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MARCH 9, 1978

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MINUTES OF THE ANNUAL MEETING
THE UNIVERSITY OF OKLAHOMA BOARD OF REGENTS
MARCH 9, 1978

A regular 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 Thursday, March 9, 1978, beginning at 9:00 a.m.

Notice of the time, date, and place of this meeting were submitted to the Secretary of State as required by Enrolled House Bill 1416 (1977 Legislature).

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

Absent: Regent K. D. Bailey.

The following were also present: Dr. Paul F. Sharp, President of the University; Provosts Barbara Uehling and William G. Thurman; Vice Presidents Burr, Morris, and White; Mr. Joseph C. Ray, Executive Assistant to the President; Mr. R. Boyd Gunning, University Trust Officer; and Mrs. Barbara H. James, Executive Secretary of the Board of Regents.

Regent Brett announced the Board originally set the meeting at 9:00 a.m. this morning in order to hear the matter regarding the degree of Benjamin Franklin Hart, Jr. Mr. Brett said Mr. Hart's counsel present at this time, however, has requested that if the Regents' schedule will permit they would like this matter to be taken up at the end of the meeting so that Mr. Hart's other counsel can be present. Mr. Brett said the schedule will accommodate that and the Regents will proceed with the other business of the meeting.

The minutes of a special meeting held on February 15-16, 1978, the regular meeting held on February 16, 1978, and the special meetings of February 21, 1978, and February 26, 1978, were approved as printed and distributed prior to the meeting on motion by Regent Engleman and with the following affirmative vote: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White.

The first order of business was the election of officers of the Board for 1978-79.

Regent Bell moved that Regent Bob G. Mitchell be elected President of the Board. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared Dr. Mitchell unanimously elected.

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Regent Replogle moved that the office of Vice President of the Board remain vacant for the moment and be filled on an ad hoc basis. The following voted yes on the motion: Regents Brett, Mitchell, and Replogle. Regent Bell voted no. Regents White and Engleman abstained. The Chair declared the motion carried.

Regent Replogle moved that Mrs. Barbara H. James be re-elected Executive Secretary of the Board. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

President Sharp said it is a great pleasure for him to announce that Vice President Thurman White has been awarded the prestigious Julius M. Nolte Award by the National University Extension Association in recognition of unusual and extraordinary contributions to the cause of continuing education at the university level. President Sharp said this is the highest recognition award of the NUEA and will be presented to Dr. White at their annual awards on April 10.

President Sharp called attention to the fact that this is Regent Brett's last meeting as a Regent. He said during Regent Brett's seven years on the Board we have had with us a colleague whose counsel we have all cherished and appreciated; his judgment has been a guidance for us all. President Sharp said he has been impressed that at considerable personal sacrifice he has found time and the energy to dedicate himself to the University. On behalf of the entire University community, President Sharp expressed appreciation for all Regent Brett has done for us.

Regent Brett responded that serving on the Board has been a rich experience, an unforgettable experience, and that he has enjoyed it very much.

Regent Replogle, Chair of the Budget Committee, said only one item on which action is required and which was not included on the agenda mailed to the Board was considered by the Budget Committee at the meeting yesterday, as follows:

External Auditing Services

Regent Replogle said the following regarding the solicitation of proposals for auditing services was presented:

Gentlemen:

The University of Oklahoma Board of Regents is soliciting bids from certified public accounting firms interested in auditing the University of Oklahoma, Norman Campus balance sheet and related statements of revenues and expenditures and fund balances for the fiscal year ended June 30, 1978.

This invitation is being extended to your firm with the full knowledge of the firm which was engaged during the previous nine (9) years.

The independent auditors for the 1977-78 fiscal year will be selected by the University of Oklahoma Board of Regents upon recommendation by the University administration after the administration has reviewed the proposal submitted and conducted personal interviews, if deemed necessary.

The firm accepting this engagement shall conduct their audit in accordance with generally accepted auditing standards as defined by the American Institute of Certified Public Accountants. The industry audit guide "Audits of Colleges and Universities", the "Statement on Auditing Standards" published by the AICPA and any subsequent revisions and AICPA pronouncements shall constitute the main source of audit standards.

The Board will require a combined report containing the following:

- I. A. Report of certified public accountants
 - B. Financial statements
 1. Balance sheets
 2. Statement of current funds revenues, expenditures and other changes in fund balances
 3. Statement of changes in fund balances loan funds
 4. Statement of changes in fund balances endowment funds
 5. Statement of changes in fund balances plant funds
 6. Notes to financial statements
 - C. Supplementary Information
 1. Educational and general accounts:
 - a. Combining balance sheet
 - b. Combining statement of current fund revenues, expenditures and other changes in fund balances
 2. Statement of changes in revenue bonds
 3. Revenue Bond System:
 - a. Balance sheet
 - b. Statement of current funds revenues, expenditures and other changes in fund balances
 - c. Statement of changes in fund balances plant funds
 - d. Insurance in force
- II. The proposal should provide for your firm to prepare a management letter or separate memorandum in which you will indicate any existing weakness in accounting, fiscal procedures, or internal control and other matters that may come to your attention, together with any recommendations for correction or improvements.

It should be noted that the auditors will accept the University's valuations of equipment, building, improvements other than buildings and land, and consequently, the opinion of the financial statements will be qualified to that extent. Also, the audit activities of the Internal Auditing Office of the University will be coordinated with those of the auditing firm, as related to audit tests and procedures.

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The audit report shall be addressed to the Board of Regents, University of Oklahoma and must be completed and ready to present to the Board at the November meeting after the close of the fiscal year, June 30.

Each Auditing firm must include, as a minimum, the following information in the proposal:

(1) The proposal shall contain the name and address of the proposer and shall be signed by an authorized officer.

(2) A brief description of the professional experience of lead personnel and anticipated supporting personnel to be employed on the project.

(3) Estimated number of staff and the amount of time to be expended by each staff member.

(4) An overall description of the techniques by which the firm intends to complete objectives of the project.

(5) The total cost of the project with a detailed breakdown on how this cost was computed.

It is expected that if a proposal is accepted, the University will pay the agreed amount in two separate payments. One-half of the audit fee is payable by the University at the time the audit is approximately one-half completed and the remaining fee is payable by the University upon completion of the audit.

It will be understood that fee estimates will include all audit costs to include professional fees, out-of-pocket expenses, etc.

If your firm is interested, please submit a proposal and fee estimate not later than April 1, 1978 to:

The University of Oklahoma Board of Regents
c/o Mrs. Barbara H. James
Executive Secretary of the
Board of Regents
660 Parrington Oval, Room 119
Norman, Oklahoma 73019

The Board reserves the right to accept or reject any proposal and to determine the best proposals and fee estimates for the services sought. It is the intent of the Board to award contracts for auditing services to the most qualified firm at the lowest possible price.

If your firm wishes to review the University's accounting system or past audit reports prior to submitting a proposal, please contact Mr. Jerry Farley, Controller, at (405) 325-1834 for an appointment.

Sincerely,

Paul F. Sharp
President

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The same draft letter to solicit bids for auditing the Health Sciences Center can be used with slight modification in the first paragraph and in the last paragraph.

Because of the complexity of the financial system of the University of Oklahoma, Mr. John Eckert, University Internal Auditor, recommends that the solicitation be restricted to the following Big Eight accounting firms to insure professional expertise to fulfill the requirements of the engagement:

Arthur Anderson
Arthur Young and Company
Coopers & Lybrand
Ernst & Ernst
Haskins & Sells
Peat, Marwick & Mitchell
Price Waterhouse
Touche Ross & Company

President Sharp recommended approval of soliciting proposals to audit the University as suggested above.

Regent Replogle said the Budget Committee recommends approval of President Sharp's recommendation that the University solicit proposals as suggested to audit the Norman Campus and the Health Sciences Center. He moved approval. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

Regent Bell, Chair of the Facilities Planning Committee, presented the following items which were not included on the agenda which was mailed to the Regents and on which action is needed at this time:

Architectural Payments - Parking Structures

Revenue Bonds are presently not scheduled to be sold to finance the Health Sciences Center Parking System until after bids are received for the construction contracts. This will necessitate significant architectural work prior to the availability of funds. In order to reimburse these firms for work completed, the Trustees of the University of Oklahoma Foundation can be requested by the University of Oklahoma Regents to make arrangements with the architectural firms for the Health Sciences Center Parking System to advance fund a portion of their fees.

The firms and the amount to be advance funded are:

Rees Associates, Inc.	\$39,000
Blevins & Spitz, Inc.	\$20,000

President Sharp recommended that the University of Oklahoma Foundation be requested to make advance funding arrangements with the architectural firms for the Health Sciences Center Parking System.

In addition, President Sharp said this is contingent on final approval of the bond issue by the Oklahoma State Regents for Higher Education.

Regent Bell said the Facilities Planning Committee concurs with President Sharp's recommendation and recommends approval. Regent Bell moved approval. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

Oil and Gas Lease Assignment

On July 12, 1977, the Board entered into an oil and gas lease with Viersen & Cochran on the property described as NE/4, Section 32, 17N-4W, Logan County. This property came to the University as a part of the Madge Mae Vincent estate. Viersen & Cochran have reported the well is presently shut-in for gas connection. They have requested written consent from the Regents to assign an interest in this oil and gas lease.

President Sharp recommended consent be given to Viersen & Cochran to assign an undivided one-half interest in the July 12, 1977 Oil and Gas Lease to "Struthers 1977 Oil and Gas Program".

Regent Bell said the Facilities Planning Committee recommends approval of President Sharp's recommendation and he so moved. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

Structural Engineering Laboratory

At the December 9, 1977 meeting, the University Regents authorized the University to accept gifts and proceed with development of final plans for a Structural Engineering Laboratory project. The structural engineering test facilities are presently located in the Engineering Lab Building in space originally designed as an electrical engineering large motor laboratory. This space is totally unsuitable for large scale structural testing.

Plans are to construct a 60 ft. by 100 ft. low cost laboratory building and approximately 3,500 square feet of office space. These spaces will be finished in accordance with good commercial/industrial practice. The laboratory building will contain a 30 ft. by 60 ft. reaction floor with sufficient strength to test prototype components. The building will be located on the southwest one-fourth of a block bounded by Decatur, Chesapeake, Preble, and Constitution on the South Campus. It is envisioned that this will be the first of several buildings which will comprise a future applied research complex to be

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built on University owned land between Constitution and Chesapeake from Jenkins to the Golf Course. The proposed Structural Engineering Lab can be built without demolishing any existing buildings. The site has adequate utilities and is level.

As reported in December, the Structural Engineering Laboratory will be built with combined private gifts of money and building materials. A gift of \$100,000 has been received from Mr. and Mrs. Donald Fears. Gifts of building materials have been received to include the structural framing and the laboratory building shell, structural steel and reinforcing for the strong floor, structural concrete for the office roof, masonry units for walls and partitions for the office building, and masonry wainscoting for the lab building. Additional gifts have been solicited and are pending for concrete, insulation, air conditioning units and overhead doors.

According to the existing plans, the facility can be built within the budget of the \$100,000 cash gift and committed and pending gifts of materials. Because of the nature of the facility and the manner in which the gifts will be received by the University, it is anticipated that a private construction firm which has had previous experience in building this type of facility will be used to manage the construction. Upon completion of the facility, title will be transferred to the University Regents.

This project is unique in that much of the material which will be used in the construction of the building has been donated as well as approximately \$100,000 in funds to complete the building. In addition, because of further gifts of material and equipment are expected to be received during the construction process, the development of precise specifications which could be used for competitive bids for both the design and construction phases is not possible. The University has not been able to prepare firm individual specifications for all elements of this project because several gift offers are and will continue to be negotiated as the construction moves ahead. Thus, any contract to complete the building must have sufficient flexibility in the terms and conditions to allow for appropriate changes in the mix of what will be provided as gifts versus what must be provided by the contractor. We do have sufficient commitments at this time to permit completion of a satisfactory project.

Because it is not possible to develop a specification package which is suitable for competition bidding and because the project is being funded on a 100% basis by private gifts, the most appropriate course of action for the University appears to be to negotiate a sole source bid with a company willing to perform the design and construction services necessary to complete the building. It is anticipated that such a company would perform as "a friend-of-the-University" as the total costs could not exceed the amount of private funds available.

Preliminary discussions have been held with an experienced design-build firm who has completed a number of similar projects in Central Oklahoma. They would agree to manage the project and ensure its completion within the

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funds available. This amount is significantly less than the University's preliminary estimate of costs as a competitively bid project. This firm will probably become a donor in the process.

President Sharp recommended that the Regents approve the site for the Structural Engineering Laboratory as follows:

Southwest one-fourth of a block bounded by Decatur, Chesapeake, Preble, and Constitution on the South Campus.

Regent Bell said the Facilities Planning Committee recommends approval of President Sharp's recommendation and he so moved. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

A. General University

II. Academic

a. Faculty Personnel Policy: Academic Titles and Temporary Faculty

The Norman Campus Faculty Senate has approved a proposal that temporary faculty on the Norman Campus be appointed with either modified or unmodified titles as recommended by the academic unit. This would replace the current practice of using only modified titles. This change would apply to both full-time and part-time appointees.

The current Personnel Policy accommodates two categories of faculty. The first is the tenure eligible appointment and these are either term or continuous. During the probationary period appointments are term. After the awarding of tenure they are continuous.

The other category of faculty for which the Personnel Policy makes provision is a temporary one. All temporary appointments are non-tenure track and include titles such as instructor, lecturer, preceptor or such qualified titles as visiting, adjunct, clinical, or acting. Some of these full-time people as well as some part-time faculty members would be much better satisfied with non-modified titles. Currently, part-time faculty members may not in fact be temporary since they are re-employed year after year.

President Sharp recommended approval of modifying the third paragraph of Section 3.5.3 of the Faculty Personnel Policy as it applies to the Norman Campus faculty:

FROM:

All other academic appointments are temporary and are indicated by other titles, such as instructor, lecturer, preceptor, or by the use of such adjectives as visiting, adjunct, clinical, or acting. Persons holding temporary appointments are not eligible for tenure and their contract shall so specify.

TO:

All other academic appointments are temporary and may be indicated by such titles as instructor, lecturer, preceptor, or by the use of such adjectives as visiting, adjunct, clinical, or acting. Temporary faculty may be appointed with either modified or unmodified titles as recommended by the academic unit. Persons holding temporary appointments are not eligible for tenure and their contract shall so specify.

This change will be effective immediately.

Regent Replogle moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

B. Health Sciences Center

II. Academic

a. Personnel Actions

APPOINTMENTS:

Gilbert Earle Haslam, Jr., M.D., Clinical Associate Professor of Pediatrics, Tulsa, without remuneration, July 1, 1977.

Herschel J. Rubin, M.D., reappointed Clinical Associate Professor of Pediatrics, Tulsa, without remuneration, June 30, 1977.

Amir Cyrus Tahernia, M.D., reappointed Clinical Associate Professor of Pediatrics, Tulsa, without remuneration, June 30, 1977.

Walter Benton Prentice, M.D., reappointed Clinical Assistant Professor of Radiological Sciences, without remuneration, February 1, 1978.

Mark Justin Weiss, M.D., Clinical Assistant Professor of Surgery, Tulsa, without remuneration, December 1, 1977.

Betty Calhoon Blackburn, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

Sandra S. Heatherley, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

Mary Anne Marberry, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

Marva McLaughlin, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

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Michael Shaun O'Donnell, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

Wendell Ray Sackett, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

Lorraine Kathryn Wooldridge, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

Patricia Ann Zurmehly, Special Instructor in Clinical Laboratory Sciences, without remuneration, February 1, 1978.

Marylin A. Counihan, Special Instructor in Communication Disorders, without remuneration, January 1, 1978 through May 31, 1978.

Gerald Lewis Dickman, Clinical Instructor in Pediatrics, without remuneration, February 1, 1978.

Michael Phillip Fauks, D.D.S., Adjunct Instructor in Pedodontics, without remuneration, January 1, 1978 through June 30, 1978.

Orville Donald Brown, III, reappointed Adjunct Instructor in Pharmacy, \$245 per month, .25 time, January 1, 1978 through May 13, 1978. Budget page 150, position 0046.

Michael K. Malone, Special Instructor in Radiologic Technology, without remuneration, February 2, 1978.

A. Paul Compton, M.D., Clinical Instructor in Radiological Sciences, Tulsa, without remuneration, February 1, 1978.

Robert Lyk Bartheld, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Joe S. Bryant, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Albert C. Caywood, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Richard Lynn DeVaughn, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Robert E. Farrand, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Robert G. Gerety, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Elmer Clarence Gritz, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

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Harvey Dale Hall, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Ted S. Hine, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Jimmie Floyd Patterson, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Alvin Ray Posey, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Benjamin Franklin Powell, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Robert Dee Schick, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Steven Paul Stangl, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Joe Aaron Teaff, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Samuel William Tucker, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Rhame Paul Wood, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

Robert Louis Wood, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

William B. Wynn, D.D.S., Preceptor, Department of Community Dentistry, without remuneration, January 1, 1978 through June 30, 1978.

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<u>NAME</u>	<u>TITLES</u>	<u>FTE INCOME</u>	<u>GUARANTEED BASE SALARY</u>		<u>PPP EARNINGS</u>	<u>EFFECTIVE</u>	<u>REMARKS</u>
		<u>CEILING</u>	<u>TENURED</u>	<u>NON-TENURED</u>	<u>POTENTIAL</u>	<u>DATE</u>	
APPOINTMENTS:							
Betty Jane Lloyd	Assistant Professor of Clinical Laboratory Sciences	\$20,000		\$17,550	\$ 2,450	2-1-78 thru 6-30-78	
Nancy Kay Hall, Ph.D.	Assistant Professor of Pathology	29,000		21,000	8,000	3-1-78 thru 6-30-78	
George Henry Hinkle	Assistant Professor of Pharmacy	22,000		20,000	2,000	2-1-78 thru 6-30-78	
Mark William Cohen, Ph.D.	Assistant Professor of Psychiatry and Behavioral Sciences	40,000		21,883	18,117	12-27-77 thru 6-30-78	
Kitty Lee Pittman	Visiting Instructor in Medical Library Science	10,600		10,600	-0-	2-6-78 thru 6-30-78	
CHANGES:							
Danny James Cassidy	Clinical Assistant in Medicine; given additional title of Assistant Professor of Surgery (Emergency Medicine and Trauma)		FROM: WITHOUT REMUNERATION TO: \$61,000	30,000	31,000	3-18-78 thru 6-30-78	
Sharon Lancaster	Research Associate in Pediatrics, Research Associate in Family Practice and Community Medicine and Dentistry, College of Medicine		FROM: 18,948 TO: 15,660	FROM: 18,948 TO: 15,660	FROM: -0- TO: -0-	2-8-78 thru 6-30-78	

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CHANGES:

Dale H. Altmiller, Assistant Professor of Pathology, and Clinical Assistant Professor of Pediatrics; given additional title of Adjunct Assistant Professor of Clinical Laboratory Sciences, February 1, 1978 through June 30, 1978.

Jerry E. Brinker, title changed from Assistant Professor to Clinical Assistant Professor of Pathology, February 1, 1978 through June 30, 1978.

Robert J. Capehart, Clinical Professor of Family Practice, Tulsa; given additional title of Clinical Assistant Professor of Surgery, Tulsa, August 1, 1977.

James R. Carroll, Clinical Assistant Professor of Ophthalmology; given additional title of Clinical Associate Professor of Surgery, Tulsa, December 1, 1977.

David L. Edwards, Jr., title changed from Clinical Instructor to Clinical Associate Professor of Surgery, Tulsa, December 1, 1977. Retains title of Clinical Assistant Professor of Ophthalmology.

Michael W. Fowler, Instructor in Pathology; given additional title of Special Instructor in Clinical Laboratory Sciences, February 1, 1978 through June 30, 1978.

Ronald L. Gillum, Associate Professor of Pathology; given additional title of Adjunct Associate Professor of Clinical Laboratory Sciences, February 1, 1978.

Mitsuo Kishimoto, Clinical Instructor in Fixed Prosthodontics, Division of Restorative Dentistry, salary rate changed from \$350 per month, .20 time, to \$700 per month, .40 time, February 1, 1978 through June 30, 1978.

David L. Kyger, Clinical Instructor in Medicine; title of Clinical Instructor in Medicine, Tulsa, deleted, June 30, 1976.

Nelson E. Myers, Special Instructor in Family Practice and Community Medicine and Dentistry; title of Assistant in Medicine, Tulsa, deleted, July 1, 1977.

Richard B. Passey, Associate Professor of Pathology; given additional title of Adjunct Associate Professor of Clinical Laboratory Sciences, February 1, 1978 through June 30, 1978.

Ned M. Reinstein, Clinical Assistant Professor of Ophthalmology; given additional title of Clinical Assistant Professor of Surgery, Tulsa, December 1, 1977.

Owen M. Rennert, Professor and Head of Pediatrics and Adjunct Professor of Biochemistry and Molecular Biology; given additional title of Clinical Professor of Medicine, February 1, 1978 through June 30, 1978.

Paula D. Robinson, promoted from Special Instructor to Adjunct Assistant Professor of Clinical Laboratory Sciences, February 1, 1978.

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Gerald J. Rubin, title changed from Adjunct Assistant Professor of Research Medicine to Adjunct Assistant Professor of Medicine, title of Adjunct Assistant Professor of Research Medicine, Tulsa, deleted, July 1, 1977.

Paul O. Shackelford, Visiting Lecturer in Dermatology; given additional title of Clinical Instructor in Medicine, Tulsa, August 1, 1977.

Charles W. Simcoe, Clinical Assistant Professor of Ophthalmology; given additional title of Clinical Associate Professor of Surgery, Tulsa, December 1, 1977.

Robert W. Spencer, Clinical Assistant Professor of Ophthalmology; given additional title of Clinical Associate Professor of Surgery, Tulsa, December 1, 1977.

TERMINATIONS:

Doris E. Haglund, Visiting Instructor in Medical Library Science, February 17, 1978.

Patricia Lynn Moore, Special Instructor in Radiologic Technology, October 2, 1977.

Alfred Max Shideler, Associate Professor of Pathology, February 1, 1978. Accepted a position at the VA Hospital in Alexandria, Louisiana.

James S. Williams, Clinical Instructor in Medicine, Tulsa, and Clinical Instructor in Medicine, July 2, 1977.

President Sharp recommended approval of the personnel actions listed above.

Regent Replogle moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

III. Finance and Management

a. Non-Academic Personnel

TERMINATION:

Deanna Johnston, Staff Nurse, Department of Orthopaedic Surgery, March 2, 1978.

President Sharp recommended approval of the personnel action listed above.

Regent Replogle moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

b. Computer Purchase for Research and Education

The Health Sciences Center Research and Education Computing Center currently has an Eclipse S200 computer system used primarily for research. The purchase of an Eclipse S130 computer system which will act as a direct interface to the computer the Center currently utilizes has been proposed. The new computer will be used primarily by the Department of Radiological Sciences (Radiation Therapy) and will also provide expanded capacity and backup for other research and education users.

The Data General Eclipse S130 system is the only system compatible with existing hardware and already developed software and is essential in order to perform multiprocessing functions. Only one firm was able to respond to the request for quotations due to the sole source nature of the equipment requirements.

Funds are available in account 3816-9 for the purchase of the computer system.

President Sharp recommended approval of the purchase of an Eclipse S130 computer system from Data General Corporation in the amount of \$95,687.00.

Regent Mitchell moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

c. Movable Equipment for Health Sciences Library

As a portion of the movable equipment for the Health Sciences Library project, requests for bids for library furniture were sent to thirty companies and bids were received from thirteen suppliers. The bids have been reviewed by the Director of the Health Sciences Library, the Health Sciences Center Purchasing Department and Architectural and Engineering Services. The proposal in almost all cases is to accept the lowest base bid submitted. However, in a few cases the recommendation is to reject all bids for an item or to accept an alternate which is lower in cost or presents a better value than the base bid item.

A tabulation of all bids and supplemental information concerning the selected alternate bids and/or consideration of competitive alternate bids was included with the agenda for this meeting.

Project funds are available to make these purchases.

President Sharp recommended the following awards:

Fields-Downs-Randolph Co.
Tulsa

Item 2, alternate bid	\$28,211.25	
(refer to attached supplemental information)	<u>4,621.54</u>	\$ 32,832.79

E and I Cooperative Service, Inc.
Dallas

Items 3 and 5	\$31,599.20	
Items 7 and 14 through 30, low bid as specified (refer to attached supplemental information)	<u>77,059.02</u>	\$108,658.22

Oklahoma Fixture Company
Tulsa

Items 31 through 37, alternate bid (refer to attached supplemental information)		<u>\$ 35,761.00</u>
		\$177,252.01

President Sharp recommended also that all bids be rejected on items 1, 4, 6, 8, 10, 12, and 38.

Regent Bell moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

d. Proposal, Contract, and Grant Report

A summary of proposals for contracts and grants for the Health Sciences Center for February, 1978, along with a list of all contracts executed during the same period of time on proposals previously reported was included in the agenda for this meeting.

President Sharp recommended that the President of the University or the President's designee be authorized to execute contracts on pending proposals as negotiations are completed. The contract budgets may differ from the proposed amounts depending upon these negotiations.

Regent White moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

V. Operations and Physical Plant

a. Outdoor Recreation Courts

Architectural and Engineering Services has developed plans and specifications for three outdoor recreation courts. The courts will provide areas for basketball, volleyball, tennis and practice tennis. The courts will be located in the Health Sciences Center on a site south of Northeast 10th Street and north of the Steam and Chilled Water Plant, and will be available for student, faculty and staff use.

Construction documents have been prepared and bids are scheduled to be received during March. A bid tabulation and recommendation will be presented to the Board of Regents in April.

The current estimated construction cost is \$35,000 and funds are available in the Site Support reserves to cover the estimated cost.

President Sharp recommended that the University be authorized to advertise the outdoor recreation courts for construction bids.

Regent Bell said the Facilities Planning Committee recommends approval of President Sharp's recommendation and he so moved. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

b. Extension of Steam and Chilled Water System

In November of 1977, the Board of Regents authorized the development of a plan for a major extension to the main steam and chilled water distribution system for the Health Sciences Center.

A preliminary study of the existing system and the current and future needs for steam and chilled water service to the University Hospital and Clinics, the College of Health Building, the Medical Research Building, the Oklahoma Medical Research Foundation, and the area north of Northeast 13th Street, indicated the need for a major expansion of the system prior to June of 1978.

This project is a part of the long-range plan to interconnect the west side of the main distribution loop to the east side of the distribution loop. It is needed at this time to replace the temporary steam and chilled water lines that serve the College of Health and the Oklahoma Medical Research Foundation and to provide better service to the University Hospital and Clinics and the Medical Research Building. This new section of the system also is needed to provide steam and chilled water to the proposed \$2.8 million laboratory building now being planned by University Hospital and Clinics. The project also involves the installation of a major new control and pressure reducing station west of the Medical Research Building.

The project engineers have completed a preliminary design for the total project and final plans for a number of items of work which must be accomplished within the area under the control of the University Hospital and Clinics to clear a site for the proposed \$2.8 million laboratory building and to prepare for construction of the balance of the original project.

Regent Bell said the following information on bids received was presented to the Facilities Planning Committee:

<u>Contractor</u>	<u>Base</u>	<u>PVC-Unit Price</u>
Harrison-Orr Air Conditioning	\$133,400	\$26,400
Matherly Mechanical Contractors, Inc.	104,315	27,256
Spaeth, Inc.	142,196	27,850
Industrial Mechanical, Inc.	158,529	29,276

Regent Bell said the original estimated cost of this project was \$60,000 and it was thought the University Hospital and Clinics would pay the total cost. The low bid of \$104,315 submitted by Matherly Mechanical Contractors, Inc., however, was considerably over the estimated cost. Regent Bell said the University Hospital Board of Trustees has agreed to pay approximately \$77,000 and has agreed to negotiate with regard to the payment of the balance - approximately \$27,000. Funds are available in Steam and Chilled Water Plant reserves to cover whatever costs the University might have up to \$27,000.

Regent Bell said the Facilities Planning Committee recommends awarding the contract for this project to Matherly Mechanical Contractors, Inc. on the basis of their low bid of \$104,315 with the understanding the University Hospital and Clinics will pay at least \$77,000 of this amount. He said the Committee recommends also that Provost Thurman be authorized to negotiate with the Director of University Hospital with regard to the division of the \$27,000 balance.

Regent Bell moved approval of the Committee recommendations. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

c. College of Nursing Building Elevator

During the construction of the College of Nursing Building, plans were developed, bids were received and a separate contract awarded to provide two additional elevators. The two additional elevators were designed and installed in conjunction with two elevators provided under the base bid. All four elevators have been developed to provide service between the main entrance level, the tunnel entrance level and the upper three floors which contain classrooms, seminar rooms, special purpose instructional areas and faculty offices.

The separate contract for the elevator cabs, control system and installation is with the Montgomery Elevator Company in the total amount of \$119,823.

Final inspections of the elevator work have been conducted by the project architect, Murray Jones Murray, and the University of Oklahoma Architectural and Engineering Services staff. Concurrent with this inspection the project plans and specifications have been reviewed and the project has been determined to be complete.

President Sharp recommended that the College of Nursing project separate contract for elevators with Montgomery Elevator Company be accepted as complete by the Board of Regents.

Regent Engleman moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

d. Report of Major Capital Improvements Projects

As shown on the following page, a report was presented to the Regents on major capital improvements projects now under construction and in various stages of planning on the Health Sciences Center Campus. No action was required.

C. Academic (Norman Campus)

I. Faculty Personnel Matters

APPOINTMENTS:

Terrance Lynn Albrecht, Assistant Professor of Communication, \$14,200 for 9 months, September 1, 1978 through May 31, 1979. If Ph.D. not completed by September 1, 1978, appointment to be changed to Acting Assistant Professor at \$13,700. 1978-79 Budget.

Nancy Irma Sommers, Assistant Professor of English, \$15,000 for 9 months, September 1, 1978 through May 31, 1979. If Ph.D. not completed by September 1, 1978, appointment to be changed to Acting Assistant Professor at \$14,500. 1978-79 Budget.

CHANGES:

Theodore Price Roberts, titles changed from Director of Legal Internship, College of Law, and Visiting Assistant Professor of Law to Assistant Professor of Law and Director of Clinical Legal Education, College of Law, July 1, 1978 through June 30, 1979.

Thomas M. Miller, Assistant Professor of Psychology, salary changed from \$14,270 to \$15,270 for 9 months, January 1, 1978. Funds for increase transferred from 127-256, position 21.

RESIGNATIONS:

Alfred Clark, Professor of Chemical Engineering and Materials Science, January 16, 1978. Personal reasons.

George W. Gau, Assistant Professor of Business Administration, June 1, 1978. Accepted a position at the University of British Columbia.

President Sharp recommended approval of the personnel actions listed above.

Regent Engleman moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

II. Changes in Programs

a. Professional Studies in Education

The College of Education has proposed a new program in the College, Professional Studies in Education, leading to the Bachelor of Science degree.

Current population and occupational trends indicate that for the first time in our history we will experience the impact of fewer children and a growing number of older adults. This fact will bring about training and resource needs never before anticipated. The education community is not ready to address these complex needs since its activities are almost exclusively to public school education. The Professional Studies in Education concept is a step toward altering this traditional role. We have an opportunity to meet an emerging societal need.

For the past two years our College of Education and other colleges of education have been under pressure from a variety of fields requesting professional training in education as it applies to the health professions, business, criminal justice, the military, government agencies, and others. The program proposed here is a response to those expressed needs. Specifically, the University has at least 40 persons who wish to enroll in a program designed to give them educational skills, but who are not interested in being certified as teachers. This program will serve that need.

It is not anticipated that additional faculty will be needed. Five members of the present faculty will have a portion of their load allocated to working with students in the Professional Studies in Education program. Indeed, a strength of the proposal is that it provides a mechanism for current faculty to become involved in a new mission for the College of Education.

Present classroom facilities are adequate, no new equipment is required, and present library resources also are adequate for this new program.

President Sharp recommended approval of a new program in the College of Education, Professional Studies in Education, leading to the Bachelor of Science degree. If approved, the program will be forwarded to the Oklahoma State Regents for Higher Education for consideration.

Regent Replogle moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

IV. Changes in Academic Departments

a. Exclusion of Home Economics from Program Discontinuance Policy

On February 15, 1978, the Secretary of the Norman Campus Faculty Senate directed the following communication to the President of the University:

ARCHITECTURAL AND ENGINEERING SERVICES
THE UNIVERSITY OF OKLAHOMA

MAJOR CAPITAL IMPROVEMENTS PROGRAM

PROGRESS REPORT - March, 1978

PROJECTS UNDER CONSTRUCTION

Project	Engineers and Architects	Contractor	Contract Award Date	Original Adjusted Completion Date	Original Current Contract Amount	Status (% Complete)	Sources of Funds
<u>HEALTH SCIENCES CENTER</u>							
Health Sciences Library	Binnicker Associates	J.J. Cook & Associates	04/30/76	05/28/78	\$5,152,455 \$5,496,405	82%	Bond Funds, Grant, DHEW, Gift
College of Nursing Building Fixed Equipment	Murray/Jones/Murray	Sears Contract Sales Oklahoma Fixture Company	05/12/77 05/12/77	07/11/77 10/12/77	\$ 9,746 \$ 67,236	100% 99%	Bond Funds, Grant, DHEW
Dental Clinical Sciences Site Development	McCune McCune and Associates	The Constructors Company	07/12/77	11/20/77	\$ 174,461	80%	Bond Funds, Grant, DHEW

ARCHITECTURAL AND ENGINEERING SERVICES
THE UNIVERSITY OF OKLAHOMA

MAJOR CAPITAL IMPROVEMENTS PROGRAM

PROGRESS REPORT - March, 1978

PROJECTS IN VARIOUS STAGES OF PLANNING

Project	CMP Priority No.	Architect	Contract or Letter	Estimated Cost	Status
<u>HEALTH SCIENCES CENTER</u>					
Health Sciences Library	1B	A & E Services	--	\$ 411,381	First phase plans of the movable equipment have been prepared and bids have been received.
College of Pharmacy Building	4	A & E Services	--	4,800,000	An application requesting a Federal construction grant was resubmitted on June 1, 1977.
Multi-Purpose Building	--	Fred Spitz & Associates	--	3,960,000	Schematic plans are being prepared.
Part A - "JP" Lot	--	Rees Associates, Inc.	--	1,873,500	Design development plans are being prepared.
Part B - Hospital	--				
Biomedical Sciences Building Site Development	7	Wright-Selby & Associates	--	263,750	Inactive.
College of Health Building Auditorium Renovation	--	Locke, Wright & Foster	--	317,000	Inactive.
Dental Clinical Sciences Building Area Landscaping	10	Thomas Roberts & Associates	C 12/08/77	149,375	Preliminary plans are being prepared.
Biomedical Sciences Building Landscape Plan	7	Thomas Roberts & Associates	C 08/28/77	179,250	Preliminary plans are being prepared.
College of Nursing Landscape	2	Thomas Roberts & Associates	C 08/28/77	179,250	Preliminary plans are being prepared.
Steam & Chilled Water System Expansion	--	Frankfurt-Short-Emery-Bruza, Incorporated	C 02/02/78	805,000	Part one plans have been prepared and bids received.
Outdoor Recreation Courts	--	A & E Services	--	35,000	Construction documents are being prepared.

"On November 10, 1977, the Board of Regents of this University approved the Norman Campus policy on Program Discontinuance.

"In subsequently disseminating the new policy to Norman Campus deans, directors, and chairs, Provost Barbara S. Uehling called attention to the following qualification approved by the Regents: 'It is understood that this policy will not apply to the School of Home Economics.'

"The Director and the faculty of the School of Home Economics have expressed to the Faculty Senate their concern at this singular and unwarranted exclusion from the provisions of the new policy.

"On February 13, 1978, the Faculty Senate considered this matter and, after considerable discussion, approved the following resolution:

"The Faculty Senate is convinced that the School of Home Economics should be included in the implementation of the Program Discontinuance Policy approved by the Board of Regents on November 10, 1977.

"The Senate feels very strongly that no academic program should be excluded from the provisions of the new policy so as to ensure (1) equitable, open, and above-board treatment for all academic programs on this campus and (2) essential validity in any decisions made in the implementation of that policy.

"The Senate further requests that this resolution be brought to the attention of the Board of Regents."

Regent Brett said this requires no action unless a Regent wishes to propose an action. Hearing no motion, Regent Brett said this would be accepted as a communication only.

D. Finance and Management (Norman Campus)

I. Non-Academic Personnel Actions

a. Educational and General, Agency Special, and Service Units

APPOINTMENT:

John C. Petersen, reappointed Program Coordinator, Prospective Student Information Program, \$12,300 for 12 months, January 3, 1978 through June 30, 1978. Managerial Staff. Budget page 31, position 003.

CHANGES:

Betty Belknap Brown, title changed from Assistant Editor to Editor, University Publications, salary increased from \$4.51 per hour, .75 time, to \$12,300 for 12 months, full time, March 1, 1978. Changed to Professional Staff. Budget page 281, position 005.

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Joeann B. Dodd, title changed from Administrative Secretary, Office of the Vice President for Continuing Education and Public Service, to Administrative Assistant, University Foundation and Trust Office, salary increased from \$10,982 to \$13,000 for 12 months, February 16, 1978. Managerial Staff. Budget page 454, position 003.

Jack E. Griffin, title changed from Senior Buyer to Assistant Director of Purchasing, February 1, 1978. Administrative Staff.

Larry P. Martin, title changed from Executive Director, Advanced Programs, to Executive Director, Advanced Programs and Coordinator, Delivery Systems, salary increased from \$24,560 to \$26,360 for 12 months, March 1, 1978. Retains title of Assistant Professor of Human Relations. Funds for increase transferred from 127-501, position 002.

Robert L. Martin, Managing Director, Professional Development Programs and Professor of History; given additional title of Associate Vice President of Continuing Education and Public Service, salary increased from \$25,360 to \$27,160 for 12 months, March 1, 1978. Funds for increase transferred from position 002.

Deborah Kay Smith, title changed from Programmer/Analyst to Systems Programmer, University Computing Services, February 1, 1978. Professional Staff.

RESIGNATIONS:

Rosemary L. Hardage, Associate Editor, Oklahoma Geological Survey, February 15, 1978.

Paul W. Updegraff, Assistant Director, Financial Aids, March 8, 1978.

RETIREMENT:

Lois C. Pappan, Administrative Assistant, O.U. Foundation, March 14, 1978.

President Sharp recommended approval of the personnel actions listed above.

Regent Mitchell moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

President Sharp reported the following deaths:

Jesse E. Burkett, Associate Vice President for Continuing Education and Public Service, on February 21, 1978.

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C. Leroy Thompson, Assistant Bursar (retired), on February 19, 1978.

b. Grants and Contracts

(All of the following are subject to the availability of funds)

APPOINTMENTS:

Mary Beth Alltizer, Course Moderator, FAA Management Training School, salary rate of \$12,500 for 12 months, January 30, 1978 through September 30, 1978. Professional Staff. Paid from 157-211, FAA Management Training School.

Donald Richard DeVilbiss, Course Moderator, FAA Management Training School, salary rate of \$12,500 for 12 months, February 20, 1978 through September 30, 1978. Professional Staff. Paid from 157-211, FAA Management Training School.

Edward J. Pugh, Research Assistant II, Center for Economic and Management Research, salary rate of \$10,800 for 12 months, January 1, 1978 through April 30, 1978. Professional Staff. Paid from 158-673, SSECP Support Services.

Robert Wayne Thomas, Course Moderator, FAA Management Training School, salary rate of \$12,500 for 12 months, January 30, 1978 through September 30, 1978. Professional Staff. Paid from 157-211, FAA Management Training School.

CHANGES:

Michael W. Conway, Research Assistant II, Center for Economic and Management Research, salary increased from \$10,800 to \$12,000 for 12 months, January 1, 1978 through April 30, 1978.

Pamela Kay Fisher, title changed from Student Research Assistant II to Program Specialist, County Government Education Services Center, salary changed from \$5.35 per hour, .50 time, to rate of \$9,975 for 12 months, .75 time, February 15, 1978 through July 31, 1978. Professional Staff. Paid from 152-580, Rural Bridge Priority Planning.

William S. Julian, Research Assistant II, Center for Economic and Management Research, salary increased from \$10,800 to \$12,000 for 12 months, January 1, 1978 through April 30, 1978.

Richard E. McKean, title changed from Course Moderator to Senior Course Moderator, FAA Management Training School, salary increased from \$14,000 to rate of \$15,000 for 12 months, March 1, 1978 through September 30, 1978. Professional Staff. Paid from 157-211, FAA Management Training School.

John Edward Steffens, Field Consultant, Consultative Center for Equal Education Opportunity and Education Specialist, Southwest Center for Human Relations Studies; given additional title of Assistant Coordinator for Special Projects, Public Responsibility and Community Affairs, January 1, 1978 through June 30, 1978.

Charles A. Teel, Course Moderator, FAA Management Training School, salary increased from \$13,000 to rate of \$13,500 for 12 months, March 1, 1978 through September 30, 1978. Paid from 157-211, FAA Management Training School.

RESIGNATION:

Bradley T. Farnsworth, Research Assistant II, Center for Economic and Management Research, February 23, 1978.

President Sharp recommended approval of the personnel actions listed above.

Regent Mitchell moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

II. Budgets

a. 1978 Summer Session Budgets

Regent Replogle said the following summary of the proposed 1978 Summer Session budgets, plus some additional information, was presented to the Budget Committee at the meeting yesterday:

<u>Allocations</u>	<u>June</u>	<u>July</u>	<u>Total</u>
College of Arts and Sciences	\$230,064.27	\$230,259.64	\$460,323.91
College of Business	44,728.97	44,728.97	89,457.94
College of Education	12,524.99	12,524.99	25,049.98
College of Engineering	50,397.37	47,676.70	98,074.07
College of Environmental Design	10,334.11	10,334.11	20,668.22
College of Fine Arts	50,102.29	46,102.29	96,204.58
Biological Survey	9,520.01	11,339.22	20,859.23
J. Willis Stovall Museum	6,204.44	6,204.44	12,408.88
Proposed Expenditure	\$413,876.45	\$409,170.36	\$823,046.81
Funds Available	414,087.50	414,087.50	828,175.00
Balance (Contingency)	\$ 5,128.19

College of Law

<u>Allocations</u>	<u>June</u>	<u>July</u>	<u>Total</u>
Regular Instruction	\$22,830.37 ⁽¹⁾	\$22,830.37	\$45,660.74
Oxford Program	5,000.00 ⁽²⁾	5,000.00	10,000.00
Admission by Performance Program	6,655.56 ⁽³⁾	6,655.56	13,311.12
Enrichment Program	<u>1,000.00⁽⁴⁾</u>	<u>1,000.00</u>	<u>2,000.00</u>
	\$35,485.93	\$35,485.93	\$70,971.86

(1) Budget page 293, \$21,886.94 from position 910; \$1,143.43 position 38, page 292

(2) Budget page 292, position 38

(3) Budget page 294, \$5,521.66 position 901, \$1,133.90 position 38

(4) Budget page 294, position 910

In accordance with the action of the Regents in December, 1973, personnel appointed to serve during the summer session do not require Regents' action as long as funds are included in this budget.

Regent Replogle said the Budget Committee recommends approval of President Sharp's recommendation that the budgets be approved and he so moved. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

VI. Purchases

a. Athletic Dormitory Furniture

Bids were solicited for furniture items for the rooms, lounges, and counselor's room of the new Athletic Dormitory. The bid was structured to request pricing based on "Furnish Only" and/or "Furnish and Install". An alternate bid was requested for a higher quality line (Davis) of chairs and sofas (items 1, 2, and 3).

Payment will be from the Athletic Dormitory Construction account.

Bids were circulated to 21 companies with 10 responses. Bids received from Fenton's Office Supply, Scott-Rice Company, and Dorn's Furniture are disqualified as these bids did not meet stipulation #1 under Specific Requirements which required a bid bond or check as a bid guarantee. The bid submitted by E & I Cooperative, Inc. is not acceptable as their bid was submitted on a "Drop Ship Only" basis, which is contrary to stipulation #5 under Specific Requirements. Virco Mfg. Corporation responded "No Bid" on all items.

A summary of the bids received meeting bid requirements was included with the agenda for this meeting.

Award evaluations were considered for three basic alternatives.

I. Lowest "All or None" basis, bidding as specified.

Best Architectural Products, Inc.
Oklahoma City
Net, del. as specified

(A) Furnish Only	\$58,010.00
(B) Furnish and Install	\$60,100.00

II. Lowest "Line Item" basis, bidding as specified.

(A) Furnish Only

1. Modern Office Supply Inc.
Oklahoma City
3% 20, del. as specified

Bidding "All or None" #1, #2, #3
Bidding "All or None" #7 and #8

#1. 29 ea. Lounge Chairs	\$ 6,349.50
#2. 29 ea. Sofas, 2-seat	9,375.00
#3. 1 ea. Sofa, 3-seat	417.00
#7. 29 ea. Corner Tables	1,918.00
#8. 1 ea. Cocktail Table	<u>72.00</u>
	\$18,131.50

Less 3% discount	-	<u>543.95</u>	\$17,587.55
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2. Sears Contract Sales
Kansas City, Missouri
Net, del. as specified

#4. 50 ea. T.V. Lounge Chairs	\$ 349.15	\$17,457.50
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3. Best Architectural Products, Inc.
Oklahoma City
Net, del. as specified

#5. 72 ea. Desk Chairs	\$ 107.55	\$ 7,743.60
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4. Dan P. Scott & Sons, Inc.
Tulsa
Net, del. as specified

#6. 1 ea. Seating Unit		<u>\$14,738.00</u>	\$57,526.65
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(B) Furnish and Install

1. Modern Office Supply, Inc.
3% 20, del. as specified

Bidding "All or None" #1, #2, #3
Bidding "All or None" #7 and #8

#1.	29 ea. Lounge Chairs	\$ 6,413.50	
#2.	29 ea. Sofas, 2-seat	9,469.66	
#3.	1 ea. Sofa, 3-seat	422.00	
#7.	29 ea. Corner Tables	1,938.00	
#8.	1 ea. Cocktail Table	<u>73.00</u>	
		\$18,316.16	

Less 3% discount - 549.48 \$17,766.68

2. Best Architectural Products, Inc.
Net, del. as specified

#4.	50 ea. T.V. Lounge Chairs	\$17,873.50	
#5.	72 ea. Desk Chairs	<u>8,043.60</u>	\$25,917.10

3. Dan P. Scott & Sons, Inc.
Net, del. as specified

#6. 1 ea. Seating Unit \$15,073.00 \$58,756.78

III. Alternate Bid on Davis Furniture Line, Items #1, #2 and #3

1. Modern Office Supply, Inc.
3% 20, del. as specified

Bidding "All or None"

	<u>FURNISH ONLY</u>	<u>FURNISH & INSTALL</u>
#1. 29 ea. Lounge Chairs	\$ 8,598.00	\$ 8,685.00
#2. 29 ea. Sofas, 2-seat	11,677.00	11,795.00
#3. 1 ea. Sofa, 3-seat	<u>546.00</u>	<u>552.00</u>
	\$20,821.00	\$21,032.00
Less 3% discount	<u>624.63</u>	<u>630.96</u>
	\$20,196.37	\$20,401.04
Balance of Low Bid Items from II. above	<u>\$41,869.40</u>	<u>\$42,940.77</u>
	\$62,065.77	\$63,341.81

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The alternative selected from the above as that which is in the best interest of the University is the line item bid for the basic specified items on a "Furnish and Install" basis, as follows:

<u>Company</u>	<u>Item #'s</u>	<u>Amount</u>
Modern Office Supply, Inc.	1, 2, 3, 7, and 8	\$17,766.68
Best Architectural	4 and 5	25,917.10
Dan P. Scott	6	<u>15,073.00</u>
	Total Awards	\$58,756.78

This alternative is \$1,230.00 higher than the "Furnish Only" bid, however the accomplishment of the installation by the vendor is considered to be at least equivalent to this value. For this alternative, the above award evaluation recommendation represents the lowest acceptable bids.

The bids have been reviewed by Architectural and Engineering Services and the proposed award is acceptable both to them and to the Athletic Department.

President Sharp recommended that the Board of Regents approve the award of purchase orders to the lowest acceptable bidders on a "Furnish and Install" basis as follows:

Items 1, 2, 3, 7, and 8	Modern Office Supply	\$17,766.68
Items 4, 5	Best Architectural	25,917.10
Item 6	Dan P. Scott	15,073.00

for a total award of \$58,756.78.

Regent Mitchell moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

b. Carpet for Athletic Dormitory

Bids were circulated to furnish and install carpet in the new Athletic Dormitory. The bid was structured to solicit bids for each specific area as well as "all or none".

Payment will be from the Athletic Dorm Construction account.

Four of nineteen companies solicited responded as follows:

1. Wolverton Furniture & Appliance
Lawton

Bidding Walter Carpet Mills

1. Muirfield Village	\$15.16/sq. yd.	\$10,612.00	
2. Tactfull II	8.21/sq. yd.	<u>9,852.00</u>	\$20,464.00

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2. B & C Carpet Company
Oklahoma City

Bidding Walter Carpet Mills

1. Muirfield Village	\$11,164.50	
2. Tactfull II	<u>9,611.25</u>	\$20,775.75

Alternate Bid:

1. Bidding Hollytex Carpet Mills Odyssey #542	\$ 9,477.00
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Not acceptable, does not meet pile height and face weight specifications.

3. Atlee's Art & Accent Carpets, Inc.
Oklahoma City

Bidding Bigelow Carpet Mills

1. Dominance		
2. Diana	All or None Total:	\$21,975.00

4. Bentley's
Oklahoma City

Bidding J & J Commercial

1. Commercial on Designer's Choice
2. Commercial #3100

All or None Total: \$27,746.00

Architectural & Engineering Services reviewed the specifications of the Walter Carpet Mills and the carpet offered is as specified in the bid.

President Sharp recommended award of a purchase order to the low bidder, Wolverton Furniture & Appliance Co., Lawton, in the amount of \$20,464.00.

Regent Engleman moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White.

VII. Project Financing

a. Proposal, Contract, and Grant Report

A summary of proposals for contracts and grants for the Norman Campus for February, 1978, along with a list of all contracts executed during the same period of time on proposals previously reported was included in the agenda for this meeting.

President Sharp recommended that the President of the University or the President's designee be authorized to execute contracts on pending proposals as negotiations are completed. The contract budgets may differ from the proposed amounts depending upon these negotiations.

Regent Mitchell moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

IX. Fringe Benefits

a. Retirement Plan

The Employment Benefits Committee has recommended that the retirement policy involving TIAA-CREF be modified to permit faculty and staff on nine-month appointments who are appointed during the summer months to have retirement contributions made to TIAA-CREF according to the applicable retirement addition schedule for the earnings received. Such a change could be implemented with the summer of 1979, budget conditions permitting. This revision would apply only to the Norman Campus and not the Health Sciences Center since almost all of the faculty and staff at the Health Sciences Center are on twelve-month appointments, and most who are not have specifically requested not to be on twelve-month appointments so they can engage in other activities or for other personal reasons.

In order to accomplish this, President Sharp recommended the following revisions of Section V of the TIAA-CREF portion of the Norman Campus retirement policy:

Add to the second paragraph pertaining to earnings inclusions a subparagraph "b" as follows:

The summer contract salary for faculty and staff on 9-month contracts who are thereafter appointed during the summer months; provided however, this inclusion shall be contingent upon the availability of funds for this purpose as determined by and at the sole discretion of the Board of Regents.

In the third paragraph listing earnings excluded, remove subparagraph "a" as follows:

Summer appointments for those on a regular 9-months contract.

Regent Replogle moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

F. The University Community

VII. Schedules

a. Student Holidays

In 1954 (p. 4785) the University Regents adopted a policy regarding unscheduled student holidays which provides as follows:

1. The Student Congress shall have authority to recommend two otherwise unscheduled school holidays during each school year to the University President.
2. Agitation for additional holidays will lead to withdrawal of the privilege established by clause 1 above and to disciplinary action with regard to the agitators.
3. The two holidays recommended will be in lieu of formerly approved athletic holidays, and former policy on that subject was rescinded.
4. The recommendations of holidays must be made to the University President two weeks before the recommended dates to allow time for adjusting teaching schedules and the like.

It has been proposed that this policy be amended. The reason for suggesting a change is that 80 class days, exclusive of Saturdays, must be scheduled in order to comply with the regulations of the Oklahoma State Regents for Higher Education regarding academic calendars. Scheduling 81 days in a spring semester in order to accommodate another holiday becomes an extremely awkward problem and the additional holiday is thought to be unnecessary with the week of scheduled vacation which occurs during that semester.

President Sharp recommended that Student Congress have authority to recommend to the University President one otherwise unscheduled school holiday in the fall semester of each academic year with the understanding the recommendation of a holiday must be made to the University President at least two weeks before the recommended date in order to allow time for adjusting teaching schedules and the like.

President Sharp recommended also that the 1954 action on student holidays shown above be rescinded.

Regent Engleman said the following Resolution of Student Congress which was adopted on March 7, 1978, was distributed to the Student Affairs Committee members yesterday at the meeting:

Title: A RESOLUTION ASKING THE OU BOARD OF REGENTS NOT TO RESCIND THE 1954 POLICY ON STUDENT HOLIDAYS.

WHEREAS: The University administration has recommended that the OU Board of Regents rescind its policy that provides for the UOSA to declare a day of both the fall and spring semesters as holidays; and

WHEREAS: This recommended change in policy would become effective in the spring 1979 semester; and

WHEREAS: This recommended policy would in essence set the spring semester schedule for all spring semesters yet to come; and

WHEREAS: The schedule for these spring semesters would include a six-day finals week that would begin on the Saturday immediately after the last day of classes on Friday; and

WHEREAS: The schedule for which classes have finals on which day of finals week generally rotates from year to year, thereby making it only a matter of time before class times with extremely high enrollments would be scheduled for this first day of finals week; and

WHEREAS: This would greatly accentuate the pressures that students typically feel during the period of final exams by cutting to virtually zero the amount of time that students can use to study before an exam; and

WHEREAS: This situation would do nothing to promote academic quality at the University, nor would it promote a feeling among the students that the University is actually concerned with their welfare; and

LET IT THEREFORE BE RESOLVED BY THE UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION THAT:

1. The UOSA strongly urges that the OU Board of Regents reject the University administration's recommendation concerning student holidays.
2. The UOSA urges the University administration to petition the State Regents for Higher Education to allow the University of Oklahoma to count the Saturday of finals week as one of the eighty days of classes that State Regents' policy requires.
3. The UOSA strongly believes that no final action can be taken until the State Regents have been formally petitioned.
4. The UOSA believes that if State Regents approve counting Saturday as a day of classes, then the UOSA feels that designation of the holiday should be left up to Student Congress.

Regent Engleman said the proposed change in student holidays was discussed at length with representatives of the Student Association. He said the students generally agreed with the proposal of the administration for a "stop" day and that the most appropriate time for it is the day before the spring final examinations. They preferred, however, that the actual time for the "stop" day be left to the student government.

Regent Engleman said the Student Affairs Committee recommends approval of President Sharp's recommendations as shown above. He said the Committee recommends also that the administration be asked to adjust spring semester calendars to provide for a "stop" day which would be the day before final examinations begin in the spring. Regent Engleman moved approval of the Committee recommendations. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

G. Operations and Physical Plant

I. New Construction

a. Richards Hall

McCune, McCune and Associates, project architects, have completed revised final plans and specifications for the Richards Hall Addition and Renovation. New bids were received on March 2.

Bids for the renovation of Richards Hall, the construction of a 19,000 square foot addition and the installation of fixed laboratory equipment in both the existing building and the new addition were received on January 12, 1978. The lowest combination of base bids was more than \$500,000 greater than the project architects' estimates of the expected cost of the work and the sum available for the award of construction contracts.

The two general contract bids and the only mechanical bid received were greatly in excess of the project architects' estimates of the cost of these parts of the work. As a result, the bids for the electrical work and the case-work were contingently accepted and new bids for the general and mechanical portions of the project were received on March 2.

A total of \$1,195,000 is available from Section 13 and New College Funds for the project at this time. Of this total approximately \$195,000 is allocated for professional fees, a project contingency allowance, and for other job related expenses.

Regent Bell said the following bids were received on March 2 for the general construction work and the mechanical portion of the project:

General Construction Bids

	<u>Base Bid</u>	<u>Alt. 1</u>	<u>Alt. 2</u>
J. J. Cook Construction	\$664,353	\$82,816	\$14,500
Barbour & Short, Inc.	707,875	86,920	7,988
United Builders	834,000	82,000	20,000

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Mechanical Bids

	<u>Base Bid</u>
Gordon's Specialty	\$247,777
Wattie Wolfe Company	262,700
L & S Mechanical Contractors	266,799
Matherly Mechanical Contractors	269,800
R & M Mechanical Contractors	277,184

The following revised project budget was presented:

A. Construction Costs

1. Electrical Contract	\$ 59,995
2. Casework Contract	124,796
3. Mechanical Contract	247,777
4. General Construction Base Bid	664,353
5. General Construction Alternate 1	82,816
	<hr/>
	\$1,179,737

B. Estimated Architecture Fee

1. Design of Addition and Renovation 9% of \$1,867,120.00 x 75%	\$ 126,031
2. Construction Administration 9% of \$1,179,737.00 x 25%	26,544
	<hr/>
	152,575

The Architect has submitted invoices for compensation under the extra services portion of the contract for revisions to the original plans needed to separate the renovation work from the total project. These additional fees are presently under review.

C. Construction and Architectural Fee Subtotal	<hr/>
	\$1,332,312
D. Contingency (includes provision for payment of extra services of Architect)	\$ 40,688
E. Basic Administrative Costs	\$ 35,000
F. Allowance for Construction Administration by Architectural and Engineering Services (In lieu of General Construction Alternate 2 (\$14,500) submitted by J.J. Cook Construction Company)	<hr/>
	\$ 10,000

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Total Project Cost	\$1,418,000
Allocated Project Funds	<u>1,195,000</u>
Project Deficit	<u>(\$ 223,000)</u>

The combination of the low base bids for all four portions of the work, the elevator alternate, a contingency allowance, and an allowance for project coordination and other anticipated project costs is \$223,000 greater than the \$1,195,000 previously allocated for the project. Thus, it will be necessary to increase the total project budget from \$1,195,000 to \$1,418,000. Additional Section 13/New College Funds are available for this purpose.

President Sharp recommended that (1) the amount of Section 13/New College Funds allocated for the Addition to Richards Hall be increased by \$223,000 to a total of \$1,418,000, (2) the base bid of \$664,353 for general construction submitted by J. J. Cook Construction Company along with their bid alternate number one at \$82,816 for installation of an elevator be accepted, (3) the base bid of \$247,777 for mechanical work submitted by Gordon's Specialty Co. be accepted, and (4) the contingency be removed from the electrical and casework bid awards and the bid of Thompson Electric, Inc. in the amount of \$59,995, and the bid of Kewaunee Scientific Equipment Corporation in the amount of \$124,796 be finally accepted.

Regent Bell said the Facilities Planning Committee recommends approval of President Sharp's recommendations and he so moved. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

b. Report on Major Capital Improvement Projects

As shown on the following page, a report was presented to the Regents on major capital improvements projects now under construction and in various stages of planning on the Norman Campus. No action was required.

II. Repairs, Remodeling, Renovation

a. Biological Station Apartment Renovation

The University has an on-going program to improve the living conditions at the Lake Texoma Biological Station by renovating living quarters and purchasing new furniture and equipment. This work has proceeded on a funds available basis. There is currently \$42,000 reserved in the Physical Plant maintenance account to continue this project. The total current renovation requirements amount to approximately \$65,000.

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In order to accomplish as much renovation as possible, it was decided to divide the renovation into logical work packages which could be bid as separate line items. In addition, it was decided that the University would provide all of the material, either by storeroom issue or purchase in order to minimize material costs and preclude a contractor mark up on material. The material costs totaled \$17,000.

Invitations to bid were issued to James Atnip, a local Madill contractor, and the Physical Plant for the labor costs to perform the work. The bid was issued to Physical Plant in order to provide a comparison for Atnip's bid. The current Physical Plant workload and the cost of transportation and food expense would preclude Physical Plant from being competitive and being able to accomplish the work prior to the resumption of research activities at Texoma. A breakdown of the two bids is as follows:

<u>ITEM</u>	<u>ATNIPS</u>	<u>PHYSICAL PLANT</u>
1. Remodel 6 Dorm A Apts.	\$11,910	\$11,600
2. Remodel 6 Dorm C Apts.	9,792	10,400
3. Remodel 3 Main Bldg. Apts.	6,312	6,500
4. Remodel 6 Main Bldg. Apts.	9,792	12,700
5. Remodel Men's Shower Main Bldg.	3,100	750
6. Painting in Main Bldg.	1,400	600
7. Install 5 Shower Doors in A	150	250
8. Custom Build 22 Closet Cabinets	<u>6,600</u>	<u>2,500</u>
	\$49,056	\$45,300
Transportation and Food Expense	<u> </u>	<u>6,000</u>
	<u>\$49,056</u>	<u>\$51,300</u>

A review of the bids indicates Atnip's bid to be reasonable. The Physical Plant bid on items 5, 6, and 8 are considered to be low for the scope of work required.

After deducting the material requirements of \$17,000 from the \$42,000 available, \$25,000 is available to apply to the labor on the work packages specified by this bid.

A review of the bid with Dr. Loren Hill, Director of the Biological Station, resulted in the decision to contract for the following work packages with Atnip's.

<u>ITEM</u>	<u>PRICE</u>
Remodel 6 Dorm A Apts.	\$11,910
Remodel 6 Dorm C Apts.	9,792
Install 5 Shower Doors in A Apts.	<u>150</u>
	<u>\$21,852</u>

ARCHITECTURAL AND ENGINEERING SERVICES
THE UNIVERSITY OF OKLAHOMA

MAJOR CAPITAL IMPROVEMENTS PROGRAM

PROGRESS REPORT - March, 1978

PROJECTS UNDER CONSTRUCTION

Project	Engineers and Architects	Contractor	Contract Award Date	Original Adjusted Completion Date	Original Current Contract Amount	Status (% Complete)	Sources of Funds
NORMAN CAMPUS							
Lloyd Noble Center	Binnicker Associates	Rayco Construction	01/11/73	01/10/75	\$4,929,000 \$5,093,961	96%	Student Facilities System Bond of 1971, Private Funds and Student Facilities Fee Reserve.
Westheimer Field Lighting	Carnahan, Thompson, Delano	Williams Electric	03/10/77	03/25/78	\$ 109,987 \$ 124,061	99%	FAA Grant, Westheimer Field Auxiliary Services Account.
Athletic Dormitory	Coleman, Ervin and Associates	J.J. Cook Construction	06/13/77	06/19/78	\$1,113,388 \$1,103,388	75%	O.U. Foundation
Felgar Hall Renovation	Turnbull & Mills	Jim Cooley Construction	09/19/77	07/12/78	\$ 805,000 \$ 853,122	40%	Bond Funds and Section 13 Funds

ARCHITECTURAL AND ENGINEERING SERVICES
THE UNIVERSITY OF OKLAHOMA

MAJOR CAPITAL IMPROVEMENTS PROGRAM

PROGRESS REPORT - March, 1978

ACTIVE

PROJECTS IN VARIOUS STAGES OF PLANNING

Project	CMP Priority No.	Architect	Contract or Letter	Estimated Cost	Status
<u>NORMAN CAMPUS</u>					
Richards Hall Renovation and Addition	1	McCune-McCune and Associates	C 06/10/76	\$1,682,000	Project plans have been revised and rebid. Bids were received March 2, 1978. The sum of \$1,195,000 is currently available for this work and for the fixed equipment included in CMP Priority Number 2.
Richards Hall Fixed Equipment	2	McCune-McCune and Associates	C 06/10/76	185,120	Bid as a part of CMP Priority Number 1.
Old Science Hall Renovation	4	Shaw Associates, Inc. Bass & Associates	C 01/22/76	278,000	Schematic plans have been approved.
Old Science Hall Fixed Equipment	5	Bass & Associates	C 01/22/76	68,202	Schematic plans have been approved.
Nielsen Hall Renovation	18	Howard-Samis-Porch	C 01/22/76	496,000	Working drawings & specifications have been approved.
Nielsen Hall Fixed Equipment	19	Howard-Samis-Porch	C 01/22/76	7,157	Working drawings & specifications have been approved.
DeBarr Hall Renovation	21	Turnbull & Mills	C 01/22/76	465,295	Working drawings & specifications have been approved.
DeBarr Hall Fixed Equipment	22	Turnbull & Mills	C 01/22/76	10,885	Working drawings & specifications have been approved.
Physical Education Facility	23-A			1,903,000	Implementation of this project is contingent on the development of sources of funding.
Student Recreation Center	23-B			2,612,000	Implementation of this project is contingent on the development of sources of funding.

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The custom building of 12 closet cabinets for the 12 apartments will be added to the purchase order at a later date pending a review of the specification and the pricing of labor at \$300 per cabinet. This should allow the remainder of funds to cover one of the smaller work packages in the Main Building.

In order to commence and complete the required work prior to the commencement of research and teaching activities in April, it was essential that a purchase order be awarded to Atnip's as soon as possible so that he can schedule the work accordingly. A delay in approval of the purchase order until the March meeting of the Regents would have jeopardized the timely completion of the work.

President Sharp approved awarding a purchase order in the amount of \$21,852 to Atnip for the portion of the project specified above, and authorized increasing the amount of the purchase order to an amount no greater than the \$25,000, pending a pricing validation of the custom cabinets and the adding of a small project in the Main Building

This was reported for information. No action was required.

V. University Property

a. Buchheit Property (Noble)

On January 18, 1960 Vera Buchheit executed a quit claim deed in favor of the Regents of the University of Oklahoma for property in Noble, Oklahoma which has been used for the Noble Fisheries Research Laboratory. Unfortunately, the legal description on the quit claim deed was erroneous. Under the law you obtain title only to that which is described in the deed.

In an effort to correct the error, a second deed was filed by Ms. Buchheit on January 17, 1961 utilizing the correct description. However, this new deed was not entered into the record as a correction deed and thus legally became a transfer of property in and of itself.

Agents for Ms. Buchheit have requested, in accordance with a title opinion of December 14, 1977 that the Regents execute a quit claim deed relinquishing title to all property in the Buchheit tract except that which was properly described in the deed of January 17, 1961.

Since all deeds must be executed by the Regents, President Sharp recommended the Board authorize the President of the Board of Regents to execute a new quit claim deed which will describe the entire Buchheit property less the portion transferred by her to the University in 1961.

Regent Mitchell moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

b. Sale of Noble Flying Field Replacement Property

At the May 12, 1977 meeting of the Regents, the sale of a tract of land to the Board of Education of the Norman Public Schools for a future public school location, was approved.

At the October 6, 1977 meeting of the Regents, the certification to the FAA that "upon obtaining a final release of the above described property, or any portion thereof, that the net proceeds of the sale will be applied to the maintenance, operation, or improvement of Max Westheimer Field within a five year period following the date of release by the FAA," was approved by the Regents. This certification also applied to residual property not being sold at this time.

In a letter to President Sharp on February 14, 1978, Mr. J. O. McBride, Chief, Oklahoma City Airports District Office, transmitted a combined Letter of Release and Letter of Intent to Release from Mr. Henry L. Newman, Director Southwest Region, FAA.

While the wording of this letter is somewhat different than the original Regents' action in that it restricts the use of funds derived to airport development or to investment in an interest bearing airport development fund, it does not modify the intent of the original action.

President Sharp recommended that the Regents of the University of Oklahoma act to approve and accept the Letter of Release and Intent to Release.

Regent Engleman moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

H. University Development

VI. Investments

The following investment recommendations were received on February 15, 1978:

<u>Amount</u>	<u>Security</u>	<u>Cost</u>	<u>Price</u>	<u>Market Value</u>	<u>Est'd. Income</u>	<u>% Yield</u>
<u>PROPOSED SALES</u>						
150 Shs.	Atlantic Richfield					
	Cv. Pfd. (leaves					
	400 Shs.)	\$ 9,420	56	\$ 8,400	\$ 420	5.0
600 "	International Tel. & Tel.	20,443	29	17,400	1,200	6.9
		<u>\$29,863</u>		<u>\$25,800</u>	<u>\$1,620</u>	<u>6.</u>

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<u>Amount</u>	<u>Security</u>	<u>Cost</u>	<u>Market Price</u>	<u>Value</u>	<u>Est'd Income</u>	<u>% Yield</u>
1,400 Shs.	McGraw-Hill		18	\$25,200	\$1,400	5.6

The investment recommendations were approved by the President and the transactions completed by the Trust Officer.

President Sharp recommended confirmation of these transactions.

Regent Replogle moved approval of the recommendation. The following voted yes on the motion: Regents Brett, Mitchell, Bell, Replogle, Engleman, and White. The Chair declared the motion unanimously approved.

Regent Brett said there would be a five minute recess prior to the Board taking up the following Resolution which was included in the agenda for consideration:

WHEREAS, serious allegations have been made regarding the validity of the research performed and the originality of the dissertation submitted by Benjamin Franklin Hart, Jr. in partial fulfillment of requirements for the degree of Doctor of Philosophy at the University of Oklahoma, said work leading to the awarding of the degree of Doctor of Philosophy to Benjamin Franklin Hart, Jr. in the month of May of 1975; a preliminary investigation was conducted by an Advisory Committee of the Department of Education at the University of Oklahoma, said Committee being composed of members of the original dissertation committee of Benjamin Franklin Hart, Jr., and after appropriate review, a recommendation was made by that Committee that since there was probable cause to believe that the regulations of the University of Oklahoma were violated in the submission and approval of the dissertation offered by Benjamin Franklin Hart, Jr. in partial fulfillment of the requirements for the aforesaid degree, that the Graduate College undertake a full review of the matter; and

WHEREAS, thereafter, an Ad Hoc Hearing Committee composed of members of the Graduate Council of the University of Oklahoma at Norman, after conducting an appropriate hearing, unanimously found that such regulations had been violated and that said dissertation failed to meet the standards of quality and of originality of a doctoral dissertation to authorize or permit the awarding of the doctoral degree; and

WHEREAS, thereafter, acting upon the findings of such Hearing Committee, the Graduate Council, the Dean of the Graduate College, the Provost, and the President unanimously recommend that the University of Oklahoma rescind its action conferring the Doctor of Philosophy degree on Benjamin Franklin Hart, Jr. and no longer recognize the validity of said degree; and

WHEREAS, Benjamin Franklin Hart, Jr. has been fully advised and given timely notice of every step in the procedure outlined above and has been invited to appear, either in person or through a representative, at every appropriate stage of those procedures to present any evidence or argument in his behalf, but

he has consistently failed or refused to appear before the hearing bodies, either in person or through his representative, and has failed or refused to present any evidence or argument in his behalf; and

WHEREAS, the University of Oklahoma has exhausted its internal processes for investigation and hearing of the alleged violations and has received no information in contravention of said allegations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Regents of the University of Oklahoma:

- (1) That the aforesaid findings of the Ad Hoc Hearing Committee be, and they are hereby approved, adopted, and confirmed;
- (2) That the aforesaid unanimous recommendations of the Graduate Council, the Dean of the Graduate College, the Provost, and the President of the University of Oklahoma be, and they are hereby approved, adopted, and confirmed;
- (3) That the action conferring the Doctor of Philosophy degree on Benjamin Franklin Hart, Jr., be, and it is hereby rescinded, and the validity of the degree is no longer recognized by the University of Oklahoma.

President Sharp recommended adoption of the above resolution.

The meeting reconvened at 10:05 a.m.

Regent Brett discussed very briefly with University Counsel and Dr. Hart's counsel the format of how the Regents would like to proceed with this matter. He suggested a brief statement be made either by Provost Uehling or Dr. Ledbetter, University Counsel, concerning the matter and then they could, on behalf of the University, offer any evidence, documentation, etc. in reference to the resolution. This would be followed by an opening statement or comments from Dr. Hart or Dr. Hart's counsel with any evidence or documentation that they would like to present or offer. Mr. Brett said that would be followed by closing comments by either side, following which the Regents would vote on the resolution as presented or any amendment the Regents might offer. There were no objections to this format.

Dr. Ledbetter said the matter before the Regents is the administration's withdrawal of its endorsement of the Ph.D. degree awarded to Dr. Benjamin Hart. She said it also carries with it a recommendation or a proposal to the Regents that they void their action of 1975 concerning that degree. She said she believes the presentation of the evidence will be sufficient to speak for itself with regard to the merit of this action.

At this point Mr. Gene Stipe, counsel for Dr. Hart, requested permission to make a statement. Mr. Stipe called the attention of the Board to the brief which he has filed which he believes very strongly is determinative of the issue.

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He said he has searched all of the juris prudence in America and there is not a single case in this whole United States of America where a University has taken a conferred degree from any individual and he is astounded at the audacity of this situation. Mr. Stipe continued, "I have submitted a brief here which I think is the law. I don't think you have any authority to revoke degrees. I have read everything that has been written about this. I have never found one single line in any book anywhere that says that the Board of Regents or the conferring authority can revoke degrees. It's never been done. I think the only close precedent is a matter in Columbia University where a degree was questioned where the individual involved surrendered his degree. I want to assure you that that's not the attitude of Dr. Hart. He feels that he earned his degree. It was conferred and he's not about to surrender it." Mr. Stipe said again he does not think the Board of Regents has the authority to take away the degree. He said he talked with the Chancellor of the Oklahoma State Regents for Higher Education trying to get guidance on this matter: "they tell me they don't think you have authority to take Dr. Hart's degree from him. They tell me they don't think they have the authority." Mr. Stipe submitted that the brief they submitted sets it out in full and the matter is res judicata. If somebody made a mistake in approving the awarding of his degree, Mr. Stipe said, they made a mistake; the board spoke, the faculty spoke, and they spoke finally. Mr. Stipe ended his statement by saying he would not submit any evidence. He would not admit in any way the authority of this Board to revoke Dr. Hart's Ph.D.

Later in the meeting, on being queried, President Sharp and Provost Uehling said this was not their recollection of the meeting with Chancellor Dunlap.

In response, Dr. Ledbetter indicated she too had researched the matter of res judicata. In fact she said she had researched it using the very cases that Mr. Stipe spoke of and she finds no support in the law for the conclusion that matters of this type are res judicata. She said the presumption of res judicata is based upon the consideration that the institution and the Board of Regents was acting in a quasi judicial fashion when it issued the Ph.D. degree. The very cases mentioned cite that the matter must be reviewed fully to determine if in fact the Board was acting in a quasi judicial procedure. Dr. Ledbetter said she has done such a review and has not found any merit in the contention that this matter is res judicata and precludes further consideration by the institution. Dr. Ledbetter commented that Mr. Stipe has not made any mention of the posture of his client with regard to the validity of the allegations against him. A charge or allegation of plagiarism is before the Regents and it is a charge which has been made, duly investigated and acted upon by all interior components within the institution. She said counsel for Dr. Hart is focusing attention on the remedy and not on the cause. Dr. Ledbetter said this is not a court of law. There is indeed a dearth of legal cases concerning this matter but there is precedent for internal procedures of this type. She referred to the case of Dr. James McCrocklin at the University of Texas as such an example and while it did not occur in this jurisdiction she believes it deserves attention.

Regent Brett said the Regents will reserve ruling on the question of jurisdiction or authority until later. He asked University Counsel and the Provost to proceed with their presentation.

Mr. Stipe objected to any further proceedings until the jurisdiction or authority of the Board of Regents was determined on the ground that it is utterly and completely slanderous. After further discussion Mr. Stipe did recognize that the Regents would reserve ruling on the question of authority "with the admonition that we're not waiving any civil rights that we have for such a proceeding insofar as this Board or anybody that participates in the promulgation of this slander."

Dr. Uehling proceeded with the presentation of the evidence. She said the facts in the case of Ben Hart have been so compelling that when brought to the University administration's attention it was essential that the administration move forward and investigate the merit of the charge that was brought to our attention. She said any time the academic integrity of this institution is at stake, we will proceed in that way. Any time we find gross plagiarism as a possibility, we will investigate it. She said the University did investigate it and it is her purpose to show the facts of this case and to demonstrate that due process within this institution has been carried out in adequately investigating and making a determination which resulted in the recommendation to the Regents.

Dr. Uehling said in May, 1975 Benjamin Hart was granted a Ph.D. in Education. That summer it was brought to the attention of the faculty in the College of Education that his dissertation was plagiarized from the dissertation done by Anthony Van Bluit two years earlier. That matter was brought to the attention of the Dean of the College of Education, Dr. Richard Wisniewski. Dr. Uehling then asked Dr. Wisniewski to come forward and make a brief statement as to what then took place.

Dean Wisniewski said that in September, 1975 two colleagues brought to his attention information suggesting an impropriety in the dissertation completed by Benjamin Hart. He said he convened the doctoral committee with whom Benjamin Hart had worked on September 9, and again on September 22 when the major professor who had worked with Benjamin Hart could be present. After reviewing materials in Benjamin Hart's dissertation with the dissertation completed by Dr. Anthony Van Bluit in 1973 Dean Wisniewski said the doctoral committee was unanimous in the conclusion that an impropriety had been committed. Accordingly, on September 22, 1975 the committee recommended to the Graduate Dean that he initiate a review of the matter and take appropriate action.

Dr. Uehling said a letter was sent by the doctoral committee, and separately by the Dean of the College of Education, to the Graduate Dean indicating that their initial review had indicated that the charges deserved further attention. Dr. Uehling then asked Dr. Gordon Atkinson, Dean of the Graduate College, to tell what steps were then taken.

Dean Atkinson said the case was brought to his attention by the letters from Dean Wisniewski and from the doctoral committee. He was provided at that time, he said, with the comparison pages of the dissertations and after looking at these comparisons it seemed to him that the allegations might have some content. After discussing the matter with University Legal Counsel on approximately November 25, 1975, Dean Atkinson said he notified Dr. Hart that these allegations

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had been brought to his attention and that in fact the Graduate College would proceed to set up a hearing board of the Graduate Council to examine these allegations and to determine the facts in the matter.

At Mr. Stipe's request, Dean Atkinson explained that the Graduate Council is a 12 member elected group of the graduate faculty and is charged with the administration of admissions and retentions of the Graduate College and the requirements of all the doctoral programs and all the masters programs in the University. Because of the particular nature of this case Dean Atkinson said it was decided between Legal Counsel and himself that a special board of the Graduate Council should be established which would be made up of five faculty members. He said that board was established and was chaired by Professor Thomas Murray of the School of Civil Engineering and Environmental Science. After a variety of delays for a variety of reasons, Dean Atkinson said the board held hearings to examine the allegations. Mr. Hart and his counsel were afforded opportunities to participate in those hearings but in fact did not participate. Dean Atkinson said the board returned a recommendation to him saying they found extensive plagiarism in the dissertation and recommended that he proceed.

Dean Atkinson said he was provided with a transcription of the board's hearings and he thinks these transcriptions were also provided to Mr. Hart and Senator Stipe. He said the board permitted the Senator and his client to provide any written answers to the charges made in the allegation and to the written documents. Dean Atkinson said he did not receive any written materials from the Senator or his client and so shortly after receiving the report of the hearing he made a recommendation to the Provost of the University that we proceed to withdraw our recognition of the degree from Dr. Hart.

At this point Dr. Uehling reminded the Regents that none of these groups were dealing with a remedy. They were only dealing with an appropriate process by which the allegation could be fairly examined. Dr. Uehling then called Professor Tom Murray who chaired the hearing board.

Dr. Murray said in December of 1975 he was asked by Dean Atkinson to chair a special hearing board to "investigate these charges, that is, charges of plagiarism and report to me on the extent of the plagiarism. If plagiarism is found I will appreciate your discussion of any mitigating facts or circumstances." Dr. Murray said there were four other members of the board, all members of the University community, all faculty. Between December, 1975 and early 1977 Dr. Murray said the board reviewed the two dissertations in question and at that time felt there might be need to have a hearing to once again hear the allegations of the College of Education and to hear any rebuttal from Dr. Hart and/or his counsel. In early 1977 or late 1976 Dr. Hart and his counsel were notified of a possible hearing and a date was set. Two or three days before the hearing, notice was received from Mr. Stipe that he could not attend the meeting and a postponement was requested. The meeting was then postponed and finally held on March 11, 1977. At that time testimony was received from the College of Education as to the allegations and evidence was presented. As a result of that hearing, Dr. Murray said the board sent a letter to Dean Atkinson and the conclusion was "it was the board's unanimous opinion that blatant and premeditated plagiarism exists in the Hart dissertation."

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Dr. Uehling called attention to two dissertations that she had, one prepared by Dr. Anthony Van Bluit and the other prepared by Dr. Benjamin Franklin Hart, in which the similar sections in the two dissertations have been underlined. She commented that even thumbing through the dissertations on superficial examination that there is an enormous degree of similarity. Regent Brett asked Dr. Uehling to pass the documents around for examination by the Regents.

Dr. Ledbetter said confidential statements had been presented to the Regents for review and she made copies of those available to Mr. Stipe. She said the statements are the affidavit of Sandra Moser, who typed Dr. Hart's dissertation, the statement of Dr. Anthony Van Bluit, who alleges that the dissertation which was copied from was his dissertation, and the statements of Dorothy Truex, who was the major professor on Dr. Hart's dissertation committee.

Dr. Uehling commented that Mr. Stipe has talked about the possible damage to Ben Hart and she said the University certainly has not been unmindful of that problem in moving forward on this action. She said, however, for the University not to take action when in fact all evidence that we have been able to determine points to plagiarism would be to do an injustice to the party whose work has been plagiarized.

Dr. Ledbetter called attention to the following authorities for the Board of Regents to enact this resolution: Article XIII of the Oklahoma Constitution, and Title 70, Section 1921 and 3305 of the Oklahoma Statutes, which provide that the Board of Regents of the University of Oklahoma is expressly given the power to "do all things necessary and convenient to carry out the powers expressly granted to it by the Constitution and the laws of the State or to make the University of Oklahoma effective for the purpose for which it is maintained and operated". She said there is an enumeration therein of certain powers and immunities of the Board of Regents which shall not be construed as a limitation of the powers and immunities properly belonging to the Board and the government of the University by virtue of the Constitution.

In her closing comments Dr. Ledbetter also called attention to the case of the Board of Regents of Columbia University vs. Thanus. In that particular case, which did come to court, there was no ruling by the court because the parties did enter into a stipulated agreement prior to the court's final decision. However, Dr. Ledbetter said there was an earlier ruling by the court which stated that the statute of limitations did not act as a bar to the proceedings instituted by the University. Dr. Ledbetter also reminded the Regents of the case of Dr. McCrocklin at the University of Texas. Dr. McCrocklin was a former President of Southwest Texas State University and at the time of the action of the University of Texas he occupied the position of Undersecretary of the Department of Health, Education, and Welfare of the United States.

With regard to whether or not due process including adequate notice has been presented in this matter, Dr. Ledbetter called attention to two cases, Dixon vs. Alabama State Board of Education, 294 Fed. 21, 5th circuit case, and Estabone vs. Central Missouri State College, 277 Fed. 649. Both cases hold that due process in institutions of higher education require actual notice and an opportunity to be heard. What is required for actual notice and an opportunity to be heard is always determined by and dependent on the circumstances surrounding.

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the particular case. Dr. Ledbetter said from the package of notices and from the testimony today she believes the University of Oklahoma through its component areas and officers repeatedly gave Dr. Hart every reasonable opportunity to be heard and gave him notice of all proceedings that were of any substance that were going to be heard by the institution.

With regard to the contention that this matter is res judicata she said that the contention that an institution has quasi judicial power should not be misconstrued to mean that the University in any and all of its actions is carrying out its quasi judicial function. Dr. Ledbetter cited the following from the Mulcahy vs. Public Service Commission case which was included in the brief of Dr. Ben Hart:

"Decisions which constitute an exercise of the judicial function and which, if not appealed, reversed, vacated or set aside become a final determination or res judicata of the issues or legal controversies thereby decided. Any decision which is not an exercise of the judicial function or one which does not purport to settle and conclude a legal controversy is not res judicata final and conclusive of the rights or issues therein involved or thereby decided."

Dr. Ledbetter said she does not believe that the evidence presented shows that this matter with regard to the institution is res judicata.

In beginning his closing comments, Mr. Stipe called attention to the statement of Dr. Dorothy Truex because he said it is completely contrary to the resolution that has been presented and he asked that each of the Regents read it. Mr. Stipe said this Board has the authority to confer degrees and there is no question about that, but he said if you read the Constitution and the Statutes that there is not any place in them that gives the authority to the Board to revoke degrees or to rescind them or to take them back. He said this is not a custom or practice in America; it has not happened before and the University of Oklahoma should not begin this precedent in Oklahoma. He said if the Board does establish this precedent he'll have no choice except to litigate it and find out what the authority is. He suggested, however, if the Regents will review their authority carefully and sincerely they will not find anywhere written the words that the Board has the authority to rescind, revoke, take away, or take back degrees. The Board has the authority to confer only. Mr. Stipe said Dr. Hart does not acknowledge in any way that he has been guilty of plagiarism or fraud or anything else.

The meeting recessed for a few minutes for the Regents to have an opportunity to review the documents that have been presented.

In response to a question from Regent Replogle, Mr. Stipe said he thinks the Regents should first determine whether they have jurisdiction, If the Board determines that they do and this decision is confirmed by the courts, Mr. Stipe said he would at that time submit any mitigating circumstances. He said he is in no position to agree at this time that the Regents have such authority.

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Mr. Stipe said he is not in anyway going to waive his objection to the Board's jurisdiction by presenting evidence, and he thinks there might be a serious question that he would be waiving it if he did present evidence.

Regent Replogle moved that the Regents suspend the hearing until such time the Board can ask the courts for a declaratory judgment on the authority of the Board to act upon the resolution. The following voted yes on the motion: Regents Replogle and White. The following voted no on the motion: Regents Brett, Mitchell, Bell, and Engleman. The Chair declared the motion failed.

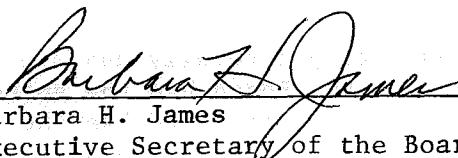
Regent Replogle moved that this hearing be passed to the next meeting subject to a written agreement which would provide that Dr. Hart will resubmit an acceptable dissertation through the proper channels and procedure and organization of the Graduate College of the University, and have it accepted within two years and if he is unable to accomplish that within two years from the time such an agreement would be approved at the April Regents' meeting that he would agree to the degree previously conferred by the University being rescinded.

During the discussion of the motion, Mr. Stipe commented several times that Mr. Hart would be willing to write another dissertation and submit it through the appropriate channels. There was considerable discussion also regarding the concerns of the faculty if such an action should be taken by the Regents. Regent Mitchell objected to the motion saying he would like to be for it, but he doesn't know how the faculty will feel about this and without some guarantee from the faculty that they will accept this that he could not be for the motion.

The following voted yes on Regent Replogle's motion. Regents Brett, Replogle, White, and Engleman. The following voted no on the motion: Regents Mitchell and Bell. The Chair declared the motion carried.

President Sharp suggested that Mr. Stipe should get in touch with Provost Uehling regarding the appropriate agreement which will be presented to the Regents at the April meeting for consideration.

The meeting adjourned at 12:50 p.m.


Barbara H. James
Executive Secretary of the Board of Regents

Others present at all or part of the meeting:

Dr. Beverly Ledbetter, Legal Counsel
Dr. Richard Wisniewski, Dean, College of Education
Dr. Gordon Atkinson, Dean, Graduate College
Dr. Donald Cox, Chair, Norman Campus Faculty Senate
Dr. Herbert Hengst, Professor of Education
Dr. Thomas Murray, Professor of Civil Engineering
and Environmental Sciences
Mr. Gene Stipe, Counsel for Ben Hart
Mr. Steve Busen, Counsel for Ben Hart

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Mr. Benjamin Franklin Hart, Jr.
Mr. Mike Trepas, Director of Media Information
Ms. Donna Murphy, Assistant Director of Media Information
 News Services
Mr. Dave Smeal, Assistant Director of Media Information
 Broadcast Services
Mr. Jim Bross, The Norman Transcript
Mr. Tom Jackson, The Oklahoma Daily
Ms. Jan Meadows, The Oklahoma City Times and Daily Oklahoman
Mr. David LeRoy, KNOR
Mr. Dave Smith, KTVY
Ms. Dee Morales, KWTW
Mr. Tim Granahan, KGOU
OPUBCO Photographer
Dr. Anthony Lis, Secretary, Norman Campus Faculty Senate
Dr. Bernard McDonald, Chair-Elect, Norman Campus Faculty Senate
Dr. Anthony Van Bluit, Director of Threshold
Dr. Koy Floyd, Assistant Vice President for University Relations
Dr. William R. Upthegrove, Dean, College of Engineering
Dr. Mike Langenbach, Executive Assistant to the Provost,
 Norman Campus
Professor Junetta Davis, Journalism
Ms. Mary Lyle Weeks, Director for Special Events & Communications
Mr. David Dollarhide, Director of Development