
From: Hegarty, Kevin P
Sent: Monday, August 05, 2013 8:50 AM
To: Sharphorn, Dan (dsharphorn@utsystem.edu)
Cc: Patricia Ohlendorf (pohlendorf@austin.utexas.edu); Carol Longoria (c.longoria@austin.utexas.edu); miwanski@mail.utexas.edu
Subject: FW: Select Committee on Transparency Document Preservation
Attachments: Doc Preservation Notice.2.DOCX; Trans Committee.7.25.13.PDF

Importance: High

Dan,

In accordance with the attached notice from you and as per the letter to Chairman Powell from the Select Committee on Transparency in State Agency Operations (the "Committee"), the University of Texas at Austin will not prepare and/or transmit to the UT System and/or the Board of Regents office any more documents, copies or originals, related to requests made for TPIA document files for as long as the Document Preservation Notice (the "Notice") remains in effect unless directed to do otherwise by the Committee. All or part of these files could relate to the investigation to be undertaken by the Committee of Regent Hall and therefore it is necessary to preserve all remaining records in their fully intact and unaltered form.

As you have been made aware both verbally and in writing, I remain deeply concerned that prior TPIA document files sent to the System were returned to the campus having been altered while in UT System possession. Further, the document files that were returned to the campus were not kept in the original order as transmitted to the UT System; rather, some seem to have been tossed back into the boxes at random. Because of both conditions, I cannot certify to the Committee that the campus can provide exactly what has been provided to the UT System and/or Board of Regents office previous to the Notice, in full and unaltered form. It will be necessary for the Committee to know this when and if the campus is requested to produce TPIA file documents.

To be clear, please know that the request made by you on behalf of Regent Hall dated July 19, 2013, requesting the June TPIA files and any other related requests for new documents and/or clarifications of prior requests that are pending are considered by this campus as cancelled, effective immediately. Once the Notice has been lifted it will be necessary for the UT System and/or the Board of Regents office to make new requests for such documents.

The campus will continue as normal to fulfill requests received invoking the Texas Public Information Act.

I recommend that for purposes of implementing the Notice at UT System you include on the list all persons in the Office of the General Counsel, all persons in the Board Office, all persons in the Office of External Relations and all persons in Office of Governmental Relations as our campus has had interactions with various persons in these offices on these matters.

Kevin Hegarty
Vice President and Chief Financial Officer and Custodian of Records
The University of Texas at Austin

From: Ohlendorf, Patricia
Sent: Sunday, August 04, 2013 10:30 PM
To: Brazzil, Nancy A; Hegarty, Kevin P; Farnsworth, Ward; Ishop, Kedra B; Carlos E Martinez
Cc: Powers, William C; Leslie, Steven W; Grigsby, Gwen; Roeckle, Charles A; Sentz, Jessica L
Subject: FW: Select Committee on Transparency Document Preservation
Importance: High

Dear Nancy, Kevin, Ward, Kedra, and Carlos,

Please see the email below and the attachment from the legislative committee. (You can ignore for now the attachment called doc preservation notice – that is a UT System document.)

Due to the Committee's request, we must send a document preservation notice to you and some of you staff. I also will be receiving one based upon the email below so another attorney in our office will be the sender.

Please let me know if the persons on your staff listed below are the correct persons and whether any should be deleted or added.

I would not send this request if the Legislative Committee had not required it.

Thanks for your help and I am sorry for the inconvenience.

Patti

From: Sharphorn, Dan [<mailto:dsharphorn@utsystem.edu>]
Sent: Tuesday, July 30, 2013 4:22 PM
To: President; Ohlendorf, Patricia
Cc: Lozano, Priscilla
Subject: Select Committee on Transparency Document Preservation

Dear President Powers and Patti:

Attached is a suggested document preservation notice in response to the Select Committee on Transparency document preservation request, also attached. Below is a list of names of individuals at UT Austin who we believe should be provided the notice. We recommend you include any other individuals you think appropriate and promptly send it out.

Please let me or Priscilla Lozano know if you have any questions.

Best wishes,

Dan Sharphorn

Dan Sharphorn
Vice Chancellor and General Counsel *ad interim*
The University of Texas System
201 West 7th Street
Austin, Texas 78701
512-499-4462
dsharphorn@utsystem.edu

UT Austin
William Powers

Nancy Brazzil
Patti Ohlendorf
Lawrence Sager
Ward Farnsworth
Kevin Hegarty
Carol Longoria
Annela Lopez
Margo Iwanski
Kedra Ishop
Samuel Riley
Rebecca Peppas
Kimberly Biar
Carlos Martinez

**DOCUMENT PRESERVATION NOTICE
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION**

Name: Official's/Employee's Name Date issued: July 30, 2013

Address: The University of Texas System
601 Colorado Street
Austin, TX 78701-2982800

The University of Texas System has received notice of an investigation of The Select Committee on Transparency in State Agency Operations of the Texas House of Representatives. UT System must now preserve all hard-copy documents and electronically stored information ("ESI") that relates to:

- Regent Wallace Hall;
- the application of Regent Hall to be a regent and supporting documentation;
- Regent Hall's investigation of the University of Texas Law school Foundation;
- Regent Hall's open records requests to The University of Texas at Austin;
- any other relevant documents, including personal documents.

This memo is being sent to you because you may have documents and ESI related to this investigation. As you assist us with this task, please keep a few things in mind.

First, do not discuss the investigation or the contents of this memo until you first discuss them with me, and UT System's IT Representative since each we can help you carry out your duty to comply with this memo. For your convenience, our contact information is listed at the end of this memo.

Second, as a UT System employee, you must comply with this Document Preservation Notice. If you do not do so, you will violate UT System policy and face disciplinary action up to and including termination.

Third, some of the categories of documents requested are very general, so it may be difficult to narrow down the scope of the documents and ESI that you must retain. Therefore, you should err on the side of preserving items that you are uncertain about. Also, you must retain this information regardless of UT System's retention policies or any other policies that apply to your department.

Fourth, the ESI you must preserve includes e-mails, voicemail messages, and all types of information commonly created, stored, and transferred by a computer, whether it is your work computer or your personal computer. **In fact, this**

Document Preservation Notice applies to all sources of electronically-stored information including University, departmental and home computers and computing networks, PDAs, laptops and tablet PCs, iPhones, Blackberrys, other cell phones, flash drives, answering machine systems and similar devices.

Please do not destroy, alter or erase any paper documents or ESI that you possess or control related to the specified categories of documents (example: letters, memoranda, reports, handwritten notes, e-mails, voice messages, computer records and programs, data, back-up tapes, DVDs/CDs, diskettes). SOME ITEMS CAN BE UNINTENTIONALLY ALTERED EVEN IF YOU SIMPLY ATTEMPT TO ACCESS THEM OR PRINT THEM OUT.

Fifth, you must review the attached Guidelines, especially Section 2, which relates to an official or employee responsibilities. Then, complete and return the attached Electronically Stored Information Questionnaire to me no later than five working days after you receive this notice. Also, please send a copy of the completed questionnaire to the IT Representative and Records Manager listed below. This questionnaire will be used to help the University preserve any ESI in your possession or control.

Finally, if any of your ESI is confidential, please mark it or segregate it so that we can keep it separate from other ESI covered by this Document Preservation Notice. As a reminder, this Document Preservation Notice and the instructions provided to you are a continuing obligation and apply to future ESI that is created or recorded and that you access, maintain custody over, or control. Likewise, the confidentiality instructions apply until you are notified in writing of a release.

If you have questions, please let me know. Many thanks for your cooperation.

Dan Sharphorn
Vice Chancellor and General Counsel *ad interim*
The University of Texas System
201 West 7th Street
Austin, Texas 78701
512-499-4462
dsharphorn@utsystem.edu

CC: IT Representative: Paula Miner
Office of Information Security
Phone: (512) 499-4597
E-mail: pminer@utsystem.edu

Records Manager: Barry Moody
Information Security Officer
Phone: (512) 499-4590
E-mail: bmoody@utsystem.edu

**PRIVILEGED AND CONFIDENTIAL: ATTORNEY-CLIENT COMMUNICATION
AND ATTORNEY WORK PRODUCT**

**ELECTRONICALLY STORED INFORMATION
QUESTIONNAIRE**

To assist UT System in identifying electronically stored information (ESI) it must preserve for this investigation, please complete the following questionnaire. If you are sure a named electronic device or component has no information related to the claim or lawsuit at issue, answer "no" to the Relevant Data question.

(Printed name)

DATE: _____

(Signature)

PHONE: _____

E-MAIL: _____

ELECTRONIC DEVICES. Provide information for each type of computer, personal digital assistants (PDAs) or other electronic device that you use. If you have multiple devices, identify them under "Other."

<u>Devices Used</u>	<u>Personal, Work, or Both?</u>	<u>Relevant Data?</u>
<input type="checkbox"/> Desktop	_____	Yes / No
If "Yes," what is the name/location of the folder it is in: _____		
<input type="checkbox"/> Laptop/Notebook	_____	Yes / No
If "Yes," what is the name/location of the folder it is in: _____		
<input type="checkbox"/> PDA	_____	Yes / No
<input type="checkbox"/> Digital Camera	_____	Yes / No
<input type="checkbox"/> Cell Phones	_____	Yes / No
<input type="checkbox"/> IPOD/MP3 player	_____	Yes / No
<input type="checkbox"/> Answering Machine	_____	Yes / No
<input type="checkbox"/> Other (Specify) _____	_____	Yes / No

If "Yes," what is the name/location of the folder it is in: _____

DATA STORAGE. List other places where you store electronic data. If you have multiple devices, identify them under "Other."

<u>Devices Used</u>	<u>Personal, Work, or Both?</u>	<u>Relevant Data?</u>
<input type="checkbox"/> Network/Server	_____	Yes / No
<input type="checkbox"/> Filenet	_____	Yes / No
<input type="checkbox"/> Worksite	_____	Yes / No
<input type="checkbox"/> External Hard Drive	_____	Yes / No
<input type="checkbox"/> Thumb Drive	_____	Yes / No
<input type="checkbox"/> Flash Drive	_____	Yes / No
<input type="checkbox"/> CD	_____	Yes / No
<input type="checkbox"/> DVD	_____	Yes / No
<input type="checkbox"/> Tape	_____	Yes / No
<input type="checkbox"/> Diskette	_____	Yes / No
<input type="checkbox"/> Floppy Disks	_____	Yes / No
<input type="checkbox"/> Voicemail	_____	Yes / No
<input type="checkbox"/> SharePoint/other protected sites _____	_____	Yes / No
<input type="checkbox"/> Databases	_____	Yes / No
<input type="checkbox"/> Record Software	_____	Yes / No
<input type="checkbox"/> Other Storage Devices	_____	Yes / No
(Specify) _____	_____	Yes / No
_____	_____	Yes / No

If you circled "Yes" above, please identify the device and the name/location of the folder the relevant data is in, if you know:

Device: _____ File Location: _____
 Device: _____ File Location: _____
 Device: _____ File Location: _____
 Device: _____ File Location: _____

MAIL SERVICE. List the e-mail services that you use entirely or in-part for work, including departmental or shared mailboxes(i.e. Outlook, Yahoo, AOL, Gmail).

Type	Personal or Shared?	Relevant Data?
_____	_____	Yes / No
_____	_____	Yes / No
_____	_____	Yes / No

If you circled "Yes" above, please identify the name/location of the folder it is in, if you know:

Device: _____ File Location: _____
 Device: _____ File Location: _____
 Device: _____ File Location: _____
 Device: _____ File Location: _____

IDENTIFY ENCRYPTED OR PASSWORD PROTECTED FILES OR DOCUMENTS: _____

IDENTIFY ESI SUBJECT TO THIS DOCUMENT PRESERVATION or LITIGATION HOLD THAT YOU BELIEVE TO BE CONFIDENTIAL UNDER ANY STATUTE, POLICY, OR PROCEDURE:

PLEASE RETURN THIS COMPLETED FORM TO Dan Sharphorn at dsharphorn@utsystem.edu or (512) 499-4523 (fax) within five (5) working days of receipt and send a completed copy to the following:

IT Representative:
Paula Miner
Manager of Information Systems
Phone: (512) 499-4597
E-mail: pminer@utsystem.edu

Records Manager:
Barry Moody
Information Security Officer
Phone: (512) 499-4590
E-mail: bmoody@utsystem.edu

An IT Representative will contact you in order to preserve or collect any relevant ESI that you have identified in this questionnaire.

OFFICE OF GENERAL COUNSEL GUIDELINES FOR PRESERVING ELECTRONICALLY STORED INFORMATION

These rules apply to all ESI and any computer that stores information that is relevant or potentially relevant to the above referenced investigation. The following guidelines are meant to explain all University officials' and employees' duty to preserve records and to emphasize specific procedural steps that must be immediately taken by University officials and employees in certain circumstances to protect and preserve ESI.

To the extent that UT System has notice of requests for records, this policy supersedes the applicable retention deadlines that would otherwise reasonably cause electronic document destruction prior to the time permitted under this policy.

DEFINITIONS

Document Preservation Notice (Notice)-- A formal directive issued by the Office of General Counsel (OGC) or institutional legal office to notify University officials and employees that the University is under a legal obligation to preserve information potentially relevant to an investigation.

Electronically Stored Information (ESI)-- All electronically stored information and data subject to possession, control, or custody of UT System regardless of its format and the media on which it is stored. ESI includes, but is not limited to: electronic files; communications, including e-mail and instant messages sent or received, and voicemail; data produced by calendaring software; and information management software. In addition to specific data that are electronically stored and readily retrievable, ESI includes data that may not be visible that is generated by a computer hard-drive, e-mail and instant messaging, information management software, handheld computer device (ex: Blackberry), telecommunications device, and any back-up storage device. ESI may be stored on different electronic devices and removable devices (ex: internal and external drives, PDAs, smart phones, servers, laptops, backup tapes, thumbdrives, CDs, DVDs) and may also reside at different locations (e.g., on the home or work systems, University or personal systems, in departmental files, etc.).

Employee-- Includes administrators, faculty, and staff of UT System Administration and UT System institutions.

Information Technology (IT) Representative-- Employee or employees within UT System Administration's or UT System institution's information technology departments or offices who have been designated by their University to assist in preserving and collecting records applicable to these guidelines.

Litigation Hold-- A formal directive issued by the Office of General Counsel (OGC) or institutional legal office to notify University employees that the University is under a legal obligation to preserve information potentially relevant to a lawsuit or claim.

Records Manager— Employee knowledgeable about his or her University's record retention policy who is designated by his or her University to assist in preserving records applicable to these guidelines.

The University of Texas System (UT System) — the nine academic and six health institutions set forth in *Education Code* Section 65.02 and the offices of the University of Texas System Administration.

University of Texas System institution (UT System institution, institution, or institutional)— one of the nine academic and six health institutions set forth in *Education Code* Section 65.02.

University— generic term for UT System Administration or a UT System institution.

RESPONSIBILITIES

The following steps shall be followed regarding preservation of documents and ESI through a Document Preservation Notice or Litigation Hold:

1. OFFICE OF GENERAL COUNSEL OR INSTITUTIONAL LEGAL OFFICE

1.1 Assess Need for Notice or Litigation Hold

A Litigation Hold or Document Preservation Notice will usually occur if (i) a legal claim has been made, (ii) the University has been put on notice that litigation is imminent (iii) the University has reason to believe that litigation is reasonably anticipated or other circumstances require the preservation of documents. Any time that OGC or an institutional legal office determines that there is sufficient cause, OGC or an institutional legal office will issue a Document Preservation or Litigation Hold Notice.

1.2 Determine the Scope of the Litigation Hold

OGC or the institutional legal office will determine what documents and ESI must be put "on hold" and the specific individuals likely to have possession, access or control over such documents and ESI in accord with the information provided to them by the University following receipt of the lawsuit, claim, potential claim or other circumstance requiring preservation.

1.3 Issue Notice

1.3.1 OGC or the institutional legal office will forward a Litigation Hold or Document Preservation Notice to relevant individuals who may have possession, access or control of ESI and other documents. These notices, as well as conversations about and responses provided as a result of these notices, are protected as attorney work-product and as confidential attorney-client communication.

1.3.2 Sample Litigation Hold Notice forms for both Pre-Litigation and Post-Litigation situations have been prepared by OGC.

1.4 Identify Scope and Collection Method of the ESI

OGC or the institutional attorney, in coordination with the IT representative, will identify the set of data that must be preserved, discuss how the ESI will be collected and discuss any other processes or circumstances particular to the claim or lawsuit (See Section 3.2).

1.5 Identify and Segregate Confidential Information

OGC shall review completed Questionnaires as to confidential ESI and ensure that confidential information is segregated from other information.

1.6 Monitor the Hold

OGC or the institutional legal office is responsible for monitoring the Litigation Hold, including whether the hold should be narrowed or broadened in scope, whether holds should be issued and/or released and what should occur should a recipient leave University employment.

1.7 Release the Hold

After it determines that the Litigation Hold can be removed, OGC or the institutional legal office will inform the IT representative and all named recipients of a Litigation Hold Notice in writing that the hold can be removed. A sample release form is attached as Appendix C. Removal of a Litigation Hold generally occurs after the statute of limitations related to the claim has expired, ESI has been collected, discovery has been completed, or when the lawsuit and all appeals have been exhausted. Documentation and ESI that were released from a Litigation Hold should be maintained and destroyed in accordance with a department's record retention schedule.

2. UNIVERSITY OFFICIAL OR EMPLOYEE RECEIVING NOTICE

2.1 Review, Notify, and Acknowledge Receipt

An official or employee who receives a Notice shall immediately review it, where applicable, notify his or her supervisor of it and acknowledge that he or she has received it.

2.2 **Preserve the Status-quo**

2.2.1 An official or employee who receives a Notice must suspend all personal practices regarding the destruction of ESI, such as the deletion or disposal of e-mails, voice mail, drafts of documents and all such items.

2.2.2 The official or employee must also disable all "janitorial" functions that are known to the employee that affect cache internet/temp folder creation such as automatic deletion of e-mails or other ESI or immediately contact the designated IT representative for assistance in disabling such functions. The official or employee should ask the IT representative to determine whether such functions exist and if so, should determine how and when they were disabled.

2.2.3 An official or employee may access ESI that the individual requires in the course of his/her ordinary business. However, if there is a need to access a document or file containing ESI that may be relevant to the investigation he/she should contact OGC or institutional legal office before:

- Opening a document that may contain ESI;
- Printing out ESI;
- Moving ESI from one file to another;
- Copying the ESI from one location or media to another;
- or
- Taking any action that could alter the ESI.

Note: For purposes of these guidelines, accessing a document, file, folder, program or other item to determine if it contains or may contain ESI is not part of an official's or employee's ordinary course of business.

2.3 **Complete and Submit Questionnaire**

2.3.1 The official or employee shall complete the Electronically Stored Information Questionnaire for all responsive information that the individual has possession, access or control over and submit the completed and signed questionnaire to OGC or institutional legal office within 5 working days after receiving it. The individual must also simultaneously provide a completed copy to (1) the IT

representative identified in the Notice, (2) the supervisor, where applicable and (3) the University's records manager.

2.3.2 When completing the questionnaire, the individual shall also identify any ESI subject to the Document Preservation Notice that he or she believes to be confidential under any statute, policy, or procedure, and provide such information in the Questionnaire. Examples of confidential information include attorney-client communications, intellectual property, proprietary information, medical records, medical committee records, and medical peer-review records.

2.4 Collect and Preserve Information

If the individual can do so without upsetting the status quo set forth in 2.2 above, she or he should take any other steps possible to protect and preserve ESI in the original electronic form on the media where it is stored so that all information is available for collection. ESI must be preserved, regardless of whether a hard copy already exists. Any media, such as CD roms, floppy disks, thumb-drives and the like on which ESI is stored, must not be used. The individual must also collect and preserve all relevant hard copies of information. To the extent possible, confidential information should be marked or segregated and produced separately from all other ESI subject to the Notice.

2.5 Provide Home Computers or Portable Devices

If the official or employee has a home computer or portable device that contains relevant ESI, he or she must bring it to the University to permit the IT representative to collect the relevant ESI.

2.6 Request Assistance

An official or employee who has questions on what to preserve, whether ESI contains confidential information, or how long to preserve ESI under the Notice, should contact the OGC or institutional legal office identified in the Litigation Hold Notice. An employee who has technical questions regarding accessing or preserving ESI should contact the IT representative.

2.7 Follow Records Retention Policy upon Removal of Hold

After OGC or the institutional legal office notifies the official or employee that the Document Preservation Notice has been lifted, he or she may resume his or her normal practices regarding the destruction of ESI, so long as those practices follow the institution's records retention schedule.

2.9 Comply with Hold Notice

If an official or employee does not comply with the request to preserve relevant ESI, he or she may face legal sanctions. Additionally, an employee who fails to comply with the request or these guidelines may be subject to disciplinary action.

3. UNIVERSITY INFORMATION TECHNOLOGY (IT) REPRESENTATIVE RECEIVING LITIGATION HOLD NOTICE

3.1 Determine Need for Immediate Action

After receiving a Document Preservation Notice, the IT representative shall review the notice and contact all recipients of the Notice to determine if any automatic ESI destruction procedures need to be suspended. If so, the IT representative shall take immediate steps to disable such functions to preserve the ESI.

3.2 Consult with Legal Counsel

After receiving the questionnaires completed by employees (see 2.3 above), the IT representative shall consult with OGC or the institutional legal office to identify the scope of data that must be preserved, the identification methods, collection processes, and searches to be qualified and implemented by the IT representative on the ESI along with any other processes or circumstances particular to the matter. The collection process utilized must ensure that the ESI can be accessed by those requiring access, ie. OGC, the Office of Attorney General.

3.3 Collect ESI

After receiving the questionnaire and consulting OGC or the institutional legal office, the IT representative shall take steps to collect all identified ESI using the Electronic Media Collection Checklist (Appendix D) and shall forward a completed checklist to OGC or institutional legal office. A completed checklist is protected as confidential attorney-client communication and/or attorney work product.

3.4 Assist in Litigation

The IT representative shall also assist OGC or the institution's legal counsel by providing technical knowledge regarding the institution's information technology structure, data storage, and the preserving and collection of ESI. This assistance may include providing affidavits and testifying in court or by deposition.

3.5 Follow Record Retention Policy upon Removal of Hold

Upon receipt of notice from OGC of the lifting of preservation requirements, any information stored by IT may be destroyed as

the record retention policy allows for the destruction of duplicative records, subject to any applicable standards that apply to the University's destruction of confidential information.

4. UNIVERSITY RECORDS MANAGER RECEIVING NOTICE

4.1 Review and Take Action as Needed

After receiving the Notice and the completed ESI Questionnaires, the records manager shall, after consulting with OGC or institutional legal office, review all automatic destruction processes and immediately halt any processes that may affect responsive documents or ESI. In addition, the records manager shall halt any future destruction of ESI pertaining to the matter.

4.2 Monitor

On an on-going basis, the records manager shall review both paper and electronic records to ensure that no notices/holds have been issued before approving record transfer/destruction. If such records are under a notice/hold, the records manager shall ensure the records are transferred to the OGC or the institutional legal office.

4.3 Follow Record Retention Policy upon Removal of Notice/Hold

After OGC or the institutional legal office notifies the Records Manager that the notice has been lifted or hold has been removed, the Records Manager will release disposition that had been approved for destruction, and release other records so that they can be disposed based on the retention periods provided in the UT System approved Records Retention Schedule, subject to any special requirements for destruction of confidential records.

5. STORAGE AND ACCESS

5.1 The OGC or the institutional legal office will be responsible for storing relevant ESI that can be collected and stored on CDs or similar portable devices.

5.2 If relevant ESI is too voluminous to be stored on CDs or similar portable devices, then OGC or the institutional legal office and the IT representative will consult to determine other possible storage locations.

HOUSE OF REPRESENTATIVES



Carol Alvarado
Co-Chair

SELECT COMMITTEE ON TRANSPARENCY IN STATE AGENCY OPERATIONS

Dan Flynn
Co-Chair

July 25, 2013

The Honorable Wm. Eugene "Gene" Powell
Ashbel Smith Hall, Suite 820
201 West 7th Street
Austin, Texas 78701

Dear Chairman Powell:

The Select Committee on Transparency in State Agency Operations of the Texas House of Representatives has initiated an investigation of University of Texas System Regent Wallace Hall. The committee is currently formulating a work plan to investigate the actions of Regent Hall. In order to ensure a full and fair investigation, this Committee requests that any and all documents relating to Regent Hall, his application to be a regent and supporting documentation, his investigation of the University of Texas Law School Foundation, his open records requests of University of Texas Austin, and any other relevant documents, including electronic and personal correspondence, be preserved until the completion of the Legislature's duties relating to this investigation.

It is very likely the work plan will require taking witness testimony on the actions of Regent Hall from some or all of the following individuals, most of whom are current employees of either the University of Texas at Austin or the University of Texas System:

- Bill Powers, President of UT-Austin;
- Lawrence Sager, Former Dean of UT Law School;
- Ward Farnsworth, Dean of UT Law School;
- Kedra Ishop, Director of Admissions UT-Austin;
- Samuel Riley, Director for Admission Programs, UT Law School;
- Rebecca Peppas, Admissions Coordinator, UT Law School;
- John Massey, UT Law Foundation;
- Barry Burgdorf, Former General Counsel of the UT System OGC;
- Francie Frederick, General Counsel to the Board of Regents; and
- Randa Safady, UT Vice Chancellor for External Relations,

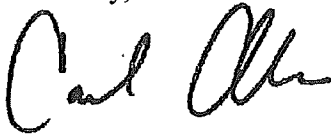
In order to ensure the integrity of the witness testimony, the Committee asks that no adverse employment action be taken against any proposed witness for the duration of the investigation

absent compelling justification. In the event such employment action is taken, the committee expects a thorough briefing as to the rationale for the action.

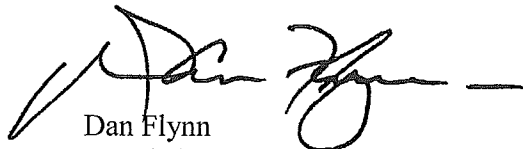
In summary, the Committee requests that no action be taken by the Board of Regents, the University of Texas System, or the University of Texas at Austin, that would directly or indirectly affect the availability of a proposed witness or access to a document. The Committee expects your complete cooperation with this investigation.

If you have any questions on this matter, please contact the clerks for the committee, Rich Ramirez or Mathew Posey, at (512)463-8160.

Sincerely,



Carol Alvarado
Co-Chair, Select Committee on
Transparency in State Agency Operations



Dan Flynn
Co-Chair, Select Committee on
Transparency in State Agency Operations