

MINUTES OF A SPECIAL MEETING  
BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA  
FEBRUARY 21, 1977

A special meeting of the Board of Regents of the University of Oklahoma was held in Dining Room 5 of the Oklahoma Memorial Union on the Norman Campus of the University on Monday, February 21, 1977, beginning at 5:15 p.m.

The following were present: Regent Mack M. Braly, President of the Board, presiding; Regents Thomas R. Brett, Bob G. Mitchell, M.D., Dee A. Replogle, Jr., and Charles E. Engleman.

Absent: Regents K. D. Bailey and Richard A. Bell.

The following were also present: Dr. Barbara S. Uehling, Acting President of the University, Dr. Thomas H. Tucker, University Chief Counsel, Dr. Beverly Ledbetter, University Legal Counsel, and Mrs. Barbara H. James, Executive Secretary of the Board of Regents. Mr. Robert Gilliland, Attorney, representing Regent Replogle also was present.

Regent Braly said this special meeting was called for the purpose of discussing certain litigation involving the University and the Regents and for that reason he entertained a motion to go into executive session for the discussion of that particular business. Regent Replogle moved the Board convene in executive session for the purposes stated by the Chair. The following voted yes on the motion: Regents Braly, Brett, Mitchell, Replogle, and Engleman. The Chair declared the motion carried. Regent Braly said the executive session would now be held and he asked all those not part of the staff or a member of the Board to leave the room.

Mr. Wayne Singletary entered a protest to the closed session. As a student and a reporter, he said, he feels he has a right to know what the Regents are doing.

Regent Brett asked Dr. Tucker if it is a proper action for the Board to move into executive session for the purpose of discussing pending litigation. Dr. Tucker said case law basically states the public interest is best served by allowing governing boards to discuss litigation in executive session. In discussing legal actions, attorneys must acknowledge to clients the strong and weak points of a case. If publication of those weak points were allowed, Dr. Tucker said, the opponents in a suit would be able to attack the case in the vulnerable areas. Dr. Tucker explained it has been generally recognized across the country that governing bodies may meet in executive sessions to confer with attorneys with regard to pending litigation, which is an exception to the open meetings law. He commented that the Oklahoma Attorney General has recognized this and has written an opinion regarding it recently.

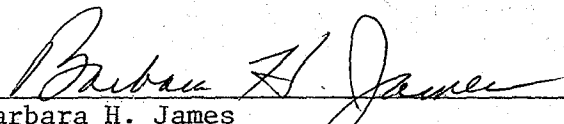
The room was then cleared and the Regents went into executive session with only the members of the staff and the Regents present.

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The Board reconvened in open meeting following the executive session. Regent Braly said no decisions were made which would require action by the Board.

There being no further business, the meeting was adjourned at 6:45 p.m.

  
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Barbara H. James  
Executive Secretary of the Board of Regents