ of the month of \_\_\_\_\_ of each year at the Corporation's registered office for the purpose of (a) electing officers for the ensuing year, and (b) transacting such other business as may be properly brought before such Annual Meeting. Notice of Annual Meetings shall not be required.

Section 8. Regular Meetings. Regular meetings of the Board of Directors ("Regular Meetings") shall be held quarterly at such times and places as shall be designated from time to time by resolution of the Board of Directors. Notice of Regular Meetings shall be required.

Section 9. Special Meetings. Special meetings of the Board of Directors ("Special Meetings") shall be held at such times and places as shall be designated from time to time by the Chairman or, on the written request of any Director, by the Secretary. Notice of Special Meetings shall be required.

Section 10. Notice of Meetings. The Secretary shall give notice of the time and place of each Regular and Special Meeting to each Director in person, or by mail, telegraph, or telephone, at least five (5) days before such meeting. Unless otherwise indicated in such notice, any and all matters pertaining to the Corporation's purposes may be considered and acted upon at such meeting. At any such meeting at which every Director shall be present even though without notice, any matter pertaining to the Corporation's purposes may be considered and acted upon.

Section 11. Quorum. A majority of the then acting Directors shall constitute a quorum for the consideration of

any matters pertaining to the Corporation's purposes. If at any meeting of the Board of Directors there is less than a quorum present, a majority of those present may adjourn the meeting from time to time. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law, the Articles of Incorporation, or these Bylaws.

Section 12. Voting. A Director may vote in person or by proxy executed in writing by the Director. No proxy shall be valid after three (3) months from the date of its execution. Each proxy shall be revocable unless expressly provided therein to be irrevocable, and unless otherwise made irrevocable by law.

Section 13. Conduct of Business. At meetings of the Board of Directors, matters pertaining to the Corporation's purposes shall be considered.

At all meetings of the Board of Directors, the Chairman of the Board shall preside, and in the absence of the Chairman of the Board, a chairman shall be chosen by the Board of Directors from among the Directors present.

The Secretary of the Corporation shall act as secretary of all meetings of the Board of Directors, but in the absence of the Secretary, the chairman may appoint any person to act as secretary of the meeting. The chairman of any meeting of the Board of Directors shall determine the order of business and the procedure at the meeting, including, without limitation, conduct of the discussion and the order of business.

Section 14. Compensation of Directors; Expenses. Persons serving as Directors shall not receive any salary or compensation for their services as Directors; provided, however, that nothing contained herein shall be construed as precluding any Director from receiving compensation in a reasonable amount for personal services rendered (other than services rendered as a Director) that are reasonable and necessary in carrying out the Corporation's purposes as the Board of Directors may from time to time determine. A Director shall be entitled to reimbursement for reasonable expenses incurred by him in carrying out his duties as a Director.

ARTICLE V  
COMMITTEES

Section 1. Board Committees. The Board of Directors may from time to time designate members of the Board of Directors to constitute committees that shall have and may exercise such powers as a majority of the Board of Directors may determine in the resolution that creates the committee. The Board of Directors may appoint individuals who are not members of the Board of Directors to any committee; provided, however, that a majority of the committee members shall be members of the Board of Directors if such committee exercises the authority of the Board of Directors in the management of the Corporation.

Other committees, not having and exercising the authority of the Board of Directors in the management of the Corporation, may be designated and members appointed by a resolution adopted by the Board of Directors. Membership of such committees may, but need not, be limited to Directors.

Section 2. Procedures; Meetings; Quorum. Any committee created by the Board of Directors or these Bylaws, unless otherwise expressly provided herein, shall (a) have a chairman designated by the Board of Directors, (b) fix its own rules or procedures, (c) meet at such times and at such place or places as may be provided by such rules or by resolution of such committee or resolution of the Board of Directors, and (d) keep regular minutes of its meetings and cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation, and report the same to the Board of Directors at its next succeeding meeting. At every meeting of any such committee, the presence of a majority of all the members thereof shall constitute a quorum, and the affirmative vote of a majority of the members present shall be necessary for the adoption by it of any action, unless otherwise expressly provided in the committee's rules or procedures or these Bylaws or by the Board of Directors.

The Board of Directors may designate one or more Directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of such committee. In the absence or disqualification of a member of a committee, the member or members present at any meeting of such committee and not disqualified from voting, whether or not constituting a quorum, may unanimously appoint

the designated alternate Director to act at that meeting in the place of the absent or disqualified member.

## ARTICLE VI OFFICERS

Section 1. Number, Titles, and Term of Office. The officers of the Corporation shall consist of a Chairman of the Board, a President, one or more Vice Presidents, a Secretary, a Treasurer, and such other officers and assistant officers as the Board of Directors may from time to time elect or appoint. Such other officers and assistant officers shall have such authority and responsibility as may be assigned to them by the Board of Directors. Any two (2) or more offices may be held by the same individual, except the offices of President and Secretary. Except for those officers elected pursuant to the Unanimous Consent of Directors in Lieu of Organizational Meeting (the "Organization Consent"), the term of office for each officer shall be until the next succeeding Annual Meeting at which officers are elected. The term of office for those officers elected pursuant to the Organization Consent shall be that period of time beginning on the date of the Organization Consent and ending on the date of the first Annual Meeting. In any event, a duly-elected officer shall serve in the office to which he or she is elected until his or her successor has been duly elected and qualified.

Section 2. Removal. Any officer or agent or member of a committee elected or appointed by the Board of Directors may be removed by the Board of Directors, but such removal shall be without prejudice to the contract rights, if any, of the individual so removed. Election or appointment of an officer or agent or member of a committee shall not of itself create contract rights.

Section 3. Vacancies. Any vacancy occurring in any office of the Corporation may be filled by the Board of Directors.

Section 4. Powers and Duties of the Chairman of the Board. The Chairman of the Board shall preside at all meetings of the Member, the Board of Directors, and the Advisory Board and shall have such other powers and duties as may be assigned to such officer in these Bylaws or from time to time by the Board of Directors. The Chairman of the Board shall be appointed by the Member.

Section 5. Powers and Duties of the President. The President shall be the Chief Executive Officer of the Corporation. Subject to the control of the Board of Directors, the President shall have general executive charge, management, and control of the properties, business, and operations of the Corporation with all such powers as may be reasonably incident to such responsibilities; shall have the authority to agree upon and execute all leases, contracts, evidences of indebtedness, and other obligations in the name of the Corporation subject to the approval of the Board of Directors and the Executive Committee; and shall have such other powers and duties as may be designated in these Bylaws and as may be assigned to such officer from time to time by the Board of Directors.

Section 6. Powers and Duties of a Vice President. Each Vice President shall have such powers and duties as may be assigned to such officer by the Board of Directors including the performance of the duties of the President upon the death, absence, or resignation of the President or upon the President's inability to perform the duties of such office. Any action taken by a Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken.

Section 7. Powers and Duties of the Treasurer. The Treasurer shall have custody of all of the Corporation's funds and securities that come into such officer's hands. When necessary or proper, the Treasurer may endorse or cause to be endorsed, in the name and on behalf of the Corporation, checks, notes, and other obligations for collection and shall deposit or cause to be deposited the same to the credit of the Corporation in such bank or banks or depositories and in such manner as shall be designated and prescribed by the Board of Directors; may sign or cause to be signed all receipts and vouchers for payments made to the Corporation either alone or jointly with such other officer as may be designated by the Board of Directors; whenever required by the Board of Directors, shall render or cause to be rendered a statement of the cash account; shall enter or cause to be entered regularly in the Corporation's books to be kept by such officer for that purpose full and accurate accounts of all moneys received and paid out on account of the Corporation; shall perform all acts incident to the position of Treasurer subject to the control of the Board of Directors; and shall, if required by the Board of Directors,

give such bond for the faithful discharge of such officer's duties in such form as the Board of Directors may require.

Section 8. Powers and Duties of the Secretary. The Secretary shall keep the minutes of all meetings of the Board of Directors in books provided for that purpose; shall attend to the giving and serving of all notices; in furtherance of the Corporation's purposes and subject to the limitations contained in the Articles of Incorporation, may sign with the President in the name and on behalf of the Corporation and/or attest the signatures thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes, and other instruments of the Corporation; shall have charge of the Corporation's books, records, documents, and instruments, except the books of account and financial records and securities of which the Treasurer shall have custody and charge, and such other books and papers as the Board of Directors may direct, all of which shall be open at reasonable times to the inspection of any Director upon application at the Corporation's office during business hours; and shall in general perform all duties incident to the office of Secretary subject to the control of the Board of Directors.

#### ARTICLE VII ADVISORY BOARD

Section 1. Powers. The Corporation shall have an advisory board (the "Advisory Board"). The Advisory Board shall upon the request of the Board of Directors, advise and assist the Board of Directors on such matters as the Board of Directors may designate.

Section 2. Number. The Advisory Board shall consist of such persons appointed to the Advisory Board from time to time by the Board of Directors to constitute the Advisory Board. The number of Advisory Board members may be increased or decreased from time to time by the affirmative vote of a majority of the Board of Directors; provided that any such decrease or increase shall be in accordance with the provisions of applicable law, and provided further, to the extent practicable and allowable by applicable law.

Section 3. Appointment. The Board of Directors shall appoint persons to the Advisory Board by the affirmative vote of a majority of the Board of Directors.

Section 4. Term. All members of the Advisory Board shall be classified, with respect to the time for which they severally hold office, into three classes as nearly as equal in number as possible. The first class shall be originally appointed for a term expiring at the Annual Meeting to be held in 1989, the second class shall be originally elected for a term expiring in 1990, and the third class shall be originally elected for a term expiring at the Annual Meeting to be held in 1991, with Advisory Board members of each class to hold office in any event until their successors have been elected or appointed and qualified, or until their earlier death, resignation, or removal.

Section 5. Removal. Any Advisory Board member may be removed, with or without cause, by the Board of Directors.

Section 6. Vacancy. Any vacancy occurring in the Advisory Board shall be filled by the affirmative vote of the Board of Directors.

Section 7. Meetings. The Advisory Board may hold meetings at such time and place as the Advisory Board may from time to time determine; provided, however, in the absence of such determination, such place shall be the Corporation's principal office in the State of Texas.

Section 8. Notice of Meetings. The Secretary shall give notice to Advisory Board members of the time and place of each Advisory Board meeting as far in advance as practicable before such meeting. Unless otherwise indicated in such notice, any and all matters pertaining to the Advisory Board's purposes may be considered and acted upon at such meeting. At any meeting at which every Advisory Board member shall be present even though without notice, any matter pertaining to the Advisory Board's purposes may be considered and acted upon.

Section 9. Quorum. A majority of the then acting Advisory Board members shall constitute a quorum for the consideration of any matters pertaining to the Advisory Board's purposes. If at any meeting of the Advisory Board there is less than a quorum present, a majority of those present may adjourn the meeting from time to time.

Section 10. Voting. An Advisory Board member may vote in person or by proxy executed in writing by such individual.

Section 11. Conduct of Business. Unless the Board of Directors designates a chairman of the Advisory Board, the Chairman of the Board of Directors shall act as chairman of all meetings of the Advisory Board at which such individual is present; in the absence of a chairman designated by the Board of Directors and the Chairman of the Board of Directors, a chairman shall be chosen from among the Advisory Board members present. The chairman of any meeting of the Advisory Board shall determine the order of business and the procedure at the meeting, including, without limitation, conduct of the discussion and the order of business. The Advisory Board shall keep regular minutes of all its meetings and cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation, and shall report the same to the Board of Directors at its next succeeding meeting.

Members of the Board of Directors shall be invited to attend all meetings of the Advisory Board.

#### ARTICLE VIII MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year. The Corporation's fiscal year shall be as determined from time to time by the Board of Directors.

Section 2. Seal. The Corporation's seal, if any, shall be such as may be approved from time to time by the Board of Directors.

Section 3. Notice and Waiver of Notice. Whenever any notice is required to be given by mail under the provisions of these Bylaws, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed postpaid wrapper addressed to the person or Member entitled thereto at such person's post office address, as such appears in the records of the Corporation, and such notice shall be deemed to have been given on the date of such mailing. A waiver of notice in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to notice.

Section 4. Resignations. Any Director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by

the President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. Action Without a Meeting by Member, Directors, or Committees; Telephone Meetings. Any action required by law or these Bylaws to be taken at a meeting of the Member, the Board of Directors, or any committee, or any action which may be taken at a meeting of the Member, the Board of Directors, or of any committee thereof may be taken without such a meeting if a consent in writing, setting forth the action to be taken, shall be signed by all of the Member, Directors, or members of the committee, as the case may be. Such consent shall have the same force and effect as a unanimous vote at a meeting, and may be stated as such in any document or instrument filed with the Secretary of State. Subject to the requirements of law for notice of meetings, unless otherwise restricted by the Articles of Incorporation or these Bylaws, Member, members of the Board of Directors, or members of any committee may participate in and hold a meeting of such Member, Board of Directors, or committee, as the case may be, by means of a conference telephone, or similar communications equipment by means of which all persons participating in the meeting can hear other, and participation in such meeting shall constitute presence in person at such meeting, except where a person participates in the meeting for the express purpose of objecting to the transaction of any business on the grounds that the meeting is not lawfully called or convened.

#### ARTICLE IX INDEMNIFICATION OF DIRECTORS AND OFFICERS

The Corporation shall indemnify (which indemnification shall include, without limitation, advancing reasonable expenses) any person who is or was a Director, officer, employee, or agent of the Corporation (or any person who is or was serving at the request of the Corporation as a Director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise) to the fullest extent required or permitted by applicable law. In addition, the Corporation shall have the power to indemnify (which indemnification shall include, without limitation, advancing reasonable expenses) to the fullest extent permitted by law such other persons as the Board of Directors may determine from time to time. The Corporation shall have the power to purchase and maintain at its expense

insurance on behalf of such persons to the fullest extent permitted by applicable law, whether or not the Corporation would have the power to indemnify such person under the foregoing provisions.

ARTICLE X  
AMENDMENTS

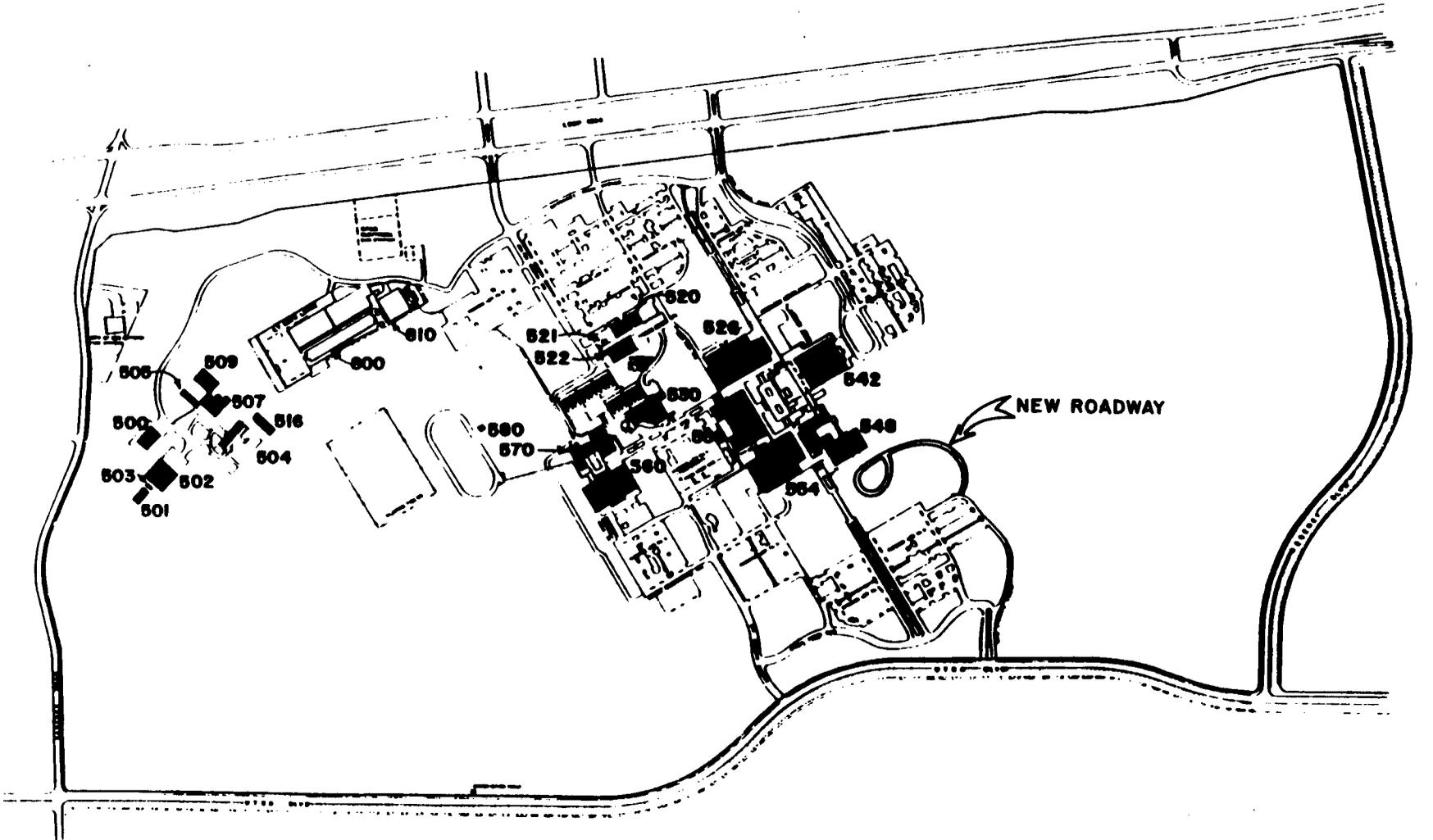
These Bylaws may be altered, amended, or repealed by the affirmative vote of the Member at any Annual Meeting of the Member, or at any Special Meeting if notice of the proposed amendment is contained in the notice of such Special Meeting.

**Finance and  
Facilities Com.**

FINANCE AND FACILITIES COMMITTEE  
Committee Chairman Moncrief

Date: April 6, 1989  
Time: Following the meeting of the Health Affairs Committee  
Place: Blumberg Auditorium (Room 111), UTEP Library  
U. T. El Paso

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THE UNIVERSITY OF TEXAS AT SAN ANTONIO



EXISTING SITE PLAN  
MAY 1987

1. U. T. San Antonio: Recommendation to Name Campus Service and Access Roadway (Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, Naming of Facilities Other Than Buildings).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Wagener that the Campus Service and Access Roadway at the Arts Building at U. T. San Antonio be named "Rhoderick Key Drive," in honor of the late Dr. Rhoderick E. Key. This recommendation is in accordance with the Regents' Rules and Regulations, Part One, Chapter VIII, Section 1, Subsection 1.2, relating to the naming of facilities other than buildings.

This item requires the concurrence of the Academic Affairs Committee.

#### BACKGROUND INFORMATION

The Campus Service and Access Roadway, as part of the Engineering Building project, was approved by the U. T. Board of Regents in June 1988. During the planning stages of the project, Dr. Rhoderick E. Key, deceased, formerly Dean of the College of Fine Arts and Humanities, noted that the roadway could be used as an alternate entrance to the Arts Building for handicapped and elderly patrons who attend cultural events.

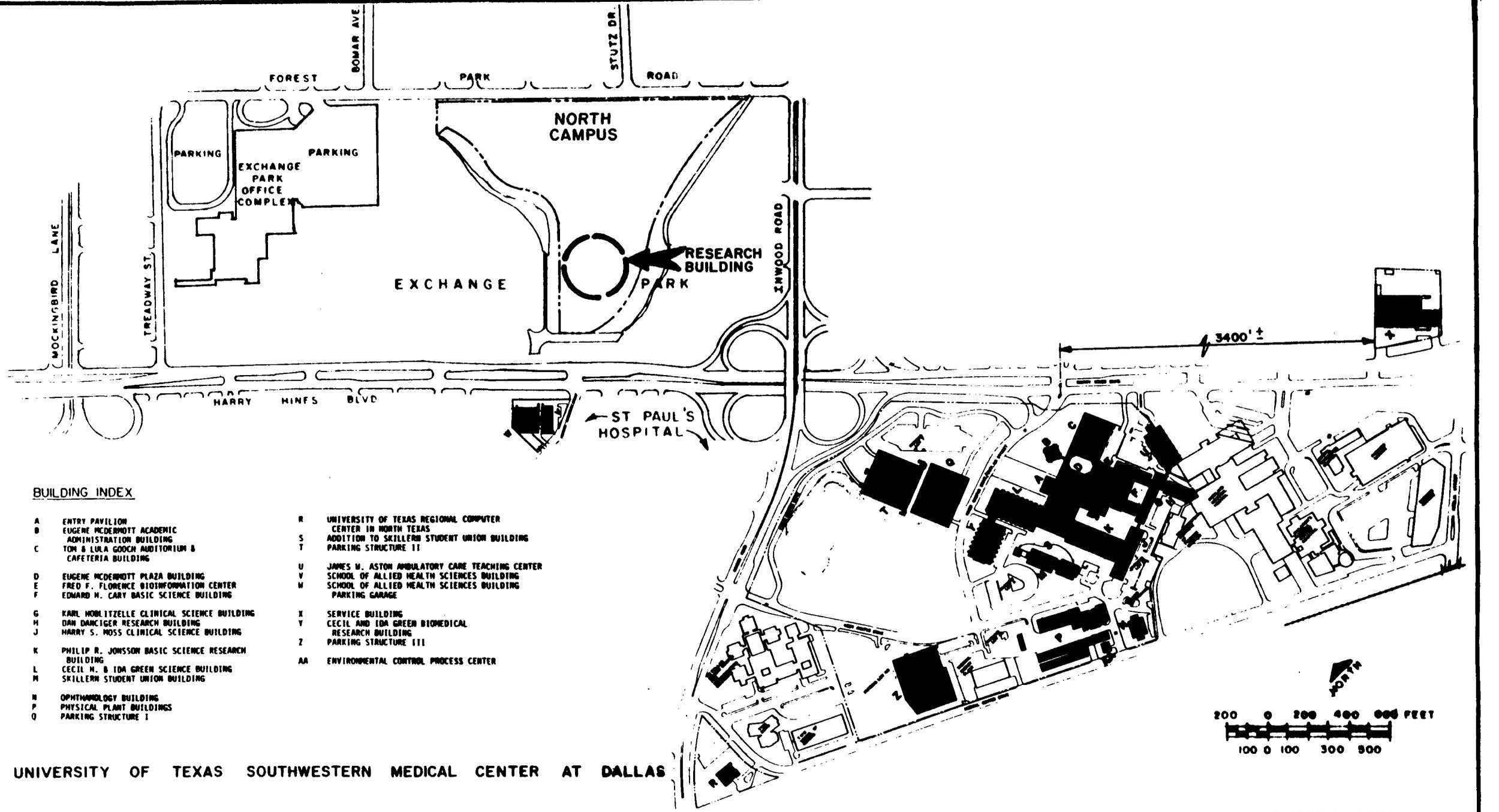
The naming of this roadway is proposed as a symbol of Dr. Key's dedication and service to U. T. San Antonio, and his success in bringing together the San Antonio community and the U. T. San Antonio Fine Arts program. Dr. Key held the position of Dean from 1981 until his death on January 10, 1989.

2. U. T. Southwestern Medical Center - Dallas - Research Building - Phase I North Campus Expansion: Request for Project Authorization; Appointment of Project Architect to Prepare Preliminary Plans; Submission to Coordinating Board; and Appropriation Therefor.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that the U. T. Board of Regents:

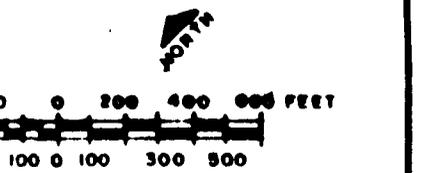
- a. Authorize a project for the construction of the first phase of development on the North Campus of the U. T. Southwestern Medical Center - Dallas to consist of a Research Building with support facilities and a Thermal Energy Building and utility infrastructure at an estimated total project cost of \$52,500,000, exclusive of institutional equipment



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THE UNIVERSITY OF TEXAS SOUTHWESTERN MEDICAL CENTER AT DALLAS



**EXISTING SITE PLAN**

- b. Appoint a Project Architect from the list set forth on Page F&F - 4 to prepare preliminary plans and a detailed cost estimate to be presented to the U. T. Board of Regents for consideration at a future meeting
- c. Authorize submission of the project to the Texas Higher Education Coordinating Board
- d. Appropriate \$1,500,000 from U. T. Southwestern Medical Center - Dallas Unexpended Plant Funds for fees and administrative expenses through preparation of preliminary plans.

This item requires the concurrence of the Health Affairs Committee.

#### BACKGROUND INFORMATION

In October 1987, the U. T. Board of Regents authorized the preparation of a Master Plan for the development of the 29.74 acres of land granted by the John D. and Catherine T. MacArthur Foundation, Chicago, Illinois, for future expansion of the U. T. Southwestern Medical Center - Dallas. The complete Master Plan was presented to the U. T. Board of Regents in December 1988.

A space utilization and research space needs study, completed in 1988 by the four U. T. Health Science Centers, identified research space as a critical need at U. T. Southwestern Medical Center - Dallas. The recommendations resulting from the study, and now on file with the Coordinating Board, indicate a 1986 shortage of over 300,000 assignable square feet and growth in research program expenditures, even projected at a conservative 5% annual rate, will require an additional 1.2 million assignable square feet of research laboratory and support space by the year 2004.

The North Campus Development Phase I is the first proposed construction in implementation of the Master Plan and is the beginning of a campus expansion of research intensive space. This proposed project will include an eight-level research building containing 307,520 gross square feet of research laboratories and direct research support areas. The Research Building will be constructed over a three-level parking facility of 92,256 gross square feet. The project will also include the construction of a central thermal energy plant, and utility distribution system, and the entrance bridge, road network and site infrastructure to serve the buildings.

Proposed funding for this project is \$20,000,000 from Permanent University Fund Bond Proceeds, \$10,000,000 from gifts and grants, and \$22,000,000 from U. T. Southwestern Medical Center - Dallas local funds.

Firms for Consideration

Project Architect

F&S Partners, Inc.  
Dallas, Texas

Harper, Kemp, Clutts and  
Parker, Inc.  
Dallas, Texas

Harwood K. Smith & Partners  
Dallas, Texas

Omniplan Architects  
Dallas, Texas

Representative Projects

U.T.S.M.C.-Dallas: North Campus Master Plan, Ambulatory Care Center, Basic Sciences Teaching Unit, Moss Clinical Science Building  
U. T. Austin: Recreational Sports Facility, Performing Arts Center, Texas Swim Center  
U. T. Dallas: Student Union, Conference Center  
Parkland Hospital Additions  
Children's Medical Center Dallas  
Veterans Administration Medical Center Dallas (Joint Venture)

U.T.S.M.C.-Dallas: Biomedical Research Building, Allied Health Sciences Building Remodel, Sprague Clinical Science Building  
Texas A&M: Biochemistry/Biophysics Building  
Southwest Texas State University: Liberal Arts Building  
Parkland Memorial Hospital: Imaging Facility  
SMU: Umphrey Lee Center

U.T.S.M.C.-Dallas: Magnetic Resonance Center, Auditorium  
U. T. Dallas: Social and Behavioral Sciences Building, Liberal Arts Building  
Baylor University: College of Dentistry, Tumor Research and Radiation Center  
Texas Tech University: School of Medicine  
University of Arkansas: Imaging Facility  
Fort Sam Houston: Brooke Army Surgical Research

U. T. Dallas: Engineering and Computer Science Building  
Texas A&M: Soil and Crop Sciences and Entomology Center  
E-Systems: Engineering and Manufacturing Facility  
VMX, Inc.: R&D Lab  
National Semiconductor Corporation: Production Building  
Dallas County Community College: Mountain View Campus

3. U. T. Southwestern Medical Center - Dallas - The Mary Nell and Ralph B. Rogers Magnetic Resonance Center (Project No. 303-674): Request for Approval of Plaque Inscription.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that the U. T. Board of Regents approve the inscription set out below for a plaque to be placed on The Mary Nell and Ralph B. Rogers Magnetic Resonance Center being constructed at the U. T. Southwestern Medical Center - Dallas. The inscription follows the standard pattern approved by the U. T. Board of Regents in June 1979.

THE MARY NELL AND RALPH B. ROGERS  
MAGNETIC RESONANCE CENTER  
1988

BOARD OF REGENTS

Jack S. Blanton, Chairman	Hans Mark
Shannon H. Ratliff, Vice-Chairman	Chancellor, The University of Texas System
Bill Roden, Vice-Chairman	Kern Wildenthal
Robert B. Baldwin III	President, The University of Texas Southwestern Medical Center at Dallas
Sam Barshop	
Louis A. Beecherl, Jr.	
Jess Hay	
W. A. "Tex" Moncrief, Jr.	
Mario Yzaguirre	Harwood K. Smith and Partners Project Architect The Cadence Group, Inc. Contractor

BACKGROUND INFORMATION

A construction contract for The Mary Nell and Ralph B. Rogers Magnetic Resonance Center at U. T. Southwestern Medical Center - Dallas was approved by the U. T. Board of Regents in October 1988. The U. T. Southwestern Medical Center - Dallas wishes to install a building plaque on the new facility. Funds for the purchase and installation of the plaque are included in the construction contract amount.

4. U. T. Southwestern Medical Center - Dallas - Charles C. Sprague Clinical Science Building (Project No. 303-598): Request for Approval of Plaque Inscription.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that the U. T. Board of Regents approve the inscription set out below for a plaque to be placed on the Charles C. Sprague Clinical Science Building being constructed at the U. T. Southwestern Medical Center - Dallas. The inscription follows the standard pattern approved by the U. T. Board of Regents in June 1979.

CHARLES C. SPRAGUE  
CLINICAL SCIENCE BUILDING  
1988

BOARD OF REGENTS

Jack S. Blanton, Chairman  
Shannon H. Ratliff, Vice-Chairman  
Bill Roden, Vice-Chairman  
Robert B. Baldwin III  
Sam Barshop  
Louis A. Beecherl, Jr.  
Jess Hay  
W. A. "Tex" Moncrief, Jr.  
Mario Yzaguirre

Hans Mark,  
Chancellor, The University  
of Texas System  
Kern Wildenthal  
President, The University  
of Texas Southwestern Medical  
Center at Dallas

Harper, Kemp, Clutts, and  
Parker, Incorporated  
Project Architect  
Spaw-Glass Construction, Inc.  
Contractor

BACKGROUND INFORMATION

A construction contract for the Charles C. Sprague Clinical Science Building at U. T. Southwestern Medical Center - Dallas was approved by the U. T. Board of Regents in February 1988. The U. T. Southwestern Medical Center - Dallas Administration wishes to install a building plaque on the new facility. Funds for the purchase and installation of the plaque are included in the construction contract amount.

**Land and  
Investment Comm.**

LAND AND INVESTMENT COMMITTEE  
Committee Chairman Ratliff

Date: April 6, 1989  
Time: Following the meeting of the Finance and  
Facilities Committee  
Place: Blumberg Auditorium (Room 111), UTEP Library  
U. T. El Paso

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U. T. AUSTIN

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U. T. AUSTIN

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U. T. AUSTIN

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U. T. DALLAS

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I. PERMANENT UNIVERSITY FUND

INVESTMENT MATTERS

Report on Clearance of Monies to the Permanent University Fund for January and February 1989 and Report on Oil and Gas Development as of February 28, 1989.--The following reports with respect to (a) certain monies cleared to the Permanent University Fund for January and February 1989, and (b) Oil and Gas Development as of February 28, 1989, are submitted by the Executive Vice Chancellor for Asset Management:

	<u>January 1989</u>	<u>February 1989</u>	<u>Cumulative Through February of this Fiscal Year (1988-1989)</u>	<u>Cumulative Through February of Preceding Fiscal Year (1987-1988)</u>	<u>Per Cent Change</u>
Permanent University Fund					
Royalty					
Oil	\$3,079,885.74	\$ 3,730,822.47	\$ 20,591,446.71	\$28,556,683.04	-27.89%
Gas	1,765,734.73	2,104,446.35	10,259,231.24	11,917,982.70	-13.92%
Sulphur	25,000.00	33,797.86	145,724.36	65,091.65	123.88%
Water	41,684.90	53,727.34	349,990.54	292,782.01	19.54%
Brine	3,311.16	4,347.50	17,371.20	26,412.91	-34.23%
Trace Minerals	0.00	0.00	0.00	0.00	--
Rental					
Oil and Gas Leases	85,199.46	8,639.09	703,240.90	359,864.00	95.42%
Other	100.00	(1,853.54)	366.46	1,000.00	-63.35%
Sale of Sand, Gravel, Etc.	0.00	0.00	34,887.45	3,525.30	--
Total University Lands Receipts Before Bonuses	<u>5,000,915.99</u>	<u>5,933,927.07</u>	<u>32,102,258.86</u>	<u>41,223,341.61</u>	<u>-22.13%</u>
Bonuses					
Oil and Gas Lease Sales	0.00	0.00	2,554,807.73	3,567,241.98	--
Amendments and Extensions to Mineral Leases	0.00	0.00	641.11	0.00	--
Total University Lands Receipts	<u>5,000,915.99</u>	<u>5,933,927.07</u>	<u>34,657,707.70</u>	<u>44,790,583.59</u>	<u>-22.62%</u>
Gain or (Loss) on Sale of Securities	<u>\$3,607,850.54</u>	<u>\$12,555,123.76</u>	<u>\$ 80,651,077.46</u>	<u>\$36,715,627.65</u>	<u>119.66%</u>
TOTAL CLEARANCES	<u>\$8,608,766.53</u>	<u>\$18,489,050.83</u>	<u>\$115,308,785.16</u>	<u>\$81,506,211.24</u>	<u>41.47%</u>

Oil and Gas Development - February 28, 1989

Acreege Under Lease - 705,672

Number of Producing Acres - 457,485

Number of Producing Leases - 2,190

II. TRUST AND SPECIAL FUNDS

Gifts, Bequests and Estates

1. U. T. Arlington: Recommendation to Accept Gift of Real Property Located in Baylor County, Texas, from Mr. Ted B. Court, Arlington, Texas.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Nedderman to accept a gift of real property being 10 undivided acres out of a 181.185 acre tract in Baylor County, Texas, from Mr. Ted B. Court, Arlington, Texas. Mr. Court has placed a value of \$500 per acre or \$5,000 on this gift. Proceeds from the sale of the property are for the unrestricted use of the President of U. T. Arlington.

BACKGROUND INFORMATION

Mr. Court has donated a portion of his interest in the 181.185 acre tract of land to U. T. Arlington each year over the last four years. The U. T. Board of Regents accepted an undivided 15 acres at its April 1986 meeting, an additional undivided 20 acres at its February 1987 meeting, and another undivided 15 acres at its February 1988 meeting. Mr. Court has indicated that he will convey the remainder of his interest in the land over the next six years.

2. U. T. Austin: Recommendation to Accept Gift to Establish the Nasser I. Al-Rashid Friend of Alec Excellence Fund in the College of Engineering.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$10,000 gift from Dr. Nasser I. Al-Rashid, Riyadh, Saudi Arabia, be accepted to establish the Nasser I. Al-Rashid Friend of Alec Excellence Fund in the College of Engineering at U. T. Austin.

Income earned from the endowment will be used in accordance with policies established for the Friends of Alec Program by the College of Engineering and the Engineering Foundation Advisory Council.

### BACKGROUND INFORMATION

Dr. Nasser I. Al-Rashid received his B.S. in 1965 and his Ph.D. in 1970 in Civil Engineering from U. T. Austin. Dr. Al-Rashid, a Life Member of The President's Associates, has given numerous gifts to U. T. Austin.

The Friends of Alec is an annual fund raising program within the College of Engineering. Alexander Fredericke Claire, a mythical figure better known as Alec, has been the patron saint of the College of Engineering since 1909.

3. U. T. Austin: Recommendation to Accept Grant and Allocate Pledged Funds and Matching Funds from the Graduate Fellowships in the Fine and Performing Arts to Establish the David Bruton, Jr. Endowment for Graduate Fellowships in the College of Fine Arts.--

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$125,000 grant from The David Bruton, Jr. Charitable Trust, Dallas, Texas, be accepted to establish an endowment in the College of Fine Arts at U. T. Austin to be named the David Bruton, Jr. Endowment for Graduate Fellowships.

It is further recommended that \$250,000 in pledged funds and \$125,000 in matching funds be allocated from the Graduate Fellowships in the Fine and Performing Arts and used to increase the endowment to a total of \$500,000.

Income earned from the endowment will be used to award fellowships to incoming graduate students who are United States citizens, based on merit.

### BACKGROUND INFORMATION

Mr. David Bruton, Jr., a resident of Lewisville, Texas, died on December 30, 1979. A charitable trust indenture executed by the late Mr. Bruton allows discretionary distributions to eight charitable donees, including four component institutions of the U. T. System (U. T. Austin, U. T. Dallas, U. T. Southwestern Medical Center - Dallas, and the U. T. M.D. Anderson Cancer Center). Various endowment funds have already been established at these component institutions in accordance with that trust indenture.

The Graduate Fellowships in the Fine and Performing Arts in the College of Fine Arts was established at the June 1988 meeting of the U. T. Board of Regents with a \$500,000 pledge from an anonymous donor, who stipulated that other gifts be acquired to match the pledge. The pledge qualified for matching funds under The Regents' Endowed Student Fellowship and Scholarship Program and those funds totalling \$250,000 were used to increase the endowment.

4. U. T. Austin: Unnamed Endowed Academic Position in the Center for Australian Studies - Recommendation to Designate as the Caltex Professorship in Australian Studies.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that the unnamed endowed academic position in the Center for Australian Studies at U. T. Austin be designated as the Caltex Professorship in Australian Studies.

This recommendation is being made by the executive officers of the Center for Australian Studies in concurrence with the donor's request.

BACKGROUND INFORMATION

An endowed academic position was established at the August 1988 meeting of the U. T. Board of Regents with a \$100,000 gift from Caltex Petroleum Corporation, Dallas, Texas, with the title to be designated at a later date. The gift qualified for matching funds under The Regents' Endowed Teachers and Scholars Program and those funds of \$100,000 were used to increase the endowment. Caltex Petroleum Corporation is an international petroleum business and holding company.

5. U. T. Austin: George L. Clark Scholarship Fund - Eligibility for Matching Funds Under The Regents' Endowed Student Fellowship and Scholarship Program for Previously Approved Pledges.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that \$23,529.50 in matching funds for previously approved pledges of \$106,000 to the George L. Clark Scholarship Fund at U. T. Austin, with payments totalling \$47,059 received to date, be allocated under The Regents' Endowed Student Fellowship and Scholarship Program and used to increase the endowment for a total of \$932,968.02.

BACKGROUND INFORMATION

The George L. Clark Scholarship Fund was established at the February 1988 meeting of the U. T. Board of Regents with gifts of \$200,825 from various donors and dollar for dollar corporate matching funds from MCorp, Dallas, Texas. At that time, it was requested that \$100,412.50 in matching funds be allocated under The Regents' Endowed Student Fellowship and Scholarship Program and used to increase the endowment. At its August 1988 meeting, the U. T. Board of Regents accepted

additional gifts which brought the endowment gift total to \$606,292.35. Additional matching funds of \$202,733.67 were allocated to increase the endowment. Pledges of \$106,000, payable by August 31, 1991, were also accepted with reservation to request further allocation of matching funds to a cumulative maximum of \$350,000.

Mr. George L. Clark received his B.A. from U. T. Austin in 1960 and was a respected member of the Texas financial and banking community.

6. U. T. Austin: Class of 1962 Scholarship in the School of Law - Recommendation to Accept Transfer of Funds and Redesignate as the Class of 1962 Endowed Presidential Scholarship in Law.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$15,000 transfer of previously reported gifts from current restricted funds be accepted and used to redesignate the Class of 1962 Scholarship in the School of Law as the Class of 1962 Endowed Presidential Scholarship in Law at U. T. Austin.

This recommendation is being made in accordance with the donors' request.

#### BACKGROUND INFORMATION

The Class of 1962 Scholarship was established at the April 1988 meeting of the U. T. Board of Regents with gifts totalling \$10,000 from members of the School of Law, Class of 1962. These funds are held by the Law School Foundation.

7. U. T. Austin: Recommendation to Accept Gift and Allocate Funds from the College of Engineering Challenge Grant to Establish the Virginia and Ernest Cockrell, Jr. Fellowships in Engineering in the College of Engineering.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$523,350 gift from the Cockrell Foundation, Houston, Texas, be accepted to establish an endowment in the College of Engineering at U. T. Austin to be named the Virginia and Ernest Cockrell, Jr. Fellowships in Engineering.

It is further recommended that \$753,300 be allocated from the College of Engineering Challenge Grant, received from an anonymous donor, and used to increase the endowment to a total of \$1,276,650.

Income earned from the endowment will be used to award fellowships to graduate students in the College of Engineering.

#### BACKGROUND INFORMATION

The Cockrell Foundation was established by the Will of the late Ernest Cockrell, Jr. This contribution is one of several made to U. T. System component institutions for current programs and/or endowment programs during the past several years.

8. U. T. Austin: Recommendation to Accept Gifts to Establish the Gloria J. Gonzalez Memorial Scholarship Fund.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that gifts totalling \$13,001.75 from various donors be accepted to establish the Gloria J. Gonzalez Memorial Scholarship Fund at U. T. Austin.

Income earned from the endowment will be used to award scholarships to undergraduate students of Hispanic background who are residents of Tarrant County, Texas, with preference given to residents of Fort Worth, Texas, and to those majoring in the Natural Sciences. The Scholarship shall be administered by the Office of Student Financial Services.

#### BACKGROUND INFORMATION

Various donors are funding this endowment through the All Saints Catholic Church, Fort Worth, Texas, to honor the memory of Gloria J. Gonzalez, who received a B.A. in Biology from U. T. Austin in 1988.

9. U. T. Austin: Recommendation to Accept Gift to Establish The Mary Elizabeth Gregory Charitable Remainder Trust for Addition to the J. Nalle Gregory Professorship in Sedimentary Geology in the College of Natural Sciences.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$400,000 gift from Mrs. Mary Elizabeth Gregory, San Angelo, Texas, be accepted to establish The Mary Elizabeth Gregory Charitable Remainder Trust at U. T. Austin.

The trust agreement provides for the payment of ten percent of the annual net fair market value of the trust assets or the actual income, whichever is less, to be paid quarterly to Mrs. Mary Elizabeth Gregory during her lifetime. In any year when the income is more than ten percent of the market value, excess income will be added to the corpus of the trust.

Upon the termination of the trust, the corpus and any accumulated or undistributed income of the trust will be added to the J. Nalle Gregory Professorship in Sedimentary Geology in the Department of Geological Sciences, College of Natural Sciences. At that time, the Professorship is to be redesignated as the J. Nalle Gregory Chair in Sedimentary Geology.

#### BACKGROUND INFORMATION

The J. Nalle Gregory Professorship in Sedimentary Geology was established at the April 1977 meeting of the U. T. Board of Regents with \$102,000 in gifts from various donors.

Mrs. Mary Elizabeth Gregory received her B.A. in English from U. T. Austin in 1928. Her husband, the late Joseph Nalle Gregory, attended U. T. Austin in 1918. He was an Honorary Life Member of the Geology Foundation Advisory Council.

10. U. T. Austin: Hinds-Webb Scholarship Fund - Recommendation to Accept Bequest from the Estate of Hermine B. Morten, Los Gatos, California.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a bequest of ten percent of the residual Estate of Mrs. Hermine B. Morten, Los Gatos, California, with distributions of \$26,998 received to date, be accepted for addition to the Hinds-Webb Scholarship Fund at U. T. Austin.

#### BACKGROUND INFORMATION

Mrs. Hermine B. Morten, who died May 2, 1987, received a B.A. in English from U. T. Austin in 1920. The Hinds-Webb Scholarship Fund was established at the April 1964 meeting of the U. T. Board of Regents with a bequest of property from Dr. Walter Prescott Webb, former Distinguished Professor of History at U. T. Austin.

11. U. T. Austin: Recommendation to Accept Gift, Pledge, and Corporate Matching Funds and Allocate Funds from the College of Engineering Challenge Grant to Establish the John E. Kasch Endowed Faculty Fellowship in Engineering in the College of Engineering and Eligibility for Matching Funds Under The Regents' Endowed Teachers and Scholars Program.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$3,634 gift and a \$10,902 pledge, payable by August 31, 1991, from Dr. John E. Kasch, Rancho Santa Fe, California, and \$14,536 in corporate matching funds from the Amoco Foundation, Chicago, Illinois, for a total of \$29,072 be accepted to establish the John E. Kasch Endowed Faculty Fellowship in Engineering in the College of Engineering at U. T. Austin.

It is further recommended that \$41,856 be allocated from the College of Engineering Challenge Grant received from an anonymous donor and used to increase the endowment to a total of \$70,928.

Additionally, it is recommended that \$29,072 in matching funds be allocated under The Regents' Endowed Teachers and Scholars Program and used to increase the endowment to a total of \$100,000.

#### BACKGROUND INFORMATION

Dr. John E. Kasch is a member of The Chancellor's Council, a Senior Active member of the College of Engineering Foundation Advisory Council and a retired Director of Amoco Corporation. Dr. Kasch received his B.S.C.E. in 1938, his M.S.C.E. in 1939, and his Ph.D. in 1943 in Chemical Engineering at U. T. Austin.

This endowment is being established under the College of Engineering Challenge for Excellence Program as set out in the Minutes of the June 1988 meeting of the U. T. Board of Regents whereby a challenge grant of \$4,500,000 was accepted from an anonymous donor to enhance and achieve a high level of excellence in the four areas of advanced research and teaching which relates closely to the mission of SEMATECH and Microelectronics and Computer Technology Corporation (MCC).

12. U. T. Austin: Recommendation to Accept Gift of Securities to Establish Four Endowments Titled Kozmetsky Family Endowed Research Fellowships and Eligibility for Matching Funds Under The Regents' Endowed Teachers and Scholars Program to Establish Two Endowments Titled the Kozmetsky Family Endowed Research Fellowships.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a gift of Argonaut Group, Inc. common stock valued at \$226,250 from the Dr. George Kozmetsky family, Austin, Texas, be accepted to establish four Kozmetsky Family Endowed Research Fellowships at U. T. Austin.

It is further recommended that \$113,125 in matching funds be allocated under The Regents' Endowed Teachers and Scholars Program and used to establish two additional Kozmetsky Family Endowed Research Fellowships. The donors request the right to submit alternate titles for each fellowship at a later date.

Income earned from each endowment will be used for salary supplement and related benefits, travel, research assistance, and expenses of the fellowship holders, and for recruitment expenses when a Fellowship is vacant. These Fellowships shall be administered by the IC<sup>2</sup> Institute.

#### BACKGROUND INFORMATION

Dr. George Kozmetsky is the Director of the IC<sup>2</sup> Institute at U. T. Austin. Dr. and Mrs. Kozmetsky are members of The Chancellor's Council. Mr. Gregory Kozmetsky received a B.B.A. in Management from U. T. Austin in 1972. He is a School of Architecture Foundation Advisory Council member.

U. T. Austin established the Institute for Constructive Capitalism (IC<sup>2</sup>) on February 15, 1977.

13. U. T. Austin: Recommendation to Accept Gift and Pledge and Allocate Law School Matching Funds to Establish the Lackshin & Nathan Endowed Presidential Scholarship in Law in the School of Law.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$4,000 gift and an \$8,500 pledge, payable by August 31, 1991, from the law firm of Lackshin & Nathan, Houston, Texas, and \$12,500 in matching funds allocated by the Dean of the Law School for a total of \$25,000 be accepted to establish the Lackshin & Nathan Endowed Presidential Scholarship in Law in the School of Law at U. T. Austin in accordance with the Regents' Rules and Regulations. Funds in the amount of \$12,500 will be held and administered by The University of Texas Law School Foundation and \$12,500 will be held and administered by the U. T. Board of Regents.

Income earned from the endowment will be used to award scholarships at the discretion of the Dean of the Law School to second year law students, based on need or merit.

#### BACKGROUND INFORMATION

Mr. Herbert N. Lackshin, a partner of Lackshin & Nathan, received a J.D. in 1959 from U. T. Austin.

14. U. T. Austin: Recommendation to Accept Gift and Pledge to Establish the Motorola Endowed Scholarship in the College of Natural Sciences.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$5,000 gift and a \$20,000 pledge payable by August 31, 1991, from the Microprocessor Products Group of Motorola, Inc., Austin, Texas, for a total of \$25,000 be accepted to establish the Motorola Endowed Scholarship in the Department of Computer Sciences, College of Natural Sciences, at U. T. Austin.

Income earned from the endowment will be used to award scholarships to deserving undergraduate students based on need and ability.

#### BACKGROUND INFORMATION

Motorola, Inc., believing that the continued technical strength and competitiveness of the United States will require the participation of all citizens, has made numerous contributions to U. T. Austin.

15. U. T. Austin: Recommendation to Accept Gift, Corporate Matching Funds and Pledge to Establish the C. Wayne Nance Friend of Alec Excellence Fund in the College of Engineering.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$10,000 gift from Mr. C. Wayne Nance, Houston, Texas, and corporate matching funds comprised of a \$3,500 gift and a \$6,500 pledge, payable by December 31, 1989, from Tenneco, Inc., Houston, Texas, for a total of \$20,000 be accepted to establish the C. Wayne Nance Friend of Alec Excellence Fund in the College of Engineering at U. T. Austin.

Income earned from the endowment will be used in accordance with policies established for the Friends of Alec Program by the College of Engineering and the College of Engineering Foundation Advisory Council.

#### BACKGROUND INFORMATION

Mr. Charles Wayne Nance is the President of Tenneco Oil Exploration & Production. He received a B.S.P.E. in 1952 from U. T. Austin and is a member of the College of Engineering Foundation Advisory Council.

The Friends of Alec is an annual fund raising program within the College of Engineering. Alexander Fredericke Claire, a mythical figure better known as Alec, has been the patron saint of the College of Engineering since 1909.

16. U. T. Austin: Recommendation to Accept Gifts to Establish the Willie Nelson Endowed Presidential Scholarship in the College of Fine Arts.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that gifts totalling \$35,000 from Mr. Joseph D. Jamail, Houston, Texas, and Mr. Darrell K Royal, Austin, Texas, be accepted to establish the Willie Nelson Endowed Presidential Scholarship in the College of Fine Arts at U. T. Austin.

Income earned from the endowment will be used for one or more awards to members of the Longhorn Band who are in good academic standing. The Scholarship shall be awarded annually through the College of Fine Arts Endowed Presidential Scholarship Committee, in consultation with the Director of the Longhorn Band.

#### BACKGROUND INFORMATION

Mr. Joseph D. Jamail received a B.A. in 1950 and a J.D. in 1953 from U. T. Austin. Mr. Darrell K Royal is the Special Assistant to the President on Athletics Programs at U. T. Austin and a member of The Chancellor's Council. Mr. Jamail and Mr. Royal have both made numerous contributions to U. T. Austin. Mr. Willie Nelson is currently involved in making a recording with the Longhorn Band.

17. U. T. Austin: Recommendation to Accept Gift to Establish the Carole L. Patterson Endowed Scholarship for Physically Disabled Female Students.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$10,000 gift from Dr. Frances K. Patterson, Knoxville, Tennessee, be accepted to establish the Carole L. Patterson Endowed Scholarship for Physically Disabled Female Students at U. T. Austin.

Income earned from the endowment will be used for scholarship support of a physically disabled female student of any academic major.

BACKGROUND INFORMATION

Dr. Frances K. Patterson is funding this Scholarship to honor her daughter, Carole, who received a B.A. from U. T. Austin in 1988.

18. U. T. Austin: Undesignated Professorship in the College of Natural Sciences - Recommendation to Accept Additional Gift and Designate as the Pennzoil Company Regents Professorship in Mathematics and Eligibility for Matching Funds Under The Regents' Endowed Teachers and Scholars Program.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$50,000 gift from the Pennzoil Company, Houston, Texas, be accepted for addition to the undesignated professorship in the College of Natural Sciences at U. T. Austin and that this professorship be designated as the Pennzoil Company Regents Professorship in Mathematics.

This recommendation is being made in accordance with the donors' request.

It is further recommended that \$25,000 in matching funds be allocated under The Regents' Endowed Teachers and Scholars Program and used to increase the endowment to a total of \$175,000.

BACKGROUND INFORMATION

At its February 1989 meeting, the U. T. Board of Regents accepted a gift of common stock valued at \$433,687.50 from Mr. and Mrs. Baine P. Kerr, Houston, Texas, to redesignate the Mildred Caldwell and Baine Perkins Kerr Centennial Professorship in English History and Culture in the College of

Liberal Arts as the Mildred Caldwell and Baine Perkins Kerr Centennial Chair in English History and Culture. The gift qualified for matching funds under The Regents' Endowed Teachers and Scholars Program, and \$100,000 of matching funds were allocated to create a professorship in the College of Natural Sciences. Mr. Baine P. Kerr is a Director of the Pennzoil Company.

19. U. T. Austin: Recommendation to Accept Gifts to Establish the Petroleum Engineering Alumni Room Endowment in the College of Engineering.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that gifts totalling \$51,618.42 from graduates of the Petroleum Engineering classes of 1941, 1948, 1949, 1950, 1951, 1954, 1959, and 1978 be accepted to establish the Petroleum Engineering Alumni Room Endowment in the College of Engineering at U. T. Austin.

Income earned from the endowment will be used to maintain and improve equipment and to promote excellence in the Department of Petroleum Engineering.

#### BACKGROUND INFORMATION

Room 3.158 in the Chemical and Petroleum Engineering Building shall be known as the Petroleum Engineering Alumni Room, in recognition of these Petroleum Engineering classes.

At its December 1981 meeting, the U. T. Board of Regents approved the naming of facilities other than buildings as part of a special private fund development campaign for the College of Engineering, in accordance with Part One, Chapter VII, Section 2, Subsection 2.44 of the Regents' Rules and Regulations.

See Item 9 on Page AAC - 11 related to naming a room in the Chemical and Petroleum Engineering Building at U. T. Austin.

20. U. T. Austin: Recommendation to Accept Gift and Pledge and Allocate Law School Matching Funds to Establish the Stanley and Sandra Rosenberg Endowed Presidential Scholarship in Law in the School of Law.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$5,000 gift and a \$7,500 pledge, payable by December 31, 1991, from Mr. and Mrs. Stanley D. Rosenberg, San Antonio, Texas, and \$12,500 in matching funds allocated by the Dean of the Law School for a total of \$25,000 be accepted

to establish the Stanley and Sandra Rosenberg Endowed Presidential Scholarship in Law in the School of Law at U. T. Austin in accordance with the Regents' Rules and Regulations. Funds in the amount of \$12,500 will be held and administered by The University of Texas Law School Foundation and \$12,500 will be held and administered by the U. T. Board of Regents.

Income earned from the endowment will be used to award a scholarship to the editor of the Texas Law Review when the editor attends summer school between the second and third years in law school. The receipt of this scholarship should not preclude the receipt of any other financial aid to the awardee.

#### BACKGROUND INFORMATION

Mr. Stanley D. Rosenberg received his B.B.A. in 1953 and his LL.B. in 1955 from U. T. Austin. He is a member of The Chancellor's Council.

21. U. T. Austin: Stanley D. Rosenberg Centennial Professorship in Real Estate in the College of Business Administration and the Graduate School of Business and the Stanley D. Rosenberg Centennial Professorship in Property Law in the School of Law - Recommendation to Redesignate as the Stanley D. and Sandra J. Rosenberg Centennial Professorship in Real Estate and the Stanley D. and Sandra Rosenberg Centennial Professorship in Property Law (NO PUBLICITY).--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that the Stanley D. Rosenberg Centennial Professorship in Real Estate in the College of Business Administration and the Graduate School of Business and the Stanley D. Rosenberg Centennial Professorship in Property Law in the School of Law be redesignated as the Stanley D. and Sandra J. Rosenberg Centennial Professorship in Real Estate and the Stanley D. and Sandra Rosenberg Centennial Professorship in Property Law at U. T. Austin.

This recommendation is being made in accordance with the donor's request.

#### BACKGROUND INFORMATION

The Stanley D. Rosenberg Centennial Professorship in Real Estate and the Stanley D. Rosenberg Centennial Professorship in Property Law were both established at the February 1983 meeting of the U. T. Board of Regents. The Professorship in Real Estate was established with a \$100,000 gift from Mr. Stanley D. Rosenberg, San Antonio, Texas. The gift

qualified for matching funds under The Centennial Teachers and Scholars Program and these matching funds were used to establish the Professorship in Property Law. Mr. Rosenberg received his B.B.A. in 1953 and his LL.B. in 1955 from U. T. Austin.

NO PUBLICITY

22. U. T. Austin: Recommendation to Accept Gift to Establish the Reverend E. G. "Cap" Smith Endowed Scholarship in the Graduate School of Business.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that an \$11,000 gift from an anonymous donor be accepted to establish the Reverend E. G. "Cap" Smith Endowed Scholarship in the Graduate School of Business at U. T. Austin.

Income earned from the endowment will be used for awards to deserving minority graduate students in the field of marketing.

BACKGROUND INFORMATION

The late Reverend E. G. "Cap" Smith was a Professor of Marketing and Transportation at U. T. Austin from 1948 to 1954.

23. U. T. Austin: Recommendation to Accept Gifts to Establish the Taro Tamura Memorial Fund for UT-Japan Collaboration in the College of Natural Sciences.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that \$14,200 in gifts from various donors be accepted to establish the Taro Tamura Memorial Fund for UT-Japan Collaboration in the Department of Physics, College of Natural Sciences, at U. T. Austin.

Income earned from the endowment will be used to promote international exchanges and to facilitate joint activities between scientists in the Department of Physics and in Japan.

BACKGROUND INFORMATION

Mrs. Fumiko Tamura and various donors are funding this endowment in memory of her husband, Taro Tamura. Dr. Tamura was a Professor in the Department of Physics at U. T. Austin from 1968 to 1988.

24. U. T. Austin: Recommendation to Accept Gifts and Allocate Law School Matching Funds to Establish the Judge Homer Thornberry Endowed Presidential Scholarship in Law in the School of Law.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that \$17,425 in gifts from various donors and \$12,500 in matching funds allocated by the Dean of the Law School for a total of \$29,925 be accepted to establish the Judge Homer Thornberry Endowed Presidential Scholarship in Law in the School of Law at U. T. Austin in accordance with the Regents' Rules and Regulations. Funds in the amount of \$17,425 will be held and administered by The University of Texas Law School Foundation and \$12,500 will be held and administered by the U. T. Board of Regents.

Income earned from the endowment will be used to award scholarships to worthy students based on financial need at the discretion of the Dean of the Law School.

BACKGROUND INFORMATION

Judge Homer Thornberry, a Distinguished Alumnus, received his B.B.A. in 1932 and his LL.B. in 1936 from U. T. Austin. He is currently a Circuit Judge on the United States Court of Appeals.

25. U. T. Austin: Recommendation to Accept Gift to Establish the James Voss - Texas Instruments Regents Professorship in Australian Studies and Eligibility for Matching Funds Under The Regents' Endowed Teachers and Scholars Program.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$100,000 gift from Texas Instruments Incorporated, Dallas, Texas, be accepted to establish the James Voss - Texas Instruments Regents Professorship in Australian Studies at U. T. Austin.

It is further recommended that \$100,000 in matching funds be allocated under The Regents' Endowed Teachers and Scholars Program and used to increase the endowment to a total of \$200,000.

Income earned from the endowment will be used to support the Professorship.

## BACKGROUND INFORMATION

Texas Instruments Incorporated is funding this endowment to honor Mr. James M. Voss, a former member of the Texas Instruments Incorporated Board of Directors. This endowment also recognizes Mr. Voss' years with Texas Instruments, as well as his many efforts in the development of America's relations with Asia-Pacific region countries.

26. U. T. Austin: Recommendation to Accept Gifts and Corporate Matching Funds and Allocate Law School Matching Funds to Establish the Stanley P. and Claudie P. Wilson Endowed Presidential Scholarship for Excellence in Trial Advocacy in the School of Law.--

## RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$4,000 gift from Mr. and Mrs. Stanley P. Wilson, Abilene, Texas, a \$10,000 gift and \$6,000 in corporate matching funds from Central and South West Corporation, Dallas, Texas, \$5,000 in gifts from various donors, and \$12,500 in matching funds allocated by the Dean of the Law School for a total of \$37,500 be accepted to establish the Stanley P. and Claudie P. Wilson Endowed Presidential Scholarship for Excellence in Trial Advocacy in the School of Law at U. T. Austin in accordance with the Regents' Rules and Regulations. Funds in the amount of \$25,000 will be held and administered by The University of Texas Law School Foundation and \$12,500 will be held and administered by the U. T. Board of Regents.

Income earned from the endowment will be used to award scholarships to one or more of the most promising second year advocates participating in the Board of Advocates Competitions at the School of Law. Recipients shall be approved by the Dean of the Law School or the Dean's designee without consideration of scholarship or financial assistance from any other source.

## BACKGROUND INFORMATION

Mr. Stanley P. Wilson received his LL.B. from U. T. Austin in 1948. The Central and South West Corporation is contributing funding for this endowment in honor of Mr. Wilson's retirement as Executive Vice President and General Counsel of the Corporation.

27. U. T. Austin: Recommendation to Accept Gift and Pledges to Establish the William E. Young, Jr. Endowed Scholarship in the College of Business Administration and Graduate School of Business.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham that a \$1,500 gift and an \$8,500 pledge, payable by February 28, 1998, from Mr. William E. Young, Jr. Houston, Texas, for a total of \$10,000 be accepted to establish the William E. Young, Jr. Endowed Scholarship in the College of Business Administration and Graduate School of Business at U. T. Austin.

It is further recommended that a pledge of a fully paid insurance policy on his life in the amount of \$65,000 from Mr. Young, with U. T. Austin as owner and irrevocable beneficiary, be accepted for addition to the William E. Young, Jr. Endowed Scholarship, once the insurance benefit is paid.

Income earned from the endowment will be reinvested in the corpus until such time as the minimum amount of \$10,000 is reached. Distributed income will then be awarded each semester to an upper division business student on the basis of financial need, academic achievement, and future potential.

BACKGROUND INFORMATION

Mr. William E. Young, Jr. received a B.B.A. in Marketing and Research from U. T. Austin in 1964.

28. U. T. Austin: Recommendation to Accept Gift of Real Property Located in Austin, Travis County, Texas, from Mr. Will B. Houston, Jr. and Mr. T. O. Murphey, Both of Austin, Texas.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham to accept a gift of real property being the "North 74.5 feet of Lots 7 and 8, Block '9,' Outlot 46, Division B of C. R. Johns Subdivision, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 2, page 588 of the Deed Records of Travis County, Texas, and being the same land described in that certain deed described in Volume 3918, page 1799 of the Deed Records of Travis County, Texas," from Mr. Will B. Houston, Jr., and Mr. T. O. Murphey, both of Austin, Texas. This property contains 9,685 square feet or .2223 acre.

Proceeds from the sale of the property are to be added to the Tracor/Frank McBee, Jr. Scholarship Endowment at U. T. Austin, which was established by the U. T. Board of Regents at its August 1988 meeting.

#### BACKGROUND INFORMATION

Mr. Houston is the stepson of Frank C. Erwin, Jr., former Chairman of the U. T. Board of Regents and a December 1988 graduate of U. T. Austin. Mr. Murphey is a 1971 graduate of U. T. Austin. Both Mr. Houston and Mr. Murphey are active in the business community in Austin, Texas.

29. U. T. Austin: Recommendation to Accept Gift of Real Property Located in Bexar County, Texas, from Milton Jacobs, M.D., San Antonio, Texas.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham to accept on behalf of U. T. Austin a gift of real property subject to a life estate interest in Lots 17, 18, 19, and the west sixteen and two-thirds (16 2/3) feet of Lot 20, Block 2, New City Block 1700, situated within the corporate limits of the City of San Antonio, Bexar County, Texas, on which is located a 1600 square foot house at 115 Agarita Street, San Antonio, Texas, from Milton Jacobs, M.D., San Antonio, Texas. The land totals 20,875 square feet or .4792 acre. The 1987 tax valuation of the property is \$80,000 with \$53,600 attributable to the improvements and \$26,400 attributable to the land.

#### BACKGROUND INFORMATION

The property will be used by the U. T. System components in San Antonio as a conference center or as a home for visiting faculty members for as long as it is economically feasible for the U. T. System to do so.

Dr. Jacobs will create by his Will a maintenance fund for the U. T. System in an amount not less than \$100,000, which will provide funds for taxes, insurance, and maintenance on the property. When the property is eventually sold, any funds remaining in the maintenance fund will be added to proceeds from the sale and used for the benefit of U. T. Austin, in accordance with the terms of Dr. Jacobs' Will.

Dr. Milton Jacobs is a long-time supporter of U. T. San Antonio and U. T. Austin.

30. U. T. Austin: Recommendation to Accept Undivided Mineral Interests in Beckham County, Oklahoma, from Lorraine I. Stengl, M.D., Wimberley, Texas.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Cunningham to accept a gift of undivided interests "in and to all the oil, gas and other minerals" in seven tracts of land totaling 24.263 net mineral acres out of 2170 gross acres in Beckham County, Oklahoma, from Lorraine I. Stengl, M.D., Wimberley, Texas, for the benefit of the Department of Zoology and the College of Natural Sciences at U. T. Austin. The donor's appraised value of the property is \$6,500.

BACKGROUND INFORMATION

Dr. Stengl has given \$25,000 to establish the Lorraine I. Stengl Endowment Fund in the Department of Zoology and the College of Natural Sciences at U. T. Austin. Income from the gift will go to the Lorraine I. Stengl Endowment Fund which was established by the U. T. Board of Regents at its August 1987 meeting. Dr. Stengl currently serves on the Department of Zoology Visiting Committee and is a generous supporter of U. T. Austin.

31. U. T. Dallas: Recommendation to Accept Gift to Establish the Dallas Gem and Mineral Society Endowed Scholarship Fund.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Rutford that a \$16,000 gift from the Dallas Gem and Mineral Society, Inc., Dallas, Texas, be accepted to establish the Dallas Gem and Mineral Society Endowed Scholarship Fund at U. T. Dallas.

Income earned from the endowment will be used to award scholarships of at least \$250 per semester for full-time graduate or undergraduate students in good standing with preference given to students who demonstrate financial need. Twenty-five percent of the annual income earned on the endowed fund should be reinvested in the corpus and any income not awarded will be returned to the corpus. The scholarship program is to be administered by the Geosciences Program in the School of Natural Sciences and Mathematics.

### BACKGROUND INFORMATION

Dr. James L. Carter, Associate Professor and Program Head of Geosciences, has been a guest lecturer of the Dallas Gem and Mineral Society, Inc. for the past fifteen years. The Society is funding this endowment because of its professional admiration of Dr. Carter and the work he has done for the Geosciences Program at U. T. Dallas.

32. U. T. El Paso: Recommendation to Accept Gifts to Establish the Texas Sesquicentennial Endowment for the Centennial Museum.--

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs and President Natalicio that gifts totalling \$114,237.46 from the El Paso Committee of the Texas Sesquicentennial, El Paso, Texas, be accepted to establish the Texas Sesquicentennial Endowment for the Centennial Museum at U. T. El Paso.

Income earned from the endowment will be used to provide unrestricted resources to improve the overall programs and operations of the El Paso Centennial Museum.

### BACKGROUND INFORMATION

The City of El Paso and the County of El Paso jointly sponsored the creation of the El Paso Committee of the Texas Sesquicentennial to direct the celebration of the Texas Sesquicentennial in El Paso County. The officers of the Committee led a fund raising campaign to create a monument to commemorate the Texas Sesquicentennial. The Committee later determined that the most fitting commemoration would be the creation of an operating endowment to the Centennial Museum, which was established by the citizens of El Paso to mark the Texas Centennial in 1936. The Centennial Museum is located on the campus of U. T. El Paso.

33. U. T. Southwestern Medical Center - Dallas: Recommendation to Accept Bequest from the Estate of Beatrice M. Elias, New York, New York, and Remainder Interest in The Beatrice and Miguel Elias Charitable Trust.--

### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that a bequest of \$10,000 and twenty percent of the residual Estate of Mrs. Beatrice M. Elias, New York, New York, comprised of cash and mineral interests, valued at approximately \$2,000,000, and a twenty percent remainder interest in The Beatrice and Miguel Elias Charitable Trust, valued at

approximately \$170,000 for a total of \$2,180,000 be accepted for use in research in any field or fields in the realm of medicine at the U. T. Southwestern Medical Center - Dallas. A final report will be made at a later date.

#### BACKGROUND INFORMATION

Mrs. Beatrice M. Elias, who died in 1988, was a prominent member of the Dallas community, prior to relocating to New York.

34. U. T. Southwestern Medical Center - Dallas: Recommendation to Accept Remainder Interest in the William K. Manning Testamentary Trust to Establish the William K. Manning Endowment Fund for Research in Emphysema.--

#### RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that a twenty-five percent remainder interest in the William K. Manning Testamentary Trust, Dallas, Texas, comprised of cash and a small mineral interest, with distributions totalling \$75,000 received to date, be accepted to establish the William K. Manning Endowment Fund for Research in Emphysema at the U. T. Southwestern Medical Center - Dallas.

Income earned from the endowment will be used for emphysema research purposes. If emphysema is eliminated as a disease, the income may then be used for research into the nature and treatment of other diseases.

#### BACKGROUND INFORMATION

Mr. William K. Manning, who died in 1975, made a provision in his Will for the U. T. Southwestern Medical Center - Dallas to receive a twenty-five percent share of the remaining principal and income of a testamentary trust created for the lifetime benefit of Mrs. William K. Manning. The William K. Manning Trust held at NCNB Texas National Bank, Dallas, Texas, terminated by reason of the death of Mrs. Manning on September 23, 1988.

35. U. T. Southwestern Medical Center - Dallas: Mineral Metabolism Endowed Chair Fund - Recommendation to Accept Additional Gifts and Pledges and Redesignate as The Charles Pak Distinguished Chair in Mineral Metabolism and Eligibility for Matching Funds Under the Texas Eminent Scholars Program.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that gifts of \$740,000 from various donors, a \$50,000 pledge from Mr. Cecil Green, Dallas, Texas, a \$160,000 pledge from an anonymous donor, and a \$50,000 pledge from the Southwestern Medical Foundation, Dallas, Texas (to be held in trust at the Southwestern Medical Foundation), all pledges payable by December 31, 1989, for a total of \$1,000,000 be accepted for addition to the Mineral Metabolism Endowed Chair Fund. The Fund is to be redesignated as The Charles Pak Distinguished Chair in Mineral Metabolism at the U. T. Southwestern Medical Center - Dallas.

It is further recommended that the actual income which will be earned on the \$740,000 in gifts and \$210,000 in pledges, as received, be certified to the appropriate State authorities for matching under the Texas Eminent Scholars Program as set out in Chapter 51, Subchapter I of the Texas Education Code, when matching funds are made available under that act.

BACKGROUND INFORMATION

The Mineral Metabolism Endowed Chair Fund was established at the February 1988 meeting of the U. T. Board of Regents with a \$50,000 gift from Hunt Oil Company, Dallas, Texas. Friends and colleagues are contributing these additional gifts and pledges to honor Dr. Charles Pak. Dr. Pak is Professor of Internal Medicine, Department of Internal Medicine, Chief, Section on Mineral Metabolism, and Program Director, General Clinical Research Center, all at the U. T. Southwestern Medical Center - Dallas.

See Item 1 on Page HAC - 3 related to a proposed appointment to this Chair.

36. U. T. Southwestern Medical Center - Dallas: Recommendation to Accept Gifts to Establish the Southwestern Medical School Alumni Association Lifetime Gifts Endowment Fund.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that gifts totalling \$270,734.70 from various donors be accepted to establish the Southwestern Medical School Alumni Association Lifetime Gifts Endowment Fund at the U. T. Southwestern Medical Center - Dallas.

Income earned from the endowment will be used by the U. T. Southwestern Medical School - Dallas and the Board of Trustees of the Alumni Association to meet critical institutional needs. One critical need that has already been identified is student financial aid.

#### BACKGROUND INFORMATION

Since 1986, members of the U. T. Southwestern Medical School - Dallas Alumni Association have contributed funds with the intent of forming a permanent endowment. These individuals have each pledged \$10,000, which can be paid over a five-year period, for a lifetime membership in the Alumni Association.

37. U. T. Southwestern Medical Center - Dallas: Recommendation to Accept Gift to Establish the S. Edward Sulkin Endowment Fund.--

#### RECOMMENDATION

President Wildenthal reports that the Southwestern Medical Foundation (an external foundation) has received a contribution to fund the S. Edward Sulkin Endowment Fund at the U. T. Southwestern Medical Center - Dallas. The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Wildenthal that this Endowment Fund be established in accordance with the Regents' Rules and Regulations. The funds for the Endowment Fund will be held and administered by the Southwestern Medical Foundation per the agreement with the Foundation.

Income earned from the endowment will be used to support a lecture series in microbiology at the U. T. Southwestern Medical Center - Dallas.

#### BACKGROUND INFORMATION

Mrs. Lorraine Schein is funding this endowment in memory of Dr. S. Edward Sulkin who was a prominent microbiologist and served as Chairman of the Microbiology Department at the U. T. Southwestern Medical Center - Dallas from 1945 to 1972.

38. U. T. Health Science Center - San Antonio: Recommendation to Accept Gift to Establish the Alfred Schenker Lectureship Program in Gastroenterology.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President Howe that a \$10,000 gift from Mrs. Alfred Schenker, Lakewood, New Jersey, be accepted to establish a quasi-endowment at the U. T. Health Science Center - San Antonio to be named the Alfred Schenker Lectureship Program in Gastroenterology.

Income earned from the endowment will be used in support of a lectureship program in the Department of Medicine, Division of Gastroenterology.

BACKGROUND INFORMATION

Mrs. Ernestyna Schenker is funding this endowment in memory of her husband, Alfred Schenker. The Schenkers' son, Dr. Steven Schenker, is Chief of Medicine, Gastroenterology Division at the U. T. Health Science Center - San Antonio.

39. U. T. M.D. Anderson Cancer Center: Recommendation to Accept Gift of Real Property Located in Bastrop County, Texas, from Dr. Thomas J. Slaga and Mrs. Mary E. Slaga, Austin, Texas.--

RECOMMENDATION

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Health Affairs and President LeMaistre to accept a gift of real property being 5 acres out of the Nicholas Boyce Survey and also known as Lot No. 29, Section II of that subdivision known as Turkey Run, Bastrop County, Texas, from Dr. Thomas J. Slaga and Mrs. Mary E. Slaga, Austin, Texas. The appraised value of the property is \$20,000.

Proceeds from the sale of the property are for the capital campaign for the new laboratory at the U. T. M.D. Anderson Science Park - Research Division.

BACKGROUND INFORMATION

Dr. Slaga, biochemist and professor of carcinogenesis, is the Director of the U. T. M.D. Anderson Science Park - Research Division in Smithville, Texas. He is also a Member of the Graduate School of Biomedical Sciences at the

U. T. Health Science Center - Houston and is a Visiting Member of the Graduate Faculty of Texas A & M University Department of Veterinary Physiology and Pharmacology, College Station, Texas.

Mrs. Slaga is a graduate of the University of Arkansas, Fayetteville, Arkansas, and does volunteer work at the U. T. M.D. Anderson Science Park - Research Division.

**Executive Session  
of the Board**

BOARD OF REGENTS  
EXECUTIVE SESSION  
Pursuant to Vernon's Texas Civil Statutes  
Article 6252-17, Sections 2(e), (f) and (g)

Date: April 6, 1989

Time: 12:00 p.m. The Board will convene in Open Session and immediately recess to Executive Session. The Open Session will reconvene about 1:30 p.m. and continue through adjournment.

Place: Blumberg Auditorium (Room 111) and John H. McNeely Room (Room 606), UTEP Library, U. T. El Paso

1. Pending and/or Contemplated Litigation - Section 2(e)

U. T. M.D. Anderson Cancer Center: Proposed Settlement of Medical Liability Litigation

2. Land Acquisition, Purchase, Exchange, Lease or Value of Real Property and Negotiated Contracts for Prospective Gifts or Donations - Section 2(f)

U. T. Austin: Consideration of a Negotiated Agreement with the City of Austin for a Land Use Plan for the Brackenridge Tract and the Lease for the Lions Municipal Golf Course

3. Personnel Matters [Section 2(g)] Relating to Appointment, Employment, Evaluation, Assignment, Duties, Discipline, or Dismissal of Officers or Employees