

OFFICE OF THE VICE PRESIDENT AND CHIEF FINANCIAL OFFICER
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April 3, 2013

Ms. Francie Frederick
General Counsel to the Board of Regents
Office of the Board of Regents
Ashbel Smith Hall, Ste. 820
Austin, Texas 78701

Dear Ms. Frederick:

It has come to my attention that Ms. Carol Longoria of my office was contacted last evening by Ms. Karen Rabon of your office and verbally told that "Regent Hall has strongly reiterated that he wants UT Austin open records files for December 2012 and January 2013." Please know that I, as the designated custodian of records for The University of Texas at Austin, my staff, and this campus want to comply with this request. Also, as this is a matter of great public and legislative concern, I believe it is of utmost importance that we follow the federal and state law in complying with this request and all related requests for campus records. In this regard, I ask that all requests for UT Austin records comply with the following procedures:

1. Direct all requests for information, whether made under the Texas Public Information Act ("TPIA") or an exercise of Regental privilege, to me as the designated custodian of records;
2. All requests for information should be made in writing and include the name of the requestor, the purpose of the request if it involves confidential or protected information such as FERPA records, and the proposed time for response; and
3. If a request is made outside of the TPIA, such as this and Regent Hall's prior requests for UT Austin records, the request should be accompanied by a letter from a UT System legal representative who is positioned to defend me as custodian of records. Further, the letter needs to state the legal basis for complying with the request should its fulfillment be subsequently challenged in any legal proceeding. Although not trained in the law or legal ethics, I do understand that an attorney is prohibited from advising two clients with potentially adverse interests. As such, I do not feel that the Board's legal counsel can also serve as my counsel and that of the UT Austin campus.

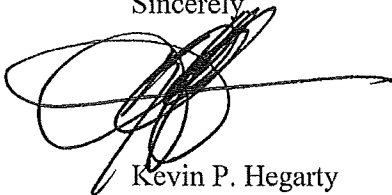
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In my March 7, 2013 email to you, I outlined several of my concerns related to Regent Hall's current and prior requests for campus records (attached). To date, I have received no response to the questions in that email. I have been told by Board employees that each request for these open record files has been made by Regent Hall. As you are aware, at the time that Regent Hall initially requested campus records, UT Austin questioned whether a single member of the Board has a right of access to privileged or confidential records maintained by the University of Texas at Austin without delegated authority by the Board. Regent Hall appears to be acting on his own behalf, and to my knowledge, is not acting at the request of the Board of Regents. This raises a question about whether he should have access that exceeds that of the general public and/or the Legislature. This question must be addressed satisfactorily and resolved by legal representatives outside of the Board of Regents' office before I will release any further UT Austin records.

To emphasize again, I, as custodian of records, and this campus will comply with this and all requests for information. Therefore, I insist that we do so in full accord of the rule of law. At the last meeting of the Board, Regent Cranberg made a comment about the critical importance of maintaining the public's trust of the University of Texas System and its institutions. His comment resonates with me. I feel it is critically important in order to maintain the public's trust that this and any related communications, whether by email, letter or otherwise, be made available to the public in order to achieve transparency. Therefore, as custodian of records for The University of Texas at Austin and as the "client" in these matters, I do not want this or any correspondence related to Regent Hall's requests for records to be withheld from the public, if requested.

I await your response.

Sincerely

A handwritten signature in black ink, appearing to read 'Kevin P. Hegarty', with a long horizontal stroke extending to the right.

Kevin P. Hegarty
Vice President and Chief Financial Officer
Custodian of Records

Attachment