



OFFICE OF THE CHANCELLOR  
THE UNIVERSITY OF TEXAS SYSTEM  
AUSTIN, TEXAS 78712

January 8, 1970

*Miss Bedford*  
*R+R*  
*Back one*  
*all the files*

MEMORANDUM

TO: Board of Regents  
The University of Texas System

Mr. Frank C. Erwin, Jr., Chairman  
Mr. Jack S. Josey, Vice-Chairman  
Mr. W. H. Bauer  
Mr. Jenkins Garrett  
Mr. Frank N. Ikard  
Mr. Joe M. Kilgore  
Mr. John Peace  
Mr. Dan C. Williams  
Dr. E. T. Ximenes

FROM: Charles A. LeMaistre, M.D. *Cal*  
Deputy Chancellor

The U.T. System Administration has received from President Hackerman a recommendation from the University Council at The University of Texas at Austin that the Board of Regents amend the Rules and Regulations to conform to the following statement:

When action is pending on charges against a student his status as a student is not altered nor is his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional well-being and safety or for reasons relating to the safety and well-being of students, faculty, or university property. No suspension is imposed pending action on charges without a prior preliminary hearing at the earliest practical time on the question of danger to the charged student himself or to other students, faculty, or university property, unless it is impossible or unreasonably difficult to hold such a hearing.

President Hackerman in submitting the University Council recommendation as adopted on November 17, 1969, stated that he could not concur in the recommendation since it is contrary to the action on this subject taken by the Board of Regents at the December 12 meeting. President Hackerman did indicate that he would be willing to discuss the issue further if the Regents wish to reopen the question.

Memorandum to Board of Regents  
Page 2  
January 8, 1970

Dr. McKetta has informed President Hackerman that insofar as the U.T. System Administration is concerned, the University Council's recommendation will be carried no further, officially since it has not been recommended by President Hackerman. I concur in Dr. McKetta's position, and at Dr. McKetta's suggestion, I am transmitting this material to you for information purposes only.

nn

cc: Dr. John J. McKetta  
Miss Betty Anne Thedford  
Mr. Richard Gibson  
Dr. Kenneth Ashworth

THE UNIVERSITY OF TEXAS SYSTEM  
OFFICE OF ACADEMIC AFFAIRS  
*Inter-Office Memorandum*

TO: Dr. Norman Hackerman

FROM: John McKetta

DATE: December 29, 1969

SUBJECT: Recommendation of Faculty Senate

Dear Norman:

Thank you for sending me recommendations of the Faculty Senate which was approved by the University Council on November 17, 1969. Since you do not recommend the Faculty Senate's recommendation, this office will not carry this any further officially. I am sending a copy of the recommendation of the Faculty Senate and your letter to the Board of Regents for information purposes only.

Yours,

Original Filed by  
John McKetta, JR.  
JJM

JJM:rc  
cc: Dr. C. A. LeMaistre  
→ Dr. K. H. Ashworth

Blind Note:

Dear Ken: Please get this to the Board of Regents.

JJM



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

December 15, 1969

*CAH - Recommendation  
President that we do not carry this  
further and Norman does  
not recommend it.*

Dr. John J. McKetta  
Executive Vice Chancellor for Academic Affairs  
The University of Texas System

Dear Johnny:

Enclosed is a recommendation of the Faculty Senate which was approved by the University Council on November 17, 1969. It obviously is contrary to the very recent action of the Regents, and because of that I cannot recommend it. If the Regents wish to reopen this question, I will be glad to discuss it with them.

Sincerely yours,

Norman Hackerman

NH:jl

cc: Mr. Eugene Nelson

encl.

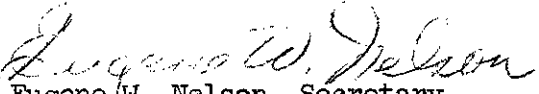
*ref send as info to regents*

## DOCUMENTS AND PROCEEDINGS OF THE UNIVERSITY COUNCIL

AMENDED RULE ON SUSPENSION OF STUDENTS PENDING A HEARING

The Faculty Senate has filed with the Secretary of the University Council the recommendation published below. The Secretary has classified this recommendation to be minor legislation.

Notice is hereby given that this legislation will be presented to the University Council for consideration at its meeting of November 17, 1969.

  
Eugene W. Nelson, Secretary  
The University Council

RECOMMENDATION OF FACULTY SENATE

It is recommended that the Rules of the Board of Regents of the University of Texas System and the Institutional Rules of the University of Texas at Austin be amended in all appropriate places to add the following language and to delete all language inconsistent with it:

When action is pending on charges against a student his status as a student is not altered nor is his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional well-being and safety or for reasons relating to the safety and well-being of students, faculty, or university property. No suspension is imposed pending action on charges without a prior preliminary hearing at the earliest practical time on the question of danger to the charged student himself or to other students, faculty, or university property, unless it is impossible or unreasonably difficult to hold such a hearing.

The recommended language is consistent with the Joint Statement on Rights and Freedoms of Students by the Association of University Professors, The National Student Association, The National Association of Student Personnel Administrators, The National Association of Women Deans and Counsellors, and the American Association of Higher Education. Further, it has been held to be "entitled to recognition as an essential ingredient of the procedural due process guaranteed by the Fourteenth Amendment" by the United States District Court for the Western District of Wisconsin in Stricklin v. Regents of the University of Wisconsin, 297 F. Supp. 416 (1969).

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RECOMMENDATION TO ADD THE CHAIRMAN OF THE FACULTY SENATE TO THE ADMINISTRATIVE COMMITTEE

The Secretary of the University Council has received from Mr. Allen Smith, a member of the University Council, the following recommendation published below, November 12, 1969.

RECOMMENDATION OF MR. SMITH

It is also recommended that the membership of the Administrative Committee of the University Council include the Chairman of the Faculty Senate as ex officio.

Filed with the Secretary of the University Council by the Faculty Senate, November 12, 1969.

Distributed among the members of the University Council by the University Stenographic Bureau, November 14, 1969.

CUL

*Incorporated  
into original*

Amend Section 7 of Chapter III of Part One of the Regents' Rules and Regulations by adding a Subsection 7.5 to read as follows:

7.5 The Board of Regents of The University of Texas System recognizes and affirms the right of a member of the faculty or staff to participate in political activities so long as such political activities do not interfere with the discharge of the duties and responsibilities that he owes to The University of Texas System or any of its component institutions and so long as such political activities do not involve The University of Texas System or its component institutions in partisan politics (See Section 7.3). With the interest of The University of Texas System or its component institutions being given first consideration, a leave of absence without pay may--but need not--be granted to a member of the faculty or staff (See Section 16). However, it would be inappropriate for a leave of absence without pay to be granted primarily to permit a member of the faculty or staff of The University of Texas System or its component institutions to participate in political activity, including, but not limited to, being a candidate for political office, holding a political office, or directing the political campaign of another person seeking a political office. Therefore, if a member of the faculty or staff wishes to engage in political activity that interferes with the discharge of the duties and responsibilities that he owes to The University of Texas System or any of its component institutions, he should voluntarily terminate his employment by the University. On the other hand, if the faculty or staff member does not voluntarily terminate his employment by the University and if the faculty or staff member's superior officer, such as the institutional head, the Chancellor, or the Board of Regents, finds that the faculty or staff member's political activity does in fact interfere with the discharge of the duties and responsibilities that he owes to The University of Texas System or any of its component institutions, the institutional head, the Chancellor, or the Board of Regents shall terminate his employment by the University.



46-M-68

THE UNIVERSITY OF TEXAS SYSTEM  
BOARD OF REGENTS

BETTY ANNE THEDFORD, SECRETARY  
BOX N, UNIVERSITY STATION  
AUSTIN, TEXAS 78712

August 15, 1969

TO MEMBERS OF THE BOARD OF REGENTS

Chairman Erwin  
Vice-Chairman Josey  
Regent Bauer  
Regent Garrett  
Regent Ikard  
Regent Kilgore  
Regent Peace  
Regent Williams  
Regent Ximenes

SUBJECT: Telephone Poll With Respect To Regents' Rules and Regulations, Part One: Amendment

Gentlemen:

In compliance with Chairman Erwin's letter to you under date of August 13, 1969, with respect to an amendment to Chapter VI, Section 3, Part One of the Regents' Rules and Regulations, I polled the members of the Board of Regents, only eight of whom I could contact. All eight voted "YES." Thus, the amendment as set out on the attached page was adopted.

This will be reported as an interim action at the September 12 meeting in Dallas.

Sincerely yours,

Betty Anne Thedford

T:jt  
Xc: Deputy Chancellor LeMaistre

Amend Section 3, Chapter ~~A~~, Part One, Regents' Rules and Regulations, by adding a new Subsection 3.(18); the new Subsection 3.(18) reads as follows:

- 3.(18) Pursuant to the authority conferred upon the Board of Regents of The University of Texas System by Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes), and in order to protect the safety and welfare of students and employees of the component institutions of the System and to protect the property of the System, it is hereby declared that it shall be unlawful for any person to enter, walk, run, lie, play, remain, or be in the water of any fountain or other artificial body of water located on the campus of any component institution of The University of Texas System unless such person shall have theretofore been granted permission by the administrative head of that institution to enter, remain, or be in such water.

It shall further be unlawful for any person to dump, throw, place, or cause to be placed any material, object, trash, waste, or debris in the water of any fountain or other artificial body of water located on the campus of any component institution of The University of Texas System.

It shall also be unlawful for any person to damage, deface, or remove any portion of any fountain, monument, or memorial located on the campus of any component institution of The University of Texas System.

Any person who violates any portion of this regulation shall upon conviction thereof be punished by a fine of not more than \$200.

Any student of a component institution who violates any portion of this regulation shall, in addition to the penalty prescribed in the last preceding section, be subject to discipline, including expulsion, by the institution.





46-11-68

THE UNIVERSITY OF TEXAS SYSTEM  
BOARD OF REGENTS

FRANK C. ERWIN, JR., CHAIRMAN  
900 BROWN BUILDING  
AUSTIN, TEXAS 78701

August 13, 1969

TO MEMBERS OF THE BOARD OF REGENTS

Gentlemen:

The U. T. Austin Administration is having an increasingly difficult time in dealing with students and others who insist on treating the new fountain in the east mall as if it were a combination swimming pool and garbage dump. In fact, last Saturday night vandals literally tore the lights out of the metal receptacles.

Therefore, the Administration requests that we adopt immediately the enclosed regulation which has been prepared by the University's Law Office. This regulation, when adopted, will give the University police the authority to make arrests if that becomes necessary.

Please read this regulation as soon as you receive this letter, because I am asking Miss Thedford to telephone you tomorrow and try to get approval from at least six members of the Board so that we can put the regulation into immediate effect.

Sincerely,

Frank C. Erwin, Jr.

Dictated but not read

Enclosure

- Xc: Dr. Ransom
- Dr. LeMaistre
- Dr. Hackerman
- Mr. Walker
- Mr. Gibson
- Mr. Colvin

*Erwin* -

*Boyer* -

*Bauer* -

*Shel* -

*Ward* -

*Kilgore* -

*Beas* -

*Williamson* -

*Demore* -

Amend Section 3, Chapter 6, Part One, Regents' Rules and Regulations, by adding a new Subsection 3.(18); the new Subsection 3.(18) reads as follows:

3.(18) Pursuant to the authority conferred upon the Board of Regents of The University of Texas System by Chapter 80, Acts of the 60th Legislature, Regular Session, 1967 (Article 2919j, Vernon's Texas Civil Statutes), and in order to protect the safety and welfare of students and employees of the component institutions of the System and to protect the property of the System, it is hereby declared that it shall be unlawful for any person to enter, walk, run, lie, play, remain, or be in the water of any fountain or other artificial body of water located on the campus of any component institution of The University of Texas System unless such person shall have theretofore been granted permission by the administrative head of that institution to enter, remain, or be in such water.

It shall further be unlawful for any person to dump, throw, place, or cause to be placed any material, object, trash, waste, or debris in the water of any fountain or other artificial body of water located on the campus of any component institution of The University of Texas System.

It shall also be unlawful for any person to damage, deface, or remove any portion of any fountain, monument, or memorial located on the campus of any component institution of The University of Texas System.

Any person who violates any portion of this regulation shall upon conviction thereof be punished by a fine of not more than \$200.

Any student of a component institution who violates any portion of this regulation shall, in addition to the penalty prescribed in the last preceding section, be subject to discipline, including expulsion, by the institution.

S

Amend Section 4 of Chapter VI of Part One of the Regents' Rules and Regulations by adding a Subsection 4.9 to read as follows:

4.9 A registered student organization whose registered status has been cancelled by the institutional head pursuant to Subsection 6.13 of Section 6 of this chapter or Subsection 4.73 of Section 4 of this chapter may apply for re-registration not less than six months following the date of such cancellation.

Amend Subsection 4.73 of Section 4 of Chapter VI of Part One of the Regents' Rules and Regulations to read as follows:

4.73 At the beginning of each semester, each registered student organization or group must file with the appropriate institutional officer an affidavit stating that the organization or group does not, and will not during the semester, have as a member any person who is not either a student or a member of the faculty or staff of the institution. If an organization or group fails or refuses to file the required affidavit, or if, after such reasonable investigation as the institutional head shall deem appropriate (which investigation shall afford the accused registered organization or group every right guaranteed to it by the due process clauses of the United States and Texas Constitutions [A REASONABLE OPPORTUNITY TO APPEAR AND ANSWER THE CHARGES AGAINST IT]), the institutional head shall during the semester find that the affidavit is or has become false, and that the organization or group does, in fact, have as a member a person who is not either a student or a member of the faculty or staff of the institution, the institutional head shall immediately cancel the registered status of the organization or group and shall deny to the organization or group any and all privileges to which it would otherwise be entitled as a registered student organization or group. [THE ORGANIZATION OR GROUP MAY THEREAFTER APPLY FOR REGISTRATION IF IT BECOMES ELIGIBLE TO DO SO.]

Amend Subsection 6.13 of Section 6 of Chapter VI of Part One of the Regents' Rules and Regulations to read as follows:

6.13 Use of Physical Facilities of the University by Registered Student Organizations.--Registered student organizations may use an institution's buildings and/or grounds in compliance with reasonable and nondiscriminatory institutional regulations that shall specify the procedures under which such organizations may reserve the institution's buildings and/or grounds for their use; provided, however, that a registered student organization shall not reserve or use an institution's buildings for any occasion or event that will be attended by any person who is neither a student nor employee [MORE THAN 3 PERSONS WHO ARE NEITHER STUDENTS NOR EMPLOYEES] of the institution. For the purpose of the foregoing sentence, the following persons shall not be counted as a "person who is neither a student nor employee of the institution:" (1) representatives of bona fide news media who are actively engaged in press, radio, or television coverage of the occasion or event; provided, however, that not more than two representatives of any such newspaper, magazine, publication, radio station, radio network, television station, or television network shall be exempt from the count of persons who are neither students nor employees of the institution; (2) peace officers, as defined in Article 2.13 of the Texas Code of Criminal Procedure, as amended, who are engaged in the performance of their official duties; and (3) persons who are present as bona fide participants in the program or entertainment for the occasion or event, such as speakers, panelists, aides to speakers or panelists, entertainers, etc.; provided, however, that not more than a total of seven such participants shall be exempt from the count of persons who are neither students nor employees of the institution. [MEMBERS OF THE PRESS WHO ARE ACTIVELY ENGAGED IN COVERING THE OCCASION OR EVENT AND PEACE OFFICERS PERFORMING OFFICIAL DUTIES SHALL NOT BE COUNTED AS "PERSONS WHO ARE NEITHER STUDENTS NOR EMPLOYEES OF THE INSTITUTION."] If, after such reasonable investigation as the institutional head shall deem appropriate (which investigation shall afford the accused registered organization every right guaranteed to it by the due process clauses of the United States and Texas Constitutions [A REASONABLE OPPORTUNITY TO APPEAR AND ANSWER THE CHARGES AGAINST IT]), the institutional head shall find that a registered student organization has reserved or used an institution's building for an occasion or event that was, in fact, attended by one or more [MORE THAN 3] persons who were neither students nor employees of the institution within the meaning of this subsection, the institutional head shall immediately cancel the registered status of the organization and shall deny to the organization any and all privileges to which it would otherwise be entitled as a registered student organization. [THE ORGANIZATION MAY THEREAFTER APPLY FOR RE-

REGISTRATION IF IT BECOMES ELIGIBLE TO DO SO.]  
Groups of students that are not registered may not use the institution's buildings and/or grounds. Registered student organizations may not enter into joint sponsorship of any on-campus project or program with individuals, groups, or students that are not registered.

Handed to this  
office by R. Gibson  
B42

Amend Subsection 4.73 of Section 4 of Chapter VI of Part One of the Regents' Rules and Regulations to read as follows:

4.73 At the beginning of each semester, each registered student organization or group must file with the appropriate institutional officer an affidavit stating that the organization or group does not, and will not during the semester, have as a member any person who is not either a student or a member of the faculty or staff of the institution. If an organization or group fails or refuses to file the required affidavit, or if, after such reasonable investigation as the institutional head shall deem appropriate (which investigation shall afford the accused registered organization or group a reasonable opportunity to appear and answer the charges against it), the institutional head shall during the semester find [IT IS DETERMINED AT ANY TIME DURING THE SEMESTER] that the affidavit is or has become false, and that the organization or group does, in fact, have as a member a person who is not either a student or a member of the faculty or staff of the institution, the institutional head [APPROPRIATE INSTITUTIONAL OFFICER] shall immediately cancel the registered status of the organization or group and shall deny to the organization or group any and all privileges to which it would otherwise be entitled as a registered student organization or group. The organization or group may thereafter apply for registration if it becomes eligible to do so.

Handed to this  
Office by R. Gibson  
BJS

Amend Subsection 6.13 of Section 6 of Chapter VI of Part One of the Regents' Rules and Regulations to read as follows:

6.13 Use of Physical Facilities of the University by Registered Student Organizations.--Registered student organizations may use an institution's buildings and/or grounds in compliance with reasonable and nondiscriminatory institutional regulations that shall specify the procedures under which such organizations may reserve the institution's buildings and/or grounds for their use; provided, however, that a registered student organization shall not reserve or use an institution's buildings [AND/OR GROUNDS] for any occasion or event that will be attended by more than 3 persons who are neither students nor employees of the institution. For the purpose of the foregoing sentence, members of the press who are actively engaged in covering the occasion or event and peace officers performing official duties shall not be counted as "persons who are neither students nor employees of the institution." If, after such reasonable investigation as the institutional head shall deem appropriate (which investigation shall afford the accused registered organization a reasonable opportunity to appear and answer the charges against it), the institutional head shall find that a registered student organization has reserved or used an institution's building for an occasion or event that was, in fact, attended by more than 3 persons who were neither students nor employees of the institution, the institutional head shall immediately cancel the registered status of the organization and shall deny to the organization any and all privileges to which it would otherwise be entitled as a registered student organization. The organization may thereafter apply for re-registration if it becomes eligible to do so. Groups of students that are not registered may not use the institution's buildings and/or grounds. Registered student organizations may not enter into joint sponsorship of any on-campus project or program with individuals, groups, or students that are not registered.