

Powers, William C

From: Cigarroa, Francisco <fcigarroa@utsystem.edu>
Sent: Thursday, May 29, 2014 10:35 PM
To: Powers, William C
Cc: Cigarroa, Francisco; Reyes, Pedro

Dear Bill:

In follow up to Regent Hall's request to visit with Dr. Kidra Ishop to learn more about the admissions process, as well as your view and my sensitivity towards your view of having other experts with Dr. Ishop at this meeting, I am setting forth the following plan:

I ask you to provide me with a list of individuals in addition to Dr. Ishop that Regent Hall should be able to visit with who have expertise on admissions. I respect Regent Hall's position that he would like to visit with these experts individually as it is within his right as a regent. I cannot deny this right to a regent as it is within our Regents Rules. I have also asked Regent Hall that I would like to have Dr. Pedro Reyes at this meeting as he is UT System's Chief Academic Officer and he is very knowledgeable on admission matters; in fact, he is helping me enhance our admission policies system wide as I proposed to our Board of Regents last month. Regent Hall is perfectly acceptable with having Dr. Pedro Reyes in the meeting with Dr. Ishop as well as any future meetings as the purpose of the meeting is to learn more about the admissions process, especially in light of the Chancellor's desire to enhance admissions policies across the University of Texas System. To alleviate concerns [REDACTED]

[REDACTED] Mr. David Morales who is a deputy general counsel to the Board of Regents, will be present at the meeting. The structure of this proposed meeting addresses my recommendation and desire that there be an academic officer present at this meeting in addition to having general counsel available as it relates to protecting any attorney/client privilege.

We will schedule the first meeting with Dr. Ishop. I await your list of additional experts on admissions as well. Please provide a description with this list conveying the expertise of each of these additional members as it relates to admissions. We will schedule additional meetings with your suggested experts as needed to provide Regent Hall with the best information possible related to admissions at UT Austin. I ask you to please notify Dr. Ishop of this upcoming meeting; please notify Dr. Reyes as soon as you have reached out to Dr. Ishop so we can have the Board of Regents Office begin to coordinate this meeting.

I want to personally thank you for our conversation this morning as well as your cooperation and professionalism. I have also discussed the structure of this proposed meeting with Chairman Foster and he concurs with my recommendation.

With greatest respect,

Francisco

Sent from my iPad

Powers, William C

From: Cigarroa, Francisco <fcigarroa@utsystem.edu>
Sent: Monday, May 26, 2014 9:58 PM
To: Powers, William C
Subject: Fwd: Thursday Admissions Meeting

Dear Bill: Here is the context per our discussion today. Will await your phone call tomorrow morning.

Thank you for your understanding,
Francisco

Sent from my iPad

Begin forwarded message:

From: Wallace Hall <[REDACTED]> <mailto:[REDACTED]>>
Date: May 26, 2014 4:05:49 PM CDT
To: "Dr. Francisco G. Cigarroa" <fcigarroa@utsystem.edu<mailto:fcigarroa@utsystem.edu>>
Cc: "Paul L. Foster" <[REDACTED]>>, "Francie A. Frederick" <FFrederick@utsystem.edu<mailto:FFrederick@utsystem.edu>>, Dan Sharporn <dsharporn@utsystem.edu<mailto:dsharporn@utsystem.edu>>, "dmorales@utsystem.edu<mailto:dmorales@utsystem.edu>" <dmorales@utsystem.edu<mailto:dmorales@utsystem.edu>>
Subject: Re: Thursday Admissions Meeting

Dear Chancellor,

While I continue to appreciate and value your opinions and those of others concerning my request, my request nevertheless remains unchanged. My plan is to meet with Dr. Ishop (selected by UT Austin) with a UT System board attorney provided by GC Frederick or her 2nd in command as soon as practicable. It is also my request that this meeting be restricted to these persons.

We have had much back and forth relating to the myriad of complexities that you suggest may exist but we have reached a point where we simply must agree to disagree on the best path forward.

Under the Regent's Rules, Section 10101, Rule & Regulation 2. Sections 3 & 4

Duties and Responsibilities of Each Regent.

1. 3.1 In carrying out the duties and responsibilities referenced in Section 1 above, it is the responsibility of each Regent to be knowledgeable in some detail regarding the operations, management, finances, and effectiveness of the academic, research, and public service programs of the U. T. System, and each member of the Board of Regents has the right and authority to inform himself/herself as to the duties, responsibilities, and obligations of the member in such a manner as they each may deem proper. Members of the Board of Regents are to be provided access to such information as in their individual judgments will enable them to fulfill their duties and responsibilities as Regents of the U. T. System.

Sec. 4. Communication with Faculty, Staff, and Administration. Members of the Board of Regents are to be provided access to such personnel as in their individual judgments will enable them to fulfill their duties and responsibilities as Regents of the U. T. System. The regular channel of communication from members of the Board to the faculty, staff, and administration is through the Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved, and a copy of any communication sent by a Regent directly to any member of the faculty,

staff, or administration should be furnished to the Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved; however, individual Board members are not precluded from direct participation and communication with the presidents, faculty, staff, and students of the U. T. System.

I do believe the Rules & Regulations support both the purpose and appropriateness of my request. And although I have made multiple requests to schedule this meeting, I do unfortunately continue to face obstacles evidenced by the lack of a scheduled meeting. If you are unwilling or unable to perform on my request, I will then stand on the last sentence of the previous paragraph for my future communications with Dr. Ishop. Please let me know your decision at your earliest possible opportunity.

Many thanks

wlh

Powers, William C

From: Cigarroa, Francisco <fcigarroa@utsystem.edu>
Sent: Tuesday, May 27, 2014 11:22 AM
To: Powers, William C
Subject: Fwd: Thursday Admissions Meeting

Sent from my iPhone

Begin forwarded message:

From: <fcigarroa@utsystem.edu<mailto:fcigarroa@utsystem.edu>>
Date: May 27, 2014, 11:18:55 AM CDT
To: Wallace Hall <[REDACTED]<mailto:[REDACTED]>>, Francie Frederick
<FFrederick@utsystem.edu<mailto:FFrederick@utsystem.edu>>, Paul Foster
<pfooster@utsystem.edu<mailto:pfooster@utsystem.edu>>, David Morales
<dmorales@utsystem.edu<mailto:dmorales@utsystem.edu>>, Dan Sharporn
<dsharporn@utsystem.edu<mailto:dsharporn@utsystem.edu>>
Subject: Re: Thursday Admissions Meeting

Dear Regent Hall:

I respect and appreciate the clarity of your position. I spoke to President Powers this morning to determine whether they still desired to have Dr. Ishop accompanied by other leaders/experts at UT Austin. The answer was yes. As I conveyed to you in my previous emails, I believe President Powers' position has merit. I appreciate the fact that you and I can respectfully agree to disagree on my support of President Powers request to have additional experts with Dr. Ishop.

Because of our differing positions, I will follow the path of resolving this difference in position by seeking guidance from Chairman Foster asap. I really want to facilitate this meeting as quickly as possible.

Francie, can you please coordinate.

With great respect,
Francisco

Sent from my iPad

On May 26, 2014, at 4:07 PM, "Wallace Hall" <[REDACTED]<mailto:[REDACTED]>>
wrote:

Dear Chancellor,

While I continue to appreciate and value your opinions and those of others concerning my request, my request nevertheless remains unchanged. My plan is to meet with Dr. Ishop (selected by UT Austin) with a UT System board attorney provided by GC Frederick or her 2nd in command as soon as practicable. It is also my request that this meeting be restricted to these persons.

We have had much back and forth relating to the myriad of complexities that you suggest may exist but we have reached a point where we simply must agree to disagree on the best path forward.

Under the Regent's Rules, Section 10101, Rule & Regulation 2. Sections 3 & 4

Duties and Responsibilities of Each Regent.

1. 3.1 In carrying out the duties and responsibilities referenced in Section 1 above, it is the responsibility of each Regent to be knowledgeable in some detail regarding the operations, management, finances, and effectiveness of the academic, research, and public service programs of the U. T. System, and each member of the Board of Regents has the right and authority to inform himself/herself as to the duties, responsibilities, and obligations of the member in such a manner as they each may deem proper. Members of the Board of Regents are to be provided access to such information as in their individual judgments will enable them to fulfill their duties and responsibilities as Regents of the U. T. System.

Sec. 4. Communication with Faculty, Staff, and Administration. Members of the Board of Regents are to be provided access to such personnel as in their individual judgments will enable them to fulfill their duties and responsibilities as Regents of the U. T. System. The regular channel of communication from members of the Board to the faculty, staff, and administration is through the Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved, and a copy of any communication sent by a Regent directly to any member of the faculty, staff, or administration should be furnished to the Chancellor, the appropriate Executive Vice Chancellor, and the president of the institution involved; however, individual Board members are not precluded from direct participation and communication with the presidents, faculty, staff, and students of the U. T. System.

I do believe the Rules & Regulations support both the purpose and appropriateness of my request. And although I have made multiple requests to schedule this meeting, I do unfortunately continue to face obstacles evidenced by the lack of a scheduled meeting. If you are unwilling or unable to perform on my request, I will then stand on the last sentence of the previous paragraph for my future communications with Dr. Ishop. Please let me know your decision at your earliest possible opportunity.

Many thanks

wlh

Sent from my iPad

On May 25, 2014, at 9:53 PM, "Cigarroa, Francisco"

<<mailto:fcigarroa@utsystem.edu>fcigarroa@utsystem.edu<mailto:fcigarroa@utsystem.edu>> wrote:

Dear Regent Hall:

You are welcome and thank you for the opportunity to have an honest exchange of viewpoints. In regards to your understanding that any attorney client privilege concerns are moot, given that a member of Francie Frederick's General Counsel to the Board of Regents team will be present, might very well be the case as long as Francie Frederick's team is an attorney. It was, however,

[REDACTED] I was and remain sensitive to their concern as it has merit. Nevertheless, I will have Dan Sharphorn provide his professional opinion on this issue.

I do not believe there are additional "obstacles" to having your request fulfilled but there do remain concerns. Regents Rule 10101, Section 3.5, states that members of the board will at all times respect management and reporting lines for U.T. System and institutional employees. Dr. Ishop is not a direct report to the President but rather the Provost. If the purpose of the meeting with Dr. Ishop is to learn more about the operations of UT Austin's admissions process, it is then unreasonable for the Chancellor to deny UT Austin the opportunity to have the Provost be present with Dr. Ishop if she

or UT Austin leadership desires. If I deny the opportunity for Dr. Ishop to have a representative with her such as the provost, and the meeting is then a meeting with only you and an attorney from the Office of the Board of Regents or UT System, then it appears (right or wrong) that the meeting is for the purpose of an interrogation of an employee. This in turn can be perceived (right or wrong) as a regent embarking upon an inquiry or investigation. Again, this is not an obstacle but rather a strong concern.

It remains my desire to facilitate a meeting with you and Dr. Ishop for the purpose of learning more about the operations of UT Austin's admission process. At the same time, I would like to be respectful of UT Austin's views as well as convey my concerns of denying Dr. Ishop the ability to be accompanied by a representative if she so desires for the reasons outlined in the previous paragraph.

Respectfully,

Francisco

Sent from my iPad

On May 25, 2014, at 12:25 AM, "Wallace Hall"

<<mailto:[REDACTED]>[REDACTED]<mailto:[REDACTED]>> wrote:

Dear Chancellor,

Thank you for the analysis. My understanding is that any attorney client concerns are moot given that a member of GC Frederick's team will be present. Additionally, there is no need for the inclusion of a UT Austin academic administrator as it will not impact the attorney client concerns, which are resolved by the previous sentence.

Please help me understand what additional obstacles remain to having this request fulfilled as soon as possible. Many thanks

wlh

On May 24, 2014, at 11:02 PM, "Cigarroa, Francisco"

<<mailto:fcigarroa@utsystem.edu><mailto:fcigarroa@utsystem.edu>fcigarroa@utsystem.edu<mailto:fcigarroa@utsystem.edu>> wrote:

Dear Regent Hall:

The specificity is related to UT Austin's [REDACTED]

[REDACTED] This was the case in March 2014 identified in an email written by Francie Frederick to you and Dr. Reyes on March 25th, 2014 related to your request to meet with a senior admissions officer and UT Austin's request to include additional parties.

It is possible that UT Austin no longer requests to include additional parties to your meeting with Dr. Ishop. If so, my concern is resolved. If UT Austin or Dr. Ishop request general counsel and/or an academic administrator to be present at the meeting, I would find it difficult to deny that request as their concern has merit and you would still have access to Dr. Ishop to learn more about the operations of UT Austin's admissions process.

I hope this is helpful.

With respect, Francisco

Sent from my iPad

On May 24, 2014, at 7:00 PM, "Wallace Hall"

<<mailto:[REDACTED]>><mailto:[REDACTED]>><mailto:[REDACTED]>><mailto:[REDACTED]>> wrote:

Dear Chancellor,

I am confused why the [REDACTED] is a concern regarding a regents effort to learn more about the operations of UT Austin's admissions process? It appears from your objection to be the reason, so I would appreciate understanding the specifics. Many thanks

wlh

Sent from my iPad

On May 24, 2014, at 12:35 AM, "Cigarroa, Francisco"

<<mailto:fcigarroa@utsystem.edu><mailto:fcigarroa@utsystem.edu><mailto:fcigarroa@utsystem.edu>fcigarroa@utsystem.edu<mailto:fcigarroa@utsystem.edu>> wrote:

Dear Regent Hall:

Thank you for your clarification. At the time of your request in March 2013, I also recommended that Dr. Ishop be given the opportunity to be accompanied by UT Austin leadership including their general counsel because of the [REDACTED]

I continue to be willing to coordinate a meeting with you and Dr. Ishop. As in March 2013, my recommendation remains to include Dan Sharporn in your visit with Dr. Ishop. Furthermore, if Dr. Ishop requests to be accompanied by UT Austin general counsel and/or an academic administrator, I would not want to deny her request as I feel it is appropriate in light of the [REDACTED]

If my recommendation remains unsatisfactory to you, I would be pleased to discuss your perspective with our Chairman and follow the path outlined in our new Regent Rules as to how to resolve a concern to a regental request.

With greatest respect,
Francisco

Sent from my iPad

On May 23, 2014, at 9:49 AM, "Wallace Hall"

<<mailto:[REDACTED]>><mailto:[REDACTED]>><mailto:[REDACTED]>><mailto:[REDACTED]>> wrote:

Dear Chancellor Cigarroa,

ederick@utsystem.edu><mailto:FFrederick@utsystem.edu>FFrederick@utsystem.edu<mailto:FFrederick@utsystem.edu>>

Date: Tuesday, March 25, 2014 10:43 PM

To: "Reyes, Pedro"

<<mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu>PREyes@utsystem.edu<mailto:PREyes@utsystem.edu>>, "<Wallace Hall>"

Cc: Francisco Cigarroa

<<mailto:fcigarroa@utsystem.edu><mailto:fcigarroa@utsystem.edu><mailto:fcigarroa@utsystem.edu><mailto:fcigarroa@utsystem.edu><mailto:fcigarroa@utsystem.edu>fcigarroa@utsystem.edu<mailto:fcigarroa@utsystem.edu>>, Dan Sharphorn

<<mailto:dsharphorn@utsystem.edu><mailto:dsharphorn@utsystem.edu><mailto:dsharphorn@utsystem.edu><mailto:dsharphorn@utsystem.edu><mailto:dsharphorn@utsystem.edu>dsharphorn@utsystem.edu<mailto:dsharphorn@utsystem.edu>>

Subject: RE: Update: Thursday Admissions Meeting

One correction below: It should be Dr. Ishop. My apologies.

Francie

<image001.png>

Francie A. Frederick, J.D.

General Counsel to the Board of Regents

Office of the Board of Regents

The University of Texas System

Ph: (512) 499-4402 Fax: (512) 499-4425

201 West Seventh Street, Suite 820, Austin, Texas 78701

From: Frederick, Francie

Sent: Tuesday, March 25, 2014 10:37 PM

To: Reyes, Pedro; Wallace Hall - Regent

Cc: Cigarroa, Francisco; Foster, Paul - Chairman; Sharphorn, Dan

Subject: Update: Thursday Admissions Meeting

Importance: High

Regent Hall and Dr. Reyes:

After review of the request from Regent Hall to meet with a senior admissions officer and UT Austin's request to include additional parties, Chancellor Cigarroa suggests the meeting should include Regent Hall, Dr. Reyes, and Mr. Sharphorn as well as Provost Fenves, Dr. Ishop, and Ms. Ohlendorf. This smaller meeting should be more conducive to conversation while addressing UT Austin's concerns about maintaining attorney client privilege on [REDACTED]

[REDACTED] Chancellor Cigarroa discussed this approach tonight with Chairman Foster who supports it.

Regent Hall, Art Martinez remains available to attend if needed.

Thank you,

Francie

<image001.png>

Francie A. Frederick, J.D.

General Counsel to the Board of Regents

Office of the Board of Regents

The University of Texas System

Ph: (512) 499-4402 Fax: (512) 499-4425

201 West Seventh Street, Suite 820, Austin, Texas 78701

From: Reyes, Pedro
Sent: Tuesday, March 25, 2014 9:20 PM
To: Wallace Hall - Regent
Cc: Frederick, Francie
Subject: Re: Admissions Meeting

Got it. Thx. Pr

Sent from my iPhone

On Mar 25, 2014, at 9:08 PM, "Wallace Hall"

<<mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]>>> wrote:

Pedro,

Just to make sure there is no confusion, my request is to meet with the UT admissions representative, Ms. Ishop, so I'm not sure who else you are referring to? Thank you

wlh

From: <Reyes>, Pedro
<<mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu><mailto:PREyes@utsystem.edu>>>

Date: Tuesday, March 25, 2014 8:18 PM

To: Wallace Hall

<<mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]>>>

<<mailto:FFrederick@utsystem.edu><mailto:FFrederick@utsystem.edu><mailto:FFrederick@utsystem.edu><mailto:FFr
ederick@utsystem.edu><mailto:FFrederick@utsystem.edu>FFrederick@utsystem.edu<mailto:FFrederick@utsystem.ed
u>>

We will get them to be there at 9am. Thx. Pr

On Mar 25, 2014, at 7:04 PM, "Wallace Hall"

<<mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]>
<mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]><mailto:[REDACTED]>
>> wrote:

with

<<mailto:FFrederick@utsystem.edu><mailto:FFrederick@utsystem.edu><mailto:FFrederick@utsystem.edu><mailto:FFrederick@utsystem.edu><mailto:FFrederick@utsystem.edu><mailto:FFrederick@utsystem.edu>FFrederick@utsystem.edu<mailto:FFrederick@utsystem.edu>> wrote:

Pedro, is the meeting currently set for 9 or 10? In working to allow Dan to attend, I probably muddled the time a bit. Thanks.

<image001.png>

Francie A. Frederick, J.D.

General Counsel to the Board of Regents

Office of the Board of Regents

The University of Texas System

Ph: (512) 499-4402 Fax: (512) 499-4425

201 West Seventh Street, Suite 820, Austin, Texas 78701

From: Wallace Hall

[REDACTED] <mailto:[REDACTED]> <mailto:[REDACTED]> <mailto:[REDACTED]> <mailto:[REDACTED]>

Sent: Tuesday, March 25, 2014 3:55 PM

To: Reyes, Pedro

Cc: Frederick, Francie

Subject: Re: Admissions Meeting

Dear Pedro,

